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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 1992 Chapter 184

SECTION 1. Chapter 268 of the Private Acts of 1933, as amended by Chapter 282 of the Private Acts of 1955, Chapter 277 of the Private Acts of 1957, Chapter 70 of the Private Acts of 1961, Chapter 337 of the Private Acts of 1970, Chapter 263 of the Private Acts of 1974, Chapter 23 of the Private Acts of 1989, Chapter 57 of the Private Acts of 1989, and all other acts amendatory thereto, are hereby repealed.

SECTION 2. Lewis County shall be divided into school districts which shall be coextensive with the county commissioner districts established by the county legislative body of Lewis County from time to time. The Lewis County Board of Education shall consist of the same number of members as the number of county commissioner districts in Lewis County, with one member of said Board of Education being elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of approximately one-half (2) the members of the Board shall expire, with the odd-numbered districts expiring at the same time, and the even-numbered districts expiring at the same time. Persons elected in the regular August elections shall take office on September 1 following the election.

SECTION 3. No incumbent member of the Lewis County Board of Education shall be removed from office as a result of changes in the school districts occurring as a result of changes in the county commissioner districts in Lewis County. If changes in school districts result in a Board member no longer residing in the district he or she represents, such member shall continue to hold office until the expiration of his or her term. If changes in the boundaries of school districts result in more than one Board member residing in a single district, all of such members shall continue to hold office until their respective terms expire, and no representative shall be elected in such district until the last such member's term expires, at which time that district shall elect a resident to the Board to an initial term which will expire at the same time as other Board members from odd-numbered districts or even-numbered districts, as the case may be, and to four (4) year terms thereafter. If changes in the school districts result in one or more school districts which are without a Board member residing therein, at the next regular August election a new school board member shall be elected from each such district to an initial term which will expire at the same time as other Board members from odd-numbered districts or even-numbered districts, as the case may be, and to four (4) year terms thereafter. It is to be understood that changes in school districts may result in the number of members on the Board temporarily exceeding the number of school districts until the expiration of the terms of the members in office on the date of such changes.

SECTION 4. The present Board members shall continue to serve until the expiration of their respective terms or until their successors are duly elected and qualified. At the August 1992 election, Board members from the even-numbered districts shall be elected to four (4) year terms, and a new Board member shall be elected to an initial two (2) year term from the new School District 9 which resulted from changes in county commissioner districts following the 1990 census. After the initial two (2) year term, School District 9 shall elect its member of the Board to four (4) year terms. At the August 1994 election, Board members from the odd-numbered districts shall be elected to four (4) year terms.

SECTION 5. The Lewis County Board of Education shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Title 49, Tennessee Code Annotated, except as otherwise provided herein.

SECTION 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to that end the provisions of this Act are declared to be severable.

SECTION 7. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of County Commissioners of Lewis County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners of Lewis County and certified by him (sic) Secretary of State.

SECTION 8. For the purpose of approving or rejecting the provisions of this Act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 7.

Passed: March 19, 1992.

Superintendent of Public Instruction

Private Acts of 1985 Chapter 36

SECTION 1. The county superintendent of public instruction of Lewis County shall be elected by the qualified voters of Lewis County.

SECTION 2. Each candidate for the office of county superintendent of public instruction shall be a resident of Lewis County.

SECTION 3. In the August, 1988, General Election, the qualified voters of Lewis County, shall elect the county superintendent of public instruction. Thereafter, the election of the county superintendent of public instruction shall be held in the August, 1992, general election and during the August general election every four (4) years thereafter. The first term of office under this act shall begin January 1, 1989, and end August 31, 1992. After August 31, 1992, the term of office shall be four (4) years, and until a successor is elected and qualified, with each term of office beginning on September 1st, of the year of election for a period of four (4) years, ending on August 31st.

SECTION 4. The qualifications, compensation, powers, duties and liabilities of the county superintendent of public instruction of Lewis County shall be as prescribed by general law.

SECTION 5. If any provision of this Act or application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect other provisions or applications of this Act, which can be given effect without the invalid provision or application, and to that end, the provisions of this Act are declared to be severable.

