



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Chapter VI - Education/Schools

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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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Chapter VI - Education/Schools

Board of Education

Private Acts of of 1933 Chapter 136

SECTION 1. That there is hereby created and established in all counties of the State of Tennessee having a population of not more than 18,080 and not less than 18,070, according to the Federal Census of 1930 or any subsequent Federal Census, a system of public education, and conferring upon the Board of Education herein created and provided for jurisdiction, supervision and control over the elementary and high school of such counties.

SECTION. 2. The County Board of Education of Overton County shall consist of ten (10) members with two (2) members to be elected from each of the five (5) Magisterial Districts of Overton County as follows:

Magisterial District 1 shall constitute school zone 1.

Magisterial District 2 shall constitute school zone 2.

Magisterial District 3 shall constitute school zone 3.

Magisterial District 4 shall constitute school zone 4.

Magisterial District 5 shall constitute school zone 5.

As amended by: Private Acts of 1935, Chapter 30
Private Acts of 1972, Chapter 376
Private Acts of 1986, Chapter 151
Private Acts of 1999, Chapter 3

SECTION 3. In order to implement staggered terms for all members of the Board of Education, members added by this act in school zones 1 and 4 shall be elected by two-year terms at the August General Election in 2000, and members added by this act to the Board of Education in school zones 2, 3, and 5 shall be elected to four-year terms at the August General Election in 2000. Thereafter, all members shall be elected to full four-year terms at subsequent August General Elections. Existing positions on the Board of Education shall continue to be filled for full four-year terms with the existing positions in school zones 1 and 4 filled in the 2002 August General Election and the existing positions in school zones 2, 3, and 5 being filled in the 2000 August General Election.

Each member shall be a resident of the zone which that member represents and shall be elected by the qualified voters of the zone or zones from which the members shall be elected. Nothing in this act shall be construed as having the effect of removing any incumbent member of the County Board of Education from office or abridging the term of any member prior to the end of the term for which he was elected.

The positions created by this act are created as of the effective date of this act, and may be filled by the County Legislative Body until the persons elected at the August 2000 General Election were qualified and take office.

As amended by: Private Acts of 1935, Chapter 30
Private Acts of 1972, Chapter 376
Private Acts of 1986, Chapter 151
Private Acts of 1999, Chapter 3

SECTION 4. That said County Board of Education shall have the same powers, rights and jurisdiction and shall perform the same functions and duties as are now conferred upon the County Boards of Education under and by virtue of Chapter 115, Acts of 1925, commonly known as the School Law, except as hereinafter provided.

SECTION 5. That said County Board of Education shall be elected by the Quarterly County Court of said county at the quarterly session thereof on the first Monday in April, 1933, and the members of said Board shall hold their offices until the next regular election to be held in August, 1934, at which time their successors shall be elected by the qualified voters of said counties at said regular August election, and they shall hold office for two years or until the next regular election or until their successors are elected and qualified. Said County Board of Education to be elected by the Quarterly Court at its April session in 1933 shall meet on said date or as soon thereafter as is practicable and proceed to organize said Board by the election of one of their members as Chairman, whose duties shall be the same as now conferred upon the Chairman of the County Board of Education under said Chapter 115, Acts of 1925, and likewise the County Board of Education to be elected at the regular August Election, 1934, shall on the first day of September next following thereafter proceed to elect a Chairman from one of their number.

The duties of the County Superintendent of Public Instruction under this Act shall be the same as now fixed by law, and he shall render to said County Board of Education the same services and perform the same duties as now prescribed by law, except that it shall be the duty of the County Superintendent to accept the assistance of the Supervisory Board of Education of the Town of Livingston in so far as they relate to the selection of teachers and other officers in the schools of this particular town district; and the said County Board of Education is hereby required to only select or elect officers, teachers and other school employees in said Town of Livingston as are recommended by the Supervisory Board of Education of said Town of Livingston; provided, always, that those selected and recommended by the Advisory Board are in all respects qualified under the general school laws of the State of Tennessee for their respective positions, and it is hereby made unlawful for said County Board of Education to elect or select any other person or persons for said positions in said schools, it being the intention of this Act to confer upon said Advisory Board of Education of the Town of Livingston the right and power to designate and select those who are to be elected in the schools of said Town of Livingston.

