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Chapter VI - Education/Schools

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 2002 Chapter 163

WHEREAS, currently three, inconsistent, private acts have been enacted relative to the Bradley County Board of Education; and

WHEREAS, one act addresses vacancies only, and two of the acts establish different sizes for the board, one of which was enacted based on county population rather than specifically naming the county; and

WHEREAS, the two private acts which establish the size of the boards are inconsistent with Tennessee Code Annotated, Section 49-2-201, which requires that county boards of education be elected from districts of substantially equal population for four-year staggered terms of office; and

WHEREAS, although the private acts are inconsistent with the general law, the members of the Bradley County Board of Education are presently elected from districts of substantially equal population to staggered four (4) year terms in compliance with Tennessee Code Annotated, Section 49-2-201; and

WHEREAS, the current private acts should be repealed and a new private act enacted which complies with general law; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 324 of the private acts of 1959; Chapter 255 of the Private Acts of 1961 and Chapter 269 of the Private Acts of 1976; and any other acts amendatory thereto, are hereby repealed.

SECTION 2. Bradley County shall be divided into seven (7) school districts of substantially equal population, which shall be coextensive with the county legislative body districts established by resolution of the county legislative body from time to time.

SECTION 3. The Bradley County Board of Education (the "Board") shall consist of seven (7) members, with one member of the Board being elected by the qualified voters in each school district on a non-partisan basis. Board members shall be elected to staggered four (4) year terms so that the terms of approximately one-half ($\frac{1}{2}$) of the members expire every two (2) years. Persons elected in the regular August general election shall take office on September 1 following the election and shall serve until their successors are duly elected and qualified. No board member's term shall be cut short as a result of the enactment of this act.

SECTION 4. At the August 2002 election, Board members shall be elected to serve Districts 2, 4 and 6; and at the August 2004 election, Board members shall be elected to serve Districts 1, 3, 5 and 7.

SECTION 5. The Bradley County Board of Education shall have the same powers duties, privileges and qualifications as the Board of Education established pursuant to Tennessee Code Annotated, Title 49. Further the provisions of Section 49-2-201 relative to vacancies shall also apply with respect to members of the Bradley County Board of Education.

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 ($\frac{2}{3}$) vote of the county legislative body of Bradley County. Its approval or nonapproval shall be proclaimed by the presiding officer of the county legislative body of Bradley 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 as provided in Section 7.

Passed: June 27, 2002.

Textbooks

Private Acts of 1949 Chapter 912

SECTION 1. That the County Board of Education of Bradley County, the Superintendent of Schools of said County, and the Quarterly County Court of said County be and they are hereby authorized and directed to purchase and loan, without charge, to all students in the elementary and high schools of Bradley County, and all special and municipal school districts within said County, all textbooks prescribed in the respective courses of study in said schools by the regulations of the Department of Education of the State of Tennessee, as now provided for by the general statutes of the State, and as may be legally adopted and selected by the local school authorities; subject, however, to the further provisions of this Act.

COMPILER'S NOTE: See Tennessee Code Annotated §49-6-2201 et seq., for state statutes governing school textbook purchases, etc.

SECTION 2. That the County Board of Education and the Superintendent of Schools of said County shall set up a program by which the objective of this Act shall be attained substantially as follows:

In the first and second grades by the opening of the Fall term, 1950;

In the third grade by the Fall term, 1951;

In the fourth grade by the Fall term, 1952;

In the fifth grade by the Fall term, 1953;

In the sixth grade by the Fall term, 1954;

In the seventh grade by the Fall term, 1955;

In the eighth grade by the Fall term, 1956.

The County Board of Education and the Superintendent of Schools shall, annually, cause to be prepared, a statement showing the estimated cost of furnishing textbooks for the current year under the program above set out, and also showing the estimated contribution or payment thereon from the State of Tennessee under existing laws. Such statement shall be transmitted to the County Judge or Chairman of the Quarterly County Court of said County, and by him transmitted to the Quarterly County Court for its consideration in making a levy of taxes at the time heretofore fixed by statute.

SECTION 3. That it shall be the duty of the Quarterly Court of Bradley County, beginning with April, 1950, term of said Court, and annually thereafter, to appropriate sufficient funds to supplement the funds made available by the State for textbooks, and as may be necessary to effectuate the purposes of this Act; but it is not required that a new or additional tax be levied and collected if sufficient funds are made available from existing levies or funds.

