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## Chapter VI - Education/Schools

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# Chapter VI - Education/Schools

## Board of Education

### Private Acts of 1967-68 Chapter 456

**SECTION 1.** The county board of education of Humphreys County shall consist of one (1) member from, and residing in, each of the magisterial districts of Humphreys County which are now or may be hereafter established. The members of the board of education shall be elected, by the qualified voters of the magisterial district in which the member is from, and at the August, 1972 election, members shall be elected for the following terms:

(1) The members from districts one (1) and three (3) shall be elected for a term expiring September 1, 1974;

(2) The members from districts four (4) and seven (7) shall be elected for a term expiring September 1, 1976; and

(3) The members elected from districts two (2), five (5) and six (6) shall be elected for a term expiring September 1, 1978.

At the expiration of the respective terms hereinabove set out, thereafter members and each magisterial district as their terms expire shall be elected by the qualified voters in the magisterial district in which he is from, for a full six (6) year term at the August election in even years, which term shall commence on September first (1st) following the election. Members of the county board of education shall meet the qualifications set forth in Tennessee Code Annotated, Section 49-209 [§ 49-2-202].

Candidates for the office of board of education member shall qualify at the same time as other officials of the county courts and the elections shall be subject to the same laws that govern similar elections.

As amended by: Private Acts of 1972, Chapter 285

**SECTION 2.** Chapter 117 of the Private Acts of 1935, as amended by Chapter 173 of the Private Acts of 1935, as amended by Chapter 503 of the Private Acts of 1935, as amended by Chapter 92 of the Private Acts of 1951, and Chapter 93 of the Private Acts of 1951, are hereby repealed.

**SECTION 3.** Nothing in this Act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

**SECTION 4.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of Humphreys County before August 1, 1968. 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 5.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 4, it shall be effective upon becoming a law. For all other purposes, it shall become effective upon being approved as provided in Section 4.

Passed: April 3, 1968

## Bus Contracts

### Private Acts of 1941 Chapter 205

**COMPILER'S NOTE:** See also T.C.A. 49-6-2101 for general state law concerning the power of County Boards to provide transportation.

**SECTION 1.** That all County Boards of Education in all the Counties of the State having a population of not less than 12,035 nor more than 12,045, according to the Federal Census of 1930 or any subsequent Federal Census, be and the same are hereby empowered to make contracts for the conveyance of the public school pupils of said Counties to and from the public schools of same for a period of time not exceeding three years if so desired by such Boards; provided funds are made available each year for such transportation.

**SECTION 2.** That such contracts shall not be entered into until the Boards of Education of said Counties shall have first advertised for sealed bids for same for at least thirty days before any such contracts shall be entered into, reserving the right to reject any and all bids, at their discretion, and if none of the bids

are satisfactory, these said Boards may enter into such contracts without further advertising for bids, provided they are able to contract with good, responsible parties on better terms than offered in such bidding.

**SECTION 3.** That before any such contract for such conveyances shall become valid and binding, the County Boards of Education shall require of each person so employed under such contracts to enter into a bond with good and solvent securities for the full amount of his such contract to convey all pupils on his route in a careful and as far as possible safe manner, and to keep his bus or vehicle used in such conveyance in good repair, and up to the standard as the State public school authorities shall prescribe, and to obey all rules and regulations of the County Board of Education of his County shall adopt or prescribe. And on the failure of anyone, so contracting to carry out his such contract, he may be dismissed by the County Board of Education employing him or their successors in office, after due notice is given him and an opportunity given him to be heard.

**SECTION 4.** That it shall be the duty of such County Boards of Education to examine all such buses or vehicles periodically and if they find any bus or vehicle used in the transportation of public school pupils that does not come up to the requirement and is not in a good, safe condition, they shall at once notify, in writing, the owner or operator of such bus or vehicle, and shall require of such owner or operator that he proceed, at once, to have such defect remedied, and on his failure to do so, then within a reasonable time, after receiving such notice he shall be dismissed from service, and his contract declared null and void, and the Board may proceed at once to employ someone else to take his place.

