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Education/Schools - Historical Notes

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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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Table of Contents

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

Board of Education

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

1. Acts of 1907, Chapter 236, created a Board of Education in every County of the State and abolished the District Directors but installed a District Board of Advisors in its place. The Board would have five members, one from each school district composed of whole Civil Districts. The County Superintendent would serve as the Secretary of the Board. The members of the Board would be elected by the County Court until 1908 when their successors, elected by the people, would take office on September 1, 1908. The duties of the Chairman, the Secretary, and the Board are all listed as an item in the Act. Each member will be paid from \$1.50 to \$3 per day as set by the Quarterly Court. The Board of Advisors is made up of three citizens of each District who shall be elected by popular vote, discharge the duties listed in the Act, and have their vacancies filled by the remaining members of the Board. Nine Counties exempted themselves from the provisions of this act but Rhea County was not among them. This Act was part of the litigation in Whithome v. Turner, 155 Tenn. 303, 293 S.W.147 (1927).
2. Private Acts of 1919, Chapter 171, provided that the Chairman of the County Board of Education and the High School Board of Education in Rhea County shall receive \$60 per year, payable monthly, out of the Elementary and High School Funds for their services as Chairman of the respective Boards, which shall be in addition to any per them allowance they may have. This Act was repealed by Private Acts of 1949, Chapter 15.
3. Private Acts of 1921, Chapter 868, stated that, in Rhea County, identified by the 1920 Federal Census figures, the County Superintendent of Schools was authorized to fill any vacancy on the County High School Board of Education until the first Monday in January following the appointment. This Act was repealed in Item 10, below.
4. Private Acts of 1937 (Ex. Sess.), Chapter 23, declared that in Rhea County each member of the Board of Education shall receive for their services the sum of \$75 per annum out of the school funds for the County. This Act was repealed in Item 15, below.
5. Private Acts of 1941, Chapter 63, was the authority for the County Board of Education of Rhea County to borrow such sums as may be necessary from time to time to enable the schools, both elementary and high school, to finish their terms but the amounts shall not exceed \$6,000 per year for the high school and \$15,000 a year for the elementary system. The Board may execute negotiable notes at 6%, or less, interest, due in 90 days, or less. These notes are to be paid from the tax money for the schools or from state shared educational funds, and the two funds above, shall not be mixed, or one used to assist the other fund. This Act was repealed in Item 13.
6. Private Acts of 1941, Chapter 474, stated that in Rhea County the Board of Education shall have the authority to fix the compensation of the Chairman of the Board. This Act was repealed in Item 14, below.
7. Private Acts of 1943, Chapter 199, stated that the School Board of Rhea County may, in their discretion, pension any school teacher who has retired as a teacher and place the said teacher upon the County's pension rolls at \$20 per month provided the said teacher had taught school at least 20 years, fifteen of which must be in the schools of the county granting such pension.
8. Private Acts of 1945, Chapter 164, was the legal authority for the County Superintendent of Public Instruction to fill vacancies on the County Board of Education until the next regular meeting of the County Court. This Act was repealed in Item 16, below.
9. Private Acts of 1945, Chapter 599, mandated that the Rhea County School Board prepare the School Budget on the second Thursday in June.
10. Private Acts of 1949, Chapter 13, expressly repealed Private Acts of 1921, Chapter 868, Item 3, above, in its entirety.
11. Private Acts of 1949, Chapter 15, specifically repealed Private Acts of 1919, Chapter 171, Item 2, above, as the same was written.
12. Private Acts of 1949, Chapter 24, expressly and entirely repealed and nullified Private Acts of 1945, Chapter 599, Item 9, above.
13. Private Acts of 1949, Chapter 27, repealed Private Acts of 1941, Chapter 63, Item 5, above.
14. Private Acts of 1949, Chapter 29, repealed entirely Private Acts of 1941, Chapter 474, Item 6,

