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# SCHOOL LAWS

Enacted by

THE THIRTY-SEVENTH  
GENERAL ASSEMBLY

STATE OF COLORADO

1949

Includes

SCHOOL LAWS

Passed at the

FIRST EXTRAORDINARY SESSION OF THE  
THIRTY-SIXTH SESSION OF THE GENERAL ASSEMBLY  
OF THE STATE OF COLORADO

Convened at Denver

at 10 O'clock A.M., Monday, October 18,

A. D. 1948, and Adjourned Sine Die on

Thursday, October 21, 1948



NETTIE S. FREED  
*Commissioner of Education*

COLEMAN

DOCUMENTS DIVISION

U.S. DEPARTMENT OF JUSTICE

**SCHOOL LAWS**

**Enacted by**

**The Thirty-seventh**

**General Assembly**

**STATE OF COLORADO**

**1949**

W. A. J. COOPER

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## AN ACT

### House Bill No. 56

TO AMEND SECTIONS 194 AND 195, AS AMENDED, AND SECTION 196, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED, CONCERNING TAX LEVIES FOR COUNTY AND UNION HIGH SCHOOLS.

**Be It Enacted by the General Assembly of the State of Colorado:**

**SECTION 1.** Section 194, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Section 1, Chapter 155, Session Laws of Colorado, 1939, is hereby amended to read as follows:

Section 194. **District—powers and duties—tax limit.**—Each high school district heretofore formed or that may be formed as provided in this subdivision, shall exercise all the powers, and perform all the duties that are at the time of the adoption of this subdivision accorded to, and required of directors of first and second class districts throughout the state; provided, that the amount of tax certified to the county commissioners for the maintenance of the high school in any high school district, shall in no case exceed five mills on the dollar, of the assessed valuation of the high school district.

**Provided, however,** that in counties having a population of more than sixteen thousand people and less than seventeen thousand people according to the United States Census of 1940, the amount of tax certified to the county commissioners for the maintenance of the high school in any high school district shall in no case exceed seven mills on the dollar, of the assessed valuation of the high school district, for the years 1949 and 1950.

**SECTION 2.** Section 195, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Section 2, Chapter 155, Session Laws of Colorado, 1939, is hereby amended to read as follows:

Section 195. **Tax levied by county commissioners.**—The county commissioners of any county wherein is a county or union high school district heretofore or hereafter organized, according to law, or where any high school district is organized, under the provisions of this subdivision, or heretofore or hereafter organized, as a union high school under Section 162 of this chapter, or under the provision of Section 171 of this chapter, shall levy annually at the time of levying taxes for other purposes, a high school tax on all the taxable property of the county embraced within the limits of such county or union high school district, said tax not to exceed five mills on the dollar of the assessed valuation of such county or union high school district. **Provided, however,** in counties having a population of more than sixteen thousand people and less than seventeen thousand

people according to the United States Census of 1940 the county commissioners may levy for the years 1949 and 1950 a high school tax not to exceed seven mills on the dollar of the assessed valuation of such county or union high school district. The high school tax shall be assessed and collected in the same manner as other taxes are assessed and collected and shall be paid out by the county treasurer on warrants drawn by the president and secretary of the high school committee or school board and countersigned by the treasurer thereof.

SECTION 3. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 4. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: May 3, 1949.



# AN ACT

## House Bill No. 93

MAKING AN APPROPRIATION TO THE COMMISSIONER OF EDUCATION, FOR THE FISCAL YEARS 1949-1950 AND 1950-1951, TO BE USED FOR THE EDUCATION OF PHYSICALLY HANDICAPPED CHILDREN.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. There is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated, to the Commissioner of Education, the following sums of money, or so much thereof as may be necessary, for the designated fiscal years, to be expended for personal services, maintenance and operation, capital outlays, and other necessary expenses for the education of physically handicapped children, as provided by law.

1949-1950	1950-1951	Total
\$17,500.00	\$17,500.00	\$35,000.00

SECTION 2. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: May 19, 1949.

# AN ACT

House Bill No. 122

CONCERNING SCHOOLS, AND MAKING AN APPROPRIATION THEREFOR.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. There is hereby appropriated out of any moneys in the state treasury not otherwise appropriated:

(a) To the "reserve for general county school funds" for the purpose of providing funds for the distribution under the provisions of Chapter 175, Session Laws of Colorado, 1937, as amended, for the fiscal year 1949-1950, the sum of two million one-hundred fifty thousand dollars (\$2,150,000.00), and for the fiscal year 1950-1951, the sum of two million one-hundred fifty thousand dollars (\$2,150,000.00).

(b) To the "State school equalization fund" for the purpose of providing funds for the distribution under the provisions of Chapter 13, First Extraordinary Session Laws of Colorado, 1945, as amended, and Chapter 279, Session Laws of Colorado, 1947, as amended, for the fiscal year 1949-1950, the sum of six million nine-hundred seventy-five thousand dollars (\$6,975,000.00), and for the fiscal year 1950-1951, the sum of six million nine-hundred seventy-five thousand dollars (\$6,975,000.00).

SECTION 2. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: May 19, 1949.

## AN ACT

House Bill No. 243

TO AMEND SECTION 251, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED, AS AMENDED, CONCERNING PENSIONS FOR TEACHERS.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. Section 251, Chapter 146, 1935 Colorado Statutes Annotated, as amended by Section 1, Chapter 285, Session Laws of Colorado, 1947, is hereby amended to read as follows:

SECTION 251. The Board of Education in any such district is hereby authorized to establish a public school teachers' retirement fund, and shall be authorized to pay out of such fund a sum not less than Fifty Dollars (\$50.00) per month to any man teacher who shall have attained the age of sixty years while in the service of said School District, or to any woman teacher who shall have attained the age of fifty-five years while in the service of said School District, and who has been in active service as a teacher for a period of twenty-five years, of which not less than fifteen years shall have been within said School District. The Board of Education of any such School District may also make provisions not less than the above amounts for such teachers as shall have become permanently incapacitated from teaching while in the service of the district; provided, however, that said beneficiary shall have served in the said School District for a period of not less than ten years, except that if said beneficiary shall have served as a teacher for at least ten (10) years and less than twenty-five (25) years within said School District, the Board may make provision to prorate on a uniform basis the amount of the regular pension paid under the provisions of this Act.

SECTION 2. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: May 18, 1949.

# AN ACT

House Bill No. 347

AUTHORIZING THE CREATION OF A COLORADO COUNCIL FOR THE UNITED NATIONS EDUCATIONAL, SCIENTIFIC AND CULTURAL ORGANIZATION, AND PRESCRIBING ITS POWERS AND DUTIES.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. There is created by this Act the Colorado Council for UNESCO.

SECTION 2. The Council shall carry forward for Colorado citizens such program and purposes of UNESCO as are in harmony with the program and purposes prescribed by the Congress of the United States for the National Commission for UNESCO.

SECTION 3. Membership in the Council shall be voluntarily constituted to represent any interested citizen or citizens of Colorado through organizations, institutions, individuals, or such other types of affiliations as shall be prescribed by the Council itself in keeping with the purposes of UNESCO to educate peoples for world peace.

SECTION 4. The Governor of Colorado shall serve as Honorary Chairman of the Council and may appoint two members to represent the State of Colorado on the Council.

SECTION 5. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 6. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: February 25, 1949.

# AN ACT

## House Bill No. 350

PROVIDING A METHOD FOR DISSOLVING COUNTY HIGH SCHOOL DISTRICTS AND FOR WITHDRAWAL THEREFROM.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. Whenever the boundaries of school districts which compose the County High School District have become coincidental with each other and also coincidental with the boundaries of the County High School District, said County High School District shall be dissolved in accordance with this Act.

SECTION 2. Whenever it shall appear by the records of the County Superintendent of Schools that the boundaries of school districts which compose the County High School District have become coincidental with each other and also coincidental with the boundaries of the County High School District, said County Superintendent of Schools shall notify the School Board of the school district, the County High School Committee of said County High School District, and the County Treasurer, by mail, that said County High School District is to be dissolved in accordance with this Act. Thirty days after mailing such notice to the school board, the high school committee and the County Treasurer, said County High School district shall cease to exist, and the property, moneys, assets, uncollected taxes, contracts, liabilities, and bonded indebtedness of said County High School District shall become and be property, moneys, assets, uncollected taxes, contracts, liabilities, and bonded indebtedness of the School District, and the High School shall thereafter be operated as the High School of such School District. Thereupon the County Treasurer shall transfer to the account of the School District any moneys in his hands to the credit of the County High School District, and shall thereafter credit to the School District any moneys collected on account of levies theretofore made for such County High School District. All obligations of said County High School District shall thereafter be paid out of the funds of said School District.

SECTION 3. The High School Committee of said County High School District shall cease to exist, and the School Board of said School District shall assume all functions theretofore vested in said High School Committee.

SECTION 4. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 5. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: May 19, 1949.

## AN ACT

House Bill No. 391

RELATING TO THE EDUCATION OF CERTAIN PHYSICALLY HANDICAPPED AND MENTALLY RETARDED MINORS, ESPECIALLY THOSE RESIDING IN RURAL AREAS, AND REPEALING SECTIONS 305 (1) AND 305 (2) OF CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED.

Be It Enacted by the General Assembly of the State of Colorado:

**SECTION 1.** Education of all types of handicapped children. The General Assembly hereby declares that the purpose of this Act is to provide educational services for those physically handicapped and mentally retarded children between the ages of three and twenty-one years for whom the regular public school facilities are inadequate or not available. Physically handicapped and mentally retarded children, as herein used, shall include all those children who because of physical impairment or other disability cannot receive the full benefits of ordinary educational facilities but possess the ability to learn even though their development may be retarded.

**SECTION 2.** Educational services shall include. Educational services for physically handicapped and mentally retarded children, as provided in this Act, shall include teaching services for any of the following types of handicapped children—crippled, partially seeing, deaf or hard of hearing, deficient in speech, cardiopathic, tuberculous, cerebral palsied, or otherwise physically or mentally handicapped—and the cost of transporting such handicapped children to and from school, but nothing in this Act shall permit the use of funds or monies provided for the education of physically handicapped or mentally retarded children to be used for the erection or maintenance of school buildings in any school district.

**SECTION 3.** Enrollment of children in schools. The parent, parents or guardian of any child or children qualifying to receive education and benefits under the provisions of this Act may enroll such child or children in any school in any district in the State of Colorado, which may be now or hereafter properly equipped to educate handicapped children, as determined by the Commissioner of Education.

**SECTION 4.** Form of application for admission. The parent, parents or guardian of such child or children desiring to receive the benefits of this Act, shall make application to the County Superintendent of Schools upon a form to be provided by the office of the Commissioner of Education; and upon the proper filing of such application in the State Department of Education, the Commissioner of Education may cause any child

to be enrolled in any school in any district, with the approval of the Board of Education of the school in which the child shall be enrolled for education.

**SECTION 5. Transportation of children from one district to another.** For such children as may be transported from one district to another which has facilities for teaching handicapped children, the Commissioner of Education may pay an enrollment fee of not in excess of Three Hundred Dollars (\$300.00) per annum to the School District in which the child is to receive education, and may pay an additional sum not in excess of Five Hundred Dollars (\$500.00) per annum for care and maintenance of each child during the period of education. The provisions regarding care and maintenance shall apply only in such cases where the parent, parents or guardian do not maintain a residence within the School District where the child is enrolled. In social matters the Commissioner of Education shall refer to available public or private social agencies for consultation service, especially in the matter of foster home placement.

**SECTION 6. Application for hospitalized and homebound instructional services.** Application for hospitalized and homebound instructional services shall be made by the County Superintendent of Schools of the County in which the child to receive such services and instructions resides.

Upon receipt of such application the Commissioner of Education shall make reasonable investigation of the need of such instruction and services. If the Commissioner of Education is satisfied of a just claim, he shall authorize the employment by the School Board of such District of a teacher to give instruction to said child, in accordance with the rules and regulations set up by the State Department of Education.

**SECTION 7. Teachers certified.** Any teacher giving such services and instructions to homebound and hospitalized children shall be certified by the Commissioner of Education.

**SECTION 8. Reimbursement of excess costs of educating physically handicapped and mentally retarded children.** Those school Districts which now, or may hereafter, provide special programs for the education of physically handicapped and mentally retarded children, as approved by the Commissioner of Education, shall be eligible for reimbursement under this Act for that part of the cost of instruction and other services which exceeds the cost of instruction and services of ordinary classes maintained within the same District. Such reimbursement shall not exceed Five Hundred Dollars (\$500.00) per child in average daily attendance, per year.

**SECTION 9. Reporting for reimbursement.** The governing board of each School District eligible for reimbursement of excess costs for educating physically handicapped and mentally retarded children shall, on June 30 of each year, file a report with the Commissioner of Education which report shall show units of average daily attendance in Special Classes during the

preceding school year, and shall contain both a statement of costs of instruction and services in such Special Classes and similar costs of ordinary programs maintained within the same District. Upon approval of such report by the Commissioner of Education such reporting District shall be reimbursed for indicated excess costs, within the limitations of this Act.

**SECTION 10. Grouping of common handicaps.** The Commissioner of Education may recommend the grouping of pupils with common handicaps, such as cerebral palsy, hard of hearing, speech defects and others, and may determine by regulation minimum and maximum class enrollments for purposes of reimbursement under this Act.

