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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

Private Acts of 2002 Chapter 101

SECTION 1. Chapter 209 of the Private Acts of 1988 is hereby repealed.

SECTION 2. The new Anderson County Board of Education shall consist of eight (8) members. These members shall be elected from the school board districts as established by the Anderson County Board of Commissioners. Each school board district shall be numbered one through eight (1-8) and shall be identical in geographic composition to the Anderson County Commission districts one through eight (1-8). School board districts shall represent substantially equal populations, and shall be reapportioned after each federal decennial census at the same time county commission districts are reapportioned.

SECTION 3. The former school board membership district boundary lines as established by the prior redistricting plan are abolished, and the new school board membership district boundary lines, enacted by this private act, will be identical in geographic composition to the newly adopted Anderson County Commission district boundary lines as established by the 2001 Anderson County reapportionment plan. All boundary lines will be identical to the boundary lines indicated on the attached incorporated map.

SECTION 4. District 9 of the Anderson County Board of Education will be abolished at the expiration of the currently elected term on August 31, 2002.

SECTION 5. Anderson County Board of Education members from Districts 1, 2, 6 and 7 will be elected during the August 2002 general election, assume office on September 1, 2002, and will be re-elected every four (4) years thereafter. Members of the Anderson County Board of Education from District 3, 4, 5, and 8 will be elected at the August 2004 general election, assume office on September 1, 2004, and will be re-elected every four (4) years thereafter.

SECTION 6. The former District 3 school board member, as elected in the August 2000 general election, will now occupy the seat and represent the citizens of the new school board District 5, and assume all rights, duties and responsibilities of that position on September 1, 2002.

SECTION 7. The former District 4 school board member, as elected in the August 2000 general election, will now occupy the seat and represent the citizens of the new school board District 3, and assume all rights, duties and responsibilities of that position on September 1, 2002.

SECTION 8. The former District 5 school board member, as elected in the August 2000 general election, will now occupy the seat and represent the citizens of the new school board District 4, and assume all rights, duties and responsibilities of that position on September 1, 2002.

SECTION 9. The former District 8 school board member, as elected in the August 2000 general election, will now occupy the seat and represent the citizens of the new school board District 8, and assume all rights, duties and responsibilities of that position on September 1, 2002.

SECTION 10. The term of office for each member of the Anderson County Board of Education shall be four (4) years, running from September 1st of the election year to August 31st of the fourth year of the term of office. All board members may succeed themselves in office.

SECTION 11. All members of the Anderson County Board of Education shall reside in the same district they represent.

SECTION 12. All official business of the Anderson County Board of Education including, but not limited to, motions, rules, regulations, resolutions, policies and proclamations shall pass only upon a majority vote, unless required by Tennessee state law to pass with a two-thirds (2/3) majority vote. If a tie vote occurs the motion will fail to pass.

SECTION 13. The present Anderson County Board of Education will continue to serve and act as the Board of Education until September 1, 2002, when the new school board is constituted.

SECTION 14. The duties, responsibilities and compensation of the board members shall be fixed by general law.

SECTION 15. 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 16. This act shall not have effect unless it is approved by a two-thirds (2/3) majority vote of the Anderson County Board of Commissioners. Its approval or non-approval shall be proclaimed by the presiding officer of the Anderson County Board of Commissioners and certified by him to the Secretary of State.

SECTION 17. For the purposes 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 September 1, 2002, if approved as provided in Section 16.

Passed: March 18, 2002.

Teachers

Private Acts of 1941 Chapter 465

SECTION 1. That in all Counties in the State of Tennessee having a population of not less than 26,495 and not more than 26,520, according to the Federal Census of 1940, the Superintendent of Schools, Assistant Superintendent, Departmental Heads, Supervisors, Visiting Teachers, Principals, clerks employed in the office of the Department of Education, Attendance Officers, Librarians and Janitors employed in the Public Schools of said Counties shall have definite tenures of office as hereinafter provided.

