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## Chapter VI - Education/Schools

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Sincerely,

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Table of Contents

<b>Chapter VI - Education/Schools .....</b>	<b>. 3</b>
<b>Board of Education .....</b>	<b>. 3</b>
<b>Private Acts of 1992 Chapter 192 .....</b>	<b>. 3</b>
<b>Superintendent or Director of Schools .....</b>	<b>. 3</b>
<b>Private Acts of 1953 Chapter 113 .....</b>	<b>. 4</b>
<b>Education/Schools - Historical Notes .....</b>	<b>. 4</b>

# Chapter VI - Education/Schools

## Board of Education

### Private Acts of 1992 Chapter 192

**SECTION 1.** Chapter 724 of the Private Acts of 1931, as amended by Chapter 640 of the Private Acts of 1947, Chapter 453 of the Private Acts of 1949, and all other acts amendatory thereto, are hereby repealed.

**SECTION 2.** Henderson County shall be divided into school districts which shall be coextensive with the county commissioner districts established by the county legislative body of Henderson County from time to time. The Henderson County Board of Education shall consist of the same number of members as the number of county commissioner districts in Henderson County, with one (1) member of such 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 (1/2) 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 and shall serve until their successors are duly elected and qualified.

**SECTION 3.** No incumbent member of the Henderson 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 Henderson County. In the event that 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 (1) 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 (1) 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. 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.** At the August 1992 election, seven (7) members of the Board shall be elected, one (1) from each school district, with members from the odd-numbered districts being elected to four (4) year terms and members from the even-numbered districts being elected to two (2) year terms. Thereafter, all Board members shall be elected to four (4) year terms.

**SECTION 5.** The Henderson County Board of Education shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Tennessee Code Annotated, Title 49, 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 Henderson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners of Henderson County and certified by him to the 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 25, 1992.

## Superintendent or Director of Schools

# Private Acts of 1953 Chapter 113

**COMPILER'S NOTE:** The Education Improvement Act of 1991, Public Acts of 1992, Chapter 535, mandates a phasing out of the office of Superintendent, and the appointment of a Director of Schools.

**SECTION 1.** That in counties of this State with the population of not less than 17,100, nor more than 17,200, by the Federal Census of 1950, or any subsequent Federal Census, the county superintendents of education hereafter shall be elected by popular vote for a term of four years from September 1 next following his election. At the August election 1954, there shall be elected by the qualified voters of counties to which this Act applies some competent person as county superintendent, who shall take office on September 1 next following his said election and shall hold office for a period of four years and until his successor shall be elected and qualified. He shall possess the same qualifications as is now required by law for county superintendents, perform the same duties and be under the same obligations.

