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Chapter VI - Education/Schools

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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 1976 Chapter 276

SECTION 1. The County Board of Education of Macon County shall consist of five (5) members who shall be elected by the qualified voters of the respective school districts as created by this act.

SECTION 2. Macon County is hereby divided into five (5) school districts composed of the following county commissioner districts:

School District Number 1 shall consist of County Commissioner District Numbers 1, 2, 11 and 20.

School District Number 2 shall consist of County Commissioner District Numbers 3, 4, 8 and 16.

School District Number 3 shall consist of County Commissioner District Numbers 13, 14, 15, and 17.

School District Number 4 shall consist of County Commissioner District Numbers 5, 9, 10 and 18.

School District Number 5 shall consist of County Commissioner District Numbers 6, 7, 12, and 19.

As amended by: Private Acts of 1982, Chapter 246

SECTION 3. At the 1976 regular August election, members shall be elected to the County Board of Education, as follows, to take office on September 1, 1976 and to serve terms indicated and until their successors are elected and qualified:

School District 1 - one member to serve for a term of six (6) years.

School District 2 - one member to serve for a term of two (2) years.

School District 3 - one member to serve for a term of six (6) years.

School District 4 - one member to serve for a term of four (4) years.

School District 5 - one member to serve for a term of four (4) years.

As terms expire, successors shall be elected at the preceding regular August elections for terms of six (6) years.

SECTION 4. This act shall have no effect unless it is approved by a two-thirds (2/-el2.5 3) (sic) vote of the Quarterly County Court of Macon County before May 1, 1976. 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 5. 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 4.

Passed: March 19, 1976.

Superintendent or Director of Schools

Private Acts of 1951 Chapter 63

SECTION 1. That hereafter in all counties of this State having a population of not less than 14,900 nor more than 14,910, according to the Federal Census of 1940 or any subsequent Federal Census, the County Superintendent of Public Instruction shall be elected by the qualified voters at the regular August elections for the election of officers in such counties.

SECTION 2. That at the regular August election in 1952, and quadrennially thereafter, a Superintendent of Public Instruction shall be elected in such counties. The term of office of such official shall begin on the first day of September next succeeding his or her election and shall be for four (4) years and until a successor is elected and qualified.

SECTION 3. That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed.

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

Passed: January 26, 1951.

Education/Schools - Historical Notes

Board of Education

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

1. Acts of 1907, Chapter 236, abolished the position of District Directors throughout the State and provided for a Board of Education and a District Board of Advisors for each county. The County Court would divide the County into five, or fewer, school districts, composed of whole Civil Districts and one member of the Board of Education would be elected by the people from each District, and the County Superintendent would be Secretary to the Board. The duties of the Chairman, the Secretary, and the members of the Board are spelled out in the Act. Reports to be submitted were defined and required from principal and teachers. Each member of the Board would be paid from \$1.50 to \$3.00 per day as decided by the County Court for not more than thirty days per year. The authority and responsibilities of the Advisory Boards are enumerated with the Secretary of the Board being required to compile the scholastic census for which he would be paid two cents per capita. This Act did not apply to city school systems, and several of the counties exempted themselves from its provisions but Macon was not among them. This Act was part of the lawsuit in the case of *Whitthorne v. Turner*, 155 Tenn. 303, 293 S.W. 147 (1927).
2. Private Acts of 1923, Chapter 554, stated that the public school system of Macon County shall be under the management and control of a County Board of Education and a District Board of Advisors. The County was divided into seven school districts composed of civil districts the population of each would elect one member of the Board. The Board would select a Chairman and a Secretary from among its own members, whose duties were prescribed in the Act. The Superintendent of Schools would be the ex-officio Secretary to act in the absence of the regular Secretary, and would also be a member of the Board with the right to vote on all matters being considered.
3. Private Acts of 1937, Chapter 160, created a five member school board and established the five school districts. This law was not expressly repealed by Private Acts of 1976, Chapter 276, but it is essentially inoperative due to the 1976 Act.
4. Private Acts of 1937, Chapter 665, provided that the County Board of Education in Macon County shall furnish free transportation to all high school pupils residing in the county from convenient points along the public highways to their respective schools and back, when there were sufficient funds available to pay for it, the matter resting solely within the discretion of the Board of Education. Members of the Board of Education would be paid \$5.00 per day, or part of day, for attendance at Board meetings out of the general funds of the county.
5. Private Acts of 1943, Chapter 288, amended Section 4, Private Acts of 1937, Chapter 160, by making the funds prescribed therein payable out of the school funds rather than the general county funds as had been the case, and by adding the last portion authorizing the additional \$3.00 per day payments to the Chairman for discharging additional duties imposed on him by law.
6. Private Acts of 1955, Chapter 111, amended Private Acts of 1937, Chapter 160, by increasing the memberships of the Board of Education from five to nine; by striking the description of the five school districts and inserting one with nine school districts, and by naming Y. P. Johnson, Rudolph Stone, Odis Day, and Gene Jones as the new members of the Board who would serve until the next general election when their successors would be chosen. This Act was rejected and disapproved by the Quarterly County Court and therefore never became active.
7. Private Acts of 1967-68, Chapter 93, amended Private Acts of 1937, Chapter 160, in Section 4, by increasing the per diem payments of the Board of Education members from \$5.00 to \$10. This Act was properly ratified by the Quarterly County Court.
8. Private Acts of 1975, Chapter 66, amended Section 4, Chapter 160, Private Acts of 1937, published herein, by raising the per diem payments due to members of the Board of Education for attendance at meetings from \$10 to \$25. Our information is that this Act was properly ratified by the Quarterly Court of Macon county on August 1, 1975.

