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Chapter VI - Education/Schools

Dear Reader:

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Chapter VI - Education/Schools

Board of Education

Private Acts of 1951 Chapter 633

SECTION 1. [Deleted by Private Acts of 1976, Chapter 221].

SEC. 2. That the Secretary of the Union County, Tennessee, Board of Education shall keep a careful record of the attendance at the regular and specially called meetings of the Board of Education and certify such attendance record monthly to the proper official in charge of the disbursements of the County School Funds so that proper county warrant can be issued paying each school member of the Board of Education in accordance with the provisions hereof.

SEC. 3. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it. Passed: March 15, 1951.

Private Acts of 1953 Chapter 95

SECTION 1. That in all counties of this State having a population of not less than 8,650 and not more than 8,700, according to the Federal Census of 1950, or any subsequent Federal Census there is hereby created a County Board of Education to be composed of seven (7) members.

SECTION 2. That there are hereby created six school districts for counties to which this Act applies, which school districts shall be co-incident with the civil districts and shall bear the same numbers. At the August election 1954 and quadrennially thereafter, the qualified voters of said school districts shall elect one member of the County Board of Education except school district No. 1 which shall elect two members, who shall hold office for a period of four years from September 1 next following their election. No person shall be eligible for election from any school district of which he is not a resident and the qualified voters of each school district shall elect their representatives. Vacancies occurring in said office shall be filled by special election called by the Board of County Election Commissioners upon 15 days notice published in some newspaper in said County. Members of the Board of Education shall possess the qualifications and perform the duties prescribed by general law for members generally. They shall be compensated at the rate of twenty dollars (\$20.00) per meeting attended, beginning with members selected and qualified subsequent to July 1, 1976. To fill the vacancies occasioned by the creation of this Board, William Gilbert and Minnis Mize are named as members from school district No. 1; Stewart Snoderly is named as member from school district No.; Cecil H. Butcher is named as member from school district No. 3; M. G. Graves is named as member from school district No. 4; Luna Sharpe is named as member from school district No. 6; and Malcolm Walker is named as member from school district No. 7, who shall hold the office until September 1, 1954, and until their successors shall be elected and qualified.

As amended by: Private Acts of 1976, Chapter 221.

As amended by: Private Acts of 1976, Chapter 221.

SECTION 3. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 6, 1953.

Civil Service

Private Acts of 1949 Chapter 385

SECTION 1. That in all counties of this State having a population of not less than 9,025 and not more than 9,035, according to the Federal Census of 1940, or any subsequent Federal Census, civil service or permanent tenure shall apply to all employees of the Board of Education of said counties occupying the positions of principals, teachers, supervisors, clerks, secretaries, stenographers, and chief maintenance men; provided, that no persons occupying the position of principals, teachers or supervisors shall be deemed to be under civil service or permanent tenure unless they have been employed by the Board of Education of the counties coming within the provisions of this Act for the third year from the time of their appointment or employment; and provided further, that no persons occupying the positions of clerks, secretaries, stenographers or chief maintenance men shall be deemed to be under civil service or

permanent tenure until after they have occupied such positions for a period of two years from the time of their appointment or employment.

SEC. 2. That neither the Board of Education, nor any member thereof, nor the Superintendent of Schools, nor any other official of the Board or Department of Education of any of the counties coming within the provisions of this Act, shall have any right to dismiss, discharge, demote or change any employees made subject to civil service or permanent tenure by the provisions of this Act, from one position or class to another position or class within the Department of Education of said counties at a reduced salary, unless and until charges as specified herein shall have first been filed and sustained against such employee in the manner hereinafter provided; provided, however, that in making up the school budget the Board of Education of any such counties ascertain that there is a surplus usage of employees in the system, by reason of a natural diminution of the number of pupils in any school, or otherwise, the Board of Education of any such counties may reduce the number of employees in the system to the number required by first dismissing any or all of those who have not been appointed or employed for the third year, in the case of principals, teachers or supervisors, or for the period of two years in the case of clerks, secretaries, stenographers or chief maintenance men, from the time of their appointment or employment. If the reduction so made is inadequate or insufficient in the opinion of the Board of Education of any of such counties, the Board may then dismiss civil service employees without charges being filed or sustained, but such dismissals shall be made according to seniority of service.

