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## Chapter VI - Education/Schools

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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 1994 Chapter 122

**SECTION 1.** Chapter 62 of the Private Acts of 1969, as amended by Chapter 23, of the Private Acts of 1985, and all other acts amendatory thereto, are hereby repealed.

**SECTION 2.** Warren County shall be divided into six (6) school districts; each of which shall be composed of two (2) adjoining county commissioner districts, as follows:

- School District 1 - County Commissioner Districts 2 & 3
- School District 2 - County Commissioner Districts 1 & 6
- School District 3 - County Commissioner Districts 4 & 5
- School District 4 - County Commissioner Districts 7 & 8
- School District 5 - County Commissioner Districts 9 & 10
- School District 6 - County Commissioner Districts 11 & 12

The Warren County Board of Education (hereinafter the "board") shall consist of six (6) members, with one (1) member of the board being elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of one-half (1/2) the members of the board shall expire, with the odd-numbered districts (Districts 1, 3 and 5) expiring at the same time and the even-numbered districts (Districts 2, 4 and 6) expiring at the same time. Persons elected in the regular August General Elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

**SECTION 3.** During the transition from the current seven (7) member board to the new six (6) member board, all incumbent board members shall continue to serve on the board until the expiration of their current terms. The new six (6) member board shall be elected as follows: At the August 1994 Election, one (1) member shall be elected from each of the odd-numbered school districts (Districts 1, 3 and 5) to serve four (4) year terms. At the August 1996 Election, one (1) member shall be elected from each of the even-numbered school districts (Districts 2, 4 and 6) to serve four (4) year terms. Thereafter, all board members shall be elected to four (4) year terms.

**SECTION 4.** It is the intent of this act that future changes in the boundary lines of county commissioner districts for purposes of reapportionment shall automatically redefine the school district boundary lines so that further action on the part of the general assembly for this purpose is not required. In the event such reapportionment results in a school board member no longer residing in the district he or she represents, such member shall continue to hold office until the expiration of his or her term. If changes in the boundaries of school districts result in more than one (1) board member residing in a single district, all of such members shall continue to hold office until their respective terms expire, and no board member shall be elected in such district until the last such member's term expires, at which time the voters of that district shall elect a resident of such district to the board to an initial term which will expire at the same time as the other board members from odd-numbered districts or even-numbered districts, as the case may be, and to four (4) year terms thereafter. If changes in school district boundaries result in one (1) or more school districts which are without a board member residing therein, at the next regular August Election a new school board member shall be elected from each such district to an initial term which will expire at the same time as other board members from odd-numbered districts or even-numbered districts, as the case may be, and to four (4) year terms thereafter. Changes in school districts may result in the number of members on the board temporarily exceeding the number of school districts until the expiration of the terms of the members in office on the date of such changes.

**SECTION 5.** The Warren County Board of Education shall have the same powers, duties, privileges and qualifications as the county boards of education established pursuant to Tennessee Code Annotated, Title 49, Chapter 2, except as otherwise provided herein.

**SECTION 6.** Nothing in 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 such official was elected.

**SECTION 7.** 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 the 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 8.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Warren County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Warren County and so certified to the Secretary of State.

