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## Chapter VI - Education/Schools

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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.

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Table of Contents

<b>Chapter VI - Education/Schools .....</b>	<b>. 3</b>
<b>Board of Education .....</b>	<b>. 3</b>
<b>Private Acts of 1911 Chapter 659 .....</b>	<b>. 3</b>
<b>Private Acts of 2022 Chapter 64 .....</b>	<b>. 3</b>
<b>Education/Schools - Historical Notes .....</b>	<b>. 4</b>

## Chapter VI - Education/Schools

### Board of Education

#### Private Acts of 1911 Chapter 659

**SECTION 1.** That the County Board of Education of Polk County, Tennessee, be, and is, hereby authorized to sell and convey and grant rights of way and other easements to facilitate the construction, operation, and maintenance of railways, bridges, and water power plants, through and over the school lands in Polk County, Tennessee.

**SECTION 2.** That whatever money may be derived from grants of rights of way and easements shall be paid to the County Trustee of Polk County, and shall be used by said County Board of Education for public school purposes in the school district wherein said school land is situated.

**SECTION 3.** That this Act take effect from and after its passage, the public welfare requiring it.

Passed: July 7, 1911.

#### Private Acts of 2022 Chapter 64

**SECTION 1.** Chapter 118 of the Private Acts of 2002, and any other acts amendatory thereto, are repealed.

**SECTION 2.** Polk County shall be divided into four (4) school districts of substantially equal population, which shall be coextensive with the four (4) county commissioner districts as established by resolution of the county legislative body of Polk County.

**SECTION 3.** The Polk County Board of Education shall consist of ten (10) members, three (3) of whom are from and are to represent School District 1, two (2) of whom are from and are to represent School District 2, three (3) of whom are from and are to represent School District 3, and two (2) of whom are from and are to represent School District 4. Polk County Board of Education members shall be elected by the qualified voters in each school district. Board members shall be elected to staggered four-year terms so that every two (2) years the terms of approximately one-half (1/2) of the members of the Board shall expire. Persons elected in the regular August election shall take office on September 1 following the elections and shall serve until their successors are duly elected and qualified.

**SECTION 4.** The current terms of incumbent members of the Polk County Board of Education shall not be cut short as a result of changes in the school districts as provided in this act. In order to establish staggered four-year terms and to increase the number of board members from nine (9) to ten (10), one (1) board member shall be elected to a four-year term from School Districts 1, 2, 3, and 4 at the August 2022 election. Additionally, school District 4 shall also elect one (1) board member to a two-year term. At the August 2024 election, two (2) board members shall be elected from each of School Districts 1 and 3, and one (1) board member shall be elected from School Districts 2 and 4. Thereafter, board members shall be elected to four-year terms as each respective board member's term expires. The process for filling vacancies in county offices under Tennessee Code Annotated § 5-1-104 shall govern the initial election for the two-year term in District 4.

**SECTION 5.** The Polk County Board of Education shall have the same powers, duties, privileges and qualification as other county boards or education established pursuant to Tennessee Code Annotated, Title 49.

**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 (2/3) vote of the legislative body of Polk County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body 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: May 25, 2022.

# Education/Schools - Historical Notes

## **Board of Education**

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

1. Private Acts of 1951, Chapter 421, established a County Board of Education comprised of seven members who would be elected at the July 1951 session of the Quarterly County Court of Polk County.
2. Private Acts of 1975, Chapter 111, repealed the Private Acts of 1951, Chapter 421, and established the Board of Education of Polk County by popular election. The Board of Education would be composed of nine (9) members elected by the qualified voters of the respective educational districts.
3. Private Acts of 1982, Chapter 197, Section 2, authorized the Polk County Election Commission to modify the filing deadline for nominating petitions for the office of County School Board for the 1982 election only.
4. Private Acts of 2002, Chapter 118, repealed Private Acts of 1975, Chapter 190, as amended by Private Acts of 1977, Chapter 114, Private Acts of 1981, Chapter 71, and Private Acts of 1982, Chapter 197.
5. Private Acts of 2002, Chapter 118, which divided Polk County into three school districts, was repealed by the Private Acts of 2022, Chapter 64, which divides Polk County into four school districts.

## **Superintendent or Director of Schools**

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

1. Private Acts of 1975, Chapter 109, is identical in content to the Private Acts of 1975, Chapter 191, which contains the provisions for electing the county Superintendent of Education. Private Acts of 1975, Chapter 109, was never acted upon locally and was repealed by the Private Acts of 1975, Chapter 191.
2. Private Acts of 1975, Chapter 191, provided that the county superintendent of education be elected by the qualified voters of Polk County for a four (4) year term beginning September 1, 1976.