**SECTION 11. Provision of personnel.** The Commissioner of Education shall facilitate the provision of adequately trained teachers to staff this program by: (a) encouraging State supported colleges and universities to establish classes in Special Education for the training of teachers; (b) encouraging the establishment of in-service or Specialized Training Programs in said schools.

The Commissioner of Education shall set up standards and qualifications for teachers of such Special Classes.

**SECTION 12. Administrative personnel.** The Commissioner of Education shall maintain within the Department of Education sufficient and qualified personnel to administer and supervise the provisions of this Act.

**SECTION 13. Who required to attend.** No handicapped individual shall be required to be enrolled in such Special Classes, provided that the parent, parents or guardian of such child certifies to the satisfaction of the Commissioner of Education that such individual is receiving adequate educational advantages.

**SECTION 14. Determination of eligibility of candidates.** Determination of eligibility of applicants for such Special Classes shall rest primarily with the Board of Education of the District supplying such facilities. In those cases where the ability of the applicant to learn shall be determined to be border-line or questionable by current standards, such child shall be enrolled for a trial period of three months, at which time determination of the child's ability can be made.

The Commissioner of Education shall create, from existing public and private agencies, a non-salaried State Committee, which shall act, in an advisory capacity, on such cases where psychometric evaluation is complicated by extensive physical limitations or other reasons. The parent of such child or children or the Board of Education of the School District in which the child resides, may appeal to such State Committee, through the Commissioner of Education, for examination and evaluation of such child to determine eligibility for enrollment.

**SECTION 15. State Department of Public Health to give medical consultation.** The State Department of Public Health



shall provide general medical consultation for the administration of this program by the Commissioner of Education, and the Commissioner of Education shall refer to the State Department of Public Health such School District programs as may be, in their estimation, in need of medical consultation. The services of the Health Department shall be made available to assist in carrying out all other provisions of this Act wherever applicable.

SECTION 16. **How monies paid.** The Commissioner of Education is authorized to accept and, in accordance with rules and regulations adopted by him, to disburse and administer all Federal Aid and other monies received or allotted for the purpose of establishing, extending and improving services for the education of physically and mentally handicapped children. Consistent with the Laws of this State the Commissioner of Education is authorized to furnish to any appropriate Federal Agency information and records, to submit plans, and to enter into any agreements or arrangements, required as a condition to the receipt of Federal Funds available for the purpose of carrying out these provisions.

SECTION 17. Sections 305 (1) (being Sections 1-4, Chapter 78, Session Laws of Colorado, 1937), and 305 (2) (being Sections 1-9, Chapter 69, Session Laws of Colorado, 1945), of Chapter 146, 1935 Colorado Statutes Annotated (Supplement), are hereby repealed.

SECTION 18. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 19. If any provision of this Act, or the application thereof, to any person or circumstances 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 this end the provisions of this Act are declared to be severable.

SECTION 20. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 21. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: April 16, 1949.

## AN ACT

House Bill No. 577

TO CREATE A SPECIAL FUND IN THE OFFICE OF THE STATE TREASURER TO BE KNOWN AS "STATE SCHOOL REORGANIZATION FUND," AND TO MAKE AN APPROPRIATION THERETO.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. There is hereby created a special fund in the office of the State Treasurer to be known and designated as, "State School Reorganization Fund."

SECTION 2. There is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, the sum of Fifty Thousand Dollars, or so much thereof as may be necessary, to the State School Reorganization Fund, for the purpose of paying the expenses in the work of reorganizing the school districts in the several Counties of the State as provided in House Bill No. 900, passed by the Thirty-seventh General Assembly of the State of Colorado.

SECTION 3. Any money remaining in said fund at the end of any fiscal year shall not revert to the General Fund but shall be retained in said fund for the payment of the expenses as provided in said House Bill No. 900 above referred to, save and except, however, that any moneys remaining in said fund on July 1, 1953, shall revert to the General Fund.

SECTION 4. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: May 19, 1949.

## AN ACT

House Bill No. 625

IN RELATION TO FEDERAL AID TO EDUCATION IN  
THE STATE OF COLORADO.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. All funds or moneys granted to the State of Colorado by the authority of any Act of Congress for the purpose of aiding public, elementary and secondary education in this state shall be administered under such rules and regulations as the Commissioner of Education shall make in conformity with any such act and rules and regulations issued by authority of any Act of Congress and in conformity with any law of the state providing for the distribution thereof, except any funds granted for vocational education and administered by the State Board for Vocational Education.

SECTION 2. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: May 6, 1949.

## AN ACT

House Bill No. 630

TO ABOLISH THE BUREAU OF HOME AND SCHOOL SERVICE AND TO TRANSFER ITS DUTIES AND FUNCTIONS TO THE COMMISSIONER OF EDUCATION.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. The Bureau of Home and School Service, formerly the Child Welfare Bureau, established by Chapter 19, Session Laws of Colorado, 1919, which subsequently was designated as such, by Section 1, Chapter 2, Second Extraordinary Session Laws of Colorado, 1936, and thereafter placed in the Department of Education by the Administrative Code of 1941, is hereby abolished and its functions and duties are hereby transferred to the Commissioner of Education.

SECTION 2. Section 286, Chapter 146, 1935 Colorado Statutes Annotated, is hereby repealed.

SECTION 3. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 4. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: April 14, 1949.

# AN ACT

House Bill No. 632

DESIGNATING THE STATE BOARD FOR VOCATIONAL EDUCATION AS AN EDUCATIONAL INSTITUTION.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. In compliance with the requirement that funds available to the various states through the Federal Vocational Education Acts, designated as the Smith-Hughes Act (P. L. 347) and the George-Barden Act (P. L. 586), be administered by a State agency responsible for educational programs, which agency shall be known as the State Board for Vocational Education, it is hereby authorized that the State Board for Vocational Education of Colorado be designated as an educational institution, as defined in Section 3, Chapter 20, Session Laws of 1919, and employees of said Board qualifying as "officers and teachers" shall be exempt from Civil Service.

SECTION 2. All acts or parts of acts in conflict herewith are hereby repealed.

SECTION 3. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 4. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.\*

Approved: April 13, 1949.

\* This Act was incorrectly enrolled. The Act as passed included the Emergency clause.

# AN ACT

House Bill No. 636

## IN RELATION TO EDUCATION.

**Be It Enacted by the General Assembly of the State of Colorado:**

**SECTION 1.** Section 3, Chapter 13, Extraordinary Session Laws of Colorado, 1945, is hereby amended to read as follows:

Section 3. The State of Colorado hereby specifies that from and after July 1, 1949, for the maintenance of each whole class room unit, as hereinafter defined, there shall be provided the minimum sum of **Two Thousand Dollars (\$2,000.00)**; provided, that the minimum program of a District which maintains school for less than nine (9) months shall be the amount which bears the same ratio to the above amount as the length of term in months bears to nine (9) if the School Term is not less than seven (7) months; provided that in School Districts with fewer than fifteen (15) of School population, the minimum program shall be the same fractional amount of one class room unit that the School Census is of fifteen (15). **Provided, however,** that where in the opinion of the County Superintendent of Schools in the County in which the District is located an undue hardship or discrimination would result from the application of the last proviso, and upon recommendation of said County Superintendent and approval by the Commissioner of Education and the Colorado Tax Commission, a District with a School Census of less than fifteen (15) may be allowed the amount available for a full Class Room unit, or such part thereof as may be deemed necessary by said officials. Nothing in this Act shall be construed as a limitation upon the right of any School District in Colorado to expend per Class Room unit amounts in excess of the amount specified in this Section. Expenditures from these minimum funds shall not be made for capital outlay or debt service by any School District in Colorado.

**SECTION 2.** Section 2, Chapter 279, Session Laws of Colorado, 1947, is hereby amended to read as follows:

Section 2. All funds remaining in the State School Equalization Fund at the end of each fiscal year, after payment of the sums provided for in Chapter 13, Extraordinary Session Laws of Colorado, 1945, as amended, shall be distributed to all School Districts of the State upon the basis of average daily attendance of pupils in the Public Schools of the District at a rate of not to exceed **Fifty Dollars (\$50.00)** per year per pupil, except as hereinafter limited and as defined and set forth herein. **"Average daily attendance"** means the quotient derived by dividing the total number of days of Pupil Attendance in the School District by the total number of days in the School year.

**SECTION 3.** Section 3, Chapter 279, Session Laws of Colorado, 1947, is hereby amended to read as follows:

Section 3. No School District in the State of Colorado shall receive any funds under the provisions of this Act, unless said District shall have a minimum Special Fund levy as follows: In County High School Districts, and in Union High School Districts, one and one-half mills; in Districts of the first, second or third class which are parts of County or Union High School Districts, four and one-half mills; in all other Districts, six mills; and unless said District shall maintain a School Term of at least 170 days, except that under emergency circumstances in time of public epidemic or other public emergency when the District has been forced to open Schools less than 170 days but the District has scheduled originally a School Year of at least 170 days and contracted for services on that basis, the District may certify the causes of the shortening of the term to the Commissioner of Education, who shall be empowered by this Act to determine the District's eligibility to receive funds for the School Year for which the application is made. In no case shall the Commissioner of Education be empowered to reduce the normal allocation of State funds because the District has failed to have 170 days of School taught due to the public emergency conditions specified in this Section.

SECTION 4. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 5. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: April 29, 1949.

# AN ACT

House Bill No. 639

## IN RELATION TO EDUCATION.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. Section 67, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 67. **Consolidation defined.** For the purpose of Sections 67 to 70 of this Chapter the word "consolidation" is hereby defined as the formation of a new school district and/or parts of school districts lying within the boundaries of one county or of contiguous counties.

SECTION 2. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: May 13, 1949.



# AN ACT

House Bill No. 723

## CONCERNING SCHOOL DISTRICTS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. No school district shall, after January 1, 1952, receive any funds from the State School Equalization Fund, under the provisions of Chapter 13, Extraordinary Session Laws of Colorado, 1945, or any Act amendatory thereof, or supplementary thereto, or under Chapter 279, Session Laws of Colorado, 1947, or any Acts amendatory thereof, or supplementary thereto, or under the provisions of any other law which provides state support to School Districts, or from any other such fund unless the Colorado Tax Commission shall certify to the State Treasurer:

(1) That the ratio of the assessed valuation of all Real Estate to the true and full cash value thereof in the County in which the School District is located is not in excess of five per cent (5%) less than the average ratio throughout the state, and

(2) That the School District has levied in the previous year the requisite mill levy required by law to be levied in order to qualify for equalization in the current school year. The State Treasurer shall make no distribution of money from the State School Equalization Fund or any other such fund to any School District unless the certification herein required be made by the Colorado Tax Commission (has been made).

SECTION 2. Commencing January 1, 1951, the Colorado Tax Commission shall, on or before the second Monday in September, determine whether the real and personal property of the several Counties in the state shall have been assessed at its true and full cash value. In making this determination the commission shall prepare a statement of the assessed value of all real estate in each County which shall show the percentage of the true and full cash value at which the value of the real estate in each County has been assessed, as determined by an analysis of a representative number of sales of such real estate actually occurring in each such County during the twelve months period ending March first in the year for which the statement is made, or as may be determined by such other standards of assessment as may be determined by the commission. The statement shall also show the average ratio that assessed values of real property bear to sales values for all real property assessments in the state, or the average ratio that assessed values bear to other standards of assessments approved by the commission. If the real property within any County in the state is (as) reported by the County Assessor to the commission is not on the assessment roll at the percentage of the true and full cash value within five per cent of the average ratio that assessed values bear to

sales values for all real property assessments in the state the amount shall determine the increase or decrease in the valuation of such counties by such rate per cent, or such amount as will place said real estate on the assessment roll at the ratio of its true and full cash value as so determined. The commission shall thereupon certify to the State Board of Equalization a statement of the required per cent of the amount to be added to or deducted from the valuation of the real and personal property of each County.

SECTION 3. It shall be the duty of the State Board of Equalization upon the receipt of the statement certified to it by the Colorado Tax Commission to determine in which Counties and to what extent the real property therein has been either over or under valued as set forth in the statement and it shall order horizontal increases or decreases, as the case may be, in the aggregate assessment of all real property in the County or Counties in which any such real property shall have been determined by the commission to have been over or under assessed, as the case may be, and to certify the same to the County Assessor, and the County Assessor shall forthwith add to or deduct from each tract or lot, and its improvements, of real property and all personal property in his County the required per cent, or amount on the valuation thereof as it stands after it has been thus ordered equalized by the State Board of Equalization, adding or deducting in each case any sum less than Five Dollars (\$5.00) so that the value of any separate tract or lot and its improvements shall be Ten Dollars (\$10.00) or some multiple thereof. Such increases or decreases ordered by the board shall be made effective by the assessor within thirty days of the receipt of the order of the board and he shall thereupon file with the commission an amended abstract of assessments setting forth the changes as ordered by the State Board of Equalization.

SECTION 5. Section 175, Chapter 142, 1935 Colorado Statutes Annotated as amended by Section 18, Chapter 158, Session Laws of Colorado, 1943, and Sections 176 and 177, Chapter 142, 1935 Colorado Statutes Annotated, and all Acts or parts of Acts in conflict herewith are hereby repealed.

SECTION 6. If any provision of this Act or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of the Act, and to this end the provisions of this Act are declared severable.

SECTION 7. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 8. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: May 19, 1949.

# AN ACT

## House Bill No. 751

TO PROVIDE LEGAL PROCEDURE FOR THE EMPLOYMENT AND DISMISSAL, TENURE AND CONTRACTS OF TEACHERS IN THE PUBLIC SCHOOLS.

