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Chapter VI - Education and Schools

Dear Reader:

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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 and Schools

Board of Education

Private Acts of 2002 Chapter 79

SECTION 1. Chapter 211 of the Private Acts of 1982, and all other acts amendatory thereto, is hereby repealed.

SECTION 2. Lauderdale County shall be divided into eight (8) school districts of substantially equal population, which shall be identical to the county legislative body districts established by resolution of the county legislative body from time to time.

SECTION 3. The Lauderdale County Board of Education (the Board) shall consist of eight (8) members, with one (1) member of the Board being elected by the qualified voters in each school district, on a nonpartisan basis. Board members shall be elected to staggered four-year terms so that every two (2) years the terms of one-half ($\frac{1}{2}$) of 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 general elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

SECTION 4. During the transition from nine (9) districts, as provided under prior law, to the eight (8) districts provided for in this act, all incumbent Board members shall remain on the Board until the expiration of their current terms. Members in odd-numbered districts shall be elected to four-year terms in the August 2002 election and members in even-numbered districts shall be elected to four-year terms in the August 2004 election.

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

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 the 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 ($\frac{2}{3}$) vote of the legislative body of Lauderdale County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified 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 as provided in Section 7.

Passed: February 14, 2002.

Superintendent or Director of Schools

Private Acts of 1925 Chapter 696

COMPILER'S NOTE: This act was repealed on April 18, 1935 by Private Acts of 1935, Chapter 742. The repealing act was repealed on July 26, 1935 by Private Acts of 1935 (Ex. Sess.), Chapter 68, and the 1925 act was revived on August 3, 1935 by Private Acts of 1935 (Ex. Sess.), Chapter 153 (reproduced hereinbelow). The Education Improvement Act of 1991 (Public Acts of 1992, Chapter 535) mandates a transition to a Director of Schools who will be employed by the local board of education pursuant to written contract.

SECTION 1. That in all counties of this State having a population of not less than 21,494 nor more than 21,500 inhabitants, according to the Federal Census of 1920, or any subsequent Federal Census, the County Superintendents of Public Instruction shall be elected by the qualified voters of said counties, for a term of two years; and Superintendents of Public Instruction shall be elected at the regular August election, and their term of office shall be on the first day of January thereafter, provided the first election held under this Act shall be held in August, 1926, and the Superintendents then elected shall take office January 1, 1927, and shall serve for a term of two years, or until their successors are elected and qualified as herein provided.

SECTION 2. That this Act shall in no way affect the duties or qualifications of the County

Superintendents, but the same shall remain as now fixed by law, except that certificate of qualification be furnished to the Judge or Chairman of the County Court in each county affected by this Act, not later than the first Monday in April preceding any regular election.

SECTION 3. That all laws and parts of laws in conflict with this Act be and the same are hereby repealed, and that this Act take effect from and after its passage, the public welfare requiring it.

Passed: April 10, 1925.

Private Acts of 1935 (Ex. Sess.) Chapter 153

SECTION 1. That Chapter 696, Private Acts of 1925, the caption of which is set forth in the caption of this Act, be and the same is hereby expressly revived and shall continue in full force.

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

Passed: August 3, 1935.

