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## Chapter VI - Education/Schools

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## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1961 Chapter 387

**SECTION 1.** That the County Board of Education of Davidson County, Tennessee is authorized and empowered to establish and operate an educational television station in cooperation with the City Board of Education of the City of Nashville and in cooperation with any other person, firm, corporation or agency. Said Board of Education is authorized and empowered to make applications to and enter into agreements with the Tennessee Education Television Commission created by Chapter 38 of Title 49 of Tennessee Code Annotated and to take all actions, enter into all agreements, and exercise all powers under any state or federal statute necessary for the establishment and operation of an educational television station. Said Board of Education is expressly authorized to receive funds from the federal or state governments or from other sources and to use such funds for the purposes of this Act.

**SECTION 2.** That the Quarterly County Court of Davidson County, Tennessee, is hereby authorized and empowered to make appropriations for the purpose of this Act.

**SECTION 3.** That the provisions of this Act are hereby declared to be severable; and, if any of its sections, provisions, exceptions, sentences, clauses, phrases or parts be held unconstitutional or void, the remainder of this Act shall continue in full force and effect, it being the legislative intent, now hereby declared, that this Act would have passed even if such unconstitutional or void matter had not been included therein.

**SECTION 4.** That this Act shall have no effect unless the same shall have been approved by a two-thirds vote of the Quarterly County Court of Davidson County, Tennessee. Its approval or nonapproval shall be proclaimed by the presiding officer of said Court and shall be certified by him to the Secretary of State.

**SECTION 5.** That this Act shall take effect from and after the date on which it shall be approved by two-thirds vote of the Quarterly County Court of Davidson County, Tennessee, the public welfare requiring it.

Passed: March 16, 1961.

### Retirement System

#### Private Acts of 1949 Chapter 155

**SECTION 1.** That Chapter 503 of the Private Acts of 1941, the caption of which is set out in the caption of this Act, be, and the same is, hereby amended by striking out all of the said Act following the caption, and substituting in lieu thereof the following:

**SECTION 1.** That there is hereby created a system for retirement and pension for all teachers and other employees of Boards of Education in all counties having a population of not less than 250,000 nor more than 260,000 inhabitants, according to the Federal Census of 1940, or any subsequent Federal Census, who have reached the age of sixty (60) years or more, and have been employed immediately preceding said retirement for the periods as hereinafter set out.

**SECTION 2.** That for the purpose of this Act all teachers and employees of said County Boards of Education whose salaries, wages or compensation are a charge against and payable from school funds administered by said County Boards of Education shall be entitled to benefits of the retirement plan and compensation herein established; provided, however, that employees employed after April 15, 1961, in positions other than those embraced within the meaning of the term "teaching personnel", who, at the time of employment, shall have attained the age of forty-six (46) years, are expressly excluded from the rights and benefits provided in this Act.

As amended by: Private Acts of 1961, Chapter 231

**SECTION 3.** That the County Boards of Education be and each one is hereby constituted a commission to be known as the "Retirement and Pension Board" for the determination of eligibility for retirement compensation or pension for teachers and other employees of County Boards of Education.

**SECTION 4.** That any person desiring to be retired under the provisions of this Act who has had the years of service as hereinafter defined with any County Board of Education by whom he or she is to be

retired, and shall have reached the age of sixty years or more shall file with the "Retirement and Pension Board" a petition setting forth in detail his employment record, with a request to be retired, accompanied by a certification of the County Auditor, or other satisfactory evidence as to the correctness of his or her employment record. The said "Retirement and Pension Board" shall determine whether such person is entitled to draw compensation, and the amount thereof, which petition, auditor's certificate or other satisfactory evidence and the order of the "Retirement and Pension Board" shall be spread upon the minutes of said "Retirement and Pensions Board". The decision of said Board shall be final and conclusive, except that any one aggrieved by the action of the Board may have such action reviewed in the manner provided by Sections 9008 to 9018 of the Code of 1932.

**SECTION 5.** That it shall be the duty of said County Board of Education annually to provide in their respective budgets, high school and elementary, a sum sufficient to pay all retirement benefits of elementary and high school teachers and employees, respectively, and it shall be the duty of the Quarterly County Court to approve such budget items, and it shall be the duty of said County Boards of Education, sitting as a "Retirement and Pension Board" to issue warrants chargeable to the said budgeted pension fund in payment of said retirement compensation or pension, as so found and fixed by said Board.

**SECTION 6.** That casual or temporary employees shall not be affected by this Act, and regular employees, as distinguished from casual employees, shall include all regular employees receiving salaries, wages or compensation where such employment has been regular and was either for as much as One Hundred Eighty (180) Days per annum during said period of service as an employee of County Board of Education, or for the full term for which the schools were operated; provided, however, that none of the provisions of this Act shall apply to part time employees, who are hereby defined as employees working less than forty hours per week, excluding teachers, and school bus drivers.

As amended by: Private Acts of 1955, Chapter 306

**SECTION 7.** That said retirement compensation shall not be treated as insurance and said payments when due shall be exempt from the debts of such employee and shall not be subject to attachment, garnishment, execution or other legal process while in the hands of the County or the employee or beneficiary, but that same shall be received by such employee or beneficiary free from the debts, judgments and demands against him.

**SECTION 8.** That for the purpose of creating a fund to be known as the "Employee Pension and Insurance Fund", the County Boards of Education and the employees of the County Boards of Education are required to contribute the percentage of salaries and compensation as herein provided. The funds shall be paid to the Trustee of the County and be held by him as a special fund for the purposes of this Act, and shall be designated "School Pension Fund". The Trustee shall pay out such fund upon warrants issued by the County Boards of Education. It shall be the duty of the County Auditors on request of the County Boards of Education to estimate the amount of charges against said funds for any annual period and the County Boards of Education will retain a sufficient amount with the current collections to provide for the payment of such charges. The balance in such fund so required shall be from time to time invested by the Trustee of said County in Federal, State of Tennessee, and County bonds, and the net income received from such investments added to the corpus of such fund in the hands of the Trustee.

