



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Education/Schools - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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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Board of Education

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

1. Private Acts of 1935, Chapter 259, created a Board of County School Commissioners for Clay County to be composed of five members, one from each civil district, and one from the county at large, some to be elected at August, 1936, election for four year terms but naming Burt Hestand, Smith Roberts, J. M. Hamilton, Gordon Smith, and W. W. Grace to serve until that time. Each must be 21 years of age, or older, and a resident of the civil district represented. They would select a Chairman and the Superintendent of Public Instruction would be the Secretary without vote and pay. Each member of the Board would get \$3.00 daily, and the Chairman \$4.00 daily, for each days attendance at Board meetings, limited to ten meetings per year. This Act was repealed by Chapter 236, Private Acts of 1947.
2. Private Acts of 1937, Chapter 326, amended Chapter 259, Private Acts of 1935, in Section 3 by deleting the words "without additional compensation therefor", thereby making it possible for the Superintendent of Public Instruction to be paid for acting as Secretary to the Board of Education.
3. Private Acts of 1937, Chapter 777, amended Section One of Chapter 259, Acts of 1935, by increasing the membership of the Board of Education from five to seven, and naming the following (1) one member, Burt Hestand from the First Civil District, (2) two members, W. B. Bean and J. R. Colson, from the Second Civil District, (3) two members, J. M. Hamilton and Roy Maynard from the Third Civil District, and (4) two members, H. E. Neely and H. B. King, from the Fourth Civil District. Old members would hold office during their elected terms and the two new members would hold until the August, 1940 election where they would have to run for office.
4. Private Acts of 1947, Chapter 236, repealed specifically and entirely, Chapter 259, Private Acts of 1935, which created a County Board of Education.
5. Private Acts of 1947, Chapter 239, amended Chapter 259, Section 4, by rewriting the sections on purchasing by the Board so as to demand advertising and competitive bidding on purchases exceeding certain amounts. This amendment however must fall with the repeal of the act it amends. A new law creating a Board of Education was passed in 1947 and is published in full herein.
6. Private Acts of 2016, Chapter 59, would have amended Private Acts of 1947, Chapter 330, as amended by Private Acts of 1999, Chapter 50, to reduce the membership of the Clay County Board of Education from ten to five, however, the Act was not approved locally.

Superintendent or Director of Schools

The acts referenced below once affected the office of superintendent of education in Clay County, but are no longer operative. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Private Acts of 1923, Chapter 606, as amended by Private Acts of 1943, Chapter 324, created the office of county superintendent of public instruction in counties having a population of not less than 9,190 and not more than 9,225, according to the 1920 Federal Census.
2. Private Acts of 1933, Chapter 882, amended Chapter 606, Private Acts of 1923, by reducing the compensation of the Superintendent of Public Instruction from \$1,000 to \$800 annually.
3. Private Acts of 1937, Chapter 324, specifically repealed Chapter 882, Private Acts of 1933, in its entirety.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Clay County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval. Also referenced below is an act which repealed prior law without providing new substantive provisions.

1. Acts of 1905, Chapter 412, incorporated the Mont Vale Academy in Celina of Clay County, naming W. L. Brown, W. N. Gray, W. C. Lowery, E. Kirkpatrick, S. B. Anderson, Codell Hull, and W. B. Boyd as Trustees. The Academy may operate as a normal school and the remaining members on the Board of Trustees are authorized to fill any vacancies which may occur.
2. Public Acts of 1907, Chapter 236, abolished the office of District Directors of Education, and created Boards of Education and District Advisory Boards for every county in the State except for

nine counties which exempted themselves from its application. Clay was not among the exempting counties. This law did not apply to city school systems. The County Court would divide the county into five school districts, as nearly equal as possible, composed of whole civil districts from which they would appoint a member of the Board of Education until September of 1908 when the members would be elected by the voters of the district for two year terms. Duties of the Chairman, the Secretary, the ex-officio Secretary, and the Board as a whole are written into the Act. Some general provisions are part of the Act which apply to all the school districts. See Whitthorne v. Turner 193 S.W. 147. 155 Tenn. 303 (1927).

3. Private Acts of 1909, Chapter 494, was a compulsory attendance law, applying to Clay and seventeen other counties, which required all children between the ages of 8 and 14 to attend some public school at least four months, or eighty consecutive days each year unless excused under the conditions stated in the Act. The responsibility was placed on the parents, guardians, or those having custody of the child, and violations were misdemeanors. Certain records required by this law were to be kept which included a monthly report on attendance no child being allowed more than two days legitimate absence in each four week period. This act was repealed by the Public Acts of 1978, Chapter 716.
4. Private Acts of 1925, Chapter 737, provided for a special tax not exceeding 12¢ on the \$100 of taxable property, for the purpose of maintaining three two-year county high schools. The schools were Moss, Hermitage Springs, and Willow Grove.

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