**Be It Enacted by the General Assembly of the State of Colorado:**

**SECTION 1. Short title.** This Act shall be known as "The Teacher Tenure Act of Colorado," provided, however, that this Act shall not include anyone employed on a temporary basis holding an emergency certificate.

**SECTION 2. Teachers' tenure of service.** Any teacher who has heretofore been or shall hereafter be employed as a regularly elected teacher for three consecutive school years in any first class school district, county high school district, union high school district, or junior college district in this State, and shall be re-elected after the passage of this Act, shall without further election have stable and continuous tenure of his or her position during efficiency and good behavior. The teachers of any other school district may be made subject to the provisions of this Act by the affirmative vote of two-thirds of the members of the school board of such district.

**SECTION 3. No dismissal after three years—reduction of salary—charges—hearing—dismissal—resignation.**

(a) No teacher who has been or shall hereafter be employed for three consecutive years in any district subject to this Act shall be dismissed or retired, nor except in case of a general reduction of salaries in that district when applicable to the salaries of fifty-percent or more of all teachers in the district, shall the salary of any teacher be reduced for any political or religious reason, nor for any reason that shall not promote the efficiency of the service, nor until the charge in writing signed by the person making the same has been filed for at least ten days with the secretary of the school board employing such teacher, nor until such charge has been served upon the accused for at least thirty days, nor until the said board shall sustain such charge at a public or private hearing, if a hearing be requested in writing by the accused, at which hearing the teacher complained against and the person making the complaint shall have been heard in person with or without counsel. No testimony shall be received or considered at any such hearing unless the same is given orally before such board by a witness who is under oath or affirmation, which may be administered by the president of the board, and any witness who shall testify falsely pertaining to the matter under inquiry shall be guilty of perjury and shall be punished accordingly.

(b) If a teacher resigns from a position covered by the provisions of this Act he shall notify the school board in writing

of his intention to resign at least thirty days before the effective date of such resignation.

(c) Any teacher in the public schools employed on a full-time basis, not under permanent tenure, shall be deemed re-employed for the succeeding year at the same salary, unless the employing Board of Education shall cause notice in writing to be given said teacher on or before the 15th day of April of the term of school in which the teacher is employed, and such teacher shall be presumed to have accepted such employment unless he or she shall notify the employing Board of Education in writing to the contrary on or before the said 15th day of April.

SECTION 4. From and after the passage of this Act, tenure protection against dismissal or retirement as provided by this Act shall cease when a teacher reaches the age of sixty-five. However, tenure protection shall continue beyond the age of sixty-five unless, or until, a teacher has had at least one year of notice in writing from the board of education that he will be required to discontinue his teaching duties.

SECTION 5. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

Approved: May 14, 1949.

Effective: August 12, 1949.

# AN ACT

House Bill No. 755

CONCERNING THE POWERS OF SCHOOL DISTRICTS  
AND TO AMEND SECTION 74 OF CHAPTER 146,  
1935 COLORADO STATUTES ANNOTATED, AS  
AMENDED BY CHAPTER 200 OF THE COLORADO  
SESSION LAWS OF 1941.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. Section 74, of Chapter 146, 1935 Colorado Statutes Annotated, as amended by Chapter 200 of the Colorado Session Laws of 1941, is hereby amended to read as follows:

Section 74. It shall be lawful for any school district of the first class in this state to take and hold, under the provisions of any law now or hereafter in force providing for the exercise of eminent domain, so much real estate as the Board of Education thereof may deem necessary for any of the purposes of said school district. School districts of this state other than those of the first class shall have like powers except that the real estate so taken otherwise than by the consent of the owner thereof, shall not exceed six acres in any one place or location if such real estate be unplatted or one block in any one place or location if such real estate be platted.

SECTION 2. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: April 14, 1949.

# AN ACT

## House Bill No. 837

RELATING TO EDUCATION, PROVIDING FOR A STATE DEPARTMENT OF EDUCATION AND FOR THE ADMINISTRATION OF STATE LAWS RELATING TO EDUCATION.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. **Short Title.** This act shall be known and cited as the "State Department of Education Act of 1949."

SECTION 2. **Definition of Terms.** The following words and phrases, when used in this act shall, by the purposes of this act, have the meanings respectively ascribed to them in this section.

- (a) **Board** shall mean the State Board of Education;
- (b) **Commissioner** shall mean the Commissioner of Education;
- (c) **Department** shall mean the State Department of Education;
- (d) **Division** shall mean a primary subdivision of the department whose head is directly responsible to the commissioner;
- (e) **Section** shall mean a subdivision of a division whose head is directly responsible to the head of the division;
- (f) **Public Schools** shall mean all state-supported elementary and high schools, and junior colleges of the state. In addition, supervisory powers herein set forth shall extend to the educational programs of the Colorado Industrial School for Boys, Industrial School for Girls, School for the Deaf and Blind, Home for Dependent and Neglected Children, State Home and Training School at Ridge, and State Home and Training School at Grand Junction in the matters of curriculum, teacher certification, and educational statistical and financial reporting.

### SECTION 3. State Department of Education.

(a) There is hereby created as a department in the executive branch of the State government, a State Department of Education, hereinafter referred to as the department. The department shall consist of the State Board of Education established by Section 1, Article 9, of the Constitution of the State of Colorado, as amended, hereinafter referred to as the board; the office of Commissioner of Education, hereinafter referred to as the commissioner, and such other divisions, boards, agencies, officers, and employees as are or may be provided by law or by order of the board and the commissioner which shall include, but not be limited to, the existing agencies presently set forth by law, to wit:

- (1) The State Board of Examiners (teachers);

(2) The State Historical Society of Colorado. This Society shall continue as now organized and existing.

(3) The State Library;

(4) The Bureau of Home and School Service; and

(5) The State Board for Vocational Education, which shall continue as now constituted and existing. The said Board shall have and exercise all powers and authority and have all the duties and obligations now or hereinafter provided by law.

(b) For the purposes of this act, all positions within the department as shall be classified by the State Board of Education as assistant commissioners, supervisors or instructors, together with such other positions wherein the duties thereof are primarily those of instructing or teaching, are hereby declared, as a matter of legislative determination, to be educational in nature, and, hence, not under the classified civil service of the state.

#### Section 4. State Board of Education.

(a) **Number of Members.** The State Board of Education shall consist of a member from each congressional district of the state and, if the total number of such congressional districts be an even number, one additional member;

#### (b) **Nomination and Election.**

(1) The member of the board from each congressional district of the state shall be nominated and elected by the qualified electors of such district in the same manner as members of the House of Representatives of the Congress of the United States are nominated and elected. Each member from a congressional district shall be a qualified elector of such district;

(2) If the total number of congressional districts of the state be an even number, the additional member of the board shall be nominated and elected at large in the same manner as state officers are nominated and elected;

(c) **First Election of Board Members.** At the general election in 1950, five members of the board shall be elected as hereinbefore set forth. The first board so elected shall meet within thirty (30) days after January 1, 1951, for purposes of organization and otherwise. They shall decide by lot the terms of the four members elected from the congressional districts of the state; two of whom shall serve for two years, and two for four years. The member of the board elected for the state at large shall serve for six years. The successors of the members first elected, as herein provided, shall be elected for terms of six years. The members of the board shall serve without compensation, but shall be reimbursed for any necessary expenses incurred by them in the performance of their duties as members of the board;

(d) **Officers and Meetings.** The board shall elect from its own membership a chairman and a vice-chairman who shall hold office for terms of two years. The commissioner shall act as secretary to the board. The board shall meet at least quarterly

and at such other times as may be necessary, upon call of the chairman, the commissioner, or by a majority of its members;

(e) **Vacancies.** Any vacancies that may occur by reason of the death, removal, or resignation from office, or removal from the district from which elected, shall be filled by the board, and the person so appointed shall serve until the next regular election providing such appointee is subject to the qualifications set forth by law.

**SECTION 5. Powers and Duties of State Board of Education.** The State Board of Education is hereby vested with such powers and duties as are necessary for carrying out the responsibility of general supervision of the public schools of the state, as provided in Section 1, Article 9, of the Colorado State Constitution, as amended, which shall include, the following powers and duties:

(a) To appoint a Commissioner of Education, in accordance with qualifications as may be specified by law, who shall serve at the pleasure of the board;

(b) To make, adopt, and promulgate the educational policies of the State Department of Education;

(c) To make and adopt such rules and regulations as are necessary for the general supervision of the public schools; for the equitable distribution of such funds as are available to the State Department of Education for distribution; for the advisory aid of the planning and construction of public school buildings; for the proper certification of all regular school personnel; and for the standardization of blank forms and reports, required or authorized by the State Department of Education;

(d) The State Board of Education may approve and authorize the creation of divisions, the transfer between divisions of functions and personnel, and the abolition of existing divisions;

(e) To appraise the work of the Commissioner of Education, the State Department of Education, and the public school system; and to submit recommendations for improvements to the Governor and the General Assembly;

(f) To approve the salary schedules of the State Department of Education.

(g) To submit upon approval to the State General Assembly the biennial budget request of the State Department of Education.

**SECTION 6. State Commissioner of Education.** From and after the general election of 1948, the Office of Superintendent of Public Instruction shall be known as the Office of Commissioner of Education, and from and after the expiration of the two-year term of that office next following said general election, such commissioner shall be appointed by the board and shall not be included in the classified civil service of the state. The commissioner shall be the administrative and executive head of the department. The commissioner shall have such



professional qualifications as shall be deemed appropriate for the position by the board; shall serve at its pleasure, and shall receive such compensation as shall be determined by it.

**SECTION 7. Powers and Duties of State Commissioner of Education.** Subject to the authorization and approval of the State Board of Education, the powers and duties of the commissioner shall include the following:

(a) To act as executive officer of the board and as chief administrative officer of the State Department of Education in the administration of policies, rules, and regulations adopted by or vested therein;

(b) To keep the board currently advised as to the operation and status of the public schools;

(c) To establish and maintain adequate statistical and financial records and to provide for a continuous research program for the betterment of the public school system;

(d) To prescribe standard financial and statistical report forms to be used by school districts and other school agencies in reporting to the department;

(e) To distribute state and federal apportioned school funds to counties and school districts which comply with state education laws and rules and regulations of the board;

(f) To direct the preparation of standard courses of study and to recommend their use in the public schools;

(g) To evaluate qualifications and issue certificates to personnel of the state public schools;

(h) To make available and render to the boards of education of all school districts in the State technical and expert assistance and advice in connection with the planning, development and extension of school grounds and the acquisition, construction and use of school buildings.

(i) To prepare and submit to the board, for their approval and submission to the Governor and the General Assembly, a biennial report of the commissioner; such statistical and financial data as are included in this report shall be compiled annually;

(j) To prepare a budget for the department, and properly to execute same when approved;

(k) To establish and maintain a system of personnel administration;

(l) To administer and enforce all other duties and responsibilities, including those of state librarian, legally vested in the board, the commissioner, and the department.

**SECTION 8. Transfer of Functions.** Wherever in the statutes the words and phrases State Superintendent of Public Instruction are used, the same shall mean State Commissioner of Education and all powers and duties vested in said Superintendent of Public Instruction are hereby transferred to the Commissioner of Education to be exercised by him or his duly authorized representative.

SECTION 9. Article 7, Sections 51 and 52, Chapter 2, Session Laws of Colorado, 1941, and Sections 1, 2 and 12, Chapter 146, 1935 Colorado Statutes Annotated, are hereby repealed as of the effective date hereinafter provided in this act.

SECTION 10. If any provision of this act, or the application thereof to any person or circumstances, 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 this end the provisions of this act are declared to be severable.

SECTION 11. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 12. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after July 1, 1949, with the exception of Section 9 relating to repeals of existing statutes, which section shall take effect January 20, 1951, or at such time as the board, herein provided for, shall have been duly elected and qualified.

Approved: March 4, 1949.

# AN ACT

## House Bill No. 872

RELATING TO MOTOR VEHICLES AND TO AMEND  
CHAPTER 16 OF THE 1935 COLORADO STATUTES  
ANNOTATED, AS AMENDED.

**Be It Enacted by the General Assembly of the State of Colorado:**

\* \* \* \* \*

SECTION 15. Section 240 of Chapter 16 of the 1935 Colorado Statutes Annotated is hereby amended to read as follows:

Section 240. (a) The state board of education by and with the advice of the Director of Revenue shall adopt and enforce regulations not inconsistent with this Act to govern the operation of all school buses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this state and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(b) Any person operating a school bus under contract with a school district who fails to comply with any said regulations shall be guilty of breach of contract and such contract shall be canceled after notice and hearing by the responsible officers of such district.

(c) The violation of any provisions of this section shall be a misdemeanor, and any person convicted of the violation of any provision of this section shall be punished by a fine of not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00) or by imprisonment of not more than one (1) year, or both.

SECTION 16. Section 245 of Chapter 16 of the 1935 Colorado Statutes Annotated, as amended, is hereby amended to read as follows:

Section 245. Clearance, identification and side marker lamps — Within thirty (30) days after the effective date of this Act, every vehicle designed or used for the transportation of property, or for the transportation of persons, except buses operated entirely within municipalities, when their interiors are illuminated, shall display lighted lamps at the times mentioned in Section 242 of this chapter when and as required in this section, except that such lamps may be but are not required to be lighted when any such vehicle is upon a highway which is sufficiently illuminated by street lamps to render any person or vehicle visible at a distance of 500 feet.

