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## Chapter VI - Education/Schools

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Sincerely,

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

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# Chapter VI - Education/Schools

## Board of Education

### Private Acts of 1994 Chapter 121

**SECTION 1.** Chapter 463 of the Private Acts of 1951, as amended by Chapter 388 of the Private Acts of 1955, Chapter 387 of the Private Acts of 1957, Chapter 346 of the Private Acts of 1982, and any other act amendatory thereto, are repealed in their entirety:

**SECTION 2.** Bledsoe County shall be divided into seven (7) school districts of substantially equal population, as established by resolution of the county legislative body. The Bledsoe County Board of Education (the "Board") shall consist of seven (7) members, with one (1) member of the Board being elected by the qualified voters in each school district. Board members shall be elected to staggered four (4) year terms so that every two (2) years the terms of one-half (½) of the members of the Board shall expire, with the odd-numbered districts expiring at the same time, and the even-numbered districts expiring at the same time. Persons elected in the regular August General Elections shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified.

**SECTION 3.** Notwithstanding the repeal provisions of Section 1, during the transition from the current Board to the new seven (7) member Board, all incumbent Board members shall remain on the Board until the expiration of their current terms. The number of members on the Board may temporarily exceed the number of school districts until the expiration of the terms of the current Board members. During the transition, District 7 may temporarily have two (2) resident Board members, both of whom shall continue to hold office until their respective terms expire, and no Board member shall be elected in such district until the last such member's term expires. To establish staggered terms, the new seven (7) member Board shall be elected as follows: At the August 1994 General Election, one (1) member shall be elected from each of the even-numbered districts (Districts 2, 4 and 6) to serve a two (2) year terms, and one (1) member shall be elected from District 5 to a four (4) year term. At the August 1996 General Election, one (1) member shall be elected from District 1 to serve a two (2) year term, and one (1) member shall be elected from each of Districts 2, 4, and 6 to four (4) year terms. In the August 1998 General Election, one (1) member shall be elected from District 7 to a four (4) year term. Thereafter, all Board members shall be elected to for four (4) year terms.

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

**SECTION 5.** If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application and to that end the provisions of this act are declared to be severable.

**SECTION 6.** Nothing in this act shall be construed as having the effect of removing any incumbent from office or abridging the term of any official prior to the end of the term for which such official was elected.

**SECTION 7.** This Act shall have no effect unless it is approved by a two-thirds (⅔) vote of the county legislative body of Bledsoe County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Bledsoe 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 4.

Passed: February 17, 1994.

## Education/Schools - Historical Notes

### **Board of Education**

The following acts once affected the board of education in Bledsoe County but are no longer operative. Also referenced below are acts which repeal prior law without providing new substantive provisions.

1. Private Acts of 1951, Chapter 56, created a board of education in Bledsoe County to be composed of three members elected by the people of the county at large. There is no repealing clause in this act except for conflicts concerning the superintendent. The members elected would take

- office on September 1, following their elections, for initial terms of two, four, and six years, and for six year terms thereafter. Hershhal Pope, Mrs. Tom Wood, and Hayden Wilson were named to serve until September 1, 1952, when their successors, elected in August of that year, would assume office. Members would be sworn and execute a \$2,000 bond, and would be paid the rate authorized under the state law. A chairman would be selected by the members. The superintendent of schools would also be elected to two year terms by popular vote, taking office on September 1, following the August election. Ray Greeson was named to serve until his successor was elected. All superintendents to be paid according to the salary set by law. The quarterly county court would fill any vacancy in either place until the next general August election. All boards of education and all positions of superintendent in existence at the day this act becomes effective are abolished. This act was repealed by Private Acts of 1994, Chapter 121.
2. Private Acts of 1951, Chapter 463, provided for the reorganization of the educational system in Bledsoe County by creating a board of education and county superintendent of schools. The act outlined the powers, duties, qualification and terms of the office of members of the board of education and county superintendent. Members of the board of education and the county superintendent were elected by a vote of the citizens of Bledsoe County at the regular county elections.
  3. Private Acts of 1955, Chapter 388, would have amended Private Acts of 1951, Chapter 463, published herein, by increasing the term of the superintendent of education from two years to four years but this act was rejected by the quarterly court in Bledsoe County and never became an effective law under the Home Rule Amendment to the Constitution.
  4. Private Acts of 1957, Chapter 387, would have amended Private Acts of 1951, Chapter 463, by changing the method of election for members of the school board to electing one from each civil district and not at large; by fixing their term of office at two years and by setting their compensation at \$500 per year. This act was also rejected by the quarterly county court and never became an effective law.
  5. Private Acts of 1967-68, Chapter 115, would have amended Private Acts of 1951, Chapter 463, by changing Section 3 so as to extend the term of the school superintendent from two to four years. This act was disapproved by the quarterly county court of Bledsoe County thus rendering it null and void and of no effect.
  6. Private Acts of 1982, Chapter 207, would have amended Private Acts of 1951, Chapter 463, but it was not approved by local officials and therefore never became law.
  7. Private Acts of 1982, Chapter 346, amended Private Acts of 1951, Chapter 463, by increasing the members of the county board of education from four to five and rewriting part of section 1.
  8. Private Acts of 1994, Chapter 114, divided Bledsoe County into seven school districts and a county board of education, which consisted of seven members, with one member of the board being elected by the qualified voters in each school district. In addition, board members were to be elected to four staggered year terms. However, this act did not receive local approval and thus never became effective.

