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SCHOOL LAWS

Enacted by

The Thirty-Eighth
General Assembly

Second Regular Session

STATE OF COLORADO



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SCHOOL LAWS

The Third Joint
General Assembly

STATE OF COLORADO

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SCHOOL LAWS

Enacted by

**THIRTY-EIGHTH
GENERAL ASSEMBLY**
Second Regular Session

STATE OF COLORADO

1952

SCHOOL LAWS

Enacted by

THIRTY-EIGHTH
GENERAL ASSEMBLY

Second Regular Session

STATE OF COLORADO

1925

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AN ACT

House Bill No. 20

IN RELATION TO REVENUE, TO AMEND SECTIONS 39 AND 41, CHAPTER 142, 1935 COLORADO STATUTES ANNOTATED, AND REPEALING ALL ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

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

SECTION 1. Section 39, Chapter 142, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 39. **Levies reduced—Limitation.** Except as herein otherwise provided all statutory tax levies when applied to the total assessed valuation of (1) the state, and each of the counties, cities, towns and schools and (2) and each of the fire, sanitation, irrigation, drainage, conservancy and all other special districts established by law, shall be so reduced as to prohibit the levying of a greater amount of revenue than was levied in the preceding year plus five (5) per cent, except to provide for the payment of bonds and interest thereon.

In 1952 and each succeeding year thereafter the five (5) per cent limitation shall apply except that revenues granted by the Colorado Tax Commission or voted by the electors of the taxing district at a general or at a special election in excess of the five (5) per cent limitation shall be excluded in determining the total revenue to be levied for the current year's needs.

SECTION 2. Section 41, Chapter 142, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 41. **Increased levy—Submitted to Colorado Tax Commission—To people at election.** If any board of levy or any officer that is charged with the duty of levying a tax in any taxing district shall be of the opinion that the amount of tax limited by Section 39 as amended will be insufficient for the needs of such taxing district for the current year, the question of an increased levy may be submitted to the Colorado Tax Commission and it shall be the duty of the Colorado Tax Commission to examine into the needs of such taxing district and ascertain from such examination the financial condition thereof, and if in the opinion of the Colorado Tax Commission, such taxing district is in need of additional funds, the said Commis-

sion may grant an increased levy for such taxing district above the limits hereinbefore applied; **provided**, that in case the Colorado Tax Commission refuses or fails within ten (10) days after submission to it of an adopted budget to grant such increased levy, the question may be submitted to the voters of such taxing district at a general or at a special election called for the purpose and in the manner provided by law for calling special elections in such taxing district. If a majority of taxpaying electors paying taxes on real estate within said district shall at any such election vote in favor of the increased levy in excess of the limitations provided in Section 39, then the officers charged with levying taxes may make such increased levy for the year voted upon.

SECTION 3. All acts or parts of acts in conflict herewith are hereby repealed.

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

Approved by the Governor
February 18, 1952

AN ACT

House Bill No. 40

CONCERNING PUBLIC SCHOOLS, AND PROVIDING FOR THE DISPOSITION OF CERTAIN MONEYS RECEIVED BY THE STATE BOARD OF LAND COMMISSIONERS FROM SCHOOL LANDS.

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

SECTION 1. From and after July 1, 1952, all rentals received by the state from stone, coal, oil, gas, gold, silver or other mineral leases of public school lands, and all moneys received from the sale of timber on said lands which is cut on a sustained yield basis, shall be placed to the credit of the Public School Income Fund for the purpose of providing additional funds for distribution to public schools under the provisions of the Public School Finance Act of the State of Colorado; **provided, however,** that the State Board of Land Commissioners is hereby authorized to deduct from such receipts not to exceed ten (10) per cent thereof for the purpose of paying the expenses of administering such lands.

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.

Approved by the Governor

February 8, 1952

AN ACT

House Bill No. 74

CONCERNING THE ALLOCATION OF CERTAIN MONEYS RECEIVED FROM THE SECRETARY OF THE TREASURY OF THE UNITED STATES ON ACCOUNT OF THE LEASING OF LANDS ACQUIRED BY THE UNITED STATES FOR FLOOD CONTROL PROJECTS.

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

SECTION 1. July 1, 1952, and at the beginning of each fiscal year thereafter, the state treasurer, in accordance with the provisions of Public Law 526, of the 79th Congress, 2nd Session, entitled "An act authorizing the construction of certain public works on rivers and harbors for flood control, and for other purposes", approved July 24, 1946, shall pay any moneys heretofore or hereafter received from the Secretary of the Treasury of the United States on account of the leasing of lands acquired by the United States for flood control projects, to the county or counties in which the lands of said project lie, in the proportions and for the purposes as outlined below:

(1) Twenty-five per cent of said moneys shall be paid to the county or counties in which such flood control projects are located, to be expended by the board of county commissioners on the public roads of the county or counties in such a manner as they shall determine;

(2) Seventy-five per cent of said moneys shall be paid to the county or counties in which such flood control projects are located, to be expended for the public schools of the county or counties. The county treasurers of the respective counties shall allocate said moneys to the school districts of such county in the proportion that the aggregate days of attendance of each school district in the county bears to the total aggregate days of attendance of all school districts in the county. The aggregate days of attendance for the year preceding the allocation shall be used in computing the amounts to be distributed to each school district.

(3) In the event any such flood control project is situated in more than one county, the state treasurer shall allocate the

said moneys to the counties in which such project is situate in the proportion to the area of the project situate in each such county.

SECTION 2. Warrants shall be drawn in accordance with law in payment of the above authorized allocations, upon certification of the correct amounts by the state treasurer to be paid to the respective counties.