SECTION 4. That the Board of Education of said County shall make and publish rules and regulations incident to the care and custody of all books loaned to students under the provisions hereof; and it may require a deposit of the cost of any book, such deposit to be returned to the person making same when books have been returned in good condition, subject only to reasonable wear and tear.

SECTION 5. That this Act shall take effect January 1, 1950, the public welfare requiring it.

Passed: April 15, 1949.

Education/Schools - Historical Notes

Board of Education

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

1. Acts of 1907, Chapter 236, abolished the Office of District Directors and established a Board of Education and District Advisory Boards for every county in the State. The Quarterly Court would divide the county into five, or fewer, Districts, composed of whole civil districts, and appoint a member of the Board of Education from each District, or from the county at large, to serve until the next general election in 1908 when they would be elected by the people. The School Superintendent would be the Secretary to the Board. The duties of the Chairman, the Secretary, and the Board Members were enumerated in the Act. A three member District Advisory Board would be elected by popular vote in each school district. Their duties, responsibilities, and authority were all prescribed in the act. The Act did not apply to any city school system and several counties, not including Bradley, exempted themselves from the operation of the act in Section 17. See Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).
2. Private Acts of 1959, Chapter 324, had many terms similar to Chapter 255, Private Acts of 1961, which apparently repealed this Act. Bradley County would have a Board of Education elected by the people but this Act would not abridge the term of any member of the Board now serving, and the Quarterly Court could fill any vacancy which might occur prior to regular election in August,

1960, but the appointee could serve only until the successors were elected. After that, vacancies would be filled by the other members of the Board until the next general election could occur. The Quarterly Court could form the county into seven school districts, one member of the Board to be elected in each district. Three members would be elected in 1960, two more in August, 1962, and two in August, 1964, all for six year terms. The members would be compensated, governed, and regulated by State law, also.

3. Private Acts of 2002, Chapter 163, repealed Private Acts of 1959, Chapter 324, Private Acts of 1961, Chapter 255, and Private Acts of 1976, Chapter 269.

Superintendent or Director of Schools

The act referenced below once affected the office of superintendent of education in Bradley County, but is no longer operative.

1. Private Acts of 1976, Chapter 280, created the office of county superintendent of education for Bradley County, elected for a term of four (4) years by the qualified voters of the county.

General Reference

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

1. Acts of 1837-38, Chapter 248, incorporated James Berry, John Hardwick, Henry Price, Ezekiel Spriggs, Ezekiel Bates, Nicholas Spring, P. J. G. Lea; and William Grant, as Trustees of the Oak Grove Academy in Cleveland granting to them all the powers incidental to a corporation of an educational institution.
2. Acts of 1847-48, Chapter 80, was the legal authority for the Trustees of the Oak Grove Academy in Bradley County to establish a female department in the Academy for the special education of girls. The department could be located in Cleveland, or at any other site no more than one mile from town. Funds on hand would be divided, and the Trustees were empowered to acquire real property and hold it in the name of the new department of the school. The Act appointed P. J. R. Edwards, William H. Tibbs, J. W. Inman, Isacc Low, J. D. Traner, G. W. Parker, John H. Payne, and Samuel A. Smith, as Trustees of the new addition with all the powers of the other Trustees.
3. Acts of 1849-50, Chapter 158, amended an Act passed on October 26, 1849, entitled an act to appoint a separate Board of Trustees for the male and female department of the Oak Grove Academy in Bradley County, so as to give the County Court the power to appoint at its January term each year the seven Trustees which make up the Board. This Act named as Trustees Gideon B. Thompson, John D. Trayner, William K. Pickins, Robert S. Stewart, and John M. Cowan for the Male Academy, and J. W. Inman, James A. Ruble, John H. Payne, W. H. Craigmiles, and D. C. Kenner, for the Female Academy.
4. Acts of 1855-56, Chapter 241, allowed the Board of Trustees for the Female Department of the Oak Grove Academy in Bradley County, in order to establish a permanent Female School of a higher caliber and quality in Cleveland to convey to the Cleveland Lodge #134, Free and Accepted Masons, the entire management and control of the school, together with all real and personal property belonging to it. The Lodge was enabled under this law to receive the said properties and funds for the school whose name was changed to the Cleveland Masonic Female Institute, and, in the event the Lodge failed to keep the school going, all the property would revert back to the original source.
5. Acts of 1865, Chapter 28, incorporated the East Tennessee Female College which was located in Cleveland, Tennessee, naming as Trustees, G. B. Thompson, Robert N. Fleming, William Hunt, J. H. Brown, P. M. Craigmiles, J. H. Craigmiles, Thomas H. Colloway, William Cate, Thomas L. Cate, Jonathan C. Tipton, William C. Daily, Hiram Rouglas, Robert Sneed, J. H. Saut, L. P. Gaut, D. P. O'Neil, H. E. Davis, James M. Henderson, Joseph H. Davis, and Isaac Lowe. The corporate succession was 99 years and the powers generally incidental to educational corporate institutions

were conferred upon them.

