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General Education Bill of 1909

Tennessee General Assembly

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ACTS

OF THE

STATE OF TENNESSEE

PASSED BY THE

FIFTY-SIXTH GENERAL ASSEMBLY

1909

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CHAPTER 264.

HOUSE BILL No. 242.

(By Mr. Stewart, of Cannon.)

AN ACT to provide for the improvement of the system of Public Education of the State of Tennessee—that is to say, to establish a General Education Fund by appropriating thereto annually twenty-five per cent of the gross revenue of the State; to provide for the apportionment of this fund and specifying what part shall be apportioned to the several counties of the State on the basis of scholastic population; what part shall be used to equalize more nearly the school facilities of the several counties, and the conditions on which this part shall be apportioned; what sum shall be used to assist in paying salaries of County Superintendents, and on what conditions; what part shall be used to encourage and assist in the establishment and maintenance of public county high schools, and on what conditions; and providing for the grading and inspection of high schools; what part shall be used for the establishment and maintenance of school libraries and on what conditions; what part shall be used for the establishment and maintenance of three Normal schools for white teachers, one in each Grand Division of the State, and one Agricultural and Industrial Normal School for negroes, and providing for the location, establishment, and control of said schools; and what part shall be apportioned to the University of Tennessee and its various stations; and to repeal Chapter 537 of the Acts of 1907.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee,* That for the purpose of improving, unifying, and extending the systems of Public Education of the State of Tennessee, for the purpose of giving more adequate support to public schools of all grades, and for the purpose of extending the benefits of the school system more equally to all the sections, counties, and districts of the State, a General Education Fund shall be, and the same is hereby, created, and for the year one thousand nine hundred and nine and annually thereafter twenty-five per cent of the gross revenue of the State shall be paid into this General Education Fund, to be apportioned as hereinafter provided; and the Comptroller of the Treasury shall pass, and he is hereby directed to pass, on the first day of January and the first day of July of each and every year, to the credit of said General Education Fund, the amount due thereto according to the provisions of

General
Education
Bill.

General
Education
Fund
created.

this Act, and to distribute the same as hereinafter provided.

Per capita apportionment.

SEC. 2. *Be it further enacted*, That sixty-one per cent of the General Education Fund provided by this Act shall be apportioned to the several counties of the State according to scholastic population, as the interest on the permanent school fund is apportioned and for the same purposes.

Special fund to equalize schools in certain counties.

SEC. 3. *Be it further enacted*, That ten per cent of the General Education Fund provided by this Act shall be, and the same is hereby, set aside as a special fund to be used and expended for the purpose of more nearly equalizing the common schools in the several counties of the State, the same to be apportioned among the several counties of the State by the State Board of Education in accordance with the provisions hereinafter set forth.

What counties may receive.

Provided, that before any county shall be eligible to receive any portion of this ten per cent of the General Education Fund provided by this Act, it shall levy for public schools, including the school taxes levied by the State, and excluding taxes for public high schools, a tax of not less than forty cents on each hundred dollars of taxable property, a tax of two dollars on each taxable poll, and all the privilege taxes which the laws of the State permit counties to levy for school purposes; and, *provided, further*, that this special fund of ten per cent of the General Education Fund provided by this Act shall be apportioned among the counties of the State that comply with the provisions of this section of this Act in proportion to their scholastic population and in inverse ratio of the taxable property of the several counties to scholastic population, and to be distributed as other school funds coming into the Trustee's hands are distributed; *provided, further*, that before any apportionment of this ten per cent is made, there shall, for the year 1911 and annually thereafter, first be deducted from it such an amount as may be necessary to pay a portion of the salaries of County Superintendents of Public Instruction, as provided in Section 4 of this Act.

SEC. 4. *Be it further enacted*, That for the year one thousand nine hundred and eleven and annually thereafter, before appropriating the ten per cent of the General Education Fund provided in Section 3

of this Act, the sum of thirty-three thousand six hundred dollars (\$33,600) of the ten per cent mentioned in Section 3 of this Act, or so much thereof as may be required by the provisions of this section, shall be set aside to assist the several counties of the State to pay more adequate salaries to the County Superintendents, and that there may be more competent supervision of the public schools. Each county in the State shall receive from this fund, to be paid on the salary of the County Superintendent, an amount equal to that which is paid by the county; *provided*, that no county shall receive from this fund for this purpose more than \$350 in any one year; *provided, further*, that any County Superintendent receiving the maximum amount (\$350) from this fund as herein provided shall devote all his time to the duties of the office for a period not less than nine months in the year, and he may be required to devote thereto all his time for the entire year.

