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## Chapter VI - Education/Schools

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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

### County Board of School Commissioners

### Private Acts of 1971 Chapter 61

**SECTION 1.** That in all Counties of the State of Tennessee having a population of not more than 25,000 nor less than 24,500, according to the Federal Census of 1970, or any subsequent Federal Census, the administration management, government, supervision, control and conduct of the public school affairs, and all powers and duties pertaining to, connected with, or in any manner necessary or incident to the proper conduct and control of the public schools in such counties, employment of teachers and labor, the erection, repairing and/or maintenance of buildings and furnishing of materials, labor, supplies and equipment shall be vested in the County Board of School Commissioners, said Board of School Commissioners to be elected by the popular vote of the qualified voters of the counties of this State to which this Act shall apply, in the manner, form, and for the terms hereinafter provided, and with the powers, duties and privileges herein conferred and granted, and for the compensation stated.

**SECTION 2.** That Jefferson County, Tennessee shall be divided into four (4) school districts as follows:

School District No. One shall compose and consist of County Commissioner Districts Nos. One, Two and Eight.

School District No. Two shall compose and consist of County Commissioner Districts Nos. Five, Six and Seven.

School District No. Three shall compose and consist of County Commissioner Districts Nos. Four, Nine and Ten.

School District No. Four shall compose and consist of County Commissioner District No. Three.

The County Commissioner Districts of the county referred to above shall be those districts as fixed and determined by the Board of County Commissioners of Jefferson County, Tennessee pursuant to statute or as fixed and determined by any court of competent jurisdiction.

As amended by: Private Acts of 1982, Chapter 216

**SECTION 3.** That the Board of School Commissioners of Jefferson County, Tennessee shall be composed of seven (7) members. These seven members shall be elected by the qualified voters of the respective school districts as follows:

School District One shall elect two members;

School District Two shall elect two members;

School District Three shall elect two members; and

School District Four shall elect one member.

The members of the Board of School Commissioners shall be elected from the Districts described in Section 2 in the August 1982 General Election and each four years thereafter. The members of the Board of School Commissioners elected pursuant to this Act shall hold their offices for a term of four years commencing September 1 of the year in which they are elected and until their successors are elected and qualified.

As amended by: Private Acts of 1982, Chapter 216

**SECTION 4.** That the system of staggered terms for members of the Jefferson County Board of School Commissioners is abolished. The terms of members of the Board of School Commissioners in office on the effective date of this Act shall end on August 31, 1982, regardless of when a particular member was elected.

As amended by: Private Acts of 1982, Chapter 216

**SECTION 5.** That the members of the Board of School Commissioners elected pursuant to this Act shall meet on September 1 of the year of their election or as soon thereafter as is practical at the Courthouse in their respective counties and take and subscribe to the oath required of other county officers before some official authorized to administer such oaths and shall organize the said County Board of School Commissioners by the election of one of their body as Chairman by a majority of those present, providing, a quorum is present, and shall thereupon assume all of the duties, powers, and authorities and responsibilities as set forth in this Act. The Chairman of said Board of School Commissioners shall not be entitled to vote as a member of said Board except in case of a tie. The Chairman shall be elected for a term of one (1) year and until his successor is duly elected.

As amended by:

Private Acts of 1982, Chapter 216

**SECTION 6.** That said Board of School Commissioners shall hold regular meetings on the Second Thursday in September, December, March and June of each year for the purpose of transacting public school business. Special sessions may be called at any time by the Chairman or by the written requests of a majority of the Board.

**SECTION 7.** That all meetings, both regular and special, of said Board of School Commissioners shall be open to any resident who may desire to attend the same, provided that nothing herein shall be construed as denying such Boards the right to hold executive sessions, but no action shall be taken at such executive sessions which shall directly or indirectly involve the expenditures of public funds.

**SECTION 8.** That when a vacancy occurs in said County Board of School Commissioners by the death, resignation or the removal from the district from which such member was elected, or the failure of one or more of the District School Commissioners to qualify as provided in this Act, the remaining members in regular session, a quorum being present, shall elect some one to fill said vacancy until the next general election to be held in such county, and at such election a member shall be elected for the unexpired term.

