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# Education/Schools - Historical Notes

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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.

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Sincerely,

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# Education/Schools - Historical Notes

## **Board of Education**

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 Also referenced below is an act which repealed prior law without providing new substantive provisions.

Private Acts of 1927, Chapter 387, created the office of chairman of the county board of education, to be appointed by the county judge; his salary was to be \$3,000 yearly, and he was to devote full time to the duties of the office as outlined in the Act. This act was repealed by Private Acts of 1929, Chapter 72, published herein, which was identical to this act except the quarterly county court, rather than the county judge, appointed the chairman.

Private Acts of 1978, Chapter 245, directed the election commissioners to hold a referendum election on the following three issues: (1) to retain the present method of appointment of members of the county school board and the superintendent of county schools by the quarterly county court of Hamilton County; (2) to elect the members of the board and the county superintendent of schools by popular vote; or, (3) to elect the members of the school board by popular vote, abolish the office of school superintendent, and provide for a school administrator to be appointed by the school board.

Private Acts of 1992, Chapter 235, divided Hamilton County into school districts which were to be coextensive with the county commissioner districts established by the county legislative body of Hamilton County and provided that the Hamilton County Board of Education would consist of the same number of members as the number of county commissioner districts in Hamilton County. This act was repealed by Private Acts of 2020, Chapter 50, published herein, which increased the membership of the Hamilton County board of education from nine members to 11 members.

## **Superintendent or Director of Schools**

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

1. Public Acts of 1895, Chapter 155, prohibited the county superintendents of public instruction in counties exceeding 30,000 inhabitants (no particular census designated) from teaching in any public school, nor could they make any contract for building or repairing school property, or become the owner of any school warrant other than the one allowed as superintendent.
2. Public Acts of 1899, Chapter 326, authorized and empowered the school directors of the twenty-seventh school district of the seventh civil district of Hamilton County to sell and convey the grounds and buildings in said district known as Harrison Academy.
3. Acts of 1901, Chapter 484, amended Chapter 326, above, so that the school directors would be compelled to pay any funds, undisbursed and left in their hands after improvements were made, into the common school funds of the county.
4. Private Acts of 1943, Chapter 332, states that in counties between 180,478 and 180,500, census of 1940, or later, despite any general act fixing such terms at a different length, the term of the county superintendent of education was to be two years, computed from the date of his qualification. This statute was ruled unconstitutional by the chancellor, which ruling was reversed by the Supreme Court in Clark v. Smith, 193 Tenn. 194, 245 S.W.2d 197 (1951). The Private Acts 1943, Chapter 332, was repealed by Private Acts of 1988, Chapter 177.
5. Private Acts of 1955, Chapter 31, abolished the office of county superintendent of public instruction and established the position of director of schools, subject to a referendum. The referendum produced a favorable vote but this act was declared to be unconstitutional on two grounds by the supreme court in the case of Cagle v. McCanless, 199 Tenn. 128, 285 S.W.2d 118 (1955).
6. Private Acts of 1988, Chapter 177, set the next election of the superintendent of public instruction by the county legislative body of Hamilton County to be held on or before June 1, 1988 and quadrennially thereafter. The term was for four (4) years and commence on January 15 following the election of the superintendent. This act has been superseded by general law enacted in 1992. Popularly elected school superintendents have been replaced by directors of schools appointed by the school board pursuant to T.C.A. §§ 49-2-203 and 49-2-301.

