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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 1947 Chapter 26

COMPILER'S NOTE: There is not a Section 2 in the Act. The numbering goes from Section 1 to Section 3.

SECTION 1. That Section 6, Chapter 115, of the Acts of the General Assembly of the year 1925, known as the General Educational Law, whose caption is set forth in the caption hereof, be, and the same is, hereby amended so as to insert at the end of the first paragraph on page 323 of the printed Public Acts of said General Assembly and just preceding the sentence appearing on said page which reads, "it shall be the duty of the County Board of Education" and to provide the following: "Provided, that in all counties of the State having a population of not less than 6,420 and nor more than 6,450, according to the Federal Census of 1940, or any subsequent Federal Census, the following shall obtain with respect to the compensation, number, and method of selecting the County Board of Education and the members thereof.

1. The County Board of Education shall consist of one member from each of the nine civil districts in said counties to be elected by the qualified voters of the civil districts, respectively. The term of office of each of said members of the County Board of Education shall be for a period of two years. The term of two years of each member, however, shall begin with their election as hereinafter prescribed.
2. The present County Board of Education shall consist of the present members now serving as such Board of Education, and now in office, and those hereinafter provided for, the names of the present members are as follows: Harlan Beasley from the Second District, D. B. Walker from the Third District, Mrs. Hattie Harris from the Fourth District, Lester Brooks from the Fifth District, E. T. Stanfill from the Six District, Ryan Ellis from the Seventh District, and DeWitt Felts from the Eighth District. The Election Commissioners of said counties shall call and hold a special election in the First and Ninth Districts of said counties for the purpose of electing a member from each of said districts, respectively, in the manner prescribed by the Election Laws of the State of Tennessee, as soon after the passage of this Act as is practical. The County Court at its regular quarterly sessions shall fill any vacancy or vacancies that may occur in the membership of said Board of Education by reason of death, resignation or removal from the county or district of any of such members or by operation of law. The said Board shall also consist of one member from the Town of Erin living within the corporate limits of said Town, and said member shall be Ray L. Cleghorn, the present member of the Board from the Town of Erin, and all of which members hereinabove mentioned are to be elected as hereinbefore provided, shall serve as members of the Board of Education until the first Monday in September, 1948, and at the regular August election in 1948, there shall be elected by the qualified voters of the nine civil districts respectively and by the qualified voters within the corporate limits of the Town of Erin one member, the said members from each of the said civil districts and the one member from within the corporate limits of the said Town of Erin shall compose the Board of Education, who shall serve for a term of two years, and there shall be elected a member from each of said nine civil districts and a member from within the corporate limits of said Town of Erin by the qualified voters within the corporate limits of said Town, respectively, at the August election two years thereafter.

SECTION 3. That the Superintendent of Public Instruction in all counties of this State to which this Act shall apply be and he is hereby made an ex officio member and Secretary of said Board of Education, with all the duties and powers as now provided by law, Chapter 115 of the Public Acts of 1925, and said Superintendent shall have the sole authority to recommend and nominate the teachers in all the schools of said counties to which this Act shall apply, said teachers to be elected by the Board of Education.

SECTION 4. That the member of said Board hereinbefore provided for from the Town of Erin shall have the power and it shall be his duty to look after, care for and repair and insure and keep insured the school buildings within the said corporate limits of the Town of Erin, and to have all the other powers and authority of a member of the said County Board of Education.

SECTION 5. That the Election Commissioners of any county affected by this Act shall, in the manner provided by the General Election Laws of the State of Tennessee, call and hold an election in the various voting precincts of any county affected by this Act and shall call and hold an election within the corporate limits of the Town of Erin on the first Thursdays in August, 1948, for the purpose of electing from each of said educational districts or civil districts one member of said County Board of Education, and one member within the corporate limits of said Town of Erin, and persons desiring to become a candidate for said office

shall qualify in the manner required by the General Laws of the State, and after said election the Board of Election Commissioners shall canvass the returns and issue certificates of election to the successful candidate in each of the various districts and within the corporate limits of the Town of Erin. The said requirements as now or as may hereinafter be provided by law for members of the County Board of Education shall be conducted in the manner and under the same requirements of law as are required for the election of members of the General Assembly and the restriction, requirements and qualification of voters and the person so elected shall hold the respective offices from the first Monday of September, 1948, to the first Monday of September, 1950, and until their successors shall be elected and qualified, and their successors shall be elected biennially after the first election shall be held by the qualified voters in any county affected by this Act the persons making up the membership of the Board of Education shall be as hereinbefore provided and said Board shall discharge the duties imposed upon it by existing laws, and any vacancy on said Board shall be filled as hereinbefore provided for and any vacancy on said Board of the member from the Town of Erin shall be filled by the Mayor and Board of Aldermen of the Town of Erin at any regular meeting.