**SECTION 9.** That the compensation of the members of said Board shall be fixed by the Quarterly County Court for their services when attending regular and special meetings and discharging the duties empowered by this Act.

**SECTION 10.** That the members of said Board shall be residents and qualified voters of the School District from which they are elected and shall be citizens of recognized integrity, intelligence and ability, to administer the duties of the office, and shall have a practical education. If any member ceases to reside in the district, the office of such member shall become vacant. No member of the Quarterly County Court nor any other county official shall be eligible for election as a member of said Board.

**SECTION 11.** That the Board of School Commissioners, in the counties of the State of Tennessee, to which this Act shall apply, shall have the exclusive supervision and control of all public schools, and they shall elect all teachers and fix their salaries and make all necessary contracts for such services. All such Board of School Commissioners shall have the power and authority to employ truant officers, bus drivers, and other laborers and employees necessary to erect, repair, furnish, improve, and maintain suitable school buildings, grounds, fixtures, equipment, supplies, and to acquire and hold real estate for school purposes. And said Board shall in all things have the power and perform all the duties now imposed by law on County Boards of Education as is now provided by the general laws of the State of Tennessee, or that may hereafter be enacted affecting the administration of school affairs in the State. And such Boards shall have the exclusive possession and control of all public school properties, both real and personal, now belonging to, in the custody of, or within the control of the school authorities of such counties, or any Board of Education thereof, or that may be hereafter acquired.

**SECTION 12.** That the Board of School Commissioners established by this Act shall have the same powers, duties, privileges and qualifications as are established and provided pursuant to Title 49, Tennessee Code Annotated.

**SECTION 13.** That the County Board of School Commissioners herein created shall have the power and authority to enter into contracts and agreements with persons, firms or corporations for the erection, purchase, repair or maintenance of its buildings and property, equipment and supplies, and for any other purpose deemed necessary by the Board of School Commissioners to carry out the provisions of this Act or in general law applicable to public school affairs, or in the proper discharge of the duties imposed by this Act.

**SECTION 14.** That all machinery, tools, supplies and equipment of every nature shall be bought through competitive bidding after ten (10) days public notice, published once in a County newspaper and also posted at the front door of the Courthouse, in all cases where the aggregate cost of the combined purchases exceeds the sum of Five Hundred (\$500.00) Dollars. All bids shall be sealed and submitted to the Board at its office, and shall be opened and announced by the Board in the presence of a majority of its members, at the hour and date stated in the advertisement. Any citizen shall be entitled to be present at the opening of said bids and inspect the same. All cash purchases shall be awarded to the lowest bidder where such bidder offers materials of suitable quality and quantity. If the bids so submitted are deemed excessive or otherwise unsatisfactory, said Board shall have the authority to reject all bids and advertise again in the same manner for new bids. Any purchases made without compliance with the foregoing requirements shall be illegal, void and unenforceable, except in genuine cases of emergency, where it is necessary to purchase materials or supplies speedily to avoid great inconvenience to the public.

**SECTION 15.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, excerpts, sentences, clauses, phrases, or parts be held unconstitutional or void the remainder of this Act shall continue in force and effect, it being the legislative intent, now being declared, that this

Act would have been adopted if such matter had not been included therein.

**SECTION 16.** That this Act shall have no effect unless the same shall be approved by a majority of the qualified voters voting in a special election to be held in the counties to which this Act shall apply for such purposes. It shall be the duty of the County Board of Election Commissioners of the counties to which this Act applies to call a special election to be held in said County precincts of said County for the purpose of accepting or rejecting the provisions of this Act. Upon the passage of this Act the said County Board of Election Commissioners shall give notice of the calling of said special election which is held on May 15, 1971. The ballots to be issued in such Election shall have printed thereon the caption, title, or general substance of this Act and, in addition, the following words:

FOR THE ADOPTION OF THE ACT: AGAINST THE ADOPTION OF THE ACT:

and the qualified voters of said County shall cast their vote for or against the adoption of this Act. The votes cast at such special election shall be canvassed by the County Board of Election Commissioners upon the first Monday next after the date of said election and the result of said election shall be proclaimed by said County Board of Election Commissioners and certified by them to the Secretary of State. The said election is declared to be for a county governmental purpose and the costs of conducting said election shall be paid from the general funds of said county. The qualification of voters to vote in said special election shall be the same as now provided for by law for participation in general elections in the State of Tennessee and laws applicable to general elections in the State of Tennessee which likewise apply to the special election herein provided for.