## **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Hamilton 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. Private Acts of 1831, Chapter 1, gave the names of the initial trustees of the Hamilton Male Academy and by this act, they were incorporated as such and authorized to purchase, receive and hold any lands, goods or chattels given, granted, devised to them or purchased by them for the use and benefit of said Academy. They trustees were give the power to hold meetings pertaining to the business of the Academy, to appoint a president, secretary and treasurer of the board, and in case of the death or resignation of any trustee, the successor was to be appointed or elected by the county court. The board of trustees was also empowered to make bylaws, rules and regulations relating to the Academy.
2. Acts of 1839-40, Chapter 138, provided that the clerk of any school section in the Ocoee District in which lay the chief part of arable lands in Meigs, Hamilton or Marion counties was to have the management of the whole section, and rent the school lands from year to year, or longer periods of time not exceeding five years.
3. Acts of 1843-44, Chapter 28, appointed James A. Whiteside, of Hamilton County, as agent for the school lands and authorized him to demand damages from the State of Georgia for the right-of-way granted to the Western and Atlantic Railroad which passed through some of the school properties. The damages received were to be paid over to the school commissioners. The agent was to receive a 6% commission for his services.
4. Acts of 1847-48, Chapter 104, named H. W. VanAldenhoff as president, and Robert M. Hook, William A. Anderson, Allen Kennedy, Milo Smith, Thomas McCallie, James A. Whiteside, John P. Long and John G. Glass as Trustees of the Chattanooga Seminary, with all the usual corporate powers being granted to them as a non-profit educational institution.
5. Private Acts of 1857-58, Chapter 95, Section 10, declared that Lewis Patterson, J. P. Coulter, Thomas J. Coulter, A. A. Pearson, J. W. Grimsley, John H. Shipley, Jesse Shipley, John Gray, Col. William Clift, B. J. McDonald, and Nathan Shipley constituted a body politic and corporate to be known as the Sale Creek Academy in Hamilton County.
6. Acts of 1905, Chapter 115, created the twenty-first school district within the then second and third districts. A metes and bounds description of the new district was set forth in the act, and three school directors were to be appointed by the county superintendent for the new district.
7. Acts of 1907, Chapter 530, changed the line between the third and twenty-first school districts of Hamilton County such that all that part of the third school district not included within the corporate limits of the taxing district of Hill City was attached to and constituted a part of the twenty-first school district.
8. Private Acts of 1911, Chapter 205, amended Acts of 1907, Chapter 236, Section 12, by setting the compensation of all members of the county board of education in Hamilton County at \$150 annually, except the chairman, who was to be paid \$250 per annum.
9. Private Acts of 1915, Chapter 585, authorized county boards of education in Hamilton to contract for the transportation of children to and from their schools in the manner for their best interests, and to issue warrants for payment of same.
10. Private Acts of 1917, Chapter 426, stated that in counties having a population not less than 89,000 nor more than 90,000, according to the Federal Census of 1910, or later, all warrants issued for payment of debts in the operation of the grammar and high schools were to come from the office of county judge; all income of the school system for these schools was to be paid to the county trustee; and, all requests for supplies were to be given to the purchasing agent after having been approved by the county superintendent of schools.
11. Private Acts of 1931, Chapter 554, also amended Public Acts of 1925, Chapter 115, by exempting counties with population of not less than 158,000 nor more than 160,000, according to the Federal Census of 1930, or later, from the provisions of the last three paragraphs of Section 19 relating to the enumeration of the school census, thus making it unnecessary to be taken in Hamilton County.
12. Private Acts of 1935, Chapter 620, authorized county boards of education in counties of population not less than 159,000 nor more than 200,000, according to the Federal Census of 1930, or later, to employ teachers, supervisors, and principals of schools, and the minimum salaries to be paid were not to be less than that provided in the schedule set out in the act in Section 2. This act was amended by Private Acts of 1935 (Ex. Sess.), Chapter 82, and both statutes were declared unconstitutional by the Tennessee Supreme Court in the case of State v. Hamilton County, 170 Tenn. 371, 95 S.W.2d 618 (1936), on the ground that the act placed a burden on Hamilton County which was not placed on any other county of the state.
13. Private Acts of 1935 (Ex. Sess.), Chapter 82, amended the second paragraph of Chapter 620,

above, by permitting all service in the county school system to count towards attainment of the 15-year period required by the act to be eligible for some of its benefits. The amendment fell with the Act in the above mentioned case.

14. Private Acts of 1961, Chapter 361, created a supplemental pension board, composed of the county judge, county budget director and county auditor, to act as trustees of, administer and supervise whatever money might be appropriated by the county council for such fund. The board was also responsible for payment to all employees of any educational system of the county who had been retired on a pension prior to the passing of this act and were receiving a pension of \$100 or less per month. Their pensions were to be supplemented such that any retired employee was to receive not less than \$125 per month, as specified in the amending act found in Private Acts of 1963, Chapter 146. The funds for the supplemental pensions were to be appropriated from the Hamilton County general fund. This act was repealed and superseded by Private Acts of 1981, Chapter 136.
15. Private Acts of 1978, Chapter 229, would have allowed the Hamilton County school system to employ a purchasing agent to obtain food, materials and other supplies, but the act was not acted on by local authorities and therefore did not become effective.
16. Private Acts of 1998, Chapter 109, amended Private Acts of 1937, Chapter 689, transferring duties and responsibilities of the Pension Commission to the Trustee of Hamilton County. This act did not receive local approval.

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