1. Clearance lamps — Every motor vehicle or motor-drawn vehicle having a width at any part in excess of 80 inches shall be equipped with four clearance lamps located as follows:

(a) Two on the front, one at each side, displaying an amber light visible from a distance of 500 feet to the front of the vehicle.

(b) Two on the rear, one at each side, displaying a red light visible only to the rear and visible from a distance of 500 feet to the rear of the vehicle, which said rear clearance lamps shall be in addition to the rear red lamp hereinbefore required.

(c) All clearance lamps required shall be placed on the extreme sides and located on the highest stationary support.

(d) Any trailer when operated in conjunction with a vehicle which is properly equipped with front clearance lamps as herein provided, may be but is not required to be equipped with front clearance lamps; provided the towing vehicle is of equal or greater width than the towed vehicle.

(e) All clearance lamps required herein shall be of a type approved by the State Highway Department.

2. Side marker lamps — Every motor vehicle or motor-drawn vehicle or combination of such vehicles which exceeds 30 feet in over-all length shall be equipped with four side marker lamps located as follows:

(a) One on each side near the front displaying an amber light visible from a distance of 500 feet to the side of the vehicle on which it is located.

(b) One on each side near the rear displaying a red light visible from a distance of 500 feet to the side of the vehicle on which it is located; provided, such rear marker light shall not be so placed as to be visible from the front of the vehicle.

(c) Each side marker lamp required shall be located on the highest stationary support.

(d) If the clearance lamps hereinbefore required are of such a design as to display lights visible from a distance of 500 feet at right angles to the sides of the vehicles they shall be deemed to meet the requirements as to marker lamps in this paragraph.

(e) All marker lamps required herein shall be of a type approved by the State Highway Department.

3. Clearance reflectors — Every motor vehicle or motor-drawn vehicle having a width at any part in excess of 80 inches shall be equipped with four clearance reflectors located as follows:

(a) Two amber reflectors on the front, one at each side, located not more than one inch from the extreme outside edges of the vehicle.

(b) Two red reflectors on the rear, one at each side, located not more than one inch from the extreme outside edges of the vehicle.

(c) All such reflectors to be located not more than 60 inches nor less than 24 inches above the level on which the vehicle stands.

(d) One or both of the required rear red reflectors may be incorporated within the tail lamp or tail lamps, provided that any such tail lamps meet the location limits specified for reflectors.

(e) Any trailer when operated in conjunction with a vehicle which is properly equipped with front clearance reflectors as herein provided may be but is not required to be equipped with front clearance reflectors; provided, the towing vehicle is of equal or greater width than the towed vehicle.

(f) All such clearance reflectors shall be of a type approved by the State Highway Department.

4. Side marker reflectors — Every motor vehicle or motor-drawn vehicle or combination of vehicles which exceeds 30 feet in over-all length shall be equipped with four side marker reflectors located as follows:

(a) One amber reflector on each side near the front.

(b) One red reflector on each side near the rear.

(c) Each side marker reflector shall be located not more than 60 inches or less than 24 inches above the level of which the vehicle stands.

(d) All such side marker reflectors shall be of a type approved by the State Highway Department.

SECTION 17. Section 261, of Chapter 16 of the 1935 Colorado Statutes Annotated is hereby amended by adding thereto a new subsection (b) which shall read as follows:

(b) A "muffler" as used herein is defined as a device consisting of a series of chambers or other mechanical devices for the purpose of receiving the exhaust gases from an internal combustion engine for the purpose of breaking up the sound tones and the diffusion of smoke emitted therefrom.

\* \* \* \* \*

Approved: May 17, 1949.

# AN ACT

House Bill No. 875

## MAKING AN APPROPRIATION FOR PHYSICALLY AND MENTALLY HANDICAPPED CHILDREN.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. There is hereby appropriated out of any moneys in the State treasury not otherwise appropriated, to the Commissioner of Education, the following sums of money, or so much thereof as may be necessary, for the designated fiscal years, to be expended for the education of physically handicapped and mentally retarded children, and for the administration and supervision thereof, as provided by law:

1949-1950	1950-1951	Total
\$25,000.00	\$25,000.00	\$50,000.00

SECTION 2. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: May 19, 1949.

# AN ACT

## House Bill No. 900

RELATING TO SCHOOLS AND SCHOOL DISTRICTS  
AND TO PROVIDE FOR A METHOD OF REORGANIZATION OF SCHOOL DISTRICTS.

**Be It Enacted by the General Assembly of the State of Colorado :**

SECTION 1. This Act may be cited as "The School District Reorganization Act of 1949." Title of Act

SECTION 2. The General Assembly hereby declares this Act is passed for the general improvement of the public schools in the State of Colorado; the equalization of the benefits and burdens of education throughout the various counties and communities of the State; to provide for the reorganization of the public school districts in the state, and the alteration of the boundaries of established districts and generally to enlarge the areas of school districts in the state in order to provide for the maintenance of a thorough and uniform system of free public schools throughout the state; to provide for high school education of the citizens of the state of school age who are qualified therefor; to make possible a higher degree of uniformity of school tax rate among school districts and to have a wiser use of public funds expended for the support of the public school system of the state. To these ends this Act shall be liberally construed. Purposes of the Act

SECTION 3. Whenever the following words or terms are used in this act they shall be taken to mean as follows:

"State Board" shall mean the State Board of Education as provided in Section 1, Article IX of the Constitution of Colorado, or such board or body as may hereafter by law succeed to the duties of said State Board of Education.

"Commissioner" shall mean the State Commissioner of Education, who is the chief State School Officer. Definition of words or terms

"School District" shall mean school districts of the first, second and third classes, consolidated districts, County High School and Union High School Districts.

"New District" shall mean a district formed from all, or parts of two or more districts under the provisions of this Act.

"Proposed Districts" shall mean an area composed of all, or parts, of two or more districts, the plan for the reorganization of which shall have been proposed by a county committee, or in case the same embraces parts of two, or more, counties by the county committees of the said counties.

"County Superintendent" shall mean County Superintendent of Schools.

SECTION 4. (1) Within ninety days after the effective date of this act, there shall be appointed in each county a

Establishing  
the number  
of members  
of County  
Committees

county committee of not less than seven nor more than eleven, provided, however, that in counties having more than forty school districts, the committee may be increased to fifteen, but shall always have an odd number; and provided further one member of the county committee shall be appointed from each first class school district within the county and one member from one of each two (2) second class school districts.

Commissioner's  
notification to  
Co. Supt. for  
calling of the  
Presidents of  
Boards of  
Education

(2) Within thirty days after the effective date of this Act the Commissioner shall notify in writing each County Superintendent of the provisions of this Act, and shall request the appointment of a county committee as herein provided for. The County Superintendent shall promptly call a meeting of the Presidents of the Board of Education of all school districts and the chairmen of high school districts within the county. The notice of such meeting shall be sent by registered mail and placed in the United States mails at least seven days before the date set for such meeting and shall state the time and place of such meeting. In the event the president of any board of education or the chairman of a high school district cannot personally attend said meeting it shall be his duty to designate, in writing, a member of his board or committee as his proxy, who shall have the same rights as said president, or chairman, if attending personally.

Notice of  
meeting sent by  
registered mail

Establishing  
the number on  
County  
Committee

(3) At said meeting the number of members of the county committee shall be established, within the limits herein provided, by a majority vote present. The members of the County Committee shall then be selected at said meeting by nomination and ballot. There shall also be elected by the same method an alternate for each member of the committee. Each member of the committee, and alternate shall be a resident of the county in which elected. Due consideration in the selection of members of the committee and alternates shall be given to the interest theretofore shown by such persons in the affairs of the schools in the county also the place of residence of such members and alternates in order that all parts of the county may be duly represented.

Member of  
committee and  
alternate resi-  
dents of county

Co. Supt. notify  
members of  
election as  
member of  
County  
Committee

(4) Upon the election of members of the county committee and their alternates the County Superintendent shall prepare a written form of acceptance of membership on said committee and shall send by registered mail to each member selected one of such forms, together with a letter notifying such person of his, or her, election as a member of such county committee, the duties of such committee, and that acceptance as a member of such committee should be returned to the county superintendent within ten days. If such person so elected as a member of the county committee fails to accept such appointment within 15 days of date of mailing of such notification he, or she, shall be dropped from such committee and a similar form of acceptance and notification shall be mailed by registered mail to his, or her, alternate. If such alternate does not accept such appointment to said county committee within fifteen days of date of mailing

Failure to  
accept within  
15 days



such notification then there shall be a vacancy in such county committee to be filled as hereinafter provided for filling of vacancies on the county committee.

(5) Upon the acceptance by a majority of the members of such county committee, or their alternates, the County Superintendent of schools shall call a meeting of such county committee to be held at such time and place as he may designate and shall send notice thereof by registered mail to each member at least five days before the date set for such meeting.

Calling of  
County Com-  
mittee by Co.  
Supt.

(6) If acceptance shall not be received as herein provided from a majority of the members of said county committee, or their alternates, then a new meeting shall be called by the County Superintendent of the Presidents of the Board of Education and chairmen of the high school districts as hereinbefore provided, at which meeting vacancies in said county committee shall be filled.

Calling another  
meeting when—

(7) At its first meeting the County Committee shall select a chairman and vice chairman. The County Superintendent shall be a non-voting member of said county committee and shall serve as the secretary thereof.

Selecting  
Chairman and  
Vice-Chairman,  
Co. Supt.  
Secretary

SECTION 5. The County Committee shall have and perform the following duties:

(1) The making of a careful study of the public school system in its county;

(2) To co-operate with the State Board and the Commissioner in arriving at a plan of reorganization of school districts within said county;

(3) To pass upon and recommend any plan for the reorganization of the school districts in said county, or a portion thereof;

Duties of  
County  
Committee

(4) To call for an election, or elections, to vote upon such plan as provided herein;

(5) To make arrangements for such election;

(6) To assist in the dissemination of information to the electors of the proposed district, or districts, as to the purpose and benefits of any such proposed plan;

(7) To co-operate with the county committee of adjoining counties in the event districts embracing two or more counties appears advisable;

(8) To make all certifications and perform all other acts specifically enjoined upon said county committee by this Act;

(9) In general to do and perform any and all things reasonable or necessary to carry out the intent and purposes of this Act and perfect a reorganization of the school districts within the county in conformity with the spirit of this Act.

SECTION 6. The county committee shall continue as such until a complete plan of reorganization of all school districts within the county satisfactory to the Commissioner shall have been adopted either by vote of the electors in case of reorganiza-

County  
Committee to  
complete  
reorganizing  
of districts

tion, or by approval of the Commissioner in cases where no such reorganization may be necessary in existing districts, or until July 1, 1952, whichever date may be earlier.

Filling vacancy  
on County  
Committee

SECTION 7. In case of a vacancy in a county committee by death, resignation, removal from the county, or failure of both a committee member and alternate to accept under the provisions of Section 4 of this Act, the remaining members of the county committee shall have the authority to fill such vacancy, or vacancies. If a member shall fail to attend two consecutive meetings, after due notice and without being excused by the committee, the office of such member may be declared vacant by majority vote of the remaining members of the committee and such vacancy filled by action of the remaining members of the committee.

Meetings of  
County  
Committee

SECTION 8. Meetings of a county committee may be held at a time and place specified by the committee at a previous meeting, without further notice. Other meetings may be held upon notice mailed by the secretary to each member at least five days before such meeting. A meeting of the committee shall be called by the chairman on written request of three members of the county committee. Notice of a meeting may be waived in writing by a committee member either before, at, or after such meeting.

Certifying  
names of  
County Com-  
mittee to  
Commissioner  
of Education

SECTION 9. When any county committee shall have been constituted, as by this Act provided, the secretary thereof shall certify to the Commissioner the names and post office addresses of each member of such committee, indicating the persons elected as chairman and vice chairman; any change in the personnel or officers of such committee shall be likewise certified to the Commissioner.

Authorization of  
State Board to  
employ  
assistants

SECTION 10. (1) The State Board shall have the power and authority, and it shall be its duty, to employ a special assistant to the Commissioner, and such clerical and other assistants as may be necessary to render all reasonable assistance to the county committees in the development of and submission of a plan of reorganization in each county under the provisions of this Act. Said special assistant to the Commissioner, and other assistants, and clerical help in this section provided for shall work under the direction and supervision of the Commissioner. All appointments provided for under this section shall be subject to the provisions of the Constitution and the laws of the state; provided, however, that the term of all such appointments shall end on June 30, 1952.

Commissioner of  
Education to  
direct and  
supervise

Compensation  
to be paid  
from reorganiza-  
tion Fund

(2) The compensation of the special assistant, other assistants, clerical help and other expenses of the State Board and the Commissioner, including travel expenses of the Commissioner, his special assistant and other assistants, incurred in the carrying out of the provisions of this Act shall be paid from the State School Reorganization fund hereinafter provided for in the manner hereinafter set forth.

SECTION 11. It shall be the duty of the Commissioner, and his special assistant.— (1) to make a thorough study of the public school system in the various states, particularly in those states having a similar situation to that in Colorado, (2) to make a thorough study and survey of the plan, or plans, for the reorganization of the school districts in each county in the state and to make available to the county committees in each county of the state all information, facts, figures and statistics gained and acquired through such study and survey, (3) they, and such other assistants to the Commissioner as may be appointed under the provision of the Act, shall render to the various county committees such aid and assistance as may be reasonably required in each county, including visits to such county and meetings with the county committee, to the end that a proper plan of reorganization may be accomplished as soon as possible in every county in the state.