**SECTION 9.** That said counties shall contribute to such employees' pension and insurance fund created in the preceding section of this Act the amount of three (3) per cent of the current salaries and compensation of employees of said County Boards of Education, subject to this Act, payable quarterly to this fund, and such additional amounts as may be necessary hereunder to be sufficient to enable the payment from said Fund of all matured benefits provided by this Act as the same accrue. And there shall be included in the annual tax levy of said counties, a sum sufficient to pay such contributions of the County, and such additional amounts as may be necessary, into such funds.

**SECTION 10.** That all employees as above defined shall contribute to such Fund three (3%) per cent of the salaries and compensation received hereafter during their employment, payable monthly, subject to other provisions hereof.

The basis of benefits to be received by any employee hereunder shall be the percentages specified upon the highest salary or compensation for any year of service received by such employee during his service with the County, or upon the highest salary or compensation paid such person by the County, and on which he has made contributions under this Act.

Provided, however, the minimum benefit received by any employee or pensioner hereunder shall be the sum of One Hundred (\$100.00) Dollars per month.

Tenure of service as herein contemplated shall be based upon the aggregate of accumulated employment for which the County has in whole or in part compensated such person or employee or official before and/or after the passage of this Act, and shall not be limited to continuous employment, and such services may consist of the aggregate employment or service before and/or after the passage of this Act, in

different positions, independent offices or departments where all or any part of salary or compensation has been paid by the County, or some governmental agency for services performed in said County.

Any teacher or employee of said County Boards of Education who shall have had his or her tenure of employment with such County Boards of Education interrupted by a period of military service for the United States and from which he or she was separated with honor shall have such period of military service counted in their total years of retirement pension benefits, just as if he or she had remained on the job with such County Boards of Education, provided his or her employment was duly resumed with such County Boards of Education within one year following such honorable separation from such service.

Provided, however, that employees hired by said Boards from and after the effective date of this Act shall not be entitled to the benefit of the minimum pension of \$100.00 unless such employee has received during such employment an annual salary equal to at least \$2,400.00.

As amended by:

Private Acts of 1951, Chapter 366

Private Acts of 1955, Chapter 99

Private Acts of 1955, Chapter 306

Private Acts of 1961, Chapter 417

**SECTION 11.** That it shall be the duty of the Department of Education of said counties to prepare on or before May 1, 1949, a complete list of all employees in said departments showing the length of their service, the time first employed by the County, their exact age, and the amount of their wage or compensation, which list shall on or before May 1, 1949, be audited and verified by county auditors and their report thereon submitted to the School "Retirement and Pension Board". From such certified reports there shall be prepared a roll of employees showing the name, age, and the service of each employee of the County as of May 1, 1949, and the salary and compensation of each employee, upon which the contribution of said Fund shall be based and the percentage of such salary and compensation to be contributed by each employee, subject to future change.

The payments and contributions to such Fund shall begin on May 1, 1949, but no payments or allowances shall be made out of such Fund until September 1, 1949, thereafter, provided, that eligibility of all officers and employees for benefits hereunder shall commence as of May 1, 1949, except as hereinafter provided.

When an officer or employee becomes eligible for payment from such Fund, the School "Retirement and Pension Plan" shall certify such fact to the Trustee, showing the amount to be paid and the basis of such payment.

It shall be the duty of the officials charged with the duties of paying salaries and compensation to officers and employees hereby affected, to deduct from the monthly salary of such person the percentage herein provided, and to pay such amounts to the Trustee on receivable warrants through the County Judge's office, to be credited to the School "Pension and Retirement Fund". It shall be the duty of the County Board of Education, through its Chief Clerk or Bookkeeper, to keep a complete record of the amounts paid in by, or on behalf of, any officer or employee and of the benefits or pension paid him, to be subject to the inspection of any person interested during business hours.

**SECTION 12.** That any officer or employee subject to this Act who received a bodily injury through accidental means and resulting directly, indirectly and exclusively of all other causes, during the time he is engaged in the regular duties of his employment, and who is thereby disabled from performing the duties of his employment, shall be entitled to receive from such "Employees' Insurance Fund" compensation in such amount not in excess of One Hundred and Fifty (\$150.00) Dollars per month in any case, and for such term and in such amount as provided for similar cases by the Workmen's Compensation Law of Tennessee, but this section shall apply only to the injured employee and not to dependents; provided, that any employee who has served five (5) years or more and receives an accidental injury, as defined in this section, whereby he is totally and permanently disabled from performing the duties of his employment, shall at his option receive compensation as herein provided, or shall be entitled to retirement on the basis herein provided for similar service, tenure or disability, or provided in Section 13 hereof.

**SECTION 13.** That any employee who has served five (5) years and less than ten (10) years who becomes totally and permanently disabled in the position occupied, and in the manner set forth in Section 12 hereof, shall be retired and shall receive compensation from the "Employees' Insurance Fund", based upon thirty (30% per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund.

Any employee who has served ten (10) years and less than fifteen (15) years, and has become likewise totally and permanently disabled, shall be retired, and shall receive compensation from the "Employees' Insurance Fund" based upon thirty-five (35%) per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund.

Any employee who has served fifteen (15) years and less than twenty (20) years and has become likewise

totally and permanently disabled, shall be retired, and shall receive compensation from the "Employees' Insurance Fund" based upon forty (40%) per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund.

Any employee who has served twenty (20) years and less than twenty-four (24) years and has become likewise totally and permanently disabled shall be retired and shall receive compensation from the "Employees' Insurance Fund" based upon forty-five (45%) per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund.

Any employee who has served twenty-four (24) years or more who has not reached the retirement age, and who has become likewise totally and permanently disabled, shall be retired and shall receive compensation based upon fifty (50%) per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund. Any person retired under this section shall be relieved of further contributions to such Fund from and after such retirement.

**SECTION 14.** That any officer or employee who has served for twenty-four (24) years and has reached the age of sixty (60) years may, at his option, retire and shall receive compensation from such "Employees' Insurance Fund", based upon fifty (50%) per cent of his salary and compensation as fixed for the purpose of paying contributions to such Fund, subject to Section 13 of this Act.

