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## Chapter VI - Education/Schools

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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](http://www.ctas.tennessee.edu)

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# Chapter VI - Education/Schools

## Board of Education

### Private Acts of 1974 Chapter 217

**SECTION 1.** There is hereby created a seven member Board of Education for Giles County to be selected in the manner set forth in Section 3 from the districts as defined in Section 2.

**SECTION 2.** For purposes of electing the school board the county shall be divided into seven school districts as follows:

- School District 1 Magisterial District 1 and 2
- School District 2 Magisterial District 3 and 4
- School District 3 Magisterial District 5 and 6
- School District 4 Magisterial District 7 and 8
- School District 5 Magisterial District 9 and 10
- School District 6 Magisterial District 11 and 12
- School District 7 Magisterial District 13 and 14

It is the intent of the Act that changes in the boundary line of any magisterial district for purposes of reapportionment shall automatically redefine the school district boundary lines so that further action on the part of the General Assembly for this purpose is not required. In the event such reapportionment results in school board member no longer residing in the district he represents, he shall continue to hold his office until the expiration of his term but shall not be eligible for reelection.

**SECTION 3.** One member of the school board shall be elected from each school district as defined in Section 2 and he must be a resident of the district from which he seeks election. Each member of the board shall be elected by the voters of the school district in which he resides. Any member moving from the school district for which he was elected shall automatically vacate his office.

**SECTION 4.** The present board shall continue to serve until the expiration of their respective terms or until their successors are duly elected and qualified. Should there be two board members residing in a single school district the member with the longer remaining term in office shall be designated as the representative of the district without representation until the expiration of his term when that district shall then elect a resident to the board.

**SECTION 5.** The term of office shall be for six years beginning on September 1 of the year in which said members are elected and they shall serve until their successors shall be elected and qualified. In the event of any vacancy of any school board member, the Quarterly Court shall appoint a person from the district having the vacancy and such person shall serve until the first day of September following the next regular election held more than 30 days after the vacancy shall occur, at which election, there shall be elected a member to serve the unexpired term and the person elected shall hold office until the expiration of the term or until his successor is elected and qualified.

**SECTION 6.** The Board of Education established by this Act shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Title 49 Tennessee Code Annotated, except as otherwise provided herein.

**SECTION 7.** Candidates for office as members of the Board of Education shall qualify at the same time and in the same manner that other officers of the county qualify and that election shall be at the same time and subject to the same laws which govern the election of other county officials.

**SECTION 8.** Board members shall be paid per diem for attendance at each quarterly meeting of the board at the rate of thirty dollars (\$30.00) per diem and for each additional meeting during said quarter shall be paid at the rate of ten dollars (\$10.00) per diem.

As amended by: Private Acts of 1985, Chapter 46

**SECTION 9.** If any section, paragraph, sentence or any part thereof shall be held to be invalid or unconstitutional such invalidity or unconstitutionality shall not impair or affect other parts of this Act unless it clearly appears that such other parts are necessarily dependent on the effective portion. It is the intent of the General Assembly that each section, paragraph, sentence or part thereof of this Act be separately enacted and independent of each other and declared to be severable from all other portions of this Act.

**SECTION 10.** Chapter 222 of the Private Acts of 1967, Chapter 156 of the Private Acts of 1945, Chapter 85 of the Private Acts of 1943, Chapter 387 of the Private Acts of 1943 and all other Private Acts or portions thereof affecting Giles County and in conflict with the provisions of this Act are hereby repealed.

**SECTION 11.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Giles County within 120 days of its passage and approval by the Governor. Its approval or nonapproval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 12.** 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 11.

Passed: February 27, 1974.

## Prospect High School District

### Private Acts of 1929 (Ex. Sess.) Chapter 17

**COMPILER'S NOTE:** The Tennessee Department of Education has no record of this special school district. It is included in this compilation, however, because it has not been specifically repealed or superseded by law.

**SECTION 1.** That a special School Taxing District be, and the same is hereby created and established, embracing the Second Civil District of Giles County, Tennessee, to be known and designated as the Prospect High School Taxing district.

**SECTION 2.** That for the purpose of supporting and maintaining the Prospect High School which is located in said boundaries, as a four-year high school, by supplementing the available funds sufficiently, so that the annual term of said school may be extended, and continued for nine months, there is hereby assessed and levied for the year 1929, and for each subsequent year thereafter, a tax of five cents on every One Hundred Dollars (\$100.00) worth of taxable property, both real and personal, situated within said Prospect High School Taxing District; and there is also assessed for said purpose a One Dollar (\$1.00) poll tax on each white person residing within said district, between the ages of twenty-one (21) and fifty (50) years of age. The basis for the assessment of said tax upon said property shall be the assessed value as shown by the books of the County Trustee, and all taxes so assessed upon real estate are a lien upon such real estate. The taxes herein assessed and levied shall become due and be collected at the same time and in the same manner as taxes under the general laws of the State, by the County Trustee. The said taxes herein provided, when collected, shall be held by said County Trustee and constitute a special fund which shall be under the control of the County High School Board and the County Board of Education, to be paid out by warrants in the same manner as other Public High School funds and Elementary School funds are paid out, but for the sole purpose of extending and continuing the term of said Prospect High School for nine months each year, including both the High School and Elementary departments thereof, provided, any surplus remaining thereafter, at the end of each term may be expended for repairs or equipment for said schools.

