

Amendment No. 8 to HB2891

Todd  
Signature of Sponsor

**AMEND Senate Bill No. 2924**

**House Bill No. 2891\***

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 49-2-201, is amended by deleting the section and substituting:

(a)

(1) Each LEA must have a local board of education that is elected by the people. Except in counties with a county charter, a local board of education must not consist of more members than the number of members authorized by general law or private act for boards of education in existence on January 1, 1992, or the number of members actually serving on a board of education on January 1, 1993. In addition to the membership existing on a local board as of January 1, 1992, or January 1, 1993, the general assembly may authorize by private act any number of school board members that is no less than three (3) and no more than eleven (11). Except as provided in subdivision (a)(3), school board members must be elected for a term of four (4) years, and may succeed themselves.

(2) Members of county boards of education must be residents of, and elected from, districts of substantially equal population established by resolution of the local legislative body. Members of special school district boards of education must be elected according to special or private act; provided, that the members must be popularly elected on a staggered term basis.

(3)

(A) Elections for municipal and special school district boards of education must be held in conjunction with the August primary and November general elections.

(B) Before July 31, 2025, each municipal legislative body in municipalities with an LEA shall fix the dates of the elections for the board of education by ordinance in accordance with subdivision (a)(3)(A). Before July 31, 2025, each special school district shall adopt and submit to the general assembly a resolution to change, by private act, the date of school board elections for the special school district in accordance with subdivision (a)(3)(A). An ordinance or private act changing the election date must provide for the extension of the terms of members of the school board necessary to meet the election date, but a term must not be extended for more than two (2) years beyond its regular expiration date.

(4) Vacancies occurring on the school board must be filled by the local legislative body. In special school districts, vacancies on the school board must be filled by the special school district's board of education. A person appointed to fill a vacancy serves until a successor is elected and qualified according to law. The successor must be elected at the next general election for which candidates have a sufficient time to qualify under the law.

(5) Notwithstanding the four-year term set out in this section for school board members, a special school district with a different term established by private act for school board members may retain the term.

(b)

(1) The first election of school board members for a municipal school system established in a municipality chartered after the effective date of this act must not be held earlier than seventy-five (75) days following the election at

which the municipality's charter was adopted. The initial terms of board members may be less than four (4) years to stagger terms.

(2) After the initial election is held pursuant to subdivision (b)(1), the legislative body of the municipality shall fix the date of all subsequent school board elections to coincide with the August primary and November general elections.

(3) If the county election commission sets the date for the initial school board election to coincide with a regular primary or general election, or with a May primary being held in the county, and the regular qualifying deadline for the primary or general election is unavailable, then independent candidates and candidates nominated by a political party must qualify by filing all nominating petitions no later than twelve o'clock (12:00) noon, prevailing time, on the fifty-fifth day before the election. If the qualifying deadline is the fifty-fifth day before the election, then candidates must withdraw no later than twelve o'clock (12:00) noon, prevailing time, on the fifty-second day before the election.

(c)

(1) Elections for school board members may be conducted on a partisan or nonpartisan basis. If at least one (1) county primary board of a political party elects to conduct school board elections on a partisan basis, then a person seeking a position on any board in that county may campaign as the nominee or representative of a political party, and political parties may nominate candidates for membership on the board by any method authorized under the rules of the party or by primary election under title 2.

(2) The qualifying deadline for independent and primary candidates for school board is twelve o'clock (12:00) noon, prevailing time, on the date established in § 2-5-101(a).

(d) Members of municipal boards of education may be elected in the same manner, either from districts or at large, or a combination of both, used to elect members of the municipality's governing body, except that municipal school districts for which board members, as of the effective date of this act, have been elected from districts since June 6, 1995, must continue that method of election.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.