

**PUBLIC SCHOOL
LAWS OF
TENNESSEE**

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Public School Laws of Tennessee by Various

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VARIOUS

**PUBLIC SCHOOL
LAWS OF
TENNESSEE**

PUBLIC SCHOOL
LAWS OF
TENNESSEE

TOGETHER WITH

LEADING DECISIONS OF THE SUPREME COURT,
EXPLANATORY NOTES, AND AMENDMENTS
MADE BY GENERAL ASSEMBLIES
UP TO MAY 14, 1901.

dup. 74989

MORGAN C. FITZPATRICK,
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION.

Univ. of
CALIFORNIA

NASHVILLE, TENNESSEE.

1901.

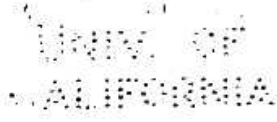
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1901

STATE OF TENNESSEE,
DEPARTMENT OF PUBLIC INSTRUCTION,
NASHVILLE, May 15, 1901.

To the County Superintendent:

The Act of 1873, providing for our present system of public schools, makes it the duty of the State Superintendent of Public Instruction to print the public school laws of the State, in pamphlet form, for use of school officials and teachers. This pamphlet contains all general legislation upon that subject and such special legislation as may be of general interest. The law is given as it exists to-day, after various amendments by the General Assembly. The text-book law, the act for the protection of female colleges, the act prohibiting co-education, the act prohibiting teachers of one race from teaching children of another, the county high school bill, and the acts providing for the government of the public schools in the city of Memphis are given in full. Many special acts have been passed by the Legislature at its different sessions, creating new school districts in certain counties, or out of portions of two or more counties, and as these acts appear in the printed acts of the Legislature, and are not of general interest, they are not included in this compilation. I have also omitted special statutes amending the charters of towns and cities, as well as those providing for the purchase and sale of school property in various localities. These statutes cannot be of general interest. This pamphlet contains all changes and amendments to general public school laws up to May 14, 1901. It also contains a brief of the Supreme Court decisions upon important public school questions. A sufficient number have been printed to supply all public school demands, and, the pamphlet being the property of the State, should be preserved and turned over to your successor.

MORGAN C. FITZPATRICK,
State Superintendent.



The Public School Laws of Tennessee,

TOGETHER WITH

LEADING DECISIONS OF THE SUPREME COURT, AND EXPLANATORY NOTES.

[ALL PARTS OF LAWS PRINTED IN ITALICS HAVE BEEN
ADDED BY AMENDMENT.]

SECTION 1. There shall be established and maintained ^{1873. Chap. 25.} in this State a uniform system of public schools. _{System.}

SEC. 2. (1) The public school system shall be adminis- ^{1873. Chap. 25.} tered by the following authorities, to wit: A State Superin- _{System.} tendent, County Superintendents, and District Directors.

(2) The public schools already established in any of the ^{1873. Chap. 25.} counties of this State shall continue to be managed and _{Sec. 35.} conducted as now prescribed by law until the school officers _{Schools estab- lished previous to 1873.} hereby created shall have been duly elected or appointed and qualified; and the provisions of this act shall not apply to them until a County Superintendent of Public Schools shall have been appointed.

STATE SUPERINTENDENT.

SEC. 3. The State Superintendent shall be a person of ^{1873. Chap. 25.} literary and scientific attainments, and of skill and expe- _{Qualifications of State Super- intendent. See Acts 1873.} rience in the art of teaching, and who shall be nominated by the Governor and confirmed by the Senate.

SEC. 4. (1) He shall hold his office for two years, unless ^{1873. Chap. 25.} removed as hereinafter provided, and shall have an annual _{Term of office and compensa- tion.} salary of \$2,000, to be paid out of the school money in the State Treasury; and during the term of office he shall devote his entire time and attention to the duties imposed by this act.

(2) The State Superintendent of Public Instruction of ^{1861. Chap. 25.} Tennessee, shall be, *ex officio*, a member of the State Board _{Member of State Board.} of Education.

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Ex officio. (3) He shall also be a member, *ex officio*, of all other State educational bodies or associations.

(By Chap. 343, page 738, Acts 1899, the State Superintendent is made Secretary and Treasurer of the State Board of Education, and Treasurer of the Peabody Normal College fund.)

1873. Chap. 25. How removed. SEC. 5. He shall be liable to removal from office by the Governor for misconduct or neglect of duty; any vacancy to be supplied by a new appointment for the unexpired term; *Provided*, That, in the event of any such removal, the reason for the same shall be communicated, in writing, to the Superintendent thus displaced, and also to the Senate, if in session, and, if not, within ten days after it may next meet.

1873. Chap. 25. Office at Capitol. SEC. 6. The office of the State Superintendent shall be at the capital of the State, and a room in the State Capitol may be provided for that purpose.

DUTIES OF STATE SUPERINTENDENT.

1873. Chap. 25. SEC. 7. The duties of the Superintendent shall be as follows:

Statistics, etc. (1) To collect and disseminate statistical and other information relating to the public schools.

Inspection. (2) To make tours of inspection among the public schools throughout the State.

