



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter VI - Education/Schools

Dear Reader:

The following document was created from the CTAS website (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,

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Education/Schools - Historical Notes

Board of Education

The following act once affected the board of education in Perry County but is no longer operative.

1. Private Acts of 1957, Chapter 153, fixed the compensation of members of the county board of education at \$10 per day for attending meetings.
2. Private acts of 1982, Chapter 264, repealed Private Acts of 1935, Chapter 817, and Private Acts of 1941, Chapter 529, and provided that six board members be elected from the six school districts, identical to the six county commissioner districts, for a term six years.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Perry County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.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 1831, Chapter 16, provided that so much of the state common school funds which belong to Humphreys and Perry County, which was appropriated for internal improvement in Middle Tennessee, is hereby placed in the hands of the common school commissioners to be used and applied as are other school funds.
2. Acts of 1843-44, Chapter 27, incorporated Buffalo Academy in Perry County, appointing A. H. Guthrie, Basdel Brown, William Sheppard, James Dickson, and Jacob McLoagee, as Trustees for the said Academy. The Trustees and the academy would have the same rules and regulations as are written in the Act creating Fulton Academy in Dekalb County. The Trustees of Perryville Academy were directed to pay over half of their funds to this school. The facilities at Perryville shall be rented or sold and one-half of those proceeds shall be given to the Buffalo Academy. These Trustees shall serve two years and then the Quarterly County Court shall appoint five more every two years thereafter.
3. Acts of 1845-46, Chapter 189, incorporated Perry Academy in Perry County, naming as Trustees for the Academy, Joseph Brown, Naphtali Tracey, Robert Patterson, John L. Webb, Claiborne Harris, Jeremiah Woods, John Montgomery, William O. Britt, and Jacob McCage. The Trustees were endowed with all the powers and responsibilities which were incidental to corporate institutions. The Trustees of the Perryville Academy were directed to divide all the assets of that Academy with the new Perry Academy herein and the new Decatur Academy in Decatur County.
4. Acts of 1847-48, Chapter 102, allowed the appropriation to the Perry County School Fund of \$497, which amount had been sent to the said county of Perry by the State Agent for the common school funds but never reached the hands of the Superintendent and was therefore never credited to the county schools, this being through no fault of the officials of Perry County, or their school officers.
5. Acts of 1851-52, Chapter 351, authorized the Trustees of the county academy of Perry County to establish a female branch of the said academy in or near the town of Linden.
6. Acts of 1853-54, Chapter 208, declared that the Linden Male Academy would be divided into two branches, one for the education of males and one for the education of females, each of which would share equally in the moneys on hand, or which may hereafter be drawn from the treasury of the Linden Male Academy. Trustees, who were named to serve the new branch, were Thomas W. Edwards, Joseph Brown, F. H. Williamson, John L. Webb, Joseph Brown, and W. B. Barfield.
7. Acts of 1883, Chapter 150, recited in the preamble that the Linden Academy had two buildings which were old, dilapidated, and vacant and which were unfit for use by the school, and that the Trustees are in the process of erecting a new and commodious building in Linden but do not have sufficient funds to pay for the same, therefore, this Act named C. L. Pearson, W. C. Webb, S. P. Beasley, A. D. Craig, and James L. Sloan, as Trustees with power to sell and dispose of the old buildings and land and apply the proceeds of the sale to the construction of the new building.
8. Acts of 1903, Chapter 275, created a special school district out of the portions of Humphreys and Perry County described in the Act, providing for an election to be held on the fourth Saturday in May, 1903, to elect school directors for two years. The Clerk of the District shall furnish to the County Superintendents of Public Instruction a complete and accurate list of the students of both

counties attending the school. The Superintendents were required to pass this information on to the Respective County Trustees who would pay over to the Directors their pro rata share of the county school funds.

