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# Private Acts of 1941 Chapter 308

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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 308

**SECTION 1.** That in all counties of this State having a population of not less than 23,285 and not more than 23,295, 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 of principals and teachers; provided, that no persons occupying the positions of principals and teachers 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 three years from the time of their appointment or employment; and provided further, that said teachers and principals are elected for the fourth year.

**SECTION 2.** That 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 or discharge any employee made subject to civil service or permanent tenure by the provisions of this Act, unless and until charges as specified herein shall have first been filed and sustained against such employee in the manner hereinafter 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 fourth year 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.

**SECTION 3.** That employees under civil service or permanent tenure by the provisions of the Act may suspended or discharged from service 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 honest debts in the following manner:

(a) The principal, superintendent or any ten patrons of the same school may file charges against any teacher or principal subject hereinafter defined "against any such employee." Any person or persons filing charges shall first post a cost bond, which shall be paid in case the charges fail. 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 charge 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 employee has testified, the employee shall be given a reasonable time in which to make defense to the amended charge.

(b) After the filing of charges as hereinbefore set out, the employee charged shall be entitled to a hearing before the Board of Education. 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 Board of Education 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 Board of Education shall render its decision within ten days after the conclusion of the hearing, exclusive of the day of the hearing.

(c) Any person dissatisfied with the decision of the Board of Education shall have the right to appeal therefrom to the Court of appropriate jurisdiction, within three days thereafter, exclusive of 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 the Board of Education transmit the same to the Court to which appeal is made, which Court shall hear the appeal on such record. No new evidence shall be introduced, but the court 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 witness 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 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 service 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 Board of Education or the Court of Appeal.

**SECTION 4.** That if on final disposition of the case the employee so charged is not dismissed or 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.

**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 the same are hereby repealed, and that this Act take effect from and after July 1, 1941, the public welfare requiring it.

Passed: February 14, 1941.

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