

STATE OF TENNESSEE

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September 7, 2005

Opinion No. 05-137

Agricultural Education Programs in Public Education

QUESTIONS

1. Does Tenn. Code Ann. § 49-5-416(b) require school systems that had a twelve-month agricultural program in 1992-93 or any year thereafter to re-implement and/or maintain a twelve-month program if the program is determined to be a quality agricultural education program?

2. If it is determined that a school system that had a twelve-month agricultural program in 1992-93 or any year thereafter does not have a quality agricultural program, does the system have the discretion to eliminate its agricultural program or reduce the program to a duration of less than twelve months?

3. Does Tenn. Code Ann. § 49-5-416(b) require school systems with twelve-month agricultural programs to employ agricultural education staff, including teachers, on twelve-month contracts?

4. If the answer to Question 3 is “yes,” does the law void current ten-month contracts with such agricultural education employees and require school systems to enter into twelve-month contracts for the 2005-06 fiscal year?

OPINIONS

1. No. The statute does not mandate agricultural education programs.

2. Yes. Under Tenn. Code Ann. § 49-5-416(b), the only way a school system may maintain a twelve-month agricultural program is if the program is a “quality agricultural education program” under criteria yet to be adopted by the Department of Education.

3. Tenn. Code Ann. § 49-5-416(b) does not speak to teacher contracts. Tenn. Code Ann. § 49-5-416(a) gives school systems the discretion to employ an agriculture education teacher on a twelve-month contract.

4. Because we have answered question number 3 in the negative, we do not address question number 4.

ANALYSIS

Tenn. Code Ann. § 49-5-416, as amended, states in full as follows:

(a) Any person employed in a public high school as an agriculture education teacher may be employed on a twelve-month contract, or as recommended by the local agricultural education craft advisory committee. These contracts shall be subject to approval by the local board of education.

(b) All high school agricultural education programs that were twelve-month programs for the 1992-1993 fiscal year, or any fiscal year thereafter, shall be maintained as twelve-month programs by the local board of education, so long as a quality agricultural education program as determined by criteria established by the vocational-technical education division, agriculture education program, of the department of education is maintained.

The General Assembly added subparagraph (b) during the 2005 legislative session, which is the subject of your questions. *See* 2005 Public Acts, ch. 143.

Subparagraph (b) affects agricultural education programs that were twelve-month programs for the fiscal year 1992-93 or in any following fiscal year. This new statutory provision does not otherwise apply. If a school system has such a program, the program must continue to be a twelve-month program, so long as the program is a “quality agricultural education program.” The Department of Education has not yet published the criteria to define a “quality agricultural education program” and thus, as a practical matter, subparagraph (b) is not yet effective.

Subparagraph (b) does not state that an agricultural education program is mandatory. Nor have we found any other statute, rule or Department of Education guideline that would make it mandatory. The primary focus of Tenn. Code Ann. § 49-5-416(b) is to describe which twelve-month agricultural programs must be maintained as twelve-month programs.

Tenn. Code Ann. § 49-5-416(b) does not mandate an educational agricultural program, of twelve-months duration or otherwise. Nor does the statutory provision tell a school system which staff to hire, for how long, or on what type of contract.

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