- above, which allowed the Board of Education to fix the salary of the Chairman of the Board.
15. Private Acts of 1949, Chapter 30, repealed and nullified Private Acts of 1937 (Ex. Sess.), Chapter 23, Item 4 above, which set the compensation of members of the Board of Education in Rhea County.
 16. Private Acts of 1949, Chapter 37, repealed Private Acts of 1945, Chapter 164, Item 8, above, in its entirety.
 17. Private Acts of 1953, Chapter 167, set up a five member Board of Education in Rhea County to be elected by the qualified voters of each school district created herein, and one from the county at large. School Districts shall be coincident with the Civil Districts as they existed in 1952. Each member shall be elected to two year terms from September 1, 1954, or until their successors are elected and qualified. The Act named Harold B. Collins as the member from the county at large, and E. C. Coleman from the First District, C. H. Smith from the Second District, George Dawn from the Third District, and Glenn Spivey from the Fourth District, to hold office until September 1, 1954, when their successors would assume the office.
 18. Private Acts of 1953, Chapter 581, amended Private Acts of 1953, Chapter 167, above, by reducing the members of the County Board of Education to three, naming Harold D. Collins, as the member at large, and Con Ballard and Leon Young, as the other two members.
 19. Private Acts of 1961, Chapter 227, established a seven (7) member board consisting of one (1) member elected from each of the four (4) school districts and three (3) elected from the county at large.
 20. Private Acts of 1972, Chapter 227, created a seven (7) member board consisting of two (2) members elected from each of the three (3) civil districts and one (1) member elected from the county at large.

Superintendent or Director of Schools

The acts referenced below once affected the office of superintendent of education in Rhea 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 547, provided that hereafter in Rhea County, identified by the use of the 1920 Federal Census figures, the Superintendent of Public Instruction shall be elected by the qualified voters in the regular August elections. The present Superintendent shall serve until expiration of the current term and the newly elected Superintendent shall serve four years but the Superintendent elected in 1928, shall not take office until January 1, 1929. Salary shall be set at \$1,500 per year. This act was repealed by the one following. See Rhea County v. White, 163 Tenn. 393, 43 S.W.2d 375 (1931).
2. Private Acts of 1931, Chapter 656, specifically repealed Private Acts of 1927, Chapter 547, Item One, above, which set up the popular election for the Superintendent of Schools in Rhea County.
3. Private Acts of 1933, Chapter 729, declared that in Rhea County the County Superintendent of Public Instruction shall be elected by the people for a four year term at the regular August election in 1934, and his annual salary shall be \$500 payable monthly out of the elementary school funds. The present incumbent shall serve until September 1, 1934, when the elected Superintendent would take office. The Superintendent would discharge all the obligations and duties imposed upon the office by general law which included the employment of teachers, janitors, bus drivers, and all other personnel. This act was repealed in Item 10.
4. Private Acts of 1937, Chapter 348, recited in the preamble that Walter White was duly elected as Superintendent of Public Instruction for Rhea County at the August 1928, general election, took office on January 1, 1929, and served in that capacity until November 27, 1931, when he was legislated out of office. This action resulted in a legal contest on the issue, and the State paid the new man his salary but did not pay White, who performed the duties of the office, and there is no doubt that White should be paid. This act appropriates \$327 out of the State Treasury and directs the Comptroller to pay that amount to Walter White which would have been his salary during the contested period of time.
5. Private Acts of 1937, Chapter 431, provided that the 12 year Certificates of qualification for the position of County Superintendent of Schools issued under the authority of any of the laws of this State, shall be renewed for a similar 12 year period from the date of its expiration provided that the holder of the certificate shall have served as a County Superintendent of Schools for some County, or Counties, for not less than four years during the life of the certificate. The population figures quoted make this act applicable only to Rhea County, although several other counties had passed similar legislation. This act was repealed in Item 11, below.