Commissioner and Assistant make study of public school systems

Render assistance to County Committees

SECTION 12. In developing a plan of reorganization in any county, or part thereof, the county committee and Commissioner shall give consideration to the following:

Consideration to be given Educational needs of local committee, etc.

- (1) Educational needs of local communities.
- (2) Future use of existing school buildings, sites, playgrounds and facilities either for school purposes, or other community activities.
- (3) Convenience and welfare of pupils.
- (4) Equalization of costs and benefits of the public school system in the county.
- (5) Value, amount and location of the school properties involved in the proposed plan.
- (6) Nature and amount of all bonded, warrant, or other of the districts, or parts of districts involved, including unsatisfied legal obligations and contracts of the districts involved, together with any cash or other assets of such districts.
- (7) Existing highways and roads and particularly as to whether they are all weather roads.
- (8) Terrain and topography of the counties and proposed districts.
- (9) The manner and extent to which transportation should be furnished to pupils who will attend the school, or schools, in any "proposed district," the approximate cost of such transportation and the manner in which such cost should be met and no such plan shall provide for the closing of any school unless suitable provision is made where necessary for the transportation of the pupils who would attend such school to some other school.
- (10) Means of providing high school education for residents of any proposed districts of school age who are qualified therefor.
- (11) Advisability of combining under one administrative head, high school and elementary school districts.

Use of Buildings, etc.

Transportation needs to be studied

Provide high school facilities

Plan to be approved by County Committee and Commissioner

SECTION 13. No plan of reorganization shall be submitted to a vote as in this Act provided unless:

(1) The plan shall have been approved by the county committee and the Commissioner.

Name and number of proposed district

(2) The plan shall set forth the name and number by which the "proposed district" shall be designated.

(3) The plan shall set forth all details as may have been determined by the county committee and approved by the Commissioner.

Content of plan for reorganization

SECTION 14 (1) The plan for reorganization shall contain a specific proposal for the equitable adjustment and distribution of all, or any part, of the properties and cash assets of the districts involved. In considering such equitable adjustment of the assets and liabilities as between the districts affected, the county committee shall consider the number of children of school age resident therein and the assessed valuation of the property located in each district and in part of the districts involved and affected; the purpose for which the bonded indebtedness of any district was incurred; the value, location, and disposition of all improvements located in the districts involved or affected; and any other matters which, in the judgment of the committee are of importance or essential in making the aforesaid equitable and adjustment.

Number of children and assessed valuation to be considered Equitable adjustment to be made

Present boundaries to be disregarded

SECTION 15. In working out any plan of reorganization of the school district within a county, or any part thereof, as provided by this Act, present district boundaries may be disregarded, and districts, or parts of districts may be included in a new district proposed to be organized, it being the intent hereof to provide, without regard to present boundaries, for the creation of larger administrative school units, or districts, having a broader tax base, in which, when it is necessary so to do, more than one attendance unit, or school, may be maintained. A "proposed district" may include areas of one or more counties; provided, however, no plan for a "proposed district" situated in more than one county shall be submitted to a vote as herein provided for unless the county committee of each county involved shall have approved such plan.

More than one attendance with areas of one or more Counties in proposed district provided

Map to be prepared of proposed district filed in County Supt.'s office

SECTION 16. (1) When a proposed plan of reorganization of the school districts within a county, or part thereof, shall have been tentatively agreed upon by a county committee, a map of the "proposed district," or districts shall be prepared showing the boundaries thereof and a statement of the description of the boundaries of such "proposed district," or districts, and details of the plan; which map and statement shall be placed on file with the County Superintendent, together with a statement prepared by the county committee setting forth facts considered pertinent by said County Committee for the information of the public as to the reasons for and benefits to be had from such proposal. The county committee shall fix a date and a place for a hearing on such proposed plan.

(2) The County Superintendent shall give notice of the filing of such map and statements by publication of said fact in a newspaper of general circulation in each of the "proposed districts" and by causing to be posted a copy of said notice upon each school house, in which school was held during any part of the preceding twelve months, located within any such "proposed district" and in five other public places within any such "proposed district" and which notice shall give the time and place of the meeting of the county committee for hearing on such proposed plan. Any interested person may appear at such hearing and make objections to the proposed plan.

Co. Supt. to give notice of filing of map, etc., by newspaper and posting notices

Time and place of hearing

(3) One publication of such notice shall be sufficient and said publication and posting of such notice as aforesaid shall be made at least ten days prior to the date of such hearing. If there be no newspaper of general circulation in the district, or districts, affected, posting of the notice as herein provided shall be sufficient.

Publication of notices at least 10 days before hearing

SECTION 17. After such hearing the County Committee may make any changes in such proposed plan as it may seem advisable and shall then approve such proposed plan. Thereupon a copy of such proposed plan, together with a map showing the boundaries of any "proposed district" and a statement showing the facts considered pertinent by the county committee in arriving at its approval of such proposed plan, shall be submitted to the Commissioner for consideration. If the commissioners shall desire to suggest any changes or amendments in such proposed plan, the commissioners' changes or amendments together with the proposed plan shall be returned to the County Committee and conferences had between the Commissioner, or his special assistant or other assistants, to the end that a mutually satisfactory plan may be perfected, if reasonably possible. Maps and statements of such revised plan shall be filed with the County Superintendent and notice of hearing thereon shall be given as provided in the preceding section for any original plan.

Co. Committee may make changes

Submit statement, maps, etc., to Commissioner.

When satisfactory plan arrived at, maps, etc., to be filed with Co. Supt.

Hearing held

SECTION 18. When a plan for reorganization of the school districts within a county, or any part thereof, has been approved by the county committee and the Commissioner, it shall be designated as the "final approved plan" and shall be ready for submission to a vote as hereinafter provided.

Final plan submitted to vote

SECTION 19. The County Committee shall then set a date, not more than forty days after final plan has been approved, for a special election wherein the voters in each "proposed district" may vote upon the adoption, or rejection, of such "final approved plan" and proceed to give notice thereof.

Co. Committee set date for election within 40 days, etc.

Said notice shall describe the boundaries of the "proposed district". Where an entire district is to be included in the "proposed district", reference to the legal name and number of such district shall constitute a description of the boundaries thereof. Said notice shall state that a map and plan of the

Contents of Notice

“proposed district” is on file in the office of the County Superintendent. It shall give the date of the special election, the hours the polls will be open, and the location of the polling places. It shall inform the voters that the purpose of the election is to vote upon the adoption, or rejection, of the proposed plan of reorganization in the area affected as shown by the map and plan in the office of the County Superintendent. The original notice shall be signed by the chairman of the County Committee.

Notices published and posted

SECTION 20. The notice provided for in Section 19 hereof shall be published twice in some newspaper of general circulation in the area of the “proposed district”, and posted at each school house in said area wherein school was held during any part of the preceding twelve months and in five other public places in said area. If there is no newspaper of general circulation in said area, the posting of said notice as herein provided shall be sufficient. Copies of such notice shall be posted at least twenty days before the date of said election and if notice be published it shall be published at least two times, six or more days shall elapse between the first and second publication and the last publication shall be at least ten days before said election.

Co. Committee appoints judges

Polling places

Filling vacancy on election board. Results of election reported to Co. Supt.

Salary of Judges

SECTION 21. At least five days before the special election three judges of election shall be appointed by the County Committee for each polling place in the “proposed district”. The polling places shall be conveniently located, preferably in existing school buildings. Polls shall be open from two to seven P.M. In case any judge of election shall be absent or unable to act, the vacancy shall be filled by the qualified electors present including the other judges. Certification of the results of election shall be made by the judges to the “secretary” of the County Committee within twenty-four hours after the closing of the polls. Judges shall receive \$5.00 each for their services to be paid from the State School Reorganization Fund herein provided for.

Defining an election

SECTION 22. (1) Electors voting in said election shall be taxpaying electors, shall be of the age of twenty-one years, citizens of the United States, and shall have resided in the State for twelve months immediately preceding the election and shall have resided in the area of the “proposed district” for at least ninety days immediately preceding said election. No previous registration shall be required except in first and second class districts. The judges shall make a list of all voters voting at the election and shall deliver such list, together with the used and unused ballots to the secretary of the committee, with certification of results.

Judges make list of voters voting

(2) Ballots shall be unnumbered and shall be in form as follows:

Official Ballot

OFFICIAL BALLOT

For the plan of reorganization ( )  
 Against the plan of reorganization ( )

Each voter shall indicate his approval or disapproval of the proposition submitted by placing a cross mark (X) opposite the group of words on his ballot which expresses his choice.

(3) Prior to such election a meeting, or meetings, of the electors in the area to be included in the "proposed district" shall be held in a convenient place, or places, within the area, at which meeting, or meetings, the plan of reorganization of the school districts in such area shall be fully explained. The County Committee shall arrange for such meeting, or meetings, and shall give notice thereof through the public press and in such other manner as may be deemed best by the County Committee, or committees, as the case may be.

Plan to be explained prior to election

Co. Committee arrange meetings, give notice, etc.

SECTION 23. It shall be the duty of the County Committee to meet and canvass the returns and certification of said election and to declare the result thereof within five days after the closing of the polls. A certificate of such canvass and results thereof shall be forthwith filed in the office of the County Superintendent. Ballots, lists of voters and certifications shall be filed in the office of the County Superintendent and kept there for a period of one year after the election.

Co. Committee canvass votes

Ballots, etc., filed and kept in office of Co. Supts.

SECTION 24. The County Superintendent shall, within ten days from the filing in his office of the certificate as to result of such election by the County Committee, if the vote be in favor of said reorganization plan, certify such fact to the State Superintendent, and shall furnish to the State Superintendent a map and description of such "new district" together with the name and number by which the same shall be designated.

Co. Supt. certify result to Commissioner

SECTION 25. If a majority of the votes cast in the area of the "proposed new district" shall vote in favor of said reorganization the same "new district" shall upon the sixtieth day after certification of the results of said election to the County Superintendent, be and become a body corporate under the name, style and number in the plan, and in that name may take, hold and convey property, both real and personal, and be a party to suits and contracts in the same manner and to the same extent as municipal corporations of this state; provided that on approval of the Commissioner the old districts constituting a part of the "new district" may continue to function and operate the schools therein until the end of the close of the school year, and to use the funds on hand or received through existing tax levies for the expense of the operation of such schools to the end of said school year and no apportionment or division of property or assets of said districts as herein provided shall be made until the close of the school year.

New district become body corporate  
When--

District may operate till end of school year  
When--

SECTION 26. If the majority vote at said election shall not be in favor of the plan of reorganization the County Committee shall continue in its efforts in an attempt to prepare a revised plan which might be acceptable. If a revised plan is approved by the County Committee, it shall be submitted for the approval of the Commissioner and if approved by him it

If plan not acceptable to voters revised plans may be submitted

shall be submitted to a vote under the procedure provided for submission of original plan.

New district  
to be of  
second class

Determining  
school popula-  
tion of new  
district

SECTION 27. Whenever any new school district is created under the provisions of this Act, such new district shall be a school district of at least the second class or as is now provided by law. In determining the school population or census of any proposed district the records of the school districts existing at the time in said proposed district, and in the office of the County Superintendent shall be examined by the county committee, and in case of inclusion of a part of a district, or districts, in a proposed district, the county committee shall determine from said records and other information the school census of the proposed district and its findings shall be final.

Election of  
Board of  
Education

SECTION 28. (1) When a new district shall have been formed under the provisions of this Act, the Chairman of the County Committee shall call for a special election in such district for the selection of a Board of Education for such district to be held on the day the new district becomes a body corporate; provided, however, that if said day shall be on a Sunday or a holiday, then said election shall be held on the following day. Said election shall be held in accordance with the applicable statutes of the State of Colorado regarding election for members of boards of election. The chairman of the County Committee shall appoint any necessary judges of election, fix the polling place, or places, the hours during which the polls will be open and where necessary to either act himself as secretary or appoint some one to act as secretary.

Co. Committee  
to appoint  
judges, fix  
polling places,  
etc.

Newly-elected  
board to  
organize

(2) After the first election for the election of members of the Board of Education, the members so elected for such new district shall meet within ten days after the date of election and shall elect officers as provided by law for a district of its class and thereupon enter upon and perform all duties and exercise all the powers of the Board of Education of the district of which said new district is a class.

Terms of  
members of  
prior board  
cease to  
function when—

(3) When the members of the Board of Education of the new district assume their duties as herein provided, the Board of Education of any district or districts situated wholly within said new district shall cease to function and the terms of office of the members thereof shall thereupon automatically expire, save and except however that if the schools in the old districts which are included in the new district continue to operate under the provisions of Section 26, of this Act, the Board of Education of the old districts shall continue to act as such for the purpose only of carrying on the operation of said schools until the end of the school year and at the end of said school year the said Boards of Education shall have no further power and authority and the terms of the members thereof shall automatically expire. The Board of Education for the New District shall have full power and authority even if schools are held therein as above provided to make all necessary contracts for teachers, adopt budget, make contracts for transportation and to do all

Board of  
Education of  
new district  
to make con-  
tracts, etc.



other things necessary to be done with reference to the business affairs of said new district.

SECTION 29. (1) Unless otherwise provided in the plan when a "new district" formed under this Act shall embrace all of the area of a former district, or districts, the school funds of such former district, or districts, except funds for the retirement of bonded indebtedness then on hand or to be received under existing tax levies, after providing for all outstanding debts, except bonded indebtedness, shall become the property of the "new district".

