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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.

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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Board of Education

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

1. Private Acts of 1927, Chapter 380, as amended by Private Acts of 1939, Chapter 351, Private Acts of 1941, Chapter 539, Private Acts of 1943, Chapter 178, Private Acts of 1947, Chapter 484 and Private Acts of 1949, Chapter 150, created a board of education in Sevier County. The Private Acts of 1927, Chapter 380, as amended, was repealed by Private Acts of 2002, Chapter 74

Superintendent or Director of Schools

The acts referenced below once affected the office of superintendent of education in Sevier 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 290, as amended by Private Acts of 1943, Chapter 281, provided that the county superintendent of public instruction in counties having a population of not less than 22,384 and not more than 22,390 according to the 1920 Federal Census be elected by qualified voters of said counties.
2. Private Acts of 1931, Chapter 701, set the salary of the County Superintendent in Sevier County at \$1,500 annually, payable in equal monthly installments out of the county treasury as other salaries are paid. The act further provided that the Superintendent would have supervision, control and the right to select all teachers for the Smith-Hughes vocational work in the county. This act was repealed by Private Acts of 1933, Chapter 186, below.
3. Private Acts of 1933, Chapter 186, repealed expressly Private Acts of 1931, Chapter 701, and provided that all acts which may have been repealed by that Chapter were restored as fully and to the extent that it had never been passed.

General Reference

The following acts constitute part of the administrative and political heritage of the educational structure of Sevier 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 1807, Chapter 56, named Nathaniel Buckingham and William Mitchell as Trustees for Nancy Academy in Sevier County who would have and exercise the same powers as other Trustees.
2. Private Acts of 1832, Chapter 76, declared that the Clerk and the Treasurer of the Board of Common School commissioners for Bledsoe, Marion, Sullivan, Washington, Cocke, Greene and Sevier counties are empowered and directed to perform all the duties required of the late Bank Agents in those counties under the same rules laid down by the General Assembly for Campbell County. All notes, papers and books will be promptly handed over to the Clerk and the Treasurer, as provided therein.
3. Private Acts of 1833, Chapter 221, provided that the Commissioners of the Common School Fund in Sevier County were authorized to invest the common school fund in the stock of the Smoky Mountain Turnpike road, in such manner and upon such terms as the Commissioners should consider best and advisable for the school fund, provided that a majority of the Commission consent thereto in writing, and the writing be filed with the County Court Clerk before the investment is made.
4. Acts of 1841-42, Chapter 6, stated that Samuel Pickens, Henry G. Hodges, Sr., Allen S. Bryan, George McCowen, Stewart O. Dickey, Albert T. W. Clendenen and Henry M. Thomas were appointed as Commissioners to settle the business of the recent Board of Common School Commissioners of Sevier County as created by the General Assembly. The Commissioners would organize themselves into a Board immediately and call upon the Clerk of the former Board to deliver any papers, notes, books, funds and money of any kind whereupon all business of the former Board would be settled and whatever remained would be turned over to the Nancy Academy in Sevier County. This act was repealed by the Acts of 1845-46, Chapter 186, below.
5. Acts of 1845-46, Chapter 186, repealed Acts of 1841, Chapter 6, above, entirely and made it the duty of the institution's Trustees to make a sworn written report to Circuit Court at each December term showing the situation and condition of the institution (Nancy Academy) and how the funds have been spent. If waste of funds is present, judgment by motion may be had against

the Trustees.

