



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

July 03, 2024

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# Private Acts of 1937 Chapter 93

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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 1937 Chapter 93

**SECTION 1.** That in all counties in the State of Tennessee, having a population of not less than 25,400 nor more than 25,450, according to the Federal Census of 1930 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 any manner necessary and/or incident to the proper conduct and control of the Public School affairs, both Elementary and High Schools in such counties, employment of teachers and labor, the erection, repairing and/or maintenance of buildings and furnishing of materials, labor, supplies, and equipment shall be vested in County Board of School Commissioners, said Board of School Commissioners to be elected by popular vote of the qualified voters of the 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.

**SECTION 2.** That upon the expiration of the terms of office of the present County Board of School Commissioners of Lincoln County, such Board shall be composed of eight (8) members with one (1) member being elected from each of the Legislative Districts. At the August, 1978 election, three (3) Commissioners shall be elected, one (1) each from the fourth, sixth, and eighth Legislative Districts to replace those Commissioners whose terms expire on August 31, 1978. Such elected Commissioners shall take office on September 1, 1978. At the August, 1980 election, three (3) Commissioners shall be elected, one (1) each from the first, second, and seventh Legislative Districts to replace those Commissioners whose terms expire on August 31, 1980. Such elected Commissioners shall take office on September 1, 1980. At the August, 1982 election, two (2) Commissioners shall be elected, one (1) each from the third and fifth Legislative Districts to replace those Commissioners whose terms expire on August 31, 1982. Such elected Commissioners shall take office on September 1, 1982. All Commissioners elected pursuant to the provisions of this act shall serve terms of six (6) years. At the August general election preceding the expiration of the term of office of the present eight (8) District School Commissioners, or, if necessary, at a special election to be held in August preceding the expiration of said terms of office, the qualified voters of the districts as provided in Section 3 in which said Commissioners reside and are to serve shall elect successors to those members of the Board whose terms expire.

As amended by: Private Acts of 1939, Chapter 49  
Private Acts of 1970, Chapter 336  
Private Acts of 1978, Chapter 302

**SECTION 3.** That School Districts one (1) through eight (8) shall be composed of Legislative Districts one (1) through eight (8), respectively.

As amended by: Private Acts of 1939, Chapter 49  
Private Acts of 1943, Chapter 48  
Private Acts of 1951, Chapter 108  
Private Acts of 1961, Chapter 54  
Private Acts of 1970, Chapter 336  
Private Acts of 1978, Chapter 302

**SECTION 4.** That no person shall hereafter be eligible to election as a member of the County Board of School Commissioners who is not 25 years of age and a resident of the school district from which he or she shall be elected, except that nothing herein stated shall deprive those two (2) members who were elected from the county at large from serving the balance of their terms of office.

**SECTION 5.** Be it further enacted, that if the office of either of the present commissioners-atlarge is vacated for any reason prior to the expiration of the term, such office shall not be filled. If a vacancy occurs in the other presently elected county board of school commissioner for any reason, the vacancy shall be filled by an election at the next regular or special session of the county legislative body, said vacancy to be filled until the next general election following said vacancy, at which time the vacancy shall be filled for the remainder of the unexpired term by a popular vote of the qualified voters in the school district created by this act in which the vacated commissioner resided at the time the vacancy occurred. If a vacancy occurs in the county board of school commissioners elected for a full term for any reason, the vacancy shall be filled by an election at the next regular or special session of the county legislative body, said vacancy to be filled until the next general election following said vacancy, at which time the vacancy shall be filled for the remainder of the unexpired term by popular vote of the qualified voters in the district in which the vacancy occurs.