**SECTION 2.** That this Act shall take effect from and after its passage, the public welfare requiring it.

Passed: March 6, 1953.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Henderson 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 Director and established a Board of Education and an Advisory Board for every county in the State. The Quarterly County Court was directed to divide the county into five school districts, composed of whole civil districts. The voters in each district would elect one member of the Board of Education. The local Advisory Board of three members would be elected every two years by the voters in the school district.
2. Private Acts of 1915, Chapter 341, amended Acts of 1907, Chapter 236, to exempt Henderson County from the provisions of the act.
3. Private Acts of 1917, Chapter 134, repealed Private Acts of 1915, Chapter 341, making Henderson County once again subject to the provisions of the 1907 general law from which it had been exempted.
4. Private Acts of 1917, Chapter 585, amended Public Acts of 1899, Chapter 279 (the general law of the State allowing counties to establish high schools, to levy taxes to support them, and to establish County boards of Education to manage them), by adding a section which applied only to Henderson County, setting up a five member County High School board to control and manage the high schools in the county with four members elected by the Quarterly County Court for staggered terms initially and for four years thereafter, and making the Superintendent of Schools the ex-officio fifth member and Secretary of the High School board.
5. Private Acts of 1931, Chapter 724, established school districts coextensive with civil districts, with one school board member being popularly elected from each school district to serve four-year terms. This act appears to have been repealed by implication by Private Acts of 1935, Chapter 339, but probably was revived in 1980 when the 1935 act was repealed in 1980. Private Acts of 1931, Chapter 724, was repealed by Private Acts of 1992, Chapter 192.
6. Private Acts of 1935, Chapter 339, established five school Zones in Henderson County. Each Zone would elect one member of the County Board of School Commissioners, which had all the powers granted by general law to a County Board of Education except those enumerated in the act. This act, as amended by Private Acts of 1967-68, Chapter 277, was repealed by Private Acts of 1980, Chapter 194 (an act to repeal certain obsolete laws relative to Henderson County). Accordingly, Private Acts of 1931, Chapter 724, probably was revived. The 1947 and 1949 acts which amended the 1931 act while it was superseded by the 1935 act probably were revived as well.
7. Private Acts of 1947, Chapter 640, amended Private Acts of 1931, Chapter 724, to provide that the "corporation of the County Towns of said Counties to which this Act applies, by popular vote of said corporation," could elect one member of the County Board of Education who would possess all the powers and responsibilities as other members of the board, who would serve without compensation for four-year terms. Robert C. Darnell was named to fill this position until his successor could be elected in the 1948 regular election. The County Superintendent was authorized to cast the deciding vote in case of a tie on matters before the board. This act was

repealed by Private Acts of 1992, Chapter 192.

8. Private Acts of 1949, Chapter 453, amended Private Acts of 1947, Chapter 640, by deleting the confusing language referring to "corporation of County Towns" and added provisions that the qualified voters in each incorporated town in Henderson County could elect a member of the County Board of Education and such board member would receive compensation. If a town were located partly in and out of the county, only those citizens living in Henderson County could vote for the member. Eleo Kennedy was named to fill the post for the incorporated town of Scotts Hill, to serve until his successor could be elected in the regular 1950 election. This amendment left the act with conflicting provisions as to whether the members elected from incorporated towns would receive compensation. This act was repealed by Private Acts of 1992, Chapter 192.
9. Private Acts of 1951, Chapter 727, amended Private Acts of 1949, Chapter 453, to provide that a county school board member elected by an incorporated town would have the right to designate the teachers to be selected by the board to teach in the schools located in that town. This act was repealed by Private Acts of 1953, Chapter 504.
10. Private Acts of 1967-68, Chapter 277, amended Private Acts of 1935, Chapter 339, to increase the compensation of members of the County Board of Education from \$4 to \$10 for each meeting of the board. Both of these acts were repealed by Private Acts of 1980, Chapter 194.

