STATE OF TENNESSEE
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Opinion No. 12-69

Extending Contracts for Directors of Schools

QUESTION

May a school board legally extend the term of its contract with the director of schools during the contract term?

OPINION

Yes, a school board may extend such a contract in accordance with Tenn. Code Ann. § 49-2-203(a)(14)(C).

ANALYSIS

This opinion request concerns a question previously addressed by Tenn. Att'y Gen. Op. 01-102 (June 22, 2001), concerning the authority of a school board to extend the contract of a director of schools during the contract term. The previous opinion correctly stated that, at that time, Tenn. Code Ann. § 49-2-203 did not provide for such authority.

However, the statute has since been amended to permit the extension of such contracts, providing in relevant part as follows:

> No school board *shall extend* the contract of a director of schools without giving notice of the intent to do so at least fifteen (15) calendar days prior to the scheduled meeting at which action shall be taken. . . . Notice of extension . . . of a contract of a director of schools shall include the date, time and place of the meeting, and shall comport with all other requirements of §§ 8-44-103 and 49-2-202(c)(1). The proposed action shall be published as a specific, clearly stated item on the agenda for the meeting. Such item, for the convenience of the public attending the meeting, shall be the first item on the agenda;

Tenn. Code Ann. § 49-2-203(a)(14)(C) (emphasis added). Accordingly, school boards may now legally extend the term of a contract with the director of schools during the contract term, provided that all of the requirements set forth in Tenn. Code Ann. § 49-2-203(a)(14)(C) are satisfied.

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