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## Chapter VI - Education/Schools

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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 1933 Chapter 108

**COMPILER'S NOTE:** Private Acts of 2000, Chapter 104, amended this Act by deleting all sections of the act and enacting new sections.

**SECTION 1.** The Board of Education of Franklin County, Tennessee, shall be composed of eight (8) members, one to be elected from each of the eight County Commission Districts. Candidates must meet eligibility requirements as prescribed by statute, must be residents of the district from which they are elected, and shall be elected by the residents of the County Commission District in which they reside.

**SECTION 2.** Election of members of the Board of Education shall be held at the August General Election and shall be conducted on a non-partisan basis. A person seeking a position on the Board may not campaign as the nominee or representative of a political party.

**SECTION 3.** The members of the Board shall be elected for a term of four (4) years, and may succeed themselves. Incumbents shall serve as members from the district in which they reside and shall complete the term for which they were elected. The first election, pursuant to this Act, shall be held in August, 2000. In order to establish staggered terms of office, the members from odd-numbered districts shall be elected for a term of two (2) years, and the members of even-numbered districts shall be elected for a term of four (4) years. Thereafter, members shall serve for a term of four (4) years, with the exception that in the event that an incumbent from an even-numbered district has a term that expires in 2002, the member elected from that district in 2002 shall serve for a term of two (2) years, and thereafter, a term of four (4) years.

**SECTION 4.** Vacancies occurring on the Board shall be filled by the County Legislative Body, as provided by law, until a successor is elected at the next general election. If a member of the Board should cease to reside in the district from which he/she was elected, the office shall be declared vacant and shall be filled as above stated.

**SECTION 5.** The duties of the members of the Board of Education shall be as prescribed by the General Laws of the State of Tennessee.

**SECTION 6.** Compensation for members of the Board of Education shall be fixed by the County Legislative Body.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Franklin County but are no longer operative.

1. Private Acts of 1961, Chapter 156, amended Private Acts of 1933, Chapter 108, Section 10, by setting the compensation of the members of the Board of Education at \$10 for attendance at a meeting, and providing for the chairman to receive \$60 per month and a mileage allowance. This act was not approved locally.
2. Private Acts of 1969, Chapter 106, amended Private Acts of 1961, Chapter 156, Section 1, by setting the compensation of the members of the Board of Education at \$25 per meeting attended, with the chairman receiving \$50 per meeting. No members were to be paid for more than twenty meetings per year. This act was not approved locally.
3. Private Acts of 1974, Chapter 336, amended Private Acts of 1933, Chapter 108, as amended by Private Acts of 1963, Chapter 107, by setting the compensation of the members of the Board of Education at \$50 per month to be paid from the school fund. This act was not approved locally.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Franklin 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. Public Acts of 1821, Chapter 67, required the County Court of Franklin County to appoint three commissioners for each tract of school land in the County. The commissioners were to act as a

- board of trustees for their respective tracts and were required to post a \$1,000 bond. Their duties were to superintend and conduct the schools on their tract, lease the school land for terms not exceeding five years, and account for the monies received. They were to build a good and convenient schoolhouse in which a common English school may be taught and to employ a good teacher of the English language. They were empowered, generally, to sue and be sued on behalf of the school land under their control.
2. Public Acts of 1831, Chapter 17, required the surveyor of the second surveyor's district to make a map or plan of that part of Franklin, Bedford, and Lincoln Counties where school land was located using information available in his office. If the board of commissioners of any school tract so required, the surveyor was to survey the tract of school land and re-mark the lines of it and if any of the corner trees of the tract had been destroyed or had fallen, the surveyor was to cause a stone to be placed in lieu of the tree and was to have it marked as a corner of the tract. The resulting plat and certificate of survey was to be filed with the County Court Clerk.
  3. Private Acts of 1835-36, Chapter 67, provided for the election of commissioners of the school lands in Franklin, Bedford, and Warren Counties. The Justice or Justices of the Peace residing in each township having a tract of school land were required to hold an election for three commissioners to serve a term of one year. The commissioners were empowered to lease the school lands for terms of one to fifty years, to receive the rents and profits, to sue and be sued on behalf of the school lands of the township, and to pass rules and bylaws for the regulation of the school on their respective tracts.
  4. Public Acts of 1893, Chapter 68, created School District #22, and set forth a metes and bounds description. The new School District was in the vicinity of Handley's Mill where the First School District line crossed Boiling Fork Creek, and the description mentions the names, B. A. Rings, W. T. Moss, W. L. Jernigan and Zinemon.
  5. Acts of 1903, Chapter 230, permitted universities, colleges or schools in Franklin County to enclose the land owned by them with suitable fences but required that they erect good gates across any public road and maintain the roads within the enclosure at their own expense.
  6. Acts of 1907, Chapter 236, applied to Franklin County and each county of the state not specifically exempted. The act reorganized the management of county schools by abolishing the office of District Director and creating the County Board of Education. The County Court was required to divide the county into five districts. Each such district would be composed of whole civil districts. Provision was made for counties with fewer than five civil districts. The County Court was to elect a board member from each district and thus create an initial Board of Education. Thereafter the members were to be elected by the qualified voters of their respective districts with provision made for at-large elections in counties with less than five civil districts. A board member was required to be a qualified voter, a resident of the district, and to have had at least a primary education. The duty of the Board was to employ teachers, erect buildings, and generally to control and transact all school business. Each member was to be compensated for actual time spent on Board Business at the rate of not less than \$1.50 per day nor more than \$3 per day for not more than thirty days per year. The act further provided for an Advisory Board from each district to be elected by the voters, with the duty to recommend teachers, suspend and dismiss pupils subject to appeal to the Board, and make written reports and general recommendations to the Board.
  7. Acts of 1907, Chapter 259, authorized the School Directors of the Twentieth School District of Franklin County to transfer to the Board of Education of Franklin County the property known as Tessill College, along with all improvements and equipment. The property could be transferred by deed without money consideration. However, the County High School had to be operated in the building on the said property. If the high school were ever removed from the building then the property would revert to the Twentieth School District.
  8. Acts of 1909, Chapter 211, created the Twenty-first School District for Franklin County to be known as the Bean's Creek School District.
  9. Acts of 1909, Chapter 428, authorized Franklin County, in the event the State Board of Education decided to locate the State Normal School for the Middle Division of Tennessee in Winchester, to raise funds by tax levy or bond issuance to repair and remodel the Winchester Normal College, formerly the Carrick Academy, and to purchase land and erect buildings for the new school.
  10. Private Acts of 1911, Chapter 329 exempted Franklin County from the terms and conditions of Acts of 1907, Chapter 236, above, which abolished District Directors of Education and created Boards of Education.
  11. Public Acts of 1915, Chapter 78, required Franklin County, a county under the "old Director

