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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 2002 Chapter 84

SECTION 1. Chapter 46 of the Private Acts of 1959, as amended by Chapter 281 of the Private Acts of 1972, and all other acts amendatory thereto, are hereby repealed.

SECTION 2. Smith County shall be divided into eight (8) school districts of substantially equal population, which shall be coextensive with the county legislative body districts established by resolution of the county legislative body from time to time.

SECTION 3. The Smith County Board of Education (the "board") shall consist of eight (8) members, with one member of the board being elected by the qualified voters in each school district on a non-partisan basis. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of one-half (½) of the members of the board shall expire. Persons elected in the regular August general elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

SECTION 4. During the transition from seven (7) members to eight (8) members, all incumbent board members shall remain on the board until the expiration of their current terms, and new board members shall be elected to four (4) year terms upon the expiration of each current board member's term. At the August 2002 general election, a board member shall be elected from the new School District 8 to an initial term of two (2) years, and thereafter to four (4) year terms.

SECTION 5. The Smith County Board of Education shall have the same powers, duties, privileges and qualifications as a county board of education established pursuant to Tennessee Code Annotated, Title 49.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Smith County by September 1, 2002. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Smith County and certified to the Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: February 14, 2002

Education/Schools - Historical Notes

Board of Education

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

1. Private Acts of 1925, Chapter 645, permitted the Smith County Board of Education to borrow up to \$15,000 in excess of building funds, to erect or repair school buildings. The money could be borrowed from any available source, provided the conditions set forth in the act were observed. The debt would be the general and binding obligations of the County and were declared to be exempt from taxation by any other level of government.
2. Private Acts of 1949, Chapter 546, stated that in Smith County all members of the Board of Education attending regular, special, or called meetings would be paid the sum of \$5 per meeting.
3. Private Acts of 1984, Chapter 166, repealed Private Acts of 1959, Chapter 46, reprinted above, and established new Board of Education districts and election zones within each district. The act was not approved locally and did not become effective.
4. Private Acts of 2002, Chapter 84, repealed Private Acts of 1959, Chapter 46, as amended by Private Acts of 1972, Chapter 281

Superintendent or Director of Schools

The acts referenced below once affected the office of superintendent of education in Smith County, but are

no longer operative.

1. Private Acts of 1925, Chapter 552, as amended by Private Acts of 1935, Chapter 330, provided for the election of a county superintendent of public instruction to be elected by qualified voters in the state by population classification according to the Federal Census of 1920 for a term of four years.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Smith 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 1806 (Ex. Sess.), Chapter 8, appointed Trustees for the county academies in each county. William Martin, Grant Allen, Henry Tooley, Richard Banks, and William Cage were named as Trustees for the Geneva Academy in Smith County. The act outlined the basic administrative functions and duties of the Trustees.
2. Acts of 1807, Chapter 56, again named Trustees to operate county academies. In Smith County the act appointed John Fite, John Gordon, Lee Sullivan, Robert Allen, Wilson Cage, and Arthur S. Hogan as the Trustees for Geneva Academy.
3. Acts of 1809 (Sept. Sess.), Chapter 106, appointed additional Trustees for several of the county academies including Geneva Academy in Smith County. Charles Boulton, Jonathan B. Robertson, and Joel Dyer, Jr. were named as additional Trustees for this academy.
4. Acts of 1811, Chapter 29, appointed additional Trustees for several county academies, adding William Walton, Francis Gilbert, Archibald W. Overton, Basil Shaw, and Nathaniel W. Williams as Trustees for Geneva Academy in Smith County.
5. Public Acts of 1831, Chapter 16, required the president and directors of the Bank of the State of Tennessee to estimate the pro rata share of the school funds for every county in the State and to pay that amount over to them for the operation and maintenance of the common public schools. Alexander Allison was named as the commissioner who would receive and disburse funds in Smith County.
6. Private Acts of 1832, Chapter 86, incorporated Richard Alexander, Henry Brooks, William Dillen, Senator Frederick N. Mitchell, John Bradley, James M'Murray, and Chesley Bridgewater as a body politic and corporate with succession for fifty years to be known as the Oakland Male Academy in Smith County. They were granted the essential and incidental powers of corporate institutions. They were allowed to subscribe stock under conditions stipulated in the act and were empowered to make rules and regulations for the internal management and discipline of the school.
7. Private Acts of 1832, Chapter 92, made it the duty of the Board of each common school district in Smith County to present to the Board of Commissioners, at the time they applied for their pro rated share of school funds, a correct and certified list of the pupils attending public schools in that district.
8. Private Acts of 1833, Chapter 20, stated that the Institution of Literature recently founded in Smith County by Francis H. Gordon, James B. Moores, and William B. Gordon, would be known as "Clinton College". The named individuals were incorporated as a body politic and corporate and, as such a body, were given the powers and privileges of similar educational establishments.
9. Private Acts of 1833, Chapter 260, provided that in the Counties of Smith, Giles and Lincoln, where agents were appointed by the Legislature to manage common school funds and a clerk appointed by the board of common school commissioners also performed the duty, the duties of the clerk and the agent would be performed by the agent alone.
10. Acts of 1855-56, Chapter 231, declared the Carthage Female Academy to be a branch of the Geneva Academy, but it was to retain its separate name and continue to be under its own board of trustees.
11. Public Acts of 1885, Chapter 76, allowed the Boards of Trustees of the Carthage Female Academy and the Geneva Academy to sell the old academy building in Carthage and the lot upon which it stood, upon such terms and under such conditions as to them seemed best, with the proceeds to be used to erect a new building of a type suitable to them. They were also to purchase a lot no larger than ten acres on which to build the new building.
12. Public Acts of 1891, Chapter 216, formed a special school district from parts of Smith and Putnam Counties, consisting of the lands belonging to Phi. Apples, C. F. Burton, R. G. Apple, James and Robert McKinly, B. F. Brinly, and John Watts, all of Putnam County, and the farms of Wirt A. P. Apple, A. P. Apple, Dr. F. M. Amonnett, J. C. and James Fletcher, and W. C. Apple, all of Smith

