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## Chapter VI - Education/Schools

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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,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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# Chapter VI - Education/Schools

## Board of Education

### Private Acts of 1983 Chapter 6

AN ACT to provide a newly constituted Board of Education for Dickson County elected by popular vote.

WHEREAS, population increases and shifts have occurred in Dickson County in the past ten years; and

WHEREAS, members of local Boards of Education are required by law to represent substantially equal populations; and

WHEREAS, the existing Board of Education for Dickson County is malapportioned due to population increases and shifts in population density within the county; and

WHEREAS, reapportionment of Dickson County Board of Education is now necessary to avoid unequal representation of the board; and

WHEREAS, redistricting the Board of Education to provide substantial equality of representation while maintaining staggered terms would deny numerous citizens true representation for several years; and

WHEREAS, a newly constituted Board of Education with uniform terms is the most effective method available to provide equal and effective representation of people of Dickson County; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

**SECTION 1.** The Board of Education of Dickson County in existence on the effective date of this Act shall remain as the legally constituted Board of Education for Dickson County, until November 30, 1984, on which date this Board of Education shall be abolished.

**SECTION 2.** Dickson County is hereby divided into twelve (12) school districts. Each school district shall have the perimeter boundaries identical to the perimeter boundaries of each of the twelve (12) individual county commissioner districts.

**SECTION 3.** In the November, 1984, General Election, the qualified voters of each school district in Dickson County shall elect one (1) member to the Dickson County Board of Education who shall serve until August 31, 1988. In the August, 1988, General Election, and every four (4) years thereafter, the qualified voters of each school district in Dickson County shall elect one (1) member of the Dickson County Board of Education.

**SECTION 4.** Each member of the Board of Education must reside in the district he or she represents. The term of each member of the Board of Education shall be four (4) years, and until a successor is elected and qualified. The Election Commission of Dickson County shall issue to the persons elected, pursuant to this Act, a certificate of election in the same manner as other county officers. In the event of a vacancy on the board for any reason, a successor shall be elected by the county commission until the next General Election, at which time a successor shall be elected to fill the unexpired remainder of the term, if any.

**SECTION 5.** On September 1st of the year of their election, or as soon thereafter as is practical, the elected members of the Dickson County Board of Education shall meet at the county courthouse and take an oath of office, administered by someone authorized to administer oaths, and shall organize themselves as the Board of Education, electing one of their number as chairman.

**SECTION 6.** The compensation, qualification, powers, duties and liabilities of the members of the Dickson County Board of Education shall be as prescribed by general law.

**SECTION 7.** A majority of the members constituting the Board of Education of Dickson County shall constitute a quorum for the transaction of business; however, a majority of all the members constituting the Board of Education shall be required to pass or approve any measure or item of business.

**SECTION 8.** 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 9.** This Act shall have no effect unless it is approved by a majority of the number of qualified voters of Dickson County voting in an election on the questions of whether or not the Act should be approved. The ballots used in the General Election to be held in August, 1984, shall have printed on them

the substance 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 commission and certified by it to the Secretary of State as provided by law in the case of General Elections. The same 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.

**SECTION 10.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 9, it shall be effective upon becoming a law, the public welfare requiring it, but for all other purposes the provisions of the Act shall be effective only upon being approved as provided in Section 9.

Passed: March 3, 1983.

## Private Acts of 1996 Chapter 159

**COMPILER'S NOTE:** This act amends Chapter 6 of the Private Acts of 1983; and any other acts amendatory thereto, relative to the Dickson County Board of Education.

**SECTION 1.** The Board of Education of Dickson County in existence on the effective date of this act, shall remain as the legally constituted Board of Education for Dickson County, until August 31, 1996, on which date this Board of Education shall be abolished.

**SECTION 2.** Dickson County is hereby divided into six (6) school districts. Each of the six (6) school districts shall have the perimeter boundaries identical to the perimeter boundaries of the combination of two (2) of the individual County Commissioner Districts:

- a. The First school district shall be the combination of the existing Tenth and Twelfth County Commissioner Districts;
- b. The Second school district shall be the combination of the existing Sixth and Eleventh County Commissioner Districts;
- c. The Third school district shall be the combination of the existing Second and Seventh County Commissioner Districts;
- d. The Fourth school district shall be the combination of the existing Eighth and Ninth County Commissioner Districts;
- e. The Fifth school district shall be the combination of the existing First and Third County Commissioner Districts; and
- f. The Sixth school district shall be the combination of the existing Fourth and Fifth County Commissioner Districts.

