



County Technical Assistance Service  
INSTITUTE for PUBLIC SERVICE

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## Chapter VI - Education/Schools

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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 1937 Chapter 616

**SECTION 1.** That this Act shall apply to all counties of the State of Tennessee having a population of not less than 14,540 and not more than 14,560 according to the Federal Census of 1940 of any subsequent Federal Census.

As amended by:

Private Acts of 1941, Chapter 536

**SECTION 2.** That there is hereby created a Board of Education in all counties to which this Act applies, to be composed of seven (7) members, one (1) from each of the Districts or Zones as set out and provided in Section 4, of Chapter 616, Private Acts of 1937. The five (5) members of the Board shall be residents and citizens of his or her respective Districts or Zone. One (1) of the members shall be a bona fide resident and citizen of the Town of Smithville and one (1) shall be a bona fide resident and citizen of the Town of Alexandria. The seven (7) members shall be qualified voters of the County above the age of Twenty-One (21) years and each shall possess a practical education.

That the two (2) members of the Board coming from within the municipalities shall be elected by the qualified voters of the County at the General Election in August, 1946 for a term of two (2) years and until their successors are elected and qualified. Thereafter the said two (2) members shall be elected at the General Election by the qualified voters of the County-at-large in August, 1948 and every four years thereafter for a term of four (4) years and until their successors are elected and qualified. Said two (2) members shall take office on September 1st following their election.

That the two (2) members of the Board coming from the Towns of Smithville and Alexandria shall have all the powers, be entitled to the same compensation and perform the same services, have a part in the deliberations of the Board, entitled to a vote equal to and with the five (5) members of the Board elected from the Districts or Zones as now constituted and as is provided by Chapter 616, Private Acts of 1937, as amended.

That nothing herein shall effect the term of office in the five (5) members of the Board as now constituted, and they and each of them shall hold their office as is now provided by Chapter 616, Private Acts of 1937 as amended.

That until September 1, 1946 and until their successors are elected and qualified, the following citizens and residents of the County who possess all of the qualifications as provided for herein, are designated as the two (2) members from the two (2) municipalities for the County Board of Education, to wit: L. H. Givens and Rob Roy.

As amended by:

Private Acts of 1941, Chapter 536

Private Acts of 1945, Chapter 515

**SECTION 3.** That until September 1, 1938, and until their successors are elected and qualified, as hereinafter stated, the following citizens and residents of the respective educational districts or zones are hereby designated as members of said County Board of Education, to-wit:

In educational district or zone No. 1, Mrs. E. L. Puckett, Mrs. Sallie Love, and Mrs. S. S. Lafener, No. 2, C. D. House, Hobart Christian, and W. W. Nixon, No. 3, Chas. F. Dearman, O. E. Yeargain, and Toy J. Fuson, No. 4, Jim Grady Reynolds, Pitt Rowland, and Frank Truett and No. 5, John Robert Turner, Bud Williams, and Wilson Hobson.

At the regular August Election in 1942 there shall be elected a Board of Education of five members, one from each of the zones hereinafter provided for. Said members of the County Board of Education shall take office on September 1, 1942, and serve for a term of two years, and until their successors are duly elected and qualified. Thereafter at the regular August Election for County Officers every four years there shall be elected a County Board of Education, one member from each zone, who shall serve for a term of four years and until their successors are duly elected and qualified. The voters in each district or zone qualified to vote for members of the General Assembly shall be entitled to vote in such district for one person who shall be a resident of such district or zone.

As amended by:

Private Acts of 1939, Chapter 311

Private Acts of 1941, Chapter 536

**SECTION 4.** That the following districts shall constitute the districts or zones under this Act, to-wit:

The first District or Zone shall be composed of the 8, 14, 7, 18, 23, and 25 Civil District of the county to which this Act applies, said districts as they are now laid off; that districts or zone No. 2 shall consist of

Civil Districts, Nos. 10, 15, 16, 17, and 22; that the third district or zone shall consist of Civil District Nos. 5, 6, 9, and 21; that the fourth district or zone shall consist of Civil Districts 11, 12, 13, 19, and 1; and the fifth district or zone shall consist of Civil Districts Nos. 2, 3, 4, 20, and 24. This Act applies to the Civil Districts as now laid out, or as may hereafter be changed.