Education/Schools - Historical Notes

Board of Education

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

1. Acts of 1905, Chapter 234, established a County Board of Education in Lauderdale County, composed of one member from each civil district, the Judge or Chairman of the County Court, and the County Superintendent of Public Instruction who would be ex-officio chairman of the Board of Education.
2. Acts of 1907, Chapter 236, established County Boards of Education in all counties except those which were declared exempt. Lauderdale County initially was exempt from the provisions of this act, but the act was amended by Private Acts of 1911, Chapter 564, to include Lauderdale County.
3. Acts of 1909, Chapter 471, amended Acts of 1905, Chapter 234, to authorize each member of the Lauderdale County Board of Education to make contracts of consolidation with public or private city schools, academies and the like for the education of children in his district.
4. Private Acts of 1911, Chapter 580, amended Acts of 1905, Chapter 234, to set the regular meetings of the County Board of Education in Lauderdale County on the first Thursdays in July, October, January and April.
5. Private Acts of 1925, Chapter 693, created a County Board of Education in Lauderdale and Monroe Counties, with one member to be elected from each civil district in the county.
6. Private Acts of 1933, Chapter 684, divided Lauderdale County into seven school districts and provided that each school district would elect one member of the County Board of Education. This act was repealed by Private Acts of 1982, Chapter 211.
7. Private Acts of 1935, Chapter 280, amended Private Acts of 1933, Chapter 684, to authorize the County Board of Education to issue certificates to teachers who had continuously taught in the county school system for twenty years or more. This act was repealed by Private Acts of 1982, Chapter 211.
8. Private Acts of 1939, Chapter 450, authorized the Lauderdale County Board of Education to set the salary of its Chairman at an amount not to exceed \$25 per month.
9. Private Acts of 1965, Chapter 169, amended Private Acts of 1933, Chapter 684, to change the composition of the school districts and the terms of the school board members in Lauderdale County. This act was repealed by Private Acts of 1982, Chapter 211.
10. Private Acts of 1982, Chapter 211, authorized Lauderdale County to divide the county into school districts, provide for the number, election and terms of members of the board of education. This act was repealed by Private Acts of 2002, Chapter 79.
11. Private Acts of 1982, Chapter 222, was an alternate bill to Private Acts of 1982, Chapter 211 (reproduced hereinabove) which would have delayed the election of new school board members in certain districts so that no incumbent would have been removed from office prior to the expiration of his or her term. This act was not approved by the Lauderdale County Board of County Commissioners and never became effective.

Superintendent or Director of Schools

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

1. Private Acts of 1935, Chapter 680, provided for the election of the Lauderdale County Superintendent of Public Instruction by the County Board of Education for a two year term, which would have repealed by implication those conflicting provisions of Private Acts of 1925, Chapter 696, providing for the election of the Superintendent of Public Instruction by popular vote. However, this act was superseded by the revival of the 1925 act in Private Acts of 1935 (Ex. Sess.), Chapter 153 (reproduced hereinabove).
2. Private Acts of 1935, Chapter 742, passed on the same day as Private Acts of 1935, Chapter 680, briefly repealed Private Acts of 1925, Chapter 696. This act was repealed approximately three months later by Private Acts of 1935 (Ex. Sess.), Chapter 68.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Lauderdale 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 1853-54, Chapter 206, authorized the establishment of the Ripley Female Academy in Lauderdale County. The first Board of Trustees would consist of Hiram Partee, Isaac M. Steele, P. T. Glass, Edmond Fitzpatrick and R. F. Maclin.
2. Private Acts of 1857-58, Chapter 97, incorporated the Ripley Female Institute and confirmed the charter and stock subscriptions of Hiram Partee, H. H. Richardson, Joseph Wardlow, Thomas Fitzpatrick, Henry Pillow, M. F. Lake, P. T. Glass, James A. Lackey, R. H. Oldham, and any other stockholders. The shareholders were directed to elect nine Trustees for one-year terms. The duration of the corporation was 99 years. The act also incorporated the Lauderdale Female Institute in or near Durhamville, and Durhamville Male Academy, both in Lauderdale County with perpetual duration. The Articles of Association for each entity were set out in the act. The act also incorporated the Beech Grove Academy in Lauderdale County. The original Board of Trustees were Wm. B. Sawyer, James Lenard, Wm. P. Suggs, W. T. Roundtree and Benjamin T. Porter.
3. Private Acts of 1868-69, Chapter 1, authorized the Trustees of the male academy at Ripley which had burned to sell or exchange the real property of the academy, provided that they used the proceeds of the sale to buy another lot upon which to build another male academy.
4. Public Acts of 1882 (Ex. Sess.), Chapter 10, authorized the Trustees of the Ripley Male Academy to transfer to the Trustees of the Lauderdale Institute any or all of its property to be used for school purposes within the civil district in which the town of Ripley was located.
5. Acts of 1907, Chapter 4, authorized the Board of Directors of Henning High School in Lauderdale County to sell the lot, buildings and all appurtenances of Henning High School.
6. Private Acts of 1919, Chapter 615, established a Special School District of the 17th Civil District of Lauderdale County, including the town of Gates. The Special School District was authorized to purchase the school property of the town of Gates, and to assume the related debt if necessary, for the betterment of its schools. A five-member Board of Trustees was created, no more than three of whom could be residents of the town of Gates. The organization of the Board of Trustees and the duties of the Secretary-Treasurer and Chairman were enumerated. A tax levy and the issuance of bonds were authorized under specified conditions.
7. Private Acts of 1921, Chapter 45, is erroneously listed as applying to Lauderdale County. This act amends Private Acts of 1919, Chapter 252, which by population figures applies only to McMinn County, to allow the taxes authorized therein to be collected annually.
8. Private Acts of 1923, Chapter 603, established Halls Special School District which comprised all of the 12th Civil District of Lauderdale County, including the town of Halls. The act authorized the issuance of bonds not exceeding \$50,000 bearing interest not exceeding 5½% per annum and maturing in 20 years, and authorized a property tax of 20¢ on every \$100 property value and a poll tax of \$1 for so long as the bonds were outstanding.
9. Private Acts of 1925, Chapter 122, established Ripley Special School District coextensive with the 2nd Civil District of Lauderdale County, including the town of Ripley. The act authorized the