**SECTION 3.** In the August, 1996, General Election and every four (4) years thereafter, the qualified voters of the First, Third and Fifth school districts shall elect one (1) member from each of said districts to the Dickson County Board of Education, who shall serve a term of four (4) years.

In the August, 1996, General Election, the qualified voters of the Second, Fourth and Sixth school districts in Dickson County shall elect one (1) member to the Dickson County Board of Education who shall serve a term of two (2) years until August 31, 1998. In the August, 1998, General Election, and every four (4) years thereafter, the qualified voters of each Second, Fourth and Sixth school districts in Dickson County shall elect one (1) member of the Dickson County Board of Education who shall serve a term of four (4) years.

The Election Commission of Dickson County shall issue to the person elected, pursuant to this act, a certificate of election in the same manner as other county officers. In the event of a vacancy on the Board for any reason, a successor shall be elected by the County Commission until the next general election, at which time a successor shall be elected to fill the unexpired remainder of the term, if any.

**SECTION 5.** On September 1<sup>st</sup> of the year of their election, or as soon thereafter as is practical, the elected members of the Dickson County Board of Education shall meet at the county courthouse and take an oath of office, administered by someone authorized to administer oaths, and shall organize themselves as the Board of Education, electing one of their number as chairman.

**SECTION 6.** The compensation, qualification, powers, duties and liabilities of the members of the Dickson County Board of Education shall be as prescribed by general law.

**SECTION 7.** A majority of the members constituting the Board of Education of Dickson County shall

constitute a quorum for the transaction of business, and a majority of all the members constituting the Board of Education shall be required to pass or approve any measure or item of business.

**SECTION 8.** 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 9.** This act shall have no effect unless it is approved and ratified by a two-thirds (2/3) majority vote of the County Commission.

**SECTION 10.** For the purpose of approving or rejecting the provisions of this act as provided in Section 9, it shall be effective only upon being approved as provided for in Section 9 above.

Passed: April 4, 1996.

## Superintendent or Director of Schools

### Private Acts of 1983 Chapter 5

**SECTION 1.** The county superintendent of public instruction of Dickson County shall be elected by the qualified voters of Dickson County.

**SECTION 2.** Each candidate for the office of county superintendent of public instruction shall be a resident of Dickson County.

**SECTION 3.** In the November, 1984, General Election, the qualified voters of Dickson County, shall elect the county superintendent of public instruction. Thereafter, the election of the county superintendent of public instruction shall be held in the August, 1988, General Election and during the August General Election every four (4) years thereafter. The first term of office under this Act shall run from January 16, 1985, to August 31, 1988. Thereafter, the term of office shall be four (4) years, and until a successor is elected and qualified, with each term of office beginning on September 1st, of the year of election for a period of four (4) years, ending on August 31st.

**SECTION 4.** The qualifications, compensations, powers, duties and liabilities of the county superintendent of public instruction of Dickson County shall be as prescribed by general law.

**SECTION 5.** Chapter 529 of the Private Acts of 1923, Chapter 665 of the Private Acts of 1925, Chapters 135 and 654 of the Private Acts of 1927, and Chapter 251 of the Private Acts of 1939 are repealed.

**SECTION 6.** If any provision of this Act or application thereof to any person or circumstances shall be 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 majority of the number of qualified voters of Dickson County voting in an election on the question of whether or not the Act should be approved. The ballots used in the General Election to be held in August, 1984, shall have printed on them the substance 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 commission and certified by it 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.

**SECTION 8.** For the purpose of approving or rejecting the provisions of this Act, as provided in Section 7, it shall be effective upon becoming a law, the public welfare requiring it, but for all other purposes, the provisions of the Act shall be effective only upon being approved as provided in Section 7.

Passed: March 3, 1983.

