



December 20, 2024

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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.

Sincerely,

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<b>Chapter VI - Education/Schools .....</b>	<b>. 3</b>
<b>Board of Education .....</b>	<b>. 3</b>
<b>Private Acts of 1961 Chapter 326 .....</b>	<b>. 3</b>
<b>Private Acts of 1980 Chapter 249 .....</b>	<b>. 4</b>
<b>Superintendent or Director of Schools .....</b>	<b>. 4</b>
<b>Election of County Superintendent .....</b>	<b>. 4</b>
<b>Private Acts of 1961 Chapter 327 .....</b>	<b>. 4</b>
<b>Education/Schools - Historical Notes .....</b>	<b>. 5</b>

# Chapter VI - Education/Schools

## Board of Education

### Private Acts of 1961 Chapter 326

**SECTION 1.** That in counties having a population of not less than 19,000 nor more than 19,100, the election of the members of the County Board of Education shall be by the qualified voters of said counties as the terms of the present members of the Board of Education in said counties expire as hereinafter provided.

**SECTION 2.** That the county is by this Act divided into seven school districts. The First Civil District in said county shall be the First School District; the Second and Third Civil Districts shall be the Second School District; the Fourth Civil District shall be the Third School District; the Fifth Civil District shall be the Fourth School District; the Sixth Civil District shall be the Fifth School District; the Seventh and Tenth Civil Districts shall be the Sixth School District; and the Eighth and Ninth Civil Districts shall be the Seventh School District.

Chapter 96, Private Acts of 1953, is hereby repealed and no vacancy shall exist because of the expiration of the terms of the two Board members whose positions were created by said Private Act when the terms of said Board members expire April 1, 1961. Provided, however, if these two positions are filled again before this Act can be approved as provided for in Section 5 below these two positions shall become non-existent as of April 1, 1963. The transition from the Board as it now exists except for the Private Act mentioned above to the new Board provided for by this Act, shall be effected as hereinafter prescribed.

The first Board member from these new districts shall be elected by the qualified voters of the entire county at the regular August election 1962 from the Second School District created by this Act, who shall take office September 1, 1962, following the election for a period of four years. To fill the vacancy resulting from the expiration of the term of the position on the School Board ending July 1, 1961, the County Courts of such counties shall appoint a Board member to serve until September 1, 1962. There shall also be elected by the qualified voters of the entire county at the regular election August 1962 a Board member from the Third School District created by this Act whose term of office shall begin September 1, following the election for a period of four years.

A school board member shall be elected by the qualified voters of the entire county from the Fourth School District created by this Act at the regular August election 1964, whose term of office shall be for a period of four years beginning September 1 following the election. To fill the vacancy created by the expiration of the term ending July 1, 1963, the County Courts of said counties shall appoint a member from the Fourth School District to serve until September 1, 1964. There shall also be elected by the qualified voters of the entire county at the regular election August 1964 a Board member from the Sixth School District created by this Act, whose term of office shall be for a period of four years beginning September 1, 1964.

A Board member shall be elected from the Fifth School District created by this Act by the qualified voters of the entire county at the regular August election 1966, whose term of office shall be for a period of four years beginning September 1, 1966. To fill the vacancy in the position created by the expiration of the term July 1, 1965, there shall be appointed by the County Courts a Board member from the Fifth School District to serve until September 1, 1966. There shall also be elected by the qualified voters of the entire county at the regular August election 1966, a Board member from the Seventh School District created [sic] by this Act whose term of office shall be for a period of four years beginning September 1, 1966.

There shall be created from the First School District created by this Act by the qualified voters of the entire county at the regular August election 1968, a Board member whose term of office shall be for a period of four years beginning September 1, 1968. To fill the vacancy created by the expiration of the term ending July 1, 1967, the County Courts shall appoint a Board member from the First School District to serve until September 1, 1968.

The terms of all Board members after the term provided for in this Act shall be for a term of four years, and all incumbents shall remain in office during the transition period and thereafter until their successors are elected and qualified.

**SECTION 3.** That the powers, duties, qualifications, and mode of procedure of the County Board of Education of such counties, shall be the same as those provided for a County Board of Education under the General Education Laws of the State of Tennessee, not inconsistent with the provisions of this Act.

**SECTION 4.** That it is the intent of the General Assembly of the State of Tennessee to provide a County Board of Education for such counties elected by the qualified voters composed of seven (7) members having four year terms, by the County Board of Education membership may, during the period of transition from the former system of election, exceed for a time a membership of seven (7). In addition, it is the intent of the General Assembly of the State of Tennessee that this Act and all legislative Acts relating to County Boards of Education be construed in Pari Materia for the purpose of obtaining these objectives.

**SECTION 5.** That this Act shall be of no force and effect until the same shall be approved in an election by a majority of those voting in said election in counties affected within sixty (60) days after the same shall have been signed by the Governor of Tennessee. Ballots used in such election shall have printed thereon the caption, title, or substance of this Act together with the words

FOR ADOPTION

AGAINST ADOPTION

and voters shall vote for or against adoption. The said election is declared to be for a county governmental purpose and the counties shall expend from their general funds the monies necessary to conduct the election. The votes cast shall be canvassed by the County Board of Election Commissioners upon the first Monday occurring five or more days next after the date of such election and the result shall be proclaimed by such Board and certified to the Secretary of State.

**SECTION 6.** That this Act shall become effective from and after its passage, the public welfare requiring it.

Passed: March 15, 1961.

## Private Acts of 1980 Chapter 249

**SECTION 1.** As the terms of the incumbent members of the Claiborne County Board of Education, created by Chapter 326 of the Private Acts of 1961, expire or as a vacancy occurs on the board, members of the board from such districts shall be elected by the qualified voters of the school district in which such term expires or such vacancy occurs. Each member of such board shall be a resident of the school district from which he is elected. If any member ceases to reside in the school district from which such member is elected, the office of such member shall become vacant.

