

TENNESSEE STATE BOARD OF EDUCATION

PERSONNEL

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Policy Sections:

- I. Executive Director
- II. Staff
- III. Administrative Responsibilities
- IV. Settlement Authority

I. EXECUTIVE DIRECTOR

The Executive Director shall be hired by the State Board of Education. The position of Executive Director cannot be filled by an employee or official of any other department, agency, or board, but must be responsible solely to the State Board.¹ An individual hired as Executive Director by the Board shall, prior to commencing employment with the State Board, resign any position of employment or official position with any other state department, or conflicting agency or board.

The compensation of the Executive Director shall be fixed by the Board and such compensation shall not be less than the compensation provided for an assistant commissioner in the Department of Education, commensurate with the responsibilities of the position and comparable to similar positions within the administration.

The Executive Director shall be an ex officio, nonvoting member of the Tennessee Higher Education Commission. The Executive Director or designee shall also serve on the BEP Review Committee.

II. STAFF

The Executive Director shall hire staff with the approval of the Board. The staff will be independent of all agencies or departments of state government, and shall be subject only to the Board.

The staff shall be subject to personnel regulations and policies which are applicable to state employees in general, such as leave, compensation, classification, travel regulations, etc. The sole authority to appoint, terminate, and control staff shall remain with the Board and the Executive Director. Employees shall not have state service status.²

¹ T.C.A. § 49-1-305.

² T.C.A. § 49-1-305.

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III. ADMINISTRATIVE RESPONSIBILITIES

For administrative purposes, the Executive Director and his or her staff shall be housed in the Tennessee Department of Education. The Executive Director and his or her staff shall not be responsible for administering policies, rules, or regulations or the education laws of the state, except where otherwise provided by law.^{3,4}

IV. SETTLEMENT AUTHORITY

(1) Legal Matters Filed in State or Federal Courts

Authority to settle legal matters filed in state or federal courts shall be delegated to the Executive Director. Settlement of any legal matter by the Executive Director shall only be made with permission of the Chair. In the absence of the Executive Director, the General Counsel of the State Board may settle legal matters filed in state or federal courts with permission of the Chair. Settlement of legal matters filed in state or federal courts is subject to final approval of the Tennessee Attorney General and Reporter, and when necessary, the Comptroller of the Treasury and Governor, as set forth in T.C.A. § 20-13-103.

The General Counsel of the State Board shall prepare a legal update for Board members regarding the status of ongoing litigation in state and federal courts, including information regarding any settlements. The legal update shall be provided to Board members at least quarterly.

(2) Administrative Legal Matters

Authority to settle administrative legal matters shall be delegated to the General Counsel of the State Board of Education or his/her designee.⁵ Settlements negotiated by the General Counsel or his/her designee in administrative legal matters shall be placed on the consent agenda of the next possible regular or specially-called State Board meeting for final approval by the State Board.

³ T.C.A. § 49-1-305.

⁴ This restriction does not apply to the Board's charter school authorizer evaluation work under Title 49, Chapter 13, the Board's authority to administer educator license discipline duties pursuant to T.C.A. §§ 49-1-302, 49-5-108 and 49-5-417, or any other duties to administer laws or rules assigned to the State Board by law.

⁵ T.C.A. §§ 4-5-105, 49-1-305.

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