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Chapter VI - Education/Schools

Dear Reader:

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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,

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Chapter VI - Education/Schools

Board of Education

Private Acts of 1953 Chapter 39

SECTION 1. That the counties of this State having a population of not less than 15,800 and not more than 16,000 by the Federal Census of 1950, or any subsequent census, the County Board of Education, shall consist of nine members, two of whom shall come from the county at large, and the other seven shall be allocated to the five civil districts of said county, each to be a resident of the district from which elected. The county town being located in the Third Civil District, the said third district shall be represented by three members.

SECTION 2. That at the August election in 1954, the qualified voters of the Civil Districts represented by Fred Griffith, R. E. Spainhour, Haynes Brown and Carl Nelson shall elect a resident or residents of such Civil District as a member or members of the County Board of Education, as provided for herein, and that at the August election in 1956, the qualified voters of the Civil Districts represented by T. R. Masters, Richard Jones and Perrell Ferrell, shall elect a resident of such Civil District as a member of the County Board of Education, as provided for herein, and that at the August election in 1956, the qualified voters of the entire County shall elect two members to said Board of Education as members at large and which are now filled by Dr. Earl Peterson and N. C. Duncan. The term of office of each such member of the said County Board of Education shall be for four years from and after the September 1st. following the election at which they are elected, and they shall serve until their successors shall be elected and qualified.

SECTION 3. That the compensation, powers and duties of the members of the said County Board of Education as herein provided for, shall be the same as those provided for members of the County Board of Education by general law.

SECTION 4. That to the end that the schools of said County may be properly administered until the election of a new County Board of Education, as herein provided, the following citizens are hereby appointed to fill the vacancies of the said County Board of Education, and to serve until their successors are elected and qualified as provided for herein. Those appointed are as follows:

- For the First District--Fred Griffith
- For the Second District--T. R. Griffith
- For the Third District--Richard Jones, R. E. Spainhour, M. Haynes Brown
- For the Fourth District--Carl Nelson
- For the Fifth District--Ferrell Miller
- For the County at Large--Nat C. Duncan, Dr. Earl Peterson

SECTION 5. That this Act shall take effect from and after its passage, the public welfare requiring it.
Passed: February 24, 1953

Private Acts of 1961 Chapter 61

SECTION 1. That in counties of this State having a population of not less than 15,080 nor more than 15,090, according to the 1960 Federal Census or any subsequent Federal Census, the election of the members of the County Board of Education shall be by the qualified voters in said county rather than by the Quarterly County Court as now provided under the general law. At the regular election in August 1962, there shall be elected two Board members to serve in the place of those two whose terms expire in July 1961, and in July 1962, respectively; at the regular election in August 1964, there shall be elected two Board members to serve in the place of the two whose terms expire in July 1963, and July 1964, respectively; at the regular election in August 1966, there shall be elected two Board members to serve in the place of those two whose terms expire in July 1965 and in July 1966, respectively; and at the regular election in August 1968, there shall be elected one Board member to serve in the place of the Board member whose term expires in July 1967. The term of office for each of the Board members whose election is provided for in this Act shall be for a term of four years, beginning September 1 following their election, or until their successors shall have been elected and qualified. All terms of office thereafter for Board members in said county or counties shall be for a period of four years or until their successors shall have been elected and qualified. Vacancies created by the transition from the Board as it now exists to the Board provided for under the terms of this Act shall not be filled but shall remain vacant.

SECTION 2. That this Act shall have no effect unless the same be approved by a majority vote of the qualified voters of any such county voting thereon. It shall be the duty of the County Commissioners of

Elections of the Counties to which this Act applies, to call an election for the County, for the purpose of accepting or rejecting the provisions of this Act. The ballots used in such election shall have printed thereon the title of this Act and the voters shall vote for or against its adoption at the places appropriately provided therefor. The votes cast at such election shall be canvassed by the Commissioners of Elections of the county, upon the first Monday occurring five or more days next after the date of such election and the results shall be proclaimed by the Commission and certified by the Commission to the Secretary of State immediately after the votes have been canvassed. The general election laws, except as otherwise provided herein, shall apply in all respects to the election held hereunder.

