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## Chapter VI - Education/Schools

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# Chapter VI - Education/Schools

## Board of Education

### Private Acts of 1953 Chapter 44

**SECTION 1.** That in Counties of this State having a population of not less than 12,300, nor more than 12,400, by the Federal Census of 1950, or any subsequent Federal Census, members of the County Board of Education shall be paid at the rate of \$250.00 per annum, with the exception of the Chairman, who shall be paid the sum of \$300.00 per annum, such salary to be paid from September 1, 1952, and for the duration of the term of office of such members. All of such sums shall be paid to the members in equal monthly installments from school funds in the hands of the County Trustee except that so much thereof as shall have accrued prior to the effective date of this Act shall be paid in one lump sum to the members entitled thereto. The receipt of the members to the County Trustee for their compensation shall be conclusive credit to him in his settlement with the County Superintendent of Education and County Judge for education funds.

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

Passed: February 23, 1953.

### Private Acts of 1992 Chapter 209

**SECTION 1.** Chapter 46 of the Private Acts of 1933, as amended by Chapter 88 of the Private Acts of 1935, are repealed.

**SECTION 2.** The members constituting the Jackson County Board of Education on the effective date of this act remain the legally constituted Board of Education for Jackson County and each member of the board shall hold office until his or her respective term of office expires, and any vacancies existing on the board on the effective date of this act or thereafter may be filled according to law by the county legislative body. Until September 1, 1992, the Jackson County Board of Education shall consist of five (5) members.

**SECTION 3.** Beginning September 1, 1992, the Jackson County Board of Education shall consist of six (6) members. Each member elected pursuant to this act shall reside in the district he or she represents.

**SECTION 4.** Jackson County is divided into six (6) school districts. These school districts are identical to the six (6) county commissioner districts established by the county legislative body pursuant to statute, and the boundaries of the school board districts shall be modified when the county commissioners districts are modified.

**SECTION 5.** Members of the Jackson County Board of Education elected pursuant to this act shall serve for a term of six (6) years and until a successor is elected and qualified. The term of each member begins on September 1 of the year of the member's election. The election commission of Jackson County shall issue to the persons elected pursuant to this act a certificate of election in the same manner as other county officers.

**SECTION 6.**

(a) One (1) member shall be elected from School District Number 5 (same as County Commissioner District Number 5), and one (1) member shall be elected from School District Number 6 (same as County Commissioner District Number 6) in the 1992 August General Election and every six (6) years thereafter.

(b) One (1) member shall be elected from School District Number 2 (same as County Commissioner District Number 2), and one (1) member shall be elected from School District Number 3 (same as County Commissioner District Number 3) in the August 1994 General Election and every six (6) years thereafter.

(c) One (1) member shall be elected from School District Number 1 (same as County Commissioner District Number 1), and one (1) member shall be elected from School District Number 4 (same as County Commissioner District Number 4) in the August 1996 General Election and every six (6) years thereafter.

(d) In the event there is a vacancy on the school board, any person appointed by the county legislative body or elected to fill the vacancy after the effective date of this act shall be a resident of the newly created school board districts as set forth in this section. The person elected shall serve for the unexpired term of the office that the vacancy occurs so that future elections of the member

from the district with the vacancy shall be filled according to the schedule outlined in this section.

**SECTION 7.** On September 1 of the year of their election, or as soon thereafter as is practical, the newly elected members of the Jackson County Board of Education shall meet at the county courthouse and take an oath of office administered by a person authorized to administer oaths.

**SECTION 8.** The qualifications, duties, and compensation of members of the Jackson County Board of Education shall be as prescribed by general law.

**SECTION 9.** 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 10.** This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Jackson County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified by him to the Secretary of State.

**SECTION 11.** 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 10.

Passed: April 16, 1992.

## Superintendent of Public Instruction

### Private Acts of 1929 Chapter 92

**COMPILER'S NOTE:** See T.C.A. Title 49, Chapter 2 for provisions of the general law on this subject.

**SECTION 1.** That in all counties of this State having a population of not less than 14,950, nor more than 14,975 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 four years; that said County Superintendents of Public Instruction shall be elected at the regular August election; that their term of office shall begin with the first day of September following; provided, that the first election held under this Act shall be held on the regular election day in August, 1930, and that the Superintendent, when elected shall not be qualified, nor enter upon the duties of said office until the expiration of the time of the incumbent in office, at the time, under the election as now provided by law, and shall serve only until the qualification of his successor, to be elected under the next regular election, as herein provided for, to wit: in the year 1934.

**SECTION 2.** That this Act shall in no way affect the duties or qualifications of the County Superintendent in said Counties; that the same shall be, and remain as now fixed by law, except that certificate of qualification shall be filed with the Chairman of the Election Commission not later than thirty days preceding any regular election.

