



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

August 24, 2024

Education/Schools - Historical Notes

Dear Reader:

The following document was created from the CTAS website (ctas.tennessee.edu). This website is maintained by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

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,

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

Table of Contents

| | |
|---|----------|
| Education/Schools - Historical Notes | 3 |
|---|----------|

Education/Schools - Historical Notes

The following is a summary of acts which authorized boundary changes for Scott County.

1. Acts of 1853-54, Chapter 181, Section 9, changed the lines between Scott and Fentress counties so as to include all the possessions of Belfield Moore in Fentress.
2. Acts of 1855-56, Chapter 156, Section 1, moved the farms of James Ball, James Walden, Jesse T. Lay and Leander Herd into Campbell County; Section 3 changed the lines between Scott, Morgan, and Fentress Counties as the survey run by Riley Long required, making his survey the permanent boundary lines; Section 4, moved all the lands of Ewel Smith into Scott County from Campbell County.
3. Acts of 1857-58, Chapter 36, Section One, provided that the line run by Stanfield from Ewell Smith's to William Massengill's be, and the same is, hereby established as the dividing line between the said counties of Campbell and Scott so as to include all the citizens west of the said line in Scott County, and who would enjoy all the rights and privileges as other citizens.
4. Acts of 1857-58, Chapter 129, Section 1, detached the farms belonging to William Young and Elisha Chaney from Scott County and placed them in Morgan County.
5. Acts of 1859-60, Chapter 135, Section 2, provided that the county line between Fentress and Scott County be so changed that commencing at the north of Scull Creek on the Clear Fork, it shall run thence down the river to the south fork, to the mouth of Honey Creek at the old county line. Section Three of the same act transferred the dwelling house, and the tract of land on which it stands, of A. H. Cross from Scott County into Morgan County.
6. Acts of 1866-67, Chapter 9, Section 3, changed the lines between Campbell and Scott Counties so as to include all the lands belonging to John Patterson, Austin L. Keath, William Cross, William Keatherly, John McGee, Henry Goodman, James McGee, William Thompson, and the farm, formerly owned by Ewel Smith, but now the property of Riley and Jacob Queener, in Campbell County.
7. Acts of 1867-68, Chapter 60, Section 4, moved the properties of Henry Thompson, and the lands and residence of Ewel Smith, Riley and Jacob Queener, which is now owned by John E. Hudson and Isaac Neal, from Campbell County back into Scott County. Section 5 of the same act transferred the residence and farm of Wesley Buttram from Fentress County into Scott County.
8. Acts of 1868-69, Chapter 43, Section 6, detached the lands belonging to Dempsey Massengale from Morgan County and attached them to Scott County.
9. Acts of 1870, Chapter 84, transferred the lands of William A. Cross and Levi L. Adkins from Campbell County into Scott County.
10. Acts of 1873, Chapter 71, changed the lines between Campbell and Scott counties so as to include the farm of William Trammell in Scott County provided the action did not reduce Campbell County below the constitutional limits.
11. Private Acts of 1873, Chapter 75, transferred from Anderson County into Scott County all the farms belonging to Jordan Massingal, Huston Carroll, Greebery West, William Carroll, and Alexander Low, under the same provision as above.
12. Acts of 1873, Chapter 99, moved the farms and residences of John Low, Jr., and William Keathaley from Campbell County into Scott County under the same conditions.
13. Acts of 1879, Chapter 137, Section 10, changed the lines between Scott and Campbell so as to include all the lands of J. Q. Cross in Scott County.
14. Acts of 1883, Chapter 51, altered the boundaries between Scott, Anderson, and Campbell Counties so that the lands of Richmond Kennedy would be included wholly within Campbell County.
15. Acts of 1883, Chapter 100, moved all the lands belonging to John Lay and John Lawdermilk, as they were described in the Act from Campbell County into Scott County.
16. Acts of 1883, Chapter 195, detached the farm of Milton S. Cross from Campbell County and attached the same to Scott County consisting of about 200 acres on Straight Fork Creek.
17. Acts of 1885, Chapter 60, repealed the 6th Section of an Act passed March 14, 1868 which changed the lines between Smith, Putnam, and Dekalb Counties, and for other purposes, and the line between Scott and Morgan counties was reestablished as it was before passage of the act. This must refer to Item 8, above.

