



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

March 29, 2025

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## Chapter VI - Education/Schools

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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

### Employees

### Civil Service

## Private Acts of 1937 (3rd Ex.Sess.) Chapter 18

**COMPILER'S NOTE:** The Knox County Charter at Section 6.05 continued the effectiveness of this Act, as amended, but was subsequently amended.

**SECTION 1.** That all counties of this State having a population of not less than 155,000 and not more than 157,000 according to the Federal Census of 1930 or any subsequent Federal Census, civil service or permanent tenure shall apply to all employees of the Boards of Education of the counties coming within the provisions of this Act occupying the positions of principals, teachers, supervisors of instruction, clerks and secretaries, provided, that no persons occupying the positions of principals, teachers, supervisors of instruction, clerks and secretaries, shall be under civil service or permanent tenure unless and until they have been employed by the Boards of Education of said counties for the fourth year from the time of their employment; and, provided, further, that said probationary period, which shall consist of three school years, shall have been served within five years next preceding their employment for the fourth year; provided, further, that all promotions for such employees coming under the provisions of this Act shall be probationary for two years from the time of their promotion, but without prejudice to their civil service rights prior to promotion; provided, further, that the provisions of this Act shall include only substitute and emergency teachers who shall teach twenty-seven (27) school months after the passage of this Act, and who shall meet the educational requirements of the Board of Education. Provided, further, that in case any employee under tenure shall be promoted to any position in the school system of said counties which is not protected by tenure, in the event that said position is at any time abolished or the Board of Education shall at any time remove the occupant of said position for any cause other than one of the specified causes for the removal of employees under tenure, then the occupant of such position shall be reinstated in the same civil service status that he held prior to promotion. Provided, further, that the provisions of this Act shall not apply to nor include teachers or principals who are teaching in the place and stead of teachers and principals on leave of absence. Provided, further, that all employees of the Board of Education of said counties coming under the provisions of this Act who have been promoted to the position of supervisor may be reinstated as teachers or principals at the regular Teacher's Salary Schedule, in the discretion of the Board of Education, without the preferring and sustaining of charges as hereinafter provided.

Provided, further, that the time served by all supervisors who are not under civil service or teachers' tenure at the time of their employment shall be counted as a part of the probationary period for civil service as provided by this Act; and provided, further, that all time served by any superintendent of schools in the counties coming within the provisions of this Act from the effective date of this Act, shall be counted as a part of the probationary period for civil service as provided by this Act; and, provided further, that any employee, under civil service or teacher tenure who may hereafter be elected superintendent by the people or otherwise shall retain his civil service status.

Provided, further, that all employees of Boards of Education coming under the provisions of this Act shall be required to retire from civil service at such age and under such conditions as are provided, or that may be provided from time to time, by the State Teachers' Retirement Law.

As amended by: Private Acts of 1945, Chapter 345

**SECTION 2.** That neither the Board of Education, nor any member thereof, nor the Superintendent of Schools, nor any other official of the Boards of Education of Department of Education of any of the counties coming within the provisions of this Act, shall have any right to discharge, suspend, demote, or change any employee made subject to civil service or permanent tenure by the provisions of this Act, from one position or class to another position of 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 herein provided. Provided, further, 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 the 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 to the number required by

first dismissing all of those who have not been appointed or employed for the fourth year from the time of their employment. If the reduction so made is inadequate or insufficient in the opinion of the Board of Education of any 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.

As amended by: Private Acts of 1945, Chapter 345

**SECTION 3.** That employees under civil service or permanent tenure by the provisions of this Act may be suspended, demoted, or discharged from service for inefficient service, neglect of duty, or improper conduct, in the following manner:

(a) The Superintendent of Schools or any Supervisor of schools, or any principal, or any ten patrons of the school in question may prefer charges against any such employee. Such charges shall be in writing but may be in any form, and no charge shall ever be dismissed because lacking in form. A copy of said charges shall be delivered to the employee charged, and a certificate from the Superintendent of Schools that he has delivered a copy of said charges shall be sufficient evidence of delivery. No charge shall be dismissed for insufficiency, but the charge or charges shall state the facts upon which such charge or charges are based, and give the time, place and factual nature in such detail as will apprise the employee under charge of the case against him, but if after the hearing hereinafter provided for, the employee charged submits himself for examination, and after such employee has testified he shall make affidavit: (1) that he has been misled to his prejudice by the insufficiency of the charge, and (2) that he verily believes that he can obtain sufficient testimony to cause a dismissal of the charge, the evidence so taken on the hearing shall become the charge, and such employee shall be granted a reasonable time in which to obtain such testimony in his behalf.