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.

Approved by the Governor.

February 19, 1952.

AN ACT

House Bill No. 113

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, for the fiscal year 1952-1953, the sum of twelve million five hundred thousand dollars (\$12,500,000.00), for the purpose of providing funds for distribution under the provisions of the Public School Finance Act of the State of Colorado.

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.

Approved by the Governor

March 8, 1952

AN ACT

House Bill No. 115

TO AMEND CHAPTER 267, SESSION LAWS OF COLORADO, 1951, CONCERNING AN APPROPRIATION MADE TO THE BOARD OF EDUCATION WITH RESPECT TO THE CONSTRUCTION OF SCHOOL FACILITIES IN AREAS AFFECTED BY FEDERAL ACTIVITIES.

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

SECTION 1. Section 4, Chapter 267, Session Laws of Colorado, 1951, is hereby amended to read as follows:

Section 4. In order to make available federal appropriations as provided for by said act of Congress, and allocated to the several states in the same proportions as their respective school-age populations bear to the total school-age population of such other states, provided the state meets this on a dollar for dollar basis, there is hereby appropriated out of any funds in the state treasury not otherwise appropriated, the sum of twenty-four thousand eighty dollars (\$24,080.00), or so much thereof as may be necessary, for the fiscal years 1951-1952 and 1953. The State Controller is hereby authorized and directed to draw warrants upon the funds hereby appropriated, signed and certified as provided by law.

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.

Approved by the Governor

March 8, 1952

AN ACT

House Bill No. 120

MAKING AN APPROPRIATION TO THE TEACHERS' EMERITUS RETIREMENT FUND, FOR THE FISCAL YEAR 1952-1953.

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, for the fiscal year 1952-1953, the sum of two hundred fifty thousand dollars (\$250,000.00), or so much thereof as may be necessary to the Teachers' Emeritus Retirement Fund, created by Chapter 274, Session Laws of Colorado, 1951, to be expended by the Commissioner of Education for the payment to persons qualifying for retirement benefits under the provisions of said 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.

Approved by the Governor

March 8, 1952

AN ACT

Senate Bill No. 7

RELATING TO EDUCATION AND TO FINANCING OF PUBLIC SCHOOLS

SECTION 1. Short Title. This Act shall be known and cited as the Public School Finance Act of the State of Colorado.

SENATE BILLS

SECTION 2. Purpose of this Act. The purpose of this Act shall be to provide for the financing of the public schools of the State of Colorado.

(1) School District. That word as first used or third class district county high school district union high school district and joint school district shall mean all

(2) Joint School District. That word as first used or second under the provision of Section 32, Chapter 142, Statutes of Colorado, or under the provisions of Chapter 124, Statutes of Colorado, shall mean a district or districts established under the provisions of Chapter 124, Statutes of Colorado, and including therein in any other one county

(3) Junior College. That word as first used or second under the provision of Chapter 124, Statutes of Colorado, shall mean a college or colleges established under the provisions of Chapter 124, Statutes of Colorado, and including therein in any other one county

(4) State Board. That word as first used or second under the provision of Chapter 124, Statutes of Colorado, shall mean the State Board of Education established under the provisions of Chapter 124, Statutes of Colorado, and including therein in any other one county

(5) Board of Education. That word as first used or second under the provision of Chapter 124, Statutes of Colorado, shall mean the board of education of any of the first, second and third class high school counties or any of the county high school districts and the junior college counties or any of the junior college districts

(6) County Superintendent. That word as first used or second under the provision of Chapter 124, Statutes of Colorado, shall mean the county superintendent of schools as provided for in Section 47, Article X, of the Constitution of the State of Colorado

(7) Teacher. That word as first used or second under the provision of Chapter 124, Statutes of Colorado, shall mean a teacher as defined in Section 47, Article X, of the Constitution of the State of Colorado

AN ACT

Senate Bill No. 7

RELATING TO EDUCATION AND TO FINANCING OF PUBLIC SCHOOLS.

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

Act—How
cited

SECTION 1. **Short Title.** This Act shall be known and cited as the Public School Finance Act of the State of Colorado.

Definitions

SECTION 2. **Definitions.** Unless otherwise indicated by the context, the following words and phrases, when used in this Act, shall, for the purpose of this Act, have the meanings respectively ascribed to them in this section.

(1) **School District** shall mean any first, second, or third class district, county high school district, union high school district, and joint school district.

(2) **Joint School District** shall mean a district organized under the provisions of Section 65, Chapter 146, 1935 Colorado Statutes Annotated, or under the provisions of Chapter 224, Session Laws of Colorado, 1949, as amended, or otherwise as provided by law, and containing territory in more than one county.

(3) **Junior College** shall mean any junior college organized under the provisions of Chapter 237, Session Laws of Colorado, 1937, as amended.

(4) **State Board** shall mean the State Board of Education as established under the provisions of Chapter 153, Session Laws of Colorado, 1949.

(5) **Board of Education** shall mean the school board, board of directors, and board of education of school districts of the first, second and third class, the high school committee in union and county high school districts, and the junior college committee in junior college districts.

(6) **County Superintendent** shall mean the county superintendent of schools provided for in Section 8 of Article XIV of the Constitution of the State of Colorado.

(7) **Teacher** shall mean and include any teacher, principal, supervisor, or superintendent holding a valid certificate.

(8) **Public School Income Fund** shall mean the income from the public school fund as created by Article IX of the Constitution of the State of Colorado and statutes enacted pursuant thereto.

