



July 22, 2024

---

# Private Acts of 1939 Chapter 137

---

Dear Reader:

The following document was created from the CTAS website ([ctas.tennessee.edu](http://ctas.tennessee.edu)). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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)

Table of Contents

<b>Private Acts of 1939 Chapter 137 .....</b>	<b>3</b>
---	----------

# Private Acts of 1939 Chapter 137

**SECTION 1.** That in all counties in Tennessee having a population of not less than 16,200 nor more than 16,230, according to the Federal Census of 1930, or any subsequent Federal Census, the administration, management, government, supervision, control and conduct of the public school affairs, and all powers and duties pertaining to, connected with, or in any manner necessary and/or incident to the proper conduct and control of the public school affairs, both elementary and high school, in such counties, the employment of teachers and labor, the erection, repairing and/or maintenance of buildings, the furnishing of materials, labor, supplies and equipment, shall be vested in a Board of School Commissioners to be elected by popular vote by the qualified voters of counties of this State to which this Act shall apply, in the manner, form, and for the terms hereinafter provided, and with the powers, duties and privileges herein conferred and granted, and for the compensation stated.

**SECTION 2.** BE IT FURTHER ENACTED, That the Board of School Commissioners of Hardin County shall consist of ten (10) members, with one to be elected from each of ten (10) school districts. The school districts shall be coextensive with the ten (10) magisterial districts of the county respectively. The current members of the Board of School Commissioners shall serve their respective districts for the terms indicated as follows:

1. School district 1 - one (1) member shall serve until August 31, 1986.
2. School district 2 - one (1) member shall serve until August 31, 1982.
3. School district 3 - one (1) member shall serve until August 31, 1984.
4. School district 4 - one (1) member shall serve until August 31, 1986.
5. School district 5 - one (1) member shall serve until August 31, 1982.
6. School district 6 - one (1) member shall serve until August 31, 1984.
7. School district 7 - one (1) member shall serve until August 31, 1986.
8. School district 8 - one (1) member shall serve until August 31, 1982.
9. School district 9 - one (1) member shall serve until August 31, 1984.
10. School district 10 - one (1) member shall serve until August 31, 1982. His successor shall serve until August 31, 1984.

As terms expire, successors shall be elected at the preceding August General Election to take office on September 1st for terms of six (6) years.

As amended by: Private Acts of 1939, Chapter 324  
 Private Acts of 1972, Chapter 382  
 Private Acts of 1982, Chapter 262

**SECTION 3.** BE IT FURTHER ENACTED, That each District School Commissioner shall be at least twenty-one (21) years of age, a resident of the School District from which he is elected, and have no less than a high school diploma or a General Equivalency Diploma (GED), and that the several District School Commissioners in such counties shall constitute a County Board of School Commissioners and have all the powers, duties and privileges, and shall be subject to the same penalties that are now provided by law governing County Boards of Education in Tennessee, together with the additional powers and duties, privileges and restrictions hereinafter stated. Any incumbent District School Commissioner on the effective date of this Act shall be able to succeed himself in office without limitation as to the number of terms.

As amended by: Private Acts of 1972, Chapter 382  
 Private Acts of 1975, Chapter 8

**SECTION 4.** That the first County Board of School Commissioners created under this Act shall be as follows: For District No. 1, E. A. Woody; District No. 2, Hardin Garrett; District No. 3, Lee Hardin; District No. 4, W. O. Mangum, Mrs. A. R. Williams; District No. 5, Newt Phillips; District No. 6, Grady Counce; District No. 7, R. E. Harlow; District No. 8, Dr. J. H. Taylor; District No. 9, L. E. Weatherford; District No. 10, Willie P. Smith; District No. 11, Earl Bingham, and the members of the Board herein named shall hold office until September 1, 1940, and until their respective successors shall be elected and qualified as prescribed by law. The several District School Commissioners herein named shall immediately upon the passage of this Act, upon call by the Chairman or Secretary, meet at the courthouse of such county and qualify and organize by the election of one of their number as Chairman as provided for in Section 7 hereof. The Chairman shall preside over all meetings of said Board and in his absence or at his request the member constituting a quorum may elect one of their body as a Chairman pro-tem. A majority of the members of said Board shall constitute a quorum for the transaction of all business. The County Superintendent shall be ex-officio Secretary of the Board.

**SECTION 5.** That at the regular August Election, 1940, and at each regular August election thereafter, there shall be elected by the qualified voters of each county to which this Act shall apply, one District School Commissioner in each magisterial district in such county to be voted for by the qualified voters of such magisterial district, the terms of office of such officers to begin on September 1, following their election, and to continue for two years or until their respective successors are elected and qualified. The Election Commissioners shall issue to all persons so elected a certificate of election in the same manner as the election of other county officers are now certified.