18. Acts of 1887, Chapter 46 transferred all the properties belonging to Bart Neal, W. C. Adkins, and Peter Adkins out of Campbell County and into Scott County.
19. Acts of 1889, Chapter 21, detached the farms and residences of John B. Young and Solomon Young from Morgan County and attached them to Scott County.
20. Acts of 1897, Chapter 257, is an exact duplicate of Acts of 1897, Chapter 217, which is published herein.
21. Acts of 1897, Chapter 278, moved the lands of Calvin Allen and David Lay out of Scott County and into Campbell County.

Board of Education

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

1. Acts of 1899, Chapter 279, authorized the Quarterly County Court to establish and maintain county high schools when, in their opinion, the best interests of the people require it, and, for that purpose could levy a tax for schools up to fifteen cents per \$100 property valuation. The County Board of Education would be composed of seven members with staggered three year terms who would manage the schools. There would be at least three teachers for every high school and ordinary subjects would be taught in them. The Board was empowered to locate the said schools which could be consolidated with other high schools, but be under the supervision of the County Superintendent. The Board was further authorized to admit non-resident pupils but they must pay a tuition charge in an amount determined by the Board.
2. Private Acts of 1917, Chapter 558, amended Private Acts of 1899, Chapter 279, above, by adding a provision to Section 3 which would set the compensation of members of the Board of Education in Scott County at not less than \$1.50 nor more than \$3.00 per day for each day spent on the business of the Board, limited to 20 days per year.
3. Private Acts of 1933, Chapter 764, made it unlawful in Scott County for any member of the County Court to teach school or make any contract with the Board of Education, and it was unlawful for the Board to approve or to make a contract with any Justice of the Peace of Scott County to run school busses or to buy or sell any kind of materials. The fines for violators ranged from \$10 to \$50 for each offense.
4. Private Acts of 1947, Chapter 773, created a seven member Board of Education for Scott County who would be elected by the people at large for six year terms. They shall be elected at the August, 1948, election, the three getting the highest number of votes will serve 6 years, the next two getting the next highest vote for four years, and the others for two years. Present members of the Board will continue to serve until the election is over and others are ready to assume office. Section 2 set up the qualifications for the Board members among which was the requirement of a high school diploma, or its equivalent. No member of the County Court could serve as a Board member. The Board would employ people upon the recommendation of the County Superintendent of Instruction. The Board could refuse to hire these people but could only ask for more recommendations. The County Superintendent would assign all personnel to their jobs. The Chairman of the Board will get \$200 per year, and members of the Board would get \$100 per year for their services. This Act also repealed Private Acts of 1923, Chapter 157; however, the Supreme Court declared all of Private Acts of 1947, Chapter 773, to be unconstitutional which rendered it and all the provisions therein null and void. This was declared in the case of Phillips v. West, 187 Tenn. 57, 213 S.W.2d 3 (1948). The grounds were that the requirement for members of the Board of Education in Scott County to have a high school diploma exceeded the requirements of the general law and was therefore discriminatory. Further, that the condition imposed upon the employment of personnel by the Board of Education that they be recommended by the Superintendent also exceeded the demands of the general law and were therefore discriminating against members of the Scott County Board, whereupon the Court declared the entire Act unconstitutional since the invalid Sections could not be elided from the act. This would restore the former act, Chapter 157, Private Acts of 1923, to efficacy, it would appear.
5. Private Acts of 1959, Chapter 236, amended Private Acts of 1947, Chapter 773, by striking Section 5 and inserting a new Section 5 which fixed the compensation of members of the Board of Education at \$10 per day for their attendance at meetings but was limited to \$200 per year. The Chairman of the Board would receive \$25 per month, all to take effect at the beginning of the next term of the members. (This Act amended the unconstitutional Act which would seemingly render it useless.)
6. Private Acts of 1970, Chapter 259, amended Private Acts of 1947, Chapter 773, as amended by Private Acts of 1959, Chapter 236, by adding a new Section 5 which would pay the reasonable

expenses of each member of the Board of Education incurred in the performance of their duties and as may be provided in the budget. Each member would also receive \$50 per month and the Chairman an additional \$25 per month. (Our information is that this Act was not acted on by the Quarterly County Court and therefore never became a law under the Home Rule Amendment to the State Constitution.)

7. Private Acts of 2002, Chapter 86, repealed Private Acts of 1923, Chapter 157, as amended by Private Acts of 1947, Chapter 773, Private Acts of 1959, Chapter 236, and Private Acts of 1970, Chapter 258.

Huntsville School District

The following acts were applicable to the Huntsville School District.

