



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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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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Chapter VI - Education/Schools

Board of Education

Private Acts of 1981 Chapter 105

SECTION 1. There is hereby created the Board of Education of Hardeman County to be composed of nine (9) members. As the term of each member of the existing Board of Education becomes vacant, the office shall be filled in the General Election for the districts as established pursuant to Section 2 of this Act; provided, however, that where two (2) existing districts are combined to form one (1) new district, the incumbent shall represent the new district.

SECTION 2. Prior to January 1, 1982, the county legislative body shall meet and a majority of the members being present and concurring, shall establish the boundaries of the school districts. The county legislative body may thereafter change the boundaries of such districts in accordance with the procedure established in Tennessee Code Annotated, Section 5-1-111, if necessary to apportion such districts so that the members represent substantially equal populations.

SECTION 3. At the 1982 General Election, three (3) members shall be elected for a term of six (6) years; at the 1984 General Election, three (3) members shall be elected for a term of six (6) years; and at the 1986 General Election, three (3) members shall be elected for a term of six (6) years. Thereafter, all members shall be elected for six (6) year terms.

Each office in any multi-member district shall be separately designated on the ballot with candidates required to run and to be elected on the basis of such separately designated office within the district. No candidate shall qualify for more than one such separately designated office within such district.

SECTION 4. Whenever a vacancy occurs on the Board of Education, the county legislative body shall appoint a person to serve until the next General Election, at which time a person shall be elected to fill the unexpired term.

SECTION 5. A majority of the members of the Board of Education shall constitute a quorum for the transaction of all business by such board and a favorable vote of the majority of the members of such board shall be required to transact all business of such board.

SECTION 6. The county legislative body shall establish the compensation of members of the Board of Education.

SECTION 7. Nothing in this Act shall be construed as having the effect of removing an incumbent from office or abridging the term of any official prior to the end of the term for which he was elected.

SECTION 8. Chapter 28 of the Private Acts of 1953, Chapter 114 of the Private Acts of 1959, Chapter 286 of the Private Acts of 1965, Chapter 154 of the Private Acts of 1971, Chapter 120 of the Private Acts of 1979 and all other acts amendatory thereto are repealed.

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 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 10. This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the county legislative body of Hardeman County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county 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, 1981.

Superintendent or Director of Schools

Private Acts of 1953 Chapter 19

SECTION 1. That in all counties of the State having a population of not less than 23,300 and not more than 23,325 according to the Federal Census of 1950, or any subsequent Federal Census, the County Superintendent of Schools shall be elected by popular vote, by the qualified voters of such Counties at the

general election in August, 1954, and every four years thereafter, to serve for a term of four years from and after the 1st day of the following September, and until a successor is elected and qualified; provided, however, that if this Act applies to Hardeman County, Ben Ward Carr, who possesses the qualifications for such office under the general laws, is hereby designated and appointed to fill the office of County Superintendent of Schools in said County till the 31st day of August, 1954, and until his successor is elected and qualified; that the qualifications, duties and powers of any County Superintendent of Schools elected under this Act or appointed and designated under this Act to serve till the 31st day of August, 1954, shall be the same as now or may hereafter be provided by general laws, including any requirements made by the County Board of Education in such counties, pursuant to general law. Candidates for the office of County Superintendent of Schools in any County to which this Act applies may have his or her name placed on the official ballot in any general County election at which the County Superintendent of Schools is to be elected, pursuant to the provisions of this Act, in the same manner and at the same time as provided by law for candidates for other county offices, provided, however, that before the County Board of Election Commissioners shall place the name of any candidate for County Superintendent of Schools upon the official ballot to be voted in such elections pursuant to this Act, said Board shall satisfy itself that the candidate is properly certified according to the general laws to hold such office, and said candidate shall have exhibited to the Chairman and Secretary of said Board a proper certificate issued to such candidate by the Commissioner of the State Department of Education, as provided by the general laws, covering the period for which the office is to be filled at that election, which shall be sufficient evidence of said candidate's qualifications for such office. In the event of a vacancy in the office of County Superintendent of Schools in such counties, the same shall be filled by the election by the members of the Quarterly County Court of such county, of a successor, possessing such qualifications, who shall serve until the next general county election in August thereafter, and until his successor is elected and qualified.