- System", to set aside from its general school fund a separate fund to be expended for the purpose of more nearly equalizing the common schools in the various districts.
12. Private Acts of 1915, Chapter 235, created the Twenty-third School District of Franklin County, defining the boundaries of the district and establishing the polling place for election of district directors at Penite.
  13. Private Acts of 1915, Chapter 532, directed that the elected Civil District school directors divide their Districts into school precincts each to contain one public school building. The voters of any school precinct could elect to have the precinct designated a special taxing precinct and the County Court would use the additional revenue, in conjunction with other funds, to maintain an eight month school term.
  14. Private Acts of 1917, Chapter 206, empowered the directors of the public schools in the various school districts of Franklin County to establish primary and secondary schools in which could be taught the first ten grades of the public school curriculum.
  15. Private Acts of 1917, Chapter 547, provided that when any school precinct in the County opted to become a special taxing precinct, the County Court of Franklin County must appropriate through the High School Board an amount of funds equal to the additional revenue raised by the special tax for the purpose of maintaining a minimum eight month school term in the special taxing precinct. The act amended Private Acts of 1915, Chapter 532, above, by directing that the special three member board of education for the special taxing precinct would be appointed biennially or as soon as practicable after the regular August election.
  16. Private Acts of 1921, Chapter 773, created the Cowan Academy Special School District with its own board and separate administration. The act named a Board of Directors to hold office until its successors were elected at the next general election. They were C. C. Looney, Roy Cowan, George B. Dobson, Walter Cowan and James G. Seargent. The Board was to establish and maintain a public school at Cowan Academy and had full power to administer the district. The act levied a property tax on the district and a \$1.00 poll tax on all males ages 21 through 50 in the district.
  17. Private Acts of 1923, Chapter 197, amended Private Acts of 1921, Chapter 773, above, by changing the boundaries of the Cowan Academy Special School District so that the land within the Cowan corporate limits was taken out of the District along with some property on the west side of the right-of-way of the Nashville, Chattanooga, and St. Louis Railway south of Cowan.
  18. Private Acts of 1925, Chapter 132, re-created the Cowan Academy Special School District, establishing it as it was in the 1921 act, with the original boundaries, except that it provided for a bond issue of \$35,000 to help fund the District operations along with the original property tax levy and poll tax.
  19. Private Acts of 1925, Chapter 133, repealed Private Acts of 1921, Chapter 773, above, and Private Acts of 1923, Chapter 197, above.
  20. Private Acts of 1929, Chapter 357, amended Acts of 1925, Chapter 132, above, by limiting the grades taught in the Cowan Academy Special School District to the elementary grades. The Act further allowed the County Court to fix the tax rate for the school district which would not exceed thirty cents on \$100 of property valuation.
  21. Private Acts of 1931, Chapter 735, repealed Private Acts of 1925, Chapter 132, above, as amended by Private Acts of 1929, Chapter 357, above.
  22. Private Acts of 1933, Chapter 85, required the Franklin County Board of Education to prepare and submit to the Quarterly Court an annual budget for the schools in the County. The act further provided that following the adoption of the budget of the Quarterly Court, it was a misdemeanor to exceed the budget in any manner.
  23. Private Acts of 1935, Chapter 240, permitted Franklin County to reimburse any incorporated town or municipality within the County for funds contributed by the town or municipality and used for the repair, construction, maintenance, and equipment of the school properties of the County. If the funds were obtained by the issuance of bonds by the town or municipality, then the County was authorized to assume such bonded indebtedness and pay the principal and interest when due.
  24. Private Acts of 1937, Chapter 241, regulated the contracts for the transportation of pupils in the Franklin County school system by requiring that no contract for said transportation could be made by the Board of Education that covered a period of less than two scholastic years.
  25. Private Acts of 1939, Chapter 345, amended Private Acts of 1915, Chapter 532, above, by providing that the entire Seventeenth Civil District of Franklin County would be a special taxing

district and that funds derived from the special tax must be used to maintain a nine month school term in the district when the State required an eight month term. The qualified voters of any special taxing precinct by majority vote could abolish the special taxing status and all additional taxation would cease.

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