



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

July 22, 2024

Board of Education

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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Board of Education

Private Acts of 1923 Chapter 381

COMPILER'S NOTE: Certain provisions of this act have been superseded by Private Acts of 1967-68, Chapter 171, which is included in its entirety, immediately following this act.

SECTION 1. That the County Board of Education for the management and control of the Elementary Schools and the High Schools of all counties of this State having a population of more than 220,000 according to the Federal Census of 1920, or any subsequent Federal Census, be and are hereby created, which Boards of Education shall consist of seven members, who shall be elected and hold office as hereafter provided.

SECTION 1-A. That the County Boards of Education, with the approval of the Quarterly County Court of any such county, be authorized to enter into a contract or contracts with the Boards of Education of any municipality therein, with the approval of such governing body of such municipality as may be required; to provide for the consolidation of all or part of the facilities of and services rendered by the said Boards of Education, including but not limited to the consolidation of the administration, employment of personnel, acquisition of land, construction of buildings and other improvements, purchasing of materials and supplies, maintenance of property and equipment, pension systems, issuance of bonds, and disposition of the proceeds of sales thereof and allocation of other funds received by said Boards of Education from and all sources.

As amended by: Private Acts of 1955, Chapter 349

SECTION 2. That the Quarterly County Courts of the counties coming within the provisions of this Act shall at the April term of 1923, of said Courts, elect Boards of Education of seven members as follows:

Two members shall be elected for a term of one year; two members shall be elected for a term of two years; two members shall be elected for a term of three years, and one member shall be elected for a term of four years. At the expiration of the term of office of each member elected in April, 1923, his successor shall be elected by the County Court of the counties coming within the provisions of this Act at their April term in years of such expiration and for a term of four years, and thereafter the terms of each member elected shall be four years. All terms shall extend to the first Monday in April of the year of expiration, and until the successor or successors are elected and qualified.

SECTION 3. That members of County Boards of Education coming within the provisions of this Act shall be elected by the several County Courts from the county at large, and such members shall be citizens and residents of the county for which they are elected.

SECTION 4. That the Boards of Education elected under the provisions of this Act shall have and perform all the powers and duties of County Boards of Education, County Elementary Boards of Education, and County High School Boards of Education in the counties coming within the provisions of this Act, as formerly had, exercised, and performed by such Boards of Education as previously existed in said counties, it being the purpose of this Act to transfer to the Boards of Education created under the provisions of this Act, all duties, powers, authority and prerogatives heretofore had, exercised or performed by any and all Boards connected with the control or management, both Elementary and High School, of the counties coming within the provisions of this Act, and that the Boards created under the provisions of this Act shall supersede all such Boards previously existing in said counties, and it being the purpose and intention of this Act to abolish all of such previously existing County School Boards. Provided, however, that such Boards hereby abolished shall continue until the election and qualification of the members of the Board of Education created under the provisions of this Act.

Such Boards of Education shall also have and exercise all the powers and authority conferred upon County Boards of Education by General Laws and statutes of the State of Tennessee.

Such Boards of Education shall also have power and authority to supervise the General Health and physical condition of the children attending the Public Schools in such counties and they shall have a right to require all school children and teachers of the schools under their jurisdiction and control to submit to reasonable and proper physical examinations by reputable and competent physicians or representatives of the County Board of Health of Counties in which such Boards of Education exists and to require as a condition of attendance at or teaching in the Public Schools of such counties that all teachers and pupils shall be vaccinated for the prevention of Smallpox by some reputable physician, or representative of the Board of Health of such counties or that they shall furnish a certificate, or certificates from some reputable physician or physician that they have been successfully vaccinated or such certificate or certificates that vaccination has been repeatedly tried without success, for as many as two successive times.

As amended by: Private Acts of 1925, Chapter 273

SECTION 5. That the Boards of Education created under the provisions of this Act shall have, exercise and perform all duties, powers and prerogatives in connection with the management and control of schools, both High and Elementary, of the counties coming within the provisions of this Act conferred upon County Boards of Education and County High School Boards of Education under all general laws of the State. Now in force or hereafter enacted.

