



March 10, 2025

Chapter VI - Education/Schools

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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

School Districts

Private Acts of 1993 Chapter 15

SECTION 1. Chapter 323 of the Private Acts of 1927, Chapter 292 of the Private Acts of 1943, Chapter 228 of the Private Acts of 1949, as amended by Chapter 191 of the Private Acts of 1957, Chapter 293 of the Private Acts of 1978, Chapter 102 of the Private Acts of 1987, and all other acts amendatory thereto, are hereby repealed. Chapter 348 of the Private Acts of 1955, Chapter 183 of the Private Acts of 1959 and Chapter 309 of the Private Acts of 1961, all three of which failed to gain local approval, are repealed.

SECTION 2. Campbell County shall be divided into five (5) school districts which shall be coextensive with the county commissioner districts established by the County Legislative Body of Campbell County. The Campbell County Board of Education shall consist of ten (10) members, with two (2) members being elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the term of one (1) board member from each school district shall expire. Persons elected in the regular August elections shall take office on September 1 following the election.

As amended by: Private Acts of 2000, Chapter 94

SECTION 3. To accomplish the transition between the former five (5) member board to the new ten (10) member board, the board members in office on the effective date of this act shall continue to serve until the expiration of their respective terms, and the seats they occupy shall be designated seat "A" for their respective school districts. At the August 2000 election, one (1) new board member will be elected to fill seat "B" in each district for the following initial terms:

District 1 – 4 years

District 2 – 2 years

District 3 – 4 years

District 4 – 2 years

District 5 – 4 years

Thereafter, all board members shall be elected to four (4) year terms.

As amended by: Private Acts of 2000, Chapter 94

SECTION 4. To accomplish the transition between the former seven (7) school districts to the present five (5) school districts following the 1990 census, the provisions of Section 3 of this act shall be followed so that the board members in office on the effective date of this act shall continue to serve until the expiration of their respective terms. At the August, 1992 election, board members from the new even-numbered districts shall be elected to four (4) year terms. At the August, 1994 election, board members from the new odd-numbered districts shall be elected to four (4) year terms. Any action taken to implement the provisions of this act are hereby ratified and validated as though such action had occurred after the ratification of this act.

SECTION 5. Except as otherwise provided herein, the Campbell County board of education shall have the same powers, duties, privileges and qualifications as the board of education established pursuant to Tennessee Code Annotated, Title 49.

SECTION 6. 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 7. This act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the board of county commissioners of Campbell County. Its approval or nonapproval shall be proclaimed by the presiding officer of the board of county commissioners of Campbell County and certified to the Secretary of State.

SECTION 8. 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 upon being approved as provided in Section 7.

PASSED: February 18, 1993.

Tenure

Private Acts of 1949 Chapter 384

SECTION 1. That in all counties of this State having a population of not less than 31,130 and not more than 31,135 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 or principals, teachers, supervisors, clerks, secretaries, stenographers, and chief maintenance men; provided, that no persons occupying the positions 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, upon election, the Superintendent of Schools of any of the counties coming within the provisions of this Act shall have the right to recommend supervisors and successors thereof, for employment as such by the Board of Education of his county pursuant to TCA Section 49-214 (1), such supervisors and successors thereof to be recommended from certified personnel employed by the Board of Education of his county. In recommending and employing a supervisory staff, the Superintendent of Schools and Board of Education may replace a supervisory employee made subject to civil service or permanent tenure by the provisions of this Act, by changing such employee to a teaching position within the county. Such employee shall receive a salary appropriate to that teaching position, considering his degrees held and years of teaching and supervisory service. Provided, however, that the provisions of this section regarding the replacement of supervisors and the changing of such supervisors to a teaching position with a salary appropriate to that teaching position shall not apply to those who, at the date this law becomes effective, are currently tenured personnel. That in all other instances, 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 employee 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 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 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.

As amended by:

Private Acts of 1982, Chapter 295

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 hereinbefore 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. The decision of the Board of Education shall be final; except that anyone who may be aggrieved by such order, judgment or decision of said Board may have such action reviewed by the Courts to the extent and in the manner provided by Sections 27-901 to 27-914 inclusive of the Tennessee Code Annotated.

As amended by: Private Acts of 1957, Chapter 90

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. 4-A. That the provisions of this Act shall not apply to teachers living outside of the State of Tennessee. The probationary period begins for all teachers from the date this Act becomes law. All teachers coming under the poll tax age must have a poll tax receipt for the preceding year before signing a contract.

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

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 January 1, 1950, the public welfare requiring it.

Passed: March 29, 1949.

COMPILER'S NOTE: The transfer of a high school principal from one high school to another with a reduction in salary but without timely notice or charges was termed a demotion and prohibited under this act in State, ex rel. John F. Taylor v. Rasnake, 209 Tenn. 229, 352 S.W.2d 427 (1961), and was further distinguished in State, ex rel. Pemberton v. Wilson, 481 S.W.2d 767 (1972).

