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# Private Acts of 1949 Chapter 193

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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 1949 Chapter 193

**SECTION 1.** That the provisions of this Act shall apply to all counties in the State of Tennessee having a population of not less than One Hundred Eighty Thousand Four Hundred (180,400) nor more than One Hundred Eighty Thousand Five Hundred (180,500), according to the Federal Census of 1940, or any subsequent Federal Census.

**SECTION 2.** That the meaning of the following words or phrases, used in this Act, shall be as set out in this section, unless the context clearly requires a different meaning:

"Board" means the County Board of Education;

"Chairman" means the Chairman of the County Board of Education;

"Demote" includes employment at, or transfer to, a position of lesser rank or pay;

"Dismiss" includes the failure to renew a contract of an employee;

"Employee" means a principal, teacher, instructor or supervisor who heretofore or hereafter has been employed for more than two years in the county elementary or high schools of counties subject to this Act;

"Hearing" includes the right to be present and to be heard in person and by counsel, and to have compulsory process to compel the attendance of witnesses;

"Superintendent" means the County Superintendent of Public Instruction.

**SECTION 3.** That an employee shall not be dismissed or demoted except for improper conduct, inefficient service, or neglect of duty, and after charges, notice, hearing and determination thereof, as provided in this Act; or, for lack of funds or abolition of position, subject to the rights of the employee as hereinafter provided.

**SECTION 4.** That written charges in duplicate against an employee shall be filed with the Chairman, setting out specifically the grounds of complaint. Charges must be filed and signed by not less than ten (10) patrons of the school where the employee is employed, or by the Superintendent. In the event the duties of the employee involve more than one school, the patrons of any one of the schools may file charges. Within three (3) days after receipt of the charges the Chairman shall furnish the employee with one of the copies.

**SECTION 5.** That within five (5) days after the employee receives a copy of the charges the employee may make a written request to the Chairman for a hearing before the Board. The Chairman shall thereupon set a date for the hearing, which shall not be less than thirty (30) days nor more than forty-five (45) days after receipt of the request for a hearing. The hearing shall be public, unless the employee request a private hearing. The hearing shall be at the courthouse of the county, in the room where the Board customarily meets, or in such other room as the Chairman may designate. The Chairman shall give the employee immediate notice in writing of the time and place of the hearing.

**SECTION 6.** That the Chairman shall have the power to issue subpoenas to compel the attendance of witnesses, and shall issue such subpoenas upon the request of any party. The subpoenas shall be issued and served in the same manner as subpoenas issued by the clerk of the courts of record of the county. Failure to obey a subpoena shall constitute a contempt and may be punished upon petition filed in the Circuit Court of the county. The Chairman shall have the power to administer oaths or affirmations to the witnesses or parties. The Chairman shall have a stenographic transcript of the proceedings made and preserved and shall furnish a copy of same to the employee within ten (10) days after the conclusion of the hearing. The costs incident to the issuance of subpoenas and the stenographic transcript shall be paid by the Board.

**SECTION 7.** That the Board shall render its decision as expeditiously as possible after the conclusion of the hearing and shall file its written findings and decision, which shall become a part of the record. The Chairman shall furnish the employee with a copy of the findings and decision immediately upon rendering the same. Any findings or decision made orally, at the hearing or in the presence of the employee, shall be reduced to writing, filed and copy furnished the employee, as herein provided, and shall not be effective until this is done.

**SECTION 8.** That any party dissatisfied with the decision of the Board may appeal therefrom by petition for common law or statutory writ of certiorari filed in the Circuit or Chancery Court of the county.

**SECTION 9.** That an employee may be suspended from active duty upon the filing of charges, but the salary of the employee shall continue until decision by the Board, and shall be paid until that time regardless of whether the Board's decision is favorable or adverse to the employee. In the event the

decision of the Board is adverse to the employee, the payment of salary may be discontinued pending final determination by the courts. If such final determination is favorable to the employee, the employee shall be reinstated and any salary unpaid during suspension shall be paid in full. In the event the employee does not request a hearing the salary shall be discontinued at the expiration of the time allowed for the employees [sic] to request a hearing.

**SECTION 10.** That any employee who is dismissed or demoted because of lack of funds or discontinuance of position shall be reemployed at the first opportunity. Full seniority rights shall be protected in making dismissals and demotions for these causes and in the reemployment of employees who have been dismissed or demoted for these causes.

**SECTION 11.** That a leave of absence granted by the Board, upon request of the employee, shall not prejudice an employee's rights under this Act. A leave of absence without the consent of the employee shall be deemed a dismissal.

**SECTION 12.** That the provisions of this Act shall apply only to those employees who hold certificates or permits issued by the Commissioner of Education of the State of Tennessee, and only for the time such certificates or permits are in effect.

**SECTION 13.** That nothing herein shall prevent the transfer of an employee from one position to another position of the same rank and pay.

**SECTION 14.** That an employee dismissed or demoted contrary to the provisions of this Act shall be entitled to recover the full amount of the salary unpaid because of the dismissal or demotion and shall be entitled to be reinstated; and, may sue to recover such salary or for reinstatement, or both, in any court or courts of competent jurisdiction.

**SECTION 15.** That if any sentence, clause or section of this Act be held unconstitutional, or the application of said Act be held unconstitutional, with respect to any person or circumstances, such holding shall not affect any other sentence, clause, or section or application to any other person or circumstance.

**SECTION 16.** That all laws and parts of laws in conflict with the provisions of this Act be, and the same hereby are repealed, and that this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 17, 1949.

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