



County Technical Assistance Service  
INSTITUTE for PUBLIC SERVICE

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## Chapter VI - Education/Schools

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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.

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# Chapter VI - Education/Schools

## Board of Education

### Private Acts of 1977 Chapter 37

**SECTION 1.** There is hereby created the Board of Education of Decatur County to be composed of nine (9) members. There shall be one member elected from each of the nine (9) school districts by the qualified voters of each such district. Each member of the Board of Education shall hold office for a period of six (6) years from September 1 next following his election at the August General Election and until his successor shall be elected and qualified.

**SECTION 2.** There are hereby created nine (9) school districts which shall be the same as the magisterial districts as now constituted or may hereafter be constituted. The numerical designation of the school districts shall be the same number as the magisterial district of which it is composed.

**SECTION 3.** The members of the Board of Education of Decatur County shall be residents and the voters of the school district from which they are elected. Such members shall be citizens of recognized integrity, intelligence, and ability to administer the duties of the office. No person shall be eligible to serve on the Board unless such person has a high school education. No member of the Quarterly County Court or any other county official shall be eligible to serve on the board.

If any member of the board ceases to reside in the school district from which such member is elected, the office of such member shall become vacant. If a vacancy is created by the removal from the district, death or resignation of a member, the vacancy shall be filled as provided by law and such person 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 4.** At its first meeting after September 1, 1978, the Board of Education shall organize and elect one of its members to serve as chairman for a term of one (1) year. The chairman is authorized to perform all the duties of a chairman of a Board of Education as provided by law.

The Board of Education of Decatur County shall have all the rights, powers, liabilities, and compensation as are provided for the county Boards of Education under Title 49 of Tennessee Code Annotated.

**SECTION 5.** Until September 1, 1978, the Board of Education of Decatur County shall be composed of the six (6) incumbent members. The vacancy created in 1977 by the expiration of a member's term of office shall not be filled until the 1978 August General Election. The term of any incumbent member which expires in an odd-numbered year or in an even-numbered year prior to September 1 shall be extended to September 1 following the next August General Election after such expiration.

In the August General Election in 1978, a member shall be elected for a six (6) year term from each of school districts 4, 5, and 6 by the voters of each such district. From September 1, 1978 until September 1, 1980, the Board of Education shall be composed of eight (8) members. In the August General Election of 1980, a member shall be elected for a six (6) year term from each of school districts 7, 8, and 9. In the August General Election of 1982, the voters of school districts 2 and 3 shall elect a member of from each district for a six (6) year term and voters of school district 1 shall elect a member for a four (4) year term. After initial elected term of four (4) years, the member from school district 1 shall serve a term of six (6) years.

The incumbent members of the Board of Education shall serve until their terms expire as provided in this Act until their successors are elected and qualified. Any vacancy occurring in the incumbent membership of a board shall be filled in accordance with the provisions of this Act.

**SECTION 6.** Nothing in this Act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

**SECTION 7.** If any provisions of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not effect other provisions or applications of the Act which can be given effect without the invalid provisions or application, and to that end the provisions of this Act are declared to be severable.

**SECTION 8.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of the Decatur County voting in an election on the question of whether or not the Act should be approved. Within twenty (20) days after this Act became law, the county election commissioners of Decatur County shall call a election for the county to be held not less than sixty (60) days, nor more than seventy (70) days from the date of the call. The ballots used in the election shall have printed on them

the substance of this Act and voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the County Election Commissioners and certified by them to the Secretary of State as provided by law in the case of General Elections. The qualifications of voters voting on the question shall be the same as those required for participation in the General Elections. All laws applicable to General Elections shall apply to the determination of the approval or rejection of this Act. The cost of the election shall be paid by Decatur County.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 2, it shall be effective upon becoming a law, but for all other purposes the provisions of this Act shall be effective only upon being approved as provided in Section 2.

**COMPILER'S NOTE:** In Section 9, the Act refers to the provisions of Section 2. That appears to be a misprint. The provisions for approval are found in Section 8. Furthermore, the referendum occurred on June 30, 1977, and the vote was 863 for and 112 against. Therefore, the Act was approved.

Passed: April 20, 1977.

## Superintendent or Director of Schools

### Private Acts of 1949 Chapter 904

**SECTION 1.** That in the counties of this State having a population of not less than 10,200, nor more than 10,300, by the Federal Census of 1940, or any subsequent Federal Census, County Superintendents of education shall be elected by popular vote. His first election therefor shall be held upon the first Thursday in August, 1952, and quadrennially thereafter. The person so elected County Superintendent shall take office on September 1, next following his or her election and shall hold office for a period of four years from September 1, 1952, and until his or her successor shall be elected and qualified. The qualifications, duties, and compensation of such County Superintendents shall be as now required by law.