**SECTION 2.** No provision of 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 3.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of the county voting in an election on the question of whether or not the act should be approved. The ballots used in the regular election to be held on August 7, 1980, shall have printed on them the caption of this Act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the County Election Commissioners and certified by them to the Secretary of State, as provided by law in the case of General Elections. The qualifications of voters voting on the question shall be the same as those required for participation in General Elections. All laws applicable to General Elections shall apply to the determination of the approval or rejection of this Act. The cost of the election shall be paid by Claiborne County.

**SECTION 4.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 3, it shall be effective upon becoming a law, but for all other purposes the provisions of the Act shall be effective only upon being approved as provided in Section 3.

PASSED: March 24, 1980.

## Superintendent or Director of Schools

### Election of County Superintendent

## Private Acts of 1961 Chapter 327

**SECTION 1.** That in counties of this state having a population of not less than 19,000 nor more than 19,100 according to the Federal Census of 1960 or any subsequent Federal Census, the County Superintendent of Schools shall be elected by popular vote of the qualified voters of such counties at the

general election in August 1964. The term of the first superintendent elected under this Act shall commence on January 2, 1965 following the expiration of the term of the present Superintendent of Schools. The term of office thereafter shall be for a period of four (4) years beginning September 1, 1968. Superintendents elected under the provisions of this Act shall possess the same qualifications, powers, and duties as that required by the general law of this State.

**SECTION 2.** That all vacancies occurring in said office because of death or resignation shall be filled by the Quarterly County Courts in said counties until the next regular election following the vacancy.

**SECTION 3.** That this Act shall be of no force and effect unless the same shall be approved in an election by a majority of those voting in said election in the counties affected within sixty (60) days after the same shall have been signed by the Governor of Tennessee. Ballots used in such election shall have printed thereon the caption, title, or substance of this Act together with the words

FOR ADOPTION

AGAINST ADOPTION

and voters shall vote for or against adoption. The said election is declared to be for a county governmental purpose and the counties shall expend from their general funds the monies necessary to conduct the election. The votes cast shall be canvassed by the County Board of Election Commissioners upon the first Monday occurring five or more days next after the date of such election and the results shall be proclaimed by said Board and certified to the Secretary of State.

**SECTION 4.** That this Act shall become effective from and after its passage, the public welfare requiring it.

Passed: March 15, 1961.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Acts of 1806, Chapter 8, established Speedwell Academy and appointed the first board of trustees to superintend the school.
2. Acts of 1807, Chapter 56, appointed William Graham and Abel Longham as additional trustees of Speedwell Academy.
3. Acts of 1827, Chapter 169, established a female academy in Claiborne County called the Pleasant Grove Female Academy.
4. Private Acts of 1827, Chapter 237, appointed John Hunt and John Hodge as trustees to Speedwell Academy in Claiborne County.
5. Acts of 1839-40, Chapter 98, incorporated an academy in Claiborne County known as the Powell Valley Male Academy.
6. Acts of 1847-48, Chapter 196, directed the trustees of the counties of Claiborne and Hawkins to pay all school monies now in their hands to the trustees of Hancock County which were transferred to the common school commissioners of Hancock County.
7. Acts of 1853-54, Chapter 213, incorporated the Tazewell Female Academy and appointed a board of trustees. This act was subsequently amended by Public Acts of 1879, Chapter 41, to repeal sections 11, 12 and 13 of the act.
8. Acts of 1855-56, Chapter 124, changed the name of Tazewell Academy to Tazewell College and made the necessary changes in degrees granted.
9. Acts of 1855-56, Chapter 204, amended the act incorporating Tazewell Female Academy to provide that if the academy were to cease to function, then its moneys would go to any other academies in Tazewell.
10. Private Acts of 1897, Chapter 163, provided for the relief of Harrow School in Claiborne County which exempted the school from paying \$21 in state, county, road and school taxes for 1893.
11. Acts of 1905, Chapter 483, was a compulsory school attendance law that required all parents to send their children to school at least 14 weeks a year.
12. Acts of 1907, Chapter 266, established a school district in Claiborne County out of parts of the

- sixth and seventh civil districts which became the Willow Springs School District.
13. Acts of 1911, Chapter 332, was another compulsory school attendance law that required all parents of children ages 8 through 16 to send their children to school at least 16 weeks a year.
  14. Acts of 1911, Chapter 566, was an act to make each school a separate school district and to provide for election of school trustees, and to define their powers and duties. This act was subsequently amended by Private Acts of 1919, Chapter 279, and Private Acts of 1919, Chapter 448, to clarify its provisions.
  15. Private Acts of 1919, Chapter 685, authorized the county superintendent to pay off all existing indebtedness of the common schools.
  16. Private Acts of 1923, Chapter 479, gave the county superintendent of education responsibility for enforcing the compulsory attendance law and gave him a bonus of \$5.00 for every conviction thereunder.
  17. Private Acts of 1933, Chapter 327, prohibited county boards of education from hiring a truant officer. This act was subsequently repealed by Private Acts of 1937, Chapter 170.
  18. Private Acts of 1953, Chapter 96, added two members to the county board of education. This act was repealed by Private Acts of 1961, Chapter 326.
  19. Private Acts of 1961, Chapter 35, provided for the election of the county superintendent of education. This act never took effect as it was not ratified locally.
  20. Private Acts of 1961, Chapter 42, provided for a county school board and regulated their election. This act did not become operative as it was rejected by the local authorities.
  21. Private Acts of 1992, Chapter 149, authorized Claiborne County to contribute funds to the Douglas Tripp Scholarship Fund.

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