Such Boards of Education shall also have authority, by and with the approval and consent of the Quarterly County Courts of Counties coming within the provisions of this Act, to transfer funds provided by County taxation from one department to another, to transfer High School funds provided by County taxation to Elementary School Funds, or to use funds provided by County taxation for any particular year to discharge or pay off a deficit of any preceding year.

As amended by: Private Acts of 1927, Chapter 295

SECTION 6. That Boards of Education created under the provisions of this Act shall, within thirty (30) days after their election at the April term of the County Court of 1923, meet at the office of County Superintendent or County Commissioner of Education in their respective counties and organize and elect one of such members as Chairman, who shall serve for a term of one (1) year, expiring on the first Monday of April, 1924, and until his successor is elected and qualified, and annually thereafter said Board shall elect a Chairman for a term of one (1) year, expiring on the first Monday in April of each and every year. The County Superintendent or County Commissioner of Education of the counties coming within the provisions of this Act shall be ex officio Secretary of the Boards of Education created by the provisions of this Act, but without authority to vote as a member of such Board; and nothing in this Act shall be construed as affecting the term or tenure of office of any County Superintendent heretofore elected whose term has not yet expired.

SECTION 6-A. The Chairman and the Secretary of Boards of Education created under the provisions of this Act shall each give bond in the sum of \$25,000.00, and other members of said Boards of Education shall each give bond in the sum of \$5,000.00; all such bonds to be approved by the Quarterly County Court or by the Chairman of the same.

As amended by: Private Acts of 1931, Chapter 219

SECTION 7. That the compensation of the members of the Boards of Education created under the provisions of this Act shall be as follows: Eighteen Hundred Dollars (\$1,800.00) per annum for the Chairman of such Boards, and One Thousand Dollars (\$1,000.00) per annum for each of the other members of said Boards, to be paid by the counties coming within the provisions of this Act in equal monthly installments out of school funds of said counties.

As amended by: Private Acts of 1925, Chapter 273

Private Acts of 1927, Chapter 516

SECTION 8. That the County Superintendents provided for by this Act shall be elected by the County Courts of the several counties coming within the provisions of this Act, at the January term of said courts in 1927, and every four years thereafter; such County Superintendents to hold office for a term of four years, expiring on the first Monday in January of the year of expiration of their terms, and until their successors are elected and qualified, and such County Superintendents shall have all the duties, powers and prerogatives of County Superintendents or County Commissioners of Education elected or appointed under the provisions of any general law or laws regulating the school system or election or appointment of County Superintendent or County Commissioner of Education in the several counties of this State not specifically provided for under the provisions of this Act; provided, however, that nothing in this Act shall be construed as in any way abridging or affecting the duties, powers and prerogatives or the term or tenure of office of County Superintendents heretofore elected in counties coming within the provisions of this Act, whose term of office have not yet expired. In the event the superintendent resigns, retires, dies or a vacancy is created for any reason prior to the expiration of his four year term, the Shelby County Board of Commissioners is hereby authorized to appoint an acting superintendent in his stead, to serve in the capacity of an with all authority of the superintendent, until a permanent successor is duly appointed by the appropriate method as defined in the act.

As amended by: Private Acts of 1986, Chapter 134

SECTION 9. That County Superintendents elected under the provisions of this Act shall have and receive such compensation from the county as the County Court of the several counties electing such County Superintendents shall fix.

That the County Superintendent of Education, with the approval of the County Board of Education, shall have the authority to employ a paymaster, whose salary shall be fixed by the County Board of Education, and who shall give bond conditioned for the faithful performance of his duties and properly accounting for all monies disbursed by him in the penalty of Twenty Thousand (\$20,000) Dollars.