**SECTION 2.** That this Act shall take place from and after its passage, the public welfare requiring it.

Passed: April 15, 1949.

## Education/Schools - Historical Notes

### General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Decatur 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 1845-46, Chapter 189, incorporated Decatur Academy to be the Academy for the newly formed county. The Act names Joel C. Hancock, Thomas Ashcraft, Mark Murphy, John N. Percy, Joel Watts, Balm Rains, Robert McMaury, Glenn B. Newsom, and William Wessen, as incorporators, conferring upon them all the powers and privileges incidental to corporate entities. Vacancies would be filled by the County Court on the Board of Directors and in the ranks of the Trustees. The academy would be located in the county seat as required by law. The Trustees of Perryville Academy were directed to make equal distribution of funds to Perryville Academy and to Decatur Academy.
2. Acts of 1851-52, Chapter 351, gave to the Trustees of the County Academy of Decatur County the same privileges of establishing a female branch of the academy as was previously given to the Trustees of the Perry County Academy.
3. Acts of 1853-54, Chapter 208, provided that the Decaturville Male Academy shall be divided into two branches, one for the education of males, and the other for the education of females, both to share equally in the school funds now on hand and to be collected or drawn from the Treasury of the State.
4. Acts of 1855-56, Chapter 231, allowed the Quarterly County Court of Decatur County to appoint five suitable persons to serve as a Board of Trustee for the Decaturville Female Academy.
5. Acts of 1889, Chapter 86, amended the Act incorporating the Female Academy in the city of Decaturville so as to change the title and the purpose to Decaturville High School.
6. Acts of 1891, Chapter 262, incorporated William Stuart, L. T. Smith, J. L. Tate, R. Smith and D. E. Scott, as Trustees, for the new school building erected in Decaturville. The Trustees appointed

would serve two year terms, and their successors would be elected, or appointed, every two years.

7. Acts of 1905, Chapter 116, established a new and independent school District in Decatur County embracing the areas described in the act by a metes and bounds description which would be known as District #13, and which would have all the rights and emoluments as other School Districts in the State. The County Superintendent of Public Instruction would appoint three Directors for the new District until their successors could be elected by popular vote.
8. Acts of 1905, Chapter 489, provided that all the school houses and the school Districts in Decatur County, previously laid off by the Quarterly Court with proper descriptions shall be recognized as legal school districts, and the authority to change, or relocate them further is likewise bestowed upon the Quarterly Court. The people of the Districts were given the power and the right to elect their own school Directors, and a special election would be held on the first Saturday in July, 1905, for that purpose. If no Directors were elected, then the County Superintendent of Public Instruction would appoint them.
9. Acts of 1907, Chapter 28, authorized and empowered the school Directors of the 13th Special School Districts to sell five, and a fraction, acres of land situated in the said District, which was granted to the School Commissioners by the State, and to use the money derived from the sale thereof for educational purposes.
10. Acts of 1907, Chapter 236, created a Board of Education and a District Board of Advisors for the school systems of every county in the State and abolished the District Directors. The County Court would divide the county into five, or less, school districts, composed of whole Civil Districts from each of which one member of the School Board would be elected, and for which the County Superintendent would be the Secretary. Specific duties for the Chairman, the Secretary, and the members of the Board are all spelled out in different sections of the Act. Each member of the Board would be paid from \$1.50 to \$3.00 per day, as set by the Quarterly Court. The people would also elect the three members of the Advisory Board whose duties are likewise catalogued in the Act. This Act did not apply to city school systems and nine counties, not including Decatur, exempted themselves from its provisions in Section 17.
11. Acts of 1909, Chapter 302, amended Public Acts of 1873, Chapter 25, which was a comprehensive statewide educational Act by creating in ten counties, including Decatur, a Board of Education composed of one member from each Civil District, the County Judge, and the Superintendent of Public Instruction who would be the ex-officio Chairman. The members from the Civil Districts would be elected by the people. The duties of the Chairman, the Secretary, and the Board members are enumerated in the Act and are substantially the same as those in the preceding Act. The Board members would be paid \$1.50 for each day spent at meetings and \$1.00 per day while visiting the schools. Accurate records would be kept and an annual scholastic census taken.
12. Private Acts of 1911, Chapter 284, stated that all school districts and school houses heretofore laid off and described by a metes and bounds description were declared to be legitimate school districts in Decatur County. The people in each District would elect their own school Directors at a special election on the first Saturday in June, 1911, and every two years thereafter. Vacancies would be filled by the remaining members of the Board whose duties were specified in the Act.
13. Private Acts of 1917, Chapter 600, formed an independent special school District out of part of the 10th Civil District of Decatur County and the 7th Civil District of Henderson County, as the area was specifically described in the act, which would be called the "Doe Creek School District #50," and which would receive the same funds as other school districts. The act named H. J. Kennedy, E. L. Kennedy, and A. J. Drick, as School Directors until their successors could be elected by the people. The Clerk would gather the scholastic census for the area and report the same to the Superintendent of Schools.
14. Private Acts of 1921, Chapter 214, formed a new and independent School District embracing an area as described in the Act, which was also partly in Decatur and partly in Henderson County which would be known as the Presley School District and the school for this District would be taught in the Presley School House, subject to the general education laws of the State. Children who resided in the area could attend free but others would have to pay tuition as determined by the Directors. J. W. Mitchell, R. L. Presley, and W. R. Maness were named to serve as Directors until their successors could be elected. The district would receive its pro rata share of school funds as determined by the scholastic census.
15. Private Acts of 1921, Chapter 446, stated that, in Decatur County, identified by the use of the 1920 Federal Census figures, the County Superintendent of Public Instruction would be elected by the qualified voters for a term of four years, the term to begin on the first day of January

