

SENATE BILL 1835

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 4,  
Chapter 3, Part 1; Title 4, Chapter 3, Part 8 and  
Title 49, relative to the department of education.

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

SECTION 1. Tennessee Code Annotated, Section 4-3-802, is amended by deleting subsection (c) and substituting instead the following:

(c)

(1) The commissioner shall be appointed by the governor, subject to confirmation by joint resolution of the senate and house of representatives.

(2)

(A) The commissioner's appointment must be confirmed by the general assembly before the commissioner begins serving as the chief executive officer of the department.

(B) Notwithstanding subdivision (c)(2)(A), if the general assembly is not in session when the governor appoints the commissioner, then the commissioner's appointment is effective unless the appointment is not confirmed during the next regular session of the general assembly immediately following the commissioner's appointment. If either house fails to confirm the commissioner's appointment within ninety (90) calendar days after the general assembly next convenes in regular session immediately following the appointment, then the commissioner's appointment terminates on the day following the ninetieth calendar day.

(3) Notwithstanding § 4-3-112, the general assembly may remove the commissioner from office before the commissioner's term expires by approving a joint resolution by a two-thirds (2/3) of the senate and house of representatives.

SECTION 2. Tennessee Code Annotated, Section 4-3-802, is amended by adding the following as a new subsection:

The commissioner shall develop a strategic plan for the department that outlines the education policy goals and objectives of the department and shall submit the plan to the state board of education for approval before the plan is implemented. The commissioner shall not submit a strategic plan for the department to the state board for approval until the commissioner's appointment has been confirmed by joint resolution of the senate and house of representatives.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it, and unless otherwise prohibited by the United States or Tennessee constitution, it is the intent of the general assembly that this act be given retroactive application, requiring:

(1) A person appointed by the governor to serve as the commissioner of education, who is serving as the commissioner on the day this act becomes law, to be subject to confirmation by joint resolution of the senate and house of representatives to continue serving as the chief executive officer of the department; and

(2) The commissioner of education to submit any strategic plan developed for the department, that is being implemented by the department on the day this act becomes law, to the state board of education for approval for the department to continue implementing the plan.