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Private Acts of 1935 Chapter 354

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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Private Acts of 1935 Chapter 354

SECTION 1. That the County Board of Education or board of school commissioners of any town or city of Counties having a population of not less than Twenty-six Thousand One Hundred and Twenty-two (26,122) nor more than Twenty-six Thousand One Hundred and Forty-two (26,142) according to the Federal Census of 1930; [sic] or any subsequent Federal Census shall provide a school library for their respective school districts, containing such text books as may be adopted by the board of the department of education and the legally authorized local officials in sufficient numbers and of such gradation as will meet the needs of each resident pupil, classified in each of the grades one to eight, inclusive, of the elementary schools, if a petition, signed by at least fifty-one per cent of the registered voters of any such school district requesting the establishment of such a library be filed with the Chairman of the County Board of Education, as hereinafter provided.

SECTION 2. That the signatures to any such petition need not all be appended to one paper, but to each such petition paper there shall be attached an affidavit of the circulator thereof stating that each signature thereto was made in his presence and is the genuine signature of the person whose name it purports to be. The signatures to all petition papers shall be made in ink or indelible pencil, and, after his name, each signer shall state his residence by street and number or other description sufficient to identify the place, and the date when the signature was made. All such petition papers shall be in substantially the following form:

To the County Board of Education, Special School District Board of Education of the Special District of _____ We, the undersigned voters of the _____ Special School District of Carroll County, Tennessee, respectfully petition the County Board of Education of Carroll County, Tennessee, of [sic] the Special School District Board of Education to establish a school library and to lend school text books free of charge to the resident pupil [sic] of the school district, as provided for in Chapter ____ of the Private Acts of the General Assembly of 1935, Name _____ Address _____ Date _____

State of Tennessee)

) ss.

Carroll County)

_____ being duly sworn, deposes and says that he is the circulator of this petition paper and that the signatures appended thereto were made in his presence and are the genuine signatures of the persons whose name they purport to be.

Signed _____

Subscribed and sworn to before me this the ____ day of _____ 19____.

Notary Public

My Commission expires on the ____ day of _____ 19____.

SECTION 3. That all petition papers requesting the establishment of a school library shall be assembled and filed as one instrument. The Special School District Board of Education shall first examine such petition and then submit said petition to the County Board of Education for their approval and shall cause the names appearing thereon to be checked against the voters qualified voting list of their respective district on file in the County Trustees' office of the County in which said school is situated. For the purpose of checking the names on such petition the County Board of Education may employ such number of clerks as may be necessary and may pay any expense so incurred out of the special school fund of such school district without an appropriation having been made therefor. Each clerk so employed shall take an oath to perform his duty honestly and faithfully and shall be paid not to exceed three dollars per day for each day he or she is necessarily engaged in the performance of his or her duty. If any qualified voter has moved from the place where he resided at the preceding general election he shall not be qualified to sign a petition, or if he does sign his name shall not be counted as a petitioner, unless he shall first have his registration transferred to the precinct in which he then resides, as is provided in the law relating to the registration of voters.

SECTION 4. That if a petition be filed, as hereinabove provided, such petition shall be filed with the Chairman of the County Board of Education on or before the first day of July of any year, and, if such petition is found to be sufficient, as herein provided, the Chairman of the County Board of Education shall

make an appropriate entry on the records of such Special School District, to the effect that by reason of the filing of a petition as prescribed by law, such school district thereafter obligates itself to provide and maintain a school library containing such text books or work books used in lieu of or supplemental to text books as may be adopted by the department of education for the State of Tennessee, or the legally authorized local officials, in sufficient numbers and of such gradation as will meet the needs of each resident pupil enrolled in each of the grades one to eight, inclusive of the schools located within such school district.

SECTION 5. That the books of the library so established for the respective school districts shall be available to any resident pupil of such special school district, at any time, free of charge, under such regulations as are herein provided or as may be prescribed by the Special [sic] school district board of education.

SECTION 6. That if any special school district shall avail itself of the provisions of this Act, there shall be levied each year, by Special School District Board of Education in the same manner and at the same time that other taxes for school purposes are levied, a tax rate sufficient to produce a fund necessary to purchase the books as needed in establishing such library and to administer the provisions of this Act. Such fund shall be designated as the school library fund, shall be subject to deposit as other public funds and shall be used for no purpose whatsoever except the purchase and care of such library books.

