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Private Acts of 1941 Chapter 362

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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Private Acts of 1941 Chapter 362

SECTION 1. That in all Counties in Tennessee having a population of not less than 15,242, nor more than 15,252, according to the Federal Census of 1940, or any subsequent Federal Census, the administration, management, government, supervision, control and conduct of the public school affairs, and all powers and duties pertaining to, connected with, or in any manner necessary or incident to the proper conduct and control of the public school affairs, both elementary and high school, in such counties, the employment of teachers and labor, the erection, repairing or maintenance of buildings, the furnishing of materials, labor, supplies and equipment, shall be vested in a Board of School Commissioners to be elected by popular vote by the qualified voters of Counties of this State to which this Act shall apply, in the manner, form, and for the terms hereinafter provided, and with the powers, duties and privileges herein conferred and granted, and for the compensation stated.

SEC. 2. That in all Counties of the State to which this Act shall apply, the following school districts are created:

- (1) School District No. 1 shall include what is now Civil Districts 1 and 2.
- (2) School District No. 2 shall include what is now known as Civil Districts 3 and 10.
- (3) School District No. 3 shall include what is now known as Civil Districts 4 and 9.
- (4) School District No. 4 shall include what is now known as Civil Districts 8 and 11.
- (5) School District No. 5 shall include what is now known as Civil Districts 5 and 7.
- (6) School District No. 6 shall include what is now known as Civil Districts 6 and 12.

SEC. 3. The Board of School Commissioners shall be composed of one (1) member from each school district, to be known as District School Commissioners, who shall be elected by the qualified voters of the respective districts in Morgan County. Present District School Commissioners shall hold their offices until their present terms have expired or until their offices otherwise become vacant.

As amended by: Private Acts of 1982, Chapter 315
Private Acts of 1992, Chapter 246
Private Acts of 1994, Chapter 153

SEC. 4. That each District School Commissioner shall be at least twenty-one years of age, a resident of the School District from which he is elected, and that the several District School Commissioners in such Counties shall constitute a County Board of School Commissioners and have all the powers, duties and privileges and shall be subject to the same penalties that are now provided by law governing County Boards of Education in Tennessee, together with the additional powers and duties, privileges and restrictions hereinafter stated.

As amended by: Private Acts of 1982, Chapter 315
Private Acts of 1992, Chapter 246

SEC. 5. That the first Board of School Commissioners created under this Act shall be as follows:

- District No. 1---W. R. Taylor.
- District No. 2---George S. Boswell.
- District No. 3---John M. Davis, Chairman.
- District No. 4---George H. Buxton, Sr.
- District No. 5---S. H. Jones, Sr.
- District No. 6---J. S. Greer.

The members of the Board herein named shall hold office until September 1, 1942, and until their respective successors shall be elected and qualified as prescribed by law. The several District School Commissioners herein named shall immediately, upon the passage of this Act, upon call by the Secretary, meet at the Courthouse of such County and qualify and organize by the election of one of their number as Chairman, as provided for in Section 8 hereof. The Chairman shall preside over all meetings of said Board, and in his absence or at his request the members constituting a quorum may elect one of their body as Chairman pro tem. A majority of the members of said Board shall constitute a quorum for the transaction of all business. The County Superintendent shall be ex officio Secretary of the Board.

SEC. 6. That at the regular August election, there shall be elected by the qualified voters of Morgan County district school commissioners for the various school districts, to be voted for by the qualified voters of school districts in which commissioners are to be elected, terms of such offices to begin on September 1, following their election. At the August 1994 election, commissioners shall be elected from Districts 3

and 5 for four (4) terms and from District 6 for a two (2) year term. At the August 1996 election, commissioners shall be elected from District 1 for a two (2) year term and from Districts 4 and 6 for a four (4) year term. At the August 1998 election, commissioners shall be elected from Districts 1, 3, and 5 for four (4) year terms and from District 2 for a two (2) year term. At the August 2000 election and thereafter, all elections shall be for four (4) year terms, and commissioners shall hold their respective offices for a term of four (4) years until their successors are elected and qualified. The election commissioners shall issue to all persons so elected a certificate of election in the same manner as the election of other county officers are now certified. Only the voters in the respective school districts shall vote for the commissioner from said school district.

As amended by: Private Acts of 1982, Chapter 315
Private Acts of 1992, Chapter 246
Private Acts of 1994, Chapter 153

SEC. 7. That when a vacancy occurs in said Board of School Commissioners by the death, resignation or the removal from the District from which such member was elected, or the failure of one or more of the District School Commissioner to qualify as provided in this Act, the Election Commissioners of the County shall immediately call and hold an election at the several precincts in the School District in which such vacancy occurs to fill such vacancy, or the vacancy may be filled at the next regular August election.

As amended by: Private Acts of 1982, Chapter 315
Private Acts of 1992, Chapter 246

SEC. 8. That on the first Monday in September following each regular August election the District School Commissioners shall meet at the Courthouse in their respective Counties and take and subscribe to the oath required of all County officials before some officer authorized to administer such oath, and shall organize said County Board of School Commissioners by the election of one of their body by a majority of those present as the Chairman. The said County Board of School Commissioners shall meet and hold a session on the first Monday in June, September, December and March of each year, and at such other times as may be deemed necessary or proper to the conduct of the school affairs.