SECTION 6. That the several districts and City School Board members shall in each county to which this Act applies compose the County Board of Education for that county, and the Board for the present, with its present organization, shall continue and exist as now organized with the addition of a member from the First Civil District and a member from the Ninth Civil District to be added, and any vacancy to be filled as hereinbefore provided, but they shall meet at the courthouse in their respective counties on the first Monday in September, following their election, and organize in the manner hereinafter provided, and shall elect one of their members as Chairman of said Board. The Chairman shall preside over all meetings of said Board, and in his absence a Chairman pro tem. may be elected by the members present from one of their Board, a majority of the members of said Board shall constitute a quorum for the transaction of all business of said Board. Each member of said Board shall take and subscribe to an oath before some [some] officer authorized to administer oaths to the effect that he will honestly, faithfully and impartially discharge the duties of his office and faithfully and honestly account for and pay over all monies and deliver all property belonging to the county coming into his hands. Said Board shall meet in regular session on the second Thursday in March, June, September, and December of each year, and at any other time special meetings on call of the Chairman may deem it necessary to have a meeting for the proper performance of the duties of such Board and the transaction of its business, but no member shall receive compensation for more than fifteen days in any one year. The Chairman shall call a meeting of said Board when requested in writing to do so by a majority of the other members of said Board.

As amended by: Private Acts of 1955, Chapter 381

SECTION 7. That the County Superintendent of Public Instruction in each county to which this Act applies shall be ex officio member and Secretary of the County Board of Education, but he shall have no vote at any meeting of said Board. Said Secretary shall attend all meetings of said Board, keep a correct and complete record of all the minutes and accounts of said Board at each meeting, and such other records shall be kept by him as is now or may be hereafter provided by law. Said Secretary shall meet with the Chairman at such times as may be necessary and proper, and he shall perform all the duties now imposed on him by law as such Secretary of Board.

SECTION 8. That the County Board of Education in each county to which this Act applies shall have the supervision and control of all the public schools in said county, both elementary and high school (except the member from the Town of Erin shall have the exclusive rights and powers hereinbefore delegated to him by this Act), and all other maintained in whole or in part by public fund, and they shall elect all teachers and supervisors of said schools upon the recommendation and nomination of said teachers by the County Superintendent of Public Instruction and fix their salaries and make necessary contracts with all teachers for their services, and said Board shall have power and authority to erect, repair and maintain suitable school buildings, equipment and to acquire and hold real estate for school purposes, purchase equipment and supplies which may be necessary for carrying on the school system in the county and within said corporate limits of said Town of Erin. No one member of the said Board shall have the right to make any purchase except as herein provided.

Said Board shall in all things perform the duties required by law or by the State Department of Education as now provided by the general statutes of the State or as may hereafter be; provided, future legislation affecting the administration of the public school affairs of any county to which this Act applies. The County Board of Education created by this Act, and the member from the Town of Erin shall have the exclusive possession and control of all public school property, both real and personal, now belonging to or in the custody and control of any Board or Association in their respective county, or that may be hereafter acquired, but the building now known as the Erin Grammar School Building shall be under the exclusive control of the member elected within the corporate limits of the Town of Erin, and the title of said building shall not in any way be affected or changed by this Act.

SECTION 9. That the County Board of Education hereby created shall have power and authority to enter into contracts and agreements necessary for the erection, purchase, preservation and maintenance of its buildings, property or equipment and for any other purpose by the Board deemed necessary to carry out the provisions of all laws applying to public affairs or in the proper discharge of their duties upon their members imposed by this Act.