As amended by: Private Acts of 1935, Chapter 30
Private Acts of 1943, Chapter 382

SECTION 6. That the members of the County Board of Education shall receive as compensation for their services the sum of \$7.50 per day for each day actually devoted to the duties of their office but not to exceed the sum of \$150.00 for any one year, their compensation to be paid from the school funds of said County.

The members of the Board of Education who shall be elected by the people at the next regular August election shall hold their offices for a term of two years from the first day of September next following said August election, and their successors shall be elected biennially thereafter.

As amended by: Private Acts of 1951, Chapter 328

SECTION 7. That upon the election of the members of the Board hereby created by the Quarterly County Court in April, 1933, the terms of the members of the present Board of Education shall expire, and it shall be the duty of the Chairman and the members of the present Board of Education to turn over to the Board herein and hereby created all books, records and property belonging to the schools of said counties.

SECTION 8. That in the transaction of all the business of the Board, the meetings shall be open and public except that if it should appear at any time in the judgment of the Chairman of the Board with the consent of the County Superintendent of Public Instruction that it is to the best interests of the public and the schools of the county that said Board go into executive session for the transaction of their business, said Board may perform its duties in executive session, but a full and complete public record of same shall be available to all the people.

SECTION 9. That if any section, paragraph, word or phrase of this Act for any reason shall be declared unconstitutional, it shall not operate to render said Act unconstitutional. The remaining portions of said Act shall remain in full force and effect.

SECTION 10. 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: March 21, 1933.

Education/Schools - Historical Notes

The following acts constitute part of the administrative and political heritage of the educational structure of Overton 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, Second Session, Chapter 8, named all the academies across the state which were to be the county academies. This act incorporated Moses Fisk, John Overton, James Chisum, John B. Cross, and Henry Ragan as the trustees for Overton Academy which would be the county academy for that county. Necessary rules and regulations as prescribed for other county academies were also imposed on this one. This act was repealed by Acts of 1826, Chapter 176.
2. Acts of 1806, Second Session, Chapter 14, recited in the preamble that it had been reported to the general assembly that Moses Fisk and Sampson Williams are both willing to contribute 1000 acres of land each as an endowment of a female academy to be established at a place called Hillham on the eastern part of Magnolia Ridge in Overton County and so this act provides for the academy under the name of Fisk's Female Academy, and names Fisk, William Chandler, William Ballard, James Chisholm and Sampson Williams as trustees.

