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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

Annual Tuition Fees

Private Acts of 1976 Chapter 226

SECTION 1. An annual tuition fee not to exceed per pupil, per annum, an amount equal to the amount of funds actually raised and used for school purposes from the county during the preceding school year, including tuition and fees, divided by the number of pupils in average daily attendance in the public schools of the county during the preceding year, shall be charged all students attending the public schools of Sevier County who are nonresidents of Sevier County. The Sevier County Board of Education shall collect such tuition fees, which shall be credited to the appropriate school budgets and accounted for as provided by law.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Sevier County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving this act as provided in Section 2, it shall take effect on becoming a law, the public welfare requiring it, but for all other purposes, it shall take effect upon being approved as provided in Section 2.

Passed: February 25, 1976.

Board of Education

Private Acts of 2002 Chapter 73

SECTION 1. Notwithstanding any provision of law to the contrary, beginning with the election for members of boards of education to be held in the year 2002, the Sevier County legislative body may conduct a nonpartisan primary election for members of the school board at the county primary election. If one (1) candidate for a board of education election receives a majority of votes cast in the nonpartisan primary, then such candidate's name shall appear on the ballot in the general election. If no candidate for a board of education election receives a majority of votes cast in the nonpartisan primary, then the two (2) candidates receiving the two (2) highest vote totals shall run against one another in the regular election.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Sevier County. Its approval or nonapproval shall be proclaimed by the presiding officer of Sevier County and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.

Passed: February 5, 2002.

Private Acts of 2002 Chapter 74

SECTION 1. Chapter 380 of the Private Acts of 1927, as amended by Chapter 351 of the Private Acts of 1939; Chapter 539 of the Private Acts of 1941; Chapter 178 of the Private Acts of 1943; Chapter 484 of the Private Acts of 1947 and Chapter 150 of the Private Acts of 1949, and all other acts amendatory thereto, is hereby repealed.

SECTION 2. Sevier County shall be divided into five (5) school board districts of substantially equal population, which shall be established by resolution of the county legislative body from time to time, pursuant to Tennessee Code Annotated, Section 49-2- 201(a)(1).

SECTION 3. The Sevier County Board of Education (the Board) shall consist of five (5) members, with one (1) member of the Board being elected by the qualified voters in each school board district on a non-partisan basis. Board members shall be elected to staggered four-year terms. Person elected in the regular August general elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

SECTION 4. The Board shall have the same powers, duties, and privileges and qualifications as the Board

of Education established pursuant to Tennessee Code Annotated, Title 49.

SECTION 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 6. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Sevier County. Its approval or nonapproval shall be proclaimed by the presiding officer of Sevier County and certified to the Secretary of State.

SECTION 7. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 6.

Passed: February 7, 2002.

Tenure

Private Acts of 1941 Chapter 308

SECTION 1. That in all counties of this State having a population of not less than 23,285 and not more than 23,295, according to the Federal Census of 1940, or any subsequent Federal Census, civil service or permanent tenure shall apply to all employees of the Boards of Education of said counties occupying the positions of principals and teachers; provided, that no persons occupying the positions of principals and teachers 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 three years from the time of their appointment or employment; and provided further, that said teachers and principals are elected for the fourth year.

SECTION 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 or discharge any employee made subject to civil service or permanent tenure by the provisions of this Act, unless and until charges as specified herein shall have first been filed and sustained against such employee in the manner hereinafter provided; however, that in making up the school budget the Board of Education of any such counties ascertain that there is a surplusage 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 fourth year 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.

SECTION 3. That employees under civil service or permanent tenure by the provisions of the Act may be suspended or discharged from service 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 honest debts in the following manner:

(a) The principal, superintendent or any ten patrons of the same school may file charges against any teacher or principal subject hereinafter defined "against any such employee." Any person or persons filing charges shall first post a cost bond, which shall be paid in case the charges fail. 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 charge 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 employee has testified, the employee shall be given a reasonable time in which to make defense to the amended charge.

(b) After the filing of charges as hereinbefore set out, the employee charged shall be entitled to a hearing before the Board of Education. 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 Board of Education 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 Board of Education shall render its decision within ten days after the conclusion of the hearing, exclusive of the day of the hearing.

(c) Any person dissatisfied with the decision of the Board of Education shall have the right to appeal therefrom to the Court of appropriate jurisdiction, within three days thereafter, exclusive of 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 the Board of Education transmit the same to the Court to which appeal is made, which Court shall hear the appeal on such record. No new evidence shall be introduced, but the court 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 witness 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 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 service 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 Board of Education or the Court of Appeal.

SECTION 4. That if on final disposition of the case the employee so charged is not dismissed or 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.

SECTION 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 circumstance, such holding shall not affect any other person or circumstance.

SECTION 6. That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after July 1, 1941, the public welfare requiring it.

Passed: February 14, 1941.

Education/Schools - Historical Notes

Board of Education

The following acts once affected the board of education in Sevier County but are no longer operative.

