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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

Board of Education

Private Acts of 1957 Chapter 54

SECTION 1. That from and after the effective date of this Act the Members of the County Board of Education in counties of this State having a population of not more than 13,090 and not less than 13,080, according to the Federal Census of 1950, or any other subsequent Federal Census, shall be paid a sum of six dollars (\$6.00) per day, for each session actually in attendance.

SECTION 2. That all Acts or parts of Acts in conflict with this Act are hereby repealed.

SECTION 3. That this Act shall have no effect unless the same shall have been approved by two-thirds vote of the Quarterly County Court of any county to which it may apply on or before the next regular meeting of such Quarterly County Court occurring more than sixty (60) days after its approval by the Chief Executive of this State.

bThat this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 14, 1956.

Private Acts of 1972 Chapter 392

SECTION 1. There is hereby created a Board of Education for Grainger County composed of ten (10) members.

As amended by: Private Acts of 1982, Chapter 224

SECTION 2. The county is hereby divided into five (5) school districts, the boundaries of which shall be as follows:

School District 1. The boundaries of School District 1 shall be the same as County Commission District 1.

School District 2. The boundaries of School District 2 shall be the same as County Commission District 2.

School District 3. The boundaries of School District 3 shall be the same as County Commission District 3.

School District 4. The boundaries of School District 4 shall be the same as County Commission District 4.

School District 5. The boundaries of School District 5 shall be the same as County Commission District 5.

As amended by: Private Acts of 1982, Chapter 224

SECTION 3. The Board of Education members shall be citizens of recognized integrity, intelligence, and ability to administer the duties of the office. Each such member shall have resided not less than one (1) year next preceding his election in the county commission district comprising the School Board District from which he is elected and shall be a registered voter in such district. No member of the Quarterly County Court nor any other county official, elected or appointed, shall be eligible for election or appointment as County Board of Education member. No board member shall serve as a teacher or in any other position under the board carrying with it any salary or compensation. Should a board member move his place of residence outside the district which he represents, the office of such board member shall become vacant.

SECTION 4. At the August General Election in 1982, there shall be elected at large two (2) board members from each School Board District by the qualified voters of each such district. The terms of such board members shall be four (4) years and shall begin on September 1, 1982. The terms of the presently constituted school board shall terminate at midnight on August 31, 1982.

SECTION 5. Before entering upon the duties of the office, every member of the County Board of Education shall qualify as such member by taking and subscribing and filing with the County Court Clerk, the following oath:

"I do solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Tennessee, and the laws governing the operation of the Grainger County School System, and that I will faithfully, zealously, and impartially discharge the duties of a member of the Grainger County Board of

Education without fear or favor, and for the public welfare.

SECTION 6. Vacancies on the County Board of Education shall be declared by the Board to exist on account of death, resignation, acceptance of a position in conflict with Board qualifications as set forth in Section 3 hereof, or removal of residence. All vacancies shall be filled for the unexpired term at the next regular general election held more than forty (40) days subsequent to the occurrence of said vacancy, provided, however, that the Quarter County Court, at its next regular or special meeting after such vacancy occurs, shall fill the same on an interim basis with the election by majority vote of a qualified person. Said interim member shall hold office until the vacancy is permanently filled at the next general election.

SECTION 7. At the first meeting of the Board of Education in September of each year, the members of the Board shall elect from among themselves a Chairman and such other officers as they may deem proper. A regular meeting of the County Board shall be held once each quarter at a time and place selected and publicity announced by the Board. The Board shall adopt written rules of procedure which shall include provision for the call of special meetings by the Chairman or by a majority of members of the Board, provisions for due notice of the time, place, and agenda of such regular or special meetings, and all other procedural rules that the Board may deem necessary and suitable.

SECTION 8. All meetings of the County Board shall be open to any resident who may desire to attend, provided that nothing herein contained shall be construed as denying the Board the right to hold executive sessions, but no official act shall be taken in such executive sessions.

SECTION 9. Board members shall be paid per diem for attendance at each regular or special meeting of the Board, plus travel expenses, said per diem and travel expense rates to be the same as those paid to members of the Quarterly County Court.

SECTION 10. The County Board shall have the responsibility for the government, supervision, and control of the public schools of the County, provided, however, that no Board member shall have authority to act independently on any school matter. The Board shall generally exercise all powers, duties, and privileges as set forth in the public laws of Tennessee relative to County Boards of Education and specifically discharged those duties enumerated in Section 49-214 and Section 49-215, Tennessee Code Annotated, which are not in conflict with the provisions of this Act.

It shall be the duty of the County Board of Education to elect, from nominations or recommendations made by the Superintendent of Schools, but not otherwise, all principals, teachers, and other employees of the County School System; and to fix the salaries of principals, teachers, and other employees of the County School System, within the funds available or provided by the Quarterly County Court.

It shall be the duty of the Board to plan for the extension and development of the County School System; to determine the need for new buildings; to plan, locate, erect, and furnish the same, after the Quarterly County Court shall have provided funds for same.

The Board shall adopt written policies and regulations for the proper functioning of the Board and the School System. It shall have drawn up and made available for general distribution a statement of such policies and regulations.

The Board shall assign to the County Superintendent of schools such duties as are set forth in Section 49-224, Tennessee Code Annotated, and any other such duties as can reasonably be expected of the superintendent.