**SECTION 5.** That this Act take effect from and after July 1, 1941, the public welfare requiring it.

Passed: February 5, 1941.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Private Acts of 1907, Chapter 236, abolished the office of District Directors and established a County Board of Education and a District Board of Advisors in every Tennessee County which would manage and control the schools. The Quarterly County Court would lay off the county into five school districts as nearly equal as possible in population or territory, from each of which one member of the school board would be elected, initially by the County Court, and subsequently by the people of their district. The Superintendent would serve as the Secretary to the Board. The duties of the Chairman, the Secretary, and the other Board members were specified in the Act. A three member Advisory Board was to be elected biennially by the people of the District and their duties were enumerated.
2. Private Acts of 1935, Chapter 117, provided that in Humphreys County the members of the County Board of Education would be elected by popular vote, first at the election on Saturday, March 2, 1935, who would hold office until their successors were elected in August, 1936, regular election for a term of two years. There would be five school districts which would be co-extensive with the five civil districts of the County. One member, who must meet all the qualifications in the general law, would be elected from each school district. This Act was repealed by Private Acts of 1967-68, Chapter 456.
3. Private Acts of 1935, Chapter 173, page 394, amended Private Acts of 1935, Chapter 117, by adding a provision that all the residents of Humphreys County who were qualified to vote in the gubernatorial election in November, 1934, or qualified to vote at the March 2, 1935 election, would be qualified to vote in the election of school board members as set up in that Act. This election would be held subject to all regulations and penalties as would be invoked in a Sheriff's race. This Act was repealed by Private Acts of 1967-68, Chapter 456.
4. Private Acts of 1935, Chapter 277, made it unlawful for the Humphreys County Board of Education to elect as teacher in any of the elementary or high schools of the County any person who is the wife or husband of another teacher. This prohibition further extended to any husband or wife who was receiving a salary in excess of \$900 per year from the public funds of the County or State. This Act would expire by its own terms four years after the date of its passage.
5. Private Acts of 1935, Chapter 503, amended Private Acts of 1935, Chapter 117, by adding a provision which added a member at-large to the County Board of Education making six members instead of five, who would have all the rights and privileges as other members. The County Judge, or Chairman, would appoint someone to serve in the new office until September 1, 1936 when his

successor would take office for a two year term. The County Superintendent was authorized to vote on the selection of teachers in same manner as other Board members, but was not permitted to vote on any other matter or issue before the Board. This Act was repealed by Private Acts of 1967-68, Chapter 456.

6. Private Acts of 1945, Chapter 217, stated that in Humphreys County the per diem compensation of members of the County Board of Education would be \$2.50 per day for attending the sessions of the board, plus five cents per mile for each mile traveled going from the member's residence to the meeting place and return.
7. Private Acts of 1951, Chapter 92, amended Private Acts of 1935, Chapter 117, by adding a provision which created a Sixth School District by dividing the second School District by a north and south line at the Highway Bridge across Trace Creek on Highway 70 at the John Box property, about one mile east of Denver, the portion lying west of the line being the 6th District. A seventh member of the School Board would be elected by the people in the area who would take office on September 1, 1952 for a two year term. Charles Totty was appointed to serve on the school board until the election produced his successor in office. This Act was repealed by Private Acts of 1967-68, Chapter 456.
8. Private Acts of 1951, Chapter 93, regulated the voting in the 2nd Civil District of Humphreys County in which members of the County School Board were elected. This Act was repealed by Private Acts of 1967-68, Chapter 456.
9. Private Acts of 1970, Chapter 264, amended Private Acts of 1967-68, Chapter 456, to provide for one member of the school board to be elected by the people from each of the Civil Districts from which they were elected, and who must meet all the qualifications for the office which were established under the general law. This Act was not acted on by the Quarterly County Court of Humphreys County and therefore never became an effective law.
10. Private Acts of 1970, Chapter 291, was the authority for the County Board of Education to devise a system for testing children which would determine whether or not a child was an "exceptional child" as defined by Section 49-2901, Tennessee Code Annotated. Any child would be tested on the motion of his instructors. If the determination were favorable, the child would be transferred to the program for exceptional children which would not affect attendance records on which school aid was based. This Act was not approved by the Humphreys County Quarterly Court and never took affect under the provisions of this Home Rule Amendment to the Constitution of the State.

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

The acts referenced below once affected the office of superintendent of education in Humphreys County, but are no longer operative.

1. Private Act of 1919, Chapter 673, provided that in Humphreys County the minimum salary of the County Superintendent of Public Instruction would be \$1,000 per year and that full time must be devoted to duties and responsibilities of the office.
2. Private Acts of 1925, Chapter 707, provided that the County Superintendent of Public Instruction in Humphreys County would be elected by the qualified voters of the county at the regular August election. The term of office was set at four years.