As amended by: Private Acts of 1970, Chapter 336  
Private Acts of 1978, Chapter 302

## Private Acts of 1979, Chapter 46

**SECTION 6.** That the County Board of School Commissioners of each county of Tennessee, to which this Act shall apply within 15 days from and after the date of its passage and approval by the Governor shall meet at the Court House in their respective counties and take and subscribe to the oath required of other county officials before some officer authorized to administer such oaths, and shall organize the said County Board of School Commissioners by the election of one of their body as Chairman by a majority of those present, providing a quorum is present, and 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 to hold any adjourned meeting or upon call by the Chairman of the Board upon five days written notice when in his opinion it is deemed necessary or proper to the conduct of the school affairs require called meetings of such Board, but no member of the Board of the School Commissioners shall receive compensation for more than 15 days in any one calendar year.

**SECTION 7.** That the Board of School Commissioners in the 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 contracts for such services. Each District School Commissioner shall file in writing ten days or more before the First Monday in April, or each year, except for the calendar year 1937, on which date all teachers shall be selected and appointed, with the County Superintendent of Public Instruction, a list of teachers for the several schools in his or her district, such lists to be open for public inspection or copy by any person or persons, provided that in cases where there is not sufficient number of available teachers to fill all positions, then such selections shall be made at an adjourned meeting, a quorum being present, and no teacher, either in the Elementary or High Schools of such county, shall be chosen or employed whose name has not been on file for a period of ten days or more before such date of employment, nor by any person or persons, other than by the Board in open session a quorum being present, and a majority of those present voting such election and employment. All such Boards of School Commissioners shall have the power and authority to employ 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. Providing, that no school building paid for in whole or in part, by public school funds, shall be permitted to be used in a regular way for Sunday School or Church services. Provided further, that no Elementary School in said counties shall be consolidated with any other Elementary or High School without a signed petition showing that a majority of the patrons of the Elementary School thus affected, desires such a consolidation. And said Board shall in all things have the power and perform all the duties now imposed by law on County Board 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, except where such laws conflict with the above provisions of this Act. And such Boards shall have the 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 be hereafter acquired.

As amended by:

Private Acts of 1937, Chapter 288

**SECTION 8.** 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 erections, 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 of purchase of 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 \$100.00; except in case of an emergency, no contract shall be entered into or made until due advertisement of the same shall have been made in some newspaper published in said 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 contracts 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.

As amended by:

Private Acts of 1937, Chapter 288

**SECTION 9.** That no member of the County Board of School Commissioners, nor the County Superintendent of Public Instruction, nor any member of his or her immediate family, nor any teacher in any of the Public Schools of the State, or any firm or corporation in which either of the persons above

named or directly interested shall be a bidder upon any of the contracts to be awarded, or furnish any equipment, labor, fuel, materials, land, or supplies, or directly or indirectly receive any of the profits from same or the sale thereof, or hold any interests in any check, warrants, voucher, or monies expended for such.

**SECTION 10.** That the violation of any of the provisions of sections seven, eight, and nine 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 Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) for each offense, and upon conviction shall forfeit any office, position, or contract 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.

**SECTION 11.** That each member of the County Board of School Commissioners, other than the Chairman, shall receive the sum of \$7.50 per day, and the Chairman of such Board shall receive the sum of \$8.50 per day for each day in actual attendance upon the sessions of such Board, but no member shall draw compensation for more than twenty days in any one calendar year, such sums to be paid out of the general funds of the County by the Trustee of such county 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 number of days attended by each.

As amended by: Private Acts of 1941, Chapter 489

Private Acts of 1953, Chapter 334

**SECTION 12.** 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.

**SECTION 13.** That the office of the County Board of Education and of the several members thereof in each county of the State of Tennessee, to which this Act shall apply, be and the same is hereby abolished, so as to provide for the administration of the Public School affairs more effectively and with the new and additional powers herein granted and conferred and to carry into effect the changes herein provided, and that all other Acts and laws or parts of Acts and laws in conflict with the several provisions of this Act be and the same are, hereby repealed.

**SECTION 14.** That this Act take effect from and after its passage, the public welfare requiring it.

PASSED: January 25, 1937.

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