**STATE OF TENNESSEE**
# OFFICE OF THE ATTORNEY GENERAL

May 1, 2014

Opinion No. 14-53

School Teachers Serving on Local School Boards

## QUESTION

Can a teacher who is elected to serve on the local school board by which the teacher is employed retain his or her employment as a teacher?

## OPINION

No.

## ANALYSIS

As this Office opined in Tenn. Att'y Gen. Op. 08-02 (Jan. 11, 2008), while Tenn. Code Ann. § 12-4-101(c)(1) contemplates that a county or city employee may serve as a member of the same county's or city's legislative body, Tenn. Code Ann. § 7-51-1501 prohibits a city employee from seeking election to the same city's legislative body, unless authorized to do so by local charter provision or ordinance. Where a local school board, rather than a local legislative body, is concerned, "a school board member may not continue as an employee of the board after becoming a board member," under Tenn. Code Ann. § 49-2-203(a)(1)(D).[1] Tenn. Att'y Gen. Op. 10-46, at 2 (Apr. 12, 2010); *see also* Tenn. Att'y Gen. Op. 08-180, at 2 (Dec. 1, 2008) ("Tennessee law prohibits local school board members from serving as substitute teachers in the same system where they serve as a board member"). A teacher who is elected to serve on the school board by which he or she is employed, therefore, may not continue the employment as a teacher. "The member must resign as an employee prior to assuming his or her responsibilities as a board member." Op. 10-46, at 2.

[1] Tenn. Code Ann. § 49-2-203(a)(1)(D) provides that "[n]o member of any local board of education shall be eligible for election as a teacher or any other position under the board carrying with it any salary or compensation."

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