### **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Bledsoe 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 1809, First Session, Chapter 109, named the boards of trustees for several county academies. In Bledsoe County, the trustees named were John Anderson, William Rodgers, Joseph Hodge, Michael Rawlings, William Christian, John Narrimore, and James Standifer who would serve as the trustee of Love Academy. All would have and could exercise the powers, authority, and prerogatives of other trustees.
2. Acts of 1817, Chapter 186, made it the duty of the surveyor for Bledsoe County, as soon as the treaty with the Cherokee Indians was ratified, to lay off school lands in the area which the Cherokees were relinquishing. This territory would be laid off in tracts of 640 acres each in such a way that each one would have the Sequatchie River running through it. After following this and other guidelines the surveyor shall make a plot of the same and file it with the county court clerk who would retain the same as part of his official records. The surveyor must be paid the normal fees for his services.
3. Private Acts of 1826, Chapter 15, Section 6, appointed John Bridgeman, Scott Terry, James Roberson, Isaac Stephens, Eli Thirmon, James A. Whiteside, Elisha Kirkland, and James Standifer,

as a board of trustees for an academy in Bledsoe County which would be called the Kremer Academy. John Bridgeman was appointed chairman of the academy which was to be located in the town of Pikeville.

4. Private Acts of 1827, Chapter 175, authorized the board of trustees for Kremer Academy in Bledsoe County to locate the same on an eligible site within one mile of the town of Pikeville and so much of the prior act which conflicts with this act is repealed.
5. Private Acts of 1829-30, Chapter 206, stated that the academy heretofore incorporated as the Kremer Academy shall hereafter be known as the Lafayette Academy, and by that name shall have, possess, exercise, and enjoy all the corporate rights and privileges heretofore conferred upon the Kremer Academy. The trustees of the former academy shall continue to serve as trustee for the new school.
6. Private Acts of 1832, Chapter 15, Section 2, appointed Samuel L. Story as an additional trustee for Lafayette Academy in Bledsoe County.
7. Private Acts of 1832, Chapter 76, Section 5, empowered the clerk and treasurer of the board of common school commissioners for Bledsoe County to perform all the duties required of the late bank agents of Bledsoe County.
8. Public Acts of 1833, Chapter 303, Section 5, authorized the trustees of the Lafayette Academy in Bledsoe County to invest the funds of the academy in the stock of, or in the depositories of the Planter's Bank.
9. Acts of 1907, Chapter 236, abolished the district directors and established a board of education and a district board of advisors for every county in the state. The county court would divide the county into five school districts of equal or nearly equal population, composed of whose civil districts from each of which one member of the board of education would be elected. The county superintendent would serve as the secretary to the board, and would fill any vacancies to occur until another member could be elected. The duties of the chairman of the board, the secretary of the board, and the general powers of the board itself are specified in the act. A three member advisory board shall be elected to serve two year terms by the people in each civil district. Their duties are also specified among which was the task of taking the annual scholastic census to be reported to the superintendent. Vacancies on the advisory board would be filled by the superintendent. Several counties exempted themselves from the provisions of this act but Bledsoe did not. This act was litigated in the case of Whitthorne v. Turner, 155 Tenn. 303, 292 S.W. 147 (1927).
10. Private Acts of 1931, Chapter 379, stated that the county superintendent of public instruction in Bledsoe County would be elected by the qualified voters in the general August election. The present superintendent shall continue in office until the expiration of the term on January 1, 1933. The superintendent elected in August, 1932 would not take office until January 1, 1933 and would serve until September 1, 1936 when the superintendent elected in August, 1936, would assume the office for four years. Salary for the superintendent was fixed at \$1,000 per year. This act was repealed by Private Acts of 1939, Chapter 111.
11. Private Acts of 1939, Chapter 111, repealed Private Acts of 1931, Chapter 379.
12. Private Acts of 1939, Chapter 114, provided that the county superintendent of public instruction in Bledsoe County shall be elected by the quarterly county court under Section 2346, Code of Tennessee. His term of office was four years and his salary was fixed at \$1,000 per year. This act was repealed by Private Acts of 1943, Chapter 159, and for all practical purposes was superseded by Private Acts of 1951, Chapter 463, Section 3.
13. Private Acts of 1939, Chapter 116, created a three member county commission of education who would be appointed by the quarterly county court to two year terms. The members of the commission shall have the same qualifications and perform the same functions as are now performed by county boards of education. The commission would meet within five days after appointment and organize by selecting a chairman. Commissioners would be appointed regularly at the July session of the court and the act named E. G. Tollett, Robert T. Rogers, and Arthur Standifer to serve as commissioners until that time. They would draw the same compensation as members of the board of education were drawing. This act was repealed by Private Acts of 1939, Chapter 457.
14. Private Acts of 1939, Chapter 117, abolished the county board of education in Bledsoe County by using 1930 Federal Census figures to identify the county.
15. Private Acts of 1939, Chapter 458, provided that the administration, management, government, supervision, control, and conduct of all public school affairs in Bledsoe County would be vested in

