



May 18, 2024

Chapter VI - Education/Schools

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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Chapter VI - Education/Schools

Board of Education

Private Acts of 1989 Chapte 95

SECTION 1. The Board of Education of Marshall County is hereby authorized to establish the date for the opening of the school term in such county.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Marshall County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified by him to the Secretary of State.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 2.

Passed: May 11, 1989.

Private Acts of 1961 Chapter 17

SECTION 1. That Members of the School Board attending meetings of the School Board in Marshall County, Tennessee shall be entitled to and shall receive Ten Dollars (\$10.00) per diem, and no mileage.

SECTION 2. That all laws and parts of laws in conflict with this Act, be and the same are, repealed.

SECTION 3. That this Act be submitted to the Quarterly Court of Marshall County at its next regular session. That if said Quarterly County Court approved this Act by two thirds majority, that this Act take effect from and after said approval, the Public Welfare requiring it.

Passed: January 26, 1961.

Private Acts of 1982 Chapter 282

SECTION 1. Private Acts of 1933, Chapter 147, and Private Acts of 1951, Chapter 62 are repealed.

SECTION 2. There are hereby created nine (9) educational districts for Marshall County, which shall be the same as the nine (9) county commission districts as Marshall County may now be constituted or may hereafter be constituted. Such educational districts shall be numbered the same as the county commission districts. Each educational district shall be entitled to one (1) member on the Board of Education as set out hereinafter.

SECTION 3. There is hereby created the Board of Education of Marshall County to be composed of nine (9) members to be elected by the qualified voters of each educational district of said county. Board members must reside in the educational district which they represent and possess the qualifications provided by law. Each member of the Board of Education shall hold office for a period of six (6) years from September 1, next following his or her election at the August General Election and until his or her successor shall be elected and qualified; however, current Board members presently holding office shall automatically continue in office for the term in which they were elected or appointed.

SECTION 4. That until their successors are elected and duly qualified, the following shall constitute and compose the Board of Education of said County:

Max Allen Jordan, for the First Educational District.

John W. Turner, for the Second Educational District.

Bill Gold, for the Third Educational District.

Cornell M. King, for the Fourth Educational District.

Claude McMillion, for the Fifth Educational District.

Charles Cheatham, for the Sixth Educational District.

Robert Webb, for the Seventh Educational District.

Ed Daughrity, for the Eighth Educational District.

Fred Stacey, for the Ninth Educational District.

In the August General Election in 1982, a Board member shall be elected for a six (6) year term from each

of Districts 2, 5 and 8. In the August General Election in 1984, a Board member shall be elected for a six (6) year term from each of Districts 1, 4 and 7. In the August General Election in 1986, a Board member shall be elected for six (6) year term from each of Districts 3, 6 and 9. Successors elected thereafter shall be elected for six (6) year terms.

SECTION 5. Vacancies on the Board of Education shall be filled in the manner prescribed by law. Any Board member that is currently holding office, or hereafter holding office, that was appointed to such Board of Education because of a vacancy on said Board, shall serve until the next General Election in August, at which time an election will be held for the unexpired portion of the term of the vacated member.

SECTION 6. The Board of Education shall have all the rights, powers, liabilities, duties and compensation as are provided for County Boards of Education under Title 49 of Tennessee Code Annotated or as otherwise provided by law.

SECTION 7. Nothing in this Act shall be construed as having the effect of removing an incumbent from office or abridging the term of any official prior to the end of the term for which he or she was elected or appointed.

SECTION 8. 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 and applications of the Act, which can be effective without the invalid provisions or applications, and to that end the provisions of this Act are declared to be severable.

SECTION 9. This act shall have no effect unless the same shall be approved by a twothirds (2/3rds) vote of the county legislative body of Marshall County at or before its next regularly scheduled meeting following the approval of this Act by the Governor. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body of Marshall County and certified by him to the Secretary of State.

SECTION 10. 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 10.

Passed: March 18, 1982.

Morgan School

Private Acts of 1951 Chapter 29

WHEREAS, Morgan School, a well known private preparatory school located at or near Petersburg, Tennessee, for more than sixty years, closed its doors and was sold under the hammer during the spring of 1950, and conveyed by deed dated April 17, 1950, executed by Henry Wade, Trustee, R. W. Morgan and R. K. Morgan, conveying the title to the real estate hereinafter described to Marshall County an one-half undivided interest, and unto W. W. Gill, his heirs and assigns, forever, an one-half undivided interest, for and in consideration of the sum of Forty Thousand (\$40,000.00) Dollars, cash in had paid, the receipt of which was thereby acknowledged, and which said deed appears of record in the Register's Office of Marshall County, Tennessee, in Deed Book L-4, Page 376, and also in the Register's Office of Lincoln County, Tennessee, in Deed Book M-6, Page 452, et seq., to which said deed reference is here had for particulars, said deed further reciting an option in favor of Lincoln County, Tennessee, to purchase the one-half undivided interest of W. W. Gill for the sum of Twenty Thousand (\$20,000.00) Dollars, plus accrued interest, upon the passage of this Act, and the real estate being conveyed by said deed being described therein as lying and situated in the corporate limits of the Town of Petersburg, Tennessee, in the 5th Civil District of Marshall County, Tennessee, and described as follows:

