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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

Superintendent or Director of Schools

Private Acts of 1931 Chapter 313

COMPILER'S NOTE: Section 2 may be superceded by general law.

SECTION 1. That in counties of Tennessee, having a population of between 28,890 and 28,892, according to the Federal Census of 1930, or any subsequent Federal Census, shall elect a County Superintendent of Education for a term of two years, or until his or her successor is elected.*

SECTION 2. That the election of said superintendent shall be held in conjunction with the general county elections held every biennium.

SECTION 3. That the said Superintendent of Education shall be elected for the first time in the election to be held in counties having the aforementioned population at the regular county election held in August, 1932, and that the Superintendent elected at said election shall hold office for a period of two years or until his or her successor is elected.

SECTION 4. That all laws or parts of laws in conflict with this law be and the same are hereby repealed.

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: June 2, 1931.

Education/Schools - Historical Notes

Board of Education

The following act once affected the board of education in Fayette County but is no longer operative.

1. Private Acts of 1994, Chapter 141, would have provided for the transition from seven (7) year terms to four (4) year terms for the members of the Fayette County Board of Education, but did not receive local approval.

Superintendent or Director of Schools

The acts referenced below once affected the office of superintendent of education in Fayette County, but are no longer operative.

1. Private Acts of 1931, Chapter 300, stated that, in Fayette County, which was identified by the use of the 1930 Federal Census, the people would elect a County Superintendent of Education for a term of two years, which election was to be held in conjunction with the general county elections held every two years. The first election would be in August, 1932, and the term of office would start on September 1 and continue for two years.
2. Private Acts of 1933, Chapter 169, amended Private Acts of 1931, Chapter 300, to increase the term of the School Superintendent from two years to four years, and to change the year of the first election from 1932 to 1933.
3. Private Acts of 1933, Chapter 883, amended Private Acts of 1933, Chapter 169, by changing the year of the election for the Superintendent of Schools to 1934 instead of 1933.
4. Private Acts of 1961, Chapter 155, repealed Private Acts of 1931, Chapter 300.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Fayette County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1829, Chapter 57, appointed Bennett H. Henderson, Wilson S. Gray, John Brown, Jesse Allen, and William W. Crawford as additional Trustees for Somerville Academy in Fayette County who would have all the powers and privileges of the other Trustees.
2. Acts of 1829, Chapter 60, incorporated John Anderson, Charles McGhee, John Booth, William Booth, Orville C. Rivers, Samuel B. Harper, Joel L. Jones, Howell Myrick, John H. Moss, James Titus, John Ragan, Sam W. Killen, George Gray, and Frazier Titus, as the Trustees of Lagrange Academy in Fayette County with succession for 50 years and the authority to have a seal. The

Trustees could promulgate their own rules and regulations for the Academy. Section 3 of this Act incorporated John Anderson, Charles Michie, John Booth, William Booth, Orvil C. Rivers, James Titus, John Ragan, Samuel M. Killen, George Gray, and Frazier Titus, as the Trustees for the Lagrange Female Academy which would operate under the same rules and regulations as the Female Academy in Bolivar.

