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# Chapter VI - Education and Schools

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# Chapter VI - Education and Schools

## Board of Education

### Private Acts of 1970 Chapter 342

**SECTION 1.** The County Board of Education of White County shall consist of seven (7) members, with one to be elected from each of seven (7) school districts. The school districts shall be co-extensive with the seven (7) magisterial districts of the County, respectively. At the August 1970 general election, members shall be elected to the County Board of Education, by the qualified voters of each district, as follows, to take office on September 1, 1970 and to serve for the terms indicated, and until their successors are elected and qualified:

School district 1 - one (1) member, to serve for a term of two (2) years.

School district 2 - one (1) member, to serve for a term of two (2) years.

School district 3 - one (1) member, to serve for a term of four (4) years.

School district 4 - one (1) member, to serve for a term of four (4) years.

School district 5 - one (1) member, to serve for a term of six (6) years.

School district 6 - one (1) member, to serve for a term of six (6) years.

School district 7 - one (1) member, to serve for a term of six (6) years.

As terms expire, successors shall be elected at the preceding August general election for terms of six (6) years.

The duties and compensation of members of the County Board of Education shall be as provided by law.

**SECTION 2.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Quarterly County Court of White County before May 1, 1970. Its approval or nonapproval shall be proclaimed by the presiding officer of the Court and certified by him to the Secretary of State.

**SECTION 3.** For the purpose of approving this Act as provided in Section 2, it shall take effect on becoming a law, but the other provisions of the Act shall be effective only upon being approved as provided in Section 2.

Passed: February 20, 1970.

## Education and Schools - Historical Notes

### Superintendent or Director of Schools

The act referenced below once affected the office of superintendent of education in White County, but is no longer operative.

1. Private Acts of 1933, Chapter 574, as amended by Private Acts of 1935, Chapter 39, provided for the election of county superintendents of public education in all counties of the state having a population of not less than 15,540 nor more than 15,546, according to the Federal Census of 1930, for a four (4) year term. The eligibility requirement for the superintendent of public education was set out in the general school laws of the state and shall have attained the age of 24 years.

### General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of White 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 109, was the act of incorporation for Alexander Lowry, Turner Lane, Isaac Taylor, Jr., John Bryant, John M. Carrick, Bird Smith, and Thomas K. Harris, as the Trustees for Priestly Academy, located in White County.
2. Acts of 1813, Chapter 60, appointed Westley W. Keais, Isaac Thomas, Jr., Anthony Debrell, William Glenn, Jacob A. Lane, and Lawson Nourse, as Commissioners to conduct a lottery for the benefit of Priestly Academy in White County. The Commissioners would draft and publish a scheme to raise the sum of \$5,000 by lottery, for which they were required to make a bond of

\$50,000 to guarantee the payment of all the lottery prize money. The Trustees of the Academy shall pay the managers of the lottery a reasonable compensation for their services. Isaac Thomas, Jr., was appointed a Trustee in place of John M. Carrick, now deceased.

