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# Education/Schools - Historical Notes

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Sincerely,

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# Education/Schools - Historical Notes

## **Board of Education**

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

1. Private Acts of 1927, Chapter 629, created a County Board of School Commissioners for Wayne County to be composed of one member from each Civil District, elected to a two year term by the people of that District. The County Election Commission was directed to hold an election in the county within ten days after the passage of this Act to elect a District School Commissioner from each Civil District to serve until September 1, 1928, when their successors would take office. Vacancies would be filled by an election in that district. The Commissioner so elected would meet at the Court House and select one of their members as Chairman. They would hold regular meetings on the first Monday in June, September, December, and March of each year and special meetings whenever the Chairman called one, but no member would be paid for more than 15 days each year. The County Superintendent of Public Instruction would serve as Secretary to the Board without additional compensation and keep accurate records of all meetings and acts of the Board, but would have no vote on any matter. The powers, authority, and duties of the Board are generally described, and the compensation of the members set at \$4 per day and the Chairman at \$5 per day. All County Boards of Education were abolished in the counties affected by this Act. This Act was repealed by Private Acts of 1933, Chapter 682.
2. Private Acts of 1933, Chapter 682, provided for a five member County Board of Education who would be elected by the County Court and serve a term of five years. The initial terms of those to be selected at the July, 1934, meeting of the Quarterly Court were staggered up to five years, so that the Quarterly Court would be selecting one member of the Board of Education every year for a five year term. No two members may come from the same Civil District, and vacancies shall be filled for the unexpired term by the Quarterly Court. The Board shall elect one of its members to serve as Chairman for a year. The Quarterly Court could fix the compensation of the members of the Board which is limited by the Act to \$25 per year, and the Chairman may be paid up to \$50 per year. This Act was repealed by Private Acts of 1935, Chapter 831.
3. Private Acts of 1935, Chapter 831, provided for a County Board of School Commissioners and a County Superintendent of Public Instruction in whom was vested the complete supervision and management of the public school system of the county, and all of whom would be elected by the popular vote of the people. One District School Commissioner would be popularly elected from each civil district to a two year term. Vacancies in the Board would be filled by a special election. The Board would select one of its members as Chairman and would meet regularly on the first Monday in June, September, December and March. Specific qualifications for the County Superintendent of Public Instruction were enumerated in Section 8. The Superintendent would receive the compensation as provided by general law but not to exceed \$1,800 per year. Compensation of the Board was set at \$3 per day, and of the Chairman at \$4 per day. Section 8 of this act which imposed a higher qualification on the Superintendent of Public Instruction for Wayne County than the general law of the state placed on other counties, was declared unconstitutional in *Gallien v. Miller*, 170 Tenn. 93, 92 S.W.2d 403 (1936). This act was the subject of litigation again in a case involving the contract of a school bus driver entered into without taking bids in *State ex rel. Butler v. Dugger*, 172 Tenn. 281, 111 S.W.2d 1032 (1938). This Act was repealed by Private Acts of 1945, Chapter 364, Page 1175.
4. Private Acts of 1945, Chapter 139, amended Private Acts of 1935, Chapter 831, in Section 8, by increasing the annual salary of the Superintendent of Public Instruction from a \$1,800 ceiling to a \$2,400 ceiling, including all State contributions. 5. Private Acts of 1965, Chapter 98, provided that the Wayne County Board of School Commissioners should receive a per diem allowance of \$10 per day for their attendance at the meetings of the Board, and a mileage rate of ten cents per mile from home to the County seat, provided the member lived more than five miles away. This Act was properly ratified by the Quarterly County Court and was in effect until repealed by Private Acts of 1974, Chapter 252, Page 319.
5. Private Acts of 1970, Chapter 345, was intended to amend Private Acts of 1953, Chapter 89, by transferring the authority of the remaining members of the Board of School Commissioners to fill vacancies on the Board to the Quarterly County Court at any of its regular or special sessions. This Act was not acted on by local authorities and did not become operative law.
6. Private Acts of 1971, Chapter 143, would have amended Private Acts of 1953, Chapter 89, by