- the county board of school commissioners to be elected by popular vote of the qualified voters in each civil district which were declared to be school districts as well. Each district would elect one member of the board to two year terms. Arthur Standifer, Robert T. Rogers, and E. G. Tollett were named as commissioners to serve until September 1, 1940, when those who were elected would assume office. Certain qualifications were established which one must meet in order to serve as a commissioner. When a vacancy occurred the remaining members would choose a successor to serve until the next election. If the members cannot agree, than a special election will be called to elect someone to fill the vacancy. The commissioners must be sworn and elect one of their members as chairman. Regular meetings would be held on the second Thursday in September, December, March, and June of each year, and at such special times as the chairman may designate. Their compensation shall be set by the quarterly court at \$4.00 per day, or less, and no compensation will be paid for special meetings. They shall have and exercise all the powers and authority of boards of education. All conflicting acts are repealed.
16. Private Acts of 1939, Chapter 459, repealed Private Acts of 1939, Chapter 116, which created a county commission of education.
  17. Private Acts of 1943, Chapter 159, amended Private Acts of 1939, Chapter 114, by deleting Sections 1 and 2 and inserting new sections which returned the selection of the school superintendent to a popular vote for a four year term provided the incumbent superintendent would complete his term. Any vacancy occurring would be filled by the county board of school commissioners.
  18. Private Acts of 1947, Chapter 606, stated that the county board of education in Bledsoe County would consist of three members, one from each of the three civil districts, who shall have the qualifications, receive the compensation, and perform the duties now fixed by law who shall be elected every four years for four year terms. The county court shall elect the first board and their successors every four years thereafter. The county superintendent of education shall also be elected every four years by the quarterly county court beginning at the July, 1948 term. He shall have the same qualification, perform the same duties, and be paid the same salary as is now fixed by law. Private Acts of 1947, Chapter 606, was attacked in its constitutionality in the case of Brown v. Brown, 187 Tenn. 617, 216 S.W. 333 (1948). The suit was based on the premise that the act included more than one subject but the supreme court ruled otherwise, sustaining the validity of the act. This act was repealed by Private Acts of 1951, Chapter 459.
  19. Private Acts of 1949, Chapter 637, amended Private Acts of 1947, Chapter 606, above, in lines of Section 1 by changing the method of election for members of the board of education from each civil district to the county at large, but the present members of the board shall serve until the expiration of their respective terms.
  20. Private Acts of 1949, Chapter 862, stated that there was such a small number of Negro high school students in Bledsoe County that facilities could best be provided for them in cooperation with other counties. This act was the authority for the board of education of Bledsoe County to contract with the board of education of any neighboring county to provide facilities for Negro high school student living in Bledsoe County. The board was further authorized to contract for the joint construction and maintenance of buildings and other physical facilities for Negro high school students for which public school funds may be used. Any contract must, however, be approved by the county court before becoming effective.
  21. Private Acts of 1951, Chapter 459, repealed Private Acts of 1947, Chapter 606, which provided for a board of education and a superintendent of education, and abolished the positions created under that act.

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