3. Acts of 1812, Second Session, Chapter 51, appointed John Grave and William Marchbanks as additional trustees for Overton Academy in Overton County.
4. Acts of 1813, Chapter 130, was the legal authority for the trustees of Overton Academy in Overton County to publish a lottery scheme on such plan as they may consider proper to raise up to \$3,000 to be used for the benefit of the academy. The trustees must execute a proper bond and conduct the lottery according to the rules agreed upon and the regulations established under existing law. The act named as trustees and commissioners for the lottery Archibald Rhea, George Christian, Simon Huddleston, Abel Willis, William Chilton, Andrew Steele, James Whiteside, William Fleming, Benjamin Totten, and William Armstrong.
5. Private Acts of 1826, Chapter 176, expressly repealed Acts of 1806, Chapter 8, Item 1, above, which created Overton Academy as a corporation. This act appointed George Finley, James McDowell, Joseph Bates, James Harrison, James Turner, George Heron, John Wheeler, Isaac Gore, William Nevins, Hugh C. Armstrong, and David Jackson as the trustees for Pleasant Forest Academy in Overton County, subject to the same rules and regulations as other academies. James McDowell was nominated as Chairman of the group.
6. Private Acts of 1827, Chapter 38, Section 2, added James McDonald and William Turner to the trustees of Pleasant Forest Academy in Overton County.
7. Private Acts of 1833, Chapter 67, made it the duty of the county court of Overton County, a majority of the justices being present, to appoint some skilled surveyor to identify, survey, and plainly mark, the several tracts of school lands located in the county. It was the responsibility of the surveyor chosen to make a plat of each parcel of school land, showing the water courses on them, and to file the same with an overall report with the county court who would make the surveyor a reasonable compensation payable from school funds, for his services, provided, however, that the surveyor shall have completed the surveys and filed the required plats with the county court within six months from the date of this act.
8. Acts of 1837-38, Chapter 225, was the authority for the trustees of Pleasant Forest Academy in Overton County to change the location of the academy from Monroe, or vicinity, to the town of Livingston, and a majority vote of the Trustees would be sufficient to move the school.
9. Acts of 1845-46, Chapter 71, recited that when the fractions of White, Overton, and Jackson counties, formerly composing the County of Putnam, shall make returns of the scholastic populations by their County Court Clerks in those areas for the years 1844 and 1845, to be comptroller of the treasury of the state, and it should appear to the comptroller that they were not paid their rightful share of school money due them for those years, it is hereby declared lawful for the state comptroller to pay over to them their lawful portion of the funds which shall be applied exclusively in these areas and no other.
10. Acts of 1845-46, Chapter 185, required that the trustees of Overton, Jackson, and White counties settle with the former school commissioners of the school districts in the said counties, and, if, such settlements being made, such school commissioners have paid out more money than they have on their hands and it is found that the district school funds are justly indebted to them, such trustee would refund to them the amount due out of the funds of such district.
11. Acts of 1847-48, Chapter 31, stated that the balance of the school fund apportioned to Putnam County in the year 1844, and remaining unpaid to that former county, would be paid to the trustees of White, Jackson, and Overton counties in proportion to the scholastic population of those fragments of the said counties which formerly made up Putnam County, and the funds for 1845 would be taken from the next distributive share, and divided in like manner between White, Jackson, and Overton counties.
12. Acts of 1855-56, Chapter 267, Section 18, was the legislative authority for the trustees of Overton and Fentress counties to pay out all school monies which have come, or may hereafter come, into their hands from the sale of lands, in like manner as other school funds are paid out but nothing in this act will permit the distribution of the principal amount of these funds.
13. . Acts of 1903, Chapter 367, created an independent school district in the seventh civil district of Overton County so as to include within its boundaries the following farms, and be known as the Ozana School District, James Conner, Bud Clark, James Zachary, Henry Owens, Thomas Huffer, Sue Ragen, Gilbert Ramsey, and S. Mainard, moving east to include the farms of Joe Sells and D. S. Sells; north to include G. W. Taylor, John Conner, W. M. Spicer, and O. C. Waddle. This school district would be called the twenty-fourth school district of Overton County.
14. Acts of 1903, Chapter 368, created school district No. 26 in the seventh civil district of Overton County, beginning at the Hatcher & Company mill, east to Diana Shoemake's line, to Moses