As amended by: Private Acts of 1961, Chapter 349.

SECTION 3. That this Act shall become effective from and after its passage, the public welfare requiring it.

Passed: February 16, 1961.

Compulsory Attendance

Private Acts of 1933 Chapter 178

SECTION 1. That the officer known as Truant Officer in counties having a population of not less than 12,660, nor more than 12,690 according to the population fixed by the Federal Census of 1930 or any subsequent Census, be and the same is hereby abolished.

SECTION 2. That it shall be the duty of all school teachers in said counties, to report any and all children belonging to their respective schools every two weeks, to the County Superintendent of Public Instruction of said Counties, giving the name of such child not attending school, the name of its parents, or guardian, or any person having custody of said child, or children.

SECTION 3. That the said County Superintendent of Public Instruction shall upon receipt of the names of such child, or children not attending school as aforesaid, give written notice to said parents, or guardian, or any person having custody of said child or children, calling attention to the violation of the school law.

SECTION 4. That if within five days after being mailed the notice above provided for by said Superintendent, if any parent, guardian, or any person having custody of a child, or children shall not enter them in school, or give good and satisfactory reasons for not doing so, that the said Superintendent of Public Instruction shall turn over the names of such child, or children, together with the name of their parents, guardian or person having control of them, to the sheriff of said county, or any constable, who shall take out warrants and arrest said parents, guardian or other person having control of such child, or children and not sending them to school, and carry them before some Magistrate, or County Judge of said Counties for trial and upon conviction said parent, guardian or person having control of such child or children shall be fined for misdemeanor, as now provided for in the compulsory school law, together with all costs.

SECTION 5. That it shall be a misdemeanor for any school teacher in said county to fail or refuse to report to the County Superintendent as herein provided for the names of the children, and parents, guardian or person having custody of them.

SECTION 6. That it shall be a misdemeanor for any County Superintendent to fail or refuse to give notice herein provided for, to such parent, guardian or person having custody of any child, or children, reported to him as not sending them to school or to furnish the Sheriff or Constable said names.

SECTION 7. That this law take effect from and after its passage, the public welfare requiring it.

Passed: March 23, 1933.

Purchase of Property

Private Acts of 1919 Chapter 307

SECTION 1. That Unicoi County of this State be and is hereby authorized and empowered to purchase real or personal property for common or high school purposes and to this end it may at any time, by and through its Quarterly Court, at any regular term or at a call term, or session, levy a tax in such a sum as may be sufficient to pay for the same. The said Quarterly Court of said county may make all contracts and agreements pertaining to said purchase.

SECTION 2. That any levy made for such purposes shall be made upon all the taxable properties of said county as levies are made for general taxes for other county purposes and such taxes so levied shall be

collected by the officer of the county whose duty it may be to collect the taxes for general county purposes.

SECTION 3. That this Act take effect from and after its passage, the public welfare requiring it.
Passed: March 24, 1919.

Superintendent or Director of Schools

Private Acts of 1949 Chapter 158

SECTION 1. That in counties of this State having a population of not less than 14,100, nor more than 14,200, by the Federal Census of 1940, or any subsequent Federal Census, beginning at the August election, 1952, County Superintendents of Education shall be elected by a popular vote of the qualified voters of said counties and such official shall take office upon September 1 next following his election. His term of office shall be four years and until his successor shall be elected and qualified. Quadrennially thereafter, elections shall be held for such position. Qualifications, duties and salary of such official shall be as now provided and fixed by general law.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring the same, but the first election to be held hereunder shall not occur until the first Thursday in August, 1952, and the first incumbent elected under this Act shall not take office until September 1, 1952.

Passed: February 11, 1949.