(9) **Valuation** when used or implied shall mean the 1951 assessed valuation of the taxable property within the school district or county, including any actual increases or decreases in assessed valuation for the year 1952, but not including any revaluation adjustments. This subsection shall be effective only for funds distributable in the school year ending June 30, 1953.

SECTION 3. Classroom Units. (1) A classroom unit shall be the basis for equalization support under the provisions of this Act. The number of Classroom units allowed any school district shall in no case be greater than the number of equivalent full-time teachers employed by the district. No more than the first 180 days of school shall be used in computing the classroom units to which a district is entitled.

Classroom
Units—basis
for Equalization
Support—
Number
allowed

(2) The number of classroom units (calculated to the major fraction of one-tenth of a unit) to which a school district is entitled shall be determined as follows:

(a) one classroom unit for the first 2,160 aggregate days of attendance;

(b) a second unit for the next 2,880 aggregate days of attendance;

(c) one additional unit for each additional 3,600 aggregate days of attendance.

(3) In any district the number of allowable classroom units as provided in subsection (1) of this section shall be computed in the following manner: The aggregate days of attendance per square mile shall be computed by dividing the total aggregate days of attendance in the district, as determined by section 5 of this Act, by the number of square miles in the district. If the aggregate days of attendance per square mile is 216 or over, no additional aggregate days of attendance shall be allowed; if the aggregate days of attendance per square mile is 144 but less than 216, the aggregate days shall be multiplied by 1.25; if the aggregate days of attendance per square mile is 36 but less than 144, the aggregate days shall be multiplied by 1.5; if the aggregate days of attendance per square mile is 18 but less than 36, the aggregate days shall be multiplied by 1.75; if the aggregate days of attendance per square mile is under 18, the aggregate days shall be multiplied by 2; **provided, however**, that for county and union high schools no computation factor shall be in excess of 1.2.

Basis for
determining
number of
classroom units
to which
district is
entitled

Isolated
Schools

SECTION 4. **Isolated Schools.** (1) In the event a school district maintains any school which is necessarily isolated because of distances or geographical barriers, the board of education of such district may make application to the state board for a determination of the necessity of maintaining such isolated school, and for the allowance of such classroom units for such school as it would be entitled to if it were a separate and distinct school district. If such determination by the state board shall be in the affirmative, such school shall be considered as a separate and distinct unit for the purpose of determining the allowable classroom units to which the district is entitled.

Board of Education may make application to State Board for determination of necessity for maintaining isolated school

(2) In the event a school district maintains any school which is necessarily isolated because of distances or geographical barriers and which is entitled to less than one full classroom unit as computed under section 3 of this Act, the board of education of such district may make application to the state board for a determination that it is necessary to maintain such isolated school and that more than its fraction of a classroom unit be allowed for said school. If such determination by the state board shall be in the affirmative, the state board may grant additional fractional units of a classroom unit for such school; **provided, however,** that no such school district shall be allowed more than one full classroom unit for any such school.

Aggregate days of attendance computed—how

SECTION 5. **Aggregate Days of Attendance.** (1) Aggregate days of attendance shall be the aggregate of all days of attendance in the public schools in any school district during the school year by all regularly enrolled pupils under 21 years of age and who have not completed the twelfth grade in any high school. No more than the first 180 days of school shall be used in computing aggregate days of attendance. Each school district shall be entitled to credit for one day of attendance for each full day's attendance by any such pupil. 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 one-half or less than one-half of the regular hours of school during a day shall count as one-half day of attendance. Night school classes, a minimum of two hours, shall count as one-half day of attendance.

Determining aggregate days when new district formed

(2) In any case where a new school district is formed, the aggregate attendance during the preceding school year of all districts or portions thereof composing the new district, shall be used in determining the aggregate days of attendance.

(3) The state board is empowered to make final determination of the proper aggregate days of attendance under subsections (1) and (2) of this section for any school district or districts involved.

State Board makes final determination of proper aggregate days of attendance

SECTION 6. State Public School Fund. (1) For the purpose of paying the state's share of the cost of the public school finance program as herein defined and provided for, there is hereby created in the state treasurer's office a fund to be known as the State Public School Fund, which is derived from the net balance of the Public School Income Fund as of December 31, 1952, and quarterly thereafter, said net balance to be after allocation of funds from said Public School Income Fund under statutes not repealed or amended hereby; from such moneys as may be appropriated to the State Public School Fund from time to time; and from such other sources as may be made available to the said fund.

State Public School Fund created

(2) The State Public School Fund shall be a continuing fund, and moneys remaining in the fund at the end of any fiscal year shall not revert to the general fund of the state but shall remain in the State Public School Fund and shall be available for distribution thereafter.

Continuing Fund

(3) The balance in the Public School Income Fund as of June 30, 1952, remaining after allocation and final payment under Sections 26 and 247, Chapter 146, 1935 Colorado Statutes Annotated, as amended, have been made for the fiscal year 1951-1952, shall be paid into the State Public School Fund.

Balance in Public School Income Fund paid into State, Public School Fund

SECTION 7. County Public School Fund. There is hereby created in the office of the county treasurer of each county of the state a continuing fund to be known as the County Public School Fund, into which shall be paid the proceeds of the county levies and other moneys provided for in this Act.

County Public School Fund created

SECTION 8. County Levies. For the purpose of paying each county's share of the cost of the public school finance program as herein defined and provided for, it shall be the duty of the board of county commissioners of each county to levy, at the same time that other taxes are levied for county purposes, a tax of six (6) mills on all of the taxable property in the county; **provided, however,** that if a levy of less than six (6) mills will produce a sum greater than the amount required under Section 12 of this Act for all school districts in such county, the board of county commissioners of such county may petition the state

Commissioners levy tax— amount

board for a determination of the amount of money which will be needed for such aggregate differences. The state board shall, immediately upon such determination, certify the amount to the board of county commissioners, and the board shall then make such levy as will produce such amount.

