



County Technical Assistance Service  
INSTITUTE *for* PUBLIC SERVICE

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## Chapter VI - Education/Schools

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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 2023 Chapter 11

SECTION 1. Chapter 117 of the Private Acts of 1963, as amended by Chapter 369 of the Private Acts of 1972, Chapter 221 of the Private Acts of 1984, Chapter 153 of the Private Acts of 1992, and any other acts amendatory thereto, are hereby repealed.

SECTION 2. The Monroe County Board of Education shall consist of ten (10) members to be elected from districts established by the county legislative body of Monroe County pursuant to Tennessee Code Annotated, Section 49-2-201.

SECTION 3. The term of the tenth member authorized by this act shall be set to comply with the staggered term requirements of Tennessee Code Annotated, Section 49-2-201.

SECTION 4. The duties and compensation of members of the county board of education shall be as provided by law.

SECTION 5. 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 they were elected.

SECTION 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 7. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Monroe County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Monroe County and certified to the Secretary of State.

SECTION 8. 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 7.

Passed: April 12, 2023.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Monroe County but are no longer operative. Also referenced below are acts which repeal prior law with out providing new substantive provisions.

1. Private Acts of 1921, Chapter 706, fixed the compensation of members of the Monroe County Board of Education at \$150 per annum. This act was repealed by Private Acts of 1963, Chapter 117.
2. Private Acts of 1925, Chapter 693, created a county board of education for Monroe County composed of one member from each civil district who was elected by popular vote for two year terms in the regular August election of 1926. The powers, duties and compensation of the board of education provided for herein were the same as those prescribed for county boards of education elsewhere. The former board was abolished when this board took office. This act was repealed by Private Acts of 1963, Chapter 117.
3. Private Acts of 1927, Chapter 140, required the county board of education of Monroe County to pay out of the general funds, pensions to public school teachers after certain terms of service in the public schools of the county, who have reached the age of 70 years. This act was repealed by Private Acts of 1963, Chapter 117.
4. Private Acts of 1929, Chapter 548, established a board of education in Monroe County composed of one member from each civil district and one member from each incorporated city, all to be elected by popular vote, who were residents of the district or city, and who met the qualifications specified. The duty of the board was specifically described in 25 separate paragraphs in Section 3 which are too lengthy to list here. The election commission certified the successful candidates for the board who were paid as the county court directed, but not over \$4.00 per day. This act repealed Private Acts of 1927, Chapter 92, and Private Acts of 1917, Chapter 609, which are

included in the section on civil districts herein. Private Acts of 1929, Chapter 548, was repealed by Private Acts of 1963, Chapter 117.

5. Private Acts of 1935, Chapter 437, provided for the election by popular vote of a county board of education in Monroe County. This act provided for the term of office of members, the number of members and provided for the organization, duties, powers and compensation of members of such board. This act was repealed by Private Acts of 1937, Chapter 796, so as to provide for the members of the board of education to hold office until September 1, 1938. At the July session the quarterly court selected seven members of the board of education who served staggered initial terms, and whose successors were named for terms as the above terms expired according to the 1932 Code of Tennessee. This act was repealed by Private Acts of 1963, Chapter 117.
6. Private Acts of 1975, Chapter 24, authorized the Monroe County Board of Education to purchase certain supplies and materials up to \$3,000 without competitive bids. This act was repealed by Private Acts of 1986, Chapter 117.
7. Private Acts of 1985, Chapter 81, would have repealed Private Acts of 1975, Chapter 24, however, this act was never ratified by Monroe County and therefore never became law.
8. Private Acts of 2012, Chapter 54, would have repealed Private Acts of 1963, Chapter 117, however, this act was never ratified by Monroe County and therefore never became law.
9. Private Acts of 2023, Chapter 11, repealed Private Acts of 1963, Chapter 117.