3. Acts of 1817, Chapter 165, appointed John Catron, Jacob Lane, Anthony Debrill, and Lawson Nourse as additional Trustees for Priestly Academy in White County, all of whom would have and could exercise the same power and authority as was given to the other Trustees. The specific authority was granted to purchase other lands for the benefit of the Academy after selling Lots #86 and #87 in the city of Sparta.
4. Acts of 1839-40, Chapter 158, stated that an academy was thereby established in White County to be known by the name of Haywood Academy to be located on the south side of Cherry Creek and on the west side of the Calf Killer River. The Acts named David Snodgrass, William Glenn, James Dearing, Thomas Snodgrass, John Brown, Joel Yeager, and William R. Tucker as Trustees of the new Academy, who would locate the school, acquire the site for it, and then build the same, all being subject to the same rules applicable to other academies.
5. Acts of 1845-46, Chapter 71, recited that when fractions of White, Overton, and Jackson counties, formerly composing Putnam County, were in the other original counties, the County Court Clerks made returns on the scholastic population for the year 1844-45, therein, and these counties did not receive the school funds which would be due them. The Comptroller of the State was directed to pay to the Trustees of each one of these counties the amount due to each of them which was lost under the above conditions.
6. Acts of 1845-46, Chapter 185, required the Trustees of the counties of Overton, Jackson, and White to settle with the former school commissioners of the school districts in said counties and, if, upon said settlements, the Commissioners had paid out more money than they received, or had in their hands, and the district school fund is obligated to them, the Trustees shall refund to them the total amount due.
7. Acts of 1847-48, Chapter 31, provided that the balance of the school fund for Putnam County for the year 1844, which remains undrawn from the Treasury, shall be paid to the Trustees of White, Overton, and Jackson Counties according to their respective pro rata share of the scholastic population, and, since the 1845 funds were never apportioned, they shall likewise be divided among the three counties.
8. Acts of 1851-52, Chapter 112, required that Warren Leftwich, L. Carrick, Montgomery C. Dibrell, Milton J. Brockett, and John F. Vass, Trustees of the Priestly Academy, to pay over to the Nourse Female Academy any funds then belonging to Priestly Academy. They were to sell the Academy building on such terms as they might consider appropriate. John Warren, Jabez G. Mitchell, W. W. Moore, Simeon Bramlet, Joseph Snodgrass, are named as Trustees, plus those named above, of Nourse Female Academy, which would be called Nourse Seminary in Sparta.
9. Acts of 1857-58, Chapter 95, incorporated, for a period of 99 years, Thomas E. Hutton, Joseph W. Clark, Pleasant A. Gleeson, John Swindle, and Joseph Roberts as Trustees of Spring Hill Academy in White County, granting them the powers generally incidental to corporate institutions and giving them the authority to control and manage the Academy including the promulgation of all regulations concerning internal discipline.
10. Acts of 1859-60, Chapter 158, incorporated, granting to them the usual corporative powers, Joseph Herdson, John Herd, Samuel Parker, Hampdon Hudgin, and Charles Meeks, as Trustees for White Seminary in White County, the corporate charter being set for 99 years.
11. Acts of 1871, Chapter 117, recited in the preamble that the Trustees of Nourse Academy in Sparta had executed their note to the Bank for \$464.72, and that the Bank is indebted to the said Academy in a far larger amount according to Section 1051, Code of Tennessee, this Act directs the Trustee and the Attorney of the Bank to return the said note to the Trustees of the Nourse Academy making no effort whatever to collect the same.
12. Acts of 1887, Chapter 221, authorized the Trustees of the Nourse Female Academy to transfer the Academy grounds located in Sparta, in White County, to the Dibrell Normal Institute, also located in Sparta, and to make a quitclaim deed for the same to the Institute.
13. Acts of 1905, Chapter 270, created an independent School District in the 5th Civil district of White County, to be known as the 15th School District, embracing the area specifically described in the Act. This school district shall have and enjoy all the rights and privileges, plus the endowments, granted to other school districts. The District would be controlled by three Directors, appointed by the Superintendent of Schools, who would serve until the next general election when their successors would be chosen by the people.