Funds, etc., of old district become property of new district  
When—

(2) When only a part of a former district, or districts, is embraced within a "new district", a division of funds, except for the retirement of bonded indebtedness then on hand or to be received under existing levies shall be apportioned between the old district, or districts, and the "new district" as provided in Section 66, Chapter 146, 1935 Colorado Statutes Annotated. School buildings, grounds, playgrounds, furnishings and equipment therein situate shall be the property of the "new district" in which located, and none of such property shall be moved, or otherwise disposed of, in contemplation of any reorganization herein provided for.

Funds to be apportioned between districts  
When—

Disposition of property

SECTION 30. (1) Unless otherwise provided in the plan when a "new district" formed under this Act shall embrace part of the area of a Union or County High School district, such area shall be automatically withdrawn from the Union or County High School district, except for the purpose of paying its portion of any existing bonded indebtedness as provided by law. In such case the properties and funds of the Union or County High School district shall be retained by the Union or County High School District. When a "new district" formed under this Act shall embrace all of a Union or County High School district such Union or County High School District shall be automatically dissolved and the properties and funds, except funds then on hand or to be received under existing tax levies, after providing for all outstanding indebtedness and obligations, except bonded indebtedness, shall become the property of the "new district".

When a new district embraces part of Union or Co. High Schools

Disposition of property when new district embraces all of Union or Co. High School district

(2) In cases where a Union or County High School district shall be partly or entirely included in two or more "new districts", the properties or funds shall be divided as provided in Sec. 66, Chapter 146, Colorado Statutes Annotated, unless the plan shall otherwise provide.

Division of property when Union or Co. High School district is partly included in two or more new districts

SECTION 31. In the event lands, buildings, or lands and buildings shall be sold by a "new district" formed under this Act the proceeds of such sale, less costs of selling, shall be applied first to the payment of unpaid principal and interest of bonded indebtedness, if any, of the former district, in which such property be situated at the time of its inclusion in the "new district". If there be no such indebtedness then, the proceeds of any such sale shall be used as otherwise provided by law.

Disposition of proceeds of sale of property

Payment of bonded indebtedness

SECTION 32. The bonded indebtedness of any district existing at the time of inclusion of all or any part of its area in a "new district" under this Act shall be paid in the manner provided by Sections 71 and 72, Chapter 146, 1935 Colorado Statutes Annotated, the duties therein assigned to the Board of Education of a united district to be formed by the Board of Education of the new district organized under this Act.

Limitations of bonded indebtedness

SECTION 33. Any new district formed under this Act shall have a limit of bonded indebtedness of five per cent (5%) of the assessed valuation of the taxable property in such district. The indebtedness of the former districts, or parts of districts, constituting new district, shall not be considered, in fixing the limit of such five per cent (5%); provided further that if the Board of Education of such new district shall determine that an emergency exists and that the limitation of bonded indebtedness of such new district hereinabove set forth prevents such district from meeting such emergency, said Board may make application to the Colorado Tax Commission for permission to incur an additional bonded indebtedness of not exceeding five per cent (5%) of the assessed valuation of the taxable property within such district, and on receiving such permission such district may contract an additional indebtedness over five per cent (5%) hereinabove provided of not exceeding five per cent (5%) of the assessed valuation of the taxable property within such district.

Board to apply to state tax commission  
When—

Contracting bonded indebtedness of new district

SECTION 34. Any "new district" formed under the provisions of this Act shall have the power and authority to contract bonded indebtedness under the same procedure for the issuance of bonds by a school district of its class as is now provided by the laws of Colorado, or as the same may be amended.

Power to rent school property to community organization

SECTION 35. In addition to the powers conferred by general statutes of Colorado upon Board of Education of school districts the Board of Education of any "new district" formed under this Act shall have the power and authority to rent to any community organization any school building within such district not needed for school purposes at such rental as the said board may deem fair and reasonable under the circumstances; also such boards shall have the power and authority to contract with any other school district maintaining a four (4) year accredited high school, and whose course of study is approved by said board, for the payment to such district of tuition of any resident of its district of school age and qualified to attend high school and to pay the cost of transportation of such resident to and from such high school or, in lieu thereof to pay the board and room, or part thereof, of such resident while attending such high school; also when deemed necessary or expedient to contract with any other school district within the state maintaining a grade school, and whose course of study is approved by said board, for the payment of tuition to such other district of any resident of its school district.

Authority to pay high school tuition to other districts

SECTION 36. The failure to do and perform any of the acts and things enjoined to be done by this Act at or within a certain time shall not invalidate any such acts and things done at a subsequent time.

Failure to perform any of acts

SECTION 37. No county, or city and county, which has only one school district which embraces the entire county, or city and county, shall be affected in any way by the provisions of the Act.

Certain Counties not affected by this act

SECTION 38. There is hereby established in the office of the State Treasurer a fund to be known as "State School Reorganization Fund", which fund shall consist of such money as may be from time to time appropriated thereto by the General Assembly.

"State School Reorganization Fund" established

SECTION 39. (1) Members of the county committees shall not receive any compensation for their services performed under this Act, but shall be entitled to reimbursement for actual expenses incurred in the performance of their duties hereunder.

Reimbursement of actual expenses of Co. Committee

(2) County Superintendents in their respective counties shall not receive any additional compensation for their services performed under this Act, but shall be entitled to reimbursement for any extra expenses incurred in the performance of their duties hereunder.

Reimbursement of extra expenses of Co. Supt.

(3) On request by the county committee and approval by the Commissioner, a County Superintendent may employ temporary assistants for the performance of his duties hereunder, such assistants to be paid from the State School Reorganization Fund herein provided for upon voucher signed by the person rendering such service approved by the County Superintendent and the Commissioner.

Co. Supt. employ temporary assistants When—

(4) Reimbursement for travel and other expenses within the State of Colorado, of the County Superintendent, his assistants employed under this Act, and of the members of the County Committee and its employees including necessary supplies and travel expense within the State of Colorado, shall be made by the State Treasurer from the State School Reorganization Fund upon voucher signed by the person claiming reimbursement, and in case of members of the county committee, its assistants, and assistants to the County Superintendent the voucher shall be approved by the County Superintendent and by the Commissioner, or in case the claimant is a County Superintendent, the voucher shall be approved by the Commissioner, only.

Reimbursement of expenses from State School Reorganization Fund when properly approved

(5) Payment of compensation to and expenses of the personnel appointed by this Act by the State Board, together with the expenses of the Commissioner including clerical help, supplies and travel expense shall be made by the State Treasurer upon voucher approved by the Commissioner.

Compensation and expenses of personnel

(6) All travel by automobile shall be reimbursed at a rate of eight cents per mile, actual travel.

Travel by car

Vouchers  
subject to audit  
of Accounts &  
Control

(7) All vouchers as aforesaid after their approval as herein provided shall, prior to payment by the State Treasurer, be referred to the Division of Accounts and Control for audit.

Co. Committee  
cease to func-  
tion. When—

SECTION 40. On July 1, 1952, the duties of all county committees, except in cases where a final plan is ready to be submitted to vote, or where a "new district" has been formed but the election of its Board of Education has not been held, shall cease to function. It shall thereupon be the duty of the Commissioner to prepare for submission and recommendation to the next General Assembly a plan for the reorganization of all areas in the State not included within the boundaries of districts reorganized under this Act, which plan may also include a system of re-numbering for all of the school districts within the State.

State Commis-  
sioner to recom-  
mend to General  
Assembly when  
reorganization  
has not been  
effected.

Provisions of  
act apply to—

SECTION 41. The provisions of this Act for reorganization of school districts shall apply only to the creation of new districts under the provisions of this Act and are in addition and supplemental to all present Acts relating to school districts.

SECTION 42. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 43. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: April 13, 1949.

# AN ACT

House Bill No. 1107

## AUTHORIZING CONTRACTS BETWEEN LOCAL GOVERNMENTS FOR THE PERFORMANCE OF GOVERNMENTAL SERVICES.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. The words "local government" as used in this Act mean a County, City, City and County, Incorporated Town, School District, Special Improvement District, Water District, Sanitation District, Fire Protection District, Police Protection District, Metropolitan District, Irrigation District, Drainage, Public Corporation, or any other kind of public District, or Political Subdivision of the State organized pursuant to law.

SECTION 2. (a) Any one or more local Governments, as herein defined, may contract with any one or more other local Governments for the performance of any Governmental service, activity or undertaking which each of the local Governments entering into such contract is authorized by law to perform, provided that such contract shall be authorized by each party thereto with the approval of its Legislative Body or other authority having the power to enter into or approve such contracts.

(b) Any such contract shall set forth fully the purposes, powers, rights, obligations, and the responsibilities, financial and otherwise, of the contracting parties.

(c) Any such contract may, among other things, include the renting of machinery and equipment, mobile or otherwise.

SECTION 3. The equipment and employees of any local Government while engaged in performing any such Governmental service, activity or undertaking under such a contract shall have and retain all the rights, privileges and immunities of, and shall be deemed to be engaged in the service and employment of such local Government, notwithstanding such Governmental service, activity, or undertaking is being performed in or for another local Government.

SECTION 3.\* The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and Safety.

SECTION 4.\* In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: May 3, 1949.

\* These Sections are in fact — Sections 4 and 5.

## AN ACT

Senate Bill No. 212

CONCERNING SCHOOLS, AND TO REPEAL SECTION 2,  
CHAPTER 283, SESSION LAWS OF COLORADO, 1947.

**Be It Enacted by the General Assembly of the State of Colorado:**

SECTION 1. Section 2, Chapter 283, Session Laws of Colorado, 1947, is hereby repealed.

SECTION 2. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 3. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: May 17, 1949.

# AN ACT

Senate Bill No. 229

RELATING TO PENSIONING OF CERTAIN CLASSES OF PUBLIC EMPLOYEES AFTER RETIREMENT FROM OFFICE; AMENDING CHAPTER 149, 1943 SESSION LAWS, AS AMENDED.

**Be It Enacted by the General Assembly of the State of Colorado:**

**SECTION 1. Change in Rate of Public Employee Deductions.** Commencing January 1, 1950, each public employee who is a member of the Public Employees' Retirement Association under the provisions of Chapter 149, 1943 Session Laws, as amended, shall pay into the "Retirement Fund", by salary deductions as provided therein, five percent (5%) of his or her regular salary, and all new members entering said retirement system under the provisions of Chapter 149, 1943 Session Laws, as amended, after said date shall pay into said "Retirement Fund" five percent (5%) of his or her regular salary, and the five dollars (\$5.00) membership fee as heretofore provided.

**SECTION 2. Change in Rate of Public Employer Payments.** Commencing January 1, 1950, each public employer affiliated with said retirement system under the provisions of Chapter 149, 1943 Session Laws, as amended, shall pay into said retirement fund, monthly, as consideration for the retirement coverage of the employees of said public employer, and charge as an administrative cost payable from the funds of said public employer, an amount equal to five percent (5%) of salaries paid to the employees of said public employer who are covered by said retirement system, and all public employers affiliating with said retirement system under the provisions of Chapter 149, 1943 Session Laws, as amended, after said date, shall pay into said "Retirement Fund", monthly, for the retirement coverage of the employees of said public employer, and charge as an administrative cost payable from the funds of all such public employers, an amount equal to five percent (5%) of salaries paid to the employees of such public employers who shall be covered by said retirement system, and the estimated amounts required therefor shall be included in the annual budgets of said public employers.

**SECTION 3. Disposition of Funds.** The funds so paid into the said retirement system shall be credited to the individual members' accounts, and the retirement annuity reserve funds, respectively, as provided in said Chapter 149.

**SECTION 4. Retirement of School District Employee Members.**

(a) Effective January 1, 1951, whenever any member of said retirement system has been employed by a school district

affiliated with the retirement system for a period of twenty (20) years or more and has attained the age of sixty (60) years, or whenever any such member has been in such covered public service for a period of thirty-five (35) years, and has attained the age of fifty-five (55) years, he or she shall be eligible for retirement for superannuation. Such retirement shall be made upon the application of the member or of someone acting in his or her behalf, and subject to such rules as the retirement board may prescribe. On and after said date, upon such retirement any such retiring school district employee member shall receive an annuity for the remainder of his or her life equal to fifty percent (50%) of the average of the highest monthly salary received by such member during any period of five (5) consecutive years of service contained within the ten (10) years of service immediately preceding his retirement provided such retirement annuity shall not exceed two hundred dollars (\$200.00) per month.

(b) Effective January 1, 1951, whenever any member of said retirement system has been employed by a school district, affiliated with the retirement system, for a period of five (5) years or more and has attained the age of sixty-five (65) years, and is not otherwise eligible for retirement, such member shall be eligible for retirement for superannuation provided such member has made regular monthly payments into the retirement fund for such period, or longer. Such member upon retirement shall receive a monthly annuity for the remainder of his or her life equal to one-twentieth (1/20th) part of fifty percent (50%) of the average of the highest monthly salary received by such member during any period of five (5) consecutive years of service contained within the ten (10) years of service immediately preceding his retirement, multiplied by the number of years of service covered by monthly contributions and membership, not to exceed twenty years, or the sum of two hundred dollars (\$200.00) per month, whichever is the smaller amount.