Superintendent or Director of Schools

Private Acts of 1939 Chapter 265

SECTION 1. That in all counties of this State having a population of not less than 26,800 nor more than 26,850 according to the Federal Census of 1930 or any subsequent Federal Census, the County Superintendent of Education shall hereafter be elected by popular vote.

SECTION 2. That at the August election in 1940, there shall be elected a County Superintendent of Education by popular vote, who shall take office January 1, 1941, and serve until September 1, 1942.

SECTION 3. That at the August election in 1942, and each four years thereafter, there shall be elected a County Superintendent of Education by popular vote, who shall take office September 1, 1942, and serve for a term of four years.

As amended by: Private Acts of 1943, Chapter 293

SECTION 4. That the present holder of said office shall serve until his present term expires on January 1, 1941.

SECTION 5. That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 16, 1939.

Education/Schools - Historical Notes

Board of Education

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

1. Private Acts of 1915, Chapter 294, created a high school system for Campbell County, authorized a special tax levy, or high school tax, of not less than fifteen cents, and not more than twenty cents, per \$100 of valuation, and vested the management, operation and control of the high schools in a three member county high school board, whose secretary in an ex-officio capacity would be the superintendent of public instruction. The members would serve three year terms arranged so that one would be elected in January of each year. The superintendent would be paid by the board for his duties as secretary, and the members would be paid by the quarterly court, not to exceed \$100 a year. There would be at least two high schools, one at the county seat, and the other at Jellico. The county superintendent would supervise the schools into which would be admitted all eligible pupils.
2. Private Acts of 1915, Chapter 433, stated that it would not be lawful in Campbell County and the board of education was not authorized to use any part of the common school fund derived from taxes, privileges, or from the state, to purchase sites for, or to erect public school buildings. This could be done only with funds coming from the sale of bonds under the terms and conditions set up by public law.
3. Private Acts of 1925, Chapter 395, allowed the county board of education to establish and maintain one or more junior high schools of the seventh and eighth grades from the elementary system and of the ninth grade from the high school system, and with the authority to operate them in collaboration with any city school system. A curriculum would be set up for these schools which will contain all the essential requirements demanded by state law, and, in addition, would add home economics, agriculture, vocational, civics, and industrial courses.
4. Private Acts of 1927, Chapter 323, created a seven member board of education for Campbell County and repealed all conflicting laws. One member would be elected from each of the five civil districts of the county and the other two at large to take office on Sept. 1, 1928, and every two years thereafter. Each member would be paid according to the state law but, if no state law provided for such, then as the county court might determine. County superintendent would serve as ex-officio secretary and the members would select their own chairman from among their members. The board was authorized to employ a superintendent who would be an employee and not an official, and who must meet the standards enumerated in this law, the old position being abolished. The salary for the new position would be established by the county court.
5. Private Acts of 1943, Chapter 292, declared that all the counties of the state having a population of not less than 31,125 nor more than 31,140 by the Federal Census of 1940, the board of education shall meet at the county seat at such times as it may deem necessary or upon call of the chairman for transaction of any and all business of the board. The board members received a

compensation of \$3.00 per day and ten cents per mile one way, except the chairman of the board who received \$150.00 per annum, payable monthly out of the general school funds of the county. The act further outlined the election of teachers and all other employees of the board of education only upon recommendation of the county superintendent of education .