**SECTION 17.** That this Act shall be effective from and after its passage, the public welfare requiring it, but the provisions thereof shall not become operative until validated as provided in Section 16 herein.

Passed: April 14, 1971.

## Education/Schools - Historical Notes

### **Board of Education**

The following act once affected the board of education in Jefferson County but is no longer operative.

1. Private Acts of 1907, Chapter 236, established a Board of Education and a District Board of Advisors in every Tennessee County, abolishing all the offices of District Director. Quarterly County Court would divide the County into five school districts, composed of whole civil districts, from each of which one member of the Board of Education would be initially chosen by the Quarterly Court to serve until the next general election when the member would be elected for two years by popular vote. Vacancies for the unexpired term would be filled by the appointment of the School Superintendent. The duties of the Chairman, the Secretary, and the other Board members were specifically in the act. A three member advisory board would be elected in each District by popular vote who were required to assume and discharge the responsibilities listed in this Act. This Act was not intended to apply to any city school system. Nine counties exempted themselves from this Act but Jefferson County was not one of them. (This Act was considered by the State Supreme Court in Whitthorne v. Turner (1927), 155 Tenn 303, 293 SW 147.
2. Private Acts of 1925, Chapter 814, established the procedure for the County Board of Education to exercise eminent domain. This has been superseded by general law found in T.C.A. 49-801 et seq.

### **Superintendent or Director of Schools**

The acts referenced below once affected the office of superintendent of education in Jefferson County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1927, Chapter 439, stated that hereafter in Jefferson County (identified by the use of the 1920 Federal Census figures for Tennessee) the County Superintendent of Public Instruction would be elected in the manner provided by law but the election would take place at the regular July meeting of the Quarterly Court instead of in January as was previously the case. The person so elected must meet all the qualifications under the law and serve a two year term. The incumbent Superintendent would serve until July, 1929, when the successor in office would be elected under the terms of this Act.
2. Private Acts of 1929, Chapter 772, stated that in Jefferson County (identified by the use of the 1920 Federal Census figures) the Superintendent of Public Instruction would be elected by the vote of the people, provided always that the qualifications for the position were fully met. The first election would occur in August, 1930, and every two years thereafter. Any vacancy would be filled by the Quarterly Court until the next general election by the people. The Quarterly Court would set the compensation to be paid to the County Superintendent by the county.