1. Private Acts of 1927, Chapter 380, as amended by Private Acts of 1939, Chapter 351, Private Acts of 1941, Chapter 539, Private Acts of 1943, Chapter 178, Private Acts of 1947, Chapter 484 and Private Acts of 1949, Chapter 150, created a board of education in Sevier County. The Private Acts of 1927, Chapter 380, as amended, was repealed by Private Acts of 2002, Chapter 74

Superintendent or Director of Schools

The acts referenced below once affected the office of superintendent of education in Sevier 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 290, as amended by Private Acts of 1943, Chapter 281, provided that the county superintendent of public instruction in counties having a population of not less than 22,384 and not more than 22,390 according to the 1920 Federal Census be elected by qualified voters of said counties.
2. Private Acts of 1931, Chapter 701, set the salary of the County Superintendent in Sevier County at \$1,500 annually, payable in equal monthly installments out of the county treasury as other salaries are paid. The act further provided that the Superintendent would have supervision, control and the right to select all teachers for the Smith-Hughes vocational work in the county. This act was repealed by Private Acts of 1933, Chapter 186, below.

3. Private Acts of 1933, Chapter 186, repealed expressly Private Acts of 1931, Chapter 701, and provided that all acts which may have been repealed by that Chapter were restored as fully and to the extent that it had never been passed.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Sevier 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. Acts of 1807, Chapter 56, named Nathaniel Buckingham and William Mitchell as Trustees for Nancy Academy in Sevier County who would have and exercise the same powers as other Trustees.
2. Private Acts of 1832, Chapter 76, declared that the Clerk and the Treasurer of the Board of Common School commissioners for Bledsoe, Marion, Sullivan, Washington, Cocke, Greene and Sevier counties are empowered and directed to perform all the duties required of the late Bank Agents in those counties under the same rules laid down by the General Assembly for Campbell County. All notes, papers and books will be promptly handed over to the Clerk and the Treasurer, as provided therein.
3. Private Acts of 1833, Chapter 221, provided that the Commissioners of the Common School Fund in Sevier County were authorized to invest the common school fund in the stock of the Smoky Mountain Turnpike road, in such manner and upon such terms as the Commissioners should consider best and advisable for the school fund, provided that a majority of the Commission consent thereto in writing, and the writing be filed with the County Court Clerk before the investment is made.
4. Acts of 1841-42, Chapter 6, stated that Samuel Pickens, Henry G. Hodges, Sr., Allen S. Bryan, George McCowen, Stewart O. Dickey, Albert T. W. Clendenen and Henry M. Thomas were appointed as Commissioners to settle the business of the recent Board of Common School Commissioners of Sevier County as created by the General Assembly. The Commissioners would organize themselves into a Board immediately and call upon the Clerk of the former Board to deliver any papers, notes, books, funds and money of any kind whereupon all business of the former Board would be settled and whatever remained would be turned over to the Nancy Academy in Sevier County. This act was repealed by the Acts of 1845-46, Chapter 186, below.
5. Acts of 1845-46, Chapter 186, repealed Acts of 1841, Chapter 6, above, entirely and made it the duty of the institution's Trustees to make a sworn written report to Circuit Court at each December term showing the situation and condition of the institution (Nancy Academy) and how the funds have been spent. If waste of funds is present, judgment by motion may be had against the Trustees.
6. Acts of 1847-48, Chapter 103, repealed all the laws which required the county academy to be located within one mile of the county seat as the same would apply to Sevier County. George McMahan, Daniel Emert, John Walker, Robert H. Hodsden, John Mullendore, William Catlett, James Cummings, John W. Trundle, Allen S. Bryan, Alexander McCallie and Benjamin J. Tipton were appointed as Commissioners to select a site for the Academy as near the county seat as possible but not more than two and one-quarter miles from it.
7. Private Acts of 1865-66, Chapter 6, incorporated W. H. Trotter, James P. McMahan, Isaac Ogle, Tilman Fox, John Butler, G. W. Seaton and Isaac Trotter as Trustees for "Middle Creek Academy" in Sevier County who would have and possess all the powers incidental to academic incorporations.
8. Public Acts of 1893, Chapter 85, appointed trustees for Rocky Springs Academy in Sevier County and authorized such trustees to sell the academy and invest the money in the purchase of other school property to benefit the public schools of the civil district where the academy was located.
9. Acts of 1901, Chapter 403, created the Tuckahoe School District out of portions of Sevier and Knox Counties as the area was described therein. An election would be held on May 25, 1901 for three school Directors who would serve until the regular election in August, 1902, when successors would be elected for two year terms. The District was attached to Knox County and would become a part of that system being governed thereby in all things as though it lay wholly within Knox County. The District would be given its pro rata share of school funds from both counties.
10. Acts of 1903, Chapter 319, amended Acts of 1901, Chapter 403, above, so as to provide that the biennial elections to be held in the said school district, created therein, shall be held on the fourth

Saturday in May, 1904 and every two years thereafter.