## Education/Schools - Historical Notes

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

The acts referenced below once affected the office of superintendent of education in Dickson 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 529, stated that the County Superintendent of Public Instruction in Dickson County (identified by the 1920 Federal Census figures) would be elected by the qualified voters of the County for a two year term at the regular August election and assume office on January 1 following. This Act would in no way affect the duties, responsibilities, or qualifications of the Superintendent.
2. Private Acts of 1925, Chapter 665, stated that in Dickson County the salary of the Superintendent of Public Instruction would be paid out of the county school funds in the amount of \$900 for the years of 1925 and 1926. This Act would not affect the State supplement to the salary. The Superintendent was directed to act as Secretary to the Board of Education at no additional pay.
3. Private Acts of 1927, Chapter 135, provided that in Dickson County the salary of the Superintendent of Public Instruction would be paid out of the regular county funds in the amount of \$900 each year for 1927 and 1928, and would have no effect on the State supplement to the salary. The Superintendent was required to continue as Secretary to the Board of Education without pay.
4. Private Acts of 1927, Chapter 654, declared that the Dickson County School Superintendent would be elected by the Quarterly Court at their regular October meeting and serve until the successor was elected and qualified. This Act would in no way affect the duties, qualifications, or compensation of the Superintendent, all of which would remain as now fixed by law except the certificate of qualification must be filed with the County Judge, or Chairman, no later than thirty days preceding the election, and would be subject to inspection by all the members of the Quarterly Court.
5. Private Acts of 1939, Chapter 251, provided for the election of the County Superintendent of Public Schools and a repeal of all laws or parts of laws in conflict with the provisions of the Act. This Act was repealed by Private Acts of 1983, Chapter 5.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Dickson County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1806, Chapter 8, set up county academies in every County in Tennessee at the time and appointed Trustees to operate them. In Dickson County the County Academy was the Dickson Academy whose Trustees were Michael Dickson, Jeremiah Pershal, Richard Napier, David Dixon, and Sterling Brewer.
2. Acts of 1807, Chapter 56, established several more county academies and named Trustees for them as well as additional Trustees for some of the other schools. The Act named Michael Molton, Richard C. Napier, Christopher Strong, Melton Dickson, William Stone, Montgomery Bell, and Robert Jarman, as Trustees for Tracy Academy located in Dickson County.
3. Acts of 1825, Chapter 210, appointed James M. Brewer, Molton Dickson, Edward D. Hicks, Abram Coldwell, John C. Collier, and John McAdam, as Commissioners to draft a lottery scheme to raise an amount not to exceed \$1500 to be used to build and endow a female academy in Charlotte in Dickson County. The Commissioners were required to give a bond in double the amount of the prizes to be awarded. Regulations to be observed in the drawings of the tickets and award of the prizes were contained in the law.
4. Acts of 1832, Chapter 92, page 76, Sections 2 and 3, stated that until the organization of the Board of Common School Commissioners in Dickson County the records and funds belonging to the present Book Agency which were required by law to be paid over to the Common School Fund would be paid to William Hightower, upon his making bond with the Chairman of the County Court for the use and benefit of the common school system of the County. That portion of the internal government fund and the interest which were allocated to Dickson County would also be paid over to Hightower for the use and benefit of the schools.
5. Acts of 1835-36, Chapter 121, Section 6, instructed the Cashier of the Bank of Tennessee to pay the share of Dickson County in the internal improvement funds to the Chairman of the Common School Commissioners and the School Commissioners would in turn pay the funds over to the Trustees of the Tracy Academy in Dickson County.
6. Acts of 1851-52, Chapter 335, divided the funds of Tracy Academy in Dickson County into two funds, one for the Tracy Male Academy, and the other for the Charlotte Female Academy. This Act designated the Charlotte Female Academy as a branch of the Tracy Academy and named Wilson J. Matthews, W. A. James, and Thomas McNeally as Trustees for the Female Academy.
7. Acts of 1853-54, Chapter 208, Section 8, made the Charlotte Female Academy a branch of the

Troy Academy in the County of Dickson and named Wilson J. Matthews, W. A. James, and Thomas McNeally, as Trustees for Tracy Academy whose funds were to be divided equally between the two schools.