### **General References**

The following acts constitute part of the administrative and political heritage of the educational structure of Humphreys 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 1809, Chapter 77, established Academies in the counties of Maury, Giles, Lincoln, Bedford and Humphreys. In Humphreys County, John Aulstone, Robert Germine, Charles Yeas, Michael Dickson, and David H. Burton, were named as the Trustees of Tait Academy.
2. Acts of 1815, Chapter 172, named Francis Maury, William H. Burton, John Lane, James Craig, John Holland, William Leggitt, and Michael Dickson as the trustees of a lottery to be conducted for the benefit of Tait Academy in Humphreys County. The Trustees were empowered to raise up to \$3,000 for the Academy.
3. Private Acts of 1825, Chapter 127, established a county academy in Humphreys County which would be called Rural Academy, located near Reynoldsburgh, or within one mile of that town, which academy would have and enjoy all the privileges of other county academies. Enis Ury, Robert Jarman, Daniel Mason, William Larimer, and James R. McMeans, were named as the academy's Trustees.

4. Private Acts of 1832, Chapter 57, Section 2, declared that the Commissioners of the Common Schools who were appointed by the County Court of Humphreys County at its July term in 1832, would have and exercise all the powers and jurisdiction of Common School Commissioners of the said county as thoroughly as though they had been appointed at the time required by law.
5. Private Acts of 1832, Chapter 92, Section 6, ratified and confirmed the appointment of Steven C. Pavatt, Lemuel Herrin, James S. Sails, William McCaslin, Urbane Harris, George W. Farmer, and Jacob Browning as the Common School Commissioners for Humphreys County.
6. Private Acts of 1833, Chapter 138, was the authority for the managers of the lottery to be drawn in Humphreys County for the purpose of building a bridge across Cypress Creek in the said county to pay over to the Common School Commissioners the sum of money they received from the sale of lottery tickets, and it was made the duty of the school commissioners to receive the money and appropriate it for the use and benefit of the schools.
7. Acts of 1839-40, Chapter 102, named the official county academy for every county in the State for which each county could draw funds from the State. Rural Academy was designated as the official county academy in Humphreys County. The County Courts in each county was empowered to biennially appoint five trustees for their respective county academies.
8. Acts of 1847-48, Chapter 160, incorporated James H. Martin, William C. Young, T. C. Brevard, Hiram Box, and William McElwain of Humphreys County as the Trustees of the Chapel Hill Male and Female Academy. The County Court was empowered to name the Trustees of the Academy on the first Monday in April who would act for the next two years after their nomination.
9. Acts of 1853-54, Chapter 290, Section 20, was the enabling legislation which permitted the incorporation of J. W. Little, James Adams, W. S. Cloyd, D. H. White, Isaac W. Drake, P. F. Gould, and V. S. Allen as the Trustees of the Waverly Female Academy with all the incidental power and authority of educational corporations, including the right to promulgate rules for the internal management and control of the school.
10. Private Acts of 1859-60, Chapter 57, Section 15, incorporated Mitchell Trotter, N. C. Parish, M. McCauley, Abner Dickson, William C. Jackson, J. F. Waggoner, and W. W. Mosslee as the Trustees of the Ebenezer Male and Female Academy in Humphreys County. The Trustees would organize the school, sell stock in the corporation, collect the funds and generally oversee the construction of the academy.
11. Public Acts of 1873, Chapter 50, stated that the six State bonds of \$1,000 each which had been issued for the Spencer T. Hunt School Fund, belonging to Humphreys and Dickson counties, were to be canceled and filed in the Comptroller's Office, plus the interest accumulated, and the same would be regarded as a debt for the free public schools of those two counties. This fund was directed to be kept separate from other school funds and paid to the counties semi-annually.
12. Private Acts of 1901, Chapter 235, created School District #43 in the 14th Civil District of Humphreys County which was described as: beginning where the M. J. Hunter west line crosses Hurricane Creek Road; south to include the farms of W. T. Davis, I. H. Davis, and J. F. Davis to the old Jackson Road; east with the road to the 10th Civil District line; north with the line of the 10th Civil District and 14th Civil District to the north side of Blue Creek; west including the old Luke Matlock place, William Matlock, H. W. Dunn, Tyler Wallace, James Holland, A. J. Wallace, and the McCallum farms in School District #43; thence south including Mrs. C. Baker, and M. J. Hunter.
13. Private Acts of 1903, Chapter 274, amended Private Acts of 1901, Chapter 235, by changing the boundaries of School District #43; beginning at the crossings of Jackson and Waverly Roads; north to Jake Tubbs' west boundary, with it to Hurricane Creek Road above Griffins; up McEwen Road to Mrs. Baker's northeast corner; west to Ike Johnson's north boundary line to the Wiley Road; southwest to William's and Sam Long's west boundary line to the Creek and then to Lon Timmon's west boundary line; thence south to Jackson Road and east to be beginning.
14. Private Acts of 1903, Chapter 275, formed a School District out of portions of Humphreys County and Perry County; beginning on the bank of the Tennessee River at J. W. Bell's northwest corner, east with Bell's line to the dividing ridge between Clue Creek and Camp branch; thence with the ridge which divides the area from Blue Creek to the top of the ridge between Clear Creek and Crooked Creek; thence with the ridge to the head of Pond Hollow; thence to the head of Big Water's Branch; thence to a point due east of J. F. Hill's south boundary line; thence with Hill's line to the southwest corner on the bank of the Tennessee River; thence with the meanders of the River to the point of the beginning. The election commission was required to hold an election for three District Directors, and the school superintendents would furnish the number of the school children in the area to the Trustees of both the counties.

