



November 19, 2024

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

Board of Education

Power of Condemnation

Private Acts of 1925 Chapter 768

SECTION 1. That there is hereby given to and conferred upon the County Board of Education of the several counties of this State having a population of not less than 4,491 nor more than 4,500, according to the Federal Census of 1920, or any subsequent Federal Census, the right to condemn lands for building sites for public school house and grounds; and the Boards of Education of such counties are hereby authorized and empowered immediately upon the filing of their petition for the condemnation of such lands to take possession of the same, pending the action of the court, and all compensation in damages in taking such lands shall be paid for by the county out of the general funds upon warrants drawn by the Judge or Chairman of the County Court of such county.

SECTION 2. That the proceedings shall comply with and be governed by the laws and eminent domain of this State so far as same are applicable.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 3, 1925

Private Acts of 1972 Chapter 318

SECTION 1. The county board of education of Moore County shall consist of five (5) members, with one (1) member to be elected from each of five (5) school districts, constituted as follows:

The first magisterial district shall constitute school district 1.

The second magisterial district shall constitute school district 2.

The third magisterial district shall constitute school district 3.

The fourth magisterial district shall constitute school district 4.

The fifth magisterial district shall constitute school district 5.

SECTION 2. At the August 1972 general election members shall be elected by the qualified voters of the respective districts, to assume office September 1, 1972 and to serve for the following terms and until their successors are elected and qualified. Members from school districts 1 and 4 shall be elected for terms of two (2) years. Members from school district 2 and 5 shall be elected for terms of four (4) years. The member from school district 3 shall be elected for a term of six (6) years. As initial terms expire successors shall be elected at the August general election every two (2) years, to serve for full terms of six (6) years. Members shall assume office on September 1 following their election and serve until their successors are elected and qualified.

SECTION 3. No person shall be eligible for election as a member of the county board of education who is not a freeholder and resident of the school district from which he is elected.

SECTION 4. Chapter 5 of the Private Acts of 1935, relative to the board of education of Moore County, is repealed.

SECTION 5. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the quarterly county court of Moore County. Its approval or non-approval shall be proclaimed by the presiding officer of the court and certified by him to the Secretary of State.

SECTION 6. For the purpose of approving this act as provided in Section 4, it shall take effect on becoming a law, the public welfare requiring it, but for other purposes, it shall be effective upon such approval.

Passed: March 29, 1972.

Superintendent of Education

Private Acts of 1963 Chapter 87

COMPILER'S NOTE: This act may have been superceded by Tennessee Code Annotated Section 49-2-203.

SECTION 1. That in Moore County, Tennessee, the County Superintendent of Education shall be elected by the people at the regular election of county officers as provided in Section 26-103 T.C.A. and shall hold office for a period of two years and until his successor shall be elected and qualified. The first such County Superintendent of Education to be so elected, shall be elected at the election for county officers on the first Thursday in August, 1964, and shall take office on the first Monday in September, 1964. A County Superintendent of Education shall be elected by the Quarterly County Court of Moore County at its regular April Term of 1963 to hold such office until the first Monday in September, 1964. No person shall be eligible to the position of County Superintendent of Education in Moore County unless he or she shall hold a professional certificate to entitle them to election as County Superintendent of Education generally, and the person so elected shall perform and discharge all of the functions now provided by law for county superintendents of education.

SECTION 2. That Chapter 647 of the Private Acts of 1947 be, and the same is hereby repealed.

SECTION 3. That this Act shall have no effect unless the same shall be approved by a two-thirds vote of the Quarterly County Court of Moore County at a regular or special meeting held not more than ninety days after the approval of this Act by the Chief Executive of the State. Its approval or nonapproval shall be proclaimed by the presiding officer of such Quarterly County Court or the reverse and shall be certified by him to the Secretary of State.

SECTION 4. That this Act shall take effect for the purpose of ratifying the same as provided in Section 3 from and after its passage, the public welfare requiring it, and for all other purposes after the same shall have been approved as provided in said Section 3.

Passed: March 6, 1963.

Education/Schools - Historical Notes

Board of Education

The following act once affected the board of education in Moore County but is no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1935, Chapter 5, provided that the members of the County Board of Education shall be elected by popular vote for two year terms. School districts were set out comprising one or more of the civil districts. A total of six districts were created with district one electing two members and the remainder one. This Act was repealed by Private Acts of 1972, Chapter 318.

Superintendent or Director of Schools

The acts referenced below once affected the office of Superintendent of Education in Moore County, but are no longer operative. Also referenced below is an act which repeals prior law without providing new substantive provisions.

1. Private Acts of 1935, Chapter 21, provided for the popular election of the County Superintendent of Public Instruction for a two year term.
2. Private Acts of 1947, Chapter 647, provided that the County Superintendent of Education would be elected by the Quarterly County Court at its April term biennially. Qualifications for this office were listed. This Act was repealed by Private Acts of 1963, Chapter 86.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Moore 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 1891, Chapter 166, authorized the County Court to lay off, create, establish, or change the lines of school districts in their county. This act was repealed by Acts of 1903, Chapter 240.
2. Acts of 1903, Chapter 240, made every school district in the counties of the State coextensive with the civil districts of said county. In a special election to be held in August, 1903, three school directors for each school district would be chosen. Attendance outside of a district was permitted.
3. Acts of 1905, Chapter 232, provided that persons who lived on one side of a county line and were not convenient to a public school in their respective district or county may form themselves into a school district jointly, or could attend the nearest school in the adjacent district or county. This act amended Private Acts of 1903, Chapter 240 only as it pertained to Lincoln and Moore Counties.