(b) After preferment and filing of charges as above set out, the employee charged shall be entitled to a hearing before the Board of Education. Pending such hearing, the employee may be suspended by the Board of Education, but such charges shall be filed and a copy thereof furnished the employee within twenty-four (24) hours after such suspension. The Board of Education shall hear all charges within fifteen 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 charged. At such hearing the employee under charge may appear and defend in his own right, or he may appear and defend by counsel. Each member of the Board of Education is hereby empowered to administer oaths to the parties and their witnesses appearing before them. The Board of Education shall render its decision within ten days after the conclusion of the hearing, excluding the day of the hearing. If the decision is adverse to the employee charged, and is rendered in his absence, the Board shall give or cause to be given immediate notice in writing of such decision to such employee.

(c) Either party dissatisfied with the decision of the Board of Education shall have the right of appeal therefrom to the Chancery Court of the County in which such hearing is held within ten days after receipt of notice of the decision of the Board of Education by the employee charged, except in cases of demotion only, in which cases the decisions of the Board of Education shall be final and no appeal shall be allowed. Upon written notice to the Board of Education, and upon executing and filing with the Clerk & Master of said Court an appeal bond in the penalty of \$250.00 conditioned as required by law in civil cases, to be approved by the Clerk & Master, or upon subscribing to the statutory oath provided by law in lieu of bond, it shall be the duty of the Board of Education to cause to be transmitted all the papers in the case, including a transcript of the evidence introduced on the trial of the case before the Board of Education, to the Chancery Court within thirty days after such appeal has been taken, and said case shall be tried on appeal in the Chancery Court under rules and procedure as provided by law as other civil cases are tried in said court, except that no formal pleadings shall be required of either party in the Chancery Court, and the case shall be tried in the Chancery Court on the evidence introduced on the trial of the case before the Board of Education, and no additional evidence shall be introduced by either party in the Chancery Court. The sole remedy by said dissatisfied party shall be by appeal or certiorari to the Chancery Court.

(d) The Superintendent of Schools shall issue writs of subpoena on request of either party to compel attendance of witnesses to testify on the hearing of such investigation before the Board of Education. Such subpoenas shall be signed by the Superintendent of Schools and be served by any truant officer or the sheriff of the county or one of his deputies, and shall be obeyed by the witnesses in the manner as subpoenas issued by Justices of the Peace or the clerks of General Sessions Courts, or the clerks of common law courts under the general statutes of Tennessee, and any failure to obey such subpoenas may be punished in the same manner and to the same extent as is now provided by law for failure to obey subpoenas issued by Justices of the Peace, Clerks of General Sessions Courts, or clerks of common law courts of this State.

(e) Hearings upon such charges shall be held at such place in the county as may be designated by the Board of Education, and shall be public unless private hearing is agreeable to the Board of Education, and the employee charged.

As amended by: Private Acts of 1945, Chapter 345

**SECTION 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 the final hearing shall be paid in full by the Board of Education of such county. The Board of Education shall have the right to grant leaves of absence to any employees of the Board of Education, said leave of absence not to exceed, however, two years; provided that the Board of Education upon the advice of the County physician may compel any female employee who has become pregnant at any time after three months pregnancy, to take a leave of absence not to exceed two years.