Appropriation to supplement salaries of County Superintendents.

How obtained.

Provided, further, that not more than half the amount apportioned to any county under the provisions of this section of this Act shall be paid to said county until all reports required of the County Superintendent and other county school officers have been made accurately and satisfactorily, and until all other duties required of the County Superintendent by law have been faithfully performed.

Reports required of County Superintendents.

All funds apportioned to any county under the provisions of this section of this Act shall be paid by the Comptroller on the certificate of the State Superintendent of Public Instruction and as other school funds are paid.

State Superintendent to certify to Comptroller.

SEC. 5. *Be it further enacted*, That eight per cent of the General Education Fund provided by this Act shall be used as a high-school fund, to encourage and assist the counties of the State to establish and maintain public county high schools as hereinafter provided.

High-school fund.

It shall be the duty of the State Board of Education to grade all high schools now established and maintained or that in the future may be established and maintained under the provisions of the county high-school law; to prescribe their minimum courses of study, requiring the elements of agriculture and home economics to be taught in all schools; and to

State Board of Education to grade high schools.

classify them as high schools of the first, second, and third class.

To adopt regulations for disbursement of high-school fund.

Under such regulations as may be prescribed by the State Board of Education, all qualified public county high schools may receive assistance from the fund provided by this Act and this section of this Act in proportion to the amount of money received by the several schools from other sources and expended annually for the payment of teachers' salaries and incidentals, not including permanent improvements of grounds or buildings; *provided*, that no county may receive in any one year more than one-fiftieth part of the total fund provided by this section of this Act for that year, and that no one school shall receive from this fund more than one-third the amount received from other sources and expended in that year for its maintenance, not including any amount expended for permanent improvements.

All applications for assistance under the provisions of this section of this Act shall be made in such way as may be prescribed by the State Board of Education, and all payments shall be made on the certificate of the President and Secretary of said Board.

High-school teachers to be examined and licensed.

All teachers in the public county high schools receiving aid from this high-school fund under the provisions of this section of this Act shall be examined and licensed under regulations prescribed by the State Board of Education, and said Board is hereby empowered and instructed to make rules and regulations for the examination and licensing of such teachers. The State Board of Education shall have the power, and the same is hereby authorized, to employ an Inspector of High Schools at such annual salary as it may determine, his salary and traveling expenses, when engaged in the work of high-school inspection or the performance of other related duties assigned him by the State Board of Education, to be paid out of the high-school fund herein provided. Said High School Inspector shall have his office in the office of the State Superintendent of Public Instruction, and shall give his time to the inspection of high schools in the State and such other related duties as may be assigned him by the State Board of Education, and shall make reports of his

Inspector of High Schools.

work and of the conditions of the high schools of the State as required and directed by said Board.

Any portion of the high-school fund of any year provided by this Act and this section of this Act that cannot be apportioned to the public high schools of the State without exceeding the ratio to income of such schools as provided in this section of this Act shall revert to the school fund provided in Section 2 of this Act and be apportioned as therein provided.

Surplus to revert to per capita apportionment fund.

Sec. 6. *Be it further enacted*, That one per cent of the General Education Fund provided by this Act shall be used to encourage and assist in the establishment and maintenance of libraries in the public schools as herein provided.

Public school library fund

Whenever the patrons and friends of any public school in any county of the State shall raise by private subscription or otherwise and tender to the County Trustee, through the County Superintendent of Public Instruction, the sum of twenty dollars (\$20) or more for the establishment and maintenance of a library for that school, said County Superintendent shall notify the State Superintendent of Public Instruction, and, upon the certificate of the State Superintendent of Public Instruction, the Comptroller of the Treasury shall pay to the Trustee of said county, out of the fund herein provided, a sum equal to half that raised by private subscription or otherwise, to be added to the library fund of said school; and whenever ten dollars (\$10) or more shall be raised by private subscription or otherwise to supplement a library already established under the provisions of this section of this Act, said library may in like manner receive from the fund herein provided a sum equal to half the sum so raised.

Provided, that no school shall receive in any one year from this fund more than twenty dollars (\$20) for the establishment of a new library, or more than ten dollars (\$10) to assist in supplementing a library already established.

Provided, further, that in distributing the funds under the provisions of this section of this Act preference shall be given to applications coming from counties which have not previously received their proportionate part of this fund according to scholastic population.

And, provided, further, that preference shall be

given to applications for assistance to establish new libraries rather than applications to assist in supplementing libraries already established.

State Board to issue approved lists of books.