SEC. 9. That the County Superintendent of Public Instruction shall be ex officio Secretary of the County Board of School Commissioners, but he shall have no vote on any question of any matter of such School Commissioners. He shall attend all meetings of such Board and keep a true, accurate and complete record of all the acts of such Board, the names of laborers, material men and contractors, the amount of labor, materials, supplies furnished by each, prices paid for same, whether upon competitive bids or not, and all such other records shall be kept by him as is now or that may hereafter be required by law to be kept, and such records shall at all times be open for inspection by any person or persons who may request to examine or copy same, and said Secretary shall also meet with the Chairman of the County Board of School Commissioners at such other times as may be deemed necessary or proper to the proper performance of their duties, and to carry out the provisions of this Act, all such services to be performed by the Superintendent as Secretary of such Board without additional compensation other than his annual salary. And he will collect data as to the needs of the several schools, new buildings, equipment, labor, supplies, repairs and fuel, and submit same to a meeting of the Board of School Commissioners; and prepare necessary information for bidders, advertisements for bids, as hereinafter provided; and neither he nor the Chairman of the Board shall have the right or authority to let such contracts for labor, material, equipment, buildings, fuel or supplies without the express direction and authority of the Board in regular session, and not then unless the gross amount to be expended shall be less than One Hundred (\$100.00) Dollars.

SEC. 10. That the Board of School Commissioners in the several Counties of the State of Tennessee to which this Act shall apply, shall have the exclusive supervision and control of all public schools, both elementary and high schools, and all others maintained in whole or in part by public school funds, and they shall elect all teachers in such schools and fix their salaries and make all necessary contract for such service. And such Boards of School Commissioners shall have the power and authority to employ janitors and truant officers, bus drivers, and other laborers and employees necessary to erect, repair, furnish, improve and maintain suitable school buildings, grounds, fixtures, equipment, supplies, and to acquire and hold real estate for school purposes. And said Board shall in all things have the power and perform all the duties now imposed by law on County Boards of Education or by the Commissioner of Education as is now provided by the general laws of the State of Tennessee, or that may hereafter be enacted affecting the administration of the school affairs in the State. And such Boards shall have the exclusive possession and control of all public school property, both real and personal, now belonging to, in the custody of, or within the control of the school authorities of such Counties, or any Board of Education thereof, or that may hereafter be acquired.

Provided, that nothing in this Act shall be construed to interfere with the jurisdiction and authority of the State Department of Education under the general laws of the State.

SEC. 11. That the County Board of School Commissioners herein created shall have the power and authority to enter into contracts and agreements with persons, firms or corporations for the erection, purchase, repair or maintenance of its buildings and property, equipment and supplies, and for any other purpose deemed necessary by the Board of School Commissioners to carry out the provisions of this Act or the general law applicable to public school affairs, or in the proper discharge of the duties imposed by this Act. Provided, that in all cases for the employment of janitors, bus drivers, or for transporting pupils to school, and in other cases for labor, materials, fuel, equipment or supplies, or the erection, repair or maintenance of any building, part of building, or grounds where the cost shall exceed the sum of One Hundred (\$100.00) Dollars, no contract shall be entered into or made until after due advertisement of same shall have been made in some newspaper published in such County for three consecutive weeks, setting forth the amount, quality and description of such services, labor, materials, supplies or equipment desired, and the time within which written and sealed bids for same shall be received, and in all cases a cash deposit shall be made with such bids equal to fifteen per centum of the amount bid to guarantee the performance of such contract; if awarded such deposits to be returned immediately to unsuccessful bidders, and the successful bidder when the contract shall have been fully completed; and when such deposit is made with such written and sealed bids, and the Board of School Commissioners at some session shall open same, a quorum being present, such contracts shall in all cases be awarded to the lowest bidder.

SEC. 12. That the violation of any of the provisions of this Act is declared to be a misdemeanor, and all persons convicted of same shall be adjudged to pay a fine of not less than \$50.00 nor more than \$250.00 for each offense, and upon conviction shall forfeit any office, position or contract, respect the administration and management of the public school affairs in such County, or held under the terms and provisions of this Act, and shall be ineligible to hold any office under the terms of this Act for a period of five years from and after the date of such conviction, such provisions and penalties to be made a part of the judgment of the Court upon such conviction.

SEC. 13. That each member of the Morgan County Board of School Commissioners shall receive the sum of twenty-five dollars (\$25.00) per day for each day in actual attendance upon the sessions of such Board, but no member shall draw compensation for more than twenty (20) days in any one calendar year, such sums to be paid out of county school funds, upon the warrant of the County Judge or Chairman after a certificate has been filed by the County Superintendent of Public Instruction with such County Judge or Chairman, showing the names of such members in attendance at the end of any one session and the number of days attended by each.

As amended by: Private Acts of 1978, Chapter 206
Private Acts of 1982, Chapter 316

SEC. 14. That it is the intention and purpose of this Act to provide for the full and complete administration of the public school affairs of the Counties of the State of Tennessee to which this Act shall apply, and the complete conduct and control of the public school affairs in such County, and that if any section or part thereof shall be declared unconstitutional, such sections shall be considered severable, and such shall not affect the validity of the numerous other and different provisions of this Act, but the same shall remain in full force and effect.

SEC. 15. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 15, 1941.

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