14. Acts of 1907, Chapter 236, abolished all the District Directors of the schools in the State and created a Board of Education and District Advisory Boards for every county, except the few which exempted themselves in Section 17. The County Court was required to divide the county into five school districts, composed of whole civil districts, from each of which one member of the Board of Education would be elected; the Superintendent would be the Secretary; the duties of the Chairman, the Secretary and the members of the Board are outlined in the Act; each Board member would inspect and report on the schools in his district and would be paid from \$1.50 to \$3 per day, set by the County Court, for each day devoted to the duties assigned hereunder. Three member Advisory Boards would be elected in each district to discharge the duties specifically imposed upon them in this law and those incidental thereto. The Act did not apply to any city school system. A case regarding this Act was decided by the Supreme Court in *Whitthorne vs. Turner*, 155 Tennessee 303, 293 SW 147 (1927).
15. Private Acts of 1911, Chapter 51, amends Acts of 1909, Chapter 543, Section 1, which applies only to Jefferson and Monroe Counties, and not to White by reducing the maximum age under which children were compelled to attend school from sixteen years to fourteen years. This Act is listed in some indices as being applicable to White County.
16. Private Acts of 1911, Chapter 157, incorporated the area described in the Act, located in both White and Cumberland Counties and including the town of Clifty, as the Clifty Independent School District. The Election Commissioners of the county were required to hold an election every two years in the area to choose three school Directors to control and manage the same. In the interim, the Superintendent of Schools would appoint three to serve until the Board would organize by selecting a Chairman and a Secretary from their own number. The Clerk would furnish an accurate list of the pupils in the area each year to the Superintendent who would, in turn, pass it to the Trustee who would send the District their pro rated share of school funds.
17. Private Acts of 1919, Chapter 544, provided that each member of the Board of Education in White County, identified by the use of the 1910 Federal Census figures, shall receive mileage of three cents per mile while attending meetings of the County Board of Education and would be reimbursed their actual expenses while visiting schools, provided the same were itemized by each member of the Board and approved by the whole Board.
18. Private Acts of 1921, Chapter 639, amended Private Acts of 1911, Chapter 157, Section 2, Item 16, above, by changing the date of the biennial election from the first Saturday in July, 1911, to the day of the next general August election and every two years thereafter.
19. Public Acts of 1925, Chapter 115, which has been codified as Title 49, Tennessee Code Annotated, provided in Section 33 that all school districts which were not taxing districts were abolished, and that those which were taxing districts could hold a referendum on the question of their abolition, and that where all the debts of any special school district were paid, the district could join the county system.
20. Private Acts of 1925, Chapter 722, stated that in White County the Superintendents of Public Instruction would be elected by the qualified voters for two year terms at the regular general August elections and their terms would begin on the first day of January, following. This Act would in no way affect the duties or the compensation of the Superintendent as they are now prescribed under the law.
21. Private Acts of 1929, Chapter 626, was the authority for the County Board of Education in White County to borrow money on the credit of the said Board in its official capacity, to secure funds with which to pay the current salaries of teachers but at no time shall the amount be borrowed which exceeds the budget appropriation.
22. Private Acts of 1931, Chapter 175, stated that hereafter the County Superintendent of Public Instruction would be elected by the County Board of Education at the regular meeting to be held on the second Thursday in December, 1932, and every two years thereafter, to take office on January 1, 1933, and every two years thereafter. The duties and compensation of the Superintendent shall remain as they are established under existing law.
23. Private Acts of 1933, Chapter 191, authorized and required the Election Commission of White County to hold an election, within ten days after the passage of this Act, in Sparta to ascertain the will of the people in regard to placing the schools in the city of Sparta under the jurisdiction and control of the County Board of Education and the County Superintendent. The ballot would simply be either "For" or "Against" this proposal.
24. Private Acts of 1933, Chapter 561, created five educational districts, or zones, in White County, composed of whole Civil Districts. A five member Board of School Supervisors is also created, composed of one member elected by popular vote to two year terms in each of the above