### **Superintendent or Director of Schools**

The acts referenced below once affected the office of superintendent of education in Henderson County, but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1917, Chapter 585, established a five-member High School Board for Henderson County and made the Superintendent of Schools the ex-officio fifth member of the board, the other four being elected by the Quarterly County Court.
2. Private Acts of 1935, Chapter 645, abolished the office of County Superintendent of Public Education in Henderson County. The governing body of the elementary and high schools of Henderson County was directed to employ an Executive Secretary who was certified by the State Department of Education as a Superintendent. The Executive Secretary was required to execute a \$10,000 bond. The Executive Secretary would be employed for two years, and would be paid compensation not to exceed \$2,200 per year. Henderson County was to receive any State salary supplements given for County Superintendents, which were to be applied to the salary of the Executive Secretary.
3. Private Acts of 1935 (Ex. Sess.), Chapter 155, was a duplicate of Private Acts of 1935, Chapter 645, except that the maximum salary of the Executive Secretary was \$2,000 per year and the bond required was \$5,000. The later act contained a general repealer clause and probably repealed the earlier act by implication. The later act was repealed by Private Acts of 1939, Chapter 468.
4. Private Acts of 1937, Chapter 680, amended Private Acts of 1935 (Ex. Sess.), Chapter 155, to increase the term of the Executive Secretary from two years to four years.
5. Private Acts of 1939, Chapter 468, repealed Private Acts of 1935 (Ex. Sess.), Chapter 155, as amended.
6. Private Acts of 1939, Chapter 469, set the salary of the County Superintendent of Public Instruction for Henderson County at \$2,400 per year in full compensation for all of his duties, including his duties as Superintendent, as Secretary to the Board of Education, and as compulsory attendance officer. The State supplement for Superintendents would be included in the \$2,400 salary. The Superintendent was required to pay any clerical assistants out of his own salary, but he was not required to pay for necessary office supplies. The Superintendent would be elected by the Quarterly County Court for a two-year term, and was required to execute a \$10,000 bond. Ira C. Powers, the incumbent Executive Secretary, was named to the position until his successor was elected. This Act was repealed by Private Acts of 1947, Chapter 634.
7. Private Acts of 1943, Chapter 472, amended Private Acts of 1939, Chapter 469, to raise the annual salary of the County Superintendent in Henderson County from \$2,400 to \$2,650.
8. Private Acts of 1945, Chapter 281, amended Private Acts of 1939, Chapter 469, by striking the provision which allowed no additional funds for clerical assistance, and authorized the Superintendent to employ a secretary or clerk at a salary not to exceed \$900 per year, payable monthly out of the School Fund of the county.
9. Private Acts of 1947, Chapter 634, repealed Private Acts of 1939, Chapter 469, as amended.

10. Private Acts of 1947, Chapter 635, provided for the election of the Superintendent of Public Instruction for Henderson County. The Quarterly County Court would elect the Superintendent for a four-year term on the first Monday in April and every four years thereafter. The Superintendent was required to execute a \$10,000 bond. This act was repealed by Private Acts of 1980, Chapter 194.
11. Private Acts of 1947, Chapter 640, amended Private Acts of 1931, Chapter 724 (summarized under the topic "Board of Education" herein), to authorize the Superintendent to cast the deciding vote in case of a tie on school board questions. This act was repealed by Private Acts of 1992, Chapter 192 (reproduced under the topic "Board of Education" herein).

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Henderson 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. Private Acts of 1825, Chapter 111, established a county academy for Henderson County to be called Lexington Academy, located in the town of Lexington. The act named John T. Harman, John W. Philpot, John Purdy, Richard Mc'Cree and James A. Haslet as Trustees of the Academy.
2. Private Acts of 1831, Chapter 149, authorized commissioners Charles Austin, Jonothan Duck and Matthew Jones to enter as an occupant claim 25 acres of land in Henderson County to include a school house built by them and others.
3. Acts of 1905, Chapter 185, created a School District from parts of the 1st and 5th Civil Districts of Henderson County. The act did nothing more than establish the boundaries of the new district.
4. Acts of 1907, Chapter 77, created a special school district in the 1st and 2nd Civil Districts of Henderson County. The County Election Commission was directed to hold an election to choose the directors of the new school district, to whom the new district's pro rata share of school funds would be turned over.
5. Acts of 1907, Chapter 132, was a duplicate of Acts of 1907, Chapter 77, which was passed the day before Chapter 77, except that the boundary description referred to "the Jehu League old home place" rather than "the John Teague old home place".
6. Acts of 1907, Chapter 167, created a special school district in parts of the 1st, 2nd and 5th Civil Districts of Henderson County. The County Superintendent was directed to ascertain the scholastic population of the district and to transfer its pro rata share of school funds to it, and to appoint directors for the new district until their successors were elected at the next regular election.
7. Private Acts of 1911, Chapter 183, directed the County Court of Henderson County to levy a tax of 10¢ per \$100 property valuation each year, which funds would be used exclusively for high school purposes, and authorized the County Court to increase the tax to 15¢ if necessary.
8. Private Acts of 1911, Chapter 569, created Popular Springs School District in Henderson County. The act did nothing more than establish the boundaries of the new district.
9. Private Acts of 1920 (Ex. Sess.), Chapter 95, created Bargerton Special School District of Henderson County, Tennessee, in the 1st Civil District including the Center Ridge School House. In addition to the usual boundary description, the act listed each farm included within the district. A five-member board of directors was established, with the first board consisting of O. A. Douglas, J. J. Lawrence, Sam Peterson, F. S. Sellers and L. E. Webb. The directors were given staggered terms, with a new director to be selected every 2 years. The board had the authority to levy such taxes on real and personal property, plus a \$1 poll tax on all males between the ages of 21 and 50 within the district, as necessary to keep the schools in operation. All children residing in the district between the ages of 6 and 21 were allowed to attend the schools free of charge, but separate schools were required to be maintained for white and colored children. The board was authorized to issue bonds up to \$5,000 at 6% interest or less, to mature within 20 years. If bonds were issued, the directors were authorized to levy a tax to pay the interest and to create a sinking fund. This Act was repealed by Private Acts of 1937, Chapter 679.
10. Private Acts of 1921, Chapter 214, created Presley School District out of parts of Henderson and Decatur Counties. Each county would pay costs in proportion to the number of pupils attending school from that county. School was to be taught in the Presley Schoolhouse. The act named J. W. Mitchell, R. L. Presley and W. R. Maness as the first directors. The clerk of the district was to furnish the scholastic count to the Trustee in each county, who then would pay over the district's pro rata share of school funds. No director was to be paid except the clerk for providing the

