



May 18, 2024

Board of Education

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,

The University of Tennessee
County Technical Assistance Service
226 Anne Dallas Dudley Boulevard, Suite 400
Nashville, Tennessee 37219
615.532.3555 phone
615.532.3699 fax
www.ctas.tennessee.edu

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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.

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