**SECTION 15.** That all such officers and employees who have served fifteen (15) years or more, and have not reached the retirement age, who become involuntarily separated from the service as herein provided, or whose term of office expire, or who resign, and not by removal for cause on charges of misconduct or delinquency, shall have the right to elect (a) to be reimbursed three-fourths of the amount of the contributions made to the fund by such employee less deduction of all benefits received, or (b) to continue to make the same contributions to the fund as were made immediately prior to said separation from the service, as aforesaid, until retirement age is reached as provided in Section 14 of this Act, at which time retirement with full compensation may be had, or (c) to accept retirement compensation to which he is entitled by his length of service, or (d) to defer, pending reemployment by the County and restoration to full compensation rights. The right to make election or change his election under paragraphs (a), (b) and (c) shall continue at the option of the affected employee.

Any retired employee who receives payments under this Act and who accepts a position covered by this Pension Plan shall not receive payments under the Pension Act during the time he is paid compensation by the County; provided, however, that any teacher who is retired under the provisions of this Act may serve as substitute teacher in a county school system of said county and draw compensation therefor for not more than sixty days during any school year and at the same time continue to draw benefits as provided under this Act.

As amended by: Private Acts of 1961, Chapter 407

**SECTION 16.** That every teacher or other employee as defined in this Act shall be obligated to make contributions to such fund as herein provided, and the County, through its authorized agents, shall enforce the collections; and notwithstanding such obligations of the employees, if any employee should be in default of the payment of such obligation for the period of thirty (30) days, after demand is made upon such person for payment, he shall be treated as suspended from all benefits of such insurance fund for the period of default and six (6) months thereafter, and shall lose all benefits of disability or separation occurring during such suspended period; provided, however, that such contributions shall not be required of part time employees as defined in Section 6 hereof.

As amended by: Private Acts of 1955, Chapter 506

**SECTION 17.** That (a) when any officer or employee subject to the provisions of this Act shall be separated from employment for any reason, resignation or otherwise, except for discharge for delinquency or misconduct, without having served as much as twenty-four (24) years, and who has not reached the age of sixty (60) years, he shall be entitled to a refund of seventy-five (75%) per cent of the amounts which he may have contributed to the said "Employees' Insurance Fund", after deduction of the amount of any and all benefits theretofore received by him from said fund.

(b) That any officer or employee subject to this Act who shall have served as herein provided for a period of fifteen (15) years and who has reached the age of sixty (60) years who is deprived of his employment without fault on his part, or is separated from the service by expiration of his term of office or resignation, may receive thirty (30%) per cent monthly of his compensation or salary. Such persons shall contribute to said fund for a period of fifteen years at the rate of three (3%) of the salary and compensation received for their services, such payments to be made monthly as long as he or she is employed, or receive benefits under this Act, not to exceed fifteen (15) years. For each additional year of service the monthly compensation shall be increased by two (2%) per cent and the time for which contributions are to be made shall be correspondingly increased by one year until the maximum service of twenty-four years has been had and the age of sixty years has been reached.

(c) That any employee subject to the provisions of this Act who shall have become sixty (60) years of age and had twenty-four (24) years of service, as herein provided, may retire with fifty (50%) per cent of his salary and compensation as fixed for the purpose of paying contributions to said fund, to be paid as herein provided. Such persons shall contribute to said fund for a period of twenty-four (24) years at the rate of three (3%) per cent of the salary and compensation received for their services, such payments to be made monthly so long as he or she is employed or receives benefits under this Act, not to exceed twenty-four (24) years.

(d) That any employee subject to the provisions of this Act who shall have had thirty (30) years of service, as herein provided, regardless of age, may retire with fifty (50%) per cent of his salary and compensation as fixed for the purpose of paying contributions to said fund, to be paid as herein provided. Such person shall contribute to said fund for a period of twenty-four (24) years at the rate of three (3%) per cent of the salary and compensation received for his services, such payments to be made monthly as long as he or she is employed or receives benefits under this Act, not to exceed twenty-four (24) years.

(e) In the event of the annexation of territory to the City of Nashville encompassing a school which previously was a part of the school system of Davidson County, any teacher or principal who is teaching in such school as of the date of such annexation and who goes into the school system of the city of Nashville, and any secretary, clerk, janitor or other employee who is working at such school and is employed in the City School System, shall have the following rights, with respect to retirement benefits:

There shall be transferred into and deposited in the Teachers' Pension Fund of the City of Nashville all the amounts previously contributed by any such teacher or principal or by Davidson County or the State of Tennessee on behalf of such teacher or principal into the "Employees' Pension and Insurance Fund" established under this Act. It shall be the duty of the Davidson County School Retirement and Pension Board or other cognizant officials of Davidson County to transfer such funds to the Teachers' Pension Fund of the City of Nashville and to draw all necessary vouchers and to execute any and all other necessary instruments for that purpose.

There shall be transferred into and deposited in the Civil Service Employees' Pension Fund of the City of Nashville all the amounts previously contributed by any such secretary, clerk, janitor or other employee (other than a teacher), or by Davidson County or the State of Tennessee on behalf of such employee into the Employees' Pension and Insurance Fund" established under this Act. It shall be the duty of the Davidson County School Retirement Pension Board or other cognizant officials of Davidson County to transfer such funds into the Civil Service Employees' Pension Fund of the City of Nashville and to draw all necessary vouchers and to execute any and all necessary instruments for that purpose.

Any teacher, principal, secretary, clerk, janitor or other employee who goes under the retirement and pension program of the City of Nashville thereby shall terminate any and all rights of such teacher, principal, secretary, clerk, janitor or other employee under this Act from and after the transfer of the funds previously contributed by or accruing to the benefit of such teacher, principal, secretary, clerk, janitor or other employee as herein provided.

As amended by: Private Acts of 1961, Chapter 406  
Private Acts of 1961, Chapter 414

**SECTION 18.** That payments to beneficiaries under this Act shall continue during the life of any beneficiary thereto entitled, unless otherwise provided in this Act.

**SECTION 19.** That all employees of the County subject to the provisions of this Act who at the time of the passage of the Act have attained the age of fifty-five (55) years and shall have been employed by the County for a period of less than fifteen (15) years shall have the right to elect not to come within the provisions of this Act. Such election must be in writing and delivered to the County Board of Education, sitting as a School "Retirement and Pension Board" on or before July 1, 1949.

**SECTION 20.** That any officer or employee subject to the provisions of this Act who has served not more than five (5) years and is voluntarily separated from the service, and not by removal for cause on charges of misconduct or delinquency, shall be reimbursed all of the contributions made to the Fund by such employee less deduction of all benefits received hereunder.