- Miller's line, so as to include Miller's lands, to S. Richardson's line, to G. P. Robert's line, to David Flower's line, to the Pickett County line, west with the Pickett County line to James Conner's line, up to Little Eagle Creek, and then to the beginning.
15. Acts of 1905, Chapter 283, formed the twelfth school district in the eighth civil district of Overton County, which starts in the line between the eighth and ninth civil districts where Dry Hollow crosses, down Thomas Loaper's line to Houston Loaper's line, to J. B. Frances' line, to Benjamin Frances' line, to the public road, leading from Ray's Store to Monterey, to Ray's old storehouse, to W. T. Livingston's line, to A. A. Qualls' line, to S. S. Shelton's line, to William Oakley's land, to Harvey J. Frances' line, to Joe Bilbrey's line, to James Dickson's line, to Jesse Qualls' line, and back to the point of the beginning.
 16. Acts of 1905, Chapter 521, established an independent school district in the sixth civil district of Overton County with a metes and bounds description which begins in the center of the Livingston and Jamestown Road on the northeast corner of the lands of E. D. White and runs through to G. W. Dillon's line, then east and south to the Henson's line, north and east to Eubank's line, and then back to the beginning.
 17. Acts of 1905, Chapter 524, formed an independent school district in the fourth, sixth, and seventh civil districts of Overton County, beginning with the James Dile farm and including the farms of Sarah Gunnells, W. E. White, C. R. White, A. Morrow, W. O. Miller, William Ruder, Eva Beard, Mrs. Davis, Joseph Sidwell, Paul Neal, R. Brown, Campbell Ogletree, A. F. Crabtree, James Winningham, M. J. Phillips, David Davis, A. W. Richardson, W. D. Dennis, T. B. Hunter, Nancy Lack, John House, S. T. Peterman, John Sehon, and M. G. Sehon, and then back to the beginning.
 18. Acts of 1905, Chapter 535, specifically repealed Acts of 1903, Chapter 240, as the same applied to Overton County, it being a general public law, and providing that Overton County be restored to her former authority to create, change, and annul her school districts.
 19. Acts of 1907, Chapter 161, was the enabling legislation for Dr. R. S. Burks, J. C. Bilbrey, W. R. Officer, R. L. Mitchell, Jr., and Phillip Myers, who made up the board of directors of Livingston Academy in Overton County to sell at public auction to the highest and best bidder for cash, after giving 30 days notice, the Livingston Academy grounds and building and to convey a good and valid title to the purchaser. The proceeds of this sale were to be used to erect another school building in the city of Livingston on a tract of land conveyed to the Board by A. H. Roberts.
 20. Acts of 1907, Chapter 236, abolished all the district directors in every county school system in the state, and provided for a county board of education and a district board of advisors in their places. This act did not apply to city schools. From each of five school districts into which the county court would divide the county, one member of the board would initially be appointed by the county court and elected by the people at the next general regular August election. The duties of the board, the chairman, the secretary, and the members are all spelled out in the act. The county superintendent would be ex-officio secretary by virtue of his office. The board would be paid from \$1.50 to \$3.00 per day as set up by the county court, but for not more than 30 days each year. The three member advisory board would be elected by the people in each civil district and discharge the responsibilities enumerated for them in the bill. The county superintendent could fill vacancies on the advisory board. Nine counties exempted themselves from this act in Section 17 but Overton was not one of them. This act was part of the litigation in Whitthorne v. Turner, 155 Tenn. 303, S.W. 147 (1927).
 21. Acts of 1907, Chapter 281, formed the Bethsaida School District out of the first and second civil districts of Pickett County and the eleventh civil district of Overton County. A legal description of the area involved is incorporated into the law and is too lengthy to repeat here. The superintendent of public instruction in both counties would jointly appoint three commissioners to serve until the next general election when the commissioners shall be elected by the voters residing in this area delineated by the act.
 22. Private Acts of 1911, Chapter 293, amended Acts of 1909, Chapter 494, as the same applied to Overton County so that the compulsory attendance period for schools was reduced from 80 days per year as that act required, to 50 days for Overton County, and all other counties coming within this act.
 23. Private Acts of 1913, Chapter 274, amended Acts of 1907, Chapter 236, above, which was a general state law on school boards, in Section 17, by adding Overton County to the list of counties, exempting themselves from this act in that section, thus removing Overton County from its application.
 24. Private Acts of 1913, Extra Session, Chapter 71, authorized and empowered the county superintendent of schools in Overton County to call the clerks of the district school boards to meet