15. Private Acts of 1905, Chapter 214, created the McEwen School District Number 19, out of parts of the Fifth Civil District and the Tenth Civil District of Humphreys County, as the area was described in the Act. All the public school property located within the prescribed area would become the property of the 19th School District. The County Superintendent of Public Instruction in Humphreys County would appoint the three School Directors who would serve until the next regular election for School Directors. Upon the filing of an accurate census with the proper authorities, the free school money of the county would be divided accordingly.
16. Private Acts of 1921, Chapter 818, established a school district in the Second Civil District of Humphreys County which would be called the "Fairview Special School District" and which would embrace the area described in the Act. John B. Link, Howard Malcomb, and James Crockett were named as the first directors of the District who would serve until the next general election when their successors would be elected for a two year term. The powers and the duties of the Board of Directors were listed in the Act. The County Trustee was required to appropriate their share of the school funds as soon as the scholastic census was reported. In order to operate and maintain the schools for a period of nine months during the year, a school tax of fifteen cents per \$100 property valuation and a poll tax of \$1 were authorized which would both enure to the exclusive benefit of the school district. All resident children between the ages of six and twenty-one could attend the district schools free of charge but all others must pay a tuition charge to be set by the Board of Directors. The Board members would not be compensated in any way and would be responsible for employing principals, teachers, and all other school personnel. This Act was repealed by Private Acts of 1927, Chapter 17.
17. Private Acts of 1921, Chapter 843, created the Tribble Special School District in the Second Civil District of Humphreys County, the area of which was described in the Act. The Act named W. N. McCrary, W. B. Richardson and James F. Fowlkes as the first Board of Directors for the District who would serve until their successors, elected in the next general election, would assume office for a two year term. The specific powers and responsibilities of the Board were listed in the Act. When the scholastic census was properly reported, all school funds would be pro-rated accordingly. A tax of 30 cents per \$100 property valuation and a poll tax of \$1 were both authorized to be levied in order to keep the schools open for at least nine months each year. All resident children between the ages of six and twenty-one were entitled to attend schools in the district free, while all others must pay tuition. The Board of Directors would not be paid. This Act was repealed by Private Acts of 1923, Chapter 610.
18. Private Acts of 1923, Chapter 610, directed that all funds in the hands of the Tribble Special School District Board be returned to the County Trustee of Humphreys County. All taxes in the District which were due and unpaid on May 15, 1923 would be paid to the Trustee who must keep these funds separate. All the debts of the school district would be paid from this special account. In the event any funds remained after all debts were paid, that money would be expended by the Board of Education of Humphreys County for the schools in that district.
19. Private Acts of 1927, Chapter 824, set aside \$10,000 out of the \$500,000 provided for in the Tobacco Tax Bill of the State to complete the construction of the consolidated Elementary and High School at McEwen in Humphreys County. The County School Board was required to make application for that amount to the proper authorities in which they were to specify exactly how that sum would be spent

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