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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 1974 Chapter 293

SECTION 1. There is hereby created the Board of Education of Bedford County to be composed of nine (9) members to be elected by the qualified voters of the respective educational districts established by Section 2 of this Act. The members of such Board of Education must reside in the district of Bedford County which they represent.

SECTION 2. There are hereby created nine (9) educational districts which shall be the same as the nine (9) magisterial districts, as Bedford County may now be constituted or may hereafter be constituted. Such educational districts shall be numbered the same as the magisterial districts. Each educational district shall be entitled to one (1) member on the board of education.

SECTION 3. Until September 1, 1976, the following shall constitute and compose the Board of Education of Bedford County:

For the first educational district, Ivan Field who shall hold office until the July session of the Quarterly County Court in 1977; for the second educational district, Kenneth Phillips who shall hold office until the July session of the Quarterly County Court in 1978; for the third educational district, Belton Flippo who shall hold office until the July session of the Quarterly County Court in 1979; for the fourth educational district, W. J. Montgomery who shall hold office until the July session of the Quarterly County Court in 1974; for the fifth educational district, Ralph Bomar who shall hold office until the July session of the Quarterly County Court in 1975; for the sixth educational district, Dr. C. E. Archer who shall hold office until the July session of the Quarterly County Court in 1976; for the seventh educational district, Dr. Gerald Martin who shall hold office until the July session of the Quarterly County Court in 1979; for the eighth educational district, Richard Britton who shall hold office until the July session of the Quarterly County Court in 1975; for the ninth educational district, O. E. Wells who shall hold office until the July session of the Quarterly County Court in 1977.

When the term of the incumbent member for the fourth educational district expires, the Quarterly County Court shall appoint a member to hold office until the July session of the Quarterly County Court in 1980. As the terms of the other incumbent members expire, the Quarterly County Court shall have the power to make interim appointments to fill vacancy [sic] until September 1 following the next regular August election; provided, however, that such incumbent shall serve until his successor shall be elected by such court and qualified. After the expiration of such interim appointment following the expiration of the incumbent's appointive term of office, the member elected in the regular August election to fill such office shall serve a term of six (6) years. On and after September 1, 1976, the Board of Education shall be composed of the incumbent members on the effective date of this act whose terms of office have not expired and the new members elected pursuant to this act. Members of the Board of Education shall be elected for terms of six (6) years.

SECTION 4. The Board of Education shall have and exercise all powers, duties and obligations presently imposed by the general law; and the compensation shall be fixed by the quarterly county court as provided in Tennessee Code Annotated, Section 49-213.

SECTION 5. On and after the effective date of this act, the Quarterly County Court of Bedford County shall have the power to make interim appointments to fill any vacancies occurring on the County Board of Education prior to the regular general election which is to be held in August, 1976. The power of said Quarterly County Court shall be exercised in a manner heretofore provided for the election of a County Board Education by members of the Quarterly County Court, but persons so selected or chosen shall hold membership on the County Board of Education only for such time and until their successors shall be elected at the next general election and qualified. In the event a vacancy occurs on the County Board of Education of Bedford County after the regular general election of 1976, such vacancy being on account of the death, resignation or removal of residence of a member of said Board from the educational district from which said member was elected or any other cause or reason, the Quarterly County Court of Bedford County in regular or called session, a quorum being present, shall elect someone to fill said vacancy, and the person so elected or appointed shall serve until a successor is duly elected at the next regular general election.

SECTION 6. Nothing in this Act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

SECTION 7. Chapter 126 of the Private Acts of 1971 is repealed.

SECTION 8. 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 9. This Act shall have no effect unless it is approved by a majority of the number of qualified voters of Bedford County voting in an election on the question of whether or not the Act shall be approved. The ballots used in the regular election to be held on August 1, 1974 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 commissioners and certified by them 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 10. 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 9.

PASSED: March 18, 1974.

Education/Schools - Historical Notes

Board of Education

The following acts once affected the board of education in Bedford 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 of the schools and provided for a board of education for every county in the state. The county court would divide each county into five school districts, composed of whole civil districts, from each of which one member of the board of education would be elected, and the county superintendent would serve as secretary. The duties of the chairman, the secretary, and members of the board were all enumerated in the act. Each member of the board would make a full and complete report of the schools in his district. The members would be compensated from \$1.50 to \$3.00 per day as determined by the county court. The voters of each district shall elect three advisory board members in each one whose duties and responsibilities are also set up. Some counties exempted themselves from the operation of this act but Bedford was not among them. This act was construed by the court in *Whitthome v. Turner*, 155 Tenn. 303, 293 Sev 147 (1927).
2. Acts of 1909, Chapter 302, applied only to ten counties and Bedford County was one of them. This law amended Public Acts of 1873, Chapter 25, beginning with Section 10. It provided that the county board of education would consist of one member from each civil district, the judge, or chairman of the county court, and the superintendent of public instruction, who would be the ex-officio chairman. Each district member would be elected by the people in the district from whose number a secretary would be chosen. The duties, powers and obligations of the chairman, the secretary, and the members are all specified in the law. Each member would get \$1.00 per day for each days attendance at board meetings and for each day spent in visiting schools.
3. Private Acts of 1915, Chapter 341, amended Acts of 1907, Chapter 236, Section 17, which exempted certain counties from the operations of that chapter by adding the population figures appropriate to exempt Bedford, Marshall and Henderson counties.

Superintendent or Director of Schools

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

1. Private Acts of 1923, Chapter 19, established the office of superintendent of public instruction for Bedford County to be popularly elected at the regular August election for a term of four years. This act was superseded by the general law requiring an appointed director of schools as described above.
2. Private Acts of 1987, Chapter 71, attempted to repeal the Private Acts of 1923, Chapter 19, and provide for a new method of electing the superintendent of public instruction. The superintendent of public instruction was to be nominated by the board of education and elected by the board of commissioners of Bedford County. This act was never acted upon however, being disapproved on June 4, 1987.

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