9. Acts of 1907, Chapter 236, abolished the office of District Directors of Schools and created a Board of Education in every county. The County Court would divide the counties into five school districts, composed of whole civil districts from each of which one member of the board of Education would be elected. The members would select a Chairman from their own number. The County Superintendent of Schools would be the Secretary. The duties of the Chairman, the Secretary, and the members of the Board are all spelled out in the Act. Members would be paid from \$1.50 to \$3.00 per day when serving, as decided by the County Court. The people of each district would also elect three members of the Advisory Board whose duties are likewise enumerated. This law did not apply to city schools nor to the nine counties, not including Perry County, which exempted themselves in Section 17. This Act was part of the litigation in *Whitthorne v. Turner*, 155 Tenn. 303, 293 S.W. 147 (1927).
10. Private Acts of 1917, Chapter 803, abolished the Board of Education in Perry County. This Act required the Quarterly Court to divide the county into school districts, one for each school then existing. An election would be held in each district on the first Saturday in May, 1917, and every two years thereafter to elect three school Directors for the District. The duties of the Chairman, selected by the other members, and the members are stipulated in the Act. A board of Supervisors was provided which would consist of the Superintendent of the Schools, the County Judge, and a third person, who would be selected by the County Court, which Board would have immediate control and supervision, hiring and fixing salaries of personnel, etc. All schools with an average daily attendance of ten, or more, shall be kept open the same number of days. No one herein mentioned would receive any compensation for their services except salaried school people.
11. Private Acts of 1919, Chapter 196, repealed Private Acts of 1917, Chapter 803.
12. Private Acts of 1923, Chapter 623, created the "Cedar Creek Special School District" in the first Civil District of Perry County which embraced the area contained in a metes and bounds description set out in the Act. The District would be operated by a three member Board to which this Act initially appointed W. A. Horner, J. M. Howell, and George B. Ward, to hold office until the next general election produced their successor, all of whom would serve without compensation. The incidental powers of corporate institutions, plus those specified in the Act, were vested in the Board. The County Trustee would apportion to the District their pro-rata share of the school funds according to the district's scholastic population compared to the whole school census. Authority was given to levy a special school tax of 20 cents per \$100 property valuation, and a \$1.00 poll tax to operate the school for nine months each year. Children in the district would pay no tuition but those outside would. The Board must choose a Chairman and Secretary and could select no one other than qualified people to man the school district. This Act was repealed by Private Acts of 1933, Chapter 512.
13. Private Acts of 1925, Chapter 129, created a special school district out of an area in the Fourth Civil District of Perry County as the same was more particularly described in the Act, which included the town of Lobelville and which would be known as the "Lobelville Special School District." The powers and the duties of the five member Board of Directors, serving two year terms are specified in the Act. Until their successors could be elected at the next general election, this Act named G. A. Lancaster, Ralph Patterson, W. H. Lancaster, W. H. Bates, and S. J. Leeper to the Board of Directors. A special tax of 25 cents per \$100 property valuation and a poll tax of \$1.00 on all males between the ages of 21 and 50 were authorized, all funds to be used for the benefit of the district. Authority to issue bonds was granted but only when first approved by the people in a referendum. This Act was repealed by Private Acts of 1927, Chapter 265.
14. Private Acts of 1925, Chapter 499, created the "Linden Special School District" out of a portion of the Third Civil District of Perry County which included that city, the area being made specifically described in the law. A five member Board of Directors would operate the District as a Corporation, which would have all the incidental powers of a corporation plus those specifically granted. The Directors would serve two year terms when elected by the people at the next general August election, but, until that time, the Act appointed O. A. Kirk, L. B. Duncan, John Vaughn, O. T. Craig and S. B. Hufstедler, to serve. Subject to prior approval in a referendum, the Directors could issue up to \$10,000 in bonds at a maximum 6% interest rate and a maximum maturity schedule of twenty years which would be for the purpose of erecting school buildings, and which would have to meet all the requirements set out in the Act. Only the Election Commission could certify the results of the above mentioned referendum. This Act was repealed

