



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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## Chapter VI - Education/Schools

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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.

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Table of Contents

<b>Chapter VI - Education/Schools .....</b>	<b>. 3</b>
<b>Board of Education .....</b>	<b>. 3</b>
<b>Private Acts of 2002 Chapter 76 .....</b>	<b>. 3</b>
<b>Superintendent or Director of Schools .....</b>	<b>. 3</b>
<b>Private Acts of 1935 Chapter 189 .....</b>	<b>. 3</b>
<b>Education/Schools - Historical Notes .....</b>	<b>. 4</b>

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 2002 Chapter 76

**SECTION 1.** Chapter 117 of the Private Acts of 1994, and any other acts amendatory thereto, are repealed.

**SECTION 2.** Carter County shall be divided into eight (8) school districts of substantially equal population, which shall be identical to the county legislative body districts established by resolution of the county legislative body from time to time.

**SECTION 3.** The Carter County Board of Education (the "Board") shall consist of eight (8) members, with one member of the Board being elected by the qualified voters in each school district on a non-partisan basis. Board members shall be elected to staggered four-year terms so that every two (2) years the terms of one-half of the members of the Board shall expire.

**SECTION 4.** During the transition from seven (7) members to eight (8) members, all incumbent Board members shall remain on the Board until the expiration of their current terms. The incumbent Board Members represent the 1<sup>st</sup>, 4<sup>th</sup>, 6<sup>th</sup>, and 8<sup>th</sup> School Districts and their terms shall expire September 1, 2004.

There shall be elected in the general election in August, 2002 four (4) persons who will be elected from the 2<sup>nd</sup>, 3<sup>rd</sup>, 5<sup>th</sup>, and 7<sup>th</sup> School Districts for four-year terms. Persons elected in the regular August general elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

**SECTION 5.** The Board shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Title 49, Tennessee Code Annotated.

**SECTION 6.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to that end the provisions of this act are declared to be severable.

**SECTION 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Carter County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body and certified to the Secretary of State.

**SECTION 8.** 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, this act shall take effect upon approval as provided in Section 7.

Passed: February 12, 2002.

## Superintendent or Director of Schools

### Private Acts of 1935 Chapter 189

**SECTION 1.** That on and after the date herein set out the County Superintendent of Public Instruction, in and for the counties of the State of Tennessee having a population of not less than 29,215 nor more than 29,223 according to the Federal Census of 1930 or any subsequent Federal Census, shall be elected by the qualified voters of said counties at the general election to be held on the first Thursday of August, 1936, and biennially thereafter, and the term of office of the first person elected hereunder shall begin on the first Monday in September, 1936, and continue to the first Monday in September, 1938, and until a successor is elected and qualified, and the person so elected shall possess the same qualifications and discharge the same duties that are now discharged by the County Superintendent of Public Instruction generally, as set forth and defined under the general law, and the compensation of such person shall be fixed by the Quarterly County Court, as now provided by law, vacancies to be filled by County Court.

The first Superintendent elected under the provisions of this Act, shall serve from the first Monday in September, 1936, until the first Monday in September, 1938, and the successors in said office thereafter shall qualify and serve from the first Monday in September after their respective election for the ensuing

two years.

**SECTION 2.** That all laws or parts of laws in conflict with this Act be and the same are hereby repealed, and this Act to take effect from and after its passage, the public welfare requiring it.

Passed: February 20, 1935.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Carter County but are no longer operative.