3. Acts of 1829, Chapter 158, named John Blackwell, William Davis, John C. Cooper, Elias Counts, Jarman Coons, Samuel Johnson, and Charles Thompson as managers to draft any type of lottery scheme they thought proper to raise up to \$8,000 for the benefit of the Somerville Male and Female Academy but before doing so they were to make bond in the amount of \$20,000 with the Governor.
4. Acts of 1829, Chapter 265, appointed Robert Cotton and William Irons, as additional Trustees for Lagrange Academy with the same powers and privileges as the others.
5. Acts of 1831, Chapter 240, was the Act of incorporation for the Trustees of the Somerville Female Academy for a succession of 20 years who would hold the title to property in their name. Some general rules for the government, organization, and management of the school were enumerated in the Act. Those named as incorporators were William S. Gray, Benjamin F. Gray, A. G. Hunter, Michael Cody, Bennett H. Henderson, Washington L. Hannom, John C. Cooper, Robert A. Parker, Thomas C. Hudson, J. Higgason, J. B. McClellan, John Brown, and James Hamilton. Bennett H. Henderson was named as the President and Michael Cody as the Secretary.
6. Acts of 1835-36, Chapter 96, incorporated William Lavesque, Erwin Wilder, James Hunter, Durant Hatch, John Lawston, Thomas H. Lester, Henry G. Smith, Jephtha Towles, N. Wilder, and E. Baker, as the Trustees of the Oakland Academy in Fayette County.
7. Acts of 1835-36, Chapter 110, incorporated James G. Hall, Washington Eddings, George Thompson, William Kerk, William Guerrunt, Littlebury D. Stoval, John R. Arnold, Richard Clem, and George M. Bowers, by the name of the Athens Male and Female Academy in Fayette County whose Charter was to be identical with that of the Oakland Academy.
8. Acts of 1839-40, Chapter 41, incorporated Somerville College in Fayette County, naming as Trustees, conditional upon their acceptance of the post, but, in no case would the number of Trustees exceed 21, John B. Ayers, A. J. Spirey, Edward H. Whitfield, John Bell, Champ C. Conner, William Warren, Joel L. Jones, John L. Townes, Nathaniel G. Smith, William Buckhannon, R. T. Daniel, Hardy W. Sharp, Amos Jarman, Joseph B. Outlay, John Wood, Joseph Lane, H. Owen, William Ragan, William Leigh, John D. Johnson, and Alfred Milliken. Many general rules and regulations were contained in this law.
9. Acts of 1847-48, Chapter 206, was an Act incorporating A. T. Favish, B. H. Porter, T. G. Neel, William W. Nelson, C. A. Newbern, James Meneese, and F. McLaren, as the Trustees of the Macon Male Academy and S. T. Neel, John Granbury, R. H. Brown, J. W. Wright, Jacob Han, A. T. Favish, and George W. Fisher as the incorporators of the Macon Female Academy, both in Fayette County. The authority to operate and manage the schools was conferred upon the incorporators and Trustees.
10. Acts of 1849-50, Chapter 57, Section 14, incorporated Calvin Jones, Duke Williams, H. S. Dickerson, Edwin Dickinson, John C. Cooper, William H. Williamson, Joseph Higgason, H. D. Wilson, Henderson Owen, L. C. Hardwicke, and Joseph B. Littlejohn, as the Somerville Female Institute with the appropriate guidelines and regulations to get them into business.
11. Acts of 1849-50, Chapter 158, Section 9, changed the name of the Macon Female Academy in Fayette County to the Macon Female Institute and by the latter name would it thereafter be known and incorporated.
12. Acts of 1849-50, Chapter 262, Section 6, incorporated Matthew Rhea and M. J. Long, of Fayette County, as the proprietors of the Fayette Lyceum for young ladies being given all the powers and authority incidental to the corporate institutions of the day.
13. Acts of 1853-54, Chapter 240, Section 12, amended the Act which incorporated the Fayette County Male Academy so as to change its name to the "Somerville Model School for Young Gentlemen" but the change in name would in no way alter anything else. In addition to the current assets and property of the school, the act appointed John W. Harris, John C. Waddell, James A. Anderson, Phillip B. Glenn, William Burton, Edwin Dickinson, E. S. Tappan, William B. Washington, and Josian Higgason, as commissioners to sell stock in the school up to \$50,000 in \$50 shares so as to enlarge the Academy buildings and construct a Steward's Hall.
14. Acts of 1855-56, Chapter 53, established Lagrange Female College as a corporation and a joint stock company, with shares of stock set at \$50 per share, and which corporation would be

governed by a Board of Trustees. The Act named Edmund Winston, Charles W. Hunt, Hugh Davis, Willie B. Jones, F. W. Cossitt, Richard J. Bass, George Paulson, Whitson A. Harris, and William A. Turner, as the first Board of Trustees. The rules and regulations attendant to the management of corporate scholastic institutions were conferred upon the Board of Trustees.