It shall be the duty of the paymaster each month to make up and submit to the County Superintendent of

Education and Chairman of the County Board of Education payrolls in detail of all the employees of said County Board of Education, and the County Superintendent shall thereupon issue warrants for the exact amount of said payrolls, which warrants shall be countersigned by the Chairman of the County Board of Education, drawn on the County Trustee, payable to the Board of Education Payroll Fund and shall be deposited in the separate account in bank under this designation.

It shall be the duty of the paymaster to thereupon disburse said funds when said payrolls are payable, to the parties entitled thereto in the amounts so set up in said payroll lists. It shall be further the duty of the paymaster to reconcile all checks and warrants issued, and prepare monthly statements showing items in transit, if any, and a list of warrants or checks outstanding accounting for any difference between fund balances as shown by the bank and/or County Trustee and the balance shown by records of the County Board of Education, and such statements filed as a permanent record of said Board.

As amended by: Private Acts of 1943, Chapter 5

SECTION 10. That in the event of any vacancy occurring by death, resignation or otherwise in the office of any member of the County Board of Education hereby created or of the County Superintendents provided for in this Act, the successor or successors of such members or Superintendent shall be elected by the County Court of the county coming within the provisions of this Act, for the unexpired term.

SECTION 11. That all laws and parts of laws in conflict with the provisions of this Act, but only in so far as the same do conflict with the provisions of this Act, and not further or otherwise, be and the same are hereby repealed.

SECTION 12. That this Act take effect on April 2, 1923, the public welfare requiring it.

Passed: March 29, 1923.

Private Acts of 1967-68 Chapter 171

SECTION 1. That in counties having a population of over 600,000 according to the 1960 Federal Census or any subsequent Federal Census, with the expiration of the terms of office of the present members of the County Board of Education, shall be composed of seven (7) members who shall be elected by the majority vote of the qualified voters of said County residing outside the city limits of any municipality which operates its own public school system. The area outside any such municipality in any county coming under the provisions of this Act shall be divided into seven (7) districts, and the members of the County Board of Education must be residents of the school districts from which they are to be elected. Any member who shall move his residence from the school district in which he is required to reside thereby vacates his office.

SECTION 2. That said County shall be divided into seven (7) school districts as follows:

District 1

Raleigh; Scenic Hills; Woodstock;
Lucy; McConnells; Locke

District 2

Millington; Kerrville

District 3

Eads; Morning Sun; Ellendale;
Bartlett; Brunswick, Arlington;
Stewartsville

District 4

Capleville; Ross' Store; White
Station, Germantown; Forest Hill;
Collierville; Cordova; Mullins

District 5

Whitehaven #3-6-7-9-10

District 6

Levi #4; Whitehaven #1-2-5-8

District 7

Levi #1-2-3-5

SECTION 3. That the terms of office of said members shall be for four (4) years, beginning on September 1st following the General County Election in August of the year in which said members are elected, and they shall serve until their successors are elected and qualified.

In the event of a vacancy in said office of a County School Board member the Quarterly County Court of said County shall appoint a person meeting the same requirements to fill the vacancy, and such person shall serve until the first day of September following the next County General Election held more than thirty (30) days after the vacancy shall occur, at which election there shall be elected a member to serve the unexpired term, and the person so elected shall hold office until the expiration of the term or until his successor is elected and qualified.

SECTION 4. That in order to implement the provisions of this Act and until such time as the present members' terms expire, notwithstanding the other provisions of this Act, the present members of the Board of Education are assigned districts as follows:

District 1 - R. L. Allen

District 2 - Dr. Jean M. Hawkes

District 3 - Blair T. Hunt

District 4 - W. S. Howard

District 5 - Dr. Frank Posey

District 6 - William Wilder

District 7 - Roy Dixon;

and the position each holds and his term of office shall apply to his successor should any member die or resign from office before the expiration of the appointment and term of offices that he presently holds.