- following the election. This Act would in no way effect the qualifications of the Superintendent as they were then established under the law. This Act was repealed by Private Acts of 1935, Chapter 502.
16. Public Acts of 1925, Chapter 115, Section 33, was a statewide educational enactment which has been codified as Title 49, Tennessee Code Annotated. This Section provided that all special school districts which were not taxing districts were abolished (2) that any district could hold a referendum on the question of its abolition and (3) that, when all the debts were paid, the district may join the county school system.
  17. Private Acts of 1925, Chapter 642, created a seven member Board of Education for Decatur and Benton Counties, one member of which would be elected by the Quarterly Court at its July term for the next seven years. The powers, duties, and responsibilities of the Board would be as they were fixed under the general state law, and vacancies on the Board would be filled at the next regular meeting of the Quarterly Court coming after the vacancy occurred.
  18. Private Acts of 1925, Chapter 719, created the position of School Directors for each school in Decatur County, who shall be elected by popular vote of the people residing in the said District on the first Saturday in May, 1925, and every two years thereafter. The names of those elected shall be certified to the County Superintendent and they shall be sworn before entering upon the duties of their office which are expressly given in the Act. These Directors would select the teachers for the School which the County Board of Education was obliged to appoint. Although the post of truant officers was abolished, some regulations for compulsory attendance were expressed in the Act, but the Board could still close a school if the attendance was so low as to warrant it.
  19. Private Acts of 1935, Chapter 502, explicitly repealed Private Acts of 1921, Chapter 446, Item 15, above, which called for the popular election of the Superintendent of Public Instruction.
  20. Private Acts of 1939, Chapter 181, abolished the County Board of Education in Decatur County as it then existed.\*
  21. Private Acts of 1939, Chapter 187, placed all the administration, management, government, supervision, control, and conduct of the public school affairs, elementary and high school, in the hands of a County Board of School Commissioners composed of one member from each Civil District elected by popular vote for a two year term, the first taking office on September 1, 1940. The Act named from each consecutive Civil District Henie Ray, Floyd Crowley, John Pickens, O. O. Thompson, E. B. Miller, Herbert Wortham, J. E. Reynolds, Carmack Spence, S. A. Hartley, Sam Waltham, Albert Strawn, and Lige Quinn, to serve as the Board until their successors were elected. Vacancies would be filled by the remaining members of the Board. Members would select a Chairman and be paid \$4.00 per day for their services. In case of a tie vote, the County Superintendent would vote to break the tie. This Act was repealed by Private Acts of 1945, Chapter 588.
  22. Private Acts of 1945, Chapter 588, specifically repealed Private Acts of 1939, Chapter 187, Item 21, above, which created a Board of County School Commissioners.
  23. Private Acts of 1957, Chapter 266, provided that all the power, authority, management, supervision, and control of the public school system would be in the hands of a County Board of School Commissioners. This Act was substantially the same as the 1939 Act, except that the Quarterly Court would fill vacancies as they occur, would appoint members, one from each Civil District, to serve until the others could be elected, and the Court would set the compensation of the members. The Board would have and exercise all the powers of other Boards of Education in the State. This Act was rejected by the Quarterly Court and never became an effective law.
  24. Private Acts of 1961, Chapter 198, created a Board of Education for Decatur County granting it full power, authority, and responsibility to administer, operate, and maintain, the public school system. The Board would consist of seven members who would be elected from the county at large, two members who would be chosen by incorporated cities over 500 in population, and one member to be elected by cities under 500 in population. The initial terms were staggered but eventually all terms of office would be for five years. This act was rejected by the Quarterly Court of Decatur County and never took effect under the provisions of the Home Rule Amendment to the State Constitution. This act was the subject of the lawsuit decided by the Supreme Court in Townsend v. Ray (1939), 174 Tenn. 636, 130 S.W.2d 97, which reversed the chancellor of the trial court. Private Acts of 1939, Chapter 187, Item 21, above, is also mentioned in the decision.

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