Levy in a county or city and county consisting of one district only

A county or city and county consisting of one school district only, shall be deemed to have made the necessary levies required by this section and Section 11 of this Act, if the total general and special levies of such county or city and county be not less than fourteen (14) mills.

Minimum days of school required to receive funds

SECTION 9. Minimum Days of School. No school district maintaining a school term of fewer than one hundred seventy days shall receive any funds from the County Public School Fund or the State Public School Fund herein provided for; **provided, however,** that in the event of enforced closing of school by order of the board of education on account of public emergency, storms, or other acts of God, or upon order of a health officer having jurisdiction, the aggregate days of attendance for such closed period shall be computed upon the basis of average daily attendance during the balance of the school year in which school was held, provided that a reasonable effort be made to reopen the school as soon as permissible. Average daily attendance shall be the quotient obtained by dividing the actual number of days the school was in session into the total of all days of attendance, computed as defined for aggregate days of attendance in section 5 of this Act. The state board shall be the authority to decide the merit of claims for benefits under this section. Such days of enforced closing shall be considered as school days under this Act.

Method of computing aggregate days of attendance during enforced closing period

State Board final authority

Minimum Salary to be paid to entitle district to funds

SECTION 10. Minimum Salaries. No school district shall receive any funds from the State Public School Fund unless such district shall pay each full-time teacher not less than three-fourths of the classroom unit value as provided by section 13 of this Act, and each part-time teacher not less than three-fourths of the proportionate part of the classroom unit value allocated to each such part-time teacher; nor unless it shall use not less than three-fourths of any funds received under section 14 (2) of this Act for the payment of teachers' salaries.

Special Fund Minimum Levy necessary to entitle district to participate in fund

SECTION 11. Minimum District Levies. (1) The minimum special fund levy necessary to entitle school districts to participate in distribution of the State Public School Fund shall be as follows: in county or union high school districts, two (2) mills; in districts of the first, second, or third class which are parts of county or union high school districts, six (6) mills; in all other districts, eight (8) mills.

(2) Any school district which made the required minimum district levies for the calendar year 1951 and in all other respects qualified under the provisions of Chapter 13, Extraordinary Session Laws of Colorado, 1945, as amended, shall be entitled to participate in any distribution of moneys from the State Public School Fund, based on aggregate days of attendance and made prior to September 1, 1952.

District making minimum levy in 1951 and otherwise qualified may participate in funds

SECTION 12. Distribution of County Public School Fund.

Each eligible district in a county shall be entitled to participate in the County Public School Fund to the extent that the aggregate value of allowable class room units in the district exceeds the sum raised by the minimum district levy as required by this Act, and shall be entitled to such proportion of the County Public School Fund as the difference between the sum raised by said minimum district levy and said aggregate value of allowable class room units in such district bears to the aggregate of such differences for all districts in said county. The State Board shall determine the proportionate part of the County Public School Fund to be paid to each eligible district in each county, and on or before January first of each year shall certify to the county treasurer the proportionate part of said fund to which each district is entitled, and furnish the County Superintendent with a duplicate of such certification. The proportions so certified by the State Board shall be the basis upon which the fund shall be distributed during the calendar year. The county treasurer shall, at the end of each month, credit the amounts of money in the County Public School Fund to the special funds of the respective districts in said proportions.

Proportional amount to which District is entitled

State Board determine and certify proportionate part to be paid each district

SECTION 13. Minimum Equalization Program.

From and after July 1, 1952, the State of Colorado hereby undertakes to provide the deficiency in funds of any school district between (1) the sum of its share of the amount produced by the county levy herein required plus the amount produced by the minimum district levy herein required (assuming 100 per cent collection of both county and district levies) for district participation in the distributions from the State Public School Fund, and (2) the amount required to provide for each classroom unit, as in this Act defined and determined, served by teachers holding any valid certificates other than a graduate certificate the sum of twenty-four hundred and twenty-five dollars (\$2425.00), and for those served by teachers holding graduate certificates the sum of twenty-six hundred and twenty-five dollars (\$2625.00).

State provide deficiency in funds

Amounts based upon teacher certification

State Board determine amount each district entitled to receive

State Treasurer make distribution upon certification of State Board

Basis for making distribution

State Board make certification to State Treasurer

State Treasurer make distribution

Remaining funds distributed—How—when

State Board certify amount to State Treasurer

SECTION 14. Distribution of State Public School Fund.

(1) **General Provisions.** The amount which each county and each school district shall be entitled to receive from the State Public School Fund, based on aggregate days of attendance and for the minimum classroom unit program as defined in section 13 of this Act, shall be determined by the state board. Upon certification by the state board, distributions of all such moneys shall be made by the state treasurer to the county treasurers of the respective counties and shall by the county treasurers be forthwith credited to the special fund of each district.

(2) **Aggregate Days of Attendance Distribution.** (a) **First Distribution.** The state board shall determine the proportionate share of all moneys to be distributed on the basis of aggregate days of attendance to which each eligible school district is entitled. The proportionate part of the moneys to be so distributed shall be in the same proportion as the total aggregate days of attendance of each such school district bears to the total aggregate days of attendance of all eligible school districts in the state. On or before August 1st of each year, fifty-five per cent (55%) of the appropriation made by the General Assembly to the State Public School Fund from general revenues, shall be so allocated. Upon such allocation, the state board shall certify to the state treasurer the amount of money to be paid to each county, and shall certify to the county treasurer the amount of money to be paid to each of the eligible school districts of his county and furnish the county superintendent with a duplicate of such certification. Not later than August 15th of each year, the state treasurer shall make distribution of said moneys to the county treasurers, who shall forthwith credit to the special fund of each school district the amount to which such district is entitled.

