

HOUSE BILL 1133

By Gant

AN ACT to amend Tennessee Code Annotated, Title 49,
relative to the reestablishment of the office of
elected school superintendent.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-203(a)(13)(A), is amended by deleting the language "Notwithstanding any other public or private act to the contrary" and substituting instead the language "Unless a county or municipal legislative body has voted to reestablish the office of elected superintendent of schools and the voters of the county or municipality have by referendum approved the reestablishment of the office of elected superintendent of schools".

SECTION 2. Tennessee Code Annotated, Section 49-2-301(a), is amended by deleting the word "Each" and substituting instead the language "Except as provided in subsection (e), each" and by deleting the language "filled by the applicable local board of education" and substituting instead the language "filled by the applicable local board of education or elected by the voters of the county or municipality if the requirements of subsection (e) are satisfied".

SECTION 3. Tennessee Code Annotated, Section 49-2-301, is amended by adding the following as a new subsection:

(e)

(1)

(A) Notwithstanding subsection (a), Chapter 535 of the Public Acts of 1992, or other law to the contrary, if a county or municipality operates a school system and chooses to reestablish the office of elected superintendent of schools, then the county or municipality may

reestablish the office of elected superintendent of schools by a two-thirds (2/3) vote of the membership of the county or municipal legislative body.

If a county or municipality operates a school system and chooses to continue to allow the local board of education for the school system to employ a director of schools pursuant to § 49-2-203, then no action pursuant to this subsection (e) is necessary or required.

(B) An ordinance or resolution of a county or municipality to reestablish the office of elected superintendent of schools is not operative until approved in an election in the respective county or municipality. The county election commission shall hold an election on the question pursuant to § 2-3-204, providing options to vote "FOR" or "AGAINST" the ordinance or resolution after the commission receives a certified copy of the ordinance or resolution to reestablish the office of elected superintendent of schools. A majority vote of those voting in the election determines whether the ordinance or resolution is to be operative.

(C) If the majority vote is for the ordinance or resolution, then the ordinance or resolution is deemed operative on the date that the county election commission makes its official canvass of the election returns. If the majority vote is against the ordinance or resolution, then the legislative body shall not take an action to reestablish the office of elected superintendent of schools for at least two (2) years from the date on which the election was held.

(D) If approved in the election on the question, then elections for school superintendent must be held at the regular August election coinciding with the election of the chief executive officer of the county.

The office must be filled by popular vote for a term of four (4) years. The person elected must take office September 1 following the election. The elected school superintendent has all the powers provided to directors of schools, and any reference to "director of schools" is deemed to be a reference to "superintendent" in each county or city that reestablishes the office of elected superintendent of schools.

(2)

(A) If the office of elected superintendent of schools is reestablished, then the contractual term of an appointed director of schools shall not be abridged by the reestablishment. If a county or municipality chooses to conduct an election prior to the expiration of an incumbent director's contract, then it is the responsibility of the county or municipal legislative body to satisfy any contractual obligation to the incumbent director of schools.

(B) A local board of education shall not appoint or extend the contract or term of a director of schools after the county or municipality reestablishes the office of elected superintendent of schools, but may appoint a qualified person as acting director until the office of superintendent is filled by the voters.

(3)

(A) An elected superintendent must be a person of literary attainment and experience in the art of teaching and school administration, and possess a license of qualification issued by the state board of education prior to the superintendent's election.

(B) The state board of education shall establish minimum requirements for a license of qualification for a superintendent, which must include, at a minimum, the following:

(i) The candidate must hold a teacher's professional license with endorsement as principal or supervisor of instruction;

(ii) The candidate must hold a master's degree with a major in education administration to include study areas such as:

(a) School organization and administration;

(b) Supervision, curriculum development, and evaluation;

(c) School finance, housing, and transportation;

(d) School and communication relationships; and

(e) Techniques of problem solving by group process; and

(iii) The candidate must have five (5) years' experience, which must include teaching and administrative experience.

(4)

(A) A county or municipality that reestablishes the office of elected superintendent of schools in accordance with subdivision (e)(1) may abolish the office by a two-thirds (2/3) vote of the membership of the county or municipal legislative body.

(B) An ordinance or resolution of a county or municipality to abolish the office of elected superintendent of schools is not operative until approved in an election in the respective county or municipality. The county election commission shall hold an election on the question

pursuant to § 2-3-204, providing options to vote "FOR" or "AGAINST" the ordinance or resolution after the commission receives a certified copy of the ordinance or resolution to abolish the office of elected superintendent of schools. A majority vote of those voting in the election determines whether the ordinance or resolution is to be operative.

(C) If the majority vote is for the ordinance or resolution, then the ordinance or resolution is deemed operative on the date that the county election commission makes its official canvass of the election returns.

(D) If approved in the election on the question, then the local board of education shall employ a director of schools in accordance with subsection (a). If the office of elected superintendent of schools is abolished, then the term of office of an elected superintendent shall not be abridged by the abolition, and a director of schools shall not be employed prior to the expiration of the elected superintendent's term of office. The local board is authorized to appoint a qualified person as acting director until the board employs a director of schools.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it.