11. Private Acts of 1905, Chapter 149, created a Special School District in the Seventh Civil School District of Sevier County and contained the area described within the Act. The Directors of the Seventh Civil School District were required to pay over the pro rata share of school funds to the Directors of this District. The County Superintendent of Public Instruction would appoint three school Directors to serve until their successors could be elected. Upon a three-fourths affirmative vote of the legal voters in the District the Directors could levy a tax so as to have sufficient funds to operate the school for eight months a year.
12. Acts of 1907, Chapter 236, created a Board of Education for every county in the State, and the office of District Directors were abolished. All counties would be divided into five, or less school districts from each of which one member of the Board of Education would be elected by the County Court. The qualifications of the office, the duties of the Chairman, Secretary and Members of the Board were enumerated. The County Superintendent would be the ex-officio Secretary. Terms of school guidelines for locations of schools and the requirements for a records system were all enunciated. There would be three-member local Advisory Boards in each District who would be elected by the voters of the District. Several counties exempted themselves from the operation of this law, but Sevier County was not among their number.
13. Private Acts of 1907, Chapter 269, is an almost exact duplicate of the above Private Acts of 1905, Chapter 149, and created the Special School District in the Seventh Civil School District.
14. Public Acts of 1909, Chapter 235, provided that every parent or guardian must send every child in their custody and control between the ages of eight and sixteen to a public school for at least 12 weeks, or 60 days, or for as long as school is in session, if the term is shorter, unless excused by the District or City School Director or other officer having control of the public school. This act would not prohibit attending a private school or being tutored privately. The county may make an appropriation to the family if the child is helping support them. An occasional absence would not be construed as a violation for which fines from \$2.00 to \$10.00 were provided. The act would not apply if the student's home were more than two miles distant from the school. The Sheriff or Constable would enforce this law, and the teachers who did not keep good attendance records for pupils would not be paid.
15. Private Acts of 1915, Chapter 674, amends Public Acts of 1913, Chapter 9, by making that act apply to Sevier County when making a child attend school for 80 days in the school term, but they do not have to be consecutive days. This amendment applied only to Sevier County.
16. Public Acts of 1925, Chapter 115, established a statewide public education program, outlined the duties of the state and local Boards of Education and teacher certification requirements. Section 33 abolished all Special School Districts that were not taxing Districts and any taxing district was permitted to hold a referendum on the question of abolition. When all debts are paid, the District may join the county system of schools.
17. Private Acts of 1925, Chapter 621, recited in the preamble that a school house had been built in the Belmont Community of Sevier County and had been used for many years but a new school had been now built with public funds about a mile away and there was no further need for the old one. Therefore, it is lawful for the Trustees of the old school and they are hereby empowered, to advertise and sell the school to the highest bidder and to deliver the proceeds of the sale to the County Board of Education for use in the Sevier County School System.
18. Public Acts of 1933, Chapter 98, provided that all school property within the Great Smoky Mountain National Park be conveyed to the State of Tennessee.
19. Private Acts of 1933, Chapter 520, recited that Charles King had taught for fifteen years, or more, in the county schools but had met some difficulty in securing a certificate in 1931-32. He was directed to open and teach a school by L. H. Tarwater and Edward Brannom, of the County Board of Education, which King did. However, there has arisen some question as to whether King could be legally paid and to this date, he has not been paid. This act permits the County Court to appropriate \$675 with which to pay King for his services in opening and teaching the Dudley Creek School. The Trustee was instructed to receive and honor such a warrant.
20. Private Acts of 1941, Chapter 539, amended Private Acts of 1927, Chapter 380, Section 6, as published herein, by striking the said Section entirely and inserting a new Section directing the County Board of Education to elect a Truant officer for one year who would have all the power and authority of a Constable in regard to executing papers incident to school, school work and non-attendance of classes. He shall receive the same fees for his services as are now provided by law for such acts and, in addition, he may be paid \$800, or less, per year, and four cents a mile for travel. This act was repealed by Private Acts of 1943, Chapter 179, below.

21. Private Acts of 1943, Chapter 179, specifically repealed Private Acts of 1941, Chapter 539, above, in its entirety.
22. Private Acts of 1943, Chapter 281, amended Private Acts of 1927, Chapter 290, by increasing the term of the Superintendent of Public Instruction from two years to four years beginning in 1944.
23. Private Acts of 1955, Chapter 395, would have amended Private Acts of 1927, Chapter 380, by increasing the compensation of members of the County Board of Education, duly elected and serving under the authority of the act, to \$10 per day when attending regular or special meetings of the Board, or when engaged in the discharge of any other duty imposed by law upon them, but this Act was disapproved and rejected by the Quarterly County Court and never took effect.
24. Private Acts of 1965, Chapter 284, amends Acts of 1865 (Ex. Sess.), Chapter 6, by striking the names of W. H. Trotter, James P. McMahan, Isaac Ogle, Tilman Fox, John Butler, G. W. Seaton and Isaac Trotter from the Board of Trustees of Middle Creek Academy and inserting therein the names of O. E. McMahan, Glen McMahan and Florita Butler McMahan instead. This act does not require local approval according to the publishers.

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