As amended by: Private Acts of 1943, Chapter 330

**SECTION 4(a).** The Board of Education shall have the right to grant leaves of absence upon written request of such employee of the Board of Education, said leave of absence not to exceed, however, two years; provided that the Board of Education, upon the advice of the county physician, may compel any female employee who has become pregnant, at any time after three months after pregnancy, to take a leave of absence not to exceed two years; provided, that any such female employee violating the provisions of this Section shall be subject to charges preferred against here for improper conduct in the manner provided in Sections 3, 3(a), 3(b), 3(c), and 3(d) herein. Provided, further, that the Board of Education may from time to time employ persons set out in Section (1) of this Act, who shall not be subject to civil service or entitled to permanent tenure; provided, at the time of the hiring for the fourth year, the employee signs a written waiver of the provisions and benefits of this Act; and provided, further, that not more than fifteen (15) per centum of all employees coming within the provisions of this Act shall be so employed at any one time.

As amended by: Private Acts of 1945, Chapter 345

**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 they are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: November 17, 1937.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Private Acts of 1911, Chapter 327, set the salary of members of the county board of education at \$240 annually. This was repealed by Private Acts of 1917, Chapter 258.
2. Private Acts of 1911, Chapter 338, authorized the county board of education to provide and contract for the transportation of pupils to and from the county high schools and to issue warrants for the expense of said transportation paid from the school fund. This act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
3. Private Acts of 1919, Chapter 694, established a board of education for Knox County of five members to be elected by the quarterly county court. This act also divided the county into five school districts and provided that the county superintendent of schools would act as an ex-officio member of the board. This act was specifically repealed by Private Acts of 1970, Chapter 339.
4. Private Acts of 1923, Chapter 547, was the next local act to establish a county board of education, of five members, to be elected by the voters of Knox County every two years. This act was amended by Private Acts of 1925, Chapter 233, to require candidates for the board of education to file with the county election commissioner a copy of their high school diplomas. Private Acts of 1945, Chapter 448, also amended Private Acts of 1923, Chapter 547, by increasing the term of the members of the board of education to four years and raising their per diem to \$10 for a maximum number of twenty-four meetings per year. Several sections of Private Acts of 1923, Chapter 547, were found unconstitutional in *Southern v. Beeler*, 183 Tenn. 274, 195 S.W. 2d 857 (1946). All three of these acts were repealed by Private Acts of 1970, Chapter 339.
5. Private Acts of 1925, Chapter 143, as amended by Private Acts of 1927, Chapter 77, Private Acts of 1929, Chapter 246, authorized the board of education to pay out of the county school fund to any teacher who wished to retire and was 70 years of age or older and had taught in the public

schools for thirty years or more an annual pension equal to two-thirds of the salary received in the last year of service. The act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

6. Private Acts of 1929, Chapter 255, as amended by Private Acts of 1937, Chapter 688, amended the Private Acts of 1925, Chapter 143, changing the teachers eligibility for retirement to age 65 with 25 or more years of service to be paid a minimum annual pension of \$480 for the remainder of such teacher's life. The act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
7. Private Acts of 1949, Chapter 823, was another local act establishing a board of education for Knox County. This act provided for a board of seven members, set out seven school districts in the county, and provided that the county superintendent of public instruction would be the executive officer of the board. This act was amended by Private Acts of 1959, Chapter 74, to raise the salary of the members of the board of education to \$20 per meeting, for a maximum of twelve meetings per year. Both of these acts were repealed by the current school law, Private Acts of 1970, Chapter 339.
8. Private Acts of 1970, Chapter 338, attempted to create a board of education for Knox County, while repealing a number of previous school laws, but this act did not receive local approval and never became effective.
9. Private Acts of 1970, Chapter 339, as amended by Private Acts of 1972, Chapter 300, Private Acts of 1974, Chapter 357, Private Acts of 1980, Chapter 280, Private Acts of 1982, Chapter 191, Private Acts of 1982, Chapter 241, gave exclusive management and control of the county school system of Knox county to the county board of education composed of nine members elected from nine school districts, each consisting of the voting wards and precincts of Knoxville and Knox County. The act is superseded by the Knox County Charter, Sections 5.01, 5.02, 5.03, and 5.04, pursuant to T.C.A. § 5-1-120.

