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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 330

SECTION 1. That in all Counties of this State having a population of not less than 10,895, nor more than 10,925, according to the Federal Census of 1940, or any subsequent Federal Census, there is hereby created a County Board of School Commissioners to be composed of ten (10) members.

As amended by: Private Acts of 1999, Chapter 50

SECTION 2. That the members of said Board shall be elected at the regular August election, 1948, and quadrennially thereafter, and shall hold office for a period of four years from the first day of September next following their election and until their successors shall be elected and qualified. The County Board of Education of Clay County shall consist of ten (10) members with two (2) members to be elected from each of the five (5) Civil Districts of Clay County as follows:

In order to implement staggered terms for all members of the Board of Education, members added by this act in Civil Districts 2, 3 and 5 shall be elected to two (2) year terms at the August General Election in 2000. Thereafter, all members shall be elected to full four (4) year terms at subsequent August General Elections. Existing positions on the Board of Education shall continue to be filled for full four (4) year terms with the existing positions in Civil Districts 2, 3 and 5 filled at the August General Election in 2002 and the existing positions in Civil Districts 1 and 4 being filled at the August General Election in 2000.

Nothing in this act shall be construed as having the effect of removing any incumbent member of the County Board of Education from office or abridging the term of any member prior to the end of the term for which the member was elected.

The positions created by this act are created as of the effective date of this act, and shall remain vacant until the persons elected at the August General Election in 2000 are qualified and take office. Said vacancies shall have no effect on quorum and voting requirements prior to the August General Election in 2000.

No person shall be eligible to election to said Board who is not 21 years of age, and no person shall be eligible to election as a member of said Board from any particular civil district of such County who is not a resident and citizen of such District.

As amended by: Private Acts of 1999, Chapter 50

SECTION 3. That prior to the performance of any official duty as a member of such Board, each member thereof shall execute a good and solvent bond in the penal sum of One Thousand (\$1,000.00) Dollars, with two or more sureties, conditioned for the faithful performance of his duties. Said bond to be approved by the County Court Clerk and filed of record in his office. The members of said Board shall also take and subscribe to an oath to faithfully discharge the duties of his office, which oath shall likewise be filed in the office of the County Court Clerk.

SECTION 4. That as soon as practicable after the first day of September, 1948, it shall be the duty of the members of said County Board of Education to meet and organize by selecting one of its members as Chairman, who shall preside over the deliberation of said Board.

SECTION 5. That the County Superintendent of Public Instruction in each County to which this Act applies shall act as Secretary of said Board of Education, without additional compensation therefor and without the right to vote upon any question coming before said meeting.

SECTION 6. That it shall be mandatory that said County Board of Education hold its meetings at the Courthouse in the Counties to which this Act applies. All of said meetings shall be of a public nature and open to any person desiring to attend said meetings. The time of said meetings shall be the same as is now required by law for County Boards of Education. Each member of the County Board of Education as herein provided shall receive the sum of Three (\$3.00) Dollars per day and the Chairman shall receive the sum of Four (\$4.00) Dollars per day for each day in attendance upon the meetings of said Board, which sum shall be paid out of the school funds of the County by warrant drawn by the Chairman of said Board; provided, however, that no member thereof shall receive pay for more than ten meetings in any twelve months.

SECTION 7. That all purchases made by said Board of Education, acting either as a Board or as a Building Committee, for any purpose whatsoever, where the purchase price shall amount to or exceed the sum of One Hundred (\$100.00) Dollars, shall be made upon competitive bidding.

When said purchase price shall be more than One Hundred (\$100.00) Dollars, but less than Two Hundred Fifty (\$250.00) Dollars, it shall be mandatory that said Board of Education advertise for bids by five or more written or printed posters for a period of ten days. Said posters shall contain a description of the article or articles to be purchased, and the final date and place of submitting bids, and shall be posted at the Courthouse and at least one public place in each of the four Civil Districts of the County to which this Act applies.

When the purchase price of any article or articles sought to be purchased by said County Board of Education shall amount to or exceed the sum of Two Hundred Fifty (\$250.00) Dollars, it shall be mandatory for said Board to have published in some newspaper in the County to which this Act applies, an advertisement setting forth a description of the article or articles sought to be purchased, and the final date of submitting bids. Said advertisement shall be inserted in one issue of said newspaper and shall be paid for at a rate not to exceed two-thirds of the regular advertising rate of said newspaper.

A record of advertisements, the bids received and the award to the successful bidder and the reasons therefor shall be kept by said Board of Education for a period of two years, and shall be open for inspection by any interested party or any citizen of such County.

SECTION 8. That the County Board of Education shall in no event purchase any article whatsoever from any member of said Board; neither shall said Board contract with or employ any member of said Board. The violation of this section shall constitute a misdemeanor, and in addition any member of said Board voting for the purchase of any such article or contract shall be removed from office, and shall be liable upon his official bond for the full value of the article or contract to be recovered by any citizen of the County to which this Act applies, by suit instituted in his own name for the use and benefit of the County to which this Act applies, or by suit by the County itself.

