

SENATE BILL 1334

By Bell

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 49, Chapter 1, Part 3, relative to the state board of education.

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

SECTION 1. Tennessee Code Annotated, Section 49-1-301, is amended by deleting the section in its entirety and by substituting instead the following new language:

(a)

(1) The state board of education shall be composed of eleven (11)

members as follows:

(A) Three (3) members to be appointed by the governor, one (1) from each grand division of the state;

(B) Three (3) members to be appointed by the speaker of the house of representatives, one (1) from each grand division of the state;

(C) Three (3) members to be appointed by the speaker of the senate, one (1) from each grand division of the state;

(D) One (1) public high school student member, to be appointed by the governor, who shall be a non-voting member of the board; and

(E) The executive director of the higher education commission, who shall be an ex officio non-voting member of the board.

(2)

(A) Except as otherwise provided in this subdivision (2), each member appointed pursuant to subdivisions (a)(1)(A) – (C) shall be confirmed by the education committee of the house of representatives

and the education committee of the senate and by joint resolution of the general assembly prior to beginning a term of office.

(B) If the general assembly is not in session at the time a member is appointed to fill a vacancy resulting from the expiration of a term, the member of the board whose term has expired shall serve until a new appointee is confirmed as provided in subdivision (2)(A).

(C) If the general assembly is not in session at the time a member is appointed to fill a vacancy not resulting from the expiration of a term, the new appointee shall serve for the remainder of the unexpired term in accordance with subdivision (a)(3) so long as the appointment is confirmed within sixty (60) calendar days after the general assembly next convenes in regular session following the appointment. Failure to confirm a new appointee within the sixty (60) day period shall cause the position to be vacated.

(D) If the general assembly is not in session when initial appointments are made, all initial appointments shall serve the terms prescribed pursuant to subdivision (3)(A), so long as the appointments are confirmed within sixty (60) calendar days after the general assembly next convenes in regular session following the appointments. Failure to confirm an initial appointee within the sixty (60) day period shall cause the position to be vacated.

(3)

(A) All appointed members of the state board of education, as constituted prior to February 15, 2014, shall be vacated and shall be replaced by new appointments made to the board pursuant to this subdivision (3). In order to stagger the terms of the newly appointed board members, initial appointments shall be made as follows:

(i) Members appointed by the governor in accordance with subdivision (1)(A) shall serve initial terms of three (3) years;

(ii) Members appointed by the speaker of the house of representatives in accordance with subdivision (1)(B) shall serve initial terms of four (4) years;

(iii) Members appointed by the speaker of the senate in accordance with subdivision (1)(C) shall serve initial terms of five (5) years;

(B) As the initial terms expire members may be appointed to serve one additional term of five (5) years, but no person shall serve more than ten (10) consecutive years as a member of the board. The provisions of this subdivision (B) shall not apply to the public high school student member, who shall serve only a one-year term on the board.

(4) For the purpose of calculating terms, the term of office of each board member shall begin on February 15, 2014.

(5) The position of any member appointed from the three (3) grand divisions shall become vacant when the member ceases to reside in the grand division from which they were appointed.

(6) The position of any member shall become vacant when the member misses, without cause, more than two (2) consecutive meetings within any twelve-month period, with cause to be determined by the board.

(7) In making appointments to the board, the appointing authorities shall strive to ensure that the board is composed of members who are diverse in professional background, educational background, ethnicity, race, gender, heritage, perspective and experience.

(8) Beginning with appointments made on or after the effective date of this act, at least one (1), but not more than one (1) member, appointed by the governor shall be employed, at the time of the appointment, as a kindergarten through grade twelve (K-12) public school teacher. However, no other member appointed pursuant to subdivisions (a)(1)(A) – (C) shall be an elected official or an employee of the federal, state or a local government.

(9) The high school student shall be of superlative standing and shall be appointed each year from nominees chosen by the local board of education in each school system at each board's discretion, with no more than one (1) student from each school system being nominated, and with the students having reached their junior year in high school.

(b) The chair of the board shall be elected by the members of the board for a term of two (2) years. A chair may be reelected for one (1) additional term. The chair of the board shall appoint the chair and members of any committee of board members.

(c) Each member shall be reimbursed for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(d)

(1) The board shall meet at least quarterly at the state capital. Other meetings may be held at the capital, or at such other location within the state, as the board may determine.

(2) The chair may call special meetings whenever necessary for the transaction of urgent business. The chair of the board shall notify each member of the board and the commissioner of education of any special meeting before the time fixed for the special meeting.

(3) A majority of the board may petition the chair to call a special meeting in accordance with subdivision (d)(2).

(4) Meetings of the board shall be made available for viewing by the public over the Internet by streaming video accessible from the board's web site. Archived videos of the board's meetings shall also be available to the public through the board's web site.

(e) For administrative purposes, the board shall be housed in the department of education, but this shall not allow the commissioner of education any administrative or supervisory authority over the board or its staff.

SECTION 2. This act shall take effect February 15, 2014, the public welfare requiring it.