## **General Reference**

The following acts constitute part of the administrative and political heritage of the educational structure of Polk 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 1849-50, Chapter 181, authorized the common school commission in Polk County to lease any unsold school lands for mining purposes. This was amended by Acts of 1853-54, Chapter 303, to require lessees to pay their annual rents to the Trustee, to be held as part of the school fund. The Polk County Trustee and his sureties were made liable for noncompliance with this act.
2. Acts of 1901, Chapter 196, authorized the sale of the timber on school lands in the 5th, 7th, 9th, and 11th districts of Polk County by the school commissioners in those districts and also authorized them to lease unused school lands for grazing purposes, though those leases could not extend for more than five years.
3. Private Acts of 1905, Chapter 334, provided for the protection and application of the funds arising from leases of the school lands in fractional township four.
4. Private Acts of 1917, Chapter 523, provided that elementary schools in Polk County were to have the same length of term as high schools, when the two were operated in conjunction.
5. Private Acts of 1929, Chapter 326, authorized the sale of part of fractional township two to the Tennessee Electric Power Company.
6. Private Acts of 1929, Chapter 896, authorized land that was set aside in Polk County by an act of the U.S. Congress in 1806, Chapter 31, to be sold except for any lands in the Fourth Fractional Township. Any proceeds that were made from the sale of these lands were to be put into the County's Grammar School Fund.
7. Private Acts of 1929, Chapter 897, established that the commissioners for the Fourth Fractional

Township of Polk County would be Kimsey, Clouts, and Mitchell. An election was to be held every four years for the position of commissioner for the Fourth Fractional Township. The act further stated that any funds belonging to the Fourth Fractional Township could be expended by said commissioners for the erection of a Junior College in the district.

8. Private Acts of 1931, Chapter 104, was identical in content to the Private Acts of 1929, Chapter 897, except that it replaced Commissioners Clouts and Mitchell with Commissioners Lanning and Quinn.
9. Private Acts of 1933, Chapter 793, created the office of chairman of the Board of Education, to be elected from the members of the Board of Education by the quarterly county court for a four year term.
10. Private Acts of 1935, Chapter 110, renewed the lease that applied to the Fourth Fractional Township and extended it until June 29, 1973.
11. Private Acts of 1935, Chapter 127, abolished the offices of the Fourth Fraction Township Commissioners entirely.
12. Private Acts of 1935, Chapter 138, deals with the Fourth Fractional Township of Polk County and authorized the Township School Commissioners to execute a lease contract leasing school properties to the County School Board of Polk County for the purpose of conducting school as will most benefit the children of the township. This act further reinstates the offices of township commissioners and calls for an election to be held for the positions every four years. Further, school commissioners are required to deposit all monies coming into the district in a bank and file a report with the Polk County Trustee and County Chairman disclosing all assets. Finally, Private Acts of 1935, Chapter 138, required Kimsey, Kirkpatrick, and Quinn to vacate their offices, surrender any claim they had to the offices, and to account for all property which they were responsible for while they served as commissioners.
13. Private Acts of 1939, Chapter 185, created the position of Business Manager of the Department of Education, to be elected by the quarterly county court for a term of four years. The business manager was to prepare all budgets, supervise all bookkeeping, and keep the Polk County Board of Education advised on its financial condition. This act was repealed by Private Acts of 1947, Chapter 21.
14. Private Act of 1941, Chapter 142, authorized the Board of Education to sell certain school lands within Fractional Township 4 South, Range 5 East, Ocoee Land District to the United States of America for National Forest Purposes.
15. Private Acts of 1943, Chapter 385, authorized the Polk County Board of Education to sell certain school lands in the Ocoee Land District which were no longer valuable for any educational purposes, providing that the voters first approved of any such sale.
16. Private Acts of 1947, Chapter 467, established a county board of education of seven members to be elected by the voters for terms of four years. Membership on this board was apportioned among the three civil districts of the county, with the first and third districts having more representation. This board was abolished by Private Acts of 1951, Chapter 420.
17. Private Acts of 1949, Chapter 786, authorized public school authorities to establish a program for providing free textbooks to all students in the Polk County public school system.
18. Private Acts of 1949, Chapter 834, providing tenure for most employees of the Polk County school system, was repealed by Private Acts of 1951, Chapter 422.
19. Private Acts of 1951, Chapter 421, created a Board of Education for Polk County, of seven members, to be elected by the quarterly county court for terms of seven years. There were numerous attempts to repeal this act, and it was finally repealed by Private Acts of 1975, Chapter 190, which was approved by the Polk County voters on July 29, 1975.
20. Private Acts of 1967-68, Chapter 86, attempted to create a new Board of Education to be elected by popular vote. This act was amended by Private Acts of 1967-68, Chapter 167 to provide that voting machines were to be used in the referendum for local approval of Chapter 86, but the voters rejected the act and it never became operative.
21. Private Acts of 1971, Chapter 193, would also have repealed the 1951 County Board of Education act, but it also was rejected by local officials and never became an operative law.
22. Private Acts of 1971, Chapter 194, was another attempt to repeal the 1951 act creating the Board of Education and to replace it with a seven-member board elected by the voters of Polk County. This act was apparently rejected on the local level and never took effect, although no local action has been certified by the Secretary of State.

23. Private Acts of 1972, Chapter 313, was the next attempt to replace the Board of Education, appointed by the quarterly county court with one elected by the voters, but like previous attempts, this act was not ratified on the local level and never became an effective law.
24. Private Acts of 1974, Chapter 285, was the last unsuccessful attempt to repeal the 1951 Board of Education act which like the ones before it, did not gain local approval and never became an operative law.

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