SECTION 9. That, except as hereinbefore set forth, the duties, powers and functions of said Board of Education shall be the same as are now required by law for County Board of Education.

SECTION 10. That nothing herein shall be construed as removing from office until the first day of September, 1948, the present Board of Education, it being the intention of this Act to permit the present Board of Education to remain in office until the Members of the Board of Education are elected under this Act at the regular August election, 1948.

SECTION 11. 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 its passage, the public welfare requiring it.

Passed: February 14, 1947.

Education/Schools - Historical Notes

Board of Education

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

1. Private Acts of 1935, Chapter 259, created a Board of County School Commissioners for Clay County to be composed of five members, one from each civil district, and one from the county at large, some to be elected at August, 1936, election for four year terms but naming Burt Hestand, Smith Roberts, J. M. Hamilton, Gordon Smith, and W. W. Grace to serve until that time. Each must be 21 years of age, or older, and a resident of the civil district represented. They would select a Chairman and the Superintendent of Public Instruction would be the Secretary without vote and pay. Each member of the Board would get \$3.00 daily, and the Chairman \$4.00 daily, for each days attendance at Board meetings, limited to ten meetings per year. This Act was repealed by Chapter 236, Private Acts of 1947.
2. Private Acts of 1937, Chapter 326, amended Chapter 259, Private Acts of 1935, in Section 3 by deleting the words "without additional compensation therefor", thereby making it possible for the Superintendent of Public Instruction to be paid for acting as Secretary to the Board of Education.
3. Private Acts of 1937, Chapter 777, amended Section One of Chapter 259, Acts of 1935, by increasing the membership of the Board of Education from five to seven, and naming the following (1) one member, Burt Hestand from the First Civil District, (2) two members, W. B. Bean and J. R. Colson, from the Second Civil District, (3) two members, J. M. Hamilton and Roy Maynard from the Third Civil District, and (4) two members, H. E. Neely and H. B. King, from the Fourth Civil District. Old members would hold office during their elected terms and the two new members would hold until the August, 1940 election where they would have to run for office.
4. Private Acts of 1947, Chapter 236, repealed specifically and entirely, Chapter 259, Private Acts of 1935, which created a County Board of Education.

5. Private Acts of 1947, Chapter 239, amended Chapter 259, Section 4, by rewriting the sections on purchasing by the Board so as to demand advertising and competitive bidding on purchases exceeding certain amounts. This amendment however must fall with the repeal of the act it amends. A new law creating a Board of Education was passed in 1947 and is published in full herein.
6. Private Acts of 2016, Chapter 59, would have amended Private Acts of 1947, Chapter 330, as amended by Private Acts of 1999, Chapter 50, to reduce the membership of the Clay County Board of Education from ten to five, however, the Act was not approved locally.

Superintendent or Director of Schools

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

1. Private Acts of 1923, Chapter 606, as amended by Private Acts of 1943, Chapter 324, created the office of county superintendent of public instruction in counties having a population of not less than 9,190 and not more than 9,225, according to the 1920 Federal Census.
2. Private Acts of 1933, Chapter 882, amended Chapter 606, Private Acts of 1923, by reducing the compensation of the Superintendent of Public Instruction from \$1,000 to \$800 annually.
3. Private Acts of 1937, Chapter 324, specifically repealed Chapter 882, Private Acts of 1933, in its entirety.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Clay County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Acts of 1905, Chapter 412, incorporated the Mont Vale Academy in Celina of Clay County, naming W. L. Brown, W. N. Gray, W. C. Lowery, E. Kirkpatrick, S. B. Anderson, Codell Hull, and W. B. Boyd as Trustees. The Academy may operate as a normal school and the remaining members on the Board of Trustees are authorized to fill any vacancies which may occur.
2. Public Acts of 1907, Chapter 236, abolished the office of District Directors of Education, and created Boards of Education and District Advisory Boards for every county in the State except for nine counties which exempted themselves from its application. Clay was not among the exempting counties. This law did not apply to city school systems. The County Court would divide the county into five school districts, as nearly equal as possible, composed of whole civil districts from which they would appoint a member of the Board of Education until September of 1908 when the members would be elected by the voters of the district for two year terms. Duties of the Chairman, the Secretary, the ex-officio Secretary, and the Board as a whole are written into the Act. Some general provisions are part of the Act which apply to all the school districts. See Whitthorne v. Turner 193 S.W. 147. 155 Tenn. 303 (1927).
3. Private Acts of 1909, Chapter 494, was a compulsory attendance law, applying to Clay and seventeen other counties, which required all children between the ages of 8 and 14 to attend some public school at least four months, or eighty consecutive days each year unless excused under the conditions stated in the Act. The responsibility was placed on the parents, guardians, or those having custody of the child, and violations were misdemeanors. Certain records required by this law were to be kept which included a monthly report on attendance no child being allowed more than two days legitimate absence in each four week period. This act was repealed by the Public Acts of 1978, Chapter 716.
4. Private Acts of 1925, Chapter 737, provided for a special tax not exceeding 12¢ on the \$100 of taxable property, for the purpose of maintaining three two-year county high schools. The schools were Moss, Hermitage Springs, and Willow Grove.

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