See that laws are executed. (3) To see that the school laws and regulations are faithfully executed.

Distribute forms. (4) To prepare and distribute blank forms for all returns required by law, or deemed by him necessary to be made by teachers, school officers, and County Superintendents of Public Schools, for the use of the several counties.

Distribute school laws. (5) To have printed and distributed to the County Superintendents and other school officers as many copies of the school laws as may be necessary, with appropriate forms and instructions for carrying said laws into execution.

Appoint examiners. (6) To appoint, at his discretion, persons in each county to visit and examine all or any of the public schools

therein, and report to him touching all such matters as he may indicate respecting their condition and management, and the means of improving them; but no compensation shall be made for such services.

(7) To require of County Superintendents detailed reports annually, and as much oftener as he may deem proper; and he may require special reports at any time of any officer connected with the school system. Require reports.

(8) To appoint some one to make the reports required to be made by the County Superintendent when such Superintendent shall fail to make full report at the time designated, and to allow such appointee what he may deem just for his services, which shall be paid by the delinquent County Superintendent; and upon his refusal to do so, the State Superintendent shall stop, in the hands of the County Trustee, that amount of his salary, or bring suit, in his official name, against him in a court of competent jurisdiction, to enforce the payment. Appoint persons to make reports.

(9) To prescribe the mode of examining and licensing school teachers, and their necessary qualifications. License of teachers.

(10) To preserve in his office and conveniently arrange all documents and matters in relation to educational subjects that may come into it. Preserve documents.

(11) To report to the Comptroller of the State, on the first day of December in each year, the scholastic population of each county. Report scholastic population.

(12) To annually submit to the Governor, on or before the fifteenth day of September, a detailed report of his official proceedings for the year ending *the thirtieth day of June preceding*, exhibiting a plain statistical account of receipts and expenditures for public schools, and of their condition and progress, showing the number of children, male and female, white and colored, respectively, in the State and in each county, between the ages of six and eighteen years, the total number of pupils enrolled, the average number belonging, and the per cent. of attendance Annual report.

during the year, the average paid to teachers, male and female, the amount of each branch of school expenditures, severally, the cost of education per scholar, and whatever else may tend to show the degree of success and usefulness of the system; *Provided, however,* That under the provisions of this act all persons between the ages of eighteen and twenty-one, inclusive, shall have the benefit of this act for the term of three years from and after the first organization of public schools under this act, in the school district in which such persons may live. (This section has been amended so that the school age is from six to twenty-one years inclusive.)

NOTE.—By the act of 1873 the scholastic year ended August 31. It was made to end June 30 of each year by act of 1881. Chap. 103, Sec. 1.

1891. Chap. 132,
Sec. 3.

Distribute
forms.

(13) It shall be the duty of the State Superintendent to have printed and distributed to the school officers of the State, and to the County Courts of the several counties appropriate forms and instructions for carrying into effect the provisions of this act.

COUNTY SUPERINTENDENTS.

1873. Chap. 25,
How elected.

Qualifications.

Removal.

SEC. 8. (1) There shall be a County Superintendent for each county, who shall be elected by the County Court at its April or July term, 1873, and after 1874 he shall be elected biennially in January, and no member of the County Court shall be eligible to said office. He shall be a person of literary and scientific attainments, and, when practicable, of skill and experience in the art of teaching; shall hold his office for two years, and shall receive such pay for his services as may be allowed him by the County Court, to be paid upon the order of the Chairman or Judge of the County Court by the County Trustee. He shall be subject to removal from office for misbehavior or inefficiency at any time by the County Court; *Provided,* That the causes for such removal shall be communicated to him in writing.

(This section is amended so as to read: Said County Superintendent shall be a person of literary and scientific attainments, and of skill in the theory and practice of teaching; *Provided*, That preceding each biennial election, or any election to fill a vacancy for County Superintendent of Schools, each applicant shall file with the Chairman of the County Court a certificate of qualification, given by the State Board of Education; *Provided*, That on the first Monday in October preceding each biennial election for County Superintendent of Schools, and at any other date or dates fixed by the State Board of Education, each applicant for said office shall undergo a public examination at the county site of the county in which he or she is an applicant, by and before a commission of three residents of the county, said commission to be previously appointed by the Chairman of the County Court, and to be citizens who, by education and experience, are most eminently qualified to hold said examination, the same to be held under such rules and regulations as may be prescribed by the State Board of Education; *Provided*, That, if qualified as attested by said examination, said applicant shall receive a certificate of qualification by the State Board of Education. 1895, Chap. 54.)

Provided further, That those who have been previously examined or may hereafter be examined under the regulations of the State Board of Education, and having attained 90 per cent. in general average, and not falling below 70 per cent. in any study, shall be exempt from said examination so long as they continue in the public school work.

(2) *In the election of County Superintendent of Education, women of the age of twenty-one years, and otherwise possessing the necessary qualifications, shall be eligible for said position.*

Examinations,
etc.

Amended by
Chap. 231, Acts
1899.

1899, Chap. 107.
Women eligi-
ble.