SECTION 2. That in addition to the regular duties as prescribed by law for said County Superintendent of Schools, it shall be his duty to nominate persons for employment as teachers in the public schools of his county by the County Board of Education, and the County Board of Education may approve or reject such nominations, and in the event of rejection, he shall nominate other persons for such employment until said Board shall have approved a sufficient number to fill the positions of teachers in all public schools of said County.

SECTION 3. That the compensation of any County Superintendent of Schools serving under this Act shall be the sum prescribed by the salary scale set by the State Department of Education which shall be paid in equal monthly installments by the County and/or as provided by general law, upon proper warrants drawn on and out of funds that are now or may hereafter be provided by law.

SECTION 4. That the County Superintendent of Schools shall be allowed to employ a Clerk, who shall be paid a maximum salary of Twenty-four Hundred Dollars per annum, to be paid in equal monthly installments out of the elementary and high school funds as provided by law, the appointment of such Clerk to be made upon nomination of said County Superintendent of Schools and with the approval of the County Board of Education.

SECTION 5. That if any section, paragraph, clause or portion of this Act shall be declared unconstitutional or invalid, the same is hereby declared to be severable, and shall not affect the remaining portions of this Act, as the same would have been enacted, if such unconstitutional or invalid section, paragraph, clause or portion had not been included herein.

SECTION 6. 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 18, 1953.

COMPILER'S NOTE: The constitutional validity of this act was upheld by the Tennessee Supreme Court in Carr v. State, ex rel. Armour, 196 Tenn. 256, 265 S.W.2d 556 (1954). The clause appointing Ben Ward Carr as an interim Superintendent pending the election of 1954 was stricken as violative of Article 11, Section 17, of the Constitution of Tennessee which prohibits the Legislature from creating an office that is filled otherwise than by the people or the County Court.

Education/Schools - Historical Notes

Board of Education

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

1. Acts of 1907, Chapter 236, created a Board of Education and a District Board of Advisors for every county in the state, abolishing the office of District Directors. Counties would be divided by their County Courts into at least five school districts, to be composed of whole Civil Districts. One member of the Board of Education would be elected from each school district. The duties of the

Chairman, the Secretary, and the members of the Board were prescribed in the act. The County Superintendent would be ex officio Secretary to the Board. The members would be paid no less than \$1.50 and no more than \$3.00, as decided by the County Court, for each day devoted to their duty. The voters of each Civil District would elect three Advisory Board members whose duties were to advise the board.