SECTION 2. That all teachers employed for the purpose of instruction of students who are employed by the school authorities of said Counties shall meet the certification requirements as provided by the State Department of Education.

SECTION 3. That there shall be a probationary period of three years during which probationary period any teacher employed on annual contract at the same place shall not be transferred or changed to a teacher's position in any other school, unless the change or transfer be made by the Board of Education and County Superintendent for some definite reason.

SECTION 4. That, following the probationary period above provided for, if any teacher be re-employed for the fourth year, such teacher shall be deemed to hold a permanent certificate for the grade or subject taught, and such teacher shall be on indefinite tenure and shall not be demoted or dismissed except for incompetency, immorality, or willful and persistent refusal to obey any reasonable rule or regulation of the Board of Education and Superintendent of Schools. If such teacher does not hold a permanent certificate he shall have indefinite tenure upon receiving such certificate; provided, that such teacher or teachers who does not, or do not, hold a permanent certificate or certificates, shall be eligible under this Act, if such teacher or teachers meet the State requirements as to certification; and, provided further, that the Superintendent of Schools shall have the right to suspend any teacher pending hearing of charges of immorality.

SECTION 5. That any teacher may be dismissed without cause if the position which the teacher holds is eliminated or abolished and there be no vacancy for which he or she is qualified. In the event of the elimination or abolishment of any such position the teacher of the least length of service in such position shall be first eliminated, and any teacher so eliminated shall have first claim to any vacancy for which he or she is qualified.

SECTION 6. That before dismissal for incompetency the teacher shall be given a warning with specific statements in writing of the defect or defects, which may be cause for dismissal for incompetency, and if such teacher fails to make satisfactory improvement in the matters involved in such warning, the Superintendent of Schools may give the teacher a notice of dismissal as provided in Section 7; provided, however, that at least thirty days shall have expired between the date of the warning and notice of dismissal.

SECTION 7. That such teacher shall receive at least thirty days' notice of any dismissal, which notice shall contain a specific statement of the grounds of dismissal, and conversely a teacher shall give thirty days' notice of intention to relinquish or resign from his or her position. If the teacher fails to give the said thirty days' notice, he or she may, in the discretion of the Superintendent of Schools, be subjected to a penalty in the sum which bears the same ratio to the monthly salary of said teacher as the number of days for which said notice was not given bears to thirty days, and said penalty may be deducted from any unpaid salary due or owing to such teacher, or the recovery of said penalty may be enforced by action at law.

SECTION 8. That upon the written request of any teacher who has been given notice of dismissal, such teacher may demand and shall be given a public hearing upon the charges alleged as cause for dismissal, unless private hearing is agreed to by such teacher and the party bringing such charges, which hearing shall be held by the Board of Education of the school system involved, or by the Board of Commissioners or other employing agency, if there be no Board of Education, which hearing shall not be sooner than the

sixteenth nor later that the thirtieth day of the thirty-day period following the giving of the notice of dismissal; provided, that such teacher shall make such demand for such hearing on or before the fifteenth day of the thirty-day period following such notice of dismissal.

SECTION 9. That at such hearing the teacher notified of his or her dismissal shall be entitled to be represented by counsel and may obtain subpoenas for the production of witnesses and records, and the Board of Education of the School System involved, or the Board of Commissioners, or the other employing agency, shall have power to issue subpoenas for the production of witnesses and records pertaining to the matters involved in the charges of dismissal.

SECTION 10. That any such teacher, after hearing, as provided hereinbefore, shall have the right to have the action of the Board of Education, Board of Commissioners, or other employing agency, reviewed by an appellate court of appropriate jurisdiction by filing a petition for a writ of certiorari. Such petition shall be addressed to the Judge of the Circuit Court of the County wherein such teacher was employed, and said petition shall be verified.

SECTION 11. That, in the event the dismissal of any such teacher be not sustained, such teacher shall be entitled to and shall receive his or her regular pay, notwithstanding the fact that such teacher may have been suspended during the hearing or hearings above provided for.

