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## Chapter VI - Education/Schools

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## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 2005 Chapter 24

**SECTION 1.** Chapter 663 of the Private Acts of 1937; Chapter 72 of the Private Acts of 1987, Chapter 135 of the Private Acts of 1996, and all other acts amendatory thereto, are hereby repealed.

**SECTION 2.** Sumner County shall be divided into eleven (11) school districts of substantially equal population, which shall be established by resolution of the county legislative body from time to time.

**SECTION 3.** The Sumner County Board of Education (the "Board") shall consist of eleven (11) members, with one member of the Board being elected by the qualified voters in each school district, on a non-partisan basis. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of approximately one-half the members of the Board shall expire, with the odd-numbered districts expiring at the same time and the even-numbered districts expiring at the same time. Persons elected in the regular August general election shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

**SECTION 4.** In order to transition from six (6) members to the eleven (11) members provided for in this act, all incumbent Board members shall remain on the Board until the expiration of their current terms. To establish staggered four (4) year terms, beginning with the August 2006 elections the Board shall be elected as follows: At the August 2006 general election, one (1) Board member shall be elected from each of Districts 1, 3, 5, 7, 9 and 11 to four (4) year terms, and one (1) Board member shall be elected from each of Districts 4 and 10 to two (2) year terms. Thereafter, Board members shall be elected to four (4) year terms as the term of each respective Board member expires.

**SECTION 5.** The Sumner County Board of Education shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Title 49, Tennessee Code Annotated, except as may be otherwise provided herein.

**SECTION 6.** 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 7.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Sumner County. Its approval or non-approval shall be proclaimed by the presiding officer of the county legislative body of Sumner County and certified to the Secretary of State.

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

Passed: March 24, 2005.

### White House School

#### Private Acts of 1951 Chapter 556

WHEREAS, the unincorporated town of Whitehouse is located upon the line between Sumner and Robertson Counties, a part of such town being in each county; and, WHEREAS, the school building for said town is located in Sumner County but the school authorities of such county permit children residing in Robertson County to attend thereat; and, WHEREAS, it is only proper that receiving such advantages that Robertson County shall contribute toward the maintenance, upkeep and construction of said school; NOW THEREFORE,

**SECTION 1.** That Robertson County acting through its County Board of Education, is hereby authorized to expend, in conjunction with the County Board of Education for Sumner County, such sums as it deems proper, from the school funds belonging to Robertson County, such expenditure to be made for such additions, repairs and reconstruction of said school building and equipping the same as the two Boards by contract may mutually agree upon.

**SECTION 2.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 13, 1951.

# Education/Schools - Historical Notes

## **Board of Education**

The following acts once affected the board of education in Sumner 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 332, provided for election by the people for members of the County Board of Education in Sumner County, starting at the August, 1928, election, and every two years thereafter. Terms were staggered so that two members would be up for election every two years. This Act was repealed by Private Acts of 1974, Chapter 369.
2. Private Acts of 1929, Chapter 667, authorized the Board of Education of Sumner County, with the approval of the Quarterly Court, to establish a two year University or College in one or more of the high schools of the county, and to provide for the operation and maintenance of the same. The curriculum would be comparable to others and the Board would arrange to admit pupils from other counties under whatever conditions they decided. This Act was repealed by Private Acts of 1974, Chapter 369.
3. Private Acts of 1929, Chapter 827, was the enabling legislation for the Board of Education of Sumner County to organize the school systems into elementary schools, grades one through eight, junior high schools, grades seven, eight, and nine, and four year high schools, grades ten through twelve. Some portions of the curriculum required in each classification were expressly set up, and the conditions of employment, qualifications, and salary of some of the teachers are enumerated. This act was repealed by Private Acts of 1974, Chapter 369.
4. Private Acts of 1933, Chapter 117, specified that in Sumner County, no person would be eligible to teach in any of the public schools of the county who was related within the third degree to any member of the Board of Education by blood, or marriage, but any teacher who was affected by this Act could finish out the current term. Any violation of the above would constitute a misdemeanor. This Act was repealed by both Private Acts of 1937, Chapter 662 and Private Acts of 1974, Chapter 369.
5. Private Acts of 1933, Chapter 118, divided Sumner County into five school districts which were made up of whole civil districts. One member of the Board of Education would be elected by the people of each school district. Such person was to be a resident of the district, meet the qualifications specified, and not be a member of the Quarterly Court, or a county official. The Chairman of the County Court and the Superintendent of Schools were ex-officio members of the Board with no vote. Staggered terms were provided for the members initially. This Act was repealed by Private Acts of 1974, Chapter 369.
6. Private Acts of 1933, Chapter 129, provided that the terms of office for all members of the County Board of Education of Sumner County would expire on May 1, 1933. This Act was repealed by Private Acts of 1974, Chapter 369.
7. Private Acts of 1937, Chapter 576, was the legal authority for the Board of Education of Sumner County, with the approval of the Quarterly Court, to purchase the interest of the City of Westmoreland in high school property located in that city, for which the Quarterly Court could issue its interest bearing warrants. This Act was repealed by Private Acts of 1974, Chapter 369.
8. Private Acts of 1937, Chapter 662, repealed Private Acts of 1933, Chapter 117, above, and was in turn repealed by Private Acts of 1974, Chapter 369.
9. Private Acts of 1939, Chapter 205, provided that no person would be eligible to teach or act in a supervisory capacity in the Sumner County School System who was related by blood, or marriage within the third degree, according to the civil law, to any member of the Board of Education, but anyone affected would be allowed to complete their employment contracts. This Act was repealed by Private Acts of 1974, Chapter 369.
10. Private Acts of 1955, Chapter 260, provided that the members of the Board of Education in Sumner County would be compensated at the rate of \$10 per day for each meeting attended. The Chairman of the Board would be paid \$25 per month. This Act was rejected by the Quarterly Court and never became a law, and was repealed by Private Acts of 1974, Chapter 369.
11. Private Acts of 1957, Chapter 402, established a per diem rate of \$10 per day, and a mileage allowance for each member of the Sumner County Board of Education. The Chairman of the Board would be paid \$30 a month, plus mileage. This act was not approved by the Quarterly Court of Sumner County and never became law. This Act was repealed by Private Acts of 1974, Chapter 369.