**SECTION 9.** For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 8.

Passed: February 17, 1994.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Acts of 1907, Chapter 236, was a general Act which abolished the office of District Directors of Education in the counties and placed the public schools of the county, not the city, under a Board of Education and a District Board of Advisors. The County Court would divide the county into five school districts which would be composed of whole Civil Districts. The members of the Board of Education would be elected, one from each of the districts, and the remainder elected by the county at large, all for two-year terms. A member was required to be a resident of the district and have at least a primary educational level. The County Superintendent of Public Instruction, whose duties were enumerated in the Act, would be the Secretary and ex officio member of the Board. The role of the Advisory Board was further elaborated in the Act. Section 17 exempted several counties from the provisions of this Act and Warren County was among them; however, Private Acts of 1911, Chapter 564, subsequently made Warren County subject to the provisions of the general law. A second amendatory acts was passed, Private Acts of 1915, Chapter 48, wherein the general law was once again made not applicable to Warren County. See *Whitthorne v. Turner*, 155 Tenn. 303, 293 S.W. 147 (1927).
2. Private Acts of 1911, Chapter 437, divided Warren County into five separate school districts by assigning whole Civil Districts to them. The First school district was comprised of the first and second Civil Districts; the Second was comprised of the third, fourth, fifth, and sixth Civil Districts; the Third was comprised of the seventh, eighth, and ninth Civil Districts; the Fourth was comprised of the tenth, eleventh, and thirteenth Civil Districts, and the Fifth was comprised of the twelfth, fourteenth, fifteenth, and sixteenth Civil Districts. The Board of Education would consist of one member from each District appointed by the County Superintendent. Each member would receive \$2.00 per day for their attendance at meetings, not to exceed 15 days per year. The County Superintendent would also appoint three men from each Civil District to act as an Advisory Board for each district.. This Act was largely patterned after the 1907 Act from which Warren County was exempt.
3. Private Acts of 1917, Chapter 107, provided that the Directors of the public schools of the various school districts were empowered to establish primary and secondary schools in their said districts in which might be taught the first ten grades of the public school curriculum.
4. Private Acts of 1919, Chapter 689, placed the elementary public schools in Warren County under the management and control of a county Board of Education and a District Advisory Board of Education. The county would be divided into five school districts composed of whole civil districts and as nearly equal in size and population as possible, from which the County Court would appoint one member each to the Board until their successors were elected, for two-year terms. The duties of the Chairman of the Board, the Secretary, and the County Superintendent were set forth in the act. Each Civil District would elect three members to the Advisory Board, and their duties were specified. Each member of the Board would be paid from \$1.50 to \$3.00 daily for attendance at meetings and school visitations, and this Act would not affect the school systems of any city in the county.
5. Acts of 1920 (Ex. Sess.), Chapter 40, amended Acts of 1919, Chapter 689, above, by broadening the powers of the Board of Education and adding to the powers of the Advisory Board "to make general recommendations to the County Board to advance school interests in said districts and to recommend desirable teachers to the Board."
6. Private Acts of 1923, Chapter 210, required that a Board of School Directors, consisting of three members, be created in each civil district. The members would be elected by the people, and would select a Chairman and a Secretary. The Chairman from each civil district's Board and the County Superintendent of Schools would constitute the Board of Education, whose Secretary

would be the Superintendent. This Board would assume control over virtually all school property and personnel and each member would be paid \$2.00 per day for attendance at meetings, plus his mileage. All conflicting laws were repealed.