As amended by: Private Acts of 1939, Chapter 324  
Private Acts of 1972, Chapter 382

**SECTION 6.** That when a vacancy occurs in said Board of School Commissioners by the death, resignation or the removal from the district from which such member was elected, or the failure of one or more of the District School Commissioners to qualify as provided in this Act, the Election Commissioners of the County shall immediately call and hold an election at the several precincts in the magisterial district in which such vacancy occurs to fill such vacancy, or the vacancy may be filled at the next regular August election.

As amended by: Private Acts of 1972, Chapter 382

**SECTION 7.** That on the fourth Monday in September following each regular August election the District School Commissioners shall meet at the Courthouse in their respective counties and take and subscribe to the oath required of all county officials before some officer authorized to administer such oath and shall organize said County Board of School Commissioners by the election of one of their body by a majority of those present as the Chairman. The said County Board of School Commissioners shall meet and hold a session on the fourth Mondays in June, September, December, March, and second Monday in April of each year, and at such other times as may be deemed necessary to hold any adjourned meeting, or upon call by the Chairman of the Board upon three days written notice when in his opinion it is deemed necessary or proper to the conduct of the school affairs. The County Superintendent shall have power to call the Board in special session at any time he deems necessary for any purpose upon five days' written notice and on petition of four of the members of the Board the County Superintendent shall be required to call a meeting on three days' written notice, but no member of the Board of School Commissioners shall receive compensation for more than fifteen days in any one calendar year.

As amended by: Private Acts of 1939, Chapter 324

**SECTION 8.** That the County Superintendent of Public Instruction shall be ex-officio Secretary of the County Board of School Commissioners but he shall have no vote on any question of any matter of such School Commissioners. He shall attend all meetings of such Board and keep a true, accurate and complete record of all the acts of such Boards, the names of teachers, and the amounts paid to each, the names of laborers, material men and contractors, the amount of labor, materials, supplies furnished by each prices paid for same, whether upon competitive bids or not, and all such other records shall be kept by him as is now or that may hereafter be required by law to be kept, and such record shall at all times be open for inspection by any person or persons who may request to examine or copy same, and said Secretary shall also meet with the Chairman of the County Board of School Commissioner at such other times as may be deemed necessary or proper to the proper performance of their duties, and to carry out the provisions of this Act, all such services to be performed by the Superintendent as Secretary of such Board without additional compensation other than his annual salary. And he will collect data as to the needs of the several schools, new buildings, equipment, labor, supplies, repairs and fuel, and submit same to the meeting of the Board of School Commissioners; and prepare necessary information for bidders, advertisements for bids, as hereinafter provided, and neither he nor the Chairman of the Board shall have the right or authority to let such contracts for labor, material, equipment, buildings, fuel or supplies without the express direction and authority of the Board in regular session, and not then unless the gross amount to be expended shall be less than One Hundred (\$100.00) Dollars.

**SECTION 9.** That the Board of School Commissioners in the Counties to which this Act shall apply shall have exclusive supervision and control of all public schools, both elementary and high schools, and all other maintained in whole, or in part, by public school funds and they shall elect all teachers in such schools and fix their salaries and make all contracts for such services; provided, however, that the County Superintendent of Schools shall pass upon the fitness and qualifications of all teachers in either the elementary or high schools of the Counties to which this Act applies and it shall be the duty of the County Superintendent of Schools to recommend to the County Board of School Commissioners at the regular meeting of the County Board of School Commissioners on the 4th Monday in April of each year, or at any adjourned meeting thereof, or any subsequent meeting of said Board, the teachers for the schools of the County for the following year and all applications for positions of teaching in the schools of the Counties to which this Act shall apply shall file such application in writing, with the Superintendent prior to the 4th Monday in April where a position is sought for the following school year. It shall also be the duty of the Superintendent to advise the Board as to the total number of teachers in the elementary and high schools

of the Counties to which this Act shall apply allotted by the State Department of Education prior to the selection of teachers for the following year.

The Board of School Commissioners shall select and elect, upon recommendation of the County Superintendent as aforesaid, all the teachers for the elementary and high schools of the Counties to which this Act shall apply at the regular meeting of the Board on the 4th Monday in April of each year, the teachers so elected to serve the next succeeding scholastic year at the places designated by the Board, however the Board shall have the right to adjourn such meeting from time to time until all of the teaching positions in the Counties to which this Act shall apply are filled.

The Board of School Commissioners in all Counties to which this Act shall apply shall have the power and authority to employ janitors and truant officers, bus drivers and other laborers and employees necessary to erect, repair, furnish, improve and maintain suitable school buildings, grounds, fixtures, equipment, supplies and to acquire by gift or purchase and to hold real estate for school purposes. An said Board shall in all things have the power and perform all the duties now imposed by law on County Boards of Education, or by the Commissioner of Education, as is now provided by the general laws of the State of Tennessee, or that may hereafter be enacted effecting the administration of the school affairs of the State. And such Boards shall have the exclusive possession and control of all public school property, both real and personal, now belonging to, in the custody of, or within the control of the school authorities of such Counties, or any Board of Education thereof, or that may hereafter be acquired.