12. Private Acts of 2005, Chapter 24, repealed Private Acts of 1937; Private Acts of 1987, Chapter 72 and Private Acts of 1996, Chapter 135.

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

The following private acts are no longer in effect regarding the superintendent of education:

1. Private Acts of 1923, Chapter 707, as amended by Private Acts of 1947, Chapter 740, provided for a popularly elected County Superintendent of Public Instruction to serve a term of two years.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Sumner 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 1806, Chapter 8, established the County Academies for every county then existing in the State. In Sumner County, the Act incorporated James Winchester, David Shelby, Edward Douglas, Henry Bradford, and William Montgomery, as the Trustees of Trans Montania Academy, who would exercise such specific powers as were granted to them and those powers implied by and incidental to the charters of corporate institutions. See Carrick Academy v. Clark, 112 Tenn. 702, 80 S.W. 64 (1904).
2. Acts of 1807, Chapter 56, appointed Trustees for several of the County academies in the State, including Thomas Donnell and Joseph Hodge for Trans Montania Academy in Sumner County.
3. Acts of 1811, Chapter 29, added more Trustees to several of the State's Academies. The Act named John Shelby, Richard King, William Hodge, George Gillespie, and James Douglas, as additional Trustees for Trans Montania Academy in Sumner County.
4. Acts of 1815, Chapter 50, appointed George Crockett, William Hall, William White, John H. Bowen, Samuel K. Blythe, and D. B. Shelby, as added Trustees for Trans Montania Academy in Sumner County.
5. Acts of 1817, Chapter 97, appointed Trustees for several of the County Academies in the State. Section 2 nominated Thomas Anderson, William Hadley, and Dr. James Barry, as Trustees for Trans Montania Academy in Sumner County, to replace certain other Trustees.
6. Acts of 1819, Chapter 162, appointed General James Winchester, Thomas Isaacs, William Gage, George Roberts, General William Hall, and William Smith, as Com-missioners, to draft and publish a lottery scheme to fund a Lancasterian School house in or near the town of Cairo in Sumner County.
7. Acts of 1822, Chapter 182, incorporated the patrons of the Cairo Academy in Sumner County who had made available a building in that vicinity for the education of the young people. The Sheriff would hold an election on the last Saturday in December to elect seven Trustees to serve the Academy for one year.
8. Acts of 1827, Chapter 174, named Hardy M. Cryer, John J. White, Alfred H. Douglas, Joseph Robb, Peter H. Martin, Elijah Bodder, Elmore Douglas, Robert M. Boyers, and George Elliott, as additional Trustees for the Board of Trans Montania Academy in Sumner County.
9. Acts of 1837-38, Chapter 71, incorporated the stockholders and Trustees of the Sumner County Female Academy at Gallatin, The Act mentions Thomas A. Baber, James A. Blackmore, Joel Parrish, R. H. May, Elijah Boddie, J. W. Baldrige, and William Edwards, as Trustees. Rules to govern the operational features of the academy and its internal discipline were incorporated in the Act.
10. Acts of 1837-38, Chapter 293, was the corporate legislation for the Gallatin Common School. The Act contained some rules and by-laws for the government of the corporation and named John J. White, Peter H. Martin, William Trousdale, Samuel R. Anderson, H. R. Vaughn, James L. McKain, and Robert M. Boyer, as incorporators. This Act was repealed by Private Acts of 1974, Chapter 369.
11. Acts of 1843-44, Chapter 39, changed the name of Wirt Seminary to Wirt College, and incorporated the same for a succession of fifty years. T. M. Patterson, C. B. Patterson, and W. K. Patterson were the faculty of the school and were authorized to confer the proper degrees upon their successful students.
12. Acts of 1847-48, Chapter 6, recited that Isaac Franklin had created a trust in his will for his

