

TENNESSEE 49-2-1251. Multi-county consolidated school systems -- Creation authorized County boards of education, whenever they deem it advisable for the purpose of a more economical administration and the improvement of the efficiency of the schools, may combine with another county or counties to operate the schools of such counties as a single multi-county consolidated school system. **HISTORY:** Acts 1992, ch. 535, § 64. **49-2-1255. Multi-county consolidated school systems -- Consolidated boards of education** (a) Any plan of consolidation shall provide for a consolidated board of education, hereafter sometimes referred to as the "board" to be composed of nine (9) members whose terms of office shall be four (4) years. (b) (1) The plan shall provide for the election of nine (9) board members by popular vote at the August general election, with the requirement that all of the board members be bona fide residents of particular districts and elected from such districts. (2) Members elected at the regular August election shall take office on September 1, following their elections. (3) The nine (9) districts shall be described by the plan, shall cover all of the counties, may cross county lines and shall be of substantially equal population. (4) The districts shall be apportioned after every federal decennial census, so that members of the board may continue to be elected from districts of substantially equal population. (5) The terms of the board members shall be so staggered as the plan may determine. (c) Every consolidated board of education has all powers and duties conferred by general law upon county boards of education. The board is authorized to do all things necessary or proper for the establishment, operation and maintenance of an efficient and accredited consolidated school system. subsection (c), contain the following: **49-2-1302. Purpose** It is the purpose of this part to permit local governmental units and boards of education the most efficient use of their powers by enabling them to cooperate with other localities on a basis of mutual advantage and to thereby provide educational services and facilities in a manner that will accord best with geographic, economic, population and other factors influencing the needs and development of local educational facilities and services. **HISTORY:** Acts 1970, ch. 511, § 2; T.C.A., § 49-431. **49-2-1304. Joint action -- Agreements -- State approval and monitoring** (a) (1) Any power or powers, privileges or authority exercised or capable of exercise by a public agency of this state may be exercised and enjoyed jointly with any other public agency of this state having the same powers, privileges or authority. (2) Any agency of the state government when acting jointly with any like public agency may exercise and enjoy all of the powers, privileges and authority conferred by this part upon a like public agency. (3) The authority for joint or cooperative action of political subdivisions shall apply only to such powers, privileges or authority vested in their governing bodies, and no joint or cooperative agreement shall be entered into affecting or relating to the constitutional or statutory powers, privileges or authority of officers of political subdivisions, or of agencies of political subdivisions having powers granted by statute independent of the governing body. (b) (1) Any two (2) or more public agencies may enter into agreements with one another for joint or cooperative action in accordance with the provisions of this part. (2) Appropriate action by ordinance, resolution or otherwise pursuant to law of the governing bodies of such participating public agencies shall be necessary before any such agreement may become effective. (c) Any such agreement shall specify the following: (1) Its duration; (2) The precise organization, composition and nature of any separate legal or administrative entity created by the agreement, together with the powers delegated to such entity; (3)

The purpose or purposes of the joint or cooperative action; (4) The manner of financing the joint or cooperative undertaking and of establishing and maintaining a budget therefor; (5) The permissible method or methods to be employed in accomplishing the partial or complete termination of the agreement and for disposing of property upon such partial or complete termination; and (6) Any other necessary and proper matters. (d) If the agreement does not establish a separate legal entity to conduct the joint or cooperative undertaking, the agreement shall, in addition to the information required by standards prescribed by the comptroller of the treasury. (1) Provision for an administrator or a joint board responsible for administering the joint or cooperative undertaking. (A) In the case of a joint board, all public agencies party to the agreement shall be represented. (B) (i) The administration of any schools, facilities and services may be placed under a board of control created pursuant to the terms of the agreement. (ii) If such a board of control is created, it shall elect its own chair and secretary. (iii) The board of control shall exercise all the administrative powers and functions with respect to such school facility or service that county boards of education are authorized to perform and exercise with respect to the operation of county schools. (iv) However, such schools, facilities or services may be administered by such other persons and in such other manner as the terms of the agreement may provide; and (2) The manner of acquiring, holding and disposing of real and personal property used in the joint or cooperative undertaking. (e) No agreement made under this part shall relieve any public agency of any obligation or responsibility imposed upon it by law, except that to the extent of actual and timely performance thereof by a joint board or other legal or administrative entity created by an agreement made hereunder, the performances may be offered in satisfaction of the obligation or responsibility. (f) (1) Every agreement made hereunder shall, prior to and as a condition precedent to its entry into force, be submitted to the attorney general and reporter and to the commissioner of education who shall determine whether the agreement is in proper form and compatible with the laws of this state. (2) The attorney general and reporter and the commissioner shall each approve any agreement submitted to them hereunder unless they shall find that it does not meet the conditions set forth herein and shall detail in writing addressed to the governing bodies of the public agencies concerned the specific respects in which the proposed agreement fails to meet the requirements of law. (3) Failure to disapprove an agreement submitted hereunder within forty-five (45) days of its submission shall constitute approval thereof by the individual who fails to disapprove. (g) Financing of joint projects by agreement shall be as provided by law. (h) (1) The governing body of any such joint or cooperative entity of any two (2) or more political subdivisions as provided by subsections (b) and (c) with respect to funds under its control shall cause an annual audit to be made of the books and records of the organization. (2) It is the duty of the governing body to order and pay for such audit, and to contract with certified public accountants, public accountants, or the department of audit to make the audit. (3) The comptroller of the treasury, when the comptroller of the treasury deems it necessary, may require the audit to be conducted by the department of audit, the cost of the audit to be paid by the governing body. (4) The comptroller of the treasury, through the department of audit, shall be responsible for determining that such audit is prepared in accordance with generally accepted governmental auditing standards and that such audit meets the minimum Regional education service centers shall: (5) The comptroller of the treasury shall promulgate such rules and regulations as are required to assure that the

books and records are kept in accordance with generally accepted accounting procedures and that audit standards prescribed by the comptroller of the treasury are met. (i) (1) The department of education shall monitor educational cooperatives. (2) The department may enjoin the participating school district from expending state funds on such cooperatives if deemed necessary by the commissioner. (3) The department may withhold funds from school districts which continue to expend funds on educational cooperatives which, in the commissioner's opinion, are not providing an adequate and economic service to such school districts. (4) Each such cooperative shall furnish to the commissioner an annual report upon its activities. The report shall show: (A) What services were performed; (B) Number and type of clientele served; (C) The actual cost of providing each service in terms of personnel used; and (D) A breakdown of operating expenditures.