SECTION 11. The County Board of Education shall direct the superintendent of schools to prepare a budget showing the proposed expenditures for the schools under its jurisdiction for the ensuing fiscal year, and after the Board approves of said budget, it shall submit the same to the budget committee of the Quarterly County Court pursuant to Section 49-214, Tennessee Code Annotated. At the same time, the Board shall cause to be prepared and shall submit to the budget committee an estimate of the amount of funds to be received from the State and Federal governments for school purposes, and of the amount estimated as required to be raised by taxation in order to meet and pay the estimated expenditures for the ensuing year. Nothing herein contained, however, may be construed as denying the Board the right to amend its budget from time to time during the year as changing circumstances warrant, provided that such amendments do not increase the total amount of projected expenditures beyond the total amount of anticipated revenues for that year.

SECTION 12. All assets of, and all legal debts, contracts, and financial obligations incurred by the County Board of Education established and operating under the provisions of Chapter 53, Private Acts of Tennessee, 1935, and all amendatory acts thereto shall be transferred to and assumed by the County Board of Education, created by this act.

SECTION 13. Should any city or Special School District operating a School System within the County

deem it advisable to place the operation of said System under the general supervision of the County Board of Education, the consolidation of the two school Systems and proper dispensation of their assets and liabilities shall be accomplished pursuant to the provisions of Section 49-401 through 49-429, Tennessee Code Annotated.

SECTION 14. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the Quarterly County Court of Grainger County on or before July 1, 1972. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

SECTION 15. For the purpose of approving or rejecting the provisions of this act, as provided in Section 14, it shall be effective on becoming a law, the public welfare requiring it. For all other purposes it shall become effective upon becoming approved as provided in Section 14.

Passed: April 7, 1972.

Superintendent or Director of Schools

Private Acts of 1943 Chapter 76

SECTION 1. That hereafter the County Superintendent of Schools in all Counties having a population of not more than 14,360, nor less than 14,350, according to the Federal Census of 1940 or any subsequent Federal Census, shall be elected by the qualified voters of such County at the regular election to be held on the first Thursday in August, 1944, and every four years thereafter. The term of office of the Superintendent of Schools elected in August, 1944, shall begin on January 1, 1945, following his election and shall continue until September 1, 1948, it being the intention 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 Superintendent shall begin on September 1, following his or her election and shall continue for four years and until his successor shall be elected and qualified.

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

SECTION 3. That the duties of such Superintendent shall be the same as required of Superintendents of Public Instruction in this State and the compensation shall be fixed by the Quarterly County Court at not less than \$750.00 per annum to be paid by said County and not to include that paid by the State.

SECTION 4. That it shall be the duty of said County Superintendent to visit all schools in said County at least twice each year, one of said visits to be during the first half of said term of school and the other during the last half of said term, and he shall make a report of said visits to the Quarterly County Court at its January and July terms. Upon failure of any such Superintendent to make said reports, the County Court may withhold his compensation until said reports are made.

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

Passed: January 19, 1943.

Education/Schools - Historical Notes

Board of Education

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

1. Private Acts of 1911, Chapter 315, amended Acts of 1907, Chapter 236, by providing that each civil district in Grainger County, shall constitute a school district, and a member of the said board of education would be elected from each district.
2. Private Acts of 1927, Chapter 300, created created a county board of education for Grainger County which was composed of seven members which served for two years and were paid \$60 per annum, payable quarterly out of the general educational fund of Grainger County.
3. Private Acts of 1935, Chapter 53, created a county board of education for Grainger County. This act was repealed by Private Acts of 1972, Chapter 392.
4. Private Acts of 1961, Chapter 352, would have amended Private Acts of 1957, Chapter 54, by raising the compensation of the members of the county board of education, but the act was rejected by local officials and therefore never became law.

Superintendent or Director of Schools

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

1. Private Acts of 1931, Chapter 76, provided that the county superintendent of public instruction be elected by the qualified voters of Grainger County at the general election held on the first Thursday of August of 1932 and biennially thereafter.
2. Private Acts of 1933, Chapter 154, repealed Private Acts of 1931, Chapter 76.

General Reference

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

1. Private Acts of 1823, Chapter 270, appointed John F. Jack and Felps Read as commissioners of Madison Academy in Grainger County.
2. Private Acts of 1825, Chapter 316, appointed Benjamin Craighead, Thomas M. Brown, William Dyer and William E. Cocke as additional trustees of Madison Academy in Grainger County.
3. Private Acts of 1827, Chapter 237, appointed Hugh Houston, William E. Cocke and Thomas Whiteside as additional trustees of Madison Academy in Grainger County.
4. Private Acts of 1829-30, Chapter 128, appointed Samuel B. Tate, Thomas S. Cocke, Martin Cleveland, Robert Gains and Bolin Shirley as additional trustees of Madison Academy in Grainger County.
5. Acts of 1907, Chapter 170, created a special school district in the fifth civil district of Grainger County and provided for the directors and government of same.
6. Acts of 1909, Chapter 494, required parents and guardians of Grainger County, to cause children between certain ages to attend some public school for a certain number of days each year, except under certain conditions.
7. Private Acts of 1911, Chapter 332, provided for and enforced the education of all children between the ages of eight years and sixteen years of age in Grainger County.
8. Private Acts of 1931, Chapter 76, provided for the election of superintendent of public instruction by popular vote in Grainger County.

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