1. Private Acts of 1911, Chapter 574, created the special and independent Huntsville High School District in Scott County whose boundaries are set out in a metes and bounds description in the act. The District shall be governed by a five member Board of Trustees who are constituted a body corporate and politic. The members must be residents of the District, of good moral character, 30 years of age, or older, a freeholder or householder, and possess at least a common school education. They would fill their own vacancies. The Board may hire and fire teachers, make all essential rules and regulations, and do all other things necessary to effectuate the purposes of this act within the framework of the powers enumerated. The County Trustee shall pay the District their pro rata share of the school funds according to the scholastic population of the county which these Trustees and others are required to furnish. The branches of study shall be comparable to other high schools and shall be open to all white children of both the district and the county who are otherwise qualified to attend. The Board shall devise reasonable tuition rates for other students. A special tax levy of five cents per \$100 would go into the "Huntsville High School Fund" for school purposes. The first Board was made up of M. F. McDonald, Sanders Foster, James F. Baker, W. H. Buttram, and James A. Griffith, all of whom would serve staggered terms.
2. Private Acts of 1915, Chapter 275, amended Private Acts of 1911, Chapter 574, above, by striking all of Section 2 and inserting a new Section 2 which recreated the five member Board of Trustees for the Huntsville High School District. This Board would consist of M. L. McDonald, the Superintendent of County Schools, W. H. Buttram, James F. Baker, James A. Griffeth, W. H. Potter, J. M. Griffeth, James T. Foster, and T. N. Scates, the County School Superintendent being an ex- officio member. Provisions are included which established staggered terms for members of the Board and there is a general enumeration of their powers. The minimum tax levy rate was increased from five cents to ten cents per \$100 valuation. It is presumed that this school district fell to Public Acts of 1925, Chapter 115, which turned over all school districts which were not taxing districts to the county systems.

Oneida School District

The acts listed below had some bearing on the Oneida School District at some time but apparently are no longer in effect.

1. Private Acts of 1915, Chapter 371, created the Oneida Special School District with a metes and bounds description of the area included in it. Five Trustees, who are named in the Act, will govern the institution and be organized as specified by naming a President, Secretary, and Treasurer. The Trustee shall turn over to them the pro rata share of school funds. The branches of study now required and permitted to be taught in other schools shall be taught in the District. All white students who are residents, qualified, and eligible shall be admitted as students and the Board may admit others upon payment of reasonable tuition rates. A special school tax of ten cents per \$100 property valuation was levied for the support and maintenance of the schools. The school district shall be under the general supervision of the State and County Superintendent. This Act was specifically repealed by Private Acts of 1975, Chapter 178. See *Oneida High School v. Scott County Board of Education*, 145 Tenn. 311, 237 SW 53 (1921).
2. Private Acts of 1919, Chapter 476, authorized the Trustees of the Oneida School District to issue coupon bonds in an amount not to exceed \$40,000, at an interest rate not to exceed 6% and for a maturity period not to exceed 20 years. The entire amount of bonds shall not exceed 10% of the taxable value of property located within the school district and none shall be issued until approved by a majority of voters voting in a special referendum for that purpose. The bonds shall be used to acquire land and construct a school building and dormitories. Details of the election and of the bond issue, if the election is successful, are provided, and the form of the bond is written into the law. A tax levy of ninety cents per \$100 of property valuation is authorized to be levied within the bounds of the school district, as described, of which forty cents to the liquidation of the principal. The tax, if unpaid, will constitute a lien on the property. The powers and duties of the President of

the Board of Trustees are enumerated in a general fashion in Section 8 of this law.