- County. The new special school district would have all the emoluments, rights, and privileges of other school districts. A three member board of directors would be elected by the people living in the district.
13. Public Acts of 1895, Chapter 141, authorized the Trustees of Geneva Academy in Carthage to sell and convey the old buildings of the academy and to use the proceeds of sale to purchase grounds and erect and equip a new college and boarding house.
 14. Public Acts of 1899, Chapter 329, repealed Acts of 1891, Chapter 216, above, which formed a special school district from parts of Smith and Putnam Counties. The part of the school district that was located in Smith County was reorganized as a special school district. The directors retained all property of the district in Smith County and continued to operate as a district.
 15. Acts of 1903, Chapter 540, created a new special school district in the Sixth Civil District of Smith County, embracing the territory described in the act. The Directors of the Sixth School District were instructed to pay over to the new district its pro rata share of school funds. The County Superintendent of Public Instruction was directed to number the district established and to appoint three school directors for it. The district would have and enjoy the same rights and privileges as other school districts.
 16. Acts of 1905, Chapter 201, created a new special school district out of the Third, Fourth, and Sixth Civil Districts. The directors of the Third, Fourth, and Twenty-fourth School Districts were required to pay over to the new school district its pro rata share of school funds, the amount of which was to be determined on the basis of scholastic population. The County Superintendent of Public Instruction would number the new District and name three Directors to serve until the next election. This district was to be treated and considered in all respects as other school districts. The caption of the act referred to the district as the Mace's Hill School District.
 17. Acts of 1905, Chapter 354, created a separate school district out of parts of the First and Third School Districts. The new district contained the farms of H. M. Bridgewater, C. S. Key, E. W. Chambers, Mrs. Lucy Nunley, John Bridgewater, A. H. Baston, James Piper, Joe Baker, T. O. Key, Henry Hackett, Will Baker, P. C. Hiett, J. M. Key, G. M. Key, Herschel Hackett, T. E. Hackett, M. D. Hackett, S. C. Bridgewater, and all citizens included within those bounds.
 18. Acts of 1907, Chapter 212, abolished the Charter of Geneva Academy in Carthage. The Trustees were to convey all assets of the academy to the city of Carthage to be incorporated into and used by the public school system. Title to all property would be conveyed in fee simple.
 19. Acts of 1907, Chapter 315, created a special and independent school district out of parts of Smith and Wilson Counties, to be called "Flat Rock District No. 28". The act lists a long series of names of the owners of farms included in the new school district. The County Superintendent of Wilson County would appoint one school director and the Smith County Superintendent would appoint two, all of whom would serve until their successors could be elected. The Directors of this District could demand the money due them from the Directors of the Districts from which the new district was formed.
 20. Private Acts of 1911, Chapter 651, required every parent or guardian of a child in Smith County to send the child to school for at least eighty days per year, or as long as school was in session if for a shorter period, unless the child was excused or exempted. The County Court could exempt a child upon the recommendation of the school directors. They could be excused if they were being given private instruction or were attending parochial school. Extreme poverty could be the reason to excuse a child whose help was needed in supporting the family. The superintendent or a teacher could excuse a child for temporary absences. Attendance reports were to be accurately kept by the school authorities subject to fines for failure to do so.
 21. Private Acts of 1911, Chapter 670, established a new school district from parts of the Second, Fifth, and Twenty-third Civil Districts of Smith County, to be known as the "Thirtieth School District". The district would be managed and controlled by three directors, in the manner in which other Districts were managed, and be entitled to its pro rata portion of public school funds.
 22. Private Acts of 1915, Chapter 327, established a new school district in the Fourth Civil District of Smith County.
 23. Private Acts of 1915, Chapter 525, stated that the schools in the 9th District of Smith County were authorized and empowered to teach all high school subjects.
 24. Private Acts of 1915, Chapter 568, authorized the County Court of Smith County to levy a tax of ten cents per \$100 property valuation for the purpose of replenishing and adding to the common school funds. The tax would be levied in all school districts.
 25. Private Acts of 1915, Chapter 612, duplicated Private Acts of 1915, Chapter 568, above.