SECTION 6. This Act shall have no effect unless it is approved by a majority of the number of qualified voters of Lewis County voting in an election on the question of whether or not the Act should be approved. The ballots used in the general election to be held in August, 1986, shall have printed on them the substance of this Act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commission and certified by it to the Secretary of State as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections.

All laws applicable to general elections shall apply to the determination of the approval or rejection of this Act.

SECTION 7. For the purpose of approving or rejecting the provisions of this Act, as provided in Section 6, it shall be effective upon becoming a law, the public welfare requiring it, but for all other purposes, the provisions of the Act shall be effective only upon being approved as provided in Section 6.

Passed: April 4, 1985.

Education/Schools - Historical Notes

Board of Education

The following acts once affected the board of education in Lewis County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Acts of 1907, Chapter 236, abolished the office of District Directors and created a Board of Education and a District Advisory Board in every county of the State. The Quarterly Court would divide the county into five school districts composed of whose Civil Districts from each of which the Court would select one member of the School Board to serve until the successor could be elected by the people at the next general election. If there were fewer than five Districts, the other members would run at large. Any resident of the county with a primary school education was declared eligible to serve. The Board would choose a Chairman whose duties were specified in the Act as well as the Secretary and the other Board members. The County Superintendent would be the ex-officio Secretary to the Board. The three member Advisory Board would be elected by the popular vote of the people resident in that District. Their duties were also spelled out in Section 14 of this Act among which was the responsibility of compiling a scholastic census for that District. This Act applied only to county school systems and Lewis County was among the nine counties exempting themselves from the provisions and terms of this Act.
2. Private Acts of 1911, Chapter 564, amended Acts of 1907, Chapter 236, Section 17, Item One, above, by striking the census figures quoted therein which exempted Lewis County from the terms of that Act, thus bringing the county within the requirements stated in Item One, above. Putnam County, Warren County, Lauderdale County and Giles County likewise repealed the

exempting figures to bring these counties within the purview of the 1907 Act above.

3. Private Acts of 1929, Chapter 674, stated that in Lewis County (identified by the use of the 1920 Federal Census), there would be elected by the qualified voters of the county in the regular August election a five member public School Board who would serve two year terms. The Board was required to perform the same duties, to be paid the same compensation, and to be subject to the same penalties which were all established under the general law. The Quarterly County Court was directed to divide the county into five districts from each of which one member of the Board of Education would be elected. This Act, and all others in conflict with it were expressly repealed by Private Acts of 1933, Chapter 268, published herein.
4. Private Acts of 1933, Chapter 268, set up a five member Board of Education in Lewis County.
5. Private Acts of 1955, Chapter 282, amended Private Acts of 1933, Chapter 268, Section 3, by striking out the provisions which prohibited the residing of two members of the Board of Education of Lewis County in the same Civil District. The member moving into the District and creating the above situation would forfeit the office.
6. Private Acts of 1957, Chapter 277, amended Private Acts of 1933, Chapter 268, Section 5, by adding the last provision in the Section which limited the employment of certain people by the Board of Education to those recommended by the Superintendent of Schools. This Act was repealed by Private Acts of 1989, Chapter 57.
7. Private Acts of 1961, Chapter 70, amended Private Acts of 1933, Chapter 268, Section 7, by raising the maximum amount which the Quarterly Court could pay to the members of the Board of Education each year from \$25 to \$50 and the maximum amount each year for the Chairman was increased from \$50 to \$100. This Act was properly ratified by the Quarterly County Court in accordance with the demands of the Home Rule Amendment to the State Constitution.
8. Private Acts of 1970, Chapter 337, amended Private Acts of 1933, Chapter 268, Section 2, by adding a provision for a six member Board of Education and a term of six years instead of five. This Act was properly ratified by the Quarterly Court of Lewis County, but was expressly repealed by Private Acts of 1977, Chapter 138.
9. Private Acts of 1974, Chapter 263, amended Private Acts of 1933, Chapter 268, Section 7, by deleting the last portion of the last sentence thereof after the word "exceed" and inserting the provisions shown there establishing a per diem rate of pay for the members and Chairman of the County Board of Education in Lewis County.
10. Private Acts of 1977, Chapter 138, rewrote Private Acts of 1933, Chapter 268, Section 2, to the effect of reducing the membership of the Board of Education from six members to five. This Act also repealed Private Acts of 1970, Chapter 337, Item 8, above. This Act was repealed by implication by Private Acts of 1989, Chapter 23.
11. Private Acts of 1992, Chapter 184, (reproduced herein), divided the county into school districts coextensive with the county commissioner districts and provided for the election of terms of members of the Lewis County Board of Education, and provided for a transition period for the existing board of education. This act repealed the Private Acts of 1933, Chapter 268, as amended by Private Acts of 1955, Chapter 282, Private Acts of 1957, Chapter 277, Private Acts of 1961, Chapter 70, Private Acts of 1970, Chapter 337, Private Acts of 1974, Chapter 263, Private Acts of 1977, Chapter 138, Private Acts of 1989, Chapter 23, Private Acts of 1989, Chapter 57, and all other acts amendatory thereto.