1. Private Acts of 1935, Chapter 313, created a County Board of Educational Commissioners and five Educational Districts out of the various Civil Districts in Carter County. The Board was composed of five members with one member being elected from each of the five districts. The act named David Harrell, Clyde Treadway, W. B. Morley, P. P. Bain and T. C. Hendrix as Commissioners until the first election by qualified voters in the County. They were to have staggered terms but their successors would serve for a term of two years. Any vacancies on the Board were filled by the County Court. Commissioners received \$4 per day as compensation for each day they attended Board meetings not to exceed 18 days in any one year. They were paid out of the general funds of the County upon certification of the Secretary of the Board to the County Judge or Chairman, who would then issue a warrant to each Board member for their fees. The Board was required to meet on or before the first Monday in June of each year to elect teachers and fix their compensation for the school year. Before entering office, Board members were required to take oath and execute a \$1,000 bond.
2. Private Acts of 1937, Chapter 727, amended Private Acts of 1935, Chapter 313, above, by providing that each Board member receive \$4 per day for school visitation and attendance upon the meetings of said Board not to exceed 45 days in any one year. The Chairman of the Board was authorized to receive \$4 per day for the same, not to exceed 25 days, with one-half being paid out of the school funds and one-half to be paid from the County Funds upon certification of the Secretary of the Board to the County Judge or Chairman. This act allowed a warrant to be issued upon receipt of certification from the general fund in an amount not to exceed \$90 per year for each Board member and up to \$250 per year for the Chairman.
3. Private Acts of 1951, Chapter 237, amended Private Acts of 1935, Chapter 313, above, by increasing the term the County Board of Education Commissioners served from two to four years.
4. Private Acts of 1963, Chapter 96, amended Private Acts of 1935, Chapter 313, above, by removing the Fourth Civil District from the First Educational District and including it in the Second Educational District.
5. Private Acts of 1973, Chapter 70, amended Private Acts of 1935, Chapter 313, above, by reorganizing the five Educational Districts and providing for the election of one Commissioner from each District to serve on the Board of Educational Commissioners. This act was rejected by the County Court of Carter County and never became law.
6. Private Acts of 1974, Chapter 239, amended Private Acts of 1935, Chapter 313, above, by reorganizing the boundaries of Educational Districts in Carter County under the Board of Educational Commissioners and required Board members to be a resident citizen in the Educational District they represented.
7. Private Acts of 1994, Chapter 117, was repealed by Private Acts of 2002, Chapter 76.