scholastic census, at 2¢ per head.

11. Private Acts of 1921, Chapter 248, created Wildersville Special School District in part of the 1st Civil District of Henderson County including the town of Wildersville. The act named W. R. Bolen, R. E. Kizer, M. C. Rosser, J. J. Tilson and C. E. Bolen to serve as directors for staggered terms. The powers and duties of the board were enumerated. The district was to receive its pro rata share of county school funds. A tax of 15¢ to 40¢ per \$100 of taxable property was assessed, with the rate to be set by the directors annually. Resident children were entitled to all the benefits of the district's facilities, with others to pay tuition.
12. Private Acts of 1921, Chapter 437, created the Mt. Gilead Special School District out of part of the 1st Civil District of Henderson County. The act established a five-member board of directors, naming S. L. Pierce, H. R. Williams, D. J. Bush, Dave Stewart and J. G. Cook as the first board of directors, to serve staggered terms. The school tax rate for the district was set at 20¢ per \$100 but could be lowered to 15¢ or raised to 30¢ if necessary. Resident children were entitled to all the benefits of the district's facilities, with others to pay tuition.
13. Private Acts of 1921, Chapter 468, created Cross Roads Special School District out of part of the 1st Civil District in Henderson County. The five members of the board of directors would serve staggered terms. The first board consisted of H. L. Laws, S. W. Murphy, W. H. Flake, J. R. Derryberry and E. F. Derryberry. A school tax of 20¢ per \$100 and a \$1 poll tax were authorized, but the tax could be lowered to 15¢ or increased to 30¢ as necessary. Resident children were entitled to all the benefits of the district's facilities, with others to pay tuition.
14. Private Acts of 1921, Chapter 713, created Chesterfield School District in Henderson County. E. M. Evans, Herby Dennison and J. A. Bright were named as the first directors of the district. The district was given all the rights, power and authority as other school districts, specifically including the power to levy a school tax.
15. Private Acts of 1921, Chapter 770, created Sardis Special School District in Henderson County, Tennessee, including the town of Sardis. The act named W. M. Holland, W. F. Little, Otis Moffitt, J. M. Stanfill and J. T. Keaton as initial directors, serving staggered terms. Vacancies on the board were to be filled by the board. The board was empowered to levy a tax sufficient to operate the schools for nine months, plus \$1 poll tax on all males between 21 and 50 years of age. In *Williamson v. McClain*, 249 S.W.2d 814 (Tenn. 1923), the Tennessee Supreme Court refers to *Newman v. Holland* as a then recent case in which Private Acts of 1921, Chapter 770, was declared unconstitutional as an impermissible delegation of legislative taxing power, and because the school board members were authorized to elect their own successors in violation of the constitutional requirement that all county offices must be filled by popular election or by the County Court. However, our research indicates that the *Newman* decision was never published and we have been unable to find a record of the unpublished opinion.
16. Private Acts of 1921, Chapter 822, created the Darden Special School District out of the 6th Civil District of Henderson County. The act established a five-member board of directors, composed of J. C. Neely, L. B. Moore, Asa Davis, W. O. Hill and W. F. Boren. Vacancies on the board were to be filled by the board. The board was directed to elect officers to serve four year terms, their successors to be elected by the qualified voters within the district. The board was authorized to levy a tax of 2½ mills on each \$1 of taxable property (or a proportional part thereof), plus \$1 poll tax on all males between 21 and 50 years of age. Resident children were entitled to all the benefits of the district's facilities, with others to pay tuition.
17. Private Acts of 1923, Chapter 18, amended Private Acts of 1920 (Ex. Sess.), Chapter 95, to state that the Bargerton Special School District included portions of the 1st and 2nd Civil Districts, and to change the interval for selecting new directors from every two years to each year. The tax rate was set at 25¢ per \$100 of taxable property, plus a \$1 poll tax. The act removed the general authority to impose a tax for bonds, and levied a tax of 25¢ per \$100 to pay the interest on the bonds and to create a sinking fund.
18. Private Acts of 1923, Chapter 206, amended Private Acts of 1921, Chapter 713, which created Chesterfield School District, to change the boundary and to authorize a 25¢ tax on every \$100 of taxable property in the district.
19. Private Acts of 1923, Chapter 292, amended Private Acts of 1920 (Ex. Sess.), Chapter 95, which created Bargerton Special School District, to restate the provisions dealing with the board of directors such that the members would be elected by the voters within the district, and a special election would be called to fill any vacancies on the board.
20. Private Acts of 1923, Chapter 332, amended Private Acts of 1921, Chapter 248, which created Wildersville Special School District, to fix the tax rate at 15¢ per \$100 of taxable property within