3. Private Acts of 1923, Chapter 61, authorized the Quarterly County Court of Scott County to levy, at the time of levying the other taxes for the county, a special school tax of two and one-half mills on each dollar of taxable property for the purpose of building and equipping a High School building in the Oneida Independent School District. The County Trustee would collect the tax and keep it in a separate fund. The School Board for the district was granted all the necessary authority to effectuate the purposes.
4. Private Acts of 1925, Chapter 149, amended Private Acts of 1919, Chapter 476, by reducing the amount of the tax rate to be levied for the Oneida School District from ninety cents to thirty cents per \$100 of property valuation and the distribution of the proceeds were reduced from fifty cents to seventeen cents for the payment of the interest on the bonds and from forty cents to thirteen cents for the liquidation of the principal of the bonds.
5. Private Acts of 1925, Chapter 247, recited in the preamble that a previous tax rate of twenty-five cents per \$100 (cited as "two and one-half mills per dollar" in Item 3, herein) had been levied to build a high school in the Oneida Independent School District and the funds had been insufficient to complete the structure. This act further permits the Quarterly County Court to levy another tax of twenty cents per \$100 to complete the High School building and continues the power of the Trustees to do all things necessary to complete the school.
6. Private Acts of 1925, Chapter 311, is an exact duplicate of Private Acts of 1925, Chapter 247, above, which was also properly enacted by the Legislature without explanation for the reason therefor, other than the assumption that the second law was passed without knowledge of the first.
7. Private Acts of 1929, Chapter 835, amended Private Acts of 1915, Chapter 371, Section 10, by increasing the minimum rate of the tax levy for the Oneida School District from ten to fifteen cents per \$100 of property valuation in the district. This Act was expressly repealed by Private Acts of 1975, Chapter 178.
8. Private Acts of 1935, Chapter 663, amended Private Acts of 1919, Chapter 476, Section 7, reported in Item 2, above, by levying a special tax rate of fifteen cents per \$100 of property valuation, both real and personal, within the boundaries of the Oneida School District which would be collected by the Trustee and paid over to the Board of Trustees for the school district to be used to pay the principal and interest on the bonds which were permitted to be issued under the authority of that act. The two former tax rates for the bonds were ninety cents and thirty cents per \$100.
9. Private Acts of 1935, Chapter 665, amended Private Acts of 1929, Chapter 835, Item 7, above, by raising the minimum tax rate for the Oneida School District from fifteen cents to twenty cents per \$100 on all property, real and personal, within the District. This Act was also repealed by Private Acts of 1975, Chapter 178.
10. Private Acts of 1941, Chapter 267, provided that the caption of Private Acts of 1919, Chapter 476, be amended so as to provide an assessment upon all property both personal and real within the corporate boundary limits of the Oneida High School District. The Act is further amended in Section 7, by adding a paragraph at the end of the Section assessing a tax rate of fifteen cents per \$100 on all property, real and personal, within the corporate boundaries of the Oneida High School District for the year 1942, and subsequent years, which shall be collected by the County Trustee, and used for maintenance of Oneida High School property.

Superintendent or Director of Schools

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

1. Private Acts of 1923, Chapter 157, Section One, provided that the County Superintendent of Public Instruction would be elected by popular vote for a two year term which would begin on January 1, 1925. This Act also created a Board of Education and provided for a Truant Officer.
2. Private Acts of 1933, Chapter 729, provided that the County Superintendent of Public Instruction would be elected by popular vote for a four year term. The salary was set up which he would receive and the obligation imposed to discharge such duties as were prescribed by law and that the qualifications established under state law must be met. This Act was repealed by Private Acts of 1949, Chapter 33.
3. Private Acts of 1939, Chapter 394, allowed the County Superintendent of Public Instruction in Scott County to employ a clerk to assist in the clerical duties of the office, and to the Board of

Education. The salary would be not more than \$600 annually, payable monthly out of the school funds in the same manner as other school expenses are paid. The clerk will serve at the pleasure of the Superintendent.