SECTION 5. That in order to stagger the terms of office commencing with the expiration of the appointment of the presently serving members of the County Board of Education, the Quarterly County Court shall appoint a member from Districts 1 and 3 to serve from April 1, 1969, to September 1, 1970, and at the General County Election in August, 1970, a member shall be elected for a full term of four (4) years commencing September 1, 1970, from Districts 1 and 3. As the term of office of the presently serving members from Districts 5 and 7 expires April 1, 1970, the Quarterly County Court shall appoint a member from Districts 5 and 7 to serve until September 1, 1970, and at the General Election in August, 1970, a member shall be elected for a full term of four (4) years from September 1, 1970, from Districts 5 and 7.

As the term of office of the member from District 2 expires on April 1, 1971, the Quarterly County Court shall appoint a member to serve until September 1, 1972, and at the General County Election in August, 1972, a member shall be elected for a full term of four (4) years beginning September 1, 1972, from District 2.

As the term of office of the members from Districts 4 and 6 expires on April 1, 1972, the Quarterly County Court shall appoint members to serve from April 1, 1972, to September 1, 1972, and at the General Election in August, 1972, members shall be elected for a full term of four (4) years beginning September 1, 1972, from Districts 4 and 6.

This Act does not and shall not be construed to abolish or alter the present term of any present member of any County School Board.

SECTION 6. That the County Board of Education shall have all the powers and duties conferred by general law upon County Boards of Education, including but not limited to Tennessee Code Annotated Sections 49-214 and 215 and as provided in Chapter 381 of the Private Acts of 1923, as amended, except where said Private Acts, as amended, conflict herewith.

SECTION 7. That with the ratification of this Act by referendum provided for hereinafter, the office of County Superintendent of Board of Education shall be abolished at the expiration of any term of office of any person presently or at that time holding said office, and the executive supervision of the County School System shall be then vested entirely in the County Board of Education, and the County Board of Education shall be charged with the responsibility of performing all duties and powers imposed by law upon the County Superintendent of public instruction.

The Board of Education of such County may at the expiration of the term of the incumbent superintendent employ a school administrator. Such school administrator shall be an employee of the Board of Education,

and such administrator and the respective Board of Education, shall enter into a written contract describing his duties, compensation, length of employment and such other terms and conditions of employment as do not conflict with the general law, such contract to be entered into in the same manner in which such Board of Education would enter into a contract with a teacher or other employee of the Board of Education. No such contract shall be for more than five (5) years in duration, however, and no school administrator shall be employed by a County Board of Education unless the educator has been duly certified by the State Board of Education as possessing the proper qualifications, and it shall be the duty of the State Board of Education to make such certification as it may deem appropriate. The County School Administrator shall be a person of literary attainment and experienced in the art of teaching and school education and shall have a certificate of qualification issued by the State Board of Education; provided, that no such certification shall be revoked without a hearing to the holder as provided under the general law of the State of Tennessee.

SECTION 8. That if any provision or clause of this Act or application thereof to any persons or circumstances be held invalid, such invalidity shall not affect the other provisions or applications of the Act which can be given effect with the omission of the invalid provisions or application, and to this end the provisions of this Act are declared severable.

SECTION 9. That this Act shall have no effect unless the same is ratified by the majority of the qualified voters of any county to which it may apply in the August General Election of 1968, and the County Board of Election Commissioners shall call an election in said County to be held in conjunction with the August General Election of 1968 for the purpose of accepting or rejecting the provisions of the 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. The votes cast at such election shall be canvassed by the County Board of Election Commissioners on the first Monday occurring five (5) or more days next after the date of such election, and the result thereof shall be proclaimed by the Board and certified to the Secretary of State. The qualification of voters shall be those provided by law for preparation in general elections in the State of Tennessee, and all laws applicable to general elections shall apply to an election held as provided herein. Should this Act be ratified by the voters in such election, this Act shall become law on September 1, 1968, and shall be binding upon all parties concerned from that date forward.

SECTION 10. That for the purpose of ratifying this Act as provided in Section 9, it shall take effect upon its passage, the public welfare requiring it, but the other provisions of the Act shall become operative only as provided in Section 9.

Passed: May 16, 1967.

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