Beginning at a stake in a fence on the north side of the Lewisburg Pike and 40 ft., of the southwest corner of W. A. Moore's lot; thence North 25 degrees West 882 feet to a stake; thence South 65 degrees West 711 feet to a stake at the edge of a stone fence and at the edge of said pike; thence South 43¼ degrees East with the edge of said fence 823 feet to a stake on the turn of said pike; thence North 65 degrees East 450 feet to the beginning, containing 10.38 acres by survey made by E. L. conveyed to Morgan School, a corporation, by deed of W. B. Moore, dated July 1, 1919, and recorded in Deed Book J-3, Page 569, in the Register's Office of Marshall County, Tennessee; and being the same property conveyed unto Marshall County, its successors and assigns, an one-half undivided interest, and unto W. W. Gill, his heirs and assigns, an onehalf undivided interest, by Henry Wade, Trustee, which said deed appears of record in the Register's Office of Lincoln County in Deed Book M-6, Page 452, et seq., and in the Register's Office of Marshall County, Tennessee, in Deed Book L-4, Page 376, to which said deed reference is here had for

particulars; and

WHEREAS, the termination of the use of the physical properties of Morgan School for educational purposes would leave a considerable geographical section of Marshall and Lincoln Counties without adequate school facilities, and would necessitate the building of one or more additional schools by said two counties, jointly or separately, or in lieu thereof a corresponding increase in the present county school transportation problems of these two counties, necessitated by the transportation of young people from this area to other areas of said two respective counties where school are now existing; and

WHEREAS, because of the above recited facts, it would be economical, wise and fitting that said two counties of Marshall and Lincoln jointly purchase, own and operate said Morgan School facilities as a school for the young people inhabiting this area of said two counties, except that the premises on which the said Morgan School was located lies entirely within the territorial boundaries of Marshall County, and enabling legislation is necessary before either of said two counties might purchase and own and control any interest in any properties lying outside of its territorial boundaries or might supervise and control a school outside its territorial boundaries; and

WHEREAS, at the aforesaid sale of Morgan School property the same was bid in by and conveyed to Marshall County, Tennessee, and to W. W. Gill, in one-half undivided interest, one-half undivided interest, with an option from said W. W. Gill to Lincoln County, Tennessee, to purchase said one-half interest upon the passage of necessary enabling legislation; and WHEREAS, by action duly taken by the Quarterly County Court of Lincoln County, Tennessee, an amount was authorized to be appropriated, which said amount not to exceed \$30,000.00, with which to purchase said one-half interest in and to said property for the sum of \$20,000.00, plus accrued interest, the balance of the appropriation, or so much thereof as necessary, to be expended for necessary repairs, alterations and equipment required to operate said school as an approved grade school according to the regulations of the State Department of Education, said Quarterly County Court of Lincoln County, Tennessee, authorizing said monies to be borrowed temporarily from local banks on short term paper;

Now, Therefore,

SECTION 1. That Lincoln County, Tennessee, shall be hereby authorized to purchase, own and hold an one-half undivided interest in the property known as the Morgan School in the Town of Petersburg, in the 5th Civil District of Marshall County, Tennessee, and hereinabove described, by the exercise of option hereinabove recited, to purchase the one-half undivided interest in said property now owned by W. W. Gill for and in consideration of the payment of \$20,000.00, plus accrued interest from the date of the above said deed, to-wit, April 17, 1950.

SECTION 2. That Lincoln County, Tennessee, shall be authorized to pay for the said interest in said property and to make further expenditures, along with Marshall County, Tennessee, for personal property, equipment, repairs, alterations and/or improvements necessary and required to operate said school as an approved grade school according to the regulations of the State Department of Education, the aggregate initial expenditures of Lincoln County for the above purpose not to exceed \$30,000.00, and that Lincoln County be hereby authorized to appropriate said sum of not exceeding \$30,000.00, or as much hereof as may be necessary for said purposes, and to raise said amounts appropriated by regular tax levy or levies, and the financing of said transaction, or transactions, to be accomplished by the issuance and renewals of short term interest bearing warrants of the County and/or by bond issue now or later, or either or both, or otherwise as determined by the discretion of the Quarterly County Court of Lincoln County, Tennessee, in the same way and manner and with the same authority they would have if said property were located within the territorial limits of Lincoln County, Tennessee.

