



November 23, 2024

Chapter VI - Education/Schools

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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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Table of Contents

Chapter VI - Education/Schools 3
Board of Education 3
Private Acts of 2002 Chapter 87 3
School Bus Drivers 3
Private Acts of 1941 Chapter 229 4
Education/Schools - Historical Notes 4

Chapter VI - Education/Schools

Board of Education

Private Acts of 2002 Chapter 87

SECTION 1. Chapter 117 of the Private Acts of 1953, and all acts amendatory thereto, are hereby repealed.

SECTION 2. Benton County shall be divided into six (6) school districts of substantially equal population, which shall be coextensive with the county legislative body districts established by resolution of the county legislative body from time to time.

SECTION 3. The Benton County Board of Education (the "board") shall consist of twelve (12) members, with two (2) members of the board being elected by the qualified voters in each school district on a non-partisan basis. Board members shall be elected to either Seat A or Seat B in each district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of one-half (1/2) the board members will expire, with the terms of board members holding Seat A expiring at the same time and the terms of board members holding Seat B 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. To establish staggered terms as provided in Section 3, all incumbent board members shall remain on the board until the expiration of their current terms. Board members currently in office shall be assigned to Seat A or Seat B as follows:

District 1	Seat A	Mike Draper
	Seat B	Barry Carter
District 2	Seat A	William McDaniel
	Seat B	Mark Hargis
District 3	Seat A	Mike Winters
	Seat B	Tim Hyatt
District 4	Seat A	James Woodall
	Seat B	Bobby Arnold
District 5	Seat A	Brent Hedge
	Seat B	Joey Cooper
District 6	Seat A	Vernon Wade
	Seat B	Ruby Evans

At the regular August 2002 elections, board members in Seat A shall be elected to four (4) year terms in Districts 1, 2, 3, 4, and 6, and a board member shall be elected in Seat B to a two (2) year term in District 2. At the regular August 2004 elections, board members in Seat B shall be elected to four (4) year terms in Districts 1, 2, 3, 4, 5, and 6, and a board member shall be elected in Seat A to a two (2) year term in District 5. Thereafter, all board members shall be elected to four (4) year term as each member's term expires.

SECTION 5. The Benton County Board of education shall have the same powers, duties, privileges and qualifications as a board 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 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 (2/3) vote of the county legislative body of Benton County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Benton County and certified by such officer to the Secretary of State.

SECTION 8. For the purposes 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: February 14, 2002.

School Bus Drivers

Private Acts of 1941 Chapter 229

SECTION 1. That the County School Authorities in all counties of this State having a population of not less than 11,970, nor more than 11,985 according to the Federal Census of 1940, or any subsequent Federal Census, shall have the right and authority to establish a tenure for drivers of school buses in such counties; and they are hereby given the right and authority to contract with drivers of school buses to drive school buses in such counties, for periods of five (5) years at a time, or any fractional part thereof, at their discretion, a year being defined as the school year or the length of the school term.

SECTION 2. That drivers of school buses employed or contracted with to drive school buses under this Act, be and they shall be required to conform to all the laws of the State of Tennessee, and abide by and be subject to all the rules and regulations which have been or which may hereafter be adopted by the State Board of Education, including but not limited to the type of bus to be used in transporting pupils to and from schools and with respect to personal qualifications.

SECTION 3. That the County School Authorities in all Counties in the State to which this Act applies, may dismiss from service any driver of a school bus employed or contracted with under this Act for improper conduct, inefficient service, neglect of duty, violation of law, or violation of any of the rules and regulations of the State Board of Education, and the right to so dismiss any driver shall be reserved in the contract with such driver, provided that the County School Authorities shall be the judges in all cases coming before them or to their attention under this Act, and provided further that before any driver shall be dismissed from service for any cause, he shall be given at least five (5) days' written notice, mailed to his last known address or served on him personally, notifying him to appear before said County School Authorities at the time and place named in said notice, and show cause, if any he has, why he should not be dismissed from service on charges that have been preferred against him; and he shall be given an opportunity to be present and make defense to said charges, provided further that it is the intention of this act to make the decision of the County School Authorities in all cases coming before them final; and the driver of any school bus shall be made aware of this fact before being employed.