Any employee who has serviced as aforesaid less than fifteen (15) years and is involuntarily separated from the service, and not by removal for cause on charges of misconduct or delinquency, shall be reimbursed eighty-five (85%) per cent of the amount of the contributions made to the Fund by such employee less deduction of all benefits received hereunder.

**SECTION 21.** That whenever any officer or employee of the County subject to the benefits under the provisions of this Act shall, in the line and course of his employment, and in the actual discharge of the duties of his position, sustain personal injuries by external and violent means or by accident, resulting in the death of such employee within twelve (12) months from the time such personal injuries were

sustained, the County shall pay within sixty (60) days after the death of such employee to the widow of such deceased employee, or to the personal representative of such deceased employee, if he leaves no surviving widow, for the benefit of the minor child or children, of such deceased employee, or to the personal representative of such deceased employee for the benefit of the estate of such deceased employee, if such deceased employee leave surviving him no minor child or children, or if such deceased employee be a person of the female sex, the sum of Two Hundred and Fifty (\$250.00) Dollars and a similar sum every ninety (90) days thereafter until the sum of One Thousand (\$1,000.00) Dollars is paid. No such payment shall be made in the case of the death of any such employee where the personal injuries resulting in his death were due to the willful misconduct, intoxication, use of narcotic drugs, or disobedience of orders on the part of such employee, or while traveling to or from his work in any manner, or were intentionally self-inflicted by such employee, or the death of such employee was due to any sickness or disease by such employee. No member of any board or commission created by law, nor any contractor, nor employee of any contractor, shall be deemed to be within the meaning of the phrase "Employee of the County", as used herein. Written notice of such personal injuries shall be given to the "Retirement and Pension Board" by or on behalf of such employee within thirty (30) days after such personal injuries were sustained.

The commission known as the School "Retirement and Pension Board", in the event of any such claim made for payment under the provisions of this section, shall make or cause to be made full investigation of the facts relevant to the claim, and shall determine whether or not the claim is legally and properly payable; and may, in its discretion, in any case, hold a public hearing, upon five days notice given to the person or persons making the claim, and may summon and examine witnesses and her testimony and receive and consider evidence, and allow proponents of the claim to be represented by counsel and to introduce witnesses and evidence. The decision of the Board on all questions of fact involved in any claim under the provisions of this section shall be final, and shall be subject to review only for illegality or want of jurisdiction. The Board shall cause to be entered upon its minutes a record of its action upon any claim.

All payment pursuant thereto shall be free from the claim of creditors, and not subject to attachment, garnishment or other processes of law.

The foregoing provisions for the payment of death benefits shall apply to all persons coming within the provisions of this Act, or employed by all boards, commissions or departments coming under the class entitled to benefits under the retirement and pension plan.

**SECTION 22.** That should any part of this Act be declared invalid, as applying to certain employees of the County, the remaining part of the Act legally applying to other employees shall be treated as separable and valid.

**SECTION 23.** That this Act shall receive a liberal interpretation and construction to carry into effect the purpose thereof.

**SECTION 24.** That all employees of said Boards of Education heretofore retired under the provisions of Chapter 503 of the Private Acts of 1941 shall continue to receive the pension benefits to which they are entitled thereunder, and provided, further, that any retirements prior to May 1, 1949, shall be under said original Act, as amended prior to this amendment.

**SECTION 25.** That this Act take effect, except as hereinabove provided, on May 1, 1949, the public welfare requiring it.

Passed: February 11, 1949.

## Education/Schools - Historical Notes

### **Board of Education**

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

1. Acts of 1907, Chapter 236, created a Board of Education and District Boards of Advisors for every county in the State and abolished the office of District Director of the Schools. The county courts would divide their respective counties into five school districts composed of whole civil districts. The County Court would elect one person from each district to serve on the Board. The Superintendent of Schools would be ex officio secretary on the Board of Education. The members elected by the Court would serve until September 1, 1908, when their successors would be elected by the people in the August election of 1908. The duties of the Chairman, the Secretary, and the members of the Board are specified in the act. Members of the Board would be paid between \$1.50 and \$3.00 for each day they served. The people of each civil district would elect a three-member Board of Advisors. Duties of the Advisors included taking a census of school-aged children. Several counties were exempt from the legislation but not Davidson County was



included.

2. Acts of 1907, Chapter 447, authorized the Quarterly County Court of Davidson County to elect seven persons, who were freeholders, but not members of the Court, to be the Board of Education. Three persons would serve one year, two persons would serve two years, and two persons would serve three years. They were empowered to make rules to govern the actions of the Board. The Board would elect a chairman, and a secretary, whose duties and responsibilities were enumerated. The Board was to make an annual report to the County Court on the condition of the schools at its October Session. The Board could appoint a Clerk at \$50 a month. It was required to take a scholastic census. Board members would be paid \$3.00 a day for each day devoted to their duties. The offices of District Directors in the Districts were abolished. See State v. Pollard, 124 Tenn. 133, 136 SW 427 (1911), in which the Supreme Court held the Davidson County Court, although it was in control of all school buildings, could not expend general county funds for a special school purpose. The County Court had appropriated \$20,000 from the general fund for school buildings.
3. Private Acts of 1911, Chapter 199, created the office of Clerk of the County Board of Education in Davidson County to be filled by appointment of the Board at its first session after the passage of the act. The Clerk was required to be twenty-one years old or more, a suitable person for the job, not a member of the County Court or the Board of Education. The Clerk would hold office for two-year terms. The Clerk would perform such duties as were assigned to him by the Board and also serve as an assistant to the Superintendent. The Clerk would execute a \$1,000 bond and would draw a salary of \$1,500 per year. The Clerk could be removed by the Board of Education for by resolution.
4. Private Acts of 1915, Chapter 132, required that attendance by Board members at the meetings of the Board of Education would be certified by the Chairman and the Secretary before the members could be paid, and no member of the Board would be paid for more than 100 days. The Chairman of the Board would receive \$1,200 per year in lieu of per diem.
5. Private Acts of 1915, Chapter 448, amends Private Acts of 1911, Chapter 199, above, by setting the salary of the Clerk of the County Board of Education at \$1,500 to \$2,000 per year payable monthly out of the regular County funds on warrant of the Chairman of the Board of Education.
6. Private Acts of 1915, Chapter 515, amended Acts of 1899, Chapter 279, a general law relating to High Schools, by providing that in Davidson County building location, management, and control of the county high school, or schools would be vested in the County Board of Education.
7. Private Acts of 1917, Chapter 480, authorized the Board of Education in Davidson County and Shelby County to establish a system in the public schools to provide textbooks free of charge to pupils. The Board was given the discretion to install and operate the system in the manner most feasible and practical for the people and devise such regulations as the Board might deem proper. The expenses of the system would be included in the education budget.
8. Private Acts of 1917, Chapter 548, fixed the compensation of members of the Board of Education at \$3.00 per day when in actual attendance to the performance of their duties, with payment limited to fifty-two days a year. The Chairman of the Board would draw \$5.00 a day for up to fifty-two days a year. The members could pay the cost of their transportation when visiting schools from regular school funds.
9. Private Acts of 1921, Chapter 308, authorized the Board of Education of Davidson County, with the approval of the County Finance Committee, to borrow money on short term notes or loans, at six percent interest or less. In no event could the amount borrowed exceed one-half of the entire tax levy for school purposes in the taxable year. The money borrowed shall be repaid from money derived for school purposes during the year in which it was borrowed.
10. Private Acts of 1923, Chapter 442, provided that the Davidson County Board of Education would furnish text books free of charge to all pupils attending the grammar schools of the county. The Board would estimate annually the amount of money required and submit the estimate to the County Court whose duty it would be to make the appropriation. The books would remain the property of the Board of Education. In the event the School Board failed to make the estimate, any parent, guardian, or other person standing in loco parentis was empowered to compel them to do so by obtaining a writ of mandamus.
11. Private Acts of 1925, Chapter 344, amends Private Acts of 1923, Chapter 442, above, by making it the duty of the County Board of Education to make the estimates for the free school books distributed to pupils in grammar schools by June 1 of each year and to transmit the same to the County Judge, or Chairman. The County Court would make the appropriations at its July term.