6. Private Acts of 1941, Chapter 443, averred that in Rhea County the County Superintendent of Public Instruction shall be elected at the July Term of the Quarterly Court in the even numbered years. The first election hereunder shall occur at the Quarterly Courts July term in 1942. The term will be four years and the person elected shall assume office immediately. The qualifications of the incumbent shall be the same as those established under general law. This act was repealed in Item 9, below.
7. Private Acts of 1945, Chapter 415, declared that the maximum amount of expenses to be paid to the Superintendent of Public Instruction in Rhea County shall not exceed \$62.50 per month for traveling to and from schools and on other school business of the County during the school year. This act was repealed by the one following.
8. Private Acts of 1949, Chapter 23, expressly and explicitly repeals Private Acts of 1945, Chapter 415, Item 7, above, as it was written.
9. Private Acts of 1949, Chapter 28, specifically repealed Private Acts of 1941, Chapter 443, Item 6, above, in its entirety, which provided for the election of the Superintendent of Schools and fixed his qualifications. This Act was the basis for the lawsuit in the case of White v. Knight, 34 Tenn. App. 426, 238 S.W.2d 745 (1951).
10. Private Acts of 1949, Chapter 31, specifically repealed Private Acts of 1937, Chapter 431, Item 5, above, as it was written to extend the efficacy of certain certificates.
11. Private Acts of 1949, Chapter 33, expressly repealed Private Acts of 1933, Chapter 729, Item 3, above, in its entirety, which provided for the popular election of the Superintendent of Public Instruction, and fixed his compensation.
12. Private Acts of 1953, Chapter 568, provided for the county superintendent of education to be elected by popular vote and to hold office for a term of four (4) years in all counties of the state with a population not less than 16,000 nor more than 16,100 as determined by the Federal Census of 1950.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Rhea 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, Chapter 109, incorporated Daniel Rawlings, James Campbell, Azariah David, David Murphey, Little Page Sims, Alexander Ferguson, and David Campbell, as the Trustees of Tennessee Academy in Rhea County.
2. Acts of 1822 (Ex. Sess.), Chapter 139, provided that the proceeds arising from the rental of school lands in Rhea County shall be appropriated to the support of Tennessee Academy in the said County for a term of ten years beginning on next January 1. These lands shall be under the direction and control of the Trustees of the Academy.
3. Acts of 1823, Chapter 6, repealed the 1822 Act, Chapter 139, above, which allowed the rental income of school lands in Rhea County to be applied to the benefit of the Tennessee Academy, and makes these funds available now for the common English schools. The Act also required the County Court at its January term to appoint three Commissioners for each of the school lands to supervise the leasing of the lands and the collection of the rents.
4. Acts of 1827, Chapter 132, allowed the County Court to appoint persons from time to time not to exceed twelve in number to serve as Trustees of Tennessee Academy in Rhea County. The Trustees shall select a Chairman, a Secretary, and a Treasurer, from among themselves to exercise all the powers incidental to corporate institutions which were granted to them including the power to make by-laws for the internal operations and discipline of the school. The Trustees were further granted the right to lend out surplus money at 6% which would also inure to the benefit of the Academy.
5. Acts of 1829, Chapter 277, was the authority for the Treasurer of East Tennessee to employ Hugh L. White to attend to and prosecute a lawsuit instituted by sundry citizens of Rhea County against an Indian Reserve for the recovery and possession of the 16th Section of land in the Hiwassee District which was located in Rhea County and which was surveyed and designated as a school section. White was to be given full power to prosecute and manage the suit.
6. Acts of 1831, Chapter 225, incorporated Gideon B. Thompson, John Henninger, and John Hoyal, as Trustees of Washington Female Academy who would have fifty years succession as such and who may exercise the same powers and privileges as other Trustees in similar posts. The

Academy was located in Rhea County.