SECTION 7. That the County Board of Education shall prescribe reasonable rules and regulations for the protection [sic] care, custody and return of such library books. The resident pupil using such library books shall be held responsible for all damages to, loss, mutilation or defacement of such books, or failure to return the same to the said library according to the prescribed rules and regulations, excluding the reasonable wear thereof.

SECTION 8. That the library books provided for in this Act shall in all cases be the elementary text books selected by the state department of education as now provided by law, and other text books and work books supplemental to or in lieu of text books used in the elementary schools which may be legally adopted by the authorized public school officials of the various Special School district [sic] Board of Education.

SECTION 9. That it shall be the duty of the County Board of Education and the Special School District Board of Education to at such times as books may be needed in the school library located in their respective Special School Districts, to make such requisition for books as the pupils shall need, upon the contractor, and the contractor shall, within ninety days, ship the books, so ordered directly to the respective officials so making such requisition. Upon the receipt of such books it shall be the duty of such school district to take charge and custody through their local Special School District Board of Education of all the books consigned to their several schools in their respective district, receipting therefor to the contractor, and upon receipt of such books by the County Board of Education and the Special School District Board of Education, they shall loan them, free of charge, to the resident pupils of their respective districts upon prescribed regulations for loaning such library books. Upon receipt of such books it shall be the duty of the County Board of Education and the Special School District Board of Education establishing [sic] library of school text books, to pay over to the contractors the amount owing by such Special School District for such books so procured, at the price fixed thereof, by the contract entered into between the state department of education or the text book commissioners, the legally authorized local officials, and the contractor, out of the school library fund.

SECTION 10. That the Special School District Board of Education with the approval of the County Board of Education shall provide for sufficient library facilities for safekeeping, care and protection of such books as may best accommodate the resident pupils of the Special School District, and they shall provide for the fumigation or destruction of such library books, at such times and under regulations prescribed by the local and state health authorities.

SECTION 11. That in the event that a pupil shall be transferred for educational purposes to a school district other than the one in which he is a resident, as now provided by law, the Special School District Board of Education of the Special [sic] school district to which such pupil is transferred shall purchase a sufficient supply of books to accommodate such pupil so transferred, or if such pupil is not able to purchase said books then the Special school district Board of Education is hereby authorized and empowered to charge such pupil transferred a reasonable fee for the use of the text books and said fees charged shall be deposited in the text book library fund for that special school district, the rate of which rental shall be determined from time to time by the Special School District Board of Education.

SECTION 12. That the County Board of Education or Special School District Board of Education are authorized to purchase a sufficient number of such books and sell the same to any resident pupil of the Special School District who may wish to purchase the same, at the price stipulated in the contract or contracts, under the terms of which text and work books are supplied to the several school districts of the

County of Carroll and the State of Tennessee. Such funds so received shall be paid into the school library fund from which the books were purchased; That the County Board of Education and the Special School District Board of Education of the respective Special School District, which may establish such school library under the provisions of this Act, shall purchase with money from the school library fund any current text book legally adopted for any school year by the legally authorized authorities, as herein specified, at a price based upon the original retail cost less a reasonable reduction according to the condition of the said text book or books because of damage due to usage, from any resident pupil who may present such book or books for sale on or before the beginning of the school year in which such books are to be used; and the proper school authorities shall likewise purchase any stock of books which are to be used during any school year from any dealer whose place of business is located in the county in which such special school district is located, and who was authorized by law to sell such books prior to the adoption of this Act, at not to exceed the price paid by such dealer to the contractor from which such books were originally purchased.

SECTION 13. That when a petition is filed as provided in this Act, and when, by an appropriate entry, the school district shall have obligated itself to establish and maintain a school library, as herein provided, the first tax levy shall be made in the month of September next succeeding the filing of such petition and the library shall be established and the text books constituting such library shall be loaned beginning with the school year next succeeding the fixing of such original tax levy, but during such year such books shall be procured and loaned to resident pupils enrolled in grades one to five, only, and during the next and each succeeding school year, such books shall be procured and loaned to resident pupils who are enrolled in grades one to eight, inclusive.

SECTION 14. That the term "school library" as used in this Act shall mean a library containing elementary text books used in the elementary schools, grades 1 to 8, inclusive, adopted by the board of the department of education, and such other text books which may be legally adopted by the respective locally legally authorized school officials. The term "resident pupil" means a pupil actually enrolled in any of the grades from 1 to 8 in any school located in such special school district, whether actually resident therein or transferred thereto for school purpose [sic], as provided by law. The term "text book" includes also any work book which is used in lieu of or supplemental to a text book or text books.

SECTION 15. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 8, 1935.

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