SECTION 3. That from the date of purchase of said interest in said property by the respective Boards of Education of Lincoln County, Tennessee, and Marshall County, Tennessee, shall have the right to jointly operate said school and to provide between themselves by specific written agreement entered into by each of said Boards of Education, and entered upon their respective minutes for the supervision of said school, said operation and supervision to be in accordance with the rules and regulations laid down by the State Department of Education.

SECTION 4. That this Act shall take effect from and after its passage, the public welfare requiring it.
Passed: January 18, 1951.

Education/Schools - Historical Notes

Board of Education

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

1. Public Acts of 1907, Chapter 236, created a Board of Education for every county in the State, abolishing the District Directors of the school districts in the counties and establishing District Boards of Advisors to take their place. The County Court was required to divide their county into five school districts, composed of whole civil districts from which one member of the Board of Education would be appointed by the county court. The Superintendent of Schools would be Secretary to this Board. The duties of the Chairman, the Board of Education as a whole, the Secretary, and the District Advisory Boards are all enumerated in the Bill. Each member would report on the conditions of the schools in his area and the scholastic census. Some counties exempted themselves from the application of this act in Section 17 by the use of population figures according to the Census of 1900. This Act did not apply to city schools and was construed by the court in the case of *Whitthorne v. Turner*, 155 Tenn. 303, 293 SW 147 (1927).
2. Private Acts of 1911, Chapter 355, amended Public Acts of 1907, Chapter 236, Section 17, by striking out the figures 16,850 to 17,000 in Section 17 apparently with the intention of having it apply to Marshall County as is indicated in some works or private act. However, these figures do not apply to Marshall County whose population in 1900 was 18,763. Consequently Marshall County was not exempted from the 1907 Act.
3. Private Acts of 1915, Chapter 341, amended Public Acts of 1907, Chapter 236, Section 17, by striking out "16,850 and 17,000" and inserting in its place, "16,850 and 17,031," and "22,600 and \$22,670," according to the census of 1910, and these figures would include Marshall County whose 1910 population was 16,872, and the effect would be that the 1907 Act did not apply to Marshall County. Henderson and Bedford counties were the others involved. This Act was entirely repealed by the one following.
4. Private Acts of 1917, Chapter 134, repealed Private Acts of 1915, Chapter 341, which exempted Marshall, Bedford, and Henderson Counties from the provisions of the 1907 State Act on Boards of Education.
5. Private Acts of 1933, Chapter 147 created a Board of Education in Marshall County which allowed for seven members who would be elected from the seven electoral districts that existed in 1930. This act was expressly repealed by Private Acts 1982, Chapter 282.
6. Private Acts of 1949, Chapter 546, provided that members of the Board of Education in Marshall County would receive \$5.00 per day for every day's attendance at regular, called or special meetings of the Board. This Act was apparently superseded by Private Acts of 1961, Chapter 17, published herein.
7. Private Acts of 1951, Chapter 62 amended Private Acts of 1933, Chapter 147 by providing that the Board of Education for Marshall County should consist of eight districts. This act was expressly repealed by Private Acts of 1982, Chapter 282.

Special School Districts

The following act created a special school district in Marshall County that no longer exists.

1. Private Acts of 1909, Chapter 442 created a special school district in Marshall and Bedford Counties. The children living within the boundaries for this special school district as established in this act were to attend school in this special school district unless the county board of education otherwise directed. All public school pupils residing in the territory defined by this act were to receive the same per capita as every other student in the county. The school district was to have three directors with vested with all of the powers of the general school law of 1873.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Marshall 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 1840, Chapter 104, Section 10, provided that the county courts of Bedford, Marshall, Franklin, Coffee and Warren counties were authorized in all cases where practical and in the public's interest where there was a conflict and interference between the boundaries of common school districts and townships containing school lands to appoint three Commissioners whose duty it would be to change the boundaries so as to constitute one school district, and report their decision to the County Court for affirmation. School money would be paid accordingly.
2. Acts of 1841-42, Chapter 22, provided that where fractional parts of Lincoln County had been laid off into common school districts, the commissioners therein shall be elected, qualified, and in all things governed in the same manner and by the same regulations applicable to commissioners of

townships. They would each report the scholastic census of their areas to the County Court Clerk as required by law and the County Court would distribute the school funds according to this report. Section 3 of this Act made the entire law applicable also to Marshall County.

