

STATE OF TENNESSEE

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April 26, 2011

Opinion No. 11-37

Authority to Close and/or Consolidate Schools

QUESTION

Does Tennessee law, rule or regulation permit a county commission to close several schools, integrate them into one, and commit the savings toward debt service? Would this be legal?

OPINION

No. Tennessee law provides that local school boards, rather than county commissions, have the authority to close and consolidate schools within their jurisdiction.

ANALYSIS

Tenn. Code Ann. § 49-2-203 sets forth the powers and duties of local boards of education. Tenn. Code Ann. § 49-2-203(a)(2) states that it is the duty of the local board of education to “[m]anage and control all public schools established or that may be established under its jurisdiction.” Subsection (b)(1) of the same statute states that the local board of education has the power to “[c]onsolidate two (2) or more schools whenever in its judgment the efficiency of the schools would be improved by the consolidation.”

Tennessee law therefore gives local boards of education extensive power over the management and control of school facilities. Other portions of Tenn. Code Ann. § 49-2-203 confer upon local boards of education the power to lease buildings and property under their jurisdiction (subsection (b)(4)(B)) and to lease or sell buildings and property, or portions thereof, that are under their control (subsection (b)(10)).

Accordingly, a local school board, rather than a county commission, has the authority to decide whether to close one or more schools and consolidate their operations. With regard to the use of funds that might be saved by consolidating schools, this is an issue to be addressed as part of the annual county school budgetary process involving both the county commission and the county school board. *See* Tenn. Code Ann. § 49-2-101; *see also*, Op. Tenn. Att’y Gen. 06-118 (July 27, 2006); Op. Tenn. Att’y Gen. 04-098 (June 24, 2004) (copies attached).

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