

**PUBLIC SCHOOL LAWS OF TENNESSEE :  
TOGETHER WITH LEADING DECISIONS OF  
THE SUPREME  
COURT, EXPLANATORY NOTES, AND  
AMENDMENTS MADE BY GENERAL  
ASSEMBLIES UP TO THE YEAR 1899**

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Public school laws of Tennessee : together with leading decisions of the Supreme Court, explanatory notes, and amendments made by General Assemblies up to the year 1899 by Various

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**VARIOUS**

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# 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 in this State a uniform system of public schools. 1873. Chap. 25. System.

NOTE.—*Public schools, county resources.* The public schools of a county may be classed among her "resources," within the meaning of a statute and the resolution of a County Court, for an exhibit of the county resources at a State exposition. 12 Pickle, 659, 666, 667.

SEC. 2. (1) The public school system shall be administered by the following authorities, to wit: A State Superintendent, County Superintendents, and District Directors. 1873. Chap. 25.

(2) The public schools already established in any of the counties of this State shall continue to be managed and conducted as now prescribed by law until the school officers 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. 1873. Chap. 25. Sec. 52. Schools established previous to 1873.

## STATE SUPERINTENDENT.

SEC. 3. The State Superintendent *shall be a person of literary and scientific attainments, and of skill and experience in the art of teaching, and who shall be nominated by the Governor and confirmed by the Senate.* 1873. Chap. 25. Qualifications of State Superintendent.

NOTE.—Amended as above, 1879, Chap. 129, Sec. 5.

SEC. 4. (1) He shall hold his office for two years, unless removed as hereinafter provided, and shall have an annual 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. 1873. Chap. 25. Term of office and compensation.

NOTE.—Amended, 1879, Chap. 44, to \$1,995. The appropriation of \$2,000 per annum was made from 1885 to 1895. From 1895 to 1899 it was \$1,995 per annum. In 1899 it was restored to \$2,000 per annum.

(3)

1891. Chap. 25.  
Member of  
State Board.

(2) The State Superintendent of Public Instruction of Tennessee shall be, *ex officio*, a member of the State Board of Education.

Ex officio.

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

(By Chap. 343, page 788, Acts 1899, the State Superintendent is made Secretary and Treasurer of the State Board of Education, and Treasurer of the Peabody Normal College fund).

1878. 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 Cap-  
itol.

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 exam-  
iners.

(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 [1897, Chap. —, Sec. 4, Senate Bill No. 58], 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 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

Annual report.

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 1.—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.

NOTE 2.—The words in above section following the words "*Provided, however,*" were never directly amended, but their effect was extended by the act of 1879, Chap. 6. (See note to Sec. 30.)

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 (Secs. 31 and 32).

NOTE.—The words "this act" apply to Sections 31 and 32, these two sections being part of the act of 1891, Chapter 132.

#### COUNTY SUPERINTENDENTS.

1873. Chap. 25,  
How elected.

Qualifications.

Removal.

Examinations,  
etc.

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



5. Under the provisions of the act, the State Board has no authority to exempt from examination applicants for certificates of qualification for the position of County Superintendent.

NOTE.—Examinations will be held according to the above rules until other regulations are made by the State Board of Education.

1889. Chap. 107.  
Women elig-  
ible.

(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.*

#### DUTIES OF COUNTY SUPERINTENDENTS.

1873. Chap. 25.

SEC. 9. That the duties of the County Superintendent shall be as follows:

Supervision.

(1) To have supervision of the public schools in the county.

To visit the schools.

(2) To visit the schools of the several districts from time to time, and confer with the teachers and District Directors as to the improvement of schools or the promotion of their interest in any way; to keep himself informed as to the merits of text-books, and to suggest to the District Directors such changes as may from time to time be advisable, with a view to securing uniformity in the course of study throughout the county, when it can be done without increased expense to the parent.

Text books.

Directors' reports.

(3) To see that the District Directors make their reports on all matters required of them; and when they fail to make full reports, or to make them in time, the County Superintendent may appoint some other person to perform these duties.

To examine and issue certificates.

(4) To perform such duties in relation to the examination of teachers, and issuing to them certificates of qualification, as may be required of him by the State Superintendent.

To report to Trustees.

(5) To report to the County Trustee, as soon as ascertained, the scholastic population of each school district on the last day of June.