3. Acts of 1841-42, Chapter 121, Section 1, declared that James C. Record, George W. Haywood, James Osburn, Levy Cochran, Thomas Ross, Benjamin Williams and John Paxton were incorporated as Marshall Academy with all the rights and privileges incidental to corporations and all people who had made donations or contributed work to the Academy could vote for the seven Trustees to be elected.
4. Acts of 1849-50, Chapter 91, Section 4, authorized the Trustees of Lewisburg Academy to establish a branch of the said academy in Lewisburg for girls to share equally with the male branch in all monies on hand or to be appropriated, and in monies to be drawn from the county treasury in the future.
5. Acts of 1868-69, Chapter 65, Section 8, allowed the county court to sell the Male and Female academies lots in Lewisburg and the buildings to the highest and best bidder on a credit not to exceed 12 months with approved security. The proceeds would be held in trust by the Trustee who could lend the money out at interest but which would eventually be reinvested in real property by the academy. It was made the duty of the county court to rebuild the academies at a proper and appropriate time.
6. Acts of 1883, Chapter 161, authorized citizens living on either side of the line between Bedford and Marshall Counties in the neighborhood of the Palmetto Academy, and who were not conveniently located in relation to a school in their respective counties to form themselves into a school district by meeting at some appropriate place for voting and electing three school directors. The Sheriff would hold the election and certify the results. No more than two of the directors could live in the same county. This act was repealed by the Acts of 1905, Chapter 231.
7. Acts of 1901, Chapter 290, created a joint school district between Marshall and Maury Counties consisting of the 12th School District of Marshall County and the lands of Mrs. Huldah Harrison, Harve Clymore, Joel Clymore, W. R. Brown, R. G. Baxter, Jesse Lunsden, L. J. Ring, William Roberson, Mrs. Malissa Sharp, Jesse Cheek, Jim Wells, G. W. Harber, Calvin Hardison, A. C. Hardison, W. Jackson, Mrs. Caroline Shires, Mrs. Mattee Shires, and W. E. Elsteen in Maury County. School directors would be elected in an election held by the Sheriff who would certify the school census to each county court who would direct the Trustee to pay the district the pro rata share of school funds from each county. Any person holding a certificate from the superintendent of school in either county was eligible to teach in this school. This Act was repealed by Acts of 1903, Chapter 173, below.
8. Acts of 1903, Chapter 173, repealed Acts of 1901, Chapter 290, which created a special school district in Marshall and Maury Counties.
9. Private Acts of 1905, Chapter 231, repealed Acts of 1883, Chapter 161, which created the Palmetto School District.
10. Private Acts of 1905, Chapter 315, created a special school District with the same metes and bounds as School District #20 which shall also be called School District #20. Several families in Williamson and Rutherford Counties were given express permission to patronize the school. The County Superintendent of Marshall County would appoint the three Directors to serve until the next general election in August. This School District would receive its pro rata share of the school funds from all three counties.
11. Private Acts of 1905, Chapter 383, also created Special School District #19 which would have the same boundaries as old School District #51. The County Superintendent would appoint the three Directors and the Trustee would give them their share of school funds.
12. Private Acts of 1907, Chapter 442, formed a special school District in Marshall and Bedford counties composed of the territory in the farms belonging to Mrs. B. F. Chapman, Mrs. W. A. Montgomery, W. M. Phillips, W. A. Gold, W. M. Jennings, and W. T. Pardue, all of Marshall County, and T. J. Blackwell, Mrs. Mattee Darnell, S. B. Word, Hugh Smalling, David Glasscock, and Mrs. J. H. Glasscock all in Bedford County. The District shall have three Directors, as others did, and be given its pro rated share of school money.
13. Private Acts of 1923, Chapter 451, provided that the county Superintendent's certificates issued under the 1873 Act of the General Assembly, and all acts subsequent to and amendatory of that Act were made permanent in Marshall County and the holders of these certificates were declared exempt from further examination, if they were not out of office as County Superintendent or otherwise discontinue school work for more than three successive years. This Act would in no way

affect the duties or compensation of County Superintendents.

14. Private Acts of 1931, Chapter 222, amended Private Acts of 1923, Chapter 451, by making the Superintendent's certificates valid in every county of the State as well as permanent.
15. Private Acts of 1933, Chapter 148, abolished the office of Attendance Officer in the school system of Marshall County, Tennessee, and required the Sheriff, the Deputy Sheriffs, and the Constables of said county to execute all warrants and other process issued in cases arising under the compulsory school attendance law at the instance of the County Superintendent of Public Instruction all costs connected to the same to be taxes against the defendant.
16. Private Acts of 1933, Chapter 149, amended Private Acts of 1923, Chapter 451, by increasing the numbers of years a school Superintendent could be away from school work without having to be examined for a certificate renewal from three to six years.

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