- educational Districts. The present Board of Education will serve until September 1, 1934. No member of the County Court, nor any county office holder, was eligible for membership. The Board must choose a Chairman and a Secretary from their own number, must hold at least eight regular meetings in a year, for which they shall be paid \$2 a day, and ten cents per mile, for each day spent and each mile traveled. The Board would have exclusive and complete control over elementary and high schools, and all educational personnel expenditures must be kept within the budget appropriations. Several standards are prescribed which must be met in regard to the holding of meetings of the Board; in case of contagious diseases affecting pupils or faculty; and in employing personnel both professional, and nonprofessional. The Act has a general repealer but would repeal by implication virtually all prior Acts in this regard.
25. Private Acts of 1935, Chapter 235, amended Private Acts of 1933, Chapter 561, by striking therefrom in their entirety Sections 5 through Section 26, which was by far the biggest portion of the Act.
  26. Private Acts of 1937, Chapter 873, provided for a seven member Board of School Supervisors naming James Osborne, Tom Scott, Ed Jernigan, Ray Ward, Ed Carter, R. J. Snodgrass, and Will W. Slatten to the first Board, giving them staggered terms from two to eight years, and requiring them to serve until their successors were elected for a regular term of eight years from the county at large. The Board would meet within 90 days from the passage of this Act and choose a Chairman to preside at meetings and the Secretary to keep proper written records. Meetings were limited to the items contained on the agenda published in the notice of the meeting. The Board shall do and perform all other duties imposed on like Boards under any State and local law. The Act only had a general repealing clause but would clearly supersede prior acts on this subject.
  27. Private Acts of 1937 (3rd Ex. Sess.), Chapter 36, created seven school districts in White County which were composed of whole Civil Districts from each of which a member of the seven member Board of Education would be elected for seven year terms. The initial terms were spaced a year apart so that one member of the Board would be elected each year. The Act named E. E. Carter, A. E. Haston, Ray Ward, Ed Jernigan, Tom Scott, Fred Brown, and James Osborn as the first Board to serve until September 1, 1938, when their successors would take office. No Justice of the Peace, or county official, was eligible for this office. All the powers, duties, and responsibilities conducive to other Boards were generally conferred on this one. This Act repealed all laws in conflict with it.
  28. Private Acts of 1941, Chapter 281, formed a seven member Board of Education, one member each to be elected from seven School Districts composed of whole Civil Districts. The terms of office were changed to six years each, and vacancies would be filled by the Quarterly Court until the next regular election when a successor would be elected. The Board would possess and exercise all the powers conferred by general law upon like Boards.
  29. Private Acts of 1943, Chapter 7, amended Private Acts of 1935, Chapter 39, by adding a provision at the end of Section One which stated that, in the event the County Superintendent of Schools should enter into the Armed Services of the United States, the Board of Education shall elect an acting Superintendent in his place to serve until such time as the Superintendent returned and signified in writing his intentions to return to that position. The acting Superintendent shall perform the same duties and responsibilities and draw the same salary as the regular Superintendent while filling that position.
  30. Private Acts of 1947, Chapter 317, amended Private Acts of 1941, Chapter 281, by reducing the term of the members of the Board of Education in Section 4 from six years to two years, and by striking out of Section 4 the provision which allowed the voters of each school district to elect a member of the Board of Education for two years. This Act was repealed by Private Acts of 1951, Chapter 465.
  31. Private Acts of 1947, Chapter 845, was duplicate of Private Acts of 1947, Chapter 317, above, providing for the same amendments to the same part of the same Act. This Act was repealed by Private Acts of 1951, Chapter 466.
  32. Private Acts of 1951, Chapter 465, repealed Private Acts of 1947, Chapter 317.
  33. Private Acts of 1951, Chapter 466, repealed Private Acts of 1947, Chapter 845.
  34. Private Acts of 1951, Chapter 490, amended Private Acts of 1941, Chapter 281, by setting the term of the members of the Board of Education in White County at four years instead of two, and by adding a provision that School Districts Two, Four, and Six, would each elect a Board member for a full four year term, and that School Districts One, Three, Five and Seven would elect members for two year terms in the August election of 1952, and for four year terms at the appropriate time thereafter.

35. Private Acts of 1953, Chapter 272, provided for a Board of Education of five members, one from District One to be elected at large and one in the District for a term of four years, and one each from School Districts Two, Three, and Four for two years. The School Districts were to be co-extensive with the Civil Districts as they were established when the county was redistricted. Purchasing was to be accomplished under the terms of the new purchasing provision of Private Acts of 1953, Chapter 36.
36. Private Acts of 1963, Chapter 192, amended Private Acts of 1953, Chapter 272, by rearranging some of the Civil Districts to compose School Districts different from those established in the above Act. This Act was rejected by the Quarterly County Court and therefore did not become effective under the Home Rule Amendment to the State Constitution.

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