2. Private Acts of 1925, Chapter 403, established a seven member Board of Education. The members of the first Board under the act were to be G. M. Rogers, J. H. Landress, E. H. Dorris, Council Holmes, S. P. Harris, J. F. Dunbar, and H. J. Brent. They were to have staggered terms but their successors would serve six-year terms. The Board was vested with all the power and authority then prescribed by law. In addition, the Board was required to establish and maintain a school for as few as fifteen students to serve a community whenever the children would have to travel unreasonable distances to attend some other school. The schools established under this rule would run not less than six months per year.
3. Private Acts of 1931, Chapter 734, abolished the Board of Education of the Town of Bolivar in Hardeman County and transferred the responsibility for the operation and maintenance of the public schools in Bolivar to the County Board of Education of Hardeman County. Provision was made for paying the indebtedness of the school district and for property to be transferred to the County.
4. Private Acts of 1953, Chapter 28, created a Board of Education for Hardeman County consisting of nine elected members who would serve for four-year terms. The duties of the Board were to be consistent with the duties prescribed by general law.
5. Private Acts of 1959, Chapter 114, set the compensation of the members of the Board of Education in Hardeman County at \$8 per meeting and ten cents per mile. The Chairman's compensation was set at \$100 per month.
6. Private Acts of 1965, Chapter 286, amended Private Acts of 1959, Chapter 114, above, by increasing the compensation of members of the Board of Education from \$8 per meeting and ten cents per mile travel allowance to \$400 a year, payable quarterly. The Chairman's compensation was set at \$1,200 per year.
7. Private Acts of 1971, Chapter 154, amended Private Acts of 1953, Chapter 28, above, by reducing the membership of the Board of Education from nine members to eight.
8. Private Acts of 1977, Chapter 28, amended Private Acts of 1959, Chapter 114, above, by raising the compensation of members of the Board of Education from \$400 to \$600 annually, payable in monthly installments. The act was not approved by the County Court and did not become effective
9. Private Acts of 1979, Chapter 120, amended Private Acts of 1953, Chapter 28, above, by making the school districts coextensive with the eight civil districts. Two members would be elected from the first district so that the total membership would be nine.
10. Private Acts of 1980, Chapter 185, established a Board of Education for Hardeman County to be composed of seven members. A procedure for election of Board members and for filling vacancies was set forth with the provision that the act was not to be construed to remove an incumbent member from office. The act was not approved locally and did not become effective.
11. Private Acts of 1980, Chapter 317, established a Board of Education for Hardeman County to be composed of seven members. The election procedure was set forth and compensation was set for the Chairman at \$1,200 annually and for each member at \$400 annually. The act was not approved locally and did not become law.

Superintendent or Director of Schools

The acts referenced below once affected the office of superintendent of education in Hardeman 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 1919, Chapter 781, provided that in Hardeman County the County Superintendent of Public Instruction would be elected by popular vote to a four-year term at the regular August election, the first one to take place in August, 1920. The duties, qualifications, and compensation of the Superintendent would remain as they were then fixed by law.
2. Private Acts of 1939, Chapter 591, repealed Private Acts of 1919, Chapter 781, above, with the proviso that it would remain in force until September 1, 1940.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Hardeman 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. Private Acts of 1826, Chapter 112, established as a body politic and corporate the Trustees of Bolivar Academy, in the town of Bolivar in Hardeman County.
2. Private Acts of 1827, Chapter 99, named Adam R. Alexander, John Lee, William Polk, Willis B. Peck, Doctor Colyer, and Elihu C. Crisp as additional Trustees for Bolivar Academy in Hardeman County.
3. Private Acts of 1827, Chapter 156, named Edmund H. Aderson, Thomas Simmons, J. C. N. Robertson, James Ruffin, Josiah Hatley, Robert Rivers, Wiley B. Peck, Adam R. Alexander, and Peter Miller as the incorporators of the Female Academy of Bolivar. The corporation was granted an existence of fifty years and the authority to hold property valued at a maximum of \$30,000.
4. Private Acts of 1829, Chapter 57, appointed John H. Bills, John Rogers, Francis Shoemake, Edmund Fitzhugh, and Valentine D. Barry as additional Trustees for Bolivar Academy in Hardeman County, vesting them with the same powers and duties as Trustees appointed previously.
5. Private Acts of 1831, Chapter 139, appointed John Lea, Carter C. Collier, William W. Berry, Francis Shoemake, Alexander Kilpatrick, and Valentine D. Barry as additional Trustees for the Bolivar Female Academy granting them full power and privileges of office. The act declared that a quorum on the Board consisted of five Trustees, provided the President of the Board be one of that number.
6. Private Acts of 1833, Chapter 91, named Sylvester Bailey, Edward R. Belcher, David Fentress, John. C. McKean, Levi Jay, William B. Turley, and Calvin Jones as additional Trustees for Bolivar Male Academy.
7. Private Acts of 1835-36, Chapter 121, authorized the Board of Common School Commissioners of Hardeman County to receive and use any money the County then had or was entitled to receive from the Internal Improvement Fund. The agent of the Bank of Tennessee was directed to pay over to the Commissioners any funds which he might have on hand and their receipt would be good for evidence of payment.
8. Acts of 1837-38, Chapter 43, repealed Private Acts of 1835-36, Chapter 121, above, to the extent that it authorized the Board of Common School Commissioners to receive Internal Improvement funds and authorized the County Court of Hardeman County to receive and expend those funds.
9. Acts of 1847-48, Chapter 75, divided the County Academy of Hardeman County into two branches, the Bolivar Female Academy for the education of girls and the male branch.
10. Acts of 1847-48, Chapter 88, appointed James A. Haire, Guilford Cannon, Robert F. Cooke, Rev. Wilson Chapman, Rev. A. A. Mathis, Joseph Upton, and Joseph B. Heiskell as additional Trustees for Bolivar Academy. The Trustees were required to establish a female branch of the academy and locate it in or around Madisonville. One half of the funds then in the hands of the Trustees would be appropriated for the benefit of the female branch of the academy.
11. Acts of 1849-50, Chapter 104, authorized the Trustees of Bolivar Academy to sell the properties of the academy and apply the proceeds to the use and benefit of the female section of the school provided a majority of the Trustees consented. The Trustees were authorized to change the name of the female department of Bolivar Academy to the Madisonville Female Academy and under that name have and exercise all rights and privileges as before.
12. Acts of 1851-52, Chapter 216, repealed Acts of 1849-50, Chapter 104, above, and transferred any funds of Bolivar Academy to Hiwassie College.
13. Public Acts of 1875, Chapter 5, allowed the Trustees of the Bolivar Male Academy in Hardeman County to sell and convey that portion of the Academy corner lot cut off by and lying east of the New Orleans, St. Louis & Chicago Railroad, and provided that the proceeds of the sale would be used for the benefit of the institution.
14. Public Acts of 1879, Chapter 203, permitted and authorized the Trustees of Bolivar Male Academy to sell the lot and improvements thereon of the Academy for the best price obtainable and to execute an absolute deed to the purchaser. If it was impractical to build an academy building the trustees would turn over the proceeds of the sale to the Sixth School District of Hardeman County for the purpose of constructing a common school building in the District.
15. Private Acts of 1919, Chapter 505, created a special school district in the Fifth Civil District of Hardeman County including the town of Middleton to be called the Middleton School District. The