Teacher Retirement

Private Acts of 1937 Chapter 808

SECTION 1. That counties in the State of Tennessee, having a population of not less than 12,670 nor more than 12,680, according to the Federal Census of 1930 or any subsequent Federal Census, be and are hereby authorized to retire from active service and to grant pensions to persons who have taught in the county schools for twenty-five years or more. Such pensions shall not exceed in amount the sum of Fifty Dollars (\$50.00) nor under Fifty Dollars (\$50.00) per month.

SECTION 2. That this Act shall take effect from and after its passage, the public welfare requiring it.
Passed: May 20, 1937.

Education/Schools - Historical Notes

Board of Education

The following acts once affected the board of education in Unicoi 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 1951, Chapter 613, created a board of education for Unicoi County. The act provided for their election and prescribed their powers, duties and compensation. This act was repealed by Private Acts of 1953, Chapter 40.
2. Private Acts of 1998, Chapter 130, amended the Private Acts of 1953, Chapter 39, and Private Acts of 1961, Chapters 61 and 349, changed the Unicoi County Board of Education from a seven member board to a six member board. Private Acts of 1998, Chapter 130, was not adopted locally.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Unicoi 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 1905, Chapter 165, created the thirteenth school district of Unicoi County by describing the area embraced thereby a metes and bounds description, granting to it all the rights and privileges given to other school districts and directing the county superintendent of public schools to appoint three school directors to serve until the next general election, or until their successors are elected and qualified. A special election for this purpose would be conducted at the Clear Branch Schoolhouse.
2. Acts of 1907, Chapter 71, created the fifteenth school district of Unicoi County which involved among other things the tenth and thirteenth school districts, Raven Cliff, Spring's Creek, and

Tumbling Creek. The remainder of the act is similar to the provisions of the 1905 Act in Item 1, except that the election will be held at the Coffee Ridge Schoolhouse for the three school directors.

3. Acts of 1907, Chapter 296, created the eighth school district of Unicoi County and provided for the special election of three school directors at Spivy Schoolhouse.
4. Acts of 1909, Chapter 494, required parents and guardians of Unicoi County to cause children between certain ages to attend public school for at least four months or eighty days consecutively each year. This act was repealed by Public Acts of 1978, Chapter 716.
5. Private Acts of 1925, Chapter 74, gave the Unicoi Quarterly County Court the authority to issue and sell, give, pledge, or in any manner dispose of negotiable, non-negotiable, interestbearing notes, warrants, or other evidences of debts upon the full faith and credit of the county. All conflicting laws were repealed by this one granting this blanket authority. This act was repealed by Private Acts of 1929 (Ex. Sess.), Chapter 73.
6. Private Acts of 1929, Chapter 230, validated the issuance and sale of \$150,000 of 5½ school notes of Unicoi County, the proceedings of the quarterly county court of said county had incident thereto, and provided for the payment of such notes and interest.
7. Private Acts of 1931, Chapter 282, authorized the Unicoi Quarterly County Court to issue up to \$30,000, in 6%, 25-year bonds with only the amount of the bonds to be issued submitted to the people by referendum. All other details of this bond issue to construct and improve public schools were left to the judgment and discretion of the Unicoi Quarterly County Court.
8. Private Acts of 1931, Chapter 494, contained recitals that the Martin's Creek School burned at a total loss and the Unicoi County Board of Education had resolved to build the school back at an estimated additional cost of \$31,000. The insurance collected on the fire amounted to only \$16,000 and was therefore inadequate to complete the work. The bond issue was for \$40,000, \$9,000 of which would go to pay the debts of the highway department and the remainder to rebuild the school. The maximum interest rate was 6% and the bonds would mature according to the schedule in the act which also had the form of the bond written out. A tax of 15 cents per \$100 property valuation would be levied for the next six years to repay the bonds.
9. Private Acts of 1955, Chapter 26, would have required the payment of prevailing wages in the region to certain persons engaged in repairing and maintaining public schools in Unicoi County; however, this act was rejected by Unicoi County and therefore never became law.

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