SECTION 12. That the word "teacher" shall be defined to include Teacher, Principals, Clerks employed in the office of the Department of Education, Departmental Heads, Supervisors, Visiting Teachers, Attendance Officers, Librarians and Janitors of Public, Elementary and High Schools of the County School Systems of the State of Tennessee to which this Act is applicable. A teacher on indefinite tenure who becomes a Superintendent of Schools of the system in which he has indefinite tenure shall not relinquish his tenure status, but the time served as such Superintendent of Schools may be used to determine his or her tenure status.

SECTION 13. That any teacher who has been employed for three or more years in his or her present school system, and who is otherwise qualified by law, shall be deemed to be on indefinite tenure. Any teacher now employed who has not served three or more years and who is otherwise qualified by law shall be deemed to be on indefinite tenure upon re-employment for a fourth year.

SECTION 14. That this Act shall take effect from and after its passage, 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 Anderson County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 236, set up a district board of education and a board of advisors in every county in the state while abolishing all the boards of district directors then in existence. The quarterly court was directed to divide each county into five school districts, composed of whole civil districts from each of which one member of the board of education would be elected. If there were fewer than five districts, the members would run at large in the county. Qualifications were prescribed for the members and provisions incorporated for filling vacancies. The duties of the chairman, the secretary and the other members of the board were all specified in the act. The superintendent was to serve as ex-officio secretary to the board. Each board member would receive no less than \$1.50 and no more than \$3.00 per day for their services. A three member advisory board must be elected by the people in each school district to serve two year terms, and their duties were specifically pronounced in the law. This act was not applicable to city schools nor to the counties which exempted themselves in Section 17. Anderson County was not numbered among those not bound by the act. This act was a portion of the law considered in Whitthorne v. Turner, 155 Tenn. 303, 293 S.W.147 (1927).
2. Private Acts of 1915, Chapter 314, was the legal authority for the board of education in Anderson County (identified by the use of the 1910 Federal Census) to condemn land as they deemed necessary for the erection of public school buildings and for the establishment of playgrounds, and for other educational purposes which authority was to be in addition to all other powers of eminent domain heretofore conferred upon or acquired by them. Rules of procedure for the hearings, trials, and appeals were incorporated in and specifically pointed out by this law, all of which must be strictly observed throughout.
3. Private Acts of 1915, Chapter 576, amended Acts of 1907, Chapter 236, Section 12, by adding a provision applicable to Anderson County that each member of the board of education would

receive \$100 annually as full compensation for services rendered.