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

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

1. Private Acts of 1927, Chapter 825, provided for the election of a county superintendent of public instruction by popular vote in Monroe County at the general August election in 1928 and every two years thereafter, the term beginning on the January 1 following the election. This act was amended by Private Acts of 1929, Chapter 118, so as to add a provision that possession of a certificate of qualification issued by the state board of education with an average of 90 was sufficient qualification for the superintendent of schools regardless of when the certificate was issued or whether or not the holder had been engaged in school work continuously. The act also ratified and legalized the election of any person meeting these qualifications in Monroe County. This act was amended by Private Acts of 1929, Chapter 548, so that the board of education elected the superintendent of schools in Monroe County instead of having him elected by the vote of the people. Private Acts of 1927, Chapter 825, was repealed by Private Acts of 1933, Chapter 728.
2. Private Acts of 1935, Chapter 202, provided that the superintendent of public instruction of Monroe County be elected by the people at the general August election which was held on the first Thursday in August, 1936, and every two years thereafter, whose qualifications, duties and compensation were the same as those established under the general law for others in like positions. This act was repealed by Private Acts of 1937, Chapter 775.
3. Private Acts of 1943, Chapter 280, as amended by Private Acts of 1963, Chapter 179, provided that the superintendent of public instruction in all counties of the state having a population of not less than 24,270 and not more than 24,280, according to the Federal Census of 1940, or any subsequent Federal Census, would be elected by the quarterly county court under the Code of Tennessee of 1932 and would take office on September 1, 1944 following their election and serve for a term of four years.
4. Private Acts of 1963, Chapter 113, authorized and provided for the election of a county superintendent of education for Monroe County by the qualified voters of the county. The act fixed the term of office of said superintendent; provided the manner of filling a vacancy; provided the manner and mode of holding a special election for the purpose of accepting or rejecting the provisions of the act.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Monroe County but are no longer operative since they have either been superseded, repealed, or failed to receive local approval. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Public Acts of 1822, Chapter 30, made it the duty of the county court of Monroe, Lincoln, McMinn and Bedford County, at the first court session after January 1 next, to appoint three

commissioners for each tract of school land in the county, who, when appointed, were subjected to all regulations pertinent to people in like office. If it were to become necessary to file suit to prosecute or defend any action related to the school lands, the commissioners were reimbursed for the cost of the litigation by the respective county.