**SECTION 5.** That within twenty days (20) after the passage of this Act said members of said board shall meet at the courthouse in the county to which this Act applies, and organize by the election of one member of the Board as Chairman, who shall preside at all meetings of the board, and a majority of the members of said board shall constitute a quorum for the transaction of business, and no matter shall be passed upon or contracts made unless a majority of the board vote in the affirmative on such questions. Each member of the board shall qualify by taking an oath to faithfully and impartially perform the duties of the office, and shall be inducted into office by the County Judge. The members of the board shall also elect one member as vice chairman and one member as assistant secretary.

As amended by: Private Acts of 1974, Chapter 238  
Private Acts of 1977, Chapter 61

**SECTION 6.** That the County Superintendent of Public Instruction is hereby designated Secretary of said Board, who shall keep an accurate minute of all transactions of said board, and shall keep complete records of the actions of the board.

That all warrants drawn on the school fund of the county to which this Act applies shall be signed by the Chairman of the Board and the Secretary.

Upon the temporary absence or incompetence of the Chairman and/or the Secretary of the Board and upon majority vote of the Board, the Vice Chairman and the Assistant Secretary may act in the capacity of the Chairman and the Secretary, respectively.

As amended by: Private Acts of 1974, Chapter 238

**SECTION 7.** That said Board of Education shall meet at the County seat of the Counties to which this Act applies at such times as it may deem necessary, or upon call of the Chairman for the transaction of any and all business of the Board, but no oftener, and shall receive for their compensation, fifteen dollars (\$15.00) per meeting and ten cents per mile one way as their compensation, except the Chairman of the Board shall receive a salary of twenty-five dollars (\$25.00) per meeting, for twelve (12) regular meetings, out of the general school funds of the county. Provided that the members of said Board shall be paid per diem and mileage only for twelve (12) regular meetings per year and special meetings called at the request of the County Superintendent of Education.

As amended by: Private Acts of 1939, Chapter 311  
Private Acts of 1941, Chapter 536  
Private Acts of 1976, Chapter 232  
Private Acts of 1977, Chapter 55

**SECTION 8.** That said Board of Education of any county to which this act applies, shall have supervision and control of all the public schools of the county, both elementary and high schools, and of all other schools maintained in whole or in part by public funds, and they shall select all teachers for said schools and fix their salaries, and make necessary written contracts with all teachers for their services. They shall have power to discharge any and all teachers for inefficiency, inattention, or neglect of duty, or any immoral conduct, on notice in writing to such teacher or teachers, and only then after a public hearing of the charges brought against such teacher. The County Superintendent shall have the power and it shall be his duty to discharge any teacher found to be guilty of drunkenness or immoral conduct, and any teacher so discharged shall not be reinstated except by the affirmative vote of at least twelve members of the County Board of Education. Said board shall have power to acquire and hold all school property, either by purchase or gift, to purchase school lands and equipment, and to erect, repair and maintain all suitable buildings necessary for the purpose of carrying out the provisions of this Act, and to purchase all supplies, equipment required by said schools.

Said Board shall also, in addition to the powers and duties herein fixed and imposed on said board, perform all duties now required by the General Educational Bill of the State of Tennessee, or any that may be enacted, affecting the school system of the State of Tennessee. Said board shall have the exclusive possession and control of all public school property in the county to which this Act applies, both real and personal, now or hereafter belonging to or in the custody of the Board of Education of the respective counties.

As amended by: Private Acts of 1939, Chapter 311

**SECTION 9.** That said Board of Education herein created shall have power to enter into contract in writing for the erection, purchase, repair, preservation and maintenance of all school property, including buildings, and grounds, it being the intention of this Act to confer all necessary power and authority on said board to carry out the provisions of this Act and of the general laws applying to public schools or the funds thereof.