4. Private Acts of 1933, Chapter 390, created and described seven school districts in Anderson County which were composed of whole civil districts. The resident voters would elect a member of the county board of education from each of the seven districts who would take office on September 1, 1934, and serve terms of two years each. Members of the board were to be paid \$2.00 for each day of attendance up to ten days per calendar year and the superintendent of schools who was designated as secretary to the board would be paid \$3.00 per day, all to be paid out of the elementary school funds of the county.
5. Private Acts of 1939, Chapter 375, established a five member county board of education for Anderson County elected by the quarterly county court at the April term of 1939 and each four years thereafter. One member was required to be from each incorporated town where the county high school was located and the others were elected at large. The chairman of the county board of education and the superintendent of public schools constituted the executive committee of the board. Members of the board received \$3.00 per day for their services when meeting.
6. Private Acts of 1967, Chapter 154, amended Private Acts of 1939, Chapter 375, to expand the county board of education from five to seven members. The time for election of the board members by the quarterly county court was changed from April to July session.
7. Private Acts of 1969, Chapter 152, provided that the members of the board of education in Anderson County would be elected by popular vote, two to be elected in the county general election in 1970, two in 1972, two in 1974, and one in 1976. Present members of the board would continue in office until their successors were elected for a term of six years. The areas from which each member was to be elected were stipulated in the act. This act was subject to approval in a referendum. This act was repealed specifically by Private Acts of 1978, Chapter 272.
8. Private Acts of 1972, Chapter 268, also provided for the popular election of the members of the Anderson County Board of Education, four of whom would be elected at the general county election in 1972, three at the election in 1974, and one member would be elected at the general election in 1976, with all present members continuing in office until their successors were elected, all for four year terms. The magisterial districts from which the board members could be elected were specified in the act. This act was repealed specifically by Private Acts of 1978, Chapter 272.
9. Private Acts of 1978, Chapter 272, provided for the at large election of seven members of the Anderson County Board of Education by popular vote, but the members were required to reside in districts described in the act. Three members were elected in August 1978 and four members in August 1980. This act was repealed by Private Acts of 1988, Chapter 209.
10. Private Acts of 1982, Chapter 283, would have repealed Private Acts of 1978, Chapter 272, and established a five member board of education elected from school districts delineated by the county commission. This act, according to our information, was rejected by the Anderson County Legislative Body on April 19, 1982, and consequently never became an effective law.
11. Private Acts of 1988, Chapter 209, repealed Private Acts of 1978, Chapter 272 and established a nine member board of education in Anderson County. Members were popularly elected from districts established by the county legislative body. This act was repealed by Private Acts of 2002, Chapter 101.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Anderson 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, incorporated as a body corporate and politic, Arthur Crozier, Benjamin J.C. Parker, Jesse Roysden, Hugh Barton, and Samuel Frost, who were to be known as the trustees of Union Academy located in Anderson County.
2. Acts of 1807, Chapter 56, named John McWhorter as an additional trustee for Union Academy in Anderson County since Samuel Frost, nominated as a member of the original board of trustees had refused to serve in that capacity.
3. Acts of 1809, Chapter 106, named additional trustees for several academies located throughout the state, including Union Academy in Anderson County to whose board of trustees Quinn Morton and Joseph Hart were added.
4. Acts of 1813, Chapter 40, appointed Arthur Crozier, John Lieb, John McAdoo, Quinn Morton, John Underwood, John Parks, Charles Y. Oliver, and Robert Dew, as trustees of a lottery which was

formed to raise a sum through a scheme which the trustees would adopt. The sum raised was not to exceed \$2,000 all of which would be used for the benefit of Union Academy. The trustees must make bond in double the amount mentioned to insure the payment of prize money and must conduct the lottery under all approved rules and regulations.