To observe directions of State Superintendent. When to report.

(6) To observe such directions and regulations as the State Superintendent of Schools may from time to time prescribe; to make special reports to that officer whenever required; and, on or before the first day of August [1897, Chap. —, Sec. 3; Senate Bill No. 58], annually to make to him a report for the year ending the *thirtieth day of June*

*preceding*, in such form and containing all such particulars as shall be prescribed and called for, a copy of said report to be furnished to the County Court of his county at its quarterly session on the first Monday in January.

NOTE.—The words in italics in Subsection 6 were changed to conform to the amendment of 1881, Chapter 103, Section 1, by which the scholastic year was made to end June 30, instead of August 31.

(7) To keep a record of all his official acts in a book to be provided for that purpose, and to keep a record of the numbers and boundaries of the school districts of his county, and the changes that may be made therein from time to time.

To keep record of official acts.

(8) In all cases where the District Directors of the public schools issue warrants upon the County Trustee for school apparatus, maps, charts, globes, school furniture, and all other expenditures of the public school funds, except for teachers' salaries, the warrants drawn by said Directors shall be countersigned by the County Superintendent before the same shall be paid by the County Trustee, *and all warrants issued by said Directors for any claim shall be written and signed in ink.* (1897, Chap. —, Sec. 1; House Bill No. 126.)

Warrants to be countersigned by Superintendent.

NOTE.—The words above in italics were added by Act 1899.

(9) It shall be the duty of the County Superintendent to keep a well-bound book, in which he shall enter a memorandum of all warrants countersigned, as provided in the last subsection, showing the amount and date of each warrant, to whom issued, for what purpose, and from which district, and said County Superintendent shall include in his annual report to the County Court a full, clear, and succinct statement of all warrants so countersigned by him. (*Id.*, Sec. 2.)

Superintendent to keep record book.

SEC. 9a. (1) County Superintendents of Public Instruction are prohibited from teaching any public school, either as principal or assistant, during their official terms, nor take [for "nor take" should have been used "and from taking"] any contract for building or repairing public school property, nor become [for "nor become" should have been used "and from becoming"] the owner of school warrant other than allowed him for his services as County Superintendent; *Provided*, That this act shall only

County Superintendent not to teach, nor to contract as to school property, nor to buy school warrant in counties of over 30,000.

apply to counties of 30,000 inhabitants and over. (1895, Chap. 155, Sec. 1.)

Teaching.  
Misdemeanor  
in office, and  
fine.

(2) It shall be a misdemeanor in office for any County Superintendent to teach any public school, as principal or assistant, during his office [official] term. In addition to the punishment prescribed by statute for misdemeanors in office, such Superintendents shall be fined not less than twenty-five dollars nor more than fifty dollars for each offense committed, and all fines arising from such causes shall be paid into the public school fund of the county where such offense is committed. (*Id.*, Sec. 2.)

NOTE—For further duties of County Superintendent, see Secs. 44a, 44b, 44c, 44e, 44f, 44g.

#### DISTRICT SCHOOL DIRECTORS.

1889. Chap. 247.  
Election of  
directors.

SEC. 10. (1) *There shall be elected at the August election, in the year 1890, two School Directors, and at the regular August election every two years thereafter there shall be elected three School Directors for each school district.*

(2) *There shall be no election of School Directors in the years 1889, 1891, or other odd years, but the terms of Directors expiring under the present law in 1889 shall be extended until 1892, both until the election of their successors, as provided in SECTION 1 OF THIS ACT.*

NOTE 1.—The words in small capitals apply to Section 10, Subsection 1.

NOTE 2.—Section 10, as above given, is the act of 1889, Chap. 247. Sections 10 and 12 of Chap. 25, 1873, repealed so far as in conflict, are as follows:

“There shall be three Directors for each school district—one to be elected for one year, one for two years, and one for three years—and, after the expiration of their first term of office, their successors shall be elected for three years.

“The Directors shall be elected annually, on the first Thursday in August, by the qualified voters in the district.”

1873. Chap. 25.  
Eligibility.

SEC. 11. Any person shall be eligible to the office of Director *who is qualified, by being able to read intelligently and write legibly, to perform the duties required, and who is a resident of the district; if he shall cease to be a resident thereof, his office shall be deemed vacant.*

NOTE—The words in italics were added by amendment, 1891, Chap. 146, Sec 1.