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# Private Acts of 1941 Chapter 465

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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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## 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 than 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.

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