26. Private Acts of 1915, Chapter 684, created a new school district to include the town of Gordonsville. The district would have a six member Board of Trustees elected for two-year terms by the people. The act named J. G. Gold, M. A. Avant, W. A. Davis, H. C. Gwaltney, Dr. C. B. Robins, and Dr. J. S. Campbell as the first Board of Trustees, to serve until others were elected. The Trustees would receive no pay except the clerk could be paid for compiling the school census. The powers and duties of the Trustees are enumerated in the act. School funds were to be apportioned. The district could levy a special tax of twenty cents per \$100 valuation applicable only within the District in order to keep the schools open during the school year. The Trustees were given power to enter into certain contracts and to employ qualified teachers and support personnel.
27. Private Acts of 1917, Chapter 561, authorized the 19th School District to levy a special tax not to exceed forty cents per \$100 valuation which would apply only to that District and be in addition to all other taxes levied for school purposes. The tax would not be levied until approved by affirmative vote of the people in an election held for that purpose. Josh Craighead, Tom Hall, and Walter Bradley were named to hold the election and, if approved, the County Court would then levy the tax as stated.
28. Private Acts of 1917, Chapter 608, allowed the 24th School District to levy a special tax for schools of twenty cents per \$100 property valuation which would be in addition to all other taxes levied for school purposes. The tax was subject to approval of the voters in the District which would be expressed in an election for that purpose. If the vote was favorable, the Quarterly Court would levy the tax.
29. Private Acts of 1919, Chapter 226, authorized and empowered the Directors of the public schools of the various school districts in Smith County to establish primary and secondary public schools, in which could be taught the first ten grades of the public school curriculum.
30. Private Acts of 1919, Chapter 427, provided that the Superintendent of Public Instruction in Smith County would be elected for four-year terms by the qualified voters of the County. The present Superintendent was to serve at the same salary until September 1, 1920, when the salary would be \$850 per annum to be paid out of the general fund of the county.
31. Private Acts of 1929, Chapter 604, repealed Private Acts of 1915, Chapter 684, above, and provided that all schools established in the District thereafter would be under the control and direction of the County Board of Education. The act granted authority to the Trustees of the School District to convey to the Board of Education and the Board of Education was granted authority to receive and hold all property and equipment owned by the District. The District would continue to exist only for the purpose of liquidating its debts.
32. Private Acts of 1951, Chapter 199, repealed Private Acts of 1925, Chapter 645, above.

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