2. Private Acts of 1825, Chapter 300, named John M'Gee, Joseph Callaway, Samuel Blackburn, Peter Ragan, Eli Cleaveland, John McKrosky, David Caldwell and Samuel Bicknell as the board of trustees of Bolivar Academy in Monroe County. John McGee served as chairman of the board of trustees who located the academy within one mile of Tellico.
3. Private Acts of 1829-30, Chapter 265, appointed James Axley, John O. Cannon, George Hicks, Charles Riley, Charles Hicks, John Griffith, John B. Tipton, Charles Kelsoe, Enoch Moore, Robert McReynolds and James A. Hair, as additional trustees for Bolivar Academy in Monroe County. All the trustees appeared in Tellico on the first Monday in March, next, and organize themselves for the transaction of the schools' business in an expedient manner. A majority of the board of trustees was authorized to do business at all times.
4. Private Acts of 1832, Chapter 94, directed the trustees of Bolivar Academy in Monroe County to collect all the money loaned out to any person in sums larger than \$100 as soon as the same could be done after they were due, and provided that it was unlawful for the trustees to lend any person more than \$100. If the trustees did not collect those loans exceeding \$100 within two months of the date they became due, they forfeited \$100 of their personal funds to any one who might sue for it.
5. Private Acts of 1832, Chapter 114, authorized the school commissioners and trustees of the second township in the second range east of the meridian in the Hiwassee District in Monroe County to apply one half of the proceeds of the school section of said township to the support of two schools in the northeast quarter of the township.
6. Public Acts of 1832, Chapter 41, authorized the board of trustees of school land in Monroe County and in McMinn County to establish, when they deemed it necessary, two school districts in the county which was in addition to those allowed by law.
7. Private Acts of 1835-36, Chapter 65, directed the commissioner of the school lands in Monroe County to pay the sum of \$75.00 to James Vaughn, out of the first rents and profits accruing from said school lands after passage of this act, which amount was for services rendered and for money spent out of his own pocket when Vaughn was a school commissioner in 1831 and afterwards.
8. Acts of 1837-38, Chapter 279, permitted the commissioners of the school lands in Monroe County and Roane County to appoint one of their own number to perform so much of their duties concerning the school lands as they thought proper to assign. They could require the appointee to make whatever bond they deemed proper and pay him such compensation as they might determine.
9. Acts of 1849-50, Chapter 104, incorporated Hiwassee College in Monroe County. This act was amended by Acts of 1855-56, Chapter 232, which repealed the first section which confined the trustees of Hiwassee College to a residency in Monroe County, and set the duration of the corporation of the college at 50 years.
10. Acts of 1851-52, Chapter 307, authorized and required the trustee of Monroe County to pay to James Vaughn the sum of \$75 out of any money received from the sale or lease, of land which was in payment of services rendered by Vaughn in his connection as a school commissioner.
11. Acts of 1851-52, Chapter 321, appointed the Hon. E. Alexander, judge of the second judicial circuit of Tennessee, as a commissioner with the authority to adjudicate and settle the claims of the commissioners of the Toco school lands in Monroe County in the Hiwassee District.
12. Acts of 1855-56, Chapter 267 Sections 10 and 11, created a special school district known as Rural Vale Township. The school district was supervised by commissioners, elected by the people residing in the district, who discharged their duties under the same rules and regulations which applied to the Hiwassee and Ocoee Districts.
13. Private Acts of 1859-60, Chapter 57, Section 26, authorized the qualified voters of the Toqua School District in Monroe County to elect two additional common school commissioners for the said district.
14. Private Acts of 1859-60, Chapter 84, Section 2, declared that James Curtis, John Howard and B. C. Pettit, the administrators of the estate of A. D. Gentry, deceased, were entitled to demand and receive the sum of \$75, with interest, from the common school commissioners of the Toqua School District in Monroe County. This amount was expended by them in the defense of lawsuits brought against them as said commissioners.

