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# School Board Mandatory Duties and Discretionary Powers

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Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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# School Board Mandatory Duties and Discretionary Powers

Reference Number: CTAS-88

There are certain duties listed in T.C.A. § 49-2-203 that the board of education is required by law to perform. Some of the more significant duties are summarized as follows:

1. To employ a director of schools under written contract of up to four years duration, which may be renewed. This director may be referred to as "superintendent" and replaces the former superintendent of schools. The school board is the sole authority in appointing a director of schools.
2. Upon the recommendation of the director of schools, to elect teachers who have attained or who are eligible for tenure, to fix their salaries, and to make contracts with them.
3. To manage and control all public schools under its jurisdiction.
4. To purchase all supplies, furniture, fixtures, and materials of every kind through the executive committee. Expenditures over \$10,000 must be publicly advertised and competitively bid.
5. To dismiss teachers, principals, supervisors and other employees upon sufficient proof of improper conduct, inefficient service or neglect of duty. Such employees must be given written notice and an opportunity to make their defense.
6. To suspend or dismiss pupils when the progress or efficiency of the school makes it necessary.
7. To require the director of schools and the chair of the local board to prepare a budget on forms furnished by the commissioner of education and, when the budget has been approved by the local board, to submit it to the county legislative body. No school budget may be submitted to the legislative body that directly or indirectly supplants or proposes to use state funds to supplant any local current operation funds, excluding capital outlay and debt service.
8. To develop and implement an evaluation plan for all certified employees in accordance with the guidelines and criteria of the state board of education, and submit such plan to the commissioner of education for approval.
9. Such other duties as are required by law. In addition to the duties specifically required in T.C.A. § 49-2-203, the local board is given certain discretionary powers.

These are things the board is empowered, but not required, to do. Briefly summarized, these discretionary powers include the following:

1. To consolidate schools under its jurisdiction;
2. To require school children and employees to submit to a physical examination by a competent physician under certain circumstances;
3. To establish night or part-time schools;
4. To permit school buildings and property to be used for public, community or recreational purposes, subject to rules and regulations adopted by the board;
5. To employ legal counsel;
6. To make rules providing for school safety patrols;
7. To establish minimum attendance requirements or standards as a condition for passing a course or grade;
8. To provide written notice to probationary teachers of specific reasons for failure of reelection and provide a hearing to determine the validity of the reasons, upon request;
9. To offer and pay monetary incentives to encourage the retirement of any teacher or other employee who is eligible to retire;
10. To lease or sell buildings and property, or portions thereof, in such a manner as is deemed by the board to be in the best interest of the school system and the community it serves, including sales or leases to public or private entities;
11. To 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;
12. To establish and operate evening alternative schools for students in grades 6 through 12;

and

13. To provide pre-kindergarten programs for at-risk children who reach the age of four-years by September 30, and for other children when an insufficient number of at-risk children are enrolled to fill a classroom, in accordance with the "Voluntary Pre- K for Tennessee Act of 2005." T.C.A. § 49-6-101 through 49-6-110.
14. To apply for and receive federal or private grants, and unless the grant requires matching funds, in-kind contributions of real property, or expenditures beyond the life of the grant, appropriations of the federal or private grant funds shall be made upon resolution passed by the board of education; the board is required to provide a copy of the resolution as notice to the local legislative body within 7 days of passage.

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