- act established a five-member Board of Directors to operate the district and named J. H. Cornelius, J. B. Hudson, J. T. Jenkins, M. Wilson, and A. L. Thompson to the first Board. The officers of the school district would be elected for two-year terms by the qualified voters of the District. The Board was directed to apportion school funds within the school district according to the scholastic census. The Board was granted the authority to issue bonds for the District up to \$18,000 and was required to maintain a high school at Middleton. The act levied a tax of thirty-five cents per \$100 of property valuation and a \$1 poll tax on each male to retire the bonds. All children residing in the District could attend school free of tuition charges.
16. Private Acts of 1920 (Ex. Sess.), Chapter 79, amended Private Acts of 1919, Chapter 505, above, by inserting in the act a provision which changed the method of selecting teachers for the special school district. The Board of Directors would nominate teachers to the County High School Board of Education who would elect them. The Board of Directors would choose the elementary teachers, subject to the approval of the County Superintendent, fix their salaries, and discharge them, if necessary. Any surplus funds available after all purposes were accomplished could be used to pay teacher's salaries.
 17. Private Acts of 1921, Chapter 485, created a special school district including the town of Whiteville in Hardeman County to be called the Whitefield District. A three-member Board of Directors would operate the school district as a corporation and the act named Rivers Norment, C. R. Howse, and R. A. Thomas as the first Board members with vacancies to be filled by the remaining members. They would serve until their successors were elected by qualified voters of the District in August of 1922. The powers and duties of the Board were enumerated and specified. The district would receive their pro rata share of school funds and, in addition, the act levied a tax of 20 cents per \$100 of property valuation. Children between the ages of six years and twenty-one years, living in the district, could attend school free of tuition charges.
 18. Private Acts of 1923, Chapter 372, amended Private Acts of 1921, Chapter 485, above, by setting a two year term for the elected officers of the district and by changing the date of their election to coincide with the Whitefield municipal election. The act required the Trustee to apportion state school funds for this school district.
 19. Public Acts of 1925, Chapter 115, Section 33, abolished all special school districts which were not taxing districts. The taxing districts could hold a referendum on the question of their own abolition, and any district could join the county system when all their debts were paid. This entire chapter became Title 49, Tennessee Code Annotated.
 20. Private Acts of 1927, Chapter 673, amended Private Acts of 1919, Chapter 505, above, which created the Middleton School District, by changing the boundaries of the district to embrace additional territory. The rate of the tax levy was increased to forty cents per \$100, and an additional bond issue in the maximum amount of \$12,000 was authorized to fund the operation and maintenance of the District.
 21. Private Acts of 1927, Chapter 678, created a special school district out of a portion of the Sixth Civil District in Hardeman County which would be known as the Pocahontas School District. A district school tax of twenty cents per \$100 of property valuation was levied to be collected as were other taxes. Dr. J. E. Fortune, Ed Wardlow, and J. C. Crawford were named as the first members of the Board of Directors to hold office until their successors were elected for two-year terms. The Board must have a chairman and secretary and would meet on the first Monday in January, May, and September of each year.
 22. Private Acts of 1927, Chapter 796, created the Silerton School District in the Seventh Civil District of Hardeman County and the Tenth Civil District of Chester County. It included the Town of Silerton. The District would be run by a three-member Board of Directors, the first members of which would be O. T. Rush, Dr. W. H. Siler, and H. G. Master who would serve until their successors were elected in August, 1929. Qualifications of the Board members were specified and their powers and responsibilities were defined. The authority was granted the power to issue bonds in an amount up to \$6,000 which would mature according to a specified schedule over a period of twenty years. A tax was levied in the amount of fifty cents per \$100 of valuation to provide a sinking fund to amortize the bonds and to operate the school. The Trustees of the two Counties were directed to collect and disburse funds for the District under the supervision of the Directors. The bond issue was required to be approved in a referendum by the qualified voters of the district. This act was declared to be in violation of the State Constitution because of the variance between the title and the body of the act. Harris v. Rush, 157 Tenn. 295, 8 S.W.2d 366 (1928).
 23. Private Acts of 1931, Chapter 174, amended Private Acts of 1927, Chapter 673, above, by