(b) **Remaining Funds Distributed.** Any remaining funds in the State Public School Fund after the payment of the classroom unit program distribution as provided in subsection (3) of this section shall be distributed on the basis of aggregate days of attendance, as above provided, within fifteen days after May 31, 1953, and each year thereafter.

(3) **Classroom Unit Program Distribution.** As soon as the state board shall have determined the amount to be paid to each eligible school district in all counties under the minimum classroom unit program, but not later than January 1st of each year, the state board shall certify to the state treasurer the amount of money to be paid each county, and shall certify to the county

treasurer of the county the amount of money to be paid to each of the eligible school districts in his county and furnish the county superintendent with a duplicate of such certification. As soon as possible after such certification by the state board, but not later than January 15th of each year, the state treasurer shall make distribution of said moneys to the county treasurers, who shall forthwith credit to the special fund of each school district the amount to which such district is entitled.

State Treasurer make distribution—
When County Treasurer credit amount to special fund each district entitled

(4) **Contingency Reserve.** The state board shall withhold from normal distribution as hereinabove provided one and one-half per cent (1½%) of the appropriation made by the General Assembly from general revenues to the State Public School Fund, which amount is hereby designated as “contingency reserve.” On May 31st of each year any balance of said contingency reserve shall not thereafter be held for contingency purposes but shall be distributed on the basis of aggregate days of attendance as provided in subsection (2) hereof.

Contingency Reserve Fund

Said contingency reserve shall be for the purpose of providing supplemental support to school districts requiring assistance because of special circumstances or contingencies as provided herein.

Purpose for which expended

The state board shall have power and authority to approve and order payments from said contingency reserve for assistance of such school districts found to be in need thereof upon consideration of any or all of the following: (1) financial emergencies caused by act of God; (2) sudden increases in enrollment; (3) temporary enrollments; (4) efforts of the district to provide sufficient funds for its own use; (5) standards of education maintained by the district.

Applications for assistance under this subsection shall be made to the state board and shall set forth fully the facts upon which the district relies for assistance. The truth of such facts shall be sworn to by the president and secretary of the board of education of the district making the application before any officer authorized to administer oaths.

Applications for assistance made to State Board

The state board shall make such investigations as it shall deem proper; and if it finds that assistance should be granted upon the application, it shall determine the amount to be paid and shall, by order upon the state treasurer, direct payment of such sum to the county treasurer of the county in which such district is located, said sum to be forthwith credited by the county treasurer to the special fund of such district.

State Board make investigation and certify amount to be paid

Secretary of Board certify acceptance of Act to County Superintendent

County Superintendent certify to State Board

Secretary of Board certify to County Superintendent statement of salary of teachers, etc.

County Superintendent certify information to State Board—
When

Teacher to be considered to hold non-graduate certificate—
When

Tax Commission certify to State Board Assessed valuation within each school district

Forms prescribed by State Board

SECTION 15. Reports and Certifications Required to be Made to State Board. (1) The secretary of the Board of education of each school district electing to accept and be subject to the terms and conditions of this Act shall immediately upon the conclusion of each school term certify to the county superintendent of the county in which such district is located; (a) that it has accepted and elected to be subject to the terms and provisions of this Act, and the filing of such certification shall constitute such acceptance; (b) the total aggregate days of attendance for the school year; (c) the number of square miles in the district.

On or before June 20th of each year, the county superintendent shall certify to the state board all such information received from the boards of education of all districts in his county.

(2) On or before October 1st of each year, the secretary of the board of education of each eligible school district shall certify to the county superintendent (a) a statement of salary paid to and the type of certificate and degree held by each teacher employed by such district at the time of such report; (b) any changes made in any of the information required to be reported under subsection (1) of this section.

On or before October 15th of each year, the county superintendent shall certify to the state board all such information received from the boards of education of all districts in his county.

If the degree of any teacher employed by any district at the time of such certification to the state board cannot be authenticated, such teacher shall be considered as holding a non-graduate certificate for the purposes of this Act.

(3) On or before October 5th of each year, the Colorado Tax Commission shall certify to the state board the assessable valuation of all taxable property within each school district in the state; and on or before November 5th of each year, the Colorado Tax Commission shall certify to the state board the special school district levies for each school district in the state.

(4) All reports and certifications required under subsections (1) and (2) of this section shall be made in such manner and form as shall be prescribed by the state board.

SECTION 16. Classroom Unit Values. (1) The classroom unit values of any district shall be determined by computing the number of classroom units to which the district is entitled, based upon the aggregate days of attendance for the preceding school year and computed as provided in section 3 of this Act. The classroom units so determined shall be assigned a value in accordance with the certificates held by the teachers employed. The teachers employed by the district as of October 1st of each year shall be considered in determining such classroom unit values.

(2) An aggregate of part-time regularly employed teachers may be included in computing classroom unit values, provided that the number of values so assigned to units shall not exceed the equivalent number of full-time teachers which the aggregate part-time personnel actually totals. If any one of said part-time teachers in any one classroom unit does not hold a graduate certificate, the value assigned to such unit shall the same value as that assigned to a teacher not holding a graduate certificate.