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

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

1. Private Acts of 1937, Chapter 725, repealed Private Acts 1935, Chapter 189, above, by providing that the County Court elect the Superintendent of Public Instruction instead of the qualified voters. The case of Treadway v. Carter County, 173 Tenn. 393, 118 S.W.2d 222 (1938), declared that Private Acts of 1937, Chapter 725, was unconstitutional on the grounds that any county office created by legislature must be filled by the people or by the County Court. The decision in this case voided the repeal of Private Acts 1937, Chapter 725.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Carter 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 1806 (Ex. Sess.), Chapter 8, incorporated George Duffield, Nathaniel Taylor, George Williams, Alexander Doran and John Greer as the Trustees for Duffield Academy in Carter County.
2. Acts of 1807, Chapter 56, appointed Andrew Taylor, Abraham Henry and Reuben Thornton as Trustees for Duffield Academy in Carter County.
3. Private Acts of 1819, Chapter 84, appointed James P. Taylor, Alfred M. Carter, William H. Carter, James I. Tipton and William Graham as additional Trustees for Duffield Academy, granting to them the same powers and authority possessed by the former Trustees.
4. Private Acts of 1829, Chapter 57, appointed David Nelson, Samuel Hughes, James P. Taylor, Joseph Powell, Jr., A. W. Taylor, William Gotty and Alfred M. Carter as Trustees of Duffield Academy, granting to them the same powers and authority possessed by the former Trustees.
5. Public Acts of 1832, Chapter 40, provided that where less than a majority of the Trustees of the school districts attend, it shall be as valid as if a majority had been present and voted in the election of County School Commissioners. Elections for Trustees were held annually for the school districts in the State. Trustees held office until other Trustees were elected. The act also provided that whenever any Justice of the Peace resigned or removed, it was his duty to hand over to another Justice of the Peace residing in or convenient to the school districts, the list of heads of families or households. When the Trustees created a new school district, the Trustees had the duty to furnish a list of the householders or heads of families residing in the new district to the Justice of the Peace residing in the new district or to the nearest Justice of the Peace, who had the duty of holding an election for Trustees in the new district.
6. Private Acts of 1832, Chapter 57, stated that the Board of County Commissioners appointed by the Quarterly Court of Carter County did meet and lay off a regiment into school districts as prescribed by law, establishing the common schools in the State and that the people of the area had elected Trustees and the Trustees had selected a Chairman from amongst themselves, according to the demands of the law. This act declared the Commission to be a legal and valid political body with full power and ample authority to act as they had done.
7. Acts of 1907, Chapter 236, created a Board of Education and a District Board of Advisors for every county in the state, abolishing the office of District Directors. Counties would be divided by their County Courts into at least five school districts, to be composed of whole Civil Districts. One member of the Board of Education would be elected from each school district. The duties of the Chairman, the Secretary and the members of the Board were prescribed in the act. The County Superintendent would be ex officio Secretary to the Board. The members would be paid between \$1.50 and \$3 for each day devoted to their duty, as decided by the County Court. The voters of each Civil District would elect three Advisory Board members who would advise the Board.
8. Acts of 1909, Chapter 234, provided that in Carter and Johnson Counties every parent or guardian of children between 8 and 16 years of age, send their children to public school for 16 weeks or 80 days of not less than four hours of each day, or for as long as the public school in the district is in session, unless attendance is excused by the District or City School Directors or other officers having control of the public school. Exemptions from attendance were allowed only if a child had completed the primary school course and attained proficiency in all subjects, or unless a child had been instructed in a private, parochial, or tutorial school, or at home by competent and reliable teachers. The act allowed the Commissioners of the Counties to reimburse families of indigent children for loss of wages during school attendance and to furnish such children necessary clothing, textbooks, and tuition so they may attend school, if the children were from a family in extreme poverty requiring the labor of children for support. Absences not amounting to more than two unexcused absences in four consecutive weeks were not unlawful. It was unlawful for a person to hire school children during the school months. Fines for violation of this act ranged from \$10 to \$50, proceeds going into the school fund. A yearly scholastic census was to be taken and teachers were not to be paid unless they kept and submitted accurate records. Officers were empowered to arrest and prosecute offenders of this act.
9. Acts of 1909, Chapter 494, required parents or guardians of children between 8 and 14 years of age to direct such children to attend public school four or eighty consecutive days each year. This act applied to Carter and other Counties. Failure to comply with the provisions of this act was a misdemeanor. A fine of \$1 per day a child was absent was the penalty upon conviction. Those children enrolled in private or parochial schools and those who had covered the subjects required by law were exempt from the provisions of this act. Those children with a mental condition or those who were needed by the family to work were also exempt.
10. Private Acts of 1911, Chapter 221, amended Acts of 1909, Chapter 494, above, by changing the