increasing the maximum permissible tax rate for additional taxes levied on the Middleton School District to fifty cents per \$100 valuation, with the provision that five cents of the levy be used to purchase insurance and furnish janitor service and other incidentals as the school board might see fit and that the remainder of the increase in the tax levy would be used to create a sinking fund to retire the bonds issued by the District.

24. Private Acts of 1931, Chapter 369, repealed Private Acts of 1921, Chapter 485, above, and Private Acts of 1923, Chapter 372, above, and transferred all the facilities of the Whiteville School District to the Hardeman County Board of Education, providing that the special property tax would continue to be collected until all the debts of the District were.
25. Private Acts of 1931, Chapter 491, abolished the Board of School Trustees for School District No. 10 and transferred the responsibility for the operation of the District schools to the Hardeman County Board of Education. The taxes which had been previously levied in the school district would continue to be collected and were to be applied to the debts of the school district until paid.
26. Private Acts of 1947, Chapter 296, created the Bolivar Special Senior High School District embracing all the First, Seventh, Eighth, and Ninth Civil Districts in Hardeman County including the Town of Bolivar. A Board of Directors was established consisting of seven members to operate the District and build a proper school building for a senior high school. Upon approval of the voters, the Board would issue bonds in the amount of \$80,000 and a tax was levied in the District in the amount of thirty-eight cents per \$100 of property valuation.
27. Private Acts of 1947, Chapter 644, directed the Trustees of Hardeman County to apply \$1500 toward payment of the debts of the Town of Middleton incurred as the result of a town bond issue for the purpose of building a school that burned. The \$1,500 was being held in an account by the Trustee as excess funds from the Middleton Special School District which had been created after the school burned.

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