12. Private Acts of 1929, Chapter 816, allowed the Board of Education of Davidson County to borrow money on short term notes to meet emergencies occasioned by fire, cyclone, floods, or other disasters. The loans would not be executed until they were approved by resolution of the County Court and the amount needed to amortize the loan was included in the budget for the succeeding year.
13. Private Acts of 1931, Chapter 146, allowed the Davidson County Board of Education to borrow money on short term loans, with the approval of the County Finance Committee, during the fiscal year 1930-31 for an amount equal to its budget for the scholastic year.
14. Private Acts of 1931, (2nd Ex. Sess.), Chapter 42, allowed the Davidson County Board of Education, with the approval of the County Finance Committee, to borrow money on short term loans up to the full amount of the budget for the 1931-32 scholastic year.
15. Private Acts of 1933, Chapter 498, allowed the Davidson County Board of Education, with the approval of the County Finance Committee, to borrow money on short-term loans in an amount up to its budget for the 1932-33 scholastic year.
16. Private Acts of 1947, Chapter 800, provided that the members of the Board of Education in Davidson County would be paid \$10 per day for their services.
17. Private Acts of 1949, Chapter 199, directed the Board of Education and the Superintendent of Schools of Davidson County to furnish textbooks free of charge to all students in the elementary and high school systems in the County. The books furnished would be those prescribed by the regulations of the Department of Education of the State in Section 2324 (8), Code of Tennessee. The Board and Superintendent were directed to file a statement that estimated cost of furnishing the textbooks to the Quarterly Court at least ten days prior to the April term of the Court. The act imposed the duty on the court to appropriate the necessary funds for the textbooks.
18. Private Acts of 1957, Chapter 303, amended Acts of 1907, Chapter 447, above, by authorizing the Board of Education of Davidson County to establish and maintain a payroll account in a local bank against which all payroll checks would be drawn. The checks would be signed by the Superintendent and countersigned by the Chairman of the Board of Education.

### **Retirement Systems**

The acts listed below affected the county school system prior to the establishment of the Metropolitan Government.

1. Private Acts of 1923, Chapter 516, authorized the Board of Education of Davidson County to provide group life insurance for public school teachers. The face amount of coverage per person could not exceed \$250. The Board was empowered to require each teacher to furnish once each scholastic year a certificate from the County Health Officer declaring that the teacher was physically able to discharge the duties required and was not affected by a communicable disease. The act set forth a pension plan to be put into effect by the Board for the benefit of its employees. Employees, sixty-five years old with forty years of service, were eligible for retirement benefits. The payments would equal one-half of the salary payable to a beginning teacher as of the date of retirement of the eligible employee. The Quarterly County Court was authorized to levy a tax to create and keep solvent a pension fund. A pension Board, consisting of the Chairman and the Secretary of the County Board of Education, the County Superintendent of Schools, and two teachers was established to administer the fund.
2. Private Acts of 1929, Chapter 817, created a "Teacher's Retirement Fund" in Davidson County which would be maintained by the contributions of two percent of the teacher's monthly or annual salaries of and matched by a like sum from the Board of Education. The County Trustee would be custodian of the fund to be deposited as savings in some bank at an interest yield of not less than four percent. The Board of Education and the County Superintendent of Schools would designate the teacher and the amount to be paid to the teacher from the funds based upon information obtained from the records of the Board.
3. Private Acts of 1931, Chapter 367, amended Private Acts of 1929, Chapter 817, above, by changing the amount of the payment for a disability pension from \$40 a month to an annual amount equal to the amount of total contributions made by the employee. A new Section was added which allowed any teacher who desired to retire from the teaching profession, who was discharged, or who died in the service, to withdraw from the Teacher's Retirement Fund, with interest, all the money paid in by the teacher.
4. Private Acts of 1933, Chapter 496, authorized the Board of Education in Davidson County to contract with any life insurance company authorized to do business in the State of Tennessee for the payment of pensions or annuities to teachers employed in the County Public School System.

For this purpose, principals and supervisors were classed as teachers. Teachers would contribute two percent of their salaries and the Board would contribute a matching sum. Participation would be optional for teachers. Authority was granted for the funds collected pursuant to a Retirement Fund created under Private Acts of 1929, Chapter 817, above, with the teacher's knowledge and consent to be transferred to the insurance company chosen to fund an annuity contract.