#### **SECTION 5. Retirement of Municipal Employee Members.**

(a) Effective January 1, 1951, whenever any member of said retirement system has been employed by a municipality, affiliated with the retirement system for a period of twenty (20) years or more and has attained the age of sixty (60) years, or whenever any such member has been in such covered public service for a period of thirty (30) years and has attained the age of fifty-five (55) years, he or she shall be eligible for retirement for superannuation. Such retirement shall be made upon the application of the member or of someone acting in his or her behalf, and subject to such rules as the retirement board may prescribe. On and after said date, upon such retirement any such retiring municipal employee member shall receive an annuity for the remainder of his or her life equal to fifty percent (50%) of the average of the highest monthly salary received by such member during any period of five (5) consecutive years of service contained within the ten (10) years of service immediately



preceding his retirement, provided such retirement annuity shall not exceed two hundred dollars (\$200.00) per month.

(b) Effective January 1, 1951, whenever any member of said retirement system has been employed by a municipality affiliated with the retirement system, for a period of five years or more and has attained the age of sixty-five (65) years, and is not otherwise eligible for retirement, such member shall be eligible for retirement for superannuation provided such member has made regular monthly payments into the retirement fund for such period, or longer. Such member upon retirement shall receive a monthly annuity for the remainder of his or her life equal to one-twentieth (1/20th) part of fifty percent (50%) of the highest monthly salary received by such member during any period of five (5) consecutive years of service contained within the ten (10) years of service immediately preceding his retirement, multiplied by the number of years of service covered by monthly contributions and membership, not to exceed twenty years, or the sum of two hundred dollars (\$200.00) per month, whichever is the smaller amount.

SECTION 6. All Acts and parts of Acts in conflict herewith are hereby repealed.

SECTION 7. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 8. If any provision of the Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions of applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

SECTION 9. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: May 14, 1949.

## APPENDIX TO SCHOOL LAWS 1949

H. B. 636, passed by the 1949 General Assembly, amended two acts in one bill, viz :

1. Section 3, Chapter 13, Extraordinary Session of Colorado, 1945 (H. B. 10, School Law Supplement 1945).
2. Sections 2 and 3, Chapter 279, Session Laws of Colorado, 1947 (H. B. 391 School Laws 1947).

In order to show clearly these two acts as amended by H. B. 636 the appendix has been prepared to show each act as amended by printing each act as amended and shown in the appendix. The amendment to each act is shown in italics.

Ruling made by the Commissioner of Education on H. B. 636 is shown in the appendix.

## AN ACT

House Bill No. 10 as amended by H. B. 636

AN ACT TO AMEND AND RE-ENACT CHAPTER 175, SESSION LAWS OF COLORADO, 1943, AS AMENDED, KNOWN AS THE "MINIMUM EDUCATIONAL PROGRAM ACT OF THE STATE OF COLORADO."

Be It Enacted by the General Assembly of the State of Colorado:

Chapter 175, Session Laws of Colorado, 1943, as amended by Chapter 220, Session Laws of Colorado, 1945, is hereby amended and as so amended is re-enacted as follows:

SECTION 1. This Act shall be known and cited as the Minimum Educational Program Act of the State of Colorado.

SECTION 2. None of the terms or provisions of this Act shall be operative against or in any way apply to or affect any school district tax levy unless such school district shall first by an action of its Board of Education elect to accept and be subject to the said terms and provisions hereof; provided, however, that a county or a school district which does not comply with the provisions of this Act shall receive no benefits from the State School Equalization Fund hereinafter provided.

*SECTION 3. The State of Colorado hereby specifies that from and after July 1, 1949, for the maintenance of each whole class room unit, as hereinafter defined, there shall be provided the minimum sum of Two Thousand Dollars (\$2,000.00); provided, that the minimum program of a District which maintains school for less than nine (9) months shall be the amount which bears the same ratio to the above amount as the length of term in months bears to nine (9) if the School Term is not less than seven (7) months; provided that in School Districts with fewer than fifteen (15) of School population, the minimum program shall be the same fractional amount of one class room unit that the School Census is of fifteen (15). Provided, however, that where in the opinion of the County Superintendent of Schools in the County in which the District is located an undue hardship or discrimination would result from the application of the last proviso, and upon recommendation of said County Superintendent and approval by the Commissioner of Education and the Colorado Tax Commission, a District with a School Census of less than fifteen (15) may be allowed the amount available for a full Class Room unit, or such part thereof as may be deemed necessary by said officials. Nothing in this Act shall be construed as a limitation upon the right of any School District in Colorado to expend per Class Room unit amounts in excess of the amount specified in this Section. Expenditures from these minimum funds shall not be made for capital outlay or debt service by any School District in Colorado.*

SECTION 4. The necessary funds to support the state's minimum program of education as defined in the preceding sec-

tion shall be provided (1) by the counties of the state, (2) by the school districts, (3) by state funds supplied by legislative acts. All funds designated by law as belonging to the General School Fund of the county from all sources, including the proceeds of the county tax for the County General School Fund, the proceeds of the State Income Tax allotted to the county for use as provided by law, and the county's share of the Public School Income Fund, and by law being distributed to the districts of each county from said fund, shall be paid into the County General School Fund and shall be apportioned to the school districts of each county as provided by law; provided, however, that if during any calendar year there shall not have been collected by the county treasurer and credited to the General School Fund of the county the net amount in dollars (less the collecting fee allowed the county treasurer by law) of the tax levied under the provisions of Sections 240 to 247, inclusive, of Chapter 146, 1935, Colorado Statutes Annotated, as amended for such calendar year, said county treasurer shall on or before October 16th of the year following certify to the county commissioners of his county the amount of such deficiency, if any, in collections for any payments into the County General School Fund, exclusive of any prior deficiency tax levies, and the amount of all collections for and payments into the County General School Fund on account of delinquent taxes for former years and the amount of such deficiency, less such delinquent payments and collections, shall thereupon be added to the tax levied for the County General School Fund by the county commissioners for the succeeding year and the county commissioners are authorized to make a tax levy because of such deficiency even though such deficiency levy may make a total levy in excess of the five (5) mill limitation. On or before November 15 of each year the respective county treasurers of each county shall report the amount of such net deficiency, if any, to the state treasurer and to the state superintendent of public instruction, and the rate of tax levied to make up the deficiency. If said county commissioners shall fail to levy a sufficient tax for such net deficiency, if any, at the time of making the tax levy for the County General School Fund, the said state treasurer and the state superintendent of public instruction shall be and hereby are prohibited from setting aside, paying over, or distributing to said county any funds or moneys from the State School Equalization Fund, hereinafter provided for, during the ensuing calendar year.

SECTION 5. (a) For the purpose of paying for the support of the minimum educational program and minimum standards as herein set forth, in addition to the funds provided as now required by law for the County General School Fund, funds and tax levies may be made as follows:

(1) On or before the day designated by law for the commissioners of each county to levy the requisite taxes for the then ensuing year, except as otherwise specifically provided herein, the school board in each district which has elected to accept and be subject to the terms of this Act and which has one or more class-

room units, shall certify to the county superintendent of schools a statement, in such manner and form as shall be prescribed by the state superintendent of public instruction, which statement shall certify that such district has elected to accept and be subject to the terms of this Act and shall show the aggregate amount over and above the amount derived from the County General School Fund which it is necessary to raise for the purpose of maintaining in said district the minimum educational program and standards as provided in this Act. The county superintendent of schools shall report the aggregate amount for all districts accepting the provisions of this Act in the county to the board of county commissioners.

(2) It shall thereupon be the duty of the county commissioners in all counties with a population of less than 100,000, as shown by the last federal census, to levy at the same time that other taxes are levied such rate of tax levy on all the taxable property in the county, not exceeding, however, one (1) mill, as will provide the amount so certified. The proceeds of this tax shall be allocated by the county superintendent of schools to the school districts of the county electing to accept and be subject to the terms of this Act, in the same proportion as the amount needed for the whole classroom units in the district bears to the amount needed for the whole classroom units in the county. The proceeds of this tax shall be apportioned to the respective districts by the county treasurer in accordance with certification of the county superintendent of schools.

(3) The minimum special fund levy necessary to entitle districts to participate in distribution of the State School Equalization Fund under this Act shall be as follows: In county high school districts and in union high school districts, one and one-half ( $1\frac{1}{2}$ ) mills; in districts of the first, second or third class which are parts of county or union high school districts, four and one-half ( $4\frac{1}{2}$ ) mills; in all other districts, six (6) mills. Provided, however, that all eligible districts shall receive their portion of said State School Equalization Fund for the year 1945 in accordance with the provisions of Chapter 220, Session Laws of Colorado, 1945, and provided further that during the year 1946 the following districts shall be deemed entitled to participate in said distribution under the provisions of this subsection: county high school districts and union high school districts with a special mill levy for the year 1945 of one (1) mill or more; districts of the first, second or third class which are parts of county or union high school districts, with a special mill levy for 1945 of two (2) mills or more; all other districts with a special mill levy for 1945 of three (3) mills or more. The term "special mill levy for 1945" as used in this section shall mean that set in the year 1945 to produce revenue payable in 1946.

In case any such county or union high school district has a special mill levy for 1945 of one (1) mill or more and less than one and one-half ( $1\frac{1}{2}$ ) mills, such district shall be entitled to receive only such portion of said State School Equalization Fund

for the year 1946 as it would have received with a one and one-half ( $1\frac{1}{2}$ ) mill levy.

In case any first, second or third class district which is part of a county or union high school district has a special mill levy for 1945 of two (2) mills or more and less than four and one-half ( $4\frac{1}{2}$ ) mills, such district shall be entitled to receive only such portion of said State School Equalization Fund for the year 1946 as it would have received with a four and one-half ( $4\frac{1}{2}$ ) mill levy.

In case any other district shall have a special mill levy for 1945 of less than five (5) mills, said district shall be entitled to receive only such portion of said State School Equalization Fund for the year 1946 as it would have received with a six (6) mill levy.

(4) To be entitled to participate in distribution of said fund under this Act for the year 1946 any district may make and file, together with the information required by this Act, its election to be subject to the terms and conditions of this Act on or before January 15, 1946. For said year the county superintendent of schools shall have until January 30th to submit the statement and certification herein required to the state superintendent of public instruction and the board of county commissioners.

(b) For the purpose of paying the state's share of the cost of the minimum educational program as defined herein, there is hereby created and set up in the state treasurer's office a fund to be known as the State School Equalization Fund, which is derived from such percentage of the collections of the state income tax as may be appropriated to said fund from time to time, and such other funds as may be provided by law. This fund shall be distributed to the school districts of the state which have elected to accept the benefits of this Act, as follows:

(1) To determine the amount due to each county of this state, over and above the amounts paid into the County General School Fund, for the minimum educational program as defined in this Act, the county superintendent of schools of each county shall report and certify to the state superintendent of public instruction the total number of classroom units as defined in this Act for his county, and shall also report the aggregate minimum sum of money for the maintenance of such classroom units for his county as defined in Section 2 of this Act in districts electing to be subject to this Act, and then shall certify to the state superintendent of public instruction the amount of money provided by his county through the general school fund of that county for the support of the classroom units in each district in that county, which has elected to be subject to the terms of this Act, and the amount of money which will be raised for the respective school districts by the Minimum Special Fund Levy, and by the one mill county levy, herein provided for. Any amount required over and above the money provided by said County General School Fund, said Minimum Special Fund Levy and said one mill county levy (assuming 100 per cent collection less county treasurer's collection fee) for the maintenance of the minimum education program

as defined in this Act in each of the several districts electing to be subject to this Act, in his county, shall be a charge against this fund; provided, however, that such amounts shall not, except in cases herein specifically provided for, be certified by the state superintendent of public instruction or be paid from the State Equalization Fund to the county treasurer unless and until the school district board shall have certified to the county commissioners the minimum special fund levy on the assessed valuation of the school district herein provided for, and such tax shall have been levied by the county commissioners and the commissioners of such county shall have made the one mill county levy herein provided for. The county superintendent shall certify to the state superintendent of public instruction the several levies made for school purposes for the county and for each school district in the county.

(2) The reports and certification above mentioned, required to be made by the county superintendent of schools shall, except as otherwise specifically provided herein, be made by him within thirty days from and after the fixing by the county commissioners of each county of the county levy for the County General School Fund to the state superintendent of public instruction, who shall examine such reports from the counties for their accuracy and compliance with this Act, and pursuant to such examination by him, the state superintendent of public instruction shall certify to the state treasurer for payment, out of the State School Equalization Fund, the respective amounts due to the respective counties in this state. Such certification to the state treasurer shall be made by the state superintendent of public instruction not later than March 30th of each year. Payments out of the State School Equalization Fund by the state treasurer to the county treasurer shall be made semi-annually during the fiscal year of the State of Colorado; provided, however, that said state treasurer, with the approval of the Governor, may make such payments to the respective county treasurers at other periodic intervals during the fiscal year.

(3) In the event that the total sums of money payable to the respective counties out of the State School Equalization Fund, exceed the amount of this fund, the state treasurer is authorized to pay only the proportionate amount to each county in the proportion as the amount of this fund bears to the total amount due to all the counties of this state.

The county treasurer shall enter for record the amount received from the state treasurer from the State School Equalization Fund and place to the credit of the Special Fund of each district as certified by the county superintendent of schools.