- issuance of serial bonds not exceeding \$100,000 bearing interest not exceeding 6% per annum and maturing in 20 years, conditioned upon voter approval, and authorized a property tax of 40¢ on every \$100 property value for so long as the bonds were outstanding.
10. Private Acts of 1925, Chapter 726, amended Private Acts of 1925, Chapter 122, to provide that the bonds authorized thereunder would be serial bonds and that the interest thereon would be paid either annually or semi-annually.
 11. Private Acts of 1927, Chapter 13, established the Seventh Special School District coextensive with the 7th Civil District of Lauderdale County. The Board was authorized to issue up to \$15,000 bonds bearing interest not more than 6% per annum, conditioned upon voter approval, the proceeds of which were to be used only for acquiring, building and equipping school properties and operating a public school system within the district. The act authorized a property tax of 30¢ per \$100 taxable property for so long as any bonds remained outstanding. This act was repealed by Private Acts of 1951, Chapter 245.
 12. Private Acts of 1927, Chapter 376, authorized Halls Special School district to issue coupon bonds in an amount not exceeding \$15,000 bearing interest not more than 6% per year and maturing within 25 years, for the purpose of constructing or improving public school buildings, gymnasiums and manual training department buildings within the school district, conditioned upon voter approval. The act authorized a property tax of 8¢ per \$100 taxable property for so long as the bonds remained outstanding.
 13. Private Acts of 1933, Chapter 645, raised the tax rate to 50¢ per \$100 taxable property in Halls Special School District to pay the principal and interest on outstanding school bonds. This tax was in lieu of the property taxes authorized under Private Acts of 1923, Chapter 603, and Private Acts of 1927, Chapter 376.
 14. Private Acts of 1935, Chapter 281, authorized the 7th Special School District to issue refunding bonds not exceeding \$12,000 to refund \$12,000 coupon bonds previously issued, without voter approval, and authorized a special tax of 60¢ per \$100 property value to pay the principal and interest on the bonds.
 15. Private Acts of 1935, Chapter 291, amended Private Acts of 1927, Chapter 13, to change the authorized property tax from 30¢ to 60¢ per \$100 taxable property.
 16. Private Acts of 1945, Chapter 605, again created Halls Special School District embracing all of the 12th Civil District of Lauderdale County, including the town of Halls. The act authorized the issuance of bonds not exceeding \$40,000 bearing interest not exceeding 5½% per annum and maturing in 20 years, conditioned upon voter approval, and authorized a property tax of 20¢ on every \$100 property value and a poll tax of \$1 for so long as the bonds were outstanding.
 17. Private Acts of 1947, Chapter 848, again created Halls Special School District embracing all of the 12th Civil District of Lauderdale County, including the town of Halls. The act authorized the issuance of bonds not exceeding \$80,000 bearing interest not exceeding 5½% per annum and maturing in 20 years, and authorized a property tax for so long as the bonds were outstanding in an amount sufficient to pay the principal and interest on the bonds. No other tax was authorized under the act so that when the bonds were paid in full, this special school district ceased to be a taxing district and would have been abolished pursuant to T.C.A. § 49-2-501.
 18. Private Acts of 1951, Chapter 245, repealed Private Acts of 1927, Chapter 13, and all amendatory acts, which created the Curve Special School District in the 7th Civil District of Lauderdale County. All of the assets of the special school district were transferred to the Board of Education of Lauderdale County to be used to improve the Curve Elementary School.

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