- at the county seat, and, it would be their duty and responsibility to agree on the prices to be paid to the teachers and the number of days of school to be taught in each district, all of which shall be equal and uniform throughout the county. Each school district and civil district are to be coextensive. Clerks will be paid \$1.50 per day for all the time required to comply herewith.
25. Private Acts of 1917, Chapter 96, declared that in Overton, Marion, and Rutherford counties, the superintendent of public instruction in those counties would be elected by the qualified voters of each of a four year term, starting at the next general August election, the successful candidates assuming office on January 1, following. This act shall not affect the term or the duties of the current superintendents in these counties.
 26. Private Acts of 1917, Chapter 555, stated that in Overton and Pickett counties, both identified by the use of the 1910 Federal Census tabulations, the superintendent of public instruction, as soon as they have been told for certain the amount of school funds to be used in their county, shall call a meeting of the district school directors at the county seat to advise them of the same. The directors shall meet no later than May 20 of each year and shall select one of their number to sit on the board of education. Another meeting shall be called before July 1 to agree on a price to be paid to teachers and the number of school days to be taught, which shall be equal and uniform throughout the county. Directors shall serve for two years and employ the teachers for their districts. The compensation for members of the school board shall be \$1.50 a day. Two, or more, schools may be consolidated under certain conditions and the directors shall be responsible to see that each school has seats, desks, stoves, and such, and is in good repair.
 27. Private Acts of 1917, Chapter 670, also formed the Bethsaida School District out of Overton and Pickett counties describing the area involved and naming the farms in the description of James Smith, W. R. Holbert, Liz Smith, B. McDonald, John King, Peter Boshier, J. P. Crouch, Dock Winningham, Mira Hill, Mack Holt, and C. C. Jones. This district will be given its pro rata share of school funds according to the scholastic population. The superintendent of schools in each county shall jointly appoint a three man board of school directors, no more than two from one county to serve until their successors can be elected at the next election which shall be held at the schoolhouse on the fourth Saturday in may before the general August election in 1918. The directors shall count the school population jointly and in each county. This act was repealed by Private Acts of 1925, Chapter 573.
 28. Private Acts of 1917, Chapter 707, is a duplicate of Private Acts of 1917, Chapter 670, above, which created the Bethsaida School District in Overton and Pickett counties.
 29. Private Acts of 1921, Chapter 831, formed an independent special school district in Overton County in the tenth and eleventh civil districts which included the farms and lands of A. G. Narrad, J. B. McDonald's cove farm, J. F. Brown, J. L. Allison, Mrs. Etta McDonald, and M. J. Hancock; on the south side were included the farms of A. H. Copeland, A. C. Norris, Sol Norris, J. C. Vaughn, F. M. Ledford, Shirley Ledford, Mrs. Nora Winton, and J. K. P. Ledbetter; on the east were the farms of Cynthia McDonald, T. M. Ledford, Porter Carlock, J. A. McDonald, the Alfred Mill tract, and Will McDonald; on the west side were the farms of J. E. Winton, J. F. Deck, J. M. Sells, F. S. Crabtree, G. S. Beasley, Thomas Williamson, and E. H. Copeland. The act named E. A. Copeland, A. H. Copeland, and C. P. Neely as directors of the district.
 30. Private Acts of 1925, Chapter 703, created special school district No. 15, a common and high school district, in Overton County, which would begin at Chester Ogletree's farm, running east with the line of the twelfth and sixth civil district to Mrs. Tim Lynn's farm; north to Sarah Gunnell's farm; northwest with the line of the twelfth and seventh civil district to J. K. Hunter's farm; thence with the twelfth and fourth civil district line to K. Maynard's farm; thence south to include the lands of Thad Kyce, Kelly Hunter, and Anyous Gunnell's farm; thence on a direct line to Dave Davis' farm; thence on a direct line to Reece Ogletree's farm; and thence back to the beginning. The act appoints Billy Davis, C. P. Hunter, and W. O. Miller as school directors until the election in August, 1926, who would exercise all the power and authority of other school directors. The directors must choose a chairman and secretary, and submit a scholastic census for the school district.
 31. Private Acts of 1931, Chapter 507, recited in the preamble that the board of education of Overton County entered into contracts with Gracie Dean White, and Annie Lizzie Clark, whereby the two of them would teach school in 1927 and 1928, which they both did and the services of each one were accepted by the county board of education. The contracts were later declared to be invalid because neither of them possessed a certificate of qualification to teach from the state, and the board of education has refused to pay them. This act validates, ratifies, confirms, and legalizes the above mentioned contracts and authorizes the board of education to compensate these teachers with interest. The general assembly was compelled to pass this act over the governor's

veto on June 24, 1931.

32. Private Acts of 1935, Chapter 30, amended Private Acts of 1933, Chapter 136, by inserting a new Section 2 and Section 3. Section 2 provided for seven school districts in the county instead of five, the same being composed of whole civil districts. Section 3 provided for a seven member board of education instead of a five member board whose members would be elected by popular vote in their respective districts. Section 5 was changed to place the duties of the superintendent of public instruction under the general law by removing the requirement that he employ the personnel recommended by the school board in Livingston for that school system.
33. Private Acts of 1943, Chapter 382, amended Private Acts of 1933, Chapter 136, as amended by Private Acts of 1935, Chapter 30, by striking out Section 2 of the Private Acts of 1935, Chapter 30, and adding a provision that the superintendent of public instruction of Overton County would have the same duties as are fixed by general law and render to the county the same services, except that it shall be the duty of the superintendent to accept the assistance of the board of education of the city of Livingston insofar as that assistance relates to the selection of teachers and other officers of the schools, and the county board of education is hereby required and directed to employ only those teachers and officers in Livingston as are recommended by the board. Provided, in all cases, that those recommended meet the standards and qualifications of the county and state, it being the intention of this act to permit the town of Livingston to select its teachers and school officials. This act names Bedford H. Hosman, Clarence Davis, and James Kuykendall as the Livingston Board of Education. This act was entirely repealed by Private Acts of 1951, Chapter 437, below.
34. Private Acts of 1951, Chapter 328, amended Private Acts of 1933, Chapter 136, Section 6, by setting the compensation of the members of the Overton County Board of Education at \$7.50 per day instead of \$3.00 and raising the top amount to be paid to a member in one year from \$75.00 to \$150.00.
35. Private Acts of 1951, Chapter 437, expressly and entirely repeals Private Acts of 1943, Chapter 382.

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