



May 19, 2024

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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,

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# Chapter VI - Education/Schools

## Board of Education

### Private Acts of 1939 Chapter 129

**SECTION 1.** The Board of Education of Hawkins County, Tennessee, shall be composed of seven (7) members, one to be elected from each of the seven (7) county commission districts as set and determined by the Hawkins County Legislative Body. Candidates must meet eligibility requirements as prescribed by statute, must be residents of the district for which they are elected, and shall be elected by the residents of the county commission district in which they reside.

As amended by: Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 2.** Election of members of the board of education shall be held at the August General Election and shall be conducted on a non-partisan basis. A person seeking a position on the board may not campaign as the nominee or representative of a political party.

As amended by: Private Acts of 1939, Chapter 273  
Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 3.** The members of the board shall be elected for a term of four (4) years, and may succeed themselves. Incumbents shall serve as members from the district in which they reside and shall complete the term for which they were elected. The first election, pursuant to this act, shall be held in August 2002. In order to establish staggered terms of office as required by law, at the August 2002 election, the members from District 3, 4, 6 and 7 shall be elected for a term of four (4) years. At the August 2004 election the members from District 1, 2, and 5 shall be elected for a term of four (4) years.

As amended by: Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 4.** Vacancies occurring on the board shall be filled by the Hawkins County Legislative Body, as provided by law, until a successor is elected at the next general election. If a member of the board should cease to reside in the district from which such member was elected, the office shall be declared vacant and shall be filled as provided in this section.

As amended by: Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 5.** The duties of the members of the board of education shall be as prescribed by the general laws of the state of Tennessee.

As amended by: Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 6.** Compensation for members of the board of education shall be as previously and as hereinafter set by the Hawkins County Legislative Body.

As amended by: Private Acts of 1955, Chapter 309  
Private Acts of 2002, Chapter 121

**SECTION 7.** If any section, or portion of this act is held to be unconstitutional, such adjudication shall not affect the remaining portions of this act.

**SECTION 8.** This act shall have no effect until it is approved by a two-thirds (2/3) vote of the Hawkins County Legislative Body. Its approval or non-approval shall be proclaimed by the presiding officer of the Hawkins County Legislative Body and certified by the presiding officer of the Hawkins County Legislative Body to the Secretary of State.

**SECTION 9.** 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 3 aforesaid.

As amended by: Private Acts of 2002, Chapter 121

Passed: February 2, 1939.

## Education/Schools - Historical Notes

### **Board of Education**

The following act once affected the board of education in Hawkins County but is no longer operative.

1. Private Acts of 2002, Chapter 89, amended Private Acts of 1939, Chapter 129, to establish school districts and to provide for the number, election, terms, duties and compensation of the members of the board of education and to provide for the method for filling vacancies on the board. This act failed to receive local approval.

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

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

1. Public Acts of 1895, Chapter 134, authorized and empowered the trustees of McMinn Academy in Hawkins County to convey the academy to the town of Rogersville.
2. Private Acts of 1929, Chapter 925, authorized counties in the state of Tennessee having a population of not less than 22,915 nor more than 22,925 according to the Federal Census of 1920 to elect a county superintendent of public instruction to serve a term of two years. The compensation was fixed the quarterly county court.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Hawkins 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. Acts of 1806, Chapter 8, established, or recognized, certain academies as the county academy in each of the counties of the state and appointed trustees for these academies wherever necessary. McMinn Academy was designated as the county academy of Hawkins County and George Maxwell, William Armstrong, Richard Mitchell, Andrew Galbreath, and Thomas Jackson, were named as trustees for the school. Public Acts of 1895, Chapter 134, recited in the preamble the powers and authority of the trustees of McMinn Academy as set out in Acts of 1806, Chapter 8, which incorporated the school which included, among others, the authority to convey real estate; and further, that there were no means with which to maintain the buildings and grounds of the academy and they were beginning to deteriorate and decay, and it was expedient and necessary that the said properties be conveyed to the city of Rogersville to preserve the same from ruin and to keep the school operating. The act conferred specific authority on W.B. Hale, H.J. Nelson, Grant Jarvis, Gale Armstrong, and H.G. Kyle, the trustees of the academy, to transfer by deed and bill of sale all the real and personal property then belonging to the academy to the city of Rogersville to be held and used by the said town as a part of its free public school system.
2. Acts of 1811, Chapter 38, appointed Samuel Powell, George Hale, Frances Dalzell, Andrew Campbell, and John A. Rogers as additional trustees for McMinn Academy in Hawkins County. They were authorized to conduct a lottery by drafting a scheme to raise up to \$6,000.00 for the use and benefit of the academy. The trustees were required to enter into bond in double the amount of the lottery prize money so as to guarantee payment of the same.
3. Acts of 1903, Chapter 268, abolished twenty-one school districts of Hawkins County and created seven new school districts in the county so as to make the school districts co-extensive with the civil districts of the county. The act abolished certain school district offices and removed the incumbents.
4. Acts of 1903, Chapter 513, created a joint school district out of parts of Hawkins and Hamblen counties known as the McKinley Memorial Institute and regulated the same.
5. Acts of 1905, Chapter 446, created a separate and independent school district out of a part of the third civil district of Hawkins County.
6. Acts of 1909, Chapter 494, was a state wide compulsory school attendance law which contained some penalties to be applied to violators and which specified the duties of teachers, principals, and the superintendent of schools, and the records of attendance by pupils to be kept by each. Hawkins County was among several other counties which exempted themselves from the provisions of this act. This act was repealed by Private Acts of 1978, Chapter 716.
7. Private Acts of 1931, Chapter 635, established the Church Hill Special School District which included all of the seventh and ninth civil districts and part of the sixth civil district of Hawkins County. The act provided for the construction of a high school building at or near Church Hill if the voters in the district approved a bond issue in an election to be held for that purpose in August, 1931, at which time the school directors would also be elected.
8. Private Acts of 1933, Chapter 406, abolished the position of school attendance officer, or truant officer, in Hawkins County, as the same was authorized and established by the General School

Public Act of 1925, Chapter 115. This act was repealed by Private Acts of 1937, Chapter 646.

9. Private Acts of 1937, Chapter 165, allowed the Hawkins County Quarterly Court to issue and sell its negotiable bonds up to \$22,000 at 3% or less interest, payable \$2,000 a year. The proceeds of bonds were paid to the trustee who paid off and discharge the outstanding unpaid and due debts of the schools system which were incurred in excess of revenues by the school board in the years 1931, 1932, and 1933.
10. Private Acts of 1947, Chapter 402, authorized the quarterly court of Hawkins County to issue up to \$980,000 in school bonds, to be used to construct, repair, and equip schools, all being subject to the outcome of a referendum whose vote would be certified by the election commission. The bonds would be sold as the court directed at an interest rate of 3%, or less.

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