



**State of Tennessee**  
**PUBLIC CHAPTER NO. 905**

**HOUSE BILL NO. 1105**

**By Representatives Montgomery, Maggart, Todd**

**Substituted for: Senate Bill No. 1923**

**By Senator Gresham**

AN ACT to amend Tennessee Code Annotated, Title 49, relative to education.

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

SECTION 1. Tennessee Code Annotated, Section 49-2-203 (a), is amended by adding the following language as a new, appropriately designated subdivision:

( ) Develop and implement an evaluation plan to be used annually for the director of schools. The plan shall include, but, shall not be limited to, sections regarding job performance, student achievement, relationships with staff and personnel, relationships with board members, and relationships with the community.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 2, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) If a municipality is located within any county in which a transition planning commission has been created pursuant to § 49-2-502(b); and if the municipality is authorized by its charter, as set forth by statute or private act, to operate a city school system; and if the proposed city school system would possess a student population of sufficient size to comply with state requirements; then the governing body of the municipality may request the county election commission to conduct a referendum pursuant to § 49-2-106; however, if a special election is requested, then the municipality shall pay the costs of the election.

(b) If a majority of the voters participating in the referendum elect to raise local funds to support the proposed city school system, then the governing body of the municipality shall, by ordinance, establish a city board of education in compliance with § 49-2-201; however, there shall be not less than three (3) nor more than eleven (11) members, and the members may be elected in the same manner, either from districts or at large, or a combination of both, used to elect members of the governing body of the municipality. In order to comply with the § 49-2-201 requirement for staggered four-year terms, the governing body of the municipality shall establish initial terms that vary in length; however, all subsequently elected members, other than members elected to fill a vacancy, shall be elected to four-year terms. If a special election is requested to elect members of the initial board of education, then the municipality shall pay the costs of the election. The members shall take office on the first day of the first month following certification of the election results.

(c) The initial board of education shall plan and manage the formation of the new city school system and, subsequently, shall manage and operate the system when student instruction commences. The board shall possess all powers and duties granted to or required of boards of education as set forth by § 49-2-203 or other statute, including, but not limited to, employment of a full-time director of schools and other personnel; and construction, acquisition, lease, or modification of buildings and facilities.

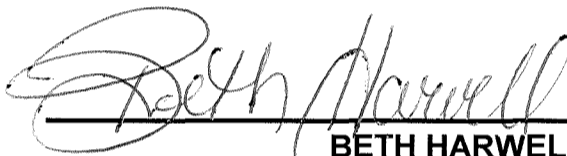
(d) Upon the commissioner's determination of the new city school system's general readiness to commence student instruction, city schools shall open between August 1 and the first Monday following Labor Day; however, in no event shall the city schools open prior to the effective date of the transfer of the administration of the schools in the special school district to the county board of education pursuant to § 49-2-502(b).

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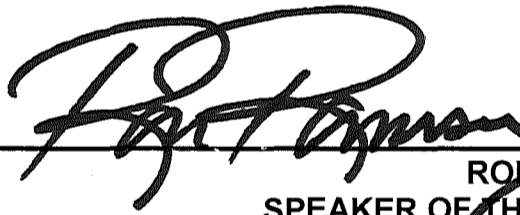
SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: APRIL 30, 2012



BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES



RON RAMSEY  
SPEAKER OF THE SENATE

APPROVED this 9<sup>th</sup> day of May 2012



BILL HASLAM, GOVERNOR