Superintendent or Director of Schools

The act referenced below once affected the office of superintendent of education in Lewis County, but is no longer operative.

1. Private Acts of 1905, Chapter 394, provided that the County Superintendent of Public Instruction in Lewis County (identified by the use of the 1900 Federal Census figures) would be paid the sum of \$225 annually, payable quarterly, out of the regular county treasury

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Lewis 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 1845-46, Chapter 148, incorporated James H. Cameron, William R. Chalk, Hugh B. Venable, James Patton, Robert M. Cooper, Redding Reaves, Alfred P. Buchner, William Biffle, and

- John Akin, as the Trustees of Lewis Academy which would have the same rights and privileges as other county academies in the State. The Quarterly Court was given the authority to fill vacancies in the Board of Trustees. The Academy would be located in the town of Gordon and the Superintendent of Public Instruction was required to pay to the Academy its due portion of the public school funds. The sum of \$240, if that amount was in the treasury, and unappropriated, was directed to be paid to the Academy immediately.
2. Acts of 1847-48, Chapter 135, Section 6, in effect repealed that portion of Acts of 1845-46, Chapter 148, Item One, above, which required the county academy to be located in Gordon. It was made the duty of the Trustees of the Academy to select and purchase a site and to erect the academy at the county seat as the same may be settled by the Commissioners appointed under this Act for that purpose.
 3. Acts of 1849-50, Chapter 88, was the enabling legislation to form a corporation of the Board of Trustees for Hampshire Academy in Lewis County, under the same rules and regulations as other academies were formed including the power to promulgate rules for the internal management and student discipline in the school. This Act named Nathan B. Akin, William Biffle, William Polston, C. Y. Hudson, A. B. Buckner, and H. C. Kirk, as the Board of Trustees for the School.
 4. Acts of 1849-50, Chapter 88, Section 4, incorporated James Grines, James Davis, George A. Kennedy, William Wist, Stephen Warly, and Joel Leftwich, as the Trustees of Greenwood Female Academy in Lewis County, under the same terms and conditions applied to the Trustees of Hampshire Academy, above. Both of these academies would be branches of the County Academy of Lewis County.
 5. Acts of 1851-52, Chapter 325, repealed expressly Section 6, Acts of 1849-50, Chapter 88, Items 3 and 4, above, which made Hampshire Academy and Greenwood Academy in Lewis County a branch of the County Academy of that County.
 6. Acts of 1881, Chapter 168, Section 5, authorized the Quarterly County Court of Lewis County to sell the County Academy and the lot on which it stood in Newburg, the proceeds of the sale to be placed in the school fund of the county. These same powers were also granted to the Trustees of the York Academy in Spencer, of Van Buren County.
 7. Public Acts of 1925, Chapter 115, has been codified as Title 49, Tennessee Code Annotated, Section 33 of which, provided for the disposition and/or operation of the school districts found in many Tennessee counties.

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