**SECTION 3.** That all laws and parts of laws in conflict with this Act be hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Adopted: December 10, 1929.

## Superintendent or Director of Schools

### Private Acts of 1935 Chapter 393

**SECTION 1.** That hereafter the County Superintendent of Schools in all Counties having a population of more than 28,000 and less than 28,050, according to the Federal Census of 1930, or any subsequent Federal Census, shall be elected by the qualified voters of such Counties at the regular election to be held on the first Thursday in August, 1936, and every four years thereafter. The terms of office of the Superintendent elected in August 1936, shall begin on January 1 following his election and shall continue until September 1, 1940, it being the intent and purpose of this Act not to curtail the term of office of the present County Superintendent. At all future elections the term of office of the Superintendent shall begin on September 1 following his election and shall continue for four years and until his successor shall be elected and qualified.

**SECTION 2.** That the qualification of any person aspiring to said office shall be the same as provided under present or future laws governing the qualifications of County Superintendents generally, and the certificate of evidence of such qualifications of County Superintendents generally, and the certificate of evidence of such qualifications shall be filed with the Judge or Chairman of the County Court of such Counties at least sixty days before any such general election.

**SECTION 3.** [Repealed in its entirety by the Private Acts of 1947, Chapter 876.]

**SECTION 4.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: April 11, 1935.

## Private Acts of 1951 Chapter 196

**SECTION 1.** That the duties and compensation of the County Superintendent of Schools in Counties of Tennessee having a population of not less than 29,230 nor more than 29,250 according to the Federal Census of 1940, or any subsequent Federal Census, shall be those duties and that compensation as fixed under Chapter No. 8, Senate Bill No. 268 of the Public Acts of the State of Tennessee for the year of 1947.

**SECTION 2.** That said County Superintendent, be, and he is hereby required to keep a record of all funds, moneys, county and public funds received or collected by said County Superintendent from any source, or which ought to be collected by him during his term of office, and also to take the oath to support the Constitution of the State of Tennessee and the United States and an oath for the faithful performance of the duties of said office.

As amended by: Private Acts of 1957, Chapter 35

**SECTION 3.** That said County Superintendent of said County or Counties, be, and he is hereby required to make a report and settlement quarterly with the County Judge of said County or Counties and that the County Auditor is hereby directed and authorized to audit the books and records of the office of the County Superintendent, and shall report his findings to the County Judge or the County Clerk at each regular Quarterly Session of said Court.

**SECTION 4.** That the provisions of this Act are hereby declared to be severable. If any of its sections, provisions, exceptions, sentences, clauses, phrases, or parts be held unconstitutional or void, the remainder of said Act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this Act would have been adopted even if such unconstitutional or void matter had not been included herein.

**SECTION 5.** That all laws or 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 8, 1951.

## Teacher Retirement

### Private Acts of 1927 Chapter 666

**SECTION 1.** That the County Boards of Education of Counties of this State having a population of not less than 30,940, nor more than 30,950, shall pay out of the County School Fund to any teacher who has taught in the public schools of said Counties for thirty (30) years and is seventy (70) years of age or over, and who was retired by the Board of Education on account of age and who has no other means of support, an annual pension equal to two-thirds of the salary received by said teacher in the last year of service in said public school.

**SECTION 2.** That the Board of Education shall have the authority to direct the retirement upon like pension, pensions required in the first section of this Act, of any teacher over seventy (70) years of age who has taught in said public schools for thirty (30) years or more school years.

**SECTION 3.** That in computing the period of teaching in said public schools under the terms of this Act said period need not be consecutive, provided, that the aggregate period of teaching by any teacher in said public schools equals the time provided in this Act.

**SECTION 4.** That this Act does not apply to teachers that have not been employed by the Board of Education as a teacher since July, 1925.

**SECTION 5.** That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 22, 1927.

# Education/Schools - Historical Notes

## **School Districts**

The following acts once affected the school districts in Giles County but no longer exist.