7. Acts of 1833, Chapter 303, made it the duty and responsibility of the Trustees of Tennessee Academy in Rhea County on the first Monday in January, 1834, to appoint an agent whose duty it shall be to loan and reloan Academy funds to citizens of the County on notes executed to the agent with good security but not to exceed \$100 to any one citizen, and to be let on the terms contained in the Act. The agent must be bonded and must render periodical reports to the Trustees who have the authority to remove him. All interest would accrue to the benefit of the Academy.
8. Acts of 1849-50, Chapter 128, was the Act which incorporated Mars Hill Academy in Rhea County, naming as incorporators, Edward E. Wasson, Dr. Addison Locke, James Robinson, Edward Pyatt, Stephen Cawood, James J. Cash, David G. Scroggins, Jesse P. Thompson, Robert Cravens, Alfred Marsh, and Dr. James W. Gillespie. They were given the authority to adopt bylaws for internal operation and discipline of the school.
9. Acts of 1865-66, Chapter 60, incorporated the Trustees of Richland Academy in Rhea County, listing as the first Board and as incorporators, N. Keith, S. D. Bridgeman, E. H. Morgan, J. N. Keith, Washington Morgan, Jr., Lewis Morgan, Jr., Henry Davis, W. L. Humphrey, and J. J. Riddle.
10. Acts of 1899, Chapter 386, created a new and independent School District in Rhea County, bounded on the north by the 10th Civil District line, on the south by the land line between W. J. Sawyers and Mrs. Lentz, running east with the said line to the 26th School District; thence east to the line of the 6th Civil District so as to include within the District the lands of William Jones, and James Melton, also the ridge land belonging to Mrs. Roddy and the Johnson Heirs, and bounded on the west by the foot of the mountain so as to include the farm of L. A. Tyler. The School District was entitled to three Directors and all the rights and privileges of other school districts.
11. Acts of 1901, Chapter 345, formed the 41st School District in Rhea County in addition to all the other school districts. The area involved was bounded on the east by a line from James Hickman's place, running north and crossing Fox Coal Company's tracks at the second crossing to a tenant house belonging to the said company, occupied by Joe Suttles; thence west to the top of Walden's Ridge; thence along the top of the Ridge to the old toll gate house, now occupied by Joe Brackett; thence east to Hickman's and the beginning. The District would be governed by current school laws and be administered by these Directors.
12. Acts of 1905, Chapter 188, repealed portions of the law incorporating Mars Hill Academy in Rhea County, Acts of 1849-50, Chapter 128, Item 8, above. This act was the legal authority for L. M. Heiskell, S. P. C. Robinson, R. M. Robinson, and W. T. Gass, the only living members of the Board of Trustees of the said Academy, to sell the land belonging to the Mars Hill Academy and make good and valid title thereon, and out of the proceeds to pay all expenses and debts of the said school and the remainder, if any, shall be invested in school property in the First Civil District.
13. Acts of 1907, Chapter 62, created School District #5 out of Districts One and Two, said District #5 beginning at the east top of the mountain opposite the south line of Charles Read's land, and running east to include the farms of I. W. Brayles, M. Wallis, J. Wallis, H. C. Darwin, and the old John E. Pyatt farm, intersecting the Spring City and Rhea Spring public road at the east line of the Pyatt property, to the mouth of Muddy Creek, crossing Piney River, up Muddy Creek to the northeast corner of Bell's farm, thence with north line of the Bell farm with the Mars Hill tract and Rhea Iron Company, so as to include both tracts. The county Superintendent of Schools would appoint three School Districts to serve the new school district.
14. Acts of 1909, Chapter 494, was a general compulsory school attendance law for the State, which made some exemptions for children who met certain requirements stipulated in the law. The Superintendent and principals to the schools could excuse temporary absences but for no more than two days per month. Parents, and guardians, of children over 8 years of age must have them in school for at least four months, or 80 consecutive days, in each year. School officials and the teachers must keep required attendance records, or not be paid. All violators, or those failing to comply herewith may be fined for misdemeanors. Eighteen counties exempted themselves from the operation of this act but Rhea County was not one of them.
15. Private Acts of 1917, Chapter 351, stated that any school teacher in Rhea County, who was 65 years old, or older, and who had taught school for more than 30 years, shall, at his or her, discretion, be entitled to retire at that time upon filing application for retirement. Pension payments shall be \$10 per month if those specifications and qualifications are met. Warrants in the proper amount shall be drawn by the Chairman of the Board of Education. The applicant must also have been a resident of the county for ten years, or more, at the time of the application.
16. Private Acts of 1921, Chapter 370, created a Special School District in Rhea County to be called