3. Private Acts of 1943, Chapter 243, amended Private Acts of 1929, Chapter 772, by changing the term of the School Superintendent from two years to four years.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Jefferson 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 1806, Chapter 8, established county academies in several counties in the State, and exempted the faculty and the President from militia duty. Maury Academy would be the county academy for Jefferson County. This Act named George Doherty, Adam Peck, Thomas Galbreath, Thomas Snoddy, and Parmenas Taylor, as the Trustees for Maury Academy, who could ordain the rules and regulations for the operation and discipline of the school. The General Assembly could appoint added Trustees when needed.
2. Acts of 1807, Chapter 56, appointed added Trustees for several of the county academies in the State, naming William Mills, and Joseph Hamilton to the Board of Trustees of Maury Academy in Jefferson County.
3. Acts of 1809, Chapter 106, also named additional members to the Board of Trustees for several county academies. Andrew Henderson and Ebenezer Leath were named to the Board of Trustees for Maury Academy.
4. Acts of 1817, Chapter 58, nominated Hugh Martin, John Lane, William Moore, Joshua Bradford, and Joseph Hamilton, Jr., as Trustees for Maury Academy in Jefferson County who would have all the powers and obligations of the other Trustees.
5. Acts of 1820, Chapter 47, named Robert McFarland and Shadrack Inman to the Board of Trustees for Maury Academy, conferring upon them all the rights and privileges enjoyed by all the other members of the Board of Trustees.
6. Acts of 1825, Chapter 73, appointed William Hill in Jefferson County, and several people named for other counties as commissioners to enter upon public lands for schools in their respective counties and ascertain the exact condition of the land. The Treasurer would supply a manuscript and a map of the said lands to the commissioners, who would examine the same, draw up proper records, and report the condition to their respective counties.
7. Acts of 1831, Chapter 267, Section 2, directed Napoleon B. Bradford, the Bank agent of Jefferson County, to refund to Thomas Snoddy the sum of \$22.46 which Snoddy, the treasurer of the common school fund, had paid to the Agent over and above the amount for which he was liable.
8. Acts of 1833, Chapter 282, required that the benefits of the Fifth Section of this Act to continue the Bank Agency in Campbell County to be extended also to the Clerks and Treasurers of the Board of Common School Commissioners of every county in the State in a similar situation, and upon the same terms. Jefferson County was among the counties mentioned in the caption of the act as coming under the provisions of this law.
9. Acts of 1837-38, Chapter 277, incorporated the present Board of Trustees, and their successors, of Holston College in the city of New Market in Jefferson County with the express authority to enact all rules and regulations for the successful operation and management of the college and for the internal disciplines of faculty and students.
10. Acts of 1849-50, Chapter 125, incorporated Henry J. Dick, William R. Caswell, William M. Bradford, James Fuller, William D. Fain, George M. Simpson, James Scruggs, Theodorick J. Bradford, and James P. Swann, as the Board of Trustees for the Dandridge Female Academy who would possess and could exercise all the power and authority normally incidental to the management of educational facilities and institutions.
11. Acts of 1851-52, Chapter 362, incorporated the Trustees of the Mossy Creek Missionary Baptist Seminary in Jefferson County.
12. Acts of 1855-56, Chapter 231, made the Dandridge Female Academy a Branch of the Maury Academy in Jefferson County. The Dandridge Female Academy would continue under the control and management of the original Board of Trustees. One-half of the Jefferson County funds for academies would be given to the Dandridge Female Academy.
13. Acts of 1855-56, Chapter 233, changed the name of the Mossy Creek Missionary Baptist Seminary in Jefferson County to Mossy Creek Baptist College with the retention in the latter of all the power and authority of the former. The Trustees of the Seminary were made the Trustees of the college with no diminution of privilege or responsibility.

