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## Chapter VI - Education/Schools

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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,

The University of Tennessee  
County Technical Assistance Service  
226 Anne Dallas Dudley Boulevard, Suite 400  
Nashville, Tennessee 37219  
615.532.3555 phone  
615.532.3699 fax  
[www.ctas.tennessee.edu](http://www.ctas.tennessee.edu)

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## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1993 Chapter 89

**SECTION 1.** Chapter 286 of the Private Acts of 1970, as amended by Chapter 274 of the Private Acts of 1982, and all other acts amendatory thereto, is hereby repealed.

**SECTION 2.** Haywood County shall be divided into five (5) school districts each of which shall consist of two (2) county commissioner districts, as follows:

- School District 1    County commissioner districts 1 & 5
- School District 2    County commissioner districts 2 & 6
- School District 3    County commissioner districts 3 & 7
- School District 4    County commissioner districts 4 & 10
- School District 5    County commissioner districts 8 & 9

It is the intent of this Act that changes in the boundary line of any county commission district for purpose of reapportionment shall automatically redefine the school district boundary lines so that further action on the part of the General Assembly for this purpose is not required. In the event such reapportionment results in a school board member no longer residing in the district he or she represents, such member shall continue to hold office until the expiration of his or her term. One member of the Haywood County Board of Education (Board) 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 the members of the Board shall expire, with the odd-numbered districts expiring at the same time, and the even-numbered districts expiring at the same time. 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 3.** To accomplish the transition from the present at-large Board consisting of seven (7) members appointed by the Haywood County legislative body to the five (5) school districts, set out in Section 2 of this Act, and established following the 1990 census, the two (2) Board members which the Haywood County legislative body shall appoint in July, 1993, shall each serve a term of office which shall expire on August 31, 1994, or at the time their successors are duly elected and qualified. The Board member which the Haywood County legislative body shall appoint in July, 1994, shall serve a term of office which shall expire on August 31, 1994, or at the time his or her successor is duly elected and qualified. At the regular August election in 1994, there shall be elected one (1) Board member each from school districts 1, 3, and 5. These Board members shall serve a term of office of four (4) years as set out in Section 2 of this Act. At this time, the Board shall consist of three (3) members which have been popularly elected from districts by the people of Haywood County and four (4) at-large members which have been appointed by the Haywood County legislative body. The two (2) Board members which the Haywood County legislative body shall appoint in July, 1995, shall each serve a term of office which shall expire on August 31, 1996, or at the time their successors are duly elected and qualified. The two (2) Board members which the Haywood County legislative body shall appoint in July, 1996, or at the time their successors are duly elected and qualified. At the regular August election in 1996, there shall be elected one (1) Board member each from school district 2 and 4. These Board members shall serve a term of office of four (4) years as set out in Section 2 of this Act. On September 1, 1996, the Board shall consist of five (5) members popularly elected from five (5) school districts serving staggered terms of four (4) years.

**SECTION 4.** The Haywood County Board of Education shall have the same powers, duties, privileges and qualifications as the Board of Education established pursuant to Title 49, Tennessee Code Annotated, except as otherwise provided herein.

**SECTION 5.** 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 6.** This Act shall have no effect unless it is approved by a two-thirds (2/3) vote of the Board of County Commissioners of Haywood County. Its approval or nonapproval shall be proclaimed by the presiding officer of the Board of County Commissioners of Haywood County and certified by him to the

Secretary of State.

**SECTION 7.** 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 6.

Passed: May 17, 1993.

## Superintendent or Director of Schools

### Private Acts of 1917 Chapter 399

**COMPILER'S NOTE:** Portions of this act may be superseded by the Education Improvement Act of 1991, at T.C.A. § 49-2-301.

**SECTION 1.** That in Haywood County, Tennessee, the County Board of Education shall, with the approval of a majority of the Quarterly County Court, employ a County Superintendent of Public Instruction whose duty shall be to carry out the policies established by the Board and the provisions of law. Said Superintendent employed shall take office at the expiration of the present term of office. Whenever a vacancy shall occur in the office of the County Superintendent by death or resignation, a successor shall be appointed by the County Board of Education to take office immediately following approval by the Quarterly County Court as provided above.

As amended by: Private Acts of 1969, Chapter 59

**SECTION 2.** That this Act shall in no way affect the duties, qualifications, or compensation of the County Superintendent of Public Instruction, but the same shall remain as now fixed by law, except that the certificate of qualifications shall be filed with the County Judge or Chairman of the County Court not later than sixty days preceding the election.

**SECTION 3.** 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: March 29, 1917.

### Private Acts of 1969 Chapter 59

**SECTION 1.** That Section 1 of Chapter 399 of the Private Acts of 1917, as amended by Chapter 330 of the Private Acts of 1925, is hereby amended by deleting said Section 1 in its entirety and substituting a new Section 1 in lieu thereof as follows:

"That in Haywood County, Tennessee, the County Board of Education shall, with the approval of a majority of the Quarterly County Court, employ a County Superintendent of Public Instruction whose duty shall be to carry out the policies established by the Board and the provisions of law. Said Superintendent employed shall take office at the expiration of the present term of office. Whenever a vacancy shall occur in the office of the County Superintendent by death or resignation, a successor shall be appointed by the County Board of Education to take office immediately following approval by the Quarterly County Court as provided above."

**SECTION 2.** That the qualifications for said Superintendent shall be those which are provided by the general law.

**SECTION 3.** That the Superintendent shall serve at the pleasure of the Board but he shall be given not less than thirty (30) days notice before his employment is terminated.

**SECTION 4.** That, except as specifically provided for herein, the operation and control of the office of Superintendent of Public Instruction shall be governed by the general law.