### **Superintendent or Director of Schools**

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

1. Private of Acts of 1829-30, Chapter 205, provided that James Park, Joseph C. Strong, James Campbell, James H. Cowan, William Swawn, John Hilsman, Hugh Brown, Lewis Cox, Doc. James G. M. Ramsey and Spencer Jarnagin constitute the body politic and corporate of Hamden Sidney Academy of Knox County.
2. Public Acts of 1895, Chapter 155, prohibited county superintendents of public instruction from teaching in any of the public schools as principle or assistant during their official terms in office in Knox County or any other counties with a population of 30,000 or more, according to the Federal Census of 1890.
3. Private Acts of 1925, Chapter 260, was the first private act providing for the popular election of the county superintendent of public instruction, for a term of four years.
4. Private Acts of 1951, Chapter 46, as amended by Private Acts of 1967-68, Chapter 443, Private Acts of 1979, Chapter 14, Private Acts of 1979, Chapter 142 and Private Acts of 1981, Chapter 170, provided for the election and term of office of the County Superintendent of Public Instruction along with the eligibility requirements and compensation. The act was superseded by the Knox County Charter, Section 5.04, and general law.
5. Private Acts of 1955, Chapter 157, set the salary of the Knox County School Superintendent to \$7,500 per annum. It's not known as whether or not this act was actually passed by Knox County in 1955; regardless, it has been superseded and is included for historical purposes only.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Knox 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 1806, Chapter 8, established Hampton Sidney Academy as the county academy of Knox. This was amended by Acts of 1807, Chapter 56, to appoint additional trustees for that academy. Private Acts of 1978, Chapter 167, removed Knox County from the application of this act. The amending act, Acts of 1807, Chapter 56, was likewise amended by Chapter 167.
2. Acts of 1811, Chapter 99, established a female academy in Knox County known as the Knoxville Female Academy.

3. Private Acts of 1901, Chapter 403, established the Tuckahoe School District out of parts of Knox and Sevier counties. This was amended by Acts of 1903, Chapter 319, to provide that the first election for school district directors would be held on the fourth Saturday in May, 1904 and every two years thereafter. The Tuckahoe Special School District did not have taxing powers and all special school districts which were not taxing districts were abolished by the general education act found in Public Acts of 1925, Chapter 115.
4. Acts of 1905, Chapter 114, enabled the Knox County Court to make appropriation from the public school fund for the professional education and training of teachers in summer institutes and summer schools. This act was amended by Private Acts of 1911, Chapter 68, which changed the population figures to correspond to Knox County's population based on the 1910 Federal Census. Private Acts of 1977, Chapter 106, repealed Acts of 1905, Chapter 114.
5. Acts of 1907, Chapter 480, required that the flag of the United States of America be displayed during the daytime on all but rainy days from an upright flagstaff, at all county and municipal public schoolhouses during all school hours of each scholastic year. The county court was responsible to make sufficient appropriations of moneys out of the general fund of Knox county necessary for the purchase of said flags, poles, flagstaffs, halyards, pulleys, and the replacement thereof. This act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
6. Acts of 1909, Chapter 494, was a compulsory attendance law applicable to the parents of children between the ages of eight and fourteen. This act required that children be sent to school for four months or eighty consecutive days of each year. In the next legislative session, there were two identical acts, Private Acts of 1911, Chapter 221 and Chapter 306, which were passed to amend the 1909 Knox County school law, by changing the population figures to reflect those of the 1910 census. Public Acts of 1978, Chapter 716, repealed both Private Acts of 1911, Chapter 221 and Private Acts of 1911, Chapter 306.
7. Private Acts of 1911, Chapter 63, authorized the county high school board to assume any debt of not more than \$4,000 which had been incurred by any board of trustees for building and furnishing any house which had been given to the county high school board for school purposes. This act was specifically repealed by Private Acts of 1978, Chapter 168, in its entirety.
8. Private Acts of 1911, Chapter 206, provided for a bond issue of \$50,000 to be used for discharging the balance owed on the purchase of the Central High School site in Fountain City.
9. Private Acts of 1913, Chapter 235, provided for the issuance of high school bonds in the amount of \$50,000, with a maturity date within twenty years and an annual interest rate of 4½%.
10. Private Acts of 1913, Chapter 248, authorized the Quarterly County Court to make appropriations to assist free kindergartens in the county which had been in existence for a period of three years or more; provided, that said court should not exceed the sum of \$1,000 in any one year.
11. Private Acts of 1915, Chapter 1, authorized Knox County to issue bonds in the amount of \$125,000, to be used to purchase land which was then to be donated to the University of Tennessee for experimental agricultural purposes. These bonds had an interest rate of 5% and were to mature within twenty years.
12. Private Acts of 1915, Chapter 129, authorized a \$50,000 bond issue (maximum interest rate 5%, maturity date within twenty years), to be used for constructing a high school building in Knox County.
13. Private Acts of 1925, Chapter 625, made free textbooks in all grades mandatory in Knox County grammar schools. In State ex rel. Scandlyn v. Trotter, 153 Tenn. 30, 281 S.W. 925 (1926), the Tennessee Supreme Court ruled this act invalid since its benefits and burdens affected the individual citizens in their private relation rather than the county in the form, machinery, instrumentalities of governmental control, and was not within the exception to article I, section 8 and article XI, Section 8 of the constitution that allows the legislature to pass special laws affecting the county as a political agency.
14. Private Acts of 1927, Chapter 320, provided for a \$300,000 bond issue to be used for acquiring lands for UT to use for agricultural experimental and educational purposes. These bonds were to mature within twenty years with a maximum interest rate of 5%.
15. Private Acts of 1931, Chapter 237, authorized a \$500,000 issue of "Knox County School Bonds" with a maximum interest rate of 5% and a maturity date within twenty years. The proceeds from this bond issue were to be used in constructing school buildings.
16. Private Acts of 1931, Chapter 456, provided that all motor vehicles used under contract with the school authorities in the transportation of school children be equipped with shatter proof glass.