SECTION 10. That each member of said Board shall receive the sum of \$3.00 per day for each day in attendance upon the meetings of said Board, not exceeding fifteen days in any one year, including the member from the Town of Erin, to be paid out of the general funds of the county on the certificate of the Secretary of the Board or upon warrant drawn by the Secretary and Chairman of the said Board to the County Judge showing the names of the members present and the number of days attended by each, and upon receipt of such certificate or warrant the County Judge shall issue to each member a warrant upon the general fund of the county for the same. No member of the County Board of Education shall become the owner or holder of any warrant issued for any purpose upon any of the public school funds in his respective county, but the Secretary may issue such warrant upon his salary as Superintendent of Public Instruction.

SECTION 11. That the Board of Education hereby created in all counties to which this Act applies are hereby constituted the Board of Education of said counties in the room and stead of the seven members as now provided by law, and the said Board of Education of said county shall perform all the duties of said Board of Education as now provided by Chapter 115 of the Public Acts of the General Assembly for the year 1925.

SECTION 12. That the Charter of the Town of Erin is hereby amended as to its Board of Education so as to conform to the provisions of this Act and the Board of Education created by ordinance of the Board of Mayor and Aldermen of the Town of Erin is hereby abolished and the member of said Board from and within the corporate limits of the Town of Erin shall serve as a member of the Board of Education of the counties to which this Act applies, constituting and making the Board of Education of the county consist of ten members, and the same member from the Town of Erin shall perform all the duties of any other member and is hereby clothed with all the powers of the City Board of Education consistent with the provisions of this Act.

SECTION 13. That all laws and parts of laws in conflict with this Act are hereby repealed, modified and amended, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: January 14, 1947.

Superintendent of Public Instruction Election Private Acts of 1935 Chapter 378

COMPILER'S NOTE: For the general law, see [Tennessee Code Annotated § 49-2-301](#).

SECTION 1. That in all Counties of this State having a population of not less than 5,550 and nor more than 5,560 according to the Federal Census of 1930, or any subsequent Federal Census, the County Superintendent of Public Instruction shall be elected by the qualified voters of said County at the regular August election by ballot under the general election laws of the State.

SECTION 2. That the first election held under this Act shall be on the first Thursday in August, 1936, and every two years thereafter, and the person elected at said first election shall hold office from the first Monday in January, 1937, to the first day of September, 1938, or until his successor is elected and qualified.

SECTION 3. That in addition to the qualifications now required by the election laws of this State for candidates for County offices all candidates for the office of County Superintendent under this Act shall file with the Chairman of the Board of County Election Commissioners a certificate of qualification from the proper authorities not less than 30 days before said election.

SECTION 4. That all laws and parts of laws in conflict with this Act be, and the same are repealed.

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 9, 1935.

Education/Schools - Historical Notes

The following acts constitute part of the administrative and political heritage of the educational structure of Houston 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 1905, Chapter 276, created a new Special School District, known as School District No. 9, out of parts of the Fourth and Fifth Civil Districts.
2. Acts of 1909, Chapter 327, amended the general law to provide a County Board of Education for Houston County. It was to be composed of a member elected from each civil district, the County Judge and the County Superintendent of Public Instruction.
3. Private Acts of 1917, Chapter 799, established the Union School District out of parts of the counties of Houston and Dickson. The legislation creating these special school districts was superseded by the Acts creating a general county-wide Board of Education.
4. Private Acts of 1931, Chapter 627, created a Board of Education for Houston County. It was to have eight members, one elected from each Civil District to serve a two year term and the Superintendent of Public Instruction was an ex-officio member. This was amended by Private Acts of 1937, Chapter 631, to provide that the Board of Education could not let school bus contracts for more than three years. Private Acts of 1941, Chapter 380, amended this act so as to allow for the letting of such contracts not more than five years. These Acts were repealed by Private Acts of 1945, Chapter 368, but that Act was repealed by Private Acts of 1947, Chapter 27.
5. Private Acts of 1945, Chapter 367, provided for the election to the Board of Education of a member from all incorporated towns in Houston County. This was repealed by Private Acts of 1947, Chapter 18.
6. Private Acts of 1953, Chapter 145, set the salary of each member of the Board of Education at \$5 for each day's meeting.

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