5. Private Acts of 1933, Chapter 497, repealed Private Acts of 1929, Chapter 817, above, which established a Teacher's Retirement Fund in Davidson County. The fund which had been set up pursuant to the act was authorized to be liquidated.
6. Private Acts of 1941, Chapter 503, created a retirement and pension system for all employees of Davidson County Board of Education. An employee who reached age sixty-five could petition for retirement if the employee had worked for five years immediately preceding retirement and had an aggregate of twenty-four years within the preceding thirty years. Benefits were payable monthly in an annual amount equal to one-half the average annual salary dividing the five years immediately preceding retirement, but in no event, more than \$60 per month. No benefits would be paid to one who had held a lucrative employment with federal, state, or municipal government. All benefits were payable from school funds and were required to be approved by the Quarterly County Court as a part of the school budget.
7. Private Acts of 1943, Chapter 108, amended Private Acts of 1941, Chapter 503, above, and declared that in calculating teacher's pension benefits, the first five years of service could consist of teaching at any public school, even those outside Davidson County. Any teacher who became disabled after twenty years service but before retirement age could be retired by the Board with full pension benefits.
8. Private Acts of 1945, Chapter 494, amended Private Acts of 1941, Chapter 503, above, by providing that an employee of the Board of Education could draw disability benefits if totally disabled and unable to engage in any gainful employment. The limitations were that such employee would receive fifty percent of regular retirement benefits if he had ten years employment; seventy-five percent of benefits with fifteen years; and one hundred percent benefits after twenty years of employment.
9. Private Acts of 1947, Chapter 250, amended Private Acts of 1941, Chapter 503, above, by reducing the retirement age for employees of the Board of Education from sixty-five years of age to sixty years of age. Retirement at age sixty-five was compulsory unless the Board decided to extend employment, but in no event could one work past age seventy. The act removed the limitation of \$60 per month for monthly benefits in cases where the employee would have received the higher amount. Persons employed by the Board upon entrance into military service during World War II were allowed to count their military years in establishing length of employment with the Board.
10. Private Acts of 1965, Chapter 243, allowed retired, Davidson County teachers with more than twenty years service who were receiving benefits under the Board of Education retirement plan to receive additional state funds each month.

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

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

1. Acts of 1895, Chapter 155, prohibited the Superintendent of Public Instruction from teaching in any public school either as principal or assistant, during his term of office. The Superintendent was further prohibited from making any contract to build or repair school property or to become the owner of any school warrant, other than those warrants allowed for his services as Superintendent. This act applied to all counties having 30,000 inhabitants or more. Any violation of the act was punishable by fines from \$25 to \$50, the money to be paid into the school fund.
2. Private Acts of 1911, Chapter 656, amended Private Acts of 1907, Chapter 447, by making the County Superintendent of Public Instruction an ex officio member of the Board of Education without the right to vote. The Superintendent of Public Instruction was granted the authority to hold and convey title to real property then and in the future, when authorized by the Board of Education and approved by the Quarterly County Court. The Act permitted the County Board of Education to allow county pupils to attend high schools in the city. The Chairman of the Board of Education would be paid \$5.00 per day up to 52 days a year.
3. Private Acts of 1921, Chapter 309, amended Acts of 1873, Chapter 125, by adding a provision that, in Davidson County, the County Superintendent of Schools shall be elected by the County Court biennially in July and shall hold office for two years, or until his successor is elected and qualified.

4. Private Acts of 1925, Chapter 594, authorized and directed the Davidson County Superintendent of Schools, in certifying to the County Trustee the average daily attendance of the pupils in the elementary schools within and without the corporate limits of Nashville for the scholastic year 1924-25, to add to the average daily attendance within the city and to subtract from the number out of the city, one-half of the average daily attendance of those pupils attending the elementary schools out of the city who resided in the territory annexed to Nashville by the Legislature at its 1925 session.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Davidson County but are no longer operative since they have either been superseded or repealed.

1. Acts of 1785, Chapter 29, Acts of North Carolina, incorporated Reverend Thomas Craighead, Hugh Williamson, Daniel Smith, William Polk, Anthony Bledsoe, James Robertson, Lardner Clark, Ephraim McClaine, and Robert Hays, as a body corporate and politic, to be known as the Trustees for Davidson Academy, with all the rights and privileges which were incidental to corporate institutions of learning. The Trustees could elect a President, a Secretary, and a Treasurer, and employ all the necessary personnel to operate the school, as well promulgate rules for the internal discipline and management of the institution. All the lands and properties of the school were declared to be exempt from taxes for the next ninety-nine years. Two hundred forty acres of land, reserved for the use and benefit of the State, being that part of the land most remote from the salt springs of Nashville is hereby vested in the Trustees.
2. Acts of 1796, Chapter 4, enacted in the same year Tennessee became a State, appointed Thomas Johnson, William Fort, James Ford, Thomas Donald, Edward Douglas, Moses Sisk, Seth Lewis, Joel Lewis, James Hoggatt, and John Gordon as Trustees of Davidson Academy. The building of the Academy was to be erected on the most convenient situation on the hill immediately above Nashville near the road leading to Buchanan's Mill. The Trustees, whose accounts would be audited annually, would proceed to erect the buildings and employ the tutors needed as soon as the available funds permitted.
3. Acts of 1803, Chapter 72, stated that the General Assembly had been asked to appoint Trustees for a college proposed to be built on a tract of land given to the Institution by the State of North Carolina and located just outside of Nashville. This Act appointed Reverend Thomas B. Craighead, James Robertson, Daniel Smith, Andrew Jackson, James Winchester, David Shelby, Robert Hays, Samuel P. Black, Joel Lewis, Henry Bradford, Moses Sisk, Joseph Hays, Morgan Brown, Abraham Maury, Thomas Stewart, Joseph Phillips, William Montgomery, and John Baker, as Trustees of Davidson College, with all corporate powers and privileges.
4. Acts of 1805, Chapter 17, declared that the General Assembly had been advised that the citizens of the Mero District had built and kept up an academy for the District, located near Nashville, and called Valodolid Academy, which has a good and spacious building on it at that time. The act constituted Joel Lewis, Robert C. Foster, Robert White, Benjamin D. Wills, Thomas A. Claiborne, Robert Searcy, and George M. Deadrick, as a body corporate and politic by the name of the Trustees of Valadolid.
5. Acts of 1805, Chapter 51, authorized the Treasurer of Davidson Academy to call upon the former treasurer of the school for an account of all funds in his hands and to institute suit against him through the Attorney General of the State if funds belonging to the Academy were not paid over forthwith. In the future all people who were appointed as treasurer of the school would be required to make bond of \$5,000.
6. Acts of 1806, Chapter 7, merged Davidson Academy with the college authorized by Congress to be established in west Tennessee, and named the new college Cumberland College. Thomas B. Craighead, James Winchester, Samuel P. Black, Moses Sisk, Robert C. Foster, David McGavock, Robert White, Joseph Coleman, Robert Searcy, William Dickson, David Hume, John Dickison Joel Lewis, Abraham Maury, Sr., William P. Anderson, Duncan Stuart, Thomas Johnson, John K. Wynne, and Nicholas T. Perkins, were all incorporated as Trustees of Cumberland College and were granted certain specific and general powers.
7. Acts of 1806, Chapter 8, established academies in most of the counties existing in the State at the time and appointed Trustees for them. Thomas A. Claiborne, Joel Lewis, Robert Weakley, Joseph Phillips, and Robert C. Foster were incorporated in Davidson County as the Trustees of Robertson Academy.
8. Acts of 1809, Chapter 32, appointed John McNairy and John Beck, as Trustees, to fill vacancies on the Board of Cumberland College. The act added Willie Blount, John Haywood, Felix Grundy, Parry W. Humphreys, Felix Robertson, Robert Weakley, and John Childress, to the Board of