15. Acts of 1855-56, Chapter 238, established a college near Lagrange in Fayette County which would be called the Lagrange Synodical College which was and thereafter would be under the care of the synod of Memphis in general connection with the Assembly of the Presbyterian Church of the United States. A Board of Trustees, no less than 16 nor more than 25, was incorporated and named to the first Board were Rev. J. H. Gray, J. H. Gillespie, J. A. Rodgers, J. D. Kirtland, A. H. Caldwell, J. H. Miller, Z. Conky, J. N. Cocke, P. R. Bland, E. S. Campbell, J. B. Neely, J. B. Maclin, T. S. Stuart, William A. Gray, J. W. Jones, T. G. Anderson, W. A. Hall, L. McNeely, A. Johnson, S. J. Reid, C. S. Palmore, Robert Locke, J. L. T. Sneed, and T. L. Dunlap.
16. Acts of 1855-56, Chapter 241, Sections 6 and 7, amended a prior 1854 Act so as to name John C. Cooper, William Burton, Joel S. Pulliam, A. M. Shaw, George W. Reeves, John D. Stanley, J. Higgason, and R. N. Nesbitt, as the Trustees, and Commissioners instead of those specified in the amended act. All the rights, powers, and privileges of the former Trustees were bestowed on them.
17. Acts of 1897, Chapter 138, was the legal authority for the Trustees of the Somerville Male Academy to sell and convey by deed the real estate held by them as Trustees of the said Academy which would operate to vest a good title in the Grantees thereof. All money derived from the sale of the said properties would be reinvested in other school property within the corporate limits of the town of Somerville.
18. Acts of 1897, Chapter 232, was the enabling law for the Mayor and Aldermen of Somerville to issue interest bearing bonds up to \$5,000 which money would be used exclusively in the purchase and improvement of the "Somerville Female Institute," but none of this would take place until the same had been approved by the people in a referendum held for that purpose. If approved, the bonds would pay interest at 6%, or less, and mature within a five to 30 year time frame. The Quarterly Court was obligated to levy a tax until all the bonds were repaid with interest.
19. Acts of 1907, Chapter 236, abolished the office of District Directors and placed the schools under the control of a County Board of Education and a District Board of Advisors. Quarterly Court at its meeting in July, was to divide the County into five school districts from each of which one member of the Board would be elected, and the Superintendent of Schools would serve as Secretary. Terms were for two years and one was to have at least a primary school education. The duties of the Chairman of the Board of Education, the Secretary, and the Board members were all set out in the act. Each member was to make a full and accurate report on the public schools of his district and would be paid \$1.50 to \$3.00 per day up to 30 days a year. The three member Advisory Board would be elected by the people, discharge the duties catalogued in the act, and keep proper records of all transactions. Several counties exempted themselves from the application of this act but Fayette County was not one of them. This act was part of the litigation in the case of Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).
20. Private Acts of 1917, Chapter 814, organized the Fayette County school system into two classes to be known as the elementary schools and the public high schools. The elementary schools involved the first eight grades and would have all the subjects required by law taught in them. The public high schools would be four years and would be designated as two year, three year, and four year schools. The Board would employ at least three teachers in the four year high school, two teachers in the three year school, and at least one teacher in the two year school. Nothing in this Act would be construed as taking away from the High School Board their power to make contracts for the consolidation of the high school funds. The County Court had the duty to elect a High School Board in accordance with the law.
21. Public Acts of 1925, Chapter 115, has been codified as Title 49, Tennessee Code Annotated, and Section 33 abolished all school districts which were not taxing districts.
22. Private Acts of 1931, Chapter 319, abolished the officer known as the Truant Officer in Fayette County, making it the duty of teachers to report absences of students to the County Superintendent who would give written notice to the students' parents, or guardians. If, after five years of the notice, the parent, or guardian, did not enter the errant children in school, the matter would be turned over to the Sheriff, a Deputy, or a Constable, who would obtain arrest warrants for the parents, who may be fined on conviction.

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