4. Private Acts of 1943, Chapter 168, amended Private Acts of 1935, Chapter 688, Section 1, by striking out the requirement in that act that the compensation of the Superintendent of Public Instruction be limited to \$2,400 per year including the State supplement so as to provide that the county would pay the \$2,400 a year to the Superintendent, exclusive of and in addition to the State supplement, if any, for all the services rendered to the County by the Superintendent.
5. Private Acts of 1943, Chapter 257, amended Private Acts of 1923, Chapter 157, Section 1, by removing the provisions of a two year term, as specified in that act, and providing for a four year term for the Superintendent which would begin on September 1, 1925. A conflict between this Act and Private Acts of 1933, Chapter 729, published herein is not readily apparent.
6. Private Acts of 1945, Chapter 168, amended Private Acts of 1939, Chapter 394, by striking out the provision for the \$600 yearly salary for the clerk to the County Superintendent of Education and inserting a provision to compensate the Clerk at \$150 per month, payable at \$100 a month out of elementary school funds and \$50 a month out of high school funds which will be payment in full for all services rendered.
7. Private Acts of 1947, Chapter 774, amended Private Acts of 1935, Chapter 688, Section 1, by establishing the compensation of the County Superintendent of Schools as that amount authorized by general education law which would be contributed by both State and County.
8. Private Acts of 1949, Chapter 33, expressly repealed Private Acts of 1933, Chapter 729.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Scott 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 1851-52, Chapter 25, established a county academy at Huntsville for Scott County to be called Huntsville Academy. The act named Dennis Trammel, Absolom Cross, James Reed, John L. Smith, and Culberth Webb, as Trustees of the Academy, clothing them with all the power and authority incidental to academic corporations, with the authority also to make whatever rules and regulations might be needed for the operation of the facility which were consistent with the State and Federal constitutions.
2. Acts of 1855-56, Chapter 266, states that the Huntsville Academy is entitled to draw the academy funds to which it would have been entitled under the law, being duly and properly organized under its charter. The Comptroller of the State was authorized and directed to pay over to the said academy such funds from the years 1852, 1853, 1854, and 1855.
3. Acts of 1887, Chapter 98, permitted the Trustees of the new Huntsville Academy to sell and convey the property of the old academy on such terms as they consider in the best interests of the people. The proceeds of the sale will be turned over to the County Trustee and be dispersed as other school funds are distributed.
4. Public Acts of 1907, Chapter 236, abolished all the offices of District Directors in the state and created Boards of Education and District Boards of Advisors in their places. Five school districts are to be created in each county from each of which one member of the Board of Education would be elected. The districts would be composed of, and coincide with, whole civil districts. Initial members would be appointed by the County Court and serve until September 1, 1908, when those elected by popular vote would assume office. The duties of the Chairman of the Board, chosen by its members, of the Secretary, who would be the Superintendent of Schools, and of the Board itself are all enumerated in the act. Each member of the Board would make a full and accurate annual report of school affairs in his district, and receive, as compensation, from \$1.50 to \$3.00 per day, as determined by the County Court. The voters would further elect a three member Advisory Board whose duties were likewise spelled out in the act. This act did not apply to city schools, and some counties exempted themselves from its operations in Section 17 but Scott County was not one of them. This law was the subject of litigation in Whitthorne v. Turner, 155 Tenn. 303, 293 S.W. 147 (1927).
5. Private Acts of 1907, Chapter 603, stated that every parent or guardian, or anyone, having the custody and control of children between the ages of 8 and 16 years shall send them to school for at least 16 weeks, or 80 days, of each year, or for as long as the public schools are in session, unless they are excused by competent authority, or are physically disabled to attend which fact

must be supported by acceptable medical proof. The Act provides for a variety of records to be kept at different levels of the scholastic hierarchy accurately presenting the true attendance records of each pupil. These requirements would not apply if one lived further than 2½ miles from the school house. Fines for violation ranged from \$10 to \$50 for each offense.

6. Private Acts of 1911, Chapter 319, was an amplification of the compulsory school attendance law requiring the same 16 week, or 80 days, attendance in school by children from 8 to 16 years of age, or as long as the public school is in session in the respective District. One must be excused properly or be disabled if not attending the specified number of days. The attendance must be for consecutive days unless one was temporarily excused by the classroom teacher. If a child were poor, the county was authorized to buy clothing and all school supplies for it. The law did not apply if the pupil's home was located more than 2½ miles from the school. All violations would be punished by fines of \$1 per day for each day missed unlawfully. It was declared illegal for anyone to employ a child between the above age limits who should be in school. A census would be taken each year of school children in each district and the attendance records compared to it. The teachers, and other school officials, would not be paid their salaries unless this law was fully met.
7. Private Acts of 1917, Chapter 317, provided that for the purpose of providing and maintaining high schools in Scott County, the County Court could levy a special school tax of 2½ mills on the dollar to be assessed against all property subject to taxation to be collected as any other tax is collected and paid over to the County Trustee to be used for the purposes mentioned above.
8. Private Acts of 1917, Chapter 355, abolished the office of Truant, or Attendance Officer in Scott County, quoting population figures according to the Federal Census of 1910. All laws in conflict with this law were repealed.
9. Private Acts of 1917, Chapter 626, amended Public Acts of 1913, Chapter 4, the title of which is written into the amending act, by adding a provision, which would be applicable only to Scott County, that no supervisors shall be appointed as the public law required and all the duties imposed upon the Supervisors by the public act shall be performed and discharged by the regular county superintendent at no increase in compensation.
10. Private Acts of 1917, Chapter 668, applied to both Scott and Morgan Counties and provided that those county high schools, whose school terms were longer than the elementary school terms, would be permitted to teach elementary students who were below high school levels in those schools, the cost of which would be paid out of the high school funds of the county.
11. Private Acts of 1923, Chapter 448, stated that in Scott County the Quarterly County Court may levy a tax of not less than ten cents per \$100 of all taxable property, and annually thereafter, until all the indebtedness on the Robbins School is paid off. These special taxes would be collected by the Trustee and kept in a separate account for that purpose.
12. Public Acts of 1925, Chapter 115, was the start of the current general state statutes dealing with education being codified as Title 49, of the Tennessee Code Annotated.

Source URL: <https://www.ctas.tennessee.edu/private-acts/educationschools-historical-notes-46>