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# Tenure

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Dear Reader:

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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 1939 Chapter 391

**SECTION 1.** That in all counties of the State of Tennessee having a population of not less than 14,080 nor more than 14,090, according to the Federal Census of 1930 or any subsequent Federal Census, that teachers in the public schools of said counties who are qualified under the provisions of this Act shall be employed on continuing contract. For the purpose of this Act "teacher" shall be defined to include teachers, principals, assistant principals, supervising principals, supervisors and visiting teachers of all public elementary and high schools of independent and county school systems of the State of Tennessee.

A teacher on indefinite tenure who becomes superintendent of the system in which he has indefinite tenure shall not relinquish his tenure status, and provided further that time served as superintendent of schools may be used to determine tenure status.

**SECTION 2.** That a beginning teacher shall serve a probationary period of three years during which he is employed on annual contract. Following the probationary period, if the teacher is re-employed for the fourth consecutive year and said teacher holds a permanent professional certificate or a teacher with a B.S. degree and a certificate for the grade or subjects taught, the teacher shall be on indefinite tenure and shall not be dismissed except for incompetency, immorality or willful and persistent refusal to obey any reasonable rules or regulations of the Board of Education and superintendent.

Provided, however, that nothing in this bill shall be construed to prohibit any County Superintendent or Board of Education or other employing agency from suspending from the school system any married teacher who becomes pregnant while in the system, for the remainder of the school year during which such pregnancy occurs and for one year thereafter. Provided further, however, that upon the termination of such period of suspension such teacher may reenter the school system and claim her status under the tenure bill with all the rights incident to such status just as though she had never been suspended. Provided further, that the teacher employed to substitute for such person during such suspension shall only be employed only for the time the regular teacher is absent from her duties. Any teacher who is employed on April 1, 1968 and has served the probationary period as set out in this Section shall be placed on indefinite tenure.

As amended by: Private Acts of 1967-68, Chapter 392

**SECTION 3.** That teachers who are now and have been employed for four or more consecutive years in their present school systems and who are otherwise qualified by law shall be deemed to be on indefinite tenure. Those now employed who have not served four or more years and who are otherwise qualified by law shall be deemed to be on indefinite tenure upon reemployment for the fourth consecutive year.

**SECTION 4.** That a teacher may be dismissed without cause if the position which that teacher holds is eliminated and there is no vacancy for which he or she is qualified. In the event a position is eliminated, the teacher of shortest length of service in that position shall be dismissed first, but the teacher so eliminated shall have first claim to any vacancy for which he is qualified.

**SECTION 5.** That any teacher charged with incompetency shall before dismissal be given a warning with specific statement in writing of defects. If the teacher fails to make satisfactory improvement in the matters specified in the warning, the superintendent may give the teacher a notice of dismissal as hereinafter provided.

**SECTION 6.** That any teacher shall be given thirty (30) days notice of dismissal containing specific statement of grounds of dismissal, and conversely a teacher shall give thirty (30) days notice of intention to relinquish his or her position. If the teacher fails to give thirty (30) days notice as required, he shall be subjected to a penalty of a sum which bears the same ratio to the monthly salary of the teacher as the number of days for which notice was not given bears to thirty (30). Said penalty may be deducted from any unpaid salary or collected by judgment.

**SECTION 7.** That the superintendent of schools shall have the right to suspend any teacher pending hearing of charges of immorality.

Provided, further, that upon written request by the teacher on or before the 15th day of the thirty (30) day period following notice of dismissal the teacher shall be given a public hearing, unless private hearing is agreed upon by the parties, by the board of education, or the Board of Commissioners, or other employing agency if there is no board of education of the school system in which said teacher is employed, said hearing shall not be sooner than the 16th nor later than the 30th day of the thirty (30) day period following notice of dismissal. Provided further, that at such hearing the teacher shall be entitled to be represented by counsel and to have subpoenas issued by the Board of Education for the production

of witnesses and records. for the production of witnesses and records. (sic)

Provided further, that any teacher dismissed shall have the right to have such dismissal reviewed under Code Section 9008 et seq.

Provided further, That if on final disposition of the case the teacher is not dismissed, he shall receive any back pay for any period of suspension.

**SECTION 8.** That if any section, subsection, clause or phrase in this statute is for any reason held to be unconstitutional, such unconstitutionality shall not affect the remaining portions of the statute. The Legislature declares that it would have passed this statute and each section, subdivision, clause, phrase and sentence thereof, irrespective of the fact that any one or more of such sections, subdivisions, clauses, phrases or sentences be declared unconstitutional.

**SECTION 9.** That upon approval of the county superintendent or county board of education or other employing agency of said county any school teacher may be granted one year's leave of absence from his or her duties of teaching when shown to the satisfaction of the county superintendent or county board of education or other employing agency that said teacher desires to further his educational work, and during said period of absence said teacher shall not lose his status as defined in this tenure bill. Provided, further, that any person employed to substitute for such person during his leave of absence, said employment shall only be for the time the regular teacher is absent from his duties.

**SECTION 10.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 2, 1939

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