Trustees. It was made the duty of these Trustees and those of East Tennessee College to present a full and complete report to the General Assembly on the affairs of both these corporate institutions. The act prohibited any religious preference at Cumberland College.

9. Acts of 1811, Chapter 29, appointed additional Trustees for several of the academies scattered throughout the State. William Williams, William Donelson, John Harden, and John Anderson were named for Robertson Academy in Davidson County.
10. Acts of 1811, Chapter 52, named Thomas Childress, Thomas Crutcher, Michael Campbell, Andrew Hynes, Thomas Masterson, John Anderson, and William Tait, as the Trustees of a lottery which would raise up to \$30,000 for Cumberland College. The lottery would be managed and operated under the rules set forth in the act. The act also confirmed the appointment of George Michael Deadrick and Elihu S. Hall as Trustees of the College.
11. Acts of 1812, Chapter 76, authorized the President of the Board of Trustees of Cumberland College, when ordered by the Board, to make and execute deeds to such lots of land as may be sold by the College which deeds would be attested by the Secretary, and executed by the President. Notices of meetings of the Board were required to be placed in a newspaper at least twenty days prior to the meeting.
12. Acts of 1813, Chapter 118, appointed James Trimble, Jesse Wharton, Wilkes Tannehill, and Thomas Claiborne, as additional Trustees for Cumberland College.
13. Acts of 1817, Chapter 44, purported to clear the title to 616 acres of land which was first granted to the Mero District for the benefit of Davidson Academy and later sold by its Trustees to George M. Deadrick and then conveyed by him to William Donelson. No record of the grant from the State of North Carolina to the Trustees of the School existed.
14. Acts of 1817, Chapter 93, provided that all meetings of the Trustees of Cumberland College would be held on the College grounds near Nashville. Changes in the Trustees included naming Edward Ward as Trustee for Joel Lewis, deceased; Nicholas Perkins for Wilkes Tannehill, who had resigned; Adam Goodlett for Willie Blount, who had resigned; Henry Crabb for Robert Weakley, resigned; and Jenkins Whiteside for George M. Deadrick, deceased. The Trustees were given the authority to select another site for the Academy to be within three miles of the old site. They were then to sell the facilities on the old site, and apply the proceeds to the development of the new site.
15. Private Acts of 1823, Chapter 194, appointed Nathan Ewing, James Roane, Alfred Balch, Andrew Hays, Francis B. Fogg, Ephraim H. Foster, John Bell, and Charles L. Love, as Trustees of Cumberland College.
16. Private Acts of 1823, Chapter 270, Section 2, nominated John Catron as a Trustee for Cumberland College with the privileges of the other Trustees.
17. Private Acts of 1826, Chapter 32, permitted a lottery to be conducted by the Trustees of Cumberland College for the purpose of raising \$200,000 for the use of the College. A \$50,000 bond was required before the lottery scheme could be put into operation. The trustees could draft regulations under which the lottery would be conducted so long as they did not contravene existing law.
18. Private Acts of 1826, Chapter 47, authorized the Trustees of Cumberland College to erect additional buildings and establish additional schools so that a union of all of the schools and colleges would be known as the University of Nashville. The Trustees were reincorporated under the new name. Cumberland College would still exist but only as a part of the University.
19. Private Acts of 1827, Chapter 131, incorporated William Hamblin, John Morgan, William Hope, Duke W. Sumner, Edmund Goodrich, Michael Autry, and Matthew P. Walker, as Trustees of Craighead Academy with all the powers and privileges incidental to corporate institutions.
20. Public Acts of 1832, Chapter 15, required the commissioners of the company which operated the Nashville, Murfreesboro, and Shelbyville Turnpike to pay over semi-annually the interest due on funds invested in the company for the benefit of the Common School Fund.
21. Acts of 1837-38, Chapter 148, Section 15, directed that no funds invested in the stock of the Nashville, Murfreesboro, and Shelbyville Turnpike would be considered as part of the common school fund of Davidson County.
22. Acts of 1839-40, Chapter 122, directed the Commissioners of the Nashville, Murfreesboro, and Shelbyville Turnpike Company to pay into the common school fund of the State all the interest which had accrued on the school funds of Davidson, Rutherford, and Bedford Counties which funds had been invested in the stock of the Turnpike Company.