SECTION 4. That if any section or part or parts of any section of this Act shall be declared unconstitutional, the same shall not affect the constitutionality or validity of the remaining portions of this Act, but the same shall remain in full force and effect as if the unconstitutional or invalid part had been omitted.

SECTION 5. That this Act take effect from and after its passage, the public welfare requiring it.

Passed: February 10, 1941.

Education/Schools - Historical Notes

Board of Education

The following acts once affected the board of education in Benton County but are no longer operative.

1. Acts of 1907, Chapter 236, was a statewide act establishing a Board of Education for every county in the State, except those expressly exempting themselves, and abolishing the office of District Directors of Education. The County Court would divide the county into five school districts, composed of whole civil districts from each of which one member of the Board would be elected, and the County Superintendent would be the Secretary. The County Courts would appoint the initial members of the Board to serve until their successors were elected by popular vote in August, 1908. The duties of the Chairman, Secretary, and the powers, duties, and authority of the Board are all specifically mentioned. Each civil district would elect three people every two years to serve as an "Advisory Board", whose duties are also enumerated including the taking of a scholastic census. This Act was subjected to the courts in Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).
2. Acts of 1909, Chapter 302, amended the statewide education Act of 1873 by creating Boards of Education in Giles, DeKalb, Rutherford, Hickman, Benton, Decatur, Coffee, Hardin, McNairy, and Bedford counties, which would be composed of one member from each civil district, the Judge or Chairman of the County Court, and the Superintendent of schools, who would be the ex-officio Chairman of the Board. These would take office on July 1, 1909. The Board would elect one of their number to serve as Secretary for two years. The duties of the Chairman, the Secretary, and the board are expressly listed in the Act. Each member of the Board would take the scholastic census in his civil district. All involved were required to keep accurate records.
3. Private Acts of 1925, Chapter 642, has only a general repealing clause which might abrogate the 1909 Act above. This Act applies only to Decatur and Benton Counties. This Act creates a seven

member Board of Education, one of which would be elected on the first Monday of July of each year by the Quarterly County Court for a term of seven years. Current Board members would remain until their terms expired. The powers, requirements, and duties of the Board would be the same as the State law provided.

4. Private Acts of 1927, Chapter 149, provided for the popular election of members of the County Board of Education for terms of two years. The first election under this act occurred in August 1928 and the terms of office under this act began on first Monday in September, 1928. The constitutionality of this act was upheld in Holland v. Parker, 159 Tenn. 307, 17 S.W.2d 926 (1929).
5. Private Acts of 1939, Chapter 387, amended Private Acts of 1927, Chapter 149, above, to abolish the County Board of Education.
6. Private Acts of 1939, Chapter 388, created a Board of School Commissioners for Benton County in which was vested "the exclusive supervision and control of all public schools, both elementary and high schools, and all other maintained in whole or in part by public school funds, who shall elect all teachers, and fix their salaries, and make all contracts for such services." The employment and management of all non-academic personnel were likewise place in their hands. The Board would be made up of one member from each civil district except the Fifth Civil District which would have two. The Board would have and exercise all powers and responsibilities conferred upon the Boards of Education by state law. The Act named the members of the first Board who would serve until September 1, 1940, when their elected successors would take office. They were in the order named from each civil district, W.D. Abernathy, Floyd Stokes, W. A. Johnson, Enloe Mitchell, Clark Davis and Barney Stigall from District Five, Carlos Floyd, Cardie Blanks, Edgar Brewer, Harvey Dortch, Mack Hollingsworth, Houston Hatley, Bob Wright, W. T. Henry, Chairman, B. D. Furr, John Summers, and Travis Hall. They would select a Chairman after being elected and sworn, and meet quarterly in June, September, December, and March, or at such other times as may be called. The Superintendent would be ex-officio Secretary and his duties were enumerated. The Board had the authority to enter into contracts and must approve all others over \$100.00. The members of the Board would receive \$3.00 per day and the Chairman \$4.00 per day up to 15 days a year. This Act only had a general repealing clause but Private Acts of 1925, Chapter 642, above, was nullified by this law. The validity of this act was upheld in 1940 by the Supreme Court in Henry v. Abernathy which decision also took note of Private Acts of 1931, Chapter 59.
7. Private Acts of 1941, Chapter 469, amended Private Acts of 1939, Chapter 388, above, by rewriting Section 13 so that the compensation to be paid to the Chairman and the members of the Board of School Commissioners would be paid out of the school funds and not the regular county treasury as was the case before.
8. Private Acts of 1947, Chapter 437, also amended Private Acts of 1939, Chapter 388, by changing the population figures in the caption and Section One to conform to the 1940 Census figures. Section 13 was further amended by increasing the compensation of the members of the Board of School Commissioners from \$3.00 and \$4.00 per day to \$5.00 per day and by permitting the Chairman to draw an additional day's pay for every school week because of his clerical duties rather than be limited to the maximum of 15 days as provided in the original act.
9. Private Acts of 1951, Chapter 679, amended Private Acts of 1939, Chapter 388, above, by changing Section 2 so as to reduce the number of members on the Board of School Commissioners to seven, and specifying in each school district the civil districts which were included in that school district. The members, one from each school district, would be elected by the Quarterly County Court and serve two year terms.
10. Private Acts of 1953, Chapter 117, provided that one member of the Board of School Commissioners be elected by popular vote from each civil district in the county except that the district containing the county seat will elect two members to serve a term of two years. The act provided for a called election to elect members to serve until their successors were elected in the August 1954 regular election. The Quarterly County Court was given authority to determine the compensation of the school commissioners for attending regular and special meetings. Members of the Board were to receive the same per diem and mileage as justices of the peace. This act was repealed by Private Acts of 2002, Chapter 87, which is reproduced herein.
11. Private Acts of 1970, Chapter 312, would have provided, subject to the affirmative outcome of a public referendum for that purpose, for a School Board composed of one person from each of the civil districts, or magisterial districts. The Act provided for staggered terms so that a portion of the School Board would be renewed every so often. The Board would meet on the first Monday in September, and quarterly after thereafter and be paid the same per diem as the members of the

