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SCHOOL LAWS

Enacted by

The Thirty-ninth General Assembly

First Regular Session

STATE OF COLORADO



1953

Includes

SCHOOL LAWS

Passed at the

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

Convened at Denver

At 10 o'clock A. M., Monday, June 22,
A. D. 1953, and adjourned sine die on
Wednesday, June 24, 1953

BURTIS E. TAYLOR

Acting Commissioner of Education

1953/10/17

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SCHOOL LAWS

The Thirtieth General Assembly

STATE OF COLORADO



1953

SCHOOL LAWS

That the following laws be enacted to read:

Section 1. The following laws be enacted to read:

Section 2. The following laws be enacted to read:

SCHOOL LAWS

Enacted by

**THIRTY-NINTH
GENERAL ASSEMBLY**

First Regular Session

STATE OF COLORADO

1953

SCHOOL LAWS

and

THIRTY-NINE

CHAPTERS

OF THE

STATUTE BOOK

1903

AN ACT

House Bill No. 75

(Ch. 61, S. L. '53)

RELATING TO PENSIONING OF CERTAIN CLASSES OF PUBLIC EMPLOYEES AFTER RETIREMENT FROM OFFICE.

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

SECTION 1. Effective July 1, 1953, whenever any member of the Public Employees' Retirement Association as heretofore created by statute shall attain eligibility for service retirement benefits under the statutes and rules and regulations governing said Association and shall remain in the service of any of the state, school or municipal employers covered under said retirement system, the membership of such member in said Association shall be subject to the following provisions:

(a) A member who continues in such public service on and after the date he becomes eligible to retire with a service retirement annuity, and (1) dies prior to the effective date of his retirement while in public service, and (2) leaves a widow; or in the case of a female member, leaves a husband whom the Public Employees' Retirement Board finds to be totally and permanently disabled and to have been dependent upon the said female member for at least fifty per cent of his financial support, such deceased member's said widow or dependent husband, as the case may be, shall receive a retirement annuity computed in the same manner in all respects as if the said deceased member had (1) retired effective the day preceding the date of his death and (2) had elected "Option Three" under the optional forms of annuities provided for in said retirement system and (3) had nominated his said widow or dependent husband as joint beneficiary. In the event the said joint beneficiary thereafter remarries or dies his retirement annuity shall terminate; provided, that if the aggregate amount of retirement annuity payments received by the said joint beneficiary prior to such remarriage or death is less than the accumulated deductions credited to the said deceased member's individual account in the said retirement system at the time of his or her death, the remainder shall be paid to such person or persons as the said member shall have

nominated as beneficiary by written designation duly executed and filed with the retirement system. In the event there be no such designated beneficiary or beneficiaries surviving, then such remainder, if any, shall be paid to the legal representative of the deceased member.

(b) Any such member who continues in public service on and after the date he becomes eligible to retire with a service retirement annuity, as provided for in said retirement system, may, at his option, (1) within six months after the date he becomes eligible to retire, or (2) prior to July 1, 1954, whichever of (1) and (2) is later, by written declaration duly executed and filed with the Retirement System, elect said Option Three provided for in said retirement system and nominate a joint beneficiary, in the same manner as if such member were then retiring from public service. Any such election of Option Three and nomination of joint beneficiary so made shall not thereafter be revoked by the said member, prior to the effective date of his retirement, except upon the death of or divorce from, the person nominated as joint beneficiary. In the case of the death of, or divorce from, the said joint beneficiary, prior to said member's effective date of retirement, his previous election of Option Three and nomination of joint beneficiary shall be automatically revoked as of the date of such death or divorce, and the said member may again elect Option Three and again nominate a joint beneficiary as provided for in said retirement system at any time prior to the effective date of his retirement. If any member who has elected the said Option Three and nominated a joint beneficiary dies prior to the effective date of his retirement, then the said joint beneficiary shall immediately receive the same retirement annuity as he or she would have been entitled to receive under the said Option Three if the said member had retired effective the day preceding the date of his death. If any member who has so elected the said Option Three subsequently retires pursuant to the provisions of this Act, within a period of thirty days preceding the effective date of his retirement he shall again have the right to elect any option provided for in said retirement plan and again nominate a beneficiary thereunder.

SECTION 2. (a) Effective July 1, 1953 whenever any member of the Public Employees' Retirement Association, as embodied in Chapter 36, 1935 Colorado Statutes Annotated as amended, and Chapter 149, Session Laws of Colorado 1943, as

amended, and Acts amendatory or supplemental thereto, shall qualify for retirement, for service rendered, and not because of disability, and only in case such member has attained the age of sixty-five (65) years of age on or before the time of such retirement from service, and shall have remained in the public service until attaining age sixty-five (65), the limitation heretofore provided that the retirement benefit receivable by such employee shall not exceed two hundred dollars (\$200.00) per month is hereafter removed.

(b) Such removal of the limitation on such retirement annuities payable to retiring members of the Public Employees' Retirement System shall not apply to any benefits granted or effective prior to July 1, 1953.

SECTION 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

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. 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.

Approved February 25, 1953

AN ACT

House Bill No. 76

(Ch. 211, S. L. '53)

CONCERNING PAYMENT OF PENSIONS TO TEACHERS
AND RETIRED TEACHERS THROUGH THE STATE
TEACHERS' EMERITUS RETIREMENT FUND AND
TO AMEND THE LAW RELATING THERETO.

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

SECTION 1. Subsection (e) of Section 1, Chapter 274, Session Laws of Colorado, 1951, is hereby amended to read as follows:

Section 1. (e) And if retiring from school service after January 1, 1952, shall have become a member of the Public Employees' Retirement Association or any available local school district retirement plan on or before January 1, 1952; **provided, however,** former teachers not employed in teaching in public schools in Colorado on January 1, 1952, who re-enter such teaching service after said date and who are otherwise qualified hereunder may qualify for such benefits if such persons become or shall become members of the Public Employees' Retirement Association or any available local school district retirement plan immediately upon returning to school service.