As amended by:

Private Acts of 1939, Chapter 324

Private Acts of 1939, Chapter 382

Private Acts of 1941, Chapter 287

**SECTION 10.** That the County Board of School Commissioners herein created shall have the power and authority to enter into contracts and agreements with persons, firms, or corporations for the erection, purchase, repair or maintenance of its buildings and property, equipment and supplies, and for any other purpose deemed necessary by the Board of School Commissioners to carry out the provisions of this Act or the general law applicable to public school affairs, or in the proper discharge of the duties imposed by this Act. Provided, that in all cases for the employment of janitors, bus drivers, or for transporting pupils to school and in other cases for labor, materials, fuel, equipment or supplies, or the erection, repair or maintenance of any building, part of building, or grounds where the cost shall exceed the sum of One Hundred (\$100.00) Dollars, no contract shall be entered into or made until after due advertisement of said shall have been made in some newspaper published in such county for three consecutive weeks, setting forth the amount, quality and description of such services, labor, materials, supplies or equipment desired, and the time within which written and sealed bids for same shall be received, and in all cases a cash deposit shall be made with such bids equal to fifteen per centum of the amount bid to guarantee the performance of such contract if awarded, such deposits to be returned immediately to unsuccessful bidders, and the successful bidder when the contract shall have been fully completed; and when such deposit is made with such written and sealed bids, and the Board of School Commissioners at some session shall open same, a quorum being present, such contracts shall in all cases be awarded to the lowest bidder.

**SECTION 11.** That no member of the County Board of School Commissioners, nor the County Superintendent of Public Instruction, nor any member of his or her immediate family, nor any teacher in any of the public schools of the State, or any firm or corporation, in which either of the persons above named are directly interested shall be a bidder upon any of the contracts to be awarded, or furnish any equipment, labor, fuel, materials, lands or supplies, or directly or indirectly receive any of the profits from same or the sale thereof, or hold any interest in any check, warrant, voucher or moneys expended for such.

**SECTION 12.** That the violation of any of the provisions of Section 9, 10, and 11 of this Act is declared to be a misdemeanor and all persons convicted of same shall be adjudged to pay a fine of not less than \$5.00 nor more than \$250.00 for each offense, and upon conviction shall forfeit any office, position or contract, respect the administration and management of the public school affairs in such county, or held under the terms and provisions of this Act, and shall be ineligible to hold any office under the terms of this Act for a period of five years from and after the date of such conviction, such provisions and penalties to be made a part of the judgment of the court upon such conviction.

**SECTION 13.** That each member of the County Board of School Commissioners, other than the Chairman, shall receive the sum of Seven (\$7.00) Dollars per day, and the Chairman of such Board shall receive Seven (\$7.00) Dollars per day for each day in actual attendance upon the sessions of such Board, but no member shall draw compensation for more than fifteen days in any one calendar year, such sums to be paid out of the school funds of the County by the Trustee of such county upon the warrant of the County Judge or Chairman after a certificate has been filed by the County Superintendent of Public Instruction with such County Judge or Chairman, showing the names of such members in attendance at

the end of any one session and number of days attended by each. Provided, however, that the Chairman of such Board shall receive One Hundred (\$100.00) Dollars per annum in addition to his per diem compensation, said addition compensation to be paid quarterly out of the general funds of the County by the Trustee of such County upon the warrant of the County Judge or Chairman after a certificate has been filed by the County Superintendent of Public Instruction with such County Judge or Chairman, showing that the said Chairman has been duly qualified as Chairman and has performed the regular duties of that office for the preceding quarter.

As amended by: Private Acts of 1939, Chapter 483  
Private Acts of 1949, Chapter 885

**SECTION 14.** That it is the intention and purpose of this Act to provide for the full and complete administration of the public school affairs of the counties of the State of Tennessee to which this Act shall apply, and the complete conduct and control of the public school affairs in such county, and that if any section or part thereof shall be declared unconstitutional, such sections shall be considered severable, and such shall not affect the validity of the numerous other and different provisions of this Act, but the same shall remain in full force and effect.

**SECTION 15.** That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: February 2, 1939.

**COMPILER'S NOTE:** For additional provisions relative to the compensation of the chairperson and members of the board, see Private Acts of 1961, Chapter 186, and Private Acts of 1998, Chapter 165, reproduced following this act.

---

**Source URL:** <https://www.ctas.tennessee.edu/private-acts/private-acts-1939-chapter-137>