Quarterly County Court. This Act was rejected by the Quarterly Court of Benton County and therefore never became a law.

Superintendent or Director of Schools

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

1. Private Acts of 1927, Chapter 149, provided for the popular election of the Superintendent of Public Schools for a term of two years. The first election under this act occurred in August 1928 and the term began September 1, 1928. The constitutionality of this act was upheld in *Holland v. Parker*, 159 Tenn. 307, 17 S.W.2d 926 (1929).
2. Private Acts of 1929, Chapter 525, enacted some standards and qualifications for the Superintendent of Schools in Benton County to meet. This act required the Superintendent to be a college graduate and have at least 36 months of experience as a teacher in the school systems of the State, a person of literary attainment, and skilled in school administration practices. This act was repealed by the one following. This act was the basis of litigation in *State, ex rel, Clement v. Dodson*, 169 Tenn. 178, 83 S.W.2d 558 (1935), in which the Tennessee Supreme Court refused to overturn the actions of the State Board of Education in issuing a certificate of qualification to the person elected Superintendent of Public Instruction in Benton County who was alleged not to have met the qualifications listed in the private act. The Court said it would not review the action of the state board unless it acted arbitrarily, corruptly or fraudulently.
3. Private Acts of 1935, Chapter 3, repealed Private Acts of 1929, Chapter 525, above.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Benton 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. Public Acts of 1895, Chapter 111, authorized the Quarterly County Court of Benton County to sell the old Benton Male and Female Academy on such terms as the court might consider in the best interests of the county and the most appropriate for educational purposes, together with the lot on which it now stands in Camden, the proceeds of which sale shall be turned over to the County Trustee and by him paid out as other school funds are paid.
2. Private Acts of 1921, Chapter 823, created a special school district in the Tenth Civil District of Benton County, embracing the town of Eva, which area was described by metes and bounds, and which would be called the "Eva Special School District." The first Board would have five members, naming Lindsey Milton, W. R. Homer, Crayton Holland, W. M. Pafford, and J. D. Hollingsworth as the original members who would select from their number a Chairman, a Secretary, and a Treasurer. They would serve until the August election in 1921 would produce their successors to take office September 1, 1921. Such powers as were necessary and incidental to effectuate the purposes of this act were bestowed upon the Board plus those outlined in this law. A special tax of not less than ten cents nor more than twenty cents per \$100.00 property valuation would be levied, and a poll tax of \$1.00 on every male between the ages of 21 and 50 would constitute a supplemental fund for keeping the schools open hopefully at least eight months of the year to which all children could go without cost. Members of the Board would serve without compensation. This act was repealed by Private Acts of 1937 (3rd Ex. Sess.), Chapter 34.
3. Private Acts of 1923, Chapter 399, created a special school district in part of the 8th Civil District of Benton County, which area was described in detail, and which would be called the Big Sandy Special School District. There would be a five man Board of Directors to which the act named A. K. Crawford, W. E. Dowdy, T. C. Craney, C. N. Moody, and J. H. Adams together with W. T. Pafford, a member of the County School Board. Regular members would be elected for two year terms. The powers and duties of the Board were specifically listed in eleven paragraphs. There would be a twenty cent per \$100 property valuation tax levied plus a \$1.00 poll tax on all males between the ages of 21 and 50 which would be a supplement to their proportionate share of regular school funds from the Trustee, all of which would be used to keep the schools open nine months. All children living in the district could attend the school free of charge. The Board would get no compensation except the Secretary would be paid for getting up the scholastic census. Some criteria for hiring teachers and principals were established. This act as amended, was repealed by Private Acts of 1939, Chapter 157.
4. Private Acts of 1927, Chapter 423, amended Private Acts of 1923, Chapter 399, which created the