8. Acts of 1873, Chapter 50, provided that six bonds of the State of Tennessee in the amount of \$1000 each which were issued for the Spencer T. Hunt School Fund and which belonging to the Counties of Dickson and Humphreys were cancelled and filed in the Comptroller's Office and the principal and interest on the said bonds amounting to \$9,675 would be available for the use of the free public schools in Dickson and Humphreys Counties, according to the Last Will of the said Hunt. The interest hereafter accruing would be paid out semi-annually to the school funds mentioned above.
9. Acts of 1895, Chapter 132, established School District #15 in Dickson County as the same was more particularly described in the Act. This School District would have all the emoluments, rights, and privileges, and be governed by the same rules and regulations as other similar school districts were. The Sheriff would hold an election within the District on the first Saturday in May to select the school Directors.
10. Private Acts of 1901, Chapter 302, created an independent special school district in the 13th Civil District of Dickson County which was legally and particularly described in Section One of the Act and which would be numbered School District #16 in Dickson County.
11. Private Acts of 1905, Chapter 66, set up School District #18, in Dickson County which embraced the specific area near and in the 11th Civil District described in the Act. This District was given all the rights, privileges, and benefits possessed by other school districts. J. W. Brown, Peter Sheley, and W. P. Outlaw, were named as Directors of the District to serve until their successor could be elected and take over the office. All school funds not apportioned already were to be shared in this District on a pro rata basis.
12. Private Acts of 1905, Chapter 93, formed a special school district in the 13th School District as the area included in the new District was described in the Act which would be called School District #17 in Dickson County. The Act named J. B. Burgie, B. F. Hurt, and Sam Lamastus as the Directors of the new District.
13. Private Acts of 1905, Chapter 128, was a duplicate of the above 1905 Act which created the 17th Special School District in Dickson County.
14. Private Acts of 1905, Chapter 281, originated Special School District #19 in Dickson County which contained the area described in the Act. R. L. Montgomery, R. R. Larking, and S. L. Chandler, were named as the Directors of the School District to serve until their successors were elected and assumed the office. The Clerk of the District was required to furnish the proper authorities with a correct statement of the scholastic population of the District upon which basis the available school funds would be apportioned.
15. Private Acts of 1905, Chapter 467, established an unnumbered School District in Dickson County which included the area described therein, which was near the 17th School District. In the description the lands belonging to many families were mentioned by name. The Act required that the election of the school directors and the management of the District be according to the general law of the State.
16. Private Acts of 1907, Chapter 236, set up Boards of Education and a Board of Advisors in every County, abolishing the District Directors of the Schools. The County Court must divided the county into school districts composed of whole civil districts which could not exceed five and from each of which one member of the Board of Education would be elected. The County Superintendent would act as the Secretary to the Board. The County Superintendent would act as the Secretary to the Board. The County Court would appoint the members who would serve until the election could be held. The duties of the Chairman of the Board, the Secretary, and the Board Members were all enunciated in the Act. The three member Advisory Board would be elected by popular vote in each school district and perform the duties enumerated in the Act but would not be compensated. Several counties exempted themselves from this law, which did not apply to city schools, but Dickson County was not listed with them. (*Whitthorne v. Turner*, 155 Tenn. 303, 293 S.W. 14, (1927), considered this Act.)
17. Private Acts of 1917, Chapter 436, was the enabling legislation for the Board of Education of the Public Schools and Districts in Dickson County (identified by the use of 1910 Federal Census figures) to establish both primary and secondary schools in the County in which could be taught first ten grades of the public school curriculum.
18. Private Acts of 1917, Chapter 799, formed the "Union School District" out of parts of Houston

County and Dickson County as the same was more particularly described in the Act, which School District would be entitled to the per capita funds apportioned by the County Superintendent of Public Instruction in each of the two Counties. The Superintendent would also appoint jointly a Board of Directors, two of whom would be residents of Houston County and one a resident of Dickson County, to serve until their successors were elected and qualified. The Directors could draw warrants on the Trustee of either County for funds. The Directors were further instructed to keep accurate records of the pupils in the District who were attending school.

19. Public Acts of 1925, Chapter 115, which has been codified at Title 49, Tennessee Code Annotated, provided in Section 33 that all special school districts which were not taxing districts were abolished, that those school districts which were taxing districts could hold a referendum election on the question of their abolition and dissolution, and that any school district could become a part of the public school system at any time their debts were all paid.
20. Private Acts of 1929, Chapter 814, stated that in Dickson County the Board of Education with the permission of the Quarterly Court could borrow money to finance the operation of the public school system until taxes were paid and those funds became available for the purpose.

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