Classroom unit values determined—How

The state board shall establish by rule standards for full-time and part-time teachers and upon the basis of such standards shall determine the credit to which any district is entitled for any part-time teachers in computing the classroom unit values allowable to any such district.

State Board to determine full-time part-time teachers

(3) A district which employs a fewer number of equivalent full-time teachers than the number of classroom units shall be entitled to no greater number of classroom units than the number of equivalent full-time teachers. A district that employs a larger number of full-time teachers than the number of allowable classroom units may first assign classroom unit values on the basis of those teachers holding graduate certificates.

SECTION 17. Junior Colleges. (1) Heretofore Organized.

Junior Colleges heretofore organized entitled to direct grant

Any junior college district heretofore organized shall be entitled to a direct grant of nine hundred dollars (\$900.00) from the State Public School Fund for each seven students carrying an average of forty-five quarter hours or thirty semester hours of credit during the preceding regular academic year. On or before September 1st of each year, the junior college committee of each junior college district shall report to the state board the number of students and the quarter or semester hours credited to such students for the preceding regular academic year. Upon receipt of such information, the state board shall determine the amount of money which shall be paid to each such junior college district under this section. In computing such amounts, the total number of quarter or semester hours shall be divided by the number 45 if quarter hours, and by the number 30 if semester hours; the quotient arrived at in either case shall be divided by the number 7, and the quotient arrived at thereby shall be the number of direct grants to which each of said junior college districts shall be entitled; fractions of one-half or more shall be counted for an additional direct grant, and fractions of less than one-half shall be disregarded.

Junior College Committee to report to State Board number of students

State Board determine amount to be paid—How computed

Junior Colleges hereafter organized entitled to direct grant—Amount—How computed

(2) **Hereafter Organized.** Junior colleges hereafter organized shall for the first school year be entitled to a direct grant of nine hundred dollars (\$900.00) for each seven students enrolled and taking full-time work as of October 1st of the calendar year in which the junior college is organized, and thereafter such junior colleges shall be entitled to direct grants as provided in subsection (1) of this section.

State Board certify to State Treasurer amount to be paid Junior Colleges

(3) **Distribution and Use of Funds.** On or before September 15th of each year, the state board shall certify to the state treasurer the amounts from the State Public School Fund to be paid junior colleges as direct grants, and upon such certification the state treasurer shall make distribution of such moneys to the respective county treasurers of the counties in which the college buildings are located, and said moneys shall be by each such county treasurer credited to a fund designated "for the expense ofJunior College." Said moneys shall be paid out on warrants regularly drawn on said county treasurer by the junior college committee and may be used for current operating costs.

State Treasurer make distribution

Funds not to be used for debt service or Capital Outlay

SECTION 18. Use of Funds. (1) **Not for Debt Service or Capital Outlay.** No funds received from the State Public School Fund shall be used by any school district for debt services or capital outlay.

County Treasurer not to collect collection fee

(2) **County Treasurer's Fee.** No county treasurer shall charge a collection fee upon moneys received from the State Public School Fund.

Joint Districts—Classroom Units—How calculated

SECTION 19. Joint Districts. (1) **Classroom Units.** The classroom units to which a joint school district shall be entitled shall be calculated by the state board upon the total aggregate days of attendance of all schools of the district, but the classroom units so calculated shall be assigned to each county in which the joint district is situated in the same proportion as the aggregate days of attendance of pupils residing in each such county bears to the total aggregate days of attendance of all pupils in the joint district. The secretary of the board of education of a joint district shall, at the time of making the reports and certifications as required by section 15 of this Act, certify to the county superintendent of each county in which the district is located, the required information applicable to each such county, which information shall be included in the report of the county superintendent to the state board.

Secretary of Board of Education certify to County Superintendent of each county information

County Superintendent certify to State Board

(2) **Allocation of County Public School Fund.** Allocation of the County Public School Fund shall be made to a joint district partially located in such county upon the basis provided for in subsection (1) of this section.

Allocation of County Public School Fund to joint district

(3) **Payments from State Public School Fund.** Payments of moneys from the State Public School Fund shall be made to the county treasurer of the county in which the administrative headquarters of such joint district is situated.

Payments made to County Treasurer

(4) **Designation of County Treasurer to Receive Joint School District Funds.** All funds collected by the county treasurer of a county in which a part of a joint district is situated to the credit of such joint district shall, at the end of each month, be paid over to the treasurer of the county in which the administrative headquarters of such joint school district is situated and forthwith credited by such county treasurer to the appropriate fund of said joint district, and warrants of a joint district shall be drawn only upon the county treasurer of the county in which such administrative headquarters is situated. The county treasurer of the county in which such administrative headquarters is situated shall not charge any treasurer's collection fee upon moneys so transferred to him from other counties.

County Treasurer designated to receive joint school district funds

County Treasurer not to charge collection fee

The board of education of a joint school district shall designate the location of its administrative headquarters and shall notify the state board and the county treasurer of each county in which such joint district is located of such designation.

Location of Administrative Headquarters designated in joint district

SECTION 20. (1) Other Levies Allowed. Nothing in this Act shall affect or limit the rights of school districts to make such levies as otherwise allowed by law in excess of the minimum levies provided in this Act.

Act not to limit right to make other levies

(2) **Other Funds.** Nothing herein contained shall in any wise affect the rights of school districts to moneys allowable or payable to such school districts under existing statutes.

Other funds allowable

SECTION 21. Fiscal Year. The fiscal year of each school district shall be as provided by the board of education of said district.