**SECTION 5.** That this Act shall have no effect unless the same shall have been approved by a two-thirds (2/3) majority of the Quarterly County Court of Haywood County, on or before the July term of said Court. Its approval or non-approval shall be proclaimed by the presiding officer of the Quarterly County Court and certified by him to the Secretary of State.

**SECTION 6.** That this Act shall take effect for the purpose of validating the same, as provided for in Section 5 hereof, from and after its passage, the public welfare requiring it.

Passed: April 8, 1969.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Haywood 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 1970, Chapter 286, as amended by Private Acts of 1982, Chapter 274, and all other acts amendatory thereto, was repealed by Private Acts of 1993, Chapter 89.

### **Superintendent or Director of Schools**

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

1. Private Acts of 1925, Chapter 330, amended Private Acts of 1917, Chapter 399, so that whenever a vacancy should occur in the office of County Superintendent of Public Instruction by death or resignation, the County Court shall elect someone to fill out the unexpired term made vacant by the death or resignation. Only five days notice of the filing of the certificate of qualification shall be required. This Act was apparently superseded by Private Acts of 1969, Chapter 59.

### **General Reference**

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

1. Acts of 1831, Chapter 39, incorporated the Brownsville Academy in Haywood County as a body corporate and politic, whose vacancies on the Board of Directors would be filled by the County Court. The Act named Hiram Bradford, David Hay, Herndon Harralson, Francis S. Cox, Simon Turner, Blackburn Coleman, Nicholas T. Perkins, William H. Loving, Allen J. Barbee, Rev. James Smith, James B. Ferguson and James W. Strother, as the first Board of Directors.
2. Acts of 1835-36, Chapter 89, provided that a male academy be incorporated in Wesley in Haywood County under all provisions of law incorporating the Madison and Wesley Female Academies except this Academy at Wesley shall elect only ten trustees.
3. Acts of 1836, Chapter 141, page 268, is almost a duplicate of the above act, except this academy is a female academy with all the rights and privileges as the others. This one was also limited to ten trustees.
4. Acts of 1837-38, Chapter 269, Section One, named Benjamin Lyon, William J. Newbern, Samuel Shackley, Samuel Kirkpatrick, James Bond, Joseph Stokely, Tobias J. Hall, Joshua T. Walker, John Howard, Thomas J. Newbern and John Read as the incorporators of the Union Academy in Haywood County. They were to organize themselves and to exercise all the powers incidental to the operations of corporations in Tennessee.
5. Acts of 1841-42, Chapter 142, incorporated the Brownsville Female Institute for 99 years naming practically the same people as trustees and incorporators as are mentioned in the above act.
6. Acts of 1869-70, Chapter 22, Section One, incorporated the "Haywood County Agricultural, Mechanical, and Horticultural Association," for a period of thirty-three years, with an initial capital of \$3000 which could be increased to \$100,000, at \$25 shares. The Association was empowered, among other things, to hold fairs, exhibitions, to build buildings, to award prizes, and to do other things which would tend to encourage the practice of agriculture, mechanics, and horticulture. The original incorporators, as named in the Act, were David P. Williams, Robert S. Thomas, S. E. Taylor, W. A. Allen, Jasper Carlton, J. A. Nebbett, W. B. Clayborn, W. T. Crune, Ashley Bradford, W. B. Maner, John Allen, R. W. Beers and B. J. Lee.
7. Private Acts of 1897, Chapter 301, transferred all right and title to the Brownsville Public School Building and Grounds, as described in the act from the Trustees of the Old Male Academy, of Brownsville to the school directors and their successors, of the Brownsville School District to have and to hold for school purposes. The latter were then given the authority to use or dispose of the property in any manner they may consider to be in the best interests of the public schools.
8. Public Acts of 1907, Chapter 236, created Board of Education for every county in the State and abolished the office of District Directors. The county would be divided into school districts by the County Court which districts would be composed of whole civil districts. County Court will elect one member of the Board of Education from each school district. The duties of the Chairman, the Secretary, who would be the Superintendent, and of the Board proper, are all enumerated in the Act. Members' compensation would be from \$1.50 to \$3 per day as fixed by the County Court. There would be an Advisory Board in each District, consisting of three people elected in the district and their duties were catalogued. Some of the counties exempted themselves from the operation of the Act but Haywood County was not among them. See Whitthorne v. Turner, 155

Tenn. 303, 293 S.W. 147 (1927).

9. Private Acts of 1919, Chapter 668, created a special school district within the boundaries of the Third Civil District which would be called the "Stanton School District". The County Public School Board would have exclusive jurisdiction over the expenditure of the funds for this district. A special tax of five mills on the dollar was levied on property within the school district in addition to all other taxes levied. The County Trustee shall collect the tax and be held accountable for the money. The funds shall be used to erect a school building within that district.
10. Private Acts of 1920 (Ex. Sess.), Chapter 30, amended Private Acts of 1919, Chapter 668, above, so as to empower and authorize the County Public School Board of Haywood County to issue school warrants on behalf of the Stanton School District in an amount not to exceed \$12,000, at an interest rate less than 6%, and to mature no longer than ten years from issuance, the proceeds of which would be used to build and equip a school building.
11. Private Acts of 1970, Chapter 273, amended Private Acts of 1943, Chapter 398, which is the charter for the City of Brownsville, by deleting Section 29 thereof in its entirety and inserting a new section which abolished the Brownsville Special School District and transferred all property to the Mayor and aldermen who were granted leave to transfer the same likewise to the Quarterly County Court, or the Haywood County Board of Education for the purpose of operating the schools.

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