It shall be the duty of the State Board of Education to make and cause to be published through the office of the State Superintendent of Public Instruction rules and regulations for libraries established under the provisions of this section of this Act, issue approved lists of books from which purchases for said libraries may be made with money received from the State as herein provided, and arrange for the purchase of such books at the lowest possible prices. All libraries receiving assistance from this fund shall comply with all the regulations made by the State Board of Education, as herein provided. All money received from the State to assist in establishing or supplementing a library under the provisions of this section shall be used to purchase books on the approved lists aforesaid, and no books shall be purchased at a higher price than the price in said approved lists. All purchases of books shall be reported to the County Superintendent, and a list of the same shall be attached to the warrant issued in payment of the same; and no commission shall be allowed the County Trustee on library funds.

Circulating libraries.

One-fifth of the amount accruing annually for school libraries under the provisions of this Act may be used for the purchase and maintenance of circulating libraries for the public schools of the State under the joint direction of the State Library and the Department of Public Instruction.

State Normal Schools.

SEC. 7. *Be it further enacted*, That thirteen per cent of the General Education Fund provided by this Act may be used for the establishment and maintenance of Normal schools solely for the education and professional training of teachers for the elementary schools of the State, as herein provided. One Normal school for the education and professional training of white teachers shall be established and maintained in each Grand Division of the State, and shall be open and free alike to white males and females resident in the State of Tennessee; and one Agricultural and Industrial Normal School for the industrial education of negroes and for preparing negro teachers for the common schools shall be established and maintained, and shall be open and free alike to

negro males and females resident in the State of Tennessee; but no person shall be admitted to either of these schools who is under sixteen years of age and who has not finished at least the elementary school course prescribed for the public schools of the State; nor shall any person be admitted to either of the Normal schools for white teachers who does not first sign a pledge to teach in the public or private schools of the State of Tennessee, within the next six years after leaving the school, at least as long as he or she has attended said school.

Each school established and maintained under the provisions of this section of this Act shall have connected with it one or more practice and observation schools, in which shall be taught at least all the subjects prescribed for the primary schools of the State; and the County Boards of Education of any county, or the District Directors of any school district, or the Board of Education of any incorporated city or town having a special school system under the provisions of its charter may, and the same is hereby empowered to, contract with the State Board of Education to provide for the teaching of children of public-school age in such practice and observation schools, and to pay to the said Normal school all or any portion of the public-school fund belonging to such county, district, or incorporated city or town, as agreed upon by the school authorities of said county, school district, or incorporated city or town, and the State Board of Education, as in the case of consolidated schools under the provisions of the State school law.

The principals and instructors in the Normal schools for the education and training of white teachers may be required to assist in conducting Teachers' Institutes in any of the counties of the Grand Division of the State in which said school is located.

Provided, that no principal or instructor may be thus required to assist in institutes more than six weeks in any one year.

Provided, further, that no more than two members of the faculty of any Normal school may be required to be absent from the school for this purpose at the same time.

And, *provided, further*, that all such service shall be performed without additional pay, except that

necessary traveling expenses and hotel bills while engaged in this service shall be paid out of the funds of the Normal school.

State Normal School graduates licensed to teach.

A certificate of graduation from any one of the said Normal schools shall entitle the holder thereof to teach in any of the public schools of the State without further examination for a period of four years from the date of such certificate. Any such graduate who completes within the said period of four years such additional courses of reading and study as may be prescribed by the State Board of Education and shall pass the required examinations in the same and has proven his ability as a teacher by teaching acceptably not less than fifteen months within this period may, upon application, be granted a permanent license to teach in any of the public elementary schools of the State.

Course of study.

The course of study and the rules and regulations shall be the same for all the said Normal schools, with such minor modifications for any school as may be required by local conditions; *provided*, that such courses of study shall include instruction in ordinary English branches, in vocal music, drawing, domestic science, manual training; elements of chemistry, physics, and biology; the elementary principles of agriculture, horticulture, and home economics; and in the history, principles, and methods of education; and, *provided, further*, that the courses of study for the Agricultural and Industrial Normal School for negroes shall be of such practical nature as to fit the conditions and needs of their race.

Management.

The general management and control of all Normal schools established and maintained under the provisions of this section of this Act shall be vested in the State Board of Education; and the said State Board of Education shall have power to employ a bookkeeper, whose duty it shall be to keep the accounts of the Normal-school funds as directed by the Board, and the salary shall be fixed by the Board and paid out of the Normal-school fund herein provided before its apportionment to the several schools and on the warrant of the Comptroller.

Location.

All schools established under the provisions of this section of this Act shall be located by the State Board of Education; and in making such locations, said Board shall take into consideration accessibil-

ity, centralness of position, healthfulness of location, cheapness of living, opportunities for arranging for suitable practice and observation schools, and the value and usefulness of offers of donations of grounds, buildings, money, etc.