SEC. 3. That employees under civil service or permanent tenure by the provisions of this Act may be suspended, discharged from service, demoted, or fined not exceeding an amount equal to one-twelfth of one month's salary, upon conviction of any crime, or for inefficiency, incompetency, neglect of duty, use of narcotics or intoxicating liquors, insubordination, immorality, conduct unbecoming to their profession, failure or refusal to pay his or her taxes, or failure or refusal to pay his or her honest debts, in the following manner:(a) The principal, or any ten patrons of the same school, may file charges against any teacher subject hereinafter defined "against any such employee." Anyone filing such charges against any teacher and it shall be proved such charges are without foundation, said persons shall be subject to the liabilities and penalties as further set forth in this Act. Such charges shall be in writing but may be in any written form and no charge shall ever be dismissed because lacking in form. A copy of such charges shall be delivered to the employee so charged, and a certificate of the principal stating that he has delivered a copy of such charges shall be sufficient evidence of the fact of delivery. No charge shall ever be dismissed for insufficiency, and any charge may be amended at any time, but if the said charge is amended after the employee has testified, the employee shall be given a reasonable time in which to make defense to the amended charge. The principal of any school may file charges against the principal of any other school, and the superintendent of Schools of any such Board of Education or counties shall have the right to request in writing the principal of any school to prefer charges against any employee of the Board of Education of such county or counties, and upon the failure or refusal of any such principal to prefer such charges he or she shall be guilty of neglect of duty and may be proceeded against under the provisions of the civil service or permanent tenure laws of any such county coming within the provisions of this Act.

(b) After the filing of charges as herein before set out, the employee charged shall be entitled to a hearing before the Superintendent of Schools. Pending this hearing, the employee may be suspended by the Superintendent but charges shall be filed and a copy thereof furnished the employee within twenty-four hours after such suspension. The Superintendent of Schools shall hear all charges within five days after a copy of such charges have been furnished the employee so charged, unless the hearing is further postponed at the request of, or with the consent of the employee under charge. At such hearing the employee under charge may appear and defend in his own right, or he may appear and defend by counsel. The Superintendent shall render his decision within ten days after the conclusion of the hearing, exclusive of the day of hearing.

(c) Any person dissatisfied with the decision of the Superintendent shall have the right to appeal therefrom to the Board of Education of such county, within three days thereafter, excluding the day upon which such decision is rendered. Upon written notice of such appeal being given to the Superintendent it shall be his duty to prepare a copy of the proceedings, evidence, etc., before him and transmit the same to the Board of Education of any such county, who shall hear the appeal on such record. No new evidence shall be introduced, but the Board may send the record back if they are of the opinion that additional evidence is necessary to reach a correct decision.

(d) The Superintendent shall issue writs of subpoena on request of either party to compel attendance of witnesses to testify at the hearing of such investigation; such subpoena shall be signed by him and be served by any Constable, the Sheriff or any Deputy Sheriff of said county, and shall be obeyed by the witnesses in the same manner as subpoenas issued by Justices of the Peace or the clerks of Common Law Courts of this State under the general statutes of Tennessee, and any failure to obey such subpoenas may be enforced in the same manner and to the same extent as is now provided by law for the enforcement or

the punishment for failure to obey subpoenas issued by Justices of the Peace or the clerks of the Common Law Courts of this State. The cost of the service of such subpoenas by any lawful officer shall be the same as provided by existing laws for services of like character and shall be paid by the Board of Education of any such county. The Superintendent is authorized and empowered to administer oath to the witnesses and parties at such hearings. Such hearings shall be held at such places in said counties as may be designated by the said Superintendent and shall be public unless private hearings are agreeable to the Superintendent and employee so charged, regardless of whether such hearing is being conducted before the Superintendent or the Board of Education. There shall be no appeal from the decision of the Board of Education, but the decision of the Board shall be final.

SEC. 4. That if on final disposition of the case the employee so charged is not dismissed nor suspended on final hearing, any unpaid salary accruing during his or her suspension before final hearing shall be paid in full by the Board of Education of such county.

SEC. 5. That if any sentence, clause, or section of this Act be held unconstitutional, or the application of this Act be held unconstitutional, with respect to any person or circumstances, such holding shall not affect any other person or circumstances.

SEC. 6. That all laws or parts of laws in conflict with this Act be, and they are, hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: March 29, 1949.

Interest on School Warrants

Private Acts of 1941 Chapter 513

SECTION 1. That whenever any school warrant payable to any teacher or operator of buses as well as school warrants issued for any item of expense in connection with the school system of Union County, is presented to the Trustee of Union County for payment, and there is insufficient money in the hands of the Trustee to pay such warrant, the Trustee shall stamp thereon the date such warrant is presented for payment and register same in a book for that purpose and from the date of presentation and registration such warrant shall draw interest at the legal rate fixed by statute in this State.