4. Acts of 1905, Chapter 272, created the Fourteenth School District out of portions of the Third, Fourth, and Sixth Civil Districts, setting out its boundaries and appointing a board of school directors. This act contained no tax provision, so this special school district was abolished by Public Acts of 1925, Chapter 13.
5. Acts of 1905, Chapter 322, created the Twelfth School District out of portions of the Tenth and Eleventh Civil Districts in Moore County. Like the special school district above, this non-taxing special school district was abolished by the general education law of 1925.
6. Acts of 1905, Chapter 421, authorized the Moore County Court to establish such special school districts as were determined to be necessary for the benefit of county residents. The number of these special school districts could not exceed the number of civil districts in the county by more than twenty-five percent.
7. Private Acts of 1911, Chapter 533, divided the then existing Second School District into two districts, the one on the northwest side of the line to be known as the Fifteenth School District and the other as the Second School District.
8. Private Acts of 1917, Chapter 19, authorized the directors of school districts to establish primary and secondary schools in which the first ten grades of public school curriculum could be taught.
9. Private Acts of 1919, Chapter 113, established the Lynchburg Special School District in the First Civil District of Moore County. This special school district was authorized to establish a primary school and a high school and it was also given taxing powers. The tax rate was set at 50 cents on every \$100 of taxable property plus a one dollar per person poll tax. Private Acts of 1920 (Ex. Sess.), Chapter 68, amended Private Acts of 1919, Chapter 113 to establish a tax rate scale by which the larger the value of the property, the smaller the tax rate applied. Private Acts of 1923, Chapter 635, repealed Private Acts of 1920 (Ex. Sess.), Chapter 68 and amended Private Acts of 1919, Chapter 113 by establishing a new work tax scale. Private Acts of 1927, Chapter 657, further amended Private Acts of 1919, Chapter 113 by establishing a new inverse tax scale and repealed both Private Acts of 1920 (Ex. Sess.), Chapter 68 and Private Acts of 1923, Chapter 635. Private Acts of 1929, Chapter 732, returned the tax rate to a flat ten cents per \$100 of valuation. Private Acts of 1933, Chapter 3 repealed Private Acts of 1919, Chapter 113 and its amendments and returned control of the schools in this district to the Moore County Board of Education.
10. Private Acts of 1919, Chapter 178, created the Marble Hill Special School District, covering the territory of the Third Civil District. This act named a Board of Trustees, set up a taxing schedule and provided for the establishment of both a primary and a high school. This was purportedly amended by Private Acts of 1919, Chapter 440, to reduce the number of members of the Board of Trustees to three members. Private Acts of 1920 (Ex. Sess.), Chapter 67, also amended Private Acts of 1919, Chapter 178, by setting up the inversely graduated tax scale, peculiar to the special school districts in Moore County. These Acts were amended by Private Acts of 1923, Chapter 341, to establish a tax of twenty cents on every \$100 valuation in the district.
11. Private Acts of 1919, Chapter 629, established the Lois Special School District in the Fourteenth and Sixth Civil Districts and a portion of the Fourth Civil District of Moore County. This special school district was to be controlled by a five-member board of trustees and was to operate on funds provided by a tax levy for the special school district. Private Acts of 1920 (Extra Session), Chapter 66, amended the original act to lower the original tax levy of \$1 per \$100 to \$.50 per \$100 assessed valuation. Private Acts of 1921, Chapter 449, was another amendment, changing the tax rate from the flat rate to a changing tax schedule based on the value of the taxable property. The tax rate was again amended by Private Acts of 1923, Chapter 328, to return to a fixed fifteen cents on the hundred tax rate and to repeal Private Acts of 1921, Chapter 449. Under the general education law found in Public Acts of 1925, Chapter 13, special school districts which were taxing districts could elect to join the county school system after retirement of their outstanding debts. If the Lois Special School District did not go out of existence in this manner, it was apparently superseded by the private acts which have created county-wide boards of education in Moore County, setting up school districts without reference to any special school districts which were to remain separate.
12. Private Acts of 1921, Chapter 284, created the Chestnut Ridge Special School District out of parts of Moore and Lincoln Counties. This act also set up the board of school trustees who were to be elected by the district voters every two years, and also authorized a tax levy on an inverse scale to support the schools in the district. This was repealed by Private Acts of 1923, Chapter 220.
13. Private Acts of 1921, Chapter 285, created the Charity Special School District, in the counties of Lincoln and Moore. An inverse tax scale was set out for the collection of taxes to fund the schools of the district. This act was repealed and the district abolished by Private Acts of 1927, Chapter

499.

14. Private Acts of 1929, Chapter 284, provided that the Moore County Board of Education was to designate the curriculum to be taught in the elementary schools of the county, which in schools with two or more teachers could have ten grades. This act also authorized the board of education to award certificates of promotion from the elementary schools in the county, which would certify that the student was ready to enter and pursue a course of study in a high school in the county.
15. Private Acts of 1935, Chapter 5, created a county-wide school system for Moore County, setting out the school districts in the county and providing for the popular election of members of the Moore County Board of Education. This act was amended by Private Acts of 1939, Chapter 549, which changed the boundaries of the third and fourth school districts. These acts were repealed by the current private act setting up the Moore County Board of Education, Private Acts of 1972, Chapter 318, found in this volume.

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