School Districts

These summaries are included for historical purposes. The school districts discussed herein no longer exist and are not consistent with the Educational Improvement Act of 1991, codified in Tennessee Code Annotated as §49-2-201.

1. Private Acts of 1883, Chapter 86, stated that the School Directors of the First School District were

hereby invested with the power to sell and convey two acres of land which belongs to the said School District, which adjoins the lands of Alexander Hancock, T. J. Gregory, and others, and, further, to purchase and take the title to another building site, if the same be necessary, for the benefit of the common and graded schools in the area.

2. Private Acts of 1903, Chapter 379, created a special school district which included the town of Lafayette which was described with a metes and bounds description apparently covering a fairly extensive area. The District would be called School District One and possess all the rights, privileges, and immunities heretofore granted to other school districts of like nature. This Act was not to interfere with the act establishing Lafayette College. All school taxes collected therein will inure to the benefit of this special district and the district shall likewise receive its pro rated share of school funds from all sources.
3. Private Acts of 1905, Chapter 117, established an independent School District out of Districts Two and Five in Macon County containing the physical area as it was described by metes and bounds in the Act. The Act specified that an election for the School Directors would be held on the fourth Saturday in April, 1905. The Clerk of the School District would furnish the scholastic census, or pupil count, to the Superintendent of Schools. The Superintendent of Schools would in turn furnish the same to the Trustee who would thereupon pro rate the school funds. All conflicting laws were repealed.
4. Private Acts of 1905, Chapter 314, was practically identical with Private Acts of 1905, Chapter 117, above, in everything except that it called the new District the 15th School District.
5. Private Acts of 1921, Chapter 947, created the Red Boiling Springs High School District out of the Sixth and Seventh Civil Districts of Macon County, which would be managed and operated by a three member Board to which Charles McClellan, Braden Chitwood, and Walter Dycus were appointed by this Act. They would choose a Chairman and a Secretary from among them to serve a two year term and then all would be supplanted by those elected by the people. The powers and duties of the Board were described which included, among other things, keeping the school open for nine months each year, and supervising the expending of funds coming into their hands for school purposes. A special School tax of 12 cents per \$100 property valuation was levied under the Act which would be collected and disbursed as all other taxes for school purposes in that area only. All children residing in the area were entitled to the benefits available and others might attend by complying with the conditions and paying whatever tuition cost was established by the Board. Only qualified personnel could be employed by the Board to teach and administer the affairs of the District.

Superintendent or Director of Schools

The acts referenced below once affected the office of superintendent of education in Macon 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 1923, Chapter 66, which amended several statewide acts concerning the local superintendent of schools, is shown as being applicable to Macon County which is believed to be in error since none of the Acts amended had any except indirect reference to Macon County.
2. Private Acts of 1937, Chapter 101, provided that the County Superintendent of Public Instruction for Macon County shall be elected by the qualified voters for two year terms at the regular August elections. The certificate of qualification should be filed no later than the first Monday in April preceding the regular election. This Act sets an annual compensation of \$1,500, payable monthly, to the Superintendent who qualifies and serves under this Act.
3. Private Acts of 1937, Chapter 431, stated that the twelve year certificates of qualification for the position of County School Superintendent, issued under the authority of any of the laws of this State, shall be renewed for a like period of twelve years from the expiration date provided that the holder shall have served as a County Superintendent of some county for not less than four years of aggregate service during the life of the certificate.
4. Private Acts of 1949, Chapter 31, repealed Private Acts of 1937, Chapter 431, above.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Macon 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 1843-44, Chapter 24, incorporated an academy as the county academy, to be