(c) No school district or county shall, except as herein otherwise specifically provided, receive any moneys out of the State School Equalization Fund unless and until all levies as provided herein have been made, and the state superintendent of public instruction shall not, except as herein specifically provided, include any of such counties or school districts which have so failed

to make such levies in his computations which he certifies to the state treasurer, it being intended hereby to exclude from the benefits of said fund only the delinquent counties or school districts without prejudice to other counties or school districts by reason of such delinquencies, and provided further that no school district shall receive any moneys out of said fund unless such district shall pay three-fourths of the funds actually received for each classroom unit as compensation to each qualified full time teacher for full performance of his or her annual contract and certification of such fact be made by the secretary of the Board of Education and filed with the state superintendent of public instruction on or before January 30th of each year; subject, however, to the condition that this proviso shall not apply to any fund or funds which do not contain moneys from the State School Equalization Fund hereinabove referred to.

(d) No school district, which fails to maintain school for a term of seven (7) months, shall receive any money from the State School Equalization Fund.

**SECTION 6. Classroom Units Defined.** The number of classroom units to which any school district is entitled under the provisions of this Act shall be the same number as the number of teachers to which said district is allowed and entitled under the provisions of Section 243, as amended, of Chapter 146, 1935 Colorado Statutes Annotated.

It is the power and it shall be the duty of the State Board of Education to adopt and publicize such rules, not inconsistent with law, as will govern the classification of teachers as elementary and high school teachers.

No school district shall be allowed a classroom unit in excess of the number of regular teachers actually employed by it.

**SECTION 7.** If any section, sub-section, sentence, clause or phrase of this Act be for any reason held to be unconstitutional such holding shall not affect the validity of the remaining portion of this Act. The General Assembly hereby declares that it would have passed this Act and each section, sub-section, sentence, clause or phrase thereof separately and irrespectively of the fact that any one or more of the sections, sub-sections, sentences, clauses or phrases be unconstitutional.

**SECTION 8.** All Acts or parts of Acts in conflict herewith are hereby repealed; nothing herein contained shall be construed as repealing any part of Sections 240 to 247, inclusive, of Chapter 146, Colorado Statutes Annotated, 1935, as amended.

**SECTION 9.** The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

**SECTION 10.** In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: December 14, 1945.



## AN ACT

House Bill No. 391 as amended by H. B. 636

### CONCERNING SCHOOLS AND THE FINANCING THEREOF.

**Be It Enacted by the General Assembly of the State of Colorado:**

**SECTION 1.** The State of Colorado hereby declares that it is the policy of the State to provide to school districts of this State which qualify under the provisions of this Act such additional State support to that which is now provided by the provisions of Chapter 13, Session Laws of the Extraordinary Session, 1945, as is consistent with sound financial policy, and to that end this Act is passed.

**SECTION 2.** *All funds remaining in the State School Equalization Fund at the end of each fiscal year, after payment of the sums provided for in Chapter 13, Extraordinary Session Laws of Colorado, 1945, as amended, shall be distributed to all School Districts of the State upon the basis of average daily attendance of pupils in the Public Schools of the District at a rate of not to exceed Fifty Dollars (\$50.00) per year per pupil, except as hereinafter limited and as defined and set forth herein. "Average daily attendance" means the quotient derived by dividing the total number of days of Pupil Attendance in the School District by the total number of days in the School year.*

**SECTION 3.** *No School District in the State of Colorado shall receive any funds under the provisions of this Act, unless said District shall have a minimum Special Fund levy as follows: In County High School Districts, and in Union High School Districts, one and one-half mills; in Districts of the first, second or third class which are parts of County or Union High School Districts, four and one-half mills; in all other Districts, six mills; and unless said District shall maintain a School Term of at least 170 days, except that under emergency circumstances in time of public epidemic or other public emergency when the District has been forced to open Schools less than 170 days but the District has scheduled originally a School Year of at least 170 days and contracted for services on that basis, the District may certify the causes of the shortening of the term to the Commissioner of Education, who shall be empowered by this Act to determine the District's eligibility to receive funds for the School Year for which the application is made. In no case shall the Commissioner of Education be empowered to reduce the normal allocation of State funds because the District has failed to have 170 days of School taught due to the public emergency conditions specified in this Section.*

**SECTION 4.** No school district which receives any funds by reason of the provisions of this Act shall use the same for any purpose other than current operating expenses, and at least

three-fourths ( $\frac{3}{4}$ ths) thereof shall be used in payment of teachers' salaries.

SECTION 5. The Secretary of the Board of Education of each school district in this State shall immediately, upon the conclusion of each term, ending prior to the end of the fiscal year of this State, certify to the County Superintendent of Schools of the county in which such district is located, the aggregate number of days of attendance, as herein defined, of pupils in his district from and after the July first preceding, and the number of days during which school was held including days of enforced closing as referred to in Section Six hereof. The County Superintendent of Schools, shall, before June 25 of each year, certify the aggregate number of days of attendance, as herein defined, in his County and the special fund mill levy of each district in his county, to the State Superintendent of Public Instruction, who shall, on or before June 30 of each year, certify the aggregate number of days of attendance of the districts which have qualified in the entire State, to the State Treasurer.

SECTION 6. Each school district shall be entitled to one day of attendance credit for each full day's attendance by any enrolled pupil under the age of 21 years in schools of that district, and who shall not have completed a full four year high school course. Attendance for more than one-half of the regular hours of school during a day shall count as a full day's attendance, and attendance for less than one-half of the regular hours of school during a day shall count as one-half day of attendance. Night school classes shall count as one-half day of attendance. Holidays shall not be considered in determining aggregate days of attendance.\* In the event of the enforced closing of a school by order of the Board of Education on account of storms or other acts of God, or upon the order of a health officer with jurisdiction, the aggregate daily attendance\* for such closed period shall be computed upon the basis of the average daily attendance during the period of the school year in which school was held, provided, however, that a reasonable effort has been made to reopen the school. The State Superintendent shall be the final authority to decide the merit of claims for benefit under this Section. Such days of enforced closing shall be considered as school days under Section 3 of this Act.

SECTION 7. In cases where a child attends a school other than that of the district of his or her residence under an arrangement for payment of tuition by the district of his or her residence, the tuition charged by the district of attendance shall not exceed the current cost per pupil plus ten percent in said district of attendance. The current cost per pupil shall be the amount shown on the secretary's annual report to the County Superintendent of Schools for the preceding school year. The district of attendance shall within thirty days after receipt of state aid under this Act, refund to the district of residence the amount received for such tuition pupil.

SECTION 8. The State Treasurer shall, on or before August 15 of each year, make distribution of moneys remaining in the State School Equalization Fund, after payment of the sums required under the provisions of Chapter 13, Session Laws of the Extraordinary Session, 1945. He shall divide the amount of moneys so remaining in said Fund by the number of days of aggregate attendance\* in the entire State, and shall forward to the Treasurer of each County or City and County in the State the sum to which all of the school districts in such County, or City and County, are entitled, being the proportion of said remaining fund which the total days of actual attendance in said county bear to the balance in said Fund.

SECTION 9. In distributing said money to the County Treasurer, the State Treasurer shall certify the amount to which each district in the county is entitled, and the County Treasurer shall forthwith credit the Special Fund Account of each district in the county with its respective amount.

SECTION 10. If any section, sub-section, clause, sentence or phrase of this Act be for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act. The General Assembly hereby declares that it would have passed this Act and each section, sub-section, clause, sentence or phrase thereof separately and irrespective of the fact that any one or more of the sections, sub-sections, clauses, sentences or phrases be unconstitutional.

SECTION 11. All parts (Acts) or parts of Acts in conflict herewith are hereby repealed; nothing herein contained shall be construed as repealing any part of Sections 240 to 247, inclusive, of Chapter 146, Colorado Statutes Annotated, 1935, as amended.

SECTION 12. The General Assembly hereby finds, determines and declares that this Act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 13. In the opinion of the General Assembly an emergency exists; therefore, this Act shall take effect and be in force from and after its passage.

Approved: April 25, 1947.

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\* Wherever the words, "Aggregate Days," appear, it shall mean "Average Daily."

**RULING**

by

The State Superintendent of Public Instruction

on

Chapter 279, Session Laws 1947 (House Bill 391) as amended by Section 2 of House Bill 636 passed by the 1949 General Assembly.

Under the authority given to the State Superintendent of Public Instruction in Chapter 146, Section 14 CSA '35 (School Laws 1941, Section 14), I hereby rule:

1. That wherever the words "Aggregate Days Attendance" appear in Sections 5, 6, and 8, of Chapter 279, Session Laws 1947, (House Bill 391) that the words "Average Daily Attendance" shall be substituted therefor, it being the intent of the Legislature to distribute funds allocated in House Bill 122 to the State School Equalization Fund under the provisions of Chapter 279, Session Laws of 1947 as amended by Section 2 of House Bill 636 and enacted into law on April 29, 1949.

2. \* \* \* \* \*

Date: April 29, 1949.

(Signed) NETTIE S. FREED  
State Commissioner of Education

# SCHOOL LAWS

Enacted by

The Thirty-sixth  
General Assembly

STATE OF COLORADO

1948 Supplement  
EXTRAORDINARY SESSION

Convened at Denver  
At 10 o'clock A. M., Monday, October 18,  
A. D. 1948, and adjourned sine die on  
Thursday, October 21, 1948

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# AN ACT

## Senate Bill No. 2

### RELATING TO SALARIES OF ELECTIVE COUNTY OFFICIALS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. Class II counties are divided into Group A and Group B. Group A consists of the counties of El Paso, Pueblo and Weld. Group B consists of the counties of Arapahoe, Boulder, Jefferson, Larimer, Las Animas and Mesa. The annual salaries of the following county officials in said counties shall be as follows:

Official	Annual Salary	
	Group A	Group B
* * * * *	* * *	* * *
(b) County Superintendent of Schools.....	\$3600.00	\$3400.00
* * * * *	* * *	* * *
* * * * *	* * *	* * *

SECTION 2. Class III counties are divided into Group A and Group B. Group A consists of the counties of Adams, Fremont, Logan, Morgan and Otero. Group B consists of the counties of Alamosa, Conejos, Delta, Garfield, Huerfano, La Plata, Montrose, Prowers, Rio Grande, Routt and Yuma. The annual salaries of the following county officials in said counties shall be as follows:

Official	Annual Salary	
	Group A	Group B
* * * * *	* * *	* * *
(b) County Superintendent of Schools.....	\$3100.00	\$2600.00
* * * * *	* * *	* * *
* * * * *	* * *	* * *

SECTION 3. Class IV counties are divided into Group A and Group B. Group A consists of the counties of Baca, Bent, Chaffee, Costilla, Gunnison, Kit Carson, Lake, Montezuma, Rio Blanco, Teller and Washington. Group B consists of the counties of Crowley, Eagle, Elbert, Lincoln, Moffat, Phillips, Saguache and Sedgwick. The annual salaries of the following county officials in said counties shall be as follows:

Official	Annual Salary	
	Group A	Group B
* * * * *	* * *	* * *
(b) County Superintendent of Schools.....	\$2400.00	\$2250.00
* * * * *	* * *	* * *
* * * * *	* * *	* * *

SECTION 4. Class V counties consist of the counties of Archuleta, Cheyenne, Clear Creek, Custer, Douglas, Grand, Kiowa, Ouray, Park and San Miguel. The annual salaries of the following county officials in said counties shall be as follows:

Official	Annual Salary
* * * * *	* * *
(b) County Superintendent of Schools.....	\$2100.00
* * * * *	* * *
* * * * *	* * *

SECTION 5. Class VI counties are divided into Group A, Group B and Group C. Group A consists of the counties of Dolores, Gilpin, Jackson, Pitkin, San Juan and Summit. Group B consists of Mineral County. Group C consists of Hinsdale County. The salaries of the following county officials in said counties shall be as follows:

Official	Salary		
	Group A	Group B	Group C
* * * .....	* *	* *	* *
(b) County Superintendent of Schools .....	\$1800.00	\$480.00	\$150.00
* * * .....	* *	* *	* *
* * * .....	* *	* *	* *

SECTION 6. The salaries in this act provided shall be payable for the duration of but shall be limited to the terms of office to which said officials are elected in the calendar years A.D. 1948 and A.D. 1950 and the terms of office to which officials may hereafter be appointed to serve in place and instead of any of said officials elected as aforesaid.

The salaries herein provided for shall become effective for the year 1949 notwithstanding the provisions of the local government budget law, as amended.

SECTION 7. All acts and parts of acts in conflict herewith are hereby suspended to the extent of and for the duration of the applicability of this act.

SECTION 8. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 9. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: October 21, 1948.



# AN ACT

## Senate Bill No. 4

### RELATING TO SALARIES OF ELECTIVE STATE OFFICIALS.

Be It Enacted by the General Assembly of the State of Colorado:

SECTION 1. The following state officials shall receive the following annual salaries:

Official	Annual Salary
* * * * *	* * *
* * * * *	* * *
* * * * *	* * *
(f) Superintendent of Public Instruction	...\$6,000.00

SECTION 2. The salaries in this act provided shall be payable for the duration of but shall be limited to the terms of office to which said officials are elected in the calendar years A.D. 1948 and A.D. 1950, and the terms of office to which officials may hereafter be appointed to serve in place and instead of any state officials elected as aforesaid.

SECTION 3. All acts and parts of acts in conflict herewith are hereby suspended to the extent of and for the duration of the applicability of this act.

SECTION 4. The General Assembly hereby finds, determines and declares that this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 5. In the opinion of the General Assembly an emergency exists; therefore, this act shall take effect and be in force from and after its passage.

Approved: October 21, 1948.

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