- the City School of Rhea County. All special school districts that are not taxing districts have been abolished by T.C.A. 49-2-501.
17. Private Acts of 1921, Chapter 699, stated that any school teacher in Rhea County who was 70 years of age and had taught school for 30 years, or longer, shall, at the expiration of the said period of service, be entitled, at his or her discretion, to retire from service in the public school system upon filing written application therefor to the Board of Education. The Board shall provide for and direct payments to be made of \$25 per month, payable quarterly. The Board shall determine who are eligible and the amount of benefits to be paid to them.
 18. Public Acts of 1925, Chapter 115, has been originally codified as Title 49, Tennessee Code Annotated, and, among many other things, abolished all the special school districts which were not taxing districts, allowed those which were taxing districts to hold a referendum on the question of their abolition, and provided that when all the debts were paid in a school district, the district may join the public school system of the county. See Section 49-2-501, and following, of the State Code.
 19. Private Acts of 1927, Chapter 27, abolished the office of attendance officer in the school system of Rhea County. The compulsory school attendance law in Rhea County shall be enforced by the Chief Probation Officer of the Juvenile Court upon whom all the duties and responsibilities of the attendance officer are hereby placed. The salary is \$140 per month during elementary school term payable by warrant drawn on those funds signed by the Chairman and Secretary of the Board of Education.
 20. Private Acts of 1927, Chapter 669, is a duplicate of Private Acts of 1927, Chapter 27, above, which abolished the position of School attendance officer and gave the job to the Chief Probation Officer of the Juvenile Court. These duplications, happened sometimes, both laws being properly passed.
 21. Private Acts of 1929, Chapter 585, was the enabling law for Rhea County, acting through its Board of Education and the Judge of the County Court to borrow such sums of money, not to exceed \$8,000, as may be necessary to complete the 1928-29 term of high schools. The interest to be paid could not be over 6% and the tax levy to amortize the loans could not exceed two cents per \$100 property valuation but shall be made each year until all the money borrowed had been repaid.
 22. Private Acts of 1933, Chapter 102, made it the duty of the Board of Education in Rhea County to place on its list of retired teachers any person who has taught in the public schools as long as 25 years, and who has become incapacitated physically, or mentally, while serving as a teacher. The amount to be paid them is set at \$15 per month.
 23. Private Acts of 1933, Chapter 210, amended Acts of 1925, Chapter 115, the general school law of the State, by adding a provision which exempted Rhea County from having to comply with its terms and conditions.
 24. Private Acts of 1933, Chapter 294, specifically repeals Private Acts of 1927, Chapter 27, Sections 1, 2, and 3, which abolished the position of School attendance officer in Item 19, above.
 25. Private Acts of 1933, Chapter 541, validated the claims of the teachers who are listed in the act for the 1931-32 school year, directing the Superintendent and the Chairman of the Board of Education to draw warrants in the amount shown. Those named are Margie Smith, Prof. J. N. Ewing, Mrs. Hazel Knight, Mrs. Beulah Gentry, Miss Cecile McCabe, Mrs. Bessie Lee Jewell, Prof. E. A. Lowery, Miss Queen Trentham, Miss Reba Johnson, Mrs. Nola Edwards, plus W. J. Bean, who was due compensation for transporting students.
 26. Private Acts of 1937, Chapter 780, created the position of Attendance Officer in the Rhea County school system. The Quarterly County Court would elect the Attendance Officer at its July term for a period of one year at a salary of \$140 per month. The Attendance Officer must secure an automobile and go into every part of the County to make certain that the children between the ages of 8 and 16 are attending school as the law requires them to attend. The County Court may remove the Attendance Officer summarily if he is guilty of neglect of duty, of being drunk or intoxicated, of using profanity, or of other misconduct warranting his dismissal. This act was repealed in Item 28, below.
 27. Private Acts of 1937 (2nd Ex. Sess.), Chapter 36, assigned the duty to the Board of Education, of Rhea County, to place upon the Teacher's Pension Roll any person who has been engaged in school work for 30 years in Tennessee, fifteen of which shall be in the county, or counties, affected by this act. The person desiring to come under the terms of this act must file an application with the Board of Education whose responsibility it is, after being convinced on the

- truth of the facts in the case, to place such a person on the Teacher's Pension Rolls.
28. Private Acts of 1939, Chapter 443, expressly repealed Private Acts of 1937, Chapter 780, Item 26, above, in its entirety.
 29. Private Acts of 1941, Chapter 8, provided that, in Rhea County, identified by the use of the 1940 Federal Census figures, any county school warrant, either high school or elementary, when the same shall have been stamped and registered by the County Trustee, showing the date of the registration, then, and from that date, such warrants shall bear interest at the legal rate fixed by statute in this State. It shall be the duty of the Trustee to pay both principal and interest in the order in which the warrants appear on the register. This act was repealed by the one following.
 30. Private Acts of 1949, Chapter 26, specifically repealed Private Acts of 1941, Chapter 8, Item 29, above, as the same was written.
 31. Private Acts of 1949, Chapter 630, averred that all warrants issued for the payment of teacher's salaries, for the expense of operating the public schools, and all other school warrants in Rhea County shall be countersigned by the Chairman of the Financing and Purchasing Committee. It is made the duty of the Superintendent of Education and the Chairman of the Board of Education to certify under oath to the Finance and Purchasing Committee, the payroll of the school system and that the payroll is just, due, and necessary. Before any of the warrants is countersigned, the amount shall be certified by the Finance and Purchasing Commission, and they shall disallow any warrant not representing a proper item. The County Trustee shall honor such warrants only after the terms of this act have been complied with.
 32. Private Acts of 1949, Chapter 632, granted to the Quarterly Court of Rhea County special powers to transfer those funds derived from Sales Tax Overage in the Building, Maintenance, and Transportation Fund to the General Public School Fund of the County, so that the same may be used in the operating expenses of the public school system, or to repay money borrowed and spent within the public school system. The Court may act by Resolution and a copy of the Resolution shall be sufficient authority to make the transfer by the Trustee.
 33. Private Acts of 1949, Chapter 861, recited in the preamble that there were such a small number of negro high school students in Rhea County that facilities for their education could best be provided by cooperation with a neighboring county. This act is the legal authority for the Board of Education to enter into contracts to provide the educational facilities for the negro high school students of the county with adjoining counties. Public school funds may be used to carry out such contracts but they must first be approved by the Quarterly Court.

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