7. Private Acts of 1927, Chapter 731, also placed the management of the schools under a Board of Education. The county was divided into seven school districts composed of whole civil districts whose voters would elect one member each to the Board. The County Superintendent would be the Secretary, and the members must have at least four years' experience as a teacher or be a high school graduate, and a resident of the district from which he is elected.
8. Private Acts of 1933, Chapter 845, was an Act to amend Public Acts of 1925, Chapter 115, by creating and establishing six school districts, composed of the specified civil districts set out in the Act, and in turn creating a County Board of Education. The Act set out the means of selecting the Board members and the requirements for membership; how vacancies should be filled; how often the Board should meet; and, how the members were to be compensated.
9. Private Acts of 1939, Chapter 383, specifically repealed Private Acts of 1933, Chapter 845, above.
10. Private Acts of 1949, Chapter 73, established a new Board of Education with 17 members, two elected from the First Civil District and one from each of the other sixteen districts, for a term of two years. The Board would select five of its members to act in an advisory capacity for virtually all educational affairs. The County Superintendent would be Secretary to the Board, and members would be compensated as provided for therein. This act repealed all conflicting laws.
11. Private Acts of 1951, Chapter 330, created a County Board of School Commissioners, vesting in them all the jurisdiction and control of all the educational business of the county. The County was divided into seven school districts, each of which would elect a member to the Board for a two-year term. The members would be paid \$4.00 daily for Board meetings attendance, fill any vacancy which might occur before the next county-wide election, and exercise the powers enumerated in the Act. They would also solicit bids and award contracts as set out in the Act, and request the Department of Audit of the state to audit all accounts and report the same to the Quarterly County Court. This Act was repealed only a few months later by Private Acts of 1951, Chapter 415.
12. Private Acts of 1951, Chapter 415, repealed Private Acts of 1951, Chapter 330, in its entirety.
13. Private Acts of 1953, Chapter 63, provided that the management and control of all the school affairs would be vested in a County Board of School Commissioners composed of five members, one from each of five school districts as designated therein. Collier Smith, P. W. King, Jr., Ozle Allen, Leonard Grissom, and Bill Douglas were named to the Board until the next election when members would be elected for four-year terms. The members would meet and select a Chairman and Secretary after being sworn into office. Compensation would be fixed by the County Court but would not exceed \$10 daily. All personnel, buildings, equipment, busses, and school properties were committed to their charge, for which they were given power to contract for any purpose that was school-related, subject to approval by the Purchasing Commission. The Board was obligated to request an audit and report the same to the Quarterly County Court. This Act was repealed by Private Acts of 1969, Chapter 61, which was properly ratified by the County Court.
14. Private Acts of 1957, Chapter 38, would have amended Private Acts of 1953, Chapter 63, by redistricting the County into six School Districts in Section 2, and adding some provisions to Section 3 concerning the County Board of Education. This Act was not approved by the local governing authorities and did not become law.
15. Private Acts of 1969, Chapter 62, as amended by Private Acts of 1985, Chapter 23, created a County Board of School Commissioners, consisting of seven members to be elected by the Quarterly Court of the County, in the manner, form and for the terms provided for in the Act. The Act specified when the Board should meet, how the members were to be compensated, and what powers, duties and obligations were bestowed upon the Board. The amendment to the original act was relative to the term and election of members to the Board. This Act, as amended, was subsequently repealed by the current act-in-force, Private Acts of 1994, Chapter 122, published in its entirety herein.

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

The acts referenced below once affected the office of superintendent of education in Warren County, but are no longer operative.

1. Private Acts of 1933, Chapter 846, called for the election, in the same manner as other county officials, of a County Superintendent of Schools, who would serve a two-year term.
2. Private Acts of 1937, Chapter 220, raised the salary of the County Superintendent of Schools to

\$1,200 annually, payable monthly by a warrant drawn on the county school fund. This Act did not affect the salary supplement paid by the state.

