

Section A: School District Organization	Knox County Board of Education Policy		
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	School District – School Board Legal Status and Authority	A-100	7/95
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LEGAL BASIS FOR BOARD OF EDUCATION AUTHORITY

The legal basis for education in Tennessee is expressed in the state Constitution and state statutes, as interpreted by the courts. In Knox County, the county’s home rule charter is also a legal basis for public education within the county. Boards of Education are instruments of the state, and members of the Board are elected officers representing local citizens and the state in the management of the public schools.¹

The governing body shall be the Board of Education, serving residents within the boundaries of the school system and non-residents under conditions specified by state law and the Tennessee State Board of Education. Within the Knox County school system, there are nine districts consisting of the wards and precincts as determined by the Knox County Commission with one Board member to represent each district.²

All powers of the Board lie in its action as a body; therefore, individual Board members exercise their authority over school system affairs only as they vote to take action at an official meeting of the Board.

In other instances, an individual Board member, including the Chair, shall have only those powers specified by state law.

QUALIFICATIONS

Members of the Board shall be residents of and elected on a non-partisan basis from districts of substantially equal population,³ and shall be citizens of recognized integrity, intelligence, and ability to administer the duties of the office. To qualify as a candidate, an individual must show proof of graduation from high school or receipt of a high school equivalency credential. No member of the local legislative body nor any other local governmental official shall be eligible for election as a member of the Board of Education.⁴

TERMS OF OFFICE

Members of the Board shall serve four (4) year terms, and may succeed themselves.^{5, 10}

VACANCIES

Vacancies shall be declared to exist on account of death, resignation, ceasing to be a resident of the district which elected the Board member⁶, or through due process proceedings.⁴

When a vacancy occurs, the unexpired term shall be filled at the next regular or special meeting of the local legislative body. Such appointment shall continue until the next regular election.⁷

DUTIES OF THE BOARD OF EDUCATION⁸

The constitutional and statutory duties of the Board of Education include, but are not limited to:

1. Elect, upon the recommendation of the Director of Schools, teachers who have attained or are eligible for tenure and fix the salaries of and make written contracts with the teachers;
2. Manage and control all public schools established or that may be established under its jurisdiction;
3. Purchase all supplies, furniture, fixtures and material of every kind through the Executive Committee;
4. Order warrants drawn on the County Trustee on account of the elementary and the high school funds, respectively;
5. Visit the schools whenever, in the judgment of the Board, such visits are necessary;
6. Except as otherwise provided in this title, dismiss teachers, principals, supervisors and other employees upon sufficient proof of improper conduct, inefficient service or neglect of duty; provided, that no one shall be dismissed without first having been given in writing due notice of the charge or charges and an opportunity for defense;
7. Suspend, dismiss or alternatively place pupils, when the progress, safety or efficiency of the school makes it necessary or when disruptive, threatening or violent students endanger the safety of other students or school system employees;
8. Have enumerated the scholastic population of the local school district in May of every odd-numbered year;
9. Provide proper record books for the Director of Schools, and should the appropriate local legislative body fail or refuse to provide a suitable office and sufficient equipment for the Director of Schools, the Board of Education may provide the office and equipment out of the elementary and the high school funds in proportion to their gross annual amounts;
10. Require the Director of Schools and Chair of the Board to prepare a budget on forms furnished by the Tennessee Commissioner of Education, and when the budget has been approved by the Board, to submit it to the appropriate local legislative body;
11. Prepare, or have prepared, a copy of the minutes of each meeting of the board of education, and mail a copy of the minutes no more than thirty (30) days after the board meeting or at the time they are mailed to or otherwise provided to members of the board, if such is earlier, to the president of each local education association. Any subsequent corrections, modifications or changes shall be distributed in the same manner;
12. Adopt and enforce, in accordance with guidelines prescribed by the Tennessee State Board of Education pursuant to §49-6-3002, minimum standards and policies governing student attendance, subject to availability of funds;
13. Develop and implement an evaluation plan for all certificated employees in accordance with the guidelines and criteria of the state board of education, and submit the plan to the commissioner for approval;
14. Notwithstanding any other public or private act to the contrary, employ a Director of Schools under a written contract of up to four (4) years' duration, which may be renewed;
15. Adopt policies on the employment of substitute teachers;
16. Develop and implement an evaluation plan to be used annually for the Director of Schools.

DISCRETIONARY POWERS OF THE BOARD OF EDUCATION⁸

The discretionary powers of the Board of Education include, but are not limited to:

1. Consolidate two (2) or more schools whenever in its judgment the efficiency of the schools would be improved by the consolidation;

2. Require school children and any employees of the board to submit to a physical examination by a competent physician whenever there is reason to believe that the children or employees have tuberculosis or any other communicable disease;
3. Establish night schools and part-time schools whenever in the judgment of the Board they may be necessary;
4. Permit school buildings and school property to be used for public, community or recreational purposes under rules, regulations and conditions as prescribed from time to time by the Board of Education;
5. The Knox County Law Director shall execute and administer all of the legal affairs of the Board of Education. If there exists a conflict of interest, legal representation will follow the process defined in the 2003 Order of Compromise⁹;
6. Make rules providing for the organization of school safety patrols in the public schools under its jurisdiction and for the appointment, with the permission of the parents, of pupils as members of the safety patrols;
7. Establish minimum attendance requirements or standards as a condition for passing a course or grade;
8. Provide written notice to probationary teachers of specific reasons for failure of reelection pursuant to this title; provided, that any teacher so notified shall be given, upon request, a hearing to determine the validity of the reasons given for failure of reelection;
9. Lease or sell buildings and property or the portions of buildings or property it determines are not being used or are not needed at present by the public school system in the manner deemed by the Board to be in the best interest of the school system and the community that the system serves;
10. Establish and operate before and after school care programs in connection with any schools, before and after the regular school day and while school is not in session;
11. Contract for the management and operation of the alternative schools provided for in §49-6-3402 with any other agency of local government;
12. Include in student handbooks, or other information disseminated to parents and guardians, information on contacting child advocacy groups and information on how to contact the Tennessee State Department of Education for information on student rights and services;
13. Cooperate with community organizations in offering extended learning opportunities; and
14. Apply for and receive federal or private grants for educational purposes.

Legal References:

1. T.C.A. § 49-1-101; T.C.A. § 49-1-102; T.C.A. § 49-1-103.
2. Knox County Charter § 6.01. B
3. T.C.A. § 49-2-201.
4. T.C.A. § 8-47-101 et seq.; T.C.A. § 49-1-611.
5. T.C.A. § 49-2-201 (a).
6. T.C.A. § 49-2-202 (e); T.C.A. § 8-48-101.
7. Tennessee Constitution, Article VII, § 2.
8. T.C.A. § 49-1-102; T.C.A. § 49-2-202, T.C.A. § 49-2-203.
9. Knox County Charter Article § 3.08; Order of Compromise, *KCBE v. KCC, et al.*, 152623-3 (April 21, 2003).
10. *State Deselm v. Jordan*, No. E2008-00908-COA-R3-CV, Tenn. Ct. App. 9-12-2008.

Approved as to Legal Form 10/25/2018

By Knox County Law Director

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