15. Private Acts of 1867-68, Chapter 18, appointed James M. Burton, John J. Crippin, John R. Gaines, J. P. T. McKroskey, John M. Magill and Richard W. Hudson, as trustees of Croton College in Monroe County. The trustees organized themselves and managed the affairs of the college according to the stipulation set forth in the law. This property was declared to be exempt from taxation.
16. Public Acts of 1879, Chapter 144, made it lawful for the trustees of Bolivar Academy in Monroe County to purchase a building lot and to contract to build a suitable house which was used as a male and female academy, retaining the name of Bolivar Academy, which was located in the Town of Madisonville. The trustees were given the power to use any funds on hand for this purpose or they could sell and dispose of any property belonging to Bolivar Academy.
17. Public Acts of 1895, Chapter 17, declared it legal for the trustees of the Bolivar Academy in Madisonville in Monroe County to sell the lot and the buildings of the said academy on the best terms obtainable and proper and to use the money on the erection of a new and more commodious building for the academy, and to otherwise manage and use said funds as deemed expedient and in the school's best interests.
18. Private Acts of 1897, Chapter 228, created the Trigonía Special School District out of portions of Monroe, Loudon and Blount counties, which embraced the territory described by metes and bounds in the act. This school district had and enjoyed all the emoluments, rights and privileges as other special school districts. The area was supervised and managed by a board of three directors from each portion of the respective counties. This act was amended by Private Acts of 1901, Chapter 353, so as to exclude the farms of James Norwood and S. O. Montgomery from the Trigonía High School District, which was composed of parts of Monroe, Blount and Loudon counties. Chapter 228 was further amended by Acts of 1903, Chapter 164, so as to change the line of said district to include all the lands of Frank Shaddon and Richard Delashmitt in the Trigonía High School District.
19. Public Acts of 1899, Chapter 203, authorized school commissioners in the nineteenth and twentieth civil districts of Monroe County to sell the school lands and the growing timber on the school lands in said districts.
20. Public Acts of 1899, Chapter 258, authorized the trustees of Bolivar Academy, in Monroe County, to sell a part of the ground surrounding the academy building.
21. Private Acts of 1901, Chapter 367, created a separate and independent school district for the County Line School which was situated on the line between Monroe and McMinn counties.
22. Acts of 1905, Chapter 405, created the Chestnut Grove Independent School District out of parts of Monroe and McMinn counties.
23. Acts of 1907, Chapter 173, authorized the trustees of Bolivar Academy in Monroe County to sell or lease said property.
24. Acts of 1907, Chapter 280, authorized the school commissioners in the seventeenth and twentieth civil districts of Monroe County to sell school lands and growing timber on the school lands in said district.
25. Acts of 1907, Chapter 290, created a special school district in Monroe County and provided for the appointment of school directors for the same.
26. Acts of 1909, Chapter 98, authorized the county court of Monroe County to borrow the permanent school funds of said county and to pay the interest thereon out of any funds that may have been provided by said court. This act also provided for the use of said funds in building dormitories and school buildings and purchase real estate for the Monroe County High School at Madisonville.
27. Acts of 1909, Chapter 225, provided for and enforced the education of all children between the ages of eight and sixteen years in Monroe County.
28. Acts of 1909, Chapter 543, required the parent of every child in Monroe County and in Jefferson County between the ages of eight and sixteen years to send their children to school at least sixteen weeks, or 80 consecutive school days, of not less than four hours each, each year, unless the term is shorter than that by law, or unless the child were properly excused, or fell within at least one of the several exceptions prescribed in the act. The commissioner of the poor could assist indigent people in complying herewith by furnishing clothes and text books to children who could not otherwise acquire them. Disobedient parents could be fined from \$10 to \$50 for each offense, and it was further unlawful for anyone to hire a youngster to work during school hours and term. All teachers filed attendance reports, as specified, or forfeit their salary until they did file the reports. The sheriff, his deputies and the constables were all required to enforce the provisions of this law. This act was amended by Private Acts of 1911, Chapter 51, which limited