Fiscal year

SECTION 22. Rules and Regulations. The state board is hereby directed and empowered to make reasonable rules and regulations for the administration of this Act.

State Board make Rules and Regulations for administration

SECTION 23. Disposition of Present County Funds and Levies. (1) On January 1, 1953, any moneys in the general school fund of any county (commonly known as the "old" gen-

Disposition of unexpended balances

eral school fund) shall be forthwith paid over to the special fund of the district entitled thereto; and thereafter any moneys payable into said fund under any law shall be, upon receipt by the county treasurer, forthwith credited to the County Public School Fund of such county. Until December 31, 1952, any moneys in the said general school fund of any county shall be apportioned under the laws relating thereto.

(2) Moneys collected from county mill levies made under the provisions of Section 5 (a) (2) of Chapter 13, Extraordinary Session Laws of Colorado, 1945, and under the provisions of Section 242 of Chapter 146, 1935 Colorado Statutes Annotated, as amended, shall continue to be apportioned to the districts of the county under the laws in effect when such levies were made until December 31, 1952. Any unused balances from said levies on January 1, 1953, and any funds thereafter collected under said levies shall be forthwith credited to the County Public School Fund.

Chapters
and
Sections
Repealed

SECTION 24. Repeal. Sections 26 through 31, 39 through 46, 51, 240 through 248 of Chapter 146, 1935 Colorado Statutes Annotated; Sections 4 and 5 of Chapter 234, Chapter 235, and Sections 21 through 25 of Chapter 237, Session Laws of Colorado, 1937; Chapter 175 and Sections 1 and 2 of Chapter 176, Session Laws of Colorado, 1943; Chapter 220 and Chapter 221, Session Laws of Colorado, 1945; Chapter 13, Extraordinary Session Laws of Colorado, 1945; Chapter 279 and Chapter 281, Session Laws of Colorado, 1947; Chapter 223, Session Laws of Colorado, 1949; Section 1 of Chapter 3, Extraordinary Session Laws of Colorado, 1951; and all Acts or parts of Acts in conflict with this Act are hereby repealed as of January 1, 1953; **provided, however**, that for the period from July 1, 1952, until December 31, 1952, no county or school district levies and no reports or certifications required to be made by said statutes repealed by this section, shall be made, and **provided, further**, that the repeal of said statutes shall not be construed as releasing any tax levies or any interest or penalties thereon, made in the year 1951 or prior thereto under the provisions of said statutes.

Severability
Clause

SECTION 25. Severability Clause. If any provisions 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 provisions or application, and to this end the provisions of this Act are declared to be severable.

SECTION 26. Safety Clause. 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 by the Governor
February 5, 1952

AN ACT

Senate Bill No. 17

CONCERNING THE POWERS, DUTIES AND FUNCTIONS OF THE STATE BOARD OF EDUCATION AND OF THE COMMISSIONER OF EDUCATION, AND TO AMEND THE LAW RELATING THERETO.

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

SECTION 1. Subsection (g) of Section 5, and Subsection (e) of Section 7, Chapter 153, Session Laws of Colorado, 1949, and Chapter 222, Session Laws of Colorado, 1949, are hereby repealed.

SECTION 2. Section 5, Chapter 153, Session Laws of Colorado, 1949, is hereby amended by the addition of three new subsections to be lettered (g), (h) and (i) to read as follows:

Section 5. (g) To perform, administer and execute such powers, duties and functions delegated to it under the provisions of the Public School Finance Act of the State of Colorado.

(h) To approve the annual budget requests for the department.

(i) To distribute state and federal apportioned school funds to counties and school districts which comply with education laws and rules and regulations of the board, with the exception of any funds granted for vocational education and administered by the State Board for Vocational Education.

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.

Approved by the Governor

February 14, 1952

AN ACT

Senate Bill No. 18

RELATING TO FEES AND SALARIES; PROVIDING FOR THE CLASSIFICATION OF COUNTIES FOR THE PURPOSE OF PROVIDING FOR AND REGULATING COMPENSATION OF COUNTY JUDGES AND OTHER PUBLIC OFFICERS AND EMPLOYEES.

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

SECTION 1. For the purpose of providing for and regulating the compensation of county and other officers, the counties of this state are classified according to population into six classes, which are designated as Class I, Class II, Class III, Class IV, Class V and Class VI.

SECTION 2. Class I shall consist of the City and County of Denver, and the Annual salary of the county judge shall be as follows:

County Judge\$8,000.00

SECTION 3. Class II shall consist of the counties of Pueblo, El Paso, Weld, Jefferson and Arapahoe as Group A; and Boulder, Larimer, Adams, Mesa, Las Animas and Otero as Group B; and the annual salaries of county and other officers shall be as follows:

	Group A	Group B
(b) County Superintendent of Schools.....	\$5,000.00	\$4,600.00

SECTION 4. Class III shall consist of the counties of Fremont, Morgan, Delta, Logan, Montrose, La Plata, Prowers, Rio Grande and Garfield as Group A; Yuma, Huerfano, Alamosa, Conejos, Montezuma, Routt, Bent, Kit Carson, Baca and Washington as Group B; and the annual salaries of county and other officers shall be as follows:

	Group A	Group B
(b) County Superintendent of Schools.....	\$4,300.00	\$3,800.00

SECTION 5. Class IV shall consist of the counties of Chaffee, Lake, Costilla, Moffat, Lincoln, Gunnison, Saguache,

Crowley, Sedgwick, Phillips, Rio Blanco, Eagle and Elbert as Group A; Grand, Douglas, Cheyenne, Clear Creek, Archuleta, Kiowa, Teller and San Miguel as Group B; and the annual salaries of county and other officers shall be as follows:

	Group A	Group B
(b) County Superintendent of Schools.....	\$3,300.00	\$2,700.00

SECTION 6. Class V shall consist of the counties of Ouray, Jackson, Dolores, Park, Pitkin and Custer, and the annual salaries of the county and other officers shall be as follows:

(b) County Superintendent of Schools.....	\$2,400.00
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SECTION 7. Class VI shall consist of the counties of San Juan, Summit and Gilpin as Group A; Mineral as Group B; Hinsdale as Group C; and the annual salaries of county and other officers shall be as follows:

	Group A	Group B	Group C
(b) County Superintendent of Schools	\$2,100.00	\$600.00	\$240.00

SECTION 8. Chapter 165, Session Laws of Colorado, 1951; Sections 4, 5, 6, 7, 8 and 9, Chapter 170, Session Laws of Colorado, 1951; Chapters 2 and 5, Session Laws of Colorado, 1948 Extraordinary Session; and Sections 1, 2, 3, 4, 5, 6 and 7, Chapter 125, Session Laws of Colorado, 1945, are hereby repealed, **provided, however,** that this Act shall not be construed to repeal any provisions of said statutes concerning salaries to be paid to county or other officers until the salaries herein provided for become operative.

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.

Approved by the Governor

February 19, 1952

AN ACT

Senate Bill No. 55

CONCERNING TUITION OF PUPILS IN PUBLIC SCHOOLS AND TO AMEND THE LAW RELATING THERETO.

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

SECTION 1. Subsection Sixteenth of Section 89, Chapter 146, 1935 Colorado Statutes Annotated, as added by Chapter 201, Session Laws of Colorado, 1941, and as amended by Chapter 282, Session Laws of Colorado, 1947, is hereby amended to read as follows :

Sixteenth—Any school district not providing its own elementary or high school, which refuses to pay the tuition of any resident's qualified pupil for attendance at a school of his choice for which such pupil is qualified, and which school is not maintained by the district of residence, in another district within the state, shall not be eligible to receive any funds from the State Public School Fund or County Public School Fund. No district shall be required under the provisions of this act to pay tuition in excess of the total current cost per pupil at the school of attendance plus fifteen per cent (15%). Current cost shall be separately estimated as to elementary, high school and junior high school, if such junior high school be maintained, and tuition shall be based upon the cost of the respective school attended. The school year immediately preceding shall be used in determination of current costs. Credit shall be allowed a district paying tuition for all moneys received from the State Public School Fund and the County Public School Fund by the school of attendance as a result of attendance of any such pupil or pupils from such district ; **provided, that** to receive credit for funds from the State Public School Fund or County Public School Fund, such district shall have made the district special fund levy required of districts receiving funds from the State Public School Fund.

Nothing herein contained shall prevent payment of tuition in excess of the amounts herein provided, and boards of education shall have authority to enter into agreements for the payment of tuition upon such terms as shall appear reasonable to the contracting boards of education.

Tuition shall be payable for each school month in which a tuition child attends one or more days of school.

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.

Approved by the Governor
February 8, 1952

AN ACT

Senate Bill No. 73

MAKING A SUPPLEMENTAL APPROPRIATION TO THE
COMMISSIONER OF EDUCATION OF THE DEPART-
MENT OF EDUCATION.

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

SECTION 1. In addition to any appropriation heretofore made for the fiscal year 1952-1953, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated, to the Office of the Commissioner of the Department of Education, the sum of twelve thousand five hundred dollars (\$12,500.00) or so much thereof as may be necessary, for said fiscal year 1952-1953, to be expended for personal services, maintenance and operation, capital outlay and other expenses of said commission.

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.

Approved by the Governor

March 8, 1952

AN ACT

Senate Bill No. 23

MAKING A SUPPLEMENTAL APPROPRIATION TO THE COMMISSIONER OF EDUCATION OF THE DEPARTMENT OF EDUCATION

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In addition to any appropriations heretofore made for the fiscal year 1925-1926, there is hereby appropriated out of any moneys in the state treasury not otherwise appropriated to the Office of the Commissioner of the Department of Education the sum of twelve thousand five hundred dollars (\$12,500.00) or so much thereof as may be necessary for said fiscal year 1925-1926 to be expended for personal services, maintenance and operation, capital outlay and other expenses of said department.

SECTION 2. The General Assembly hereby declares that it is the policy of this state to encourage the highest and best educational system for the people of this state.

SECTION 3. The Commissioner of Education is authorized to employ such personnel as may be necessary for the proper administration of the department.

SECTION 4. The Commissioner of Education is authorized to make such contracts as may be necessary for the proper administration of the department.

SECTION 5. The Commissioner of Education is authorized to make such reports as may be necessary for the proper administration of the department.

SECTION 6. The Commissioner of Education is authorized to make such regulations as may be necessary for the proper administration of the department.

SECTION 7. The Commissioner of Education is authorized to make such rules as may be necessary for the proper administration of the department.

SECTION 8. The Commissioner of Education is authorized to make such orders as may be necessary for the proper administration of the department.

SECTION 9. The Commissioner of Education is authorized to make such decisions as may be necessary for the proper administration of the department.

SECTION 10. The Commissioner of Education is authorized to make such appointments as may be necessary for the proper administration of the department.

SECTION 11. The Commissioner of Education is authorized to make such removals as may be necessary for the proper administration of the department.

SECTION 12. The Commissioner of Education is authorized to make such transfers as may be necessary for the proper administration of the department.

Approved by the Governor
February 8, 1925