6. Private Acts of 1949, Chapter 228, created a county board of education in counties of this state with a population of not less than 31,000, nor more than 32,000 by the Federal Census of 1940. The act also established school districts in said counties; provided for the election of the members from each district by the voters; and provided for the rights, powers and duties of the members of such school board.
7. Private Acts of 1955, Chapter 348, would have amended Private Acts of 1949, Chapter 228, published herein, by setting the compensation of the members of the board of education at the rate of \$10 per day for each day spent in attendance at their meetings and twelve cents a mile for each mile traveled one way, between home and county seat. The chairman of the board would receive \$35 a month plus twelve cents a mile, all of which would come from the general fund of the county but this act was rejected and disapproved by the quarterly court and therefore never became a law.
8. Private Acts of 1959, Chapter 183, would have amended Private Acts of 1949, Chapter 228, also by setting the compensation of the board of education at \$10 per day, the salary of the chairman at \$35 per month, and all members to be paid twelve cents per mile for each mile traveled, one way, between home and the county seat, the same to come out of school funds, but this act was also rejected by the quarterly county court of Campbell County.
9. Private Acts of 1961, Chapter 309, created a five member board of education, one to be elected by the people residing in each of five school districts, likewise created by the act and composed of whole civil districts. Arrangements were also included which staggered the terms of board members, it being the intention of the general assembly to confer upon the board and the superintendent the control and administration of the school system. The act called it to be submitted to the people in a referendum but the quarterly county court did not allow it to get that far, having rejected it themselves.
10. Private Acts of 1987, Chapter 102, outlined the election of the seven member school board of Campbell County. Each member was elected for four year staggered terms. School districts three and six held elections on August, 1988; school districts one, four and seven held elections on August, 1990; and school districts two, five, three and six held elections on August, 1992. Biennially thereafter, at the regular August, 1988, election school board members were elected for four year terms from the districts as provided.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Campbell 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, Second Session, Chapter 8, incorporated James Groat, Hugh Montgomery, Hutchins Burton, Michael Huffacre, and Sampson David, as a body corporate and politic, to be known as trustees of Franklin Academy in Campbell County. They were given all the powers incidental to corporations to execute the purposes of this act.
2. Private Acts of 1827, Chapter 237, appointed Thomas Wheeler, John Philips, David Richardson, and Abraham Hayter as trustees of Franklin Academy in Campbell County.
3. Public Acts of 1875, Chapter 122, authorized and empowered the trustees of the Franklin Academy in Jacksboro to expend all or any part of the funds of the said academy at any time, and, in any manner in which they, or a majority of them, deem best.
4. Acts of 1905, Chapter 176, created a special school district to be known as the Elk Valley School District, described in metes and bounds, and located in Campbell County. The board of election commissioners were required to hold an election for the people to choose the three school directors to serve said district. This school district would have all the rights, privileges and emoluments of other school districts in the state.
5. Acts of 1907, Chapter 236, abolished all the positions of district directors of the schools in the state and created a board of education and district advisors in all counties. The counties would be divided into five, or less, school districts, composed of whole civil districts, from each of which one member of the board of education would be elected. If less than five districts were in the county

the other members would run at large so that all boards of education would have five members. The county superintendent would be secretary to the board, and would fill vacancies on the board, if one should occur. The basic duties of the chairman, whom the board would select from their own number, the secretary, and the members are enumerated in the bill. Compensation would be set by the county court and be between \$1.50 and \$3.00 per day for each day spent in actual service, up to 30 days per year. The voters in each district would elect a three member advisory board who were given certain duties to perform. Some counties exempted themselves from the provisions of this act but Campbell County was not one of them. This law was tested in Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).

6. Acts of 1907, Chapter 604, provided for and enforced the education of all children between the ages of eight and sixteen years in counties of the state which had a population of not less than seventeen thousand three hundred and not more than seventeen thousand and four hundred according to the Federal Census of 1900.
7. Private Acts of 1925, Chapter 445, provided the quarterly county court of Campbell County, using 1920 Federal Census figures, with the authority to levy an additional tax in excess of the aggregate state tax for all purposes, for the purpose of creating a school fund sufficient to extend the elementary schools of the county to eight months out of the year.
8. Private Acts of 1927, Chapter 630, created a special school district known as the Caryville High School District to which the junior high school located in Caryville would be given. The district would be managed by three trustees to be elected by the people at the general August election in 1928, and every two years thereafter. L. C. Sharp, J. M. Newport, and H. P. Pickle were named in the act to serve until the election. The powers and duties of the board of trustees are specified along with those of the secretary who would be the county superintendent of schools. The county trustee would pay the pro rata share of school funds to the district and, in addition, the county court must levy an annual tax on all the property in the area to operate the high school. All white children in the region were eligible to attend and others out of the district could attend when designated by the board.
9. Private Acts of 1939, Chapter 396, recited that the TVA condemned the Caryville High School in 1936, leaving the area without a school and, since that date, school has been conducted in the Baptist and Methodist Churches in 1936, 1937, and 1938. On December 6, 1937, the Caryville Baptist Church was destroyed by fire, and the cause was determined to be from a fire which had been banked on Sunday night after church in order to have the building warm for school on Monday. The building carried no insurance but \$35,000 was forthcoming from the state, and the county court, by resolution, appropriated \$7,000 to contribute to the rebuilding of the burned church. This act ratified the resolution and granted the authority to the county court to appropriate this amount for the purpose specified under these circumstances.
10. Private Acts of 1943, Chapter 205, allowed all counties having the population mentioned, which included Campbell County, to take over and operate the elementary schools of any and all incorporated towns and cities in the county, upon the recommendation of the board of education that same be done. The counties were further empowered to acquire by purchase, gift, or condemnation, or otherwise, any suitable property therefor, and to make settlements for the same.
11. Private Acts of 1951, Chapter 10, permitted the county board of education, with the concurrence of the quarterly court, to purchase certain properties, therein described, from Kolo and Eliza Wier Davis, in the city of La Follette, provided the Davis' execute a release from all claims they may have against the county on a school construction contract, and, provided further, that the grantors execute proper deeds of conveyance together with the furnishing of a fee simple title to the grantees, the consideration for all of which shall not exceed \$26,877.64.

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