**SECTION 10.** That the Board of Education, with the assistance and help of the County Superintendent, shall report their budget for school purpose to the County Quarterly Court, and shall keep their expenditures within said budget so adopted by the County Court, and within the funds allotted by the State of Tennessee, and raised by taxation in the counties to which this Act applies, the funds deprived from and allotted by the State of Tennessee to the respective counties of the State to be paid to the county to which this Act applies, as to other counties of the State.

**SECTION 11.** That in the event the board shall employ any teacher who is unable by reason of inattention to duty, or inefficiency, or lack of other necessary qualification to maintain a reasonable attendance, and if the attendance shall fall below an average of ten for two weeks, unless caused by epidemic, or other unusual conditions, the board shall have the right to remove said teacher and place another in his or her place and this section shall be deemed as written into every contract with a teacher hereafter made by said board.

**SECTION 12.** That said Board shall elect all principals, supervisors, teachers, attendant officers, janitors, care takers, transportation officers, and all other employees of said Board, and fix their salaries or compensation, and make written contracts with all said employees, which shall be signed by the party or parties with which it is made, and by the Chairman and Secretary of the Board, and no one shall begin teaching until the contract is executed, and the County Superintendent shall recommend to the County Board of Education, Supervisors, Teachers, Clerical Assistants, and other employees in the County Schools, provided that this Act shall in nowise affect the powers, duties and responsibilities of the County Superintendent as now prescribed by the General Statutes of the State of Tennessee, it being the intention of this Amendment that the powers, duties and responsibilities of the County Superintendent and the powers, duties and responsibilities of the County Board of Education shall be in all respects in conformity with the general laws of the State of Tennessee unless in this Act otherwise provided.

As amended by:  
 Private Acts of 1939, Chapter 311  
 Private Acts of 1941, Chapter 536  
 Private Acts of 1943, Chapter 315

**SECTION 13.** That said board shall keep all school buildings in the county insured against fire and lightning in some reliable fire insurance company or companies, and shall pay the premiums out of the funds belonging to the county.

**SECTION 14.** That said Board of Education shall cause a scholastic enumeration of the pupils in the county, and for the respective districts or zones, every two years as now provided by law, and shall pay the compensation of said enumerators out of the general school funds.

**SECTION 15.** That said board shall provide itself with all necessary record books, warrant books, and other records and stationery and equipment as may be necessary for the faithful carrying out of the provisions of this Act.

**SECTION 16.** That in addition to the duties imposed upon said board by the provisions of this Act, they shall perform all the duties enjoined upon them by general laws of the State of Tennessee as to public schools, or that shall be hereafter prescribed by laws passed by the General Assembly.

**SECTION 17.** That if any section of this Act shall be declared unconstitutional, it shall not effect any other section of the Act.

**SECTION 18.** That all laws, and parts of laws, in conflict with this Act, be and the same are hereby repealed, and this Act take effect from and after its passage, the public welfare requiring it.

Passed: May 18, 1937.

## Superintendent of Public Instruction

### Private Acts of 1945 Chapter 514

**SECTION 1.** That hereafter the County Superintendent of Public Instruction in all counties having a population of not more than 14,600 and not less than 14,550 according to the Federal Census of 1940, or any subsequent Federal Census, shall be elected by the qualified voters of such counties at the regular election to be held in August, 1946, and every four (4) years there-after. That at all future elections by popular vote the term of office of Superintendent shall begin on September 1st following his or her election and shall continue for four (4) years and until his or her successor shall have been elected and qualified.

**SECTION 2.** That until September 1, 1946 and until his successor is elected and qualified, M. M. Harney is hereby appointed as County Superintendent of Public Instruction, he now possessing all of the

appropriate qualifications to serve as County Superintendent of Public Instruction, and he shall be subject to all of the provisions set forth and hereinafter provided. The said Harney and his successor shall execute a good and solvent bond in the sum of Five Thousand (\$5,000.00) Dollars, conditioned upon his faithful performance of the office created hereunder, and he and his successor shall take an oath to faithfully discharge the duties of said office, the same to be filed with the Clerk of the County Court.