- the law to children between the ages of eight and fourteen years.
29. Private Acts of 1911, Chapter 188, authorized the county school board of Monroe County, together with the school directors of the nineteenth civil district of said county, to sell school lands and the growing timber on the school lands of said district not heretofore sold.
  30. Private Acts of 1911, Chapter 248, formed the Trigonía High School District out of portions of Monroe, Blount and Loudon Counties, fixed the boundary of the same, provided for a board of directors, the licensing of teachers and the transfer or payment of the per capita funds due from each county. This act was amended by Private Acts of 1915, Chapter 665, so as to remove Blount County, from the provisions of that act. Private Acts of 1917, Chapter 74, repealed Private Acts of 1915, Chapter 665.
  31. Private Acts of 1911, Chapter 543, gave the quarterly court in Monroe County at its January, or April term, the duty to levy a tax of not less than ten cents per \$100 of taxable property for the purpose of maintaining one or more high schools in the county.
  32. Private Acts of 1915, Chapter 149 made it the duty of the county court of Monroe County at its January or April term, or at any term at which the general assessments were made, to levy a tax of no less than 20 cents per \$100 for the purpose of maintaining high schools in the county. The court was given the further authority to levy additional taxes to erect high schools in the county when they deemed it best to do so. This act was amended by Private Acts of 1919, Chapter 118, so as to make it the duty and responsibility of the quarterly county court of Monroe County to levy, at its January or April term, or at any term when the general tax assessment was made, a tax of not less than 20 cents per \$100 property valuation in order to maintain three or more high schools in the county, one at Madisonville, one at Tellico Plains, and one at Sweetwater, each one to have the same grades as the others and to run an equal number of days each year.
  33. Private Acts of 1917, Chapter 508, formed an independent special school district out of parts of Monroe, Blount and Loudon, to be known as the Trigonía School District which was described in Private Acts of 1911, Chapter 248, above. The district was specifically authorized to receive its per capita share of all school funds apportioned by the county superintendent of public instruction in each of the three counties. The school directors were elected according to law and were empowered to draw warrants on the county trustee. This act did not repeal Private Acts of 1911, Chapter 248, above, but was intended to be an assurance of the continued existence of the school district. This act was amended by Private Acts of 1919, Chapter 779, so as to remove all areas of Blount County which might have been a part of the Trigonía School District from the provisions of that law.
  34. Private Acts of 1919, Chapter 151, authorized the Monroe County Court, together with the school board of said county, to sell a certain tract of land, the proceeds of which were used as a public school fund.
  35. Private Acts of 1921, Chapter 431, allowed the Monroe County Quarterly Court to issue no more than \$200,000 in bonds, at an interest rate up to 6%, and to mature in blocks of \$50,000 after 15, 20, 25 and 30 years, the proceeds of which were used to purchase, build and remodel school houses, and to build additions thereto, if needed. All details were present, a tax levy was mandated for the sinking fund, donations could be accepted and used, and the trustee handled the money at no extra compensation. Conditions were laid down for the consolidation of schools over which programs the county school board would preside.
  36. Private Acts of 1927, Chapter 73, approved and made lawful a resolution and order of the quarterly county court of Monroe County to provide ways and means to purchase suitable grounds for the building and equipping of a county high school in the Town of Sweetwater. The act provided for a tax levy to provide further safeguards for the proper expenditure of the moneys provided to be raised and collected by said resolution and order.
  37. Private Acts of 1929, Chapter 926, permitted the quarterly court of Monroe County to issue up to \$90,000 in 6%, 40 year, bonds, \$15,000 of which was used to improve and equip a building at Vonore, and \$75,000 was devoted to the erection and equipment of a school building in or near Tellico Plains. The act appointed R. D. Brakebill, A. E. Brakebill and S. H. Tipton as a committee for the work at Vonore, and M. D. Shearer, P. C. Hambrough and Fred C. Payne, to assist in the project at Tellico Plains. The act further issued \$75,000 in bonds at 6% interest for the improvement of the grounds and the erection thereon of a suitable building for a high school, or an elementary school at Madisonville, naming R. C. Kefauver, Lee R. Sloan and Carl Calfee as the committee for this project. This act was repealed by Private Acts of 1931, Chapter 58.
  38. Private Acts of 1937, Chapter 16, stated in the preamble that the quarterly court had passed a resolution to make an offer to the Public Works Administration whereby Monroe County paid

\$19,000 and the PWA paid \$15,000 to build and equip a high school in Vonore for which a general tax levy of ten cents per \$100 property valuation was made through 1940. This act provided further safeguards for the proper expenditure of the moneys provided to be raised and collected by said resolution.

39. Private Acts of 1937, Chapter 244, authorized Monroe County to issue and sell interest bearing county warrants in the amount of \$13,500 which provided funds to operate the schools of said county for eight months or repair buildings; and provided for the levy and collection of a tax to retire said warrants with interest.
40. Private Acts of 1939, Chapter 218, validated, confirmed and approved the resolution of the Monroe County Quarterly Court adopted at a special session on January 16, 1939, which authorized the board of education to replace outstanding warrants in the amount of \$13,000, said warrants which were known as the Vonore High School warrants which were due in 1939 and 1940. They were replaced with similar warrants due in 1940 and 1941.
41. Private Acts of 1941, Chapter 144, validated \$18,000 of Monroe County, Tennessee School Funding Warrants, dated January 1, 1941, and the proceedings of the quarterly county court which authorized said warrants and provided for the levy and collection of a tax on all taxable property in said county for the purpose of paying the principal and interest of said warrants.
42. Private Acts of 1947, Chapter 631, was the legal authority for the quarterly court of Monroe County to issue up to \$150,000 in bonds at an interest rate not to exceed 5%, and to mature no longer than 30 years from the issue date, the proceeds of which were used to purchase land, construct and equip school buildings, or repair, remodel, and add to the same. The court was allowed to embody all essential details into proper resolutions to be adopted by the court. These bonds were tax exempt.

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