Big Sandy Special School District by repealing Section 5, 6, 7, 8, and 10, and line 6 in Section 9, which in effect provided that all the schools in the District shall be under the control and management of the County Board of Education. A tax of twenty cents per \$100.00 property valuation was levied on all taxable property in order to keep the schools open for nine months, and certain duties were imposed upon county officials with reference to collecting and disbursing the tax.

5. Private Acts of 1927, Chapter 807, created a special school district embracing a part of the Second Civil District in Benton County as the same was generally described, which would be called the Holladay School District. All the provisions of this act were subject to the successful outcome of a referendum to be held accordingly. There would be a five man Board of Directors to which the act named D. B. Gossett, H. M. Harris, Ross Hatley, L. M. Williams, and J. R. Holladay, who would serve until the August election in 1928, when their successors would be elected. This Board would supervise the disbursement of funds for the school observing the criteria established within the Act. A twenty-two cent tax on each \$100 of property valuation would be levied plus a \$1.00 poll tax on all males between 21 and 50 years of age. All children living in the described area were declared eligible to attend the school free.
6. Private Acts of 1931, Chapter 59, divided Benton County into seven public school districts composed of whole civil districts as follows. The first School District was the 5th and 15th Civil Districts; the Second School District was the 10th and 7th Civil Districts; the third School District was the 8th, 9th and 16th Civil Districts; the Fourth School District was the 4th, 6th and 12th Civil Districts; the Fifth School District was the 2nd and 14th Civil Districts; the Sixth School District was the 7th and 13th Civil Districts; and the Seventh School District was the 3rd and 11th Civil Districts. At the regular August election the voters of each school district shall elect one member to the County Board of Education to serve a two year term, and these shall compose the Board of Education. This act was specifically repealed by Private Acts of 1939, Chapter 386.
7. Private Acts of 1931, Chapter 61, abolished the office of School Attendance Officer in Benton County, using the 1930 Federal Census figures. The compulsory school attendance laws of the State shall be enforced by the County Superintendent of Public Instruction, and, for that purpose, the Sheriff and the Constables shall serve and execute all warrants, or other process, issued in such cases, for which they shall be entitled to receive such fees and other compensation as the law provides for similar services.
8. Private Acts of 1937 (3rd Ex. Sess.), Chapter 34, repealed Private Acts of 1921, Chapter 823, which created a special school district out of a portion of the Tenth Civil District, called the "Eva Special School District".
9. Private Acts of 1939, Chapter 157, repealed Private Acts of 1923, Chapter 399, which created the Big Sandy Special School District in Benton County, in its entirety.
10. Private Acts of 1939, Chapter 386, repealed Private Acts of 1931, Chapter 59, which created seven public school districts in Benton County.
11. Private Acts of 1945, Chapter 444, provided that all the teachers in Benton County, using the 1940 Federal Census figures, who held elementary or high school certificates issued by the State Commissioner of Education prior to July 1, 1913, and who have had at least thirty years experience in teaching in the public schools in succession, are hereby granted permanent certificates to teach such subjects as they have been successfully teaching in schools of the county to which this act applies.

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