23. Acts of 1853-54, Chapter 149, directed the President and the Directors of the Bank of Tennessee to pay into the hands of the Treasurer of the Davidson County Academy the sum of money in the Bank which belonged to the Academy.
24. Acts of 1853-54, Chapter 205, Section 2, established an institution for learning in village of Goodlettsville, Tennessee, to be called the American High School. The institution would be a joint stock company whose shares would be valued at \$25 each.
25. Acts of 1855-56, Chapter 56, directed the Trustee of Davidson County to pay over to the City of Nashville any common school funds in his hands belonging to the district included in the City of Nashville upon receipt of a written order from the Treasurer of the City who would in turn credit the funds to the schools of the City.
26. Acts of 1891, Chapter 219, established a new school district out of parts of Davidson and Williamson Counties. The School District was granted all the emoluments, rights, and privileges allowed other school districts. A board of three directors would be elected by the people living in the District.
27. Acts of 1903, Chapter 351, authorized the County Court of Davidson County to appropriate from the school funds a sum sufficient to pay the salaries of teachers who taught school in any of the school districts in the County under employment of any school directors whose elections were contested and declared illegal. A two-thirds vote of the Justices of the County Court was required for approval of the appropriation.
28. Acts of 1905, Chapter 543, provided that the School District formerly composed of parts of the Nineteenth, Twentieth, and Twenty-Second Districts of the County, known as the Twenty-Sixth School District, would be again established with the same boundaries except for a part of the 19th District which would have a boundary change.
29. Acts of 1907, Chapter 586, allowed the children of lawful school age residing in the Eight Civil District of Davidson County, and within one mile of Seifried School, which was in the city of Nashville, would have the right to attend the school. A pro rata share of school funds shall be paid to the Treasurer of the City of Nashville by the County Trustee for such children who would attend the school.
30. Acts of 1909, Chapter 20, was an act concerning the cooperation of state, county, and city governmental entities with the Peabody Education Fund to establish and finance the George Peabody College for Teachers. The Education Fund would donate \$1,000,000 as an endowment, and the State of Tennessee would appropriate \$250,000; the County of Davidson, \$50,000; and the City of Nashville, \$200,000 to finance the founding of the College.
31. Private Acts of 1911, Chapter 506, authorized the Board of Trustees for Robertson Academy in Davidson County to acquire the necessary ground, either by gift, or purchase, and to erect thereon such building, or buildings, that may be suitable for the uses of a public school, and to use the surplus of funds on the operation and maintenance of the school. The new school was required to be located outside the City of Nashville and at some point on or near the Franklin Turnpike. The Board could make contracts or arrangements of any kind with the Davidson County Board of Education. It was recognized that the current property of the School was conveyed to it by deed from William Hartsfield, dated April 2, 1842, and that the Board of Trustees was composed of P. A. Smith, Melville Williams, Thomas Wilkerson, R. G. Clark, Sep W. Abbay, Charles R. Wilkerson, Joseph H. Thompson, John Thompson, May Overton, W. L. Jordan, W. D. Shute, and Jesse M. Overton.
32. Private Acts of 1913, Chapter 176, empowered the Boards of Education in Davidson County to appropriate annually so much money as might be necessary for securing library aid for the county public schools in the circulation of supplementary reading books and other literature from established public libraries in the county seat.
33. Private Acts of 1913, Chapter 177, allowed the Davidson County Quarterly Court, in quarterly session, to levy a tax for free school purposes of not less than twenty-five cents nor more than forty cents on each one hundred dollars' worth of taxable property in the County.
34. Private Acts of 1913, Chapter 329, allowed the Davidson County Quarterly Court to make such provision as the Court saw fit for the employment of a competent person with professional medical training to make an examination into the health of the pupils attending the public schools of the County, the compensation of such a person to be determined by the Board and appropriated from the general county funds.
35. Private Acts of 1929, Chapter 168, authorized and directed the Davidson County Board of Education to operate the public schools located in the area annexed to the City of Nashville by the

General Assembly at its 1929 session for the balance of the 1928-1929 school term.

36. Private Acts of 1935, Chapter 426, allowed the Davidson County Board of Education to contract with the Board of Education of the City of Nashville for the payment of tuition for the attendance of high school students who were residents of the Districts of Davidson County outside Nashville to attend city schools. Such attendance was to be permitted only in cases where the County did not maintain a high school in the District where the student resided, and when the student could be more economically and conveniently served by paying such tuition to the City.
37. Private Acts of 1949, Chapter 822, stated that in Davidson County all school funds collected, or received by the County authorities whether from State apportionment or from the Federal Government, for general school purposes, would be divided between the County Board of Education and any Boards of Education of cities, towns, or special taxing districts, upon a per capita basis for each and every child in average daily attendance in elementary and high schools. All other school funds, except monies raised by special tax rates or appropriations from the County Court, or appropriations made by the State for public school transportation, would be divided on the same basis. The act was held unconstitutional on the grounds that it was contrary to general law and lacked a reasonable basis for its discriminatory provisions. Davidson County v. City of Nashville, 190 Tenn. 137, 228 SW2d 89 (1950).
38. Private Acts of 1951, Chapter 221, permitted the County and City Boards of Education in Davidson County to form a contract for the joint operation of school facilities coming under their respective jurisdictions and to make available each to the other their respective school facilities on a contractual basis for the benefit of the school children of both the City and the County. Any contract was required to be approved by the Quarterly Court and the Mayor and City Council.
39. Private Acts of 1951, Chapter 548, stated that all persons employed by the Davidson County Board of Education who were teachers, principals, or who were engaged in an instructional capacity were to receive monthly increases in pay as follows: \$10 per month for all those who have taught five years or less; \$17.50 a month for those who have taught from six to ten years, and \$25 per month for all those who had taught for ten years or longer.
40. Private Acts of 1953, Chapter 530, stated that all custodian engineers and janitors employed by the Davidson County Board of Education shall be afforded twelve months of work each calendar year and would receive twelve months full pay according to his or her regular salary scale.
41. Private Acts of 1955, Chapter 291, amended Private Acts of 1943, Chapter 273, the Davidson County Civil Service Act, by placing all teachers and other persons employed by the Board of Education in the category of unclassified along with elected officials and their deputies, and members of boards and commissions.
42. Private Acts of 1955, Chapter 299, stated that non-teaching employees of the Board of Education of Davidson County not otherwise protected under the Public Acts of 1951, Chapter 76, would be subject to discharge for inefficiency, incompetency, neglect of duty, immorality, conviction of a crime involving moral turpitude, and several other specific acts, provided the employee was given ten days notice. The employee could appeal within five days of receipt of notice to the Board of Education for a hearing and the decision of the Board was subject to judicial review.

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