As amended by:

Private Acts of 1943, Chapter 256,

Private Acts of 1947, Chapter 122.

SEC. 2. That it shall be the duty of the Trustee, when funds are available to pay said warrants in the order of their priority as registered, and from the date said funds are available, interest shall cease and the holder of said warrant shall not be entitled to collect interest thereafter. This Act shall not apply to any outstanding warrant before the effective date of this Act.

SEC. 3. That this Act shall take effect from and after July 1, 1941, the public welfare requiring it.

Passed: February 15, 1941.

Education/Schools - Historical Notes

Board of Education

The following acts once affected the board of education in Union County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 243, created a board of education and the position of superintendent of education, provided for the election of the seven members of the board and the superintendent in the November election of 1928. Thad C. Smith, J. Crit Sharp, William Booker, Jacob Butcher, Conrad Irwin, G. S. Stiner, and James Roe Shelby were named to the board of education until their successors could be elected and James C. Davis was nominated as superintendent. This act was tested and declared unconstitutional by the state supreme court in the case of State Ex rel, Thomas v. Davis, 159, Tenn. 693, 21 S.W.2d 623 (1929).
2. Private Acts of 1959, Chapter 312, would have amended Private Acts of 1953, Chapter 95, so as to provide for the election of county school board members on a staggered basis in Union County; however, this act was not approved by the county and therefore never became law.

Superintendent or Director of Schools

The acts referenced below once affected the office of superintendent of education in Union County, but are no longer operative.

1. Private Acts of 1925, Chapter 264, as amended by Private Acts of 1943, Chapter 405, and Private

Acts of 1947, Chapter 874, provided for the election of the county superintendent of public instruction in counties of the state having a population of not more than 11,620 and not less than 11,610 according to the federal census of 1920 for a term of four (4) years beginning September 1, 1928.

2. Private Acts of 1943, Chapter 81, as amended by Private Acts of 1947, Chapter 117, provided that in the event the office of school superintendent became vacant, such vacancy was to be filled by the quarterly county court of Union County.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Union County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1901, Chapter 236, created a school district out of portions of Anderson and Union counties, the same described and bounded in the bill. An election would be held on the fourth Saturday in May, 1901, to elect by popular vote the school directors of the district who would serve without compensation. The clerk would provide a scholastic census enumeration for the district to the county trustees for the distribution of funds and a teacher with a certificate from either Anderson or Union County would be permitted to teach.
2. Acts of 1905, Chapter 483, was a compulsory school attendance law for Union and Claiborne counties, which required children between eight and fourteen years of age to attended school for at least fourteen weeks in a year, unless excused under the conditions stated in the act. Fines for violation of the requirement and for employers who hired children in these age brackets while school was going on were scheduled in the law. District clerks must report their names as soon as they knew in their reports and the superintendent was to make recommendations on methods of improving school attendance.
3. Acts of 1907, Chapter 322, established the "Independent School District of Loyston" in the fourth civil district of Union County bounded by the description in the act. At the August, 1908 election three school directors for the district were elected and performed all the duties of other school directors.
4. Private Acts of 1911, Chapter 332, was a compulsory attendance school law which applied to Union, Claiborne, Grainger and Hancock counties. This act included children from eight to sixteen years old and the attendance period was set to sixteen weeks, or 80 days, in the school year.
5. Private Acts of 1911, Chapter 566, applied to Union, Claiborne and Hickman counties. The act made each school a separate and distinct school district which would have three trustees elected by the people of the district. The county boards of education were given some powers and duties of teacher selection and their wages with the advice and consent of the majority of the trustees of the district. This act was amended by Private Acts of 1919, Chapter 448, so that Claiborne and Union counties were removed from its application leaving only Hickman under its terms.
6. Private Acts of 1947, Chapter 808, authorized \$100,000 to build a high school in Maynardville which were to mature in no more than ten years from the date of issue at such interest rate as the county court might determine. These were general obligation bonds with the requisite details included. The authority to accept or negotiate for matching funds from other governmental departments was granted. The "High School Building Commission" consisted of Thomas L. McDonald, Chairman, Charles E. Sexton, Secretary, Clifford Steiner, Evan Shelby, and Ottis Wright, members. This act was repealed by Private Acts of 1949, Chapter 649.
7. Private Acts of 1949, Chapter 651, allowed the quarterly county court of Union County to issue \$200,000 in 3%, 10 year bonds, to erect a quality high school in Union County. There were no other details as were contained in the 1947 act which was repealed.
8. Public Acts of 1980, Chapter 847, directed the Tennessee Department of Transportation to erect a sign to indicate the location of the pioneer school in Union County