removing the limitation of eligibility to serve by a commissioner of two consecutive terms, and by adding a provision that vacancies on the Board would be filled according to law instead of by the remaining members of the Board and by removing the authority of the Board of School Commissioners to fill vacancies in the office of the Superintendent. This Act was never acted by the local authorities and therefore never became operative under the provisions of the Home Rule Amendment to the Constitution of Tennessee.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Wayne 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 1825, Chapter 229, established the Waynesborough Academy whose Trustees were granted the power to operate and manage the said school as other county academies in the state. This Act appointed William Burns, John Hill, Fletcher F. Edwards, David Gallaher, James Campbell, James Riley, and Benjamin Hardin as the Trustees for the Academy. The Commissioners of the town of Waynesborough were directed to set aside a vacant lot for the use of the Academy.
2. Acts of 1833, Chapter 42, declared that the Chairman of the Board of Trustees of any free school, or the Clerk of any church in Lawrence, Wayne, Hardin, and McNairy Counties, shall be entitled to have surveyed and laid down on the general plan of the District any quantity of vacant land under four acres which could be used for the erection of a school house and meeting house, and the same land when so laid down shall be considered as belonging to the school or church.
3. Acts of 1839-40, Chapter 25, created the Ashland Academy in Wayne County by incorporating the Trustees. The Act named Thomas M. East, John M'Dugal, Lemuel D. Mack, David Gallaher, Richard Kindle, Nathaniel Biffle, Jonathan Elliott, Abram Montague, and William B. Ross as Trustees of the Academy and conferred specific powers upon them as well as all the powers incidental to the position of Trustee for corporate institutions.
4. Acts of 1847-48, Chapter 75, Section 4, stated that Ashland Academy in Wayne County would be divided into two branches, one for the education of boys and the other for the education of girls, each of which would be separately organized but would share equally in the distribution of all funds. The Act named R. A. Hill, A. T. Hassell, A. P. Cook, L. L. Mack, John McDougal, and A. J. McDougal as additional Trustees for the Academy.
5. Acts of 1907, Chapter 236, abolished the office of District Directors of the schools and placed them under the management and control of a County Board of Education and a District Board of advisors in every County of the State. The County Court would divide the County into five school Districts, composed of whole civil districts, from each of which they would select one member of the Board of Education to serve until September, 1908, when other members, elected by the people in the August, 1908, election would succeed them for two year terms. The County Superintendent would serve as the Secretary of the Board. The duties of the Chairman, the Secretary and the Board are specifically catalogued in the Act, which did not preclude those obligations imposed upon them by general law. The members would receive from \$1.50 to \$3.00 per day, as the amount was determined by the County Court, for not more than 30 days per year. A three member Advisory Board would be elected biennially by the people of each District, and would exercise the powers and perform the duties specifically mentioned in this law. Several counties exempted themselves from this law but Wayne County was not listed among them. This Act did not apply to city schools.
6. Private Acts of 1913, Chapter 237, declared that the Quarterly Court of Wayne County shall levy at its January or April term, or at any term in which the general county assessment shall be made, a tax of not less than 12½ cents per \$100 property valuation, for the purpose of maintaining one or more County high schools. This Act was repealed by Private Acts of 1915, Chapter 672.
7. Private Acts of 1919, Chapter 383, created the Collinwood School District in the Fourth and Seventh Civil Districts of Wayne County, as the area embraced in the District was described in the Act. N. C. Jeter, J. E. Wilburn and T. A. Martin were appointed as Directors of this special School District. The County Trustee was directed to set apart for this School District all the school funds collected within the said District. A special tax of fifty cents per \$100 property valuation was levied against the property owners of the District which would be used to keep the schools open for 9 months each year as a free school which tax would be a lien on the real property of the owners. This tax would be in addition to all other taxes but must be approved by the voters of the District before being levied. This Act was repealed by Private Acts of 1929, Chapter 160.

8. Private Acts of 1921, Chapter 502, allowed the Board of Directors of the Collinwood School District in Wayne County to issue up to \$30,000 in coupon bonds to erect and furnish a public school building and playground or campus. The bonds must be issued at an interest rate not to exceed 6%, could be called in for payment at any time after one year but the maturity period could not exceed 20 years. The bond issue must be approved by the people in a referendum vote. The Directors were authorized to levy a special tax of one dollar per \$100 property valuation and a poll tax of \$1 for these purposes in addition to the taxes authorized under Private Acts of 1919, Chapter 383.
9. Private Acts of 1925, Chapter 266, authorized, subject to the approval of the people as expressed in a referendum to be held for that purpose, the Board of Directors of the Collinwood School District to issue up to \$12,000 in coupon bonds, at an interest rate of 6%, and payable annually on May 1 of each year over a period not to exceed five years, in order to pay and retire the outstanding warrants of the School District. An additional tax levy of fifty cents per \$100 worth of property was authorized which would be collected as other taxes are collected and paid into the sinking fund to amortize these bonds.
10. Private Acts of 1929, Chapter 160, expressly repealed Private Acts of 1919, Chapter 383, which created the Collinwood School District in Wayne County. Any debts owed by the School District were declared to be the debts and obligations of the County and shall be paid as are other debts of the County.
11. Private Acts of 1929, Chapter 179, also repealed Private Acts of 1919, Chapter 383, and seems to be a duplication of Private Acts of 1929, Chapter 160.

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