- population requirement to include those counties with a population between 90,000 to 120,000 persons.
11. Private Acts of 1911, Chapter 342, provided that in Carter and Johnson Counties, parents or guardians of children between 8 and 16 years of age send their children to public school for at least 15 days each school month of the year. Failure of any parent or guardian to comply with this act constituted a misdemeanor and upon conviction for a second offense, the parent or guardian would be fined \$1 for each day the child had been absent. The act required that the full name and place of residence of the parent or guardian be reported when the annual census of the school population is taken. A copy of that report was to be given to the Secretary or Clerk of any Board of Education to furnish the principal or teacher in charge for records purposes in reporting absences and excuses of children at regular meetings of the Board of Education. The act specified those children who were exempt from the provisions of this act.
  12. Private Acts of 1929, Chapter 77, authorized the Board of Education in Carter County to borrow money and issue the notes of the County Board of Education for a period of time not to exceed one year and at an annual interest rate not to exceed 6% for the purpose of obtaining money to operate the high schools and elementary schools in Carter County. The loans were limited to \$25,000 for high schools and \$35,000 for elementary schools. All loans previously obtained by the County Board of Education were validated by this act but the loans could not exceed the amounts allowed under this act.
  13. Private Acts of 1931 (2nd Ex. Sess.), Chapter 5, provided for the renewal of 12 year certificates of qualifications for the position of County Superintendent, issued under the authority of Public Acts of 1911, Chapter 69. Renewal of the certificates was for 12 years and required that the holder have served as a Superintendent in some County not less than four years during the life of the certificate. Carter and other Counties falling within the specified population figures were exempt from the provisions of this act.
  14. Private Acts of 1933, Chapter 299, abolished the position of Truant Officer in Carter County.
  15. Private Acts of 1937, Chapter 501, provided that in Carter County senior high schools located more than 22 miles from the county seat as such high schools are defined in Public Acts of 1931, Chapter 71, could be established and maintained with an average daily attendance of fifty or more pupils.
  16. Private Acts of 1937, Chapter 503, provided that in Carter County all teachers who were then engaged in teaching school and who had been teaching for at least 25 years would have teaching certificates issued or renewed for a period of four years. The County Superintendent had the duty to certify eligible teachers and the State Commissioner of Education was given the duty to grant or renew the certificates for a period of four years. The act provided that certificates could only be issued or renewed with the written recommendation of the County Superintendent of Schools in whose county a majority of the teaching experience occurred.
  17. Private Acts of 1937, Chapter 819, declared that teachers and principals in public schools in Carter County would have definite tenure of office. The act required that all teachers then employed meet certification requirements. All beginning teachers in elementary schools had to have completed at least two years of college and teachers in high schools had to have completed at least four years of college. The act stated that all teachers or principals who had not been employed at least three years were considered as probationary teachers and principals. During that probationary period, teachers and principals were employed on annual contract, which could or could not be renewed at the discretion of employing authorities and if they were dismissed during the period covered by contract, the teachers and principals had the same right of hearing as did teachers and principals on definite tenure. Teachers and principals who had at least three years experience could be employed on definite tenure of office of a three year period and could not be demoted or dismissed except for inefficiency or immorality or on account of discontinuance of position. The act required that a written notice be given to teachers or principals when school authorities were contemplating demotion or termination of service of the teacher or principal and if they requested, the teachers or principal were entitled to a hearing on the grounds for demotion or termination. The Chairman of the County Board of Education had the duty of setting a hearing date and had to preside over the hearing. Members of the County Board rendered the decision.
  18. Private Acts of 1937, Chapter 820, authorized Carter County to retire from active service and to grant pensions in the amount of \$50 to persons who had taught in the county schools for 25 years or more.
  19. Private Acts of 1941, Chapter 260, provided that in Carter County, civil service or permanent tenure applied to those employees of the Board of Education or Board of Educational

Commissioners, occupying the positions of principals, teachers and supervisors holding permanent, professional elementary or high school certificates. However, the act provided that no person occupying those positions would be deemed to be under civil service or permanent tenure unless they had been employed by the Board of Education or Board of Educational Commissioners for three consecutive years. The act required every principal, teacher and supervisor to attend some accredited school and complete 15 quarter hours of study or the equivalent at least once every three years. This did not apply to teachers of vocational schools who meet the requirements of the State Board of Education and it did not prohibit the employment of persons to teach special subjects in the interest of handicapped persons which were not embodied in the regular educational programs in the County. All principals, teachers and supervisors then employed by school authorities who had served for three years, been elected for the ensuing two years and those who had not served for three years, would upon completion of three years of satisfactory employment would become permanent tenure of office with no dismissal or demotion except for incompetency, immorality or willful and persistent refusal to obey any reasonable regulations of the Board of Education or Superintendent. The act specified the requirements for an effective dismissal, demotion or transfer. The Board of Education had the responsibility of granting leaves of absence and that time spent on leave applied toward tenure.

20. Private Acts of 1943, authorized Carter County to contract with any insurance company doing business in Tennessee, to provide for the retirement of the public school teachers of the County from active service, and to provide group annuity, insurance, pensions or retirement allowances for retired teachers. The insurance contract had to provide for the payment of the teachers' share of the cost of maintaining the group pension or retirement system, by making payroll deductions from their salaries by the County. Carter County was to make financial contributions to the cost of maintaining the group pension or retirement system. Contributions on behalf of teachers and the County could be fixed by a resolution adopted by the Quarterly County Court.
21. Public Acts of 1978, Chapter 716, repealed Acts of 1909, Chapter 494, as amended by Private Acts of 1911, Chapter 221, both above.

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