3. Private Acts of 1943, Chapter 118, set the term of office for the superintendent of public instruction in counties having a population of not less than 19,750 nor more than 19,800 according to the Federal Census of 1940.
4. Private Acts of 1945, Chapter 62, provided for the filling of a vacancy in the office of county superintendent of instruction in counties having a population of not less than 19,750 nor more than 19,800 according to the Federal Census of 1940.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Warren 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, named John A. Wilson, William C. Smart, Alexander Perryman, Leeroy Hammon, John Armstrong and Joseph Collville to be Trustees of Quincey academy, in Warren County, named thus in honor of President John Quincey Adams. This statute was cited in the case of University of Tennessee v. People's Bank, 157 Tenn. 94, 6 S.W.2d 330 (1928).
2. Acts of 1813, Chapter 110, named James Wilson, James M'Ewen, Pleasant Henderson, and Samuel H. Laughlin, as additional Trustees for Quincy academy in Warren County which would hereafter be called Quincy Adams academy.
3. Acts of 1817, Chapter 66, added Daniel Payne, William Stroud, William M'Gregor, John Graham, and Edmund Taylor to the Board of Trustees of Quincy Adams Academy with the added power to rent and lease property of the school as well as exercising the usual powers of Trustees.
4. Acts of 1821, Chapter 67, authorized the Courts of Pleas and Quarter Sessions of Warren and Franklin Counties to appoint three Commissioners for each tract of school land who shall reside in the neighborhood, and rent or lease the land, or a part thereof for any term less than five years and collect the rents and profits as the same become due. They would enter into a \$1,000 Bond and be considered as Trustees for the land which would be saved until a good school could be built on it and a good English teacher employed. Conditions under which various types of leases could be negotiated were set out in the Act.
5. Acts of 1831, Chapter 163, provided that should any person enter and take possession of any of the vacant school lands in Warren County, contrary to law, same would be subject to a \$500 fine to be recovered in any jurisdiction having cognizance thereof.
6. Acts of 1835-36, Chapter 67, provided that the qualified voters who owned vacant school land in each township in Warren, Franklin, and Bedford Counties, could elect three people to a Board of Commissioners for each tract of such land. The Board would make bond of \$1,000 and then supervise such land by renting, leasing, and collecting rent. The Act set forth the duties, powers and obligations of the Board with regard to the vacant lands.
7. Acts of 1835-36, Chapter 128, incorporated William Shields, George R. Smart, Samuel Edmondson, William White, Alexander Black, Andrew S. Marchbanks, and James P. Thompson as the Board of Directors of Edmondson Female Academy in Warren County.
8. Acts of 1837-38, Chapter 163, repealed all prior laws appointing trustees for Carroll Academy in Warren County, and appointed Alexander Shields, S. D. Rowan, and J. F. Morford as new trustees, possessed with all the power and authority heretofore granted to the old trustees.
9. Acts of 1843-44, Chapter 139, directed that all money which may be coming to Carroll Academy in Warren County be divided equally between it and the Edmondson Female Academy near McMinnville.
10. Acts of 1849-50, Chapter 129, Section 6, laid out a new school district in Warren County's 15th District with a metes and bounds description which mentions Jefferson and John Caldwell's properties on the south side, James Collar on the north side, Tucker's Branch on the south side and Collin's river on the remaining side.
11. Acts of 1849-50, Chapter 171, Section 7, named William White, Thomas C. Smart, Alexander Black, Samuel L. Colville, Robert A. Campbell, Robert B. Cain, and Lorenzo D. Mercer as trustees of Edmondson Female Academy.
12. Acts of 1853-54, Chapter 128, authorized the trustees of Carroll Academy to sell the grounds and buildings belonging to said academy in the town of McMinnville, and purchase for the use of said