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

SECTION 3. 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 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 February 12, 1953

A N A C T

House Bill No. 108

(Ch. 204, S. L. '53)

RELATING TO SCHOOLS AND PERTAINING TO THE EDUCATION OF PHYSICALLY HANDICAPPED AND EDUCABLE MENTALLY HANDICAPPED CHILDREN.

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

SECTION 1. The General Assembly hereby declares that the purpose of this act is to provide means for educating those children in the State of Colorado who are orthopedically, aurally, or visually handicapped, cardiopathic or tuberculous, deficient in speech or who are otherwise physically or mentally handicapped.

SECTION 2. As used in this act, the term "physically handicapped children" means those persons of sound mind between the ages of three and twenty-one years who suffer from any physical disability by reason of which it becomes impracticable or impossible for them to participate in or benefit from the classroom programs regularly provided in the public schools of the district wherein they reside, and whose education requires modification of such normal educational programs; and the term "educable mentally handicapped children" means those persons between the ages of six and twenty-one years whose intellectual development renders them incapable of being practically and efficiently educated by ordinary classroom instruction in the public schools of the district wherein they reside but who nonetheless possess the ability to learn, and may reasonably be expected to benefit from special programs designed to aid them in becoming socially adjusted and economically useful. The determination of the physical or mental handicap of a child shall rest upon individual physical and psychological examination conducted by accredited personnel.

SECTION 3. The means intended by this act to be provided for educating such physically handicapped or educable mentally handicapped children may include supplementary teaching services, special classroom programs, maintenance, trans-

portation to and from schools, and individual instruction in hospitals and homes, but nothing in this act shall be construed to authorize or permit the expenditure of any monies distributed pursuant to the provisions of this act for the erection or repair of school buildings in any school district, or for medical care.

SECTION 4. This act shall be administered by the State Board of Education, hereinafter referred to as the Board of Education, which shall maintain sufficient qualified personnel to supervise the provisions hereof, using in addition the existing facilities of the State Department of Health and Welfare wherever possible and necessary. The Board of Education shall prescribe reasonable rules and regulations covering procedures to be followed by those school districts electing to establish special education programs.

SECTION 5. Any school district wherein physically handicapped or educable mentally handicapped children may reside may establish special programs for the education of such children, and two or more school districts may jointly establish special education districts for the education of physically handicapped or educable mentally handicapped children, sharing the costs thereof jointly in accordance with rules and regulations prescribed by the State Board of Education.

SECTION 6. When any such special education program shall have been established by any school district or districts and shall have been determined by the Department of Education to be properly serviced, staffed, and equipped, the parent or guardian, of any physically handicapped or educable mentally handicapped child residing in such district or districts, shall make application upon prescribed form for the enrollment of such child to the local superintendent of schools, where one is available, or to the county superintendent of schools. Such child shall thereupon undergo physical and psychological examination by State accredited personnel for the purpose of determining whether or not he is capable of receiving benefit from participation in such a special education program, and if determined eligible and capable of receiving the indicated benefits, and upon approval of application by the Board of Education, shall thereupon be recommended for enrollment.

SECTION 7. Final decision upon the enrollment of any physically handicapped or educable mentally handicapped child in a special education program shall rest with the board of edu-

cation of the district providing such program, and in any case where the ability of a child to learn shall be determined to be borderline or questionable by approved standards of evaluation, then such child may be enrolled only for a current trial period not exceeding nine months, during which period determination of the child's ability to learn shall be made.

SECTION 8. Those school districts which may now or hereafter provide special programs approved by the Board of Education for the education of physically handicapped or educable mentally handicapped children shall be entitled to reimbursement for that part of the cost of providing such special programs which exceeds the cost of providing regular classroom programs for the education of normal children within the following limitations: the basis for reimbursement shall be the average per capita cost of education of normal children in those districts which maintain a special education program. Reimbursement per annum for each educable mentally handicapped child shall be 100% of the average normal per capita cost of education; for each physically handicapped child reimbursement shall be 200% of the average normal per capita cost of education; in no case may a district receive more reimbursement than the actual excess cost. At least 65% of the total appropriation for the education of handicapped children shall be used for such special programs.

SECTION 9. The Board of Education shall designate the items of cost, such as salaries of teachers, psychologists, and other personnel, transportation, and special equipment to be included in computing the excess cost of a special program over the cost of a regular classroom program. The board of education of each school district which may be eligible for reimbursement under any of the provisions of this act shall, on or before June 30 of each year, file a report with the Board of Education containing both a statement of costs of such special programs and costs of regular classroom programs maintained in the same district. Upon approval of such report by the Board of Education, such reporting districts shall be reimbursed for indicated excess costs, within the limitations of this act, providing, however, that in the event of appropriations insufficient to cover reimbursements provided for in this act, all approved reimbursements shall be pro-rated on the basis of total excess cost submitted in proportion to funds available for reimbursement.

SECTION 10. Those districts which provide speech correction and other approved supplementary teaching services may

claim reimbursement up to 80% of the cost of the teaching services not including transportation or equipment, providing the correctionist and other personnel meet the standards of certification set forth by the Board of Education.

SECTION 11. The Board of Education shall prescribe the minimum physical facilities required for special classroom programs and the diagnostic evaluation of children making application for enrollment therein, and in approving such special programs may recommend the grouping of children with common handicaps. It shall determine the standards of certification of special education teachers and shall prescribe the minimum and maximum enrollments in