Violation of this act by the owner of said motor vehicles was deemed a misdemeanor and punishable as such. This act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

17. Private Acts of 1933, Chapter 366, established an institution for dependent and neglected children of good moral character between the ages of 6 and 18. Such institution was under the control of a board of five (5) trustees. This act was superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.
18. Private Acts of 1941, Chapter 512, authorized a \$600,000 bond issue (maximum interest rate 4%, maturity date within thirty years) to be used for constructing school buildings.
19. Private Acts of 1945, Chapter 210, authorized the issuance of a total of \$1,000,000 worth of bonds over a ten year period, to be used for school purposes. These bonds were to bear interest at a maximum rate of 5% and were to mature within twenty years from their date of issuance.
20. Private Acts of 1947, Chapter 556, provided for the issuance of the "Knox County Emergency School and Improvement Bonds" in the amount of \$2,000,000. These bonds were to bear interest at a maximum rate of 5%, payable semi-annually, and were to mature under conditions determined by the quarterly county court.
21. Private Acts of 1949, Chapter 838, authorized a bond issue of \$2,000,000, to be used for school purposes in Knox County. These short term notes were to bear interest at a maximum rate of 2½%.
22. Private Acts of 1951, Chapter 71, was an act which gave an immediate salary increase to the teachers, principals, supervisors, clerks, secretaries, attendance workers, and school janitors in Knox County. Private Acts of 1978, Chapter 170, repealed this act entirely as it was written.
23. Private Acts of 1959, Chapter 87, would have amended Private Acts of 1937, Chapter 688, by increasing the maximum teacher's pension to \$900 annually, payable in monthly installments, but this act did not receive local approval and never became effective.
24. Public Acts of 1971, Chapter 287, as amended by Public Acts of 1972, Chapter 638, provided that enriched courses of study in subjects prescribed by statute as part of the regular school curriculum or courses of study in subjects not prescribed by statute as part of the regular curriculum may be provided at any school within the system, with the approval of the board of education, and attendance at such courses may be restricted to those upon whose behalf payments were made to finance the courses. This legislation applied to counties having a population of at least 250,000 and not more than 280,000 according to the 1970 federal census and any subsequent federal census. Chapter 287, is superseded by the Knox County Charter, Section 8.12, pursuant to T.C.A. § 5-1-210.

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