S T A T E O F T E N N E S S E E
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Opinion No. 00-151

Transfer of Director of Schools

QUESTION

May a director of schools be transferred to another position in the school system?

OPINION

Yes. Tenn. Code § 49-2-203(a)(15)(A) contemplates a situation where a director of school may be transferred.

ANALYSIS

Tenn. Code Ann. § 49-2-203(a)(15)(A) provides, in part, that it is the duty of the local school board to "employ a director of schools under a written contract of up to four (4) years' duration, which may be renewed. Any such person transferred during the term of such person's contract shall not have such person's salary diminished for the remainder of the contract period." Tenn. Code Ann. § 49-2-203(a)(15(A).

This office has located no authority that has considered whether this statute authorizes a school board to transfer a director of schools. The provision in the statute stating that "[a]ny such person transferred during the term of such person's contract shall not have such person's salary diminished for the remainder of the contract period" carries a positive implication that directors may be transferred. Each board, however, may have a contract with its director of schools that could affect the board's ability to transfer the director. Accordingly, it is the opinion of this office that a director of schools may be transferred, absent a contractual provision to the contrary.

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