In addition to any accepted donations of land, money, or buildings, the income from the fund provided by this Act and this section of this Act for the years one thousand nine hundred and nine and one thousand nine hundred and ten or any portion of the same may be used for buildings and equipment.

One-seventh of all the funds derived in any year from the provisions of this Act and this section of this Act shall be apportioned to the Agricultural and Industrial Normal School established for the education and training of negroes, and the remaining six-sevenths shall be apportioned equally among the schools established and maintained for the education and training of white teachers in the three Grand Divisions of the State; but all moneys received by any one of the Normal schools established and maintained under the provisions of this Act from any other source than from the fund herein provided to be paid out of the gross revenue of the State shall, under the direction of the State Board of Education, be accounted for and paid into the treasury of the State, to be placed to the credit of said school.

School for negroes.

It shall be the duty of the Governor of the State to call a meeting of the State Board of Education within sixty days after the passage of this Act for the purpose of taking such steps as may be necessary to carry out the provisions of this section of this Act, looking to the location and establishment of these schools, and to the opening of the same at the earliest date practicable.

All disbursements of money under the provisions of this Section of this Act shall be made on the certificate of the President and Secretary of the State Board of Education, by the Comptroller of the Treasury, in the manner prescribed by law for the disbursement of money to charitable institutions.

Disbursement of funds.

SEC. 8. *Be it further enacted*, That for the year one thousand nine hundred and nine and annually thereafter seven per cent of the General Education Fund provided by this Act shall be, and the same is hereby, appropriated to the University of Tennessee, to

University of Tennessee—appropriation.

be used for the maintenance and improvement of the same, as the head of the public-school system of the State, as the General Assembly of the State may from time to time direct by resolution or enactment, or as the Board of Trustees of said University may elect.

Experiment Stations.

Provided, that ten per cent, but not less than ten thousand dollars (\$10,000) annually, of the amount herein apportioned to the University of Tennessee shall be used for the maintenance of the Agricultural and Horticultural Experiment Station and Model Farm, located in West Tennessee, and five per cent, but not less than five thousand dollars annually, for the maintenance of coöperative agricultural experiments in Middle Tennessee.

Traveling expenses of students.

Provided, further, that an amount not exceeding five per cent of the sum apportioned annually to the University may be used to pay the traveling expenses of young men and women of Tennessee attending the University, under such rules and regulations as the Board of Trustees of said University may adopt, but the traveling expenses of no student shall be paid who does not remain through the entire school year, nor shall the expenses of any student be paid more than once each way in any year.

Scholarships.

Provided, further, that tuition in the academic, engineering, agricultural, and educational departments of the University shall be free to all qualified white students who are citizens of the State of Tennessee, or whose parents or guardians are citizens of the State of Tennessee; but nothing in this section of this Act shall be construed in such way as to affect or modify the existing laws in regard to State scholarship students of African descent in the Industrial Department of said University.

Reports to be made to State Superintendent.

Sec. 9. *Be it further enacted*, That all schools receiving assistance under the provisions of this Act shall be recognized as essential parts of the system of Public Education of the State of Tennessee, and annually, on or before the first day of August, the proper authorities of each shall submit to the State Superintendent of Public Instruction a report in regard to the work, development, and progress of the school during the year ending with the thirtieth day of June next preceding, and a clear and itemized

statement of all receipts and expenditures for the same period.

SEC. 10. *Be it further enacted*, That Chapter 537 of the Acts of 1907 and all laws and all parts of laws in conflict with this Act shall be, and the same are hereby, repealed.

SEC. 11. *Be it further enacted*, That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed April 20, 1909.

M. HILLSMAN TAYLOR,
Speaker of the House of Representatives.

WILLIAM KINNEY,
Speaker of the Senate.

Approved April 27, 1909.

MALCOLM R. PATTERSON,
Governor.

CHAPTER 265.

HOUSE BILL No. 152.

(By Mr. Draper.)

AN ACT to require insurance companies incorporated under the laws of this State to appoint the Insurance Commissioner and his deputy and their successors in office attorneys for the purpose of service of process.

SECTION 1. *Be it enacted by the General Assembly of the State of Tennessee*, That every insurance company incorporated under the laws of this State shall, by a duly executed instrument, constitute and appoint the Insurance Commissioner and his deputy and their successors in office its true and lawful attorneys, upon whom all lawful processes in any action or legal proceeding against it may be served and who may acknowledge any such lawful processes, and every such insurance company shall agree that any lawful process against it which may be served upon its said attorneys or upon which they