the district.

21. Private Acts of 1923, Chapter 566, amended Private Acts of 1921, Chapter 468, which created Cross Roads Special School District, to set the tax rate at 15¢ per \$100 of taxable property within the district.
22. Public Acts of 1925, Chapter 115, T.C.A. § 49-2-501, abolished all special school districts which were not taxing districts, authorized each taxing district to hold a referendum on the question of its abolition, and allowed any school district to join the county school system when all its outstanding debts were paid.
23. Private Acts of 1937, Chapter 679, repealed Private Acts of 1920 (Ex. Sess.), Chapter 95, thereby abolishing the Bargerton School District.
24. Private Acts of 1939, Chapter 451, provided that teachers in Henderson County public schools would be employed on continuing contract. "Teacher" included principals, assistant principals, supervising principals, superintendents of city systems who were also principals or teachers, supervisors and visiting teachers. Teachers would serve a 3 year probationary period on annual contract, would acquire indefinite tenure if reemployed for the fourth year. Tenure teachers could not be demoted or dismissed except for cause. Teachers could be dismissed without cause if the position was eliminated and there existed no vacancy for which the teacher was qualified. A teacher charged with incompetency was entitled to a written warning, and if no improvement was made, a notice of dismissal could be issued giving 30 days' notice. The teacher was entitled to formal notice and a hearing prior to dismissal. When a position was eliminated, the teacher in that position with the least years in service would be dismissed. This act was declared unconstitutional as suspending the general law for the benefit of particular individuals in *Gillian v. Adams*, 171 S.W.2d 813 (Tenn. 1943). This act was repealed by Private Acts of 1941, Chapter 70.

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