1. Private Acts of 1905, Chapter 386, created a new school district out of parts of the 13th, 14th and 19th School Districts, these being co-extensive with the civil districts of the same number, which would be called the 24th School District of Giles County, as its boundaries were described in the Act.
2. Private Acts of 1907, Chapter 76, created a new School District, to be called the 25th School District of Giles County, out of portions of the 10th and 17th School Districts, which were co-extensive with the civil districts of the same number. The new districts boundaries are delineated in the act and the general state law regarding school districts is invoked for it.
3. Private Acts of 1923, Chapter 491, created a Special School Taxing District, corresponding to the Fourth Civil District, embracing all farms therein for taxation to support the Minor Hill High School for a nine month term. The tax rate was ten cents per \$100.00 valuation, both real and personal, levied that year, and each year thereafter to be placed in a special fund for the sole purpose of supporting the Minor Hill High School. This Act was amended by Private Acts of 1937, Chapter 851, and repealed specifically by Private Acts of 1947, Chapter 693.
4. Private Acts of 1935, Chapter 545, provided for a Board of Education of seven members composed of one member from each of seven school districts of three or four civil districts together to be elected by the qualified voters of each district so described. Staggered terms of four years were provided for each district's member. This Act was specifically repealed by Private Acts of 1943, Chapter 86, .
5. Private Acts of 1935, Chapter 355, created a special school taxing district which embraced the 5th and 18th Civil Districts of Giles County to be called the Bodenham High School Taxing District. This Act also levied a ten cent tax per \$100.00 property valuation, for the support and maintenance of elementary and high school in the district for a nine month term. Money collected would be placed in a special fund for the sole purpose stated above and no other. This Act was specifically repealed by Private Acts of 1937, Chapter 834, .
6. Private Acts of 1937, Chapter 94, amended Acts of 1935, Chapter 545, above, Item 4, by providing that the expenditures authorized under the act will be paid one-half to the elementary school fund and one-half to the high school funds, and all expenditures for each would be bonded in that manner.
7. Private Acts of 1937, Chapter 834, specifically repealed Private Acts of 1935, Chapter 355, which created a special taxing district for schools called the Bodenham School District, Item 5, herein.
8. Private Acts of 1937, Chapter 851, amended Private Acts of 1923, Chapter 491, which created the Minor Hill High School District, Item 3 herein, by permitting the balance of the funds collected under that Act to be expended for any general high school purpose related to the Minor Hill District.
9. Private Acts of 1943, Chapter 86, repealed Private Acts of 1935, Chapter 545, Item 4 herein, specifically and entirely.
10. Private Acts of 1943, Chapter 85, created a Board of Education for Giles County of seven members, one from each of seven school districts, who would be selected by the county court, and for that purpose, the act divided the county into seven school districts made up of certain civil districts. The remainder of the act is virtually identical with prior acts of this nature, having staggered terms for the members and setting up other administrative and salary guidelines, and it also repeals Private Acts of 1935, Chapter 545.
11. Private Acts of 1943, Chapter 387, amended Private Acts of 1943, Chapter 85, above, by transferring civil district #14 from School District 4 to School District 5.
12. Private Acts of 1945, Chapter 156, amended Private Acts of 1943, Chapter 85, by adding another school district, number eight, and rearranging the civil districts in each school district accordingly but being careful not to abridge the terms of the members already in office.
13. Private Acts of 1947, Chapter 693, repealed Private Acts of 1923, Chapter 491, wholly and specifically.
14. Private Acts of 1967, Chapter 222, established a School Board which would be elected by the voters in Giles County, set their term of office, and prescribed their duties, powers and privileges as such. This act was specifically repealed by Private Acts of 1974, Chapter 217, published

herein.

#### PROSPECT HIGH AND ELEMENTARY DISTRICT.

1. Private Acts of 1921, Chapter 413, created a special school district out of a portion of the Second Civil District with the boundaries described in the act to be called the Prospect High School Taxing District. The tax rate on all taxable real and personal property was ten cents per \$100 valuation, plus a \$1.00 Poll Tax on all males over 21 years of age, said money to be used exclusively for these school purposes.
2. Private Acts of 1929, Chapter 514, repealed entirely Private Acts of 1921, Chapter 413, above, which created the Prospect High School District. Private Acts of 1974, Chapter 679, also repealed entirely Private Acts of 1921, Chapter 413.
3. Private Acts of 1929 (Ex. Sess.), Chapter 17, recreated the Prospect High School District embracing all the Second Civil District. The tax rate levied was changed to five cents per \$100 valuation and the \$1.00 Poll Tax limited to males between the ages of 21 and 50, otherwise the act was the same as before.

#### **Superintendent or Director of Schools**

The acts referenced below once affected the office of superintendent of education in Giles County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1947, Chapter 876, repealed Private Acts of 1935, Chapter 393, Section 3, and substituted a new section making the duties and compensation of the County Superintendent of Schools those set out in Public Acts of 1947, Chapter 8. (See T.C.A. 49-220, and sections following.)
2. Private Acts of 1949, Chapter 77, also made the duties and compensation of the Superintendent of Schools in Giles County the same as those stated in Public Acts of 1947, Chapter 8, but this Act was specifically repealed by Private Acts of 1951, Chapter 126.

#### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Giles 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. Private Acts of 1809, Chapter 77, incorporated John Sappington, Nelson Patterson, Tyree Rhodes, Samuel Jones, Somerset Moore, Charles Buford, and Charles Neely as a body corporate and politic to be known as Trustees of Pulaski Academy in Giles County.
2. Private Acts of 1812 (Ex Session), Chapter 10, changed the name of Pulaskie Academy to Wirtemburgh Academy, and added William Purnell, David Woods, and Alfred M. Harris, as Trustees.
3. Private Acts of 1823, Chapter 235, required the Trustees of Wurtemburgh (Wertemberg) Academy to give a sworn report to the Giles County Quarterly Court at their next January meeting of the funds in their hands, and added G. D. Taylor, Thomas Wilkerson, H. Higgins, A. Black, Fountain Lester, John Mc Cracken, Samuel Y. Anderson, and Charles C. Abernatha (sic), as Trustees of the Academy.
4. Private Acts of 1831, Chapter 16, Sections 16 and 17, gave the authority to the Giles County Court to invest school funds in any turnpike company which they deem to be the most profitable, once the amount of the school fund is determined. Records, books, payments, notes, and all moneys due Giles County for the use of the common school fund, and all other funds going to the schools were to be paid to Charles C. Abernathy, agent, who will manage said funds in an effort to double them. He will be governed by the same rules as a Bank Agent and render proper reports to the court.
5. Private Acts of 1833, Chapter 260, provided that, in Smith, Giles, and Lincoln Counties, when agents were appointed by the General Assembly to manage the common school fund, and a clerk, also, to be appointed by the Board of School Commissioners was furnished to the agent, all the duties of managing the school fund would be performed by the agent alone.

6. Private Acts of 1847-48, Chapter 23, established the Pulaski Female Academy, which was incorporated seven Trustees, namely, Thomas Martin, Andrew M. Ballentine, Dr. Benjamin Carter, Carson P. Reed, Charles C. Abernathy, Jacob Voorhies, and James Patterson, who would have complete control of the academy.
7. Private Acts of 1849-50, Chapter 174, names all the Trustees mentioned in Item 6 and several more as Trustees for a college to be called Giles College unless someone wanted to donate \$10,000 and have the name changed. Section 7 names the same board of Trustees for Wurtemberg Academy and in both cases authorizes the Trustees to elect a President, etc., of the Board from among their own number.
8. Private Acts of 1895, Chapter 155, forbids the Superintendent of Public Instruction, in all counties having one, to teach in any public school either as principal or assistant principal during their official terms of office, nor could they make any contract for building or repairing a building or become the owner of any school warrant except for their own salary.
9. Private Acts of 1907, Chapter 236, abolished the office of District Directors of Education and placed the school systems under the control of County Boards of Education and a District Board of Advisors as provided for in the act; the method of creating school districts and providing for the organization of the Boards of Education members is prescribed as well as an enumeration of powers specifically granted to the Boards. Giles County is specifically exempted from the provisions of this Act along with eight other counties in Section 17, but Private Acts of 1911, Chapter 564, removed the exemption and made the act applicable to Giles County. The act itself specified that it did not apply to city schools. A provision of this act was cited in the case of Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1947).
10. Private Acts of 1909, Chapter 312, amended the state law, Public Acts of 1873, Chapter 25, starting at Section 10, and making the amendments applicable to ten counties including Giles County. The county Board of Education was composed of one member from each civil district of the county, the county judge, and the Superintendent of Public Instruction, who was ex-officio chairman. The duties of the chairman, the Secretary, and the members of the Board are prescribed, and the powers granted are enumerated, including the taking of a scholastic census in each district.
11. Private Acts of 1911, Chapter 564, amended Acts of 1907, Chapter 236, in Section 17 by removing the exemption for Giles, and five other counties, thus making this act and its provisions for school systems applicable to Giles which would, in effect nullify the 1909 amendments to the Acts of 1873.
12. Private Acts of 1935, Chapter 545, provided for the election of the seven members of the Board of Education, one from each of seven districts composed of three or more civil districts. This Act was amended by Private Acts of 1937, Chapter 94, and specifically repealed by Private Acts of 1943, Chapter 86, .
13. Private Acts of 2018, Chapter 33, authorized an advisory referendum, at the regular August election of 2018, relative to a debt issue of \$53,000,000 to be used exclusively to fund the construction of a new Giles County High School and renovation of the existing Giles County High School building for use as Bridgeforth Middle School by the Giles County School System.

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