6. Acts of 1847-48, Chapter 103, repealed all the laws which required the county academy to be located within one mile of the county seat as the same would apply to Sevier County. George McMahon, Daniel Emert, John Walker, Robert H. Hodsden, John Mullendore, William Catlett, James Cummings, John W. Trundle, Allen S. Bryan, Alexander McCallie and Benjamin J. Tipton were appointed as Commissioners to select a site for the Academy as near the county seat as possible but not more than two and one-quarter miles from it.
7. Private Acts of 1865-66, Chapter 6, incorporated W. H. Trotter, James P. McMahan, Isaac Ogle, Tilman Fox, John Butler, G. W. Seaton and Isaac Trotter as Trustees for "Middle Creek Academy" in Sevier County who would have and possess all the powers incidental to academic incorporations.
8. Public Acts of 1893, Chapter 85, appointed trustees for Rocky Springs Academy in Sevier County and authorized such trustees to sell the academy and invest the money in the purchase of other school property to benefit the public schools of the civil district where the academy was located.
9. Acts of 1901, Chapter 403, created the Tuckahoe School District out of portions of Sevier and Knox Counties as the area was described therein. An election would be held on May 25, 1901 for three school Directors who would serve until the regular election in August, 1902, when successors would be elected for two year terms. The District was attached to Knox County and would become a part of that system being governed thereby in all things as though it lay wholly within Knox County. The District would be given its pro rata share of school funds from both counties.
10. Acts of 1903, Chapter 319, amended Acts of 1901, Chapter 403, above, so as to provide that the biennial elections to be held in the said school district, created therein, shall be held on the fourth Saturday in May, 1904 and every two years thereafter.
11. Private Acts of 1905, Chapter 149, created a Special School District in the Seventh Civil School District of Sevier County and contained the area described within the Act. The Directors of the Seventh Civil School District were required to pay over the pro rata share of school funds to the Directors of this District. The County Superintendent of Public Instruction would appoint three school Directors to serve until their successors could be elected. Upon a three-fourths affirmative vote of the legal voters in the District the Directors could levy a tax so as to have sufficient funds to operate the school for eight months a year.
12. Acts of 1907, Chapter 236, created a Board of Education for every county in the State, and the office of District Directors were abolished. All counties would be divided into five, or less school districts from each of which one member of the Board of Education would be elected by the County Court. The qualifications of the office, the duties of the Chairman, Secretary and Members of the Board were enumerated. The County Superintendent would be the ex-officio Secretary. Terms of school guidelines for locations of schools and the requirements for a records system were all enunciated. There would be three-member local Advisory Boards in each District who would be elected by the voters of the District. Several counties exempted themselves from the operation of this law, but Sevier County was not among their number.
13. Private Acts of 1907, Chapter 269, is an almost exact duplicate of the above Private Acts of 1905, Chapter 149, and created the Special School District in the Seventh Civil School District.
14. Public Acts of 1909, Chapter 235, provided that every parent or guardian must send every child in their custody and control between the ages of eight and sixteen to a public school for at least 12 weeks, or 60 days, or for as long as school is in session, if the term is shorter, unless excused by the District or City School Director or other officer having control of the public school. This act would not prohibit attending a private school or being tutored privately. The county may make an appropriation to the family if the child is helping support them. An occasional absence would not be construed as a violation for which fines from \$2.00 to \$10.00 were provided. The act would not apply if the student's home were more than two miles distant from the school. The Sheriff or Constable would enforce this law, and the teachers who did not keep good attendance records for pupils would not be paid.
15. Private Acts of 1915, Chapter 674, amends Public Acts of 1913, Chapter 9, by making that act apply to Sevier County when making a child attend school for 80 days in the school term, but they do not have to be consecutive days. This amendment applied only to Sevier County.
16. Public Acts of 1925, Chapter 115, established a statewide public education program, outlined the duties of the state and local Boards of Education and teacher certification requirements. Section 33 abolished all Special School Districts that were not taxing Districts and any taxing district was

- permitted to hold a referendum on the question of abolition. When all debts are paid, the District may join the county system of schools.
17. Private Acts of 1925, Chapter 621, recited in the preamble that a school house had been built in the Belmont Community of Sevier County and had been used for many years but a new school had been now built with public funds about a mile away and there was no further need for the old one. Therefore, it is lawful for the Trustees of the old school and they are hereby empowered, to advertise and sell the school to the highest bidder and to deliver the proceeds of the sale to the County Board of Education for use in the Sevier County School System.
 18. Public Acts of 1933, Chapter 98, provided that all school property within the Great Smoky Mountain National Park be conveyed to the State of Tennessee.
 19. Private Acts of 1933, Chapter 520, recited that Charles King had taught for fifteen years, or more, in the county schools but had met some difficulty in securing a certificate in 1931-32. He was directed to open and teach a school by L. H. Tarwater and Edward Brannom, of the County Board of Education, which King did. However, there has arisen some question as to whether King could be legally paid and to this date, he has not been paid. This act permits the County Court to appropriate \$675 with which to pay King for his services in opening and teaching the Dudley Creek School. The Trustee was instructed to receive and honor such a warrant.
 20. Private Acts of 1941, Chapter 539, amended Private Acts of 1927, Chapter 380, Section 6, as published herein, by striking the said Section entirely and inserting a new Section directing the County Board of Education to elect a Truant officer for one year who would have all the power and authority of a Constable in regard to executing papers incident to school, school work and non-attendance of classes. He shall receive the same fees for his services as are now provided by law for such acts and, in addition, he may be paid \$800, or less, per year, and four cents a mile for travel. This act was repealed by Private Acts of 1943, Chapter 179, below.
 21. Private Acts of 1943, Chapter 179, specifically repealed Private Acts of 1941, Chapter 539, above, in its entirety.
 22. Private Acts of 1943, Chapter 281, amended Private Acts of 1927, Chapter 290, by increasing the term of the Superintendent of Public Instruction from two years to four years beginning in 1944.
 23. Private Acts of 1955, Chapter 395, would have amended Private Acts of 1927, Chapter 380, by increasing the compensation of members of the County Board of Education, duly elected and serving under the authority of the act, to \$10 per day when attending regular or special meetings of the Board, or when engaged in the discharge of any other duty imposed by law upon them, but this Act was disapproved and rejected by the Quarterly County Court and never took effect.
 24. Private Acts of 1965, Chapter 284, amends Acts of 1865 (Ex. Sess.), Chapter 6, by striking the names of W. H. Trotter, James P. McMahan, Isaac Ogle, Tilman Fox, John Butler, G. W. Seaton and Isaac Trotter from the Board of Trustees of Middle Creek Academy and inserting therein the names of O. E. McMahan, Glen McMahan and Florita Butler McMahan instead. This act does not require local approval according to the publishers.

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