- by Private Acts of 1927, Chapter 264.
15. Private Acts of 1927, Chapter 264, repealed Private Acts of 1925, Chapter 499.
 16. Private Acts of 1927, Chapter 265, Private Acts of 1925, Chapter 129, which created the Lobelville Special School District.
 17. Private Acts of 1927, Chapter 648, provided for an Elementary School Board in Perry County, composed of five members, one from each Civil District and one at large, who would be elected at the August general election to two year terms. Ernest Broadway, Mrs. Ezra Bussell, S. Y. Conger, Dr. W. J. Frost, and J. A. Denton, were named to the Board until their successors could be popularly elected. The Board would organize themselves and the County Superintendent would be an ex-officio member but could not vote. The powers, duties, and responsibilities of the Board and the Secretary are specified generally including the keeping of mentioned records and reports. Section A provided for three member District Boards in each Civil District, to be elected for two year terms by the people in that particular District, and discharge the duties specified in the Act. The Act named George Sewell, G. B. Ward, and J. M. Howell from the First District; A. M. Roberts, Same Bell, and W. A. Daniel, from the second District; B. E. Warren, B. W. Depriest, and R. T. Ledbetter, from the third District, and no one from the fourth District. Each member of the Elementary School Board would receive from \$2.50, to \$5.00 per day not to exceed fifteen days per year for their services. This Act was repealed by Chapter 554, Private Acts of 1933, and by Chapter 817, Private Acts of 1935. See *Warren v. Walker*, 167 Tenn. 506, 77 S.W.2d 1057 (1934).
 18. Private Acts of 1929, Chapter 615, stated that the High School at Lobelville in Perry County, is hereby changed from a two year to a four year High School and the same shall be under the control and the management of the County Board of Education. The school shall teach the regular four year High School curriculum.
 19. Private Acts of 1929, Chapter 647, amended Private Acts of 1927, Chapter 648, defined the manner of electing the members of the Elementary School Board of Perry County by stating that the people of each Civil District shall elect one member of the Board and one member shall be elected by the county at large, all for two year terms. The Board may refund to any Special School District Boards any or all funds used in building or constructing any of the special school District building.
 20. Private Acts of 1933, Chapter 512, repealed Private Acts of 1923, Chapter 623, which created the Cedar Creek Special School District.
 21. Private Acts of 1933, Chapter 554, provided that a five member Board of Education was to be elected by the people every two years in Perry County at the general August election. Ross Walker, Ted Pitts, Ed Coleman, Sam Leeper, and S. Y. Conger, shall serve as the first Board until their successors are elected. One member shall be elected in each Civil District and one from the county at large, any vacancy being filled by the Quarterly Court for the unexpired term. Members must meet the qualifications established by the State. This Act also repeals Private Acts of 1927, Chapter 648, and all other conflicts. See *Warren v. Walker*, 167 Tenn. 506, 77 S.W.2d 1057 (1934).
 22. Private Acts of 1935, Chapter 84, recited in the preamble to the Act that a balance of \$5,000 existed in the Elementary School Fund for Perry County for the year ending July, 1934, and that the High School Fund is depleted and, unless some relief is found and provided, the High School cannot finish the school year, this Act is the authority for the County Elementary School Board to transfer to the High School Fund such sums, not to exceed \$5,000, as may appear to them necessary to enable the work of the High School to continue until the close of the school year.
 23. Private Acts of 1941, Chapter 529, amended Chapter 817, Private Acts of 1935, by adding the last paragraph in Section 2 as it appears in the Act.
 24. Private Acts of 1947, Chapter 719, amended Private Acts of 1927, Chapter 502, by repealing the last three Sections of that Act which required the Superintendent to be the Truant Officer for the county, which supplemented his salary from the State by \$500 to \$750 per year, and which required the Superintendent to devote his full time to his duties.
 25. Private Acts of 1963, Chapter 277, would have created another Lobelville School District embracing the entire Fourth Civil District of Perry County to be administered and controlled by a five member Board of Directors who would be elected for six year terms, staggered initially, to which Willie Hinson, Ray Loveless, Mrs. Cecil Bates, Mrs. Kate Morrison Gimmer, and James Westbrooks, were named as the first Directors to serve until their successors could be elected. Section 5 was an enumeration of the specific powers and duties of the Board. The Board could levy a special school

tax in the District of 40 cents per \$100 property valuation. Children in the District could attend school free of charge, but others must pay a tuition as determined by the Board. This Act was rejected by the Quarterly Court of Perry county, and therefore never became an effective law under the provisions of the Home Rule Amendment to the Constitution.

26. Private Acts of 1965, Chapter 64, attempted to increase the compensation of the members of the Board of Education in Perry County to \$25 per day for each day's attendance at the regular meetings of the board and to \$10 per day for their attendance at special, or called, meetings of the Board but no members total compensation could exceed \$255 per year, but this Act was likewise rejected by the Quarterly Court of Perry County and never took effect.
27. Private Acts of 1993, Chapter 58, sought to repeal the Private Acts of 1982, Chapter 264, and to divide Perry County into school districts; and to provide for the number, election, and terms of members of the Perry County Board of Education. This act, however, never received local ratification and is therefore not operative.

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