**SECTION 3.** That the compensation of the present County Superintendent shall be the sum of One Thousand (\$1,000.00) Dollars per annum, payable by the County, and such other compensation as may be provided by the State of Tennessee. After the expiration of the term of office of the present incumbent, the Quarterly County Court shall fix the amount of compensation to be paid the County Superintendent and shall take into consideration such compensation as may be provided by the State of Tennessee. For the purpose of fixing the compensation of the County Superintendent, the Quarterly County Court shall, at the April Term preceding the regular August election, fix the compensation of such County Superintendent effective on the following September 1, which compensation shall not thereafter be increased or diminished for four years.

As amended by:

Private Acts of 1933, Chapter 724

Private Acts of 1933, Chapter 850

**SECTION 4.** 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: February 1, 1920.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Jackson 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, created a County Board of Education for every county in the state and a district board of advisors, while abolishing the office of district directors of the schools as they existed at that time. The county court of the county would divide it into five, or less, school districts, composed of whole civil districts, from each of which one member of the Board of Education would be elected. The duties of the chairman, the secretary, and the member of the board are all enumerated in the Act, with a provision that the Superintendent of Public Instruction in the county would be the ex-officio secretary to the board. They would fundamentally have the control and management of the entire school system including personnel. Each civil district could elect three advisory board members to serve two year terms, beginning on the first Thursday in August, 1908. The powers and duties of the advisory boards were also specified in the act. Some counties exempted themselves from the operation of this act but Jackson County was not among them.
2. Acts of 1907, Chapter 523, authorized and empowered the Board of School Directors of the Gainesboro High School to convey in fee simple by deed all school property now held by them to the town of Gainesboro. The board was also granted the authority to employ teachers for the said school and to enforce all the rules devised for its control and management.
3. Private Acts of 1933, Chapter 46, was repealed by Private Acts of 1992, Chapter 209.
4. Private Acts of 1945, Chapter 43, provided that the nomination of teachers in the elementary schools of Jackson County shall be made only by each member of the County Board of Education and for that particular civil district, or division, from which the member of the school board was elected and the board of education would contract with the teacher so nominated. The act would not apply to high school teachers. This act was repealed by Private Acts of 1951, Chapter 354.
5. Private Acts of 1949, Chapter 455, stated that, from and after the passage of this act, the members of the board of education in Jackson County would receive \$6.00 per day for their services, which payments would not exceed \$150 a year. The chairman would get an additional \$50 per year for the extra services he performs, all to be paid out of regular school funds

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Jackson County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval.

1. Acts of 1806, Chapter 8, established county academies in several of the counties existing at that time. This Act incorporated Thomas Draper, Nathaniel Ridley, John H. Bowen, Sampson Williams, and Ferdinand Hamilton as the Trustees for Montpelier Academy in Jackson County with the power to hold and convey land and to exercise all other powers incidental to corporate institutions. The Trustees were empowered to select and purchase a site for their institution.
2. Acts of 1811, Chapter 29, named additional Trustees for several of the county academies across the State, including Montpelier Academy in Jackson County to whose Board of Trustees James Rolston, James W. Smith, James Vanoe, Jonas Bedford, and Nathan Haggard were named.
3. Acts of 1811, Chapter 97, appointed Jacob Baker, Patrick Fitzgerald, Pleasant Kearby, Matthew Rogers, and George White as the Trustees for a lottery to benefit Montpelier Academy in Jackson County. The Trustees named would draft a scheme to raise an amount not to exceed \$5,000. The Trustees must enter into bond in double that amount to guarantee payment of the lottery prize when the same were drawn.
4. Acts of 1837-38, Chapter 33, was the authority for the County Court of Jackson County to increase the number of Trustees for Montpelier Academy to 13, if they deem the same proper and in the best interests of the academy. The duties of the President and Treasurer, whom the Trustees would select from their own number, were enumerated in the statute. The Trustees may select a site for the academy at or near Gainesboro which would be most convenient for the whole County and, when found, to purchase the site. The Trustees were permitted to sell the old Academy and apply the proceeds to the new one, or they may lend the money out on good security when the loans are approved by the trustees. This Act amended Acts of 1806, Chapter 8.
5. Acts of 1839-40, Chapter 102, named the official county academies in all the counties of the State. In Jackson County, it was the Montpelier Academy. All the funds in the state treasury which are available as Academy funds will be distributed accordingly. The County Courts would appoint trustees for the academies for two year terms.
6. Acts of 1841-42, Chapter 78, amended Acts of 1839-40, Chapter 102, by requiring the County Court on the first Monday in January in each and every year to appoint Trustees for the County

Academy who shall hold office for one year and have the same powers as are mentioned in the amended act.