6. Acts of 1868-69, Chapter 54, incorporated for the ensuing 33 years, D. M. Nelson, John F. Rodgers, John D. Trayner, P. M. Craigmiles, J. N. Craigniles, J. K. Chingon, Joseph Tucker, James McGee, T. L. Coate, J. T. Cate, S. C. Hambright, Abe Henry, and S. Beard, as the Bradley County Agricultural and Mechanical Association and bestowed upon them the ordinary and normal powers incidental and essential to the operation and maintenance of such a group.
7. Acts of 1869-70, Chapter 67, recited that in order to advance the interests of education in the City of Cleveland, in Bradley County, the Trustees of the Oak Grove Academy were authorized to convey by deed to the City Public Schools of Cleveland all the lot and improvements of the Academy. The State hereby quitclaimed all its right, title, and interest as the same might appear at any time, and all title to the school and its assets was vested in the Board of Education in Cleveland. See Williamson v. McClain, 147 Tenn. 495, 249 S.W. 812, (1923).
8. Acts of 1869-70, Chapter 83, provided that in consideration of Chapter 241, Acts of 1856, conserving the Oak Grove Female Academy at Cleveland which was permitted to be conveyed to Masonic Lodge #134 in that city, and because the title to the property was burned and lost during the recent war, the State of Tennessee would hereby quitclaim and convey all its right, title, and interest in the said property to Masonic Lodge #134 for the purposes and to the extent herein stated.
9. Acts of 1869-70, Chapter 121, named William Taylor, William Johnston, J. A. Millow, B. L. Johnston, J. J. Millow, E. K. Good, and J. B. Hunt, and their associates, as the incorporators of the Coahulla Academy in the 13th Civil District of Bradley County. The above named trustees would have and could exercise the same power and authority heretofore granted to other school Trustees.
10. Acts of 1885, Chapter 155, was the legal authorization for the present Trustees of the Oak Grove Academy in Cleveland, in Bradley County to sell and convey the same and to invest the proceeds of the sale thereof in the Cleveland High School Building then in the process of being constructed, the funds to be held in that property as they were formerly held in the Oak Grove Academy.
11. Acts of 1895, Chapter 62, formed independent School District Number 24 in Bradley County which included the area described in the law and which also contained the town of Charleston. All the children of school age who resided within the area prescribed in the Act were entitled to all the privileges and benefits of this law and the school.
12. Acts of 1895, Chapter 121, created a new School District to be known as the Georgetown Academy which was established from portions of Bradley, James, and Meigs Counties, and which included the area described by metes and bounds. This School District would have and enjoy the same rights as all others. The District would have a three member Board of Directors elected from the fragments of the counties making up the District.
13. Acts of 1899, Chapter 98, the contents of which can be found on Page 97 of the 1974 Edition of Bradley County's Private Acts, established a School District in Bradley County embracing the area described in the Act which would be known and numbered as the 25th School District.
14. Private Acts of 1919, Chapter 78, was the enabling legislation for the Quarterly Court of Bradley County to levy a tax of 75 cents per \$100 property valuation, or of any amount less than that, for the purpose of supporting, carrying on, and maintaining the public schools of the county.
15. Private Acts of 1925, Chapter 570, amended Chapter 98, Private Acts of 1919, to provide that the said Act would apply only to grammar and elementary schools in the county and to no others.
16. Private Acts of 1949, Chapter 562, applied to certain employees in the school system in Bradley County and defined certain terms as they were used in the Act. Among other things, the Act stated that no employee could be dismissed, or demoted, except for improper conduct, inefficient

service, neglect of duty, or for the general good of the school system, and then only after all the formalities specified in this Act had been closely observed and followed. Regulations were established concerning notice of charges, a hearing wherein witnesses and evidence could be subpoenaed. The decision arrived at must be reduced to writing and the entire record subscribed and certified. Appeals would lie to the Chancery Court of Bradley County. The provisions of this Chapter would apply only to those employees holding certificates from the Commissioner of Education and then only during the life of the certificate. This Act was repealed by the one below.

17. Private Acts of 1951, Chapter 539, repealed Private Acts of 1949, Chapter 562.

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