- academy other grounds and erect other buildings with the proceeds from the sale of the old grounds.
13. Acts of 1853-54, Chapter 200, established a county High School on Hickory Creek in Warren County, to be called Hanner High School, and the commissioners therein named were to be governed by the same provisions of the act incorporating Andrew College.
  14. Acts of 1901, Chapter 265, authorized and empowered the Board of School Directors of Green Hill School, No. 54, in Warren County, to sell and convey the present school building and lot and use the proceeds to erect a new school building.
  15. Acts of 1901, Chapter 266, gave the same power and authority to the Board of School Directors of School District No. 55 to sell and convey the Holcomb school house.
  16. Acts of 1905, Chapter 168, established an Independent School District No. 1 in Warren County, at Morrison, and described the bounds of the District therein.
  17. Acts of 1905, Chapter 223, created an independent school district in the then 16th Civil District of Warren County, with the boundaries described therein. Said school district would be known as the Dibrell School District No. 59, with all rights, privileges, and emoluments as other school districts, and would also be controlled by a Board of School Directors of three members, to be elected by the people.
  18. Acts of 1905, Chapter 389, established another independent school district, to be known as the Chestnut Grove School District, out of the Third Civil District of Grundy County and the Eighth Civil District of Warren County, with a metes and bounds description of the area included therein.
  19. Acts of 1907, Chapter 6, made all the schoolhouses and school districts heretofore laid out by the County Court of Warren County to be legal districts. The voters in all these districts, if they had not already done so, would elect three school Directors in each district, and should any of them fail to qualify within ten days of their election, the County Superintendent of Schools may fill said vacancy by appointment. These directors would enjoy all the status, rights, and privileges of others.
  20. Private Acts of 1915, Chapter 176, required that an election be held in each Civil District of Warren County to elect three school directors. They would hold office until August, 1916, at which time their successors would be elected for two-year terms beginning in September. Residents twenty-one years of age and over were entitled to vote in the special election.
  21. Private Acts of 1915, Chapter 669, established another independent school district in the 16th Civil District of the county, delineating the boundaries by referencing Civil District lines and including or excluding specific properties. The district was to be named the "Dibrell School District number 60" with all the incidents of other school districts, and would be controlled by F. M. Hilton, Dr. C. C. Fisher, and P. G. Potter, who were named directors until their successors could be elected.
  22. Private Acts of 1917, Chapter 391, established another independent school district out of portions of the 13th, 14th, and 16th Civil Districts. The area was delineated by referencing individuals' property lines and corner, described therein. This school district was to be called the "Fair View School District," and J. E. Sander, Tom Bribble, and O. E. Crowe were named as directors until others were elected by the voters.
  23. Private Acts of 1917, Chapter 749, stated that Warren County (by Federal Census population figures) would be redistricted into Free School Districts as set out in this Act. The Act simply stated that each Free School House where public school was taught in 1916 was hereby declared to be an independent school district, each district to embrace in addition to the school house and grounds all lands on which all persons lived who attended, or were entitled to attend, or send to such school in 1916. The people in each Free School District would elect three school directors from each district. This Act repealed all other acts in conflict with it. At the time, no other school districts existed in the public school system except those established under this act.
  24. Private Acts of 1917, Chapter 775, also created an independent school district in the 16th Civil District, to be called the "Dibrell School District Number 60", and corrected some obvious errors contained in the 1915 Act, above, including naming J. K. Martin instead of F. M. Hilton as a school director.
  25. Private Acts of 1921, Chapter 359, established the "Safely School" District out of portions of the fifth and seventh Civil Districts of the County and bounded as described therein. G. T. Stubblefield, T. M. Gibbs, and Lester Doak were named as school directors for the district, to serve until their successors were elected. A property tax not to exceed forty cents per \$100 property valuation and a \$1.00 poll tax on all males between ages of 21 and 50 were assessed to

support the schools in this District.

26. Private Acts of 1921, Chapter 649, created and established a special school district, to be called "Morrison Special School District", out of parts of the 9th and 10th Civil Districts of Warren County, as more particularly described in the Act. The district was to be governed by a Board of School Trustees of three members, to be elected by qualified voters of the district, for two-year terms. The Act more specifically set out the powers, duties and obligations of the Board members; taxes to be assessed for the support and maintenance of said district; employment of teachers; and, control and use of public school property.
27. Private Acts of 1927, Chapter 39, subsequently repealed Private Acts of 1921, Chapter 649, and provided that any revenue collected under the provisions of said Act would be turned over to the County Trustee for credit to the County Elementary School fund.
28. Private Acts of 1933, Chapter 897, abolished the position of Truant or attendance Officer from the public school system, due to the severe financial depression of the county and the schools. All Peace Officers, including Justices of the Peace, would perform these duties without compensation, in conformity with the Public Acts of 1925, Chapter 115.
29. Private Acts of 1943, Chapter 117, stated (by means of the 1940 Federal Census population range) that in Warren County, whenever any county school warrant of more than \$25 had been duly registered with the County Trustee and stamped by him showing the date of registration, the warrant would bear 6% interest from that date until paid. It was the duty of the Trustee to pay all such warrants, with interest, as soon as the funds to do so came into his hands.

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