- Fairview property to be used for a school. This legislation incorporated the Isaac Franklin Institute. This property, according to the Act, would be free of taxation forever as long as it was being used for school purposes.
13. Acts of 1849-50, Chapter 86, incorporated the Bledsoe Female Academy and the Hartsville Male Academy in Sumner County, to be managed and operated like other schools of a similar nature. The first Board was composed of Joseph S. Dyer, A. M. Debow, Thomas Stalker, R. M. Potts, M. Duffy, John Hutchins, and E. T. Seay.
  14. Acts of 1851-52, Chapter 46, established a high school in Gallatin to be called the Tennessee High School, which would be under the supervision of the synod of Tennessee. Alfred H. Dashiell, Absalom Thompson, Benjamin F. Mitchell, Alexander N. Cunningham, John M. Bright, Robert Hardin, Robert Fearn, John H. Turley and others were named as incorporators. Vacancies were to be filled by the remaining members of the Board. The synod would replace four Trustees at its annual meeting each year. Certain grants of special powers were set out in the Act. This Act was repealed by Private Acts of 1974, Chapter 369.
  15. Acts of 1851-52, Chapter 258, incorporated J. Harlin, D. Chenault, S. Lauderdale, R. Hall, J. Hibbett, and G. Winchester, as the Trustees of Rural Academy in Sumner County with the accepted rules and regulations being applied to the school including those for student discipline.
  16. Acts of 1853-54, Chapter 64, expressly repealed Acts of 1847, Chapter 6, above, which declared Fairview, a property in Sumner County to be tax exempt, and restored the property to the tax rolls.
  17. Acts of 1853-54, Chapter 269, incorporated, for 99 years, Joseph Harlan, Y. A. Douglas, Richard Allen, Joseph Miller, Samuel Dye, John Henry, Noel Winston, Daniel Donaldson, Albert Franklin, George Terry, and all others who might become subscribers to the Agricultural and Mechanical Association of Sumner County. Suitable rules, regulations, and by-laws would be adopted.
  18. Acts of 1855-56, Chapter 186, incorporated the Hartsville Female Institute and providing a seven (7) member Board to manage and operate it. The Act named James H. Lauderdale, E. T. Seay, S. W. Leseur, R. M. Potts, J. G. Bledsoe, E. P. Gifford, and Thomas Stalker, as incorporators.
  19. Acts of 1857-58, Chapter 117, organized and incorporated Station Camp Academy in Sumner County for a succession of fifty years. John F. Cage, J. G. Webb, A. C. Franklin, R. B. Douglas, and J. A. Vaughn, were cited as incorporators.
  20. Acts of 1867-68, Chapter 53, incorporated William Dodd, James Peacock, Lee H. Alley, James F. Lauck, R. F. Strother, William S. Munday, John W. Head, Thompson McKinney, J. B. Hobdy, J. H. Needles, I. N. Phillips, George E. Dismukes, and their associates, as the Sumner County Agricultural and Mechanical Association of Gallatin, with a capital stock of \$25,000 authorized.
  21. Acts of 1868-69, Chapter 65, named H. B. Bonde, J. C. Rodemer, C. C. Cantrell, M. S. Elkin, B. W. Hall, M. J. Lucas, and William R. Tompkins, as Board of Trustees for the Masonic Male High School of Gallatin, which would be under the control of the King Solomon Lodge #94, Free and Accepted Masons.
  22. Acts of 1901, Chapter 239, created a school district from the described portions of Sumner and Robertson Counties, which would be known as the White House School District. The Superintendent would appoint two Directors from residents of the District and the Superintendent of Robertson County would appoint one Director. The Trustees of each County would apportion funds according to the ratio of school children in the district to school children in the county. This Act was repealed by Private Acts of 1974, Chapter 369.
  23. Public Acts of 1907, Chapter 236, set up Boards of Education in every county of the State, abolished the office of District Directors of the schools and substituted a District Board of Advisors for them. The County Courts would establish five (5) or fewer school districts in the county from each of which a member of the Board of Education would be elected for two year terms. Members would be initially appointed by the County Court to serve until others could be elected. The Superintendent of Schools would act as the Secretary to the Board. The duties of the Chairman of the Board, the Secretary, and the members were generally specified. The three members of the District Advisory Board were also elected for two year terms to perform the responsibilities outlined in the Act. This Act was part of the litigation in *Whitthorne v. Turner*, 155 Tenn. 303, 293 S.W. 147 (1927).
  24. Private Acts of 1961, Chapter 53, divided Sumner County into seven school districts composed of whole civil districts. Starting in the general August election of 1962, a member of the Board of Education would be elected from each one of the districts as prescribed, and then the elections

were staggered but the terms would all be for six years. The Chairman of the County Court and the Superintendent were made ex-officio members of the Board without vote, or compensation. Vacancies would be filled by the remaining members of the Board. This Act would have repealed Private Acts of 1937, Chapter 663, but was rejected by the Sumner County Quarterly Court and never became a law.

25. Private Acts of 1979, Chapter 173, made it illegal for any student in any county school to engage in smoking any tobacco product in any county owned school building or on any school property during official school hours or on any county owned school bus while being transported thereon. This Act was rejected by the Sumner County Legislative Body and never became law.

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