**SECTION 3.** [Deleted by Private Acts of 1947, Chapter 408]

**SECTION 4.** [Deleted by Private Acts of 1947, Chapter 408]

**SECTION 5.** [Deleted by Private Acts of 1951, Chapter 281]

**SECTION 6.** [Deleted by Private Acts of 1947, Chapter 408]

**SECTION 7.** [Deleted by Private Acts of 1947, Chapter 408]

**SECTION 8.** That all Acts or parts of Acts, General or Special, so far as they are inconsistent with this Act, be, and the same are hereby repealed.

**SECTION 9.** That if any Section, provision or sentence of this Act be held to be unconstitutional or invalid, the same shall not affect the validity of this Act as a whole or any part thereof other than the part so held to be unconstitutional or invalid.

**SECTION 10.** That if in the event by death or resignation, or removal from office, of the Superintendent of Public Instruction, during the term for which he is elected, then the Quarterly County Court will fill said vacancy for the unexpired term until the first regular August Election thereafter.

**SECTION 11.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 27, 1945.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in DeKalb County but are no longer operative.

1. Acts of 1909, Chapter 302, established a County Board of Education composed of one member from each civil district, the Judge or Chairman of the County Court, and the County Superintendent of Public Instruction. This Act was amended by Acts of 1911, Chapter 100, to make the provisions of the 1909 Act apply only to DeKalb County.
2. Private Acts of 1915, Chapter 41, amended Acts of 1909, Chapter 302, to add a representative from the Town of Alexandria to the County Board of Education.
3. Private Acts of 1917, Chapter 466, amended Acts of 1909, Chapter 302, to add a representative from the Smithville Special School District to the County Board of Education.
4. Public Acts of 1975, Chapter 161, provided that the Board of Education would meet at the county seat at such times as were necessary, or where called by the Chairman for which meetings the members would be paid \$15 each, plus ten cents per mile for travel one way. The Chairman of the Board would be paid the same mileage and \$25 per meeting. All meetings being limited to 16 per year for which compensation would be paid. This Act was rejected by the DeKalb Quarterly Court and consequently never became effective.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of DeKalb 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 1837-38, Chapter 298, incorporated Fulton Academy in DeKalb County, named its Board of Trustees and prescribed their powers.
2. Acts of 1857-58, Chapter 113, incorporated the Turner M. Lawrence College at Alexandria, in DeKalb County. Mr. Lawrence had constructed the building and desired to donate it to the public.
3. Acts of 1899, Chapter 192, divided DeKalb County into independent school districts and provided for the election of three free school directors from each district for a one year term.
4. Private Acts of 1915, Chapter 227, created a special school district out of the Second Civil District and parts of the Third and Thirteenth Civil Districts of DeKalb County, to be known as the "Liberty