7. Acts of 1843-44, Chapter 94, incorporated Christopher Clemens, James Kirkpatrick, Amos Kirkpatrick, Scott S. McGlasson, John Tinsley, Robert Montgomery, Mounce Gore, R. P. Brooks, Samuel Dewitt, Alexander Montgomery, J. T. Quarles, William Armonette, and W. M. Cooke, as the Trustees of Jackson Seminary who would have succession for 500 years. The Trustees may meet at any time when called by the President but at least five must be present to transact business. The Board shall fill all vacancies as they may occur.
8. Acts of 1845-46, Chapter 71, provided that, when the County Court Clerk shall make returns of the scholastic population in the fractions of White, Overton, and Jackson Counties, formerly composing part of Putnam County, for the years of 1844 and 1845, to the Comptroller of the State, that, if it appears they did not receive the school funds due them for those years, it shall be the duty of the Comptroller to pay to the Trustees of those counties the amount of school funds justly due them.
9. Acts of 1845-46, Chapter 185, stated that the Trustees of the counties of Overton, Jackson, and White were required to settle with the former school commissioners of the school districts in the said counties, and, if it is ascertained that the Commissioners have paid out more money than they have on hand, they shall be personally refunded for the difference.
10. Acts of 1847-48, Chapter 31, provided that the balance of the school fund allotted to Putnam County for 1844, and remaining undrawn from the Treasury shall be paid to the Trustees of White, Overton, and Jackson Counties according to the pro rata share of the scholastic population of each county and the same be applied exclusively to the benefit of the fraction of those counties which went to make up Putnam County, and the school funds for the year 1845 shall be applied and divided the same way.
11. Acts 1849-50, Chapter 171, incorporated Granville Seminary with all the rights pertinent and incidental to corporate institutions whose trustees are empowered to promulgate regulations for the orderly conduct of the school's affairs. The Board of Trustees would have eleven members who shall first be elected by the Granville Division of the Sons of Temperance #167.
12. Acts of 1877, Chapter 54, recited that the Montpelier Academy in Jackson County was destroyed by fire but that some of the assets are still available to Trustees, and that there is a lot in Gainesboro which is owned by the Academy, this Act then allows the Trustees to use a sufficiency of the said funds to rebuild the Academy on the said lot, to be used exclusively for school purposes and no other except as permitted by the Trustees.
13. Acts of 1881, Chapter 7, amended Acts of 1877, Chapter 54, so that the present or future Trustees of Montpelier Academy shall have power to sell the lot where the academy formerly stood when destroyed by fire and appropriate the proceeds of the sale with a sufficiency of funds already on hand, to purchase another suitable lot and to rebuild the said academy thereon, same to be within one-half mile of the County House of Jackson County.
14. Acts of 1901, Chapter 246, authorized the Trustees of Montpelier Academy to advertise and sell, and to transfer and convey on such terms as they deem best, together with the lot on which the said Academy stands in Gainesboro, and the proceeds on the sale shall be applied first to the amount due Jackson County for rebuilding the said Academy and the remainder, if any, to the County Trustee for the use of the First School District.
15. Private Acts of 1915, Chapter 609, amended Public Acts of 1913, Chapter 9, by changing the number of days for compulsory school attendance from 80 consecutive days to 90 out of the scheduled 120, or, if the school term is shorter than 120 days, to three-fourths of the number of days in the term. The Act loosened up the rules on excusing absences from school by permitting the teachers and the principal the authority to do so provided accurate reports were made and submitted on this question to the County Superintendent.
16. Private Acts of 1917, Chapter 630, gave the power to the Directors of the public schools of the various school districts in Jackson County to establish in their districts primary and secondary public schools in which may be taught the first ten grades of the public school curriculum.
17. Private Acts of 1939, Chapter 153, stated that in 1937 the Quarterly County Court of Jackson County authorized the issue of \$75,000 in bonds to build and equip a high school in or near Gainesboro, and it now appears that not all of this money will be needed, or used for said school and a considerable surplus remains, this Act authorized the Quarterly County Court at a regular term of the Court only, to transfer the balance of these funds after the above school purpose has been completed, to any other fund, or school account, which might need it.

18. Private Acts of 1949, Chapter 577, made it lawful in Jackson County for the Commissioner of Education to issue a limited teacher's certificate to persons who satisfactorily establish the fact they have taught in said county for as long as ten years on permits or certificates which have lapsed. The certificate issued will permit the person to teach only in the schools in Jackson County and only for a period of two years, but the certificate may be renewed if the person has taught for as long as 15 months during the two year period.

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