- known as the Macon Academy and naming T. A. Williams, Silas Pinkly, H. B. Flippin, Briton Holland, A. J. Wade, Patrick Ferguson, Samuel Sullivan, William Dunn, and Lewis Meadors as Trustees for the Academy. Five of the Trustees would constitute a quorum, and the remaining members would fill any vacancy which might occur. This Act allots \$240 to the Macon Academy if that amount is in the treasury and unappropriated.
2. Private Acts of 1857-58, Chapter 134, Section 5, amended the corporate charter of the Male Academy of Macon County so as to confer upon the Trustees and the Treasurer of said Academy the same powers regarding the management of their funds as were conferred in earlier sections of this Act upon the Trustees of the Floral Mount Female Academy, also located in Macon County, which were mostly the powers incidental to corporate organizations, succession for 99 years, and the authority to handle all property under \$10,000, and to make all the rules and regulations for the internal discipline and management of the school.
 3. Private Acts of 1865-66, Chapter 48, directed Trustees of the Floral Mount Female Academy in Macon County to turn over all the property and funds that may have accumulated to the credit of the Academy to the Trustees of the Macon County Male Academy.
 4. Private Acts of 1867-68, Chapter 94, Section 14, removed H. S. Young, N. M. Claiborne, Anderson Bratten, and J. M. Chamberlain as Trustees of the Macon County Male Academy and named George L. Walton, E. G. Cartwright, James A. White, and R. R. W. Gillenwaters, as their successors on the Board of Trustees.
 5. Private Acts of 1883, Chapter 73, stated that all the property, both real and personal, which belongs to the Macon County Academy shall be turned over to the Directors of the Common School Fund of the First District in Macon County to be controlled and used near Lafayette, and the office of Trustee which was established by that Act was abolished.
 6. Private Acts of 1899, Chapter 314, amended the 1883 Act above, Chapter 73, which established a grade school in conjunction with the common schools in the First District of Macon County, so as to establish a college in place of the grade school and directed that all property of all descriptions be turned over to the Trustees and Directors of the new school to be sold or used as the needs of the proposed college might dictate. The act appointed I. L. Roark, J. M. Marshall, J. S. Wooten, H. T. Meadow, W. H. Carter, W. H. Smith, P. B. West, W. H. Gregory, W. L. Chamberlain, W. B. Barrton, F. A. Selley, J. H. Key, M. B. Freeman, T. H. Jackson, T. E. Foust, and W. A. Smith as Directors of Lafayette College. All powers incidental to the operations of corporate entities were bestowed upon the Directors including the authority to promulgate all necessary rules and regulations concerning the internal working of the school.
 7. Private Acts of 1909, Chapter 494, provided that any parent, or guardian, of a child between the ages of 8 and 14 must see to it that the child attends school for four months, or for eighty consecutive days, each year. This act does not apply, nor do the penalties, if the child has been privately instructed, or attends a private or parochial school, or unless the child is excused by the Board of Education. The principal, or a teacher, may excuse a child for short, temporary absences. The principal must report on attendance and absences to the Board of Education or the District Directors of the school, and also notify the parent or guardian, or absences. The Secretary, or the Clerk, of any Board of Education, or Board of District Directors, may bring suit against any guilty parent, or guardian. This Act applied to seventeen counties, all identified by the 1900 Federal Census figures, including Macon County. The Public Acts of 1978, Chapter 716 specifically repealed Private Acts of 1909, Chapter 494 and Private Acts of 1911, Chapters 221 and 306, which amended Private Acts of 1909, Chapter 494.
 8. Private Acts of 1919, Chapter 532, allowed a school tax of fifteen cents per \$100 property valuation to be levied by the County Courts to provide and maintain a high school system in Macon County to be paid and collected as any other tax in the county. There shall be two High Schools, one at the county seat, and the other in the next most populous town after that both of which shall be controlled by the County High School Board. No less than two teachers shall be employed for each school, which shall be open nine months in every year at least, when they become operable. The Trustee shall collect the tax money, place the same in a separate account, and use the funds for no other purpose. The Trustee shall make a report at the July term of the Quarterly Court, and send a copy to the Secretary of the County High School Board. The Trustee shall not be paid any extra salary for the discharge of his duties hereunder. These schools shall be under the State Board of Equalization, the State Superintendent of Schools and the County Superintendent of Schools, and shall in no way be deprived of any funds rightfully allocated to their care and operation. This act was repealed by the one following.
 9. Private Acts of 1921, Chapter 656, expressly, and entirely, repeals Private Acts of 1919, Chapter

- 532, above, which created a High School System for Macon County, Tennessee.
10. Private Acts of 1979, Chapter 168, would have prohibited any student in any county school in Macon County to engage in smoking any tobacco product in any school building, or any school property, or on any school bus. This Act was rejected by the Macon County Legislative Body on October 15, 1979, and thus never became an effective law.

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