- High School District." An elected five member Board of School Trustees would govern schools in the District. This Act was repealed by Private Acts of 1923, Chapter 285.
5. Private Acts of 1915, Chapter 293, created the Smithville Special School District out of parts of the Ninth Civil District. An elected five member Board of School Trustees would govern schools in the District. This was amended by Private Acts of 1917, Chapter 785, to provide that taxes derived from the property and polls of Negroes in that school district be used exclusively for the Negro school. Private Acts of 1919, Chapter 478, amended the original act to provide that the Smithville Special School District be governed by a Board of High School Directors to be appointed by the Quarterly County Court for a two year term. Private Acts of 1919, Chapter 479, removed the farm of W. B. Tramel from the district. Private Acts of 1923, Chapter 76, repealed Private Acts of 1915, Chapter 293.
  6. Private Acts of 1915, Chapter 499, provided for the establishment and maintenance of two county high schools in DeKalb County, to be open to every pupil in the County and directed by a High School Board of Education. Three members of the Board each would be from the Smithville and Liberty Special School Districts.
  7. Private Acts of 1915, Chapter 523, created the Cottage Home School District No. 45, out of parts Wilson and DeKalb Counties.
  8. Private Acts of 1917, Chapter 677, created the Dowelltown Special School District out of the 20th Civil District of DeKalb County. An elected, five member, Board of Trustees would govern the schools in the district. This Act was repealed by Private Acts of 1931, Chapter 580.
  9. Private Acts of 1919, Chapter 502, amended the general law found in Acts of 1899, Chapter 279, to provide that DeKalb County maintain three county high schools. One school to be at the county seat and the others in the next two largest towns. A six member Board, elected by the County Court, would govern these schools.
  10. Private Acts of 1919, Chapter 590, created the Four Corner School District out of a portion of the Thirteenth Civil District and certain lands from the Liberty High School District. A four member Board of Directors would be elected biennially. The Board of Directors was authorized to levy a property tax.
  11. Private Acts of 1919, Chapter 666, created a seven member Board of Rural School Administration, giving it power and control of all schools in DeKalb County, exclusive of those in special school districts. The Quarterly Court was instructed to divide the county into five school districts. One member would be selected from each district, with two seats being at-large. The County Board of Education would continue to exist but would have advisory power only. This board was amended by Private Acts of 1921, Chapter 633, and was abolished by Private Acts of 1921, Chapter 477, which provided for the appointment of three District School Commissioners from each Civil District by the County Superintendent of Public Instruction until successors could be elected for two year terms at the regular August election.
  12. Private Acts of 1919, Chapter 750, created a special and independent school district out of part of the Twentieth Civil District of DeKalb County to be known as the Dowelltown High School District. A five member Board of School Trustees, elected for three year terms, would govern the schools of the district. The district would have representation on the County Board of Education.
  13. Private Acts of 1923, Chapter 76, created the Smithville School Taxing District, an independent school district, out of part of the Ninth Civil District of DeKalb County. An elected five member Board of Trustees would govern the schools in the district. Private Acts of 1925, Chapter 674, raised the authorized taxing limit from twenty to thirty cents per hundred dollars valuation. Private Acts of 1931, Chapter 386, abolished the Smithville Special School District.
  14. Private Acts of 1923, Chapter 285, created a special and independent school taxing district out of the Second, Nineteenth, and part of the Third and Thirteenth Civil Districts of DeKalb County. A five member Board of Trustees would be elected for two year terms to govern the schools in the district. A thirty cent per \$100 valuation tax was authorized. Private Acts of 1925, Chapter 664, raised the tax limit to forty cents. Private Acts of 1931, Chapter 385, abolished the Liberty Special School District.
  15. Private Acts of 1923, Chapter 287, created the Laurel Hill Special School District out of the Sixteenth and part of the Eighteenth Civil District of DeKalb County. A three member Board of Trustees, elected for two year terms, would govern the schools of the district.
  16. Private Acts of 1929, Chapter 910, authorized the Trustees of the Smithville Special School District, the Dowelltown Special School District, the Liberty Special School District and the Alexandria City Corporation to sell or lease their school buildings and property to DeKalb County.

The Quarterly County Court was empowered to levy a tax to pay for the rent or purchase of the buildings.

17. Private Acts of 1931, Chapter 48, provided for the maintenance of at least two four-year high schools in DeKalb County, one near Smithville and one near Liberty. Control of the schools would be vested in the County Board of Education. This measure was amended by Private Acts of 1937, Chapter 837, to required three, four-year, high schools.
18. Private Acts of 1933, Chapter 35, created a five member County Board of School Supervisors and divided the county into five zones, each comprising the civil districts enumerated in the Act. The Board would have authority over all public schools in the county. The County Board of Education was abolished. This Act was repealed by Private Acts of 1937, Chapter 617.
19. Private Acts of 1945, Chapter 596, authorized the County Board of Education to appoint a secretary for the County Board of Education and for the Superintendent of Public Instruction. A salary of up to \$840 per annum was authorized. This Act was repealed by Private Acts of 1947, Chapter 409.

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