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Chapter VI - Education/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/Schools

Board of Education

Private Acts of 2012 Chapter 77

SECTION 1. Chapter 119 of the Private Acts of 2002, and any other acts amendatory thereto, are hereby repealed.

SECTION 2. Lake County shall be divided into three (3) school districts of substantially equal population, which shall be coextensive with the three (3) county commissioner districts established by resolution of the county legislative body of Lake County from time to time.

SECTION 3. The Lake County Board of Education shall consist of nine (9) members; Three (3) members of the Lake County Board of Education shall be 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 ($\frac{1}{2}$) the members of the Board shall expire. 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 4. The current term of incumbent members of the Lake County Board of Education shall not be cut short as a result of changes in school districts as provided in this act. In order to establish staggered terms and to increase the number of board members from eight (8) to nine (9), board members shall be elected to four (4) year terms as follows: At the August 2012 election, two (2) board members shall be elected from District 1, two (2) board members shall be elected from District 2, and one (1) board member shall be elected from District 3. At the August 2014 election, one (1) board member shall be elected from District 1, one (1) board member shall be elected from District 2, and two (2) board members shall be elected from District 3. Thereafter, board members shall be elected to four (4) year terms as each respective board member's term expires.

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

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 ($\frac{2}{3}$) vote of the legislative body of Lake County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county 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 upon being approved as provided in Section 7.

Passed: April 30, 2012.

Superintendent or Director of Schools

Private Acts of 1941 Chapter 217

SECTION 1. That in counties of this State having a population of not less than 11,200, nor more than 11,250, by the Federal Census, the County Superintendent of Public Instruction shall be elected by popular vote. The first election therefor shall be held at the regular August election, 1942, and the person so elected shall take office on September 1, next following his election, and shall serve for a period of four years and until his successor shall be elected and qualified. The person elected by the Quarterly County Court at its January session, 1941, shall continue to be and remain the County Superintendent of Public Instruction until September 1, 1942.

The person so elected County Superintendent at the August election, 1942, shall possess the same qualifications and shall discharge the same duties as are now discharged by the County Superintendent of Public Instruction, and the compensation of such person shall be fixed by the Quarterly County Court at either the April or July term of its session next prior to the election in August and shall not be increased or

diminished during his term of office and shall be less than, so far as the County's part thereof is concerned, the sum of \$900.00.

Any vacancy occurring in the office of County Superintendent of Public Instruction by death or resignation or removal shall be filled by the Quarterly County Court, and the person so elected at such vacancy shall hold office until his successor shall be duly elected and qualified at the next regular election for County officers after the occurrence of such vacancy.

As amended by: Private Acts of 1943, Chapter 251

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

Passed: February 7, 1941.

Education/Schools - Historical Notes

Board of Education

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

1. Private Acts of 1967, Chapter 270, as amended by Private Acts of 1971, Chapter 99, and Private Acts of 1972, Chapter 372 and any other acts amendatory thereto, to divide Lake County into school districts; to provide for the number, election and terms of members of the Lake County Board of Education; and to provide for a transition period for the existing Board of Education in Lake County. This Act was repealed by the Private Acts of 1992, Chapter 182.
2. Private Acts of 1992, Chapter 182, was repealed by Private Acts of 2002, Chapter 119.
3. Private Acts of 2002, Chapter 119, which created the school board in Lake County, was repealed by Private Acts of 2012, Chapter 77.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Lake 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 1907, Chapter 236, abolished the District Directors of school districts throughout the state and directed that school systems be under the management and control of Boards of Education, and a District Board of Advisors. Counties would be divided into five school districts as nearly equal in population as possible, and a member of the Board of Education would be elected in each district, and the County Superintendent would be the Secretary. The duties of the Board, the Chairman, and the Secretary were all generally set out, and the powers, duties, and authority of the advisory board were enumerated, as well as the process to be followed in filling vacancies. Several counties exempted themselves from the operation of the Act in Section 17 but Lake was not among them.
2. Private Acts of 1929, Chapter 789, stated that the County Superintendent of Public Instruction would be elected for a four year term by the County Board of Education at its first meeting in January, 1931. This act does not affect the duties, qualifications, or compensation of the holder of the office, the same to remain as is, except that a certificate of qualification be furnished and filed with the Board of Education not later than 30 days before the election.
3. Private Acts of 1935, Chapter 37, provided that the members of the County Board of Education in Lake County would be elected by the voters of the county at the regular August election for a two year term, and vacancies would await the coming of the election except those which might exist at the passage of this Act which would be filled at a special election within 15 days. This law would not affect the status of any current member of the Board and prohibited any member of the County Court from being a member of the Board of Education. This Act was repealed expressly by Private Acts of 1937, Chapter 474.
4. Private Acts of 1935, Chapter 73, provided for the election of the County Superintendent of Public Instruction by the qualified voters of the county for two year terms under much the same conditions as were set up for the members of the Board of Education, specifically stating that this act would not affect the current holder of this office. This Act was also specifically repealed by Private Acts of 1937, Chapter 475.
5. Private Acts of 1937, Chapter 474, expressly repeals Private Acts of 1935, Chapter 37, which provided for the popular election of the members of the County Board of Education.

6. Private Acts of 1937, Chapter 475, also expressly repealed Private Acts of 1935, Chapter 73, which ordered the popular election of the County Superintendent of Public Instruction.
7. Private Acts of 1941, Chapter 305, created the 12 member Board of Education for Lake County. The school districts were made up of certain whole civil districts, and D. H. Bowlin, Brown Johns, George Horton, Milan Bowen, C. J. Sizemore, Harrison Burke, and O. R. Cody, Lon Lawson, Mrs. Willard Chambers, Monroe Bush, William Seals, L. F. Johnson, and Porter Montgomery were named as the first members to serve until their successors were chosen at the next election in August, 1942. Members would be paid \$2.00 daily for each day's attendance at a Board meeting. This act was repealed by Private Acts of 1945, Chapter 360.
8. Private Acts of 1945, Chapter 360, repealed specifically Private Acts of 1941, Chapter 305, and further provided that the Board of Education in Lake County would be elected pursuant to the general school laws and the entire school system would be operated to conform also with these general laws.
9. Private Acts of 1969, Chapter 183, would have amended Private Acts of 1967, Chapter 270, by deleting Paragraph eight (8) in Section 1 and inserting a new paragraph which stated that no vacancy would be created in the terms of members of the Board of Education which expired in those years in which no election was to take place, and that person would remain in office and continue to serve until his successor was elected at the earliest time but this act was not approved by the Quarterly County Court and therefore did not become a law.
10. Private Acts of 1969, Chapter 185, would also have amended Private Acts of 1967, Chapter 270, above, by providing that a vacancy in the office of a member of the Board of Education would be filled by a special election to be held on the first Tuesday in August preceding the expiration of the term of office. This Act was not approved by the Quarterly County Court of Lake County and, therefore, did not become a law under the Home Rule Amendment to the State Constitution.

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