14. Acts of 1865-66, Chapter 80, stated that the privilege of selling spiritous, vinous, or fermented liquors would not be granted to anyone for any location less than two miles of the Holston College, or the New Market Female Academy in Jefferson County. To grant the license would be a misdemeanor and to sell under the same would both be punishable by fines of up to \$250. Section 5 of this Act made the same prohibition applicable to Maury Academy and the Dandridge Female Institute in Dandridge.
15. Acts of 1866-67, Chapter 29, declared it to be harmful and a misdemeanor for anyone to sell, or to expose for sale, any spiritous, or malt liquors in any quantity whatsoever within two miles of Mossy Creek Baptist College in Jefferson County but this Act would in no wise prohibit or prevent the sale of the same for medicinal purposes within that area.
16. Acts of 1895, Chapter 210, changed the name of the Mossy Creek Baptist College became Carson-Newman College with certain powers and duties of the Trustees being prescribed.
17. Acts of 1901, Chapter 470, amended all prior acts so that the name of Mossy Creek Missionary Baptist Seminary and Mossy Creek Baptist College would be changed to Carson-Newman College. Some alterations were made concerning the number of Trustees and the authority given to all the Trustees.
18. Private Acts of 1905, Chapter 221, organized Special School District #8 in Jefferson County which would include the Fifth Civil District of the County as that district existed prior to the 1903 Redistricting Act. The intent of this Act was expressed to be to create a special school district embracing all of the old Fifth Civil District before the same was changed in 1903.
19. Private Acts of 1909, Chapter 225, required every parent, guardian, or any person having the care, custody, and control of a child between the ages of eight and sixteen to send that child to school at least ten consecutive weeks, or 50 days, in each year, unless the school term was for a lesser time than 50 days. Some exceptions were allowed such as the child being tutored privately, or was suffering from some physical disability. The County School Board could furnish books, and the other essentials necessary for an indigent child to attend school for the mandated period. Excuses for absence could be accepted and ratified by the classroom teachers, or principals, of the student involved. Any disobedience of the terms of this Act could be subject to fines from \$10 to \$50. Accurate attendance records must be kept for each child, or the teacher would forfeit pay. This Act applied to Jefferson County only, under the population figures quoted in the same.
20. Private Acts of 1909, Chapter 494, was another compulsory attendance law for Jefferson County which directed every parent, guardian, and custodian, of a child between the ages of eight and fourteen to send that child to school for four months, or 80 consecutive days, with the normal exceptions being allowed. Offenders could be fined \$1.00 for each day of school missed by the child for whom they were responsible. Teachers, and other school authorities, were directed to keep accurate attendance records on each child in their jurisdiction, or forfeit their pay. This Act applied to the counties of Carter, Clay, Cumberland, Fentress, Grundy, Grainger, Hamblen, Hawkins, Jefferson, Johnson, Knox, Loudon, Morgan, Macon, Pickett, Trousdale, Unicoi, and Washington. This Act, as amended later, was repealed specifically by Public Acts of 1978, Chapter 716.
21. Private Acts of 1909, Chapter 543, was apparently a duplicate of all the provisions of Private Acts of 1909, Chapter 494, above, except that this Act applied only to Jefferson County and Monroe County.
22. Private Acts of 1911, Chapter 347, was another version of the compulsory school attendance law, which directed every parent, guardian, and custodian of any child between the ages of eight and fifteen to send them to school for 80 consecutive days, or for 16 weeks, beginning at the start of the school year with only those exceptions mentioned in the act. The Poor Commissioners were authorized to provide the assistance needed for poor children to attend school. Teachers and school principals were given the authority to excuse a child's failure to attend, although non-compliance herewith could lead to fines from \$2.00 to \$10.00 for each offense. The salaries of teachers and principals would be held up if accurate attendance records were not kept. Notices must be sent to the parents, guardians, or custodians when a child was absent from school. Fines would be exacted and offenses prosecuted in the name of the State of Tennessee.
23. Private Acts of 1911, Chapter 447, amended the 1856 Act which changed the name of Mossy Creek Baptist College to Carson-Newman College to provide that the Board of Trustees would consist of 33 members who would hold office and be selected as was provided therein. A five member Executive Committee could be selected by the Board of Trustees to attend to the direction of the school for the year immediately following their selection.
24. Private Acts of 1913, Chapter 225, amended Acts of 1895, Chapter 210, in Section 2 by adding a

provision that three-fourths of the Trustees of Carson-Newman College in Jefferson County must be members of the Missionary Baptist Church in good standing because the College was under the guidance and control of that religious denomination. No gift or donation would ever be diverted from the use and benefit of the College or deviated from the purpose for which it was designated by the donor. All laws in conflict with this Act were repealed.

25. Private Acts of 1923, Chapter 400, directed the Trustee of Jefferson County to pay over to the Recorder of Jefferson City that city's prorated share of High School funds in the trustee's hands from all sources which would be based upon the average daily attendance of all high school students, this apportionment to continue as long as Jefferson City maintained a high school.
26. Public Acts of 1925, Chapter 115, in Section 33, abolished all special school districts in existence, which were not taxing districts, provided for a referendum election to be held in those which were taxing districts on the question of their abolition and authorized all school districts whose debts were paid in full to join any county public school system. This entire Act codified as Title 49, Tennessee Code Annotated.
27. Private Acts of 1925, Chapter 128 was the legal authority for the County Court of Jefferson County by a majority vote to use unexpended funds which were raised under the authority of Public Acts of 1921, Chapter 533, for High School purposes. These funds would be turned over to the County Trustee who was directed to place the same to the credit of the High School Building Account.
28. Private Acts of 1953, Chapter 321, authorized and directed the Trustees of the Maury Academy Fund to expend the said funds, including the campus and income to improve the school grounds and to purchase equipment, fixtures, and facilities for Maury High School in Dandridge which was the successor to Maury Academy. When accomplished the Trustees would fill a report of their activities with the Quarterly Court which report would be spread upon the minutes of the Court.

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