5. Private Acts of 1823, Chapter 276, named John Gibbs, John Sutherland, John McAdoo, and Charles Y. Oliver as additional trustees to serve on the board of Union Academy in Anderson County. The new trustees were given all the powers and authority possessed by the existing trustees.
6. Private Acts of 1827, Chapter 38, appointed John Whitson, Lewis Miller, Whithner Cox, and David Wallace, as trustees for Houston Academy in Anderson County.
7. Acts of 1847-48, Chapter 25, incorporated the board of trustees of Clinton Seminary in Clinton, Anderson County, Tennessee, naming John Jarnigan, W.W. Walker, R.E. Cummings, William Neil, R. Miller, John McAdoo, and William C. Griffith, as the first board of trustees, granting to them those specific powers essential to the operation and management of the school. Provisions were also made to fill vacancies within the ranks of the trustees and to discipline students when, and if, the need arose to do so.
8. Acts of 1851-52, Chapter 362, Section 7, stated that, after the first Monday in April next, the persons named below were to constitute the board of trustees for Union Academy in Anderson County, serving on a permanent basis, and were not subject to the biennial election by the quarterly county court as in the past. The act named John McAdoo, Austin Moore, John C. Chiles, Milton Tate, John Whitson, William Cross, John Lienart, William Wallace, James H. Young, and W.G. McAdoo, as the permanent board. The board was required to select three of their own number who resided near Clinton to supervise the academy.
9. Private Acts of 1867-68, Chapter 12, named J.A.G. Brown, John Lienart, James A. Doughty, Henry Holloway, George W. Leath, John A. Hicks, and Alfred Duncan, as a board of trustees for Union Academy in Clinton who were supposed to organize themselves at their first meeting on the first Monday in December, 1867. The act included the regular restrictions and rules normally contained in legislation of this type.
10. Private Acts of 1867-68, Chapter 68, incorporated John C. Tate, Calvin Kirkpatrick, Henderson Whitson, Peter Butler, and Samuel Cross, as the first board of trustees for the "First Colored Institute of Anderson County", located in the city of Clinton. The board would hold the title to the lands and the buildings in the name of the Institute which could be used for both educational and religious purposes. All the organizational details and the responsibilities of each corporate officer were spelled out in the act.
11. Private Acts of 1868-69, Chapter 65, Section 3, authorized and directed the trustees of Union Academy in Anderson County to expend the fund now resting in their hands, or so much thereof as might be necessary, to build an academy, or building, suitable for a high school in or near the city of Clinton, and to sell the present lot and purchase another, in they so desired and if such were in the best interests of the academy.
12. Private Acts of 1869-70, Chapter 35, expressly repealed Acts of 1867-68, Chapter 12 and Acts of 1851-52, Chapter 362, Item 8, above, although neither act was referred to by chapter number. Both acts involved trustees of Union Academy.
13. Private Acts of 1899, Chapter 180, formed a school district in Anderson and Roane counties near Oliver Springs which included the land described in the act. All the remaining terms and conditions of the act were similar to others creating school districts which have been mentioned in the section herein on that subject. This act was superseded by a later one.
14. Acts of 1909, Chapter 206, was a compulsory attendance law for Anderson County which required every parent of a child between the ages of 8 and 14 to send the child to school at least 16 weeks each year if school were in session that long, or for the entire session if the same did not last that long, unless the child were excused, or came within the exceptions specified in the act. Parents who failed to comply with the terms of this act, could be fined \$1.00 for each week of non-attendance by their child. No one was permitted to employ a school child during the school year which act would be contrary to this law, at a penalty of \$2.50 per day for each day the child might have worked. The clerks must enter the names of children and the school attended, while the teachers and school principals were also required to furnish certain attendance records.
15. Private Acts of 1911, Chapter 108, was the next compulsory school attendance law for Anderson County, which did not expressly repeal Private Acts of 1909, Chapter 206, but superseded it in all respects. The time of the compulsory attendance period was at least five months or 100

consecutive days unless the child were excused or came within the exceptions stipulated in the act. The requirement for records to be kept by various people and the penalties established for non-compliance with the terms of this law were similar to those mentioned above. The district attorney was directed to prosecute vigorously any cases arising hereunder.

16. Private Acts of 1917, Chapter 756, amended Acts of 1907, Chapter 236, a general school law of the state, in Section 4, to the effect that voters residing in an incorporated city and operating a municipal school system located entirely within one county were ineligible to vote in any election held for the purpose of electing members of the county board of education in that county. A special ballot would be prepared if the election came on the same day the other county officials were elected. This act applied only to Anderson County.
17. Private Acts of 1923, Chapter 653, abolished the office of attendance officer in the school system of Anderson County and stated that the compulsory school attendance laws would be enforced by the county superintendent of public instruction with the sheriff and constables executing all the warrants issued under the attendance law, for which they would receive the normal fees.
18. Private Acts of 1927, Chapter 804, provided that old disabled teachers of the State of Tennessee who have taught in the state for a period of 30 years continuously, or more, who were disabled to continue the practice of teaching any longer, and who were unable to pursue any other gainful employment and were wholly dependent on their own labor would receive a pension of \$50 per month from the state. This act would apply to teachers in any grade of a state supported school.
19. Private Acts of 1933, Chapter 223, abolished the position of attendance officer, or truant officer, in Anderson County and the board of education of the county would not hereafter select any person to serve as attendance officers.
20. Private Acts of 1939, Chapter 165, created the compulsory attendance law for Anderson County as the same was provided under the 1932 Code of general statutes of the state.
21. Private Acts of 1939, Chapter 225, authorized and required Anderson County to establish and maintain high schools in the county which have less than 50 pupils in daily attendance.
22. Private Acts of 1941, Chapter 324, provided that, in Anderson County (identified by the use of the 1940 Federal Census figures), whenever any school warrant, either high school or elementary, had been duly registered with the county trustee and stamped by him showing the date of registration, the said warrants would bear interest from that date, payable on demand, and in the order of the registration. It was made the duty of the trustee to pay both principal and interest until sufficient funds from other sources were available to pay them.
23. Private Acts of 1945, Chapter 591, recited in its preamble that some warrants issued to teachers in 1932 and 1933 were still outstanding but the quarterly court of Anderson County had refused to honor them because the statute of limitations would not be accepted as a defense against their payments. The act further stipulated three different county funds from which payments could be legally paid. If the quarterly court still refused to pay, suit was authorized to be filed in chancery court.
24. Private Acts of 1951, Chapter 412, provided for a salary increase of \$25 per month for each teacher and principal in the Anderson County School system for a period of ten months each year. The increase would be in addition to all other salary and payment supplements now being received by these employees. The act did not apply to teachers in Oak Ridge who were on the federal payroll, nor to those on leaves of absence for military service until their return to their jobs.

School Districts

The private acts listed below concerned the early efforts to improve the quality, control, and management of the local school systems in Anderson, and other counties, by the creation of special independent school districts.

1. Public Acts of 1901, Chapter 236, formed a special school district out of the portions of Anderson and Union counties as the area was specifically described in the act. The proper officials were directed to hold an election in the area on the fourth Saturday in May 1901, and every two years thereafter, to select the school directors of the district, who would serve without compensation. The clerk must furnish the county superintendent with a scholastic count of the area and anyone holding a certificate of qualification from either county would be eligible for employment.
2. Acts of 1903, Chapter 451, formed an independent school district from parts of Roane and Anderson counties, as the same was generally described in Section 1 which was named the East Fork School District. An election for the school directors was scheduled for the fourth Saturday in May, 1903, and each two years thereafter, all of whom would operate under the general laws of

the state. The clerk of the district was directed to furnish the superintendents of both counties with the number of children of school age in both counties who would transmit the same to the county trustee for use in fund distribution quotas. Anyone holding a certificate of qualification in either county was eligible for employment. All general school laws not in conflict would apply to this district.

3. Acts of 1905, Chapter 285, created a school district in Anderson County embracing the area described in the act which seemed to be located in the third civil district of the county. The superintendent was granted the authority to appoint three school directors to serve until their successors could be elected at the next general county election. The clerk was required to make a scholastic count and advise the superintendent. The directors would manage the school districts and serve without compensation.
4. Acts of 1909, Chapter 142, created the "Oliver Springs Independent School District" which contained the parts of Anderson and Roane counties described in the act in the vicinity of Oliver Springs. Election commission of Roane County must hold an election on the first Saturday in September 1910 and every two years after, for three school directors who would serve terms of two years, and the superintendent of public instruction would appoint three directors to hold office until that time. The directors would run the district having full power and control over school affairs.
5. Private Acts of 1913 (Ex. Sess.), Chapter 33, amended the act creating the Oliver Springs Independent School District in Anderson and Roane counties so as to direct the election commission of Roane County to hold an election in Oliver Springs on the first Tuesday in May, 1914, and every two years thereafter, at which time the voters would elect three school directors for the district.
6. Private Acts of 1917, Chapter 774, amended Private Acts of 1909, Chapter 142, above, in Section 1 and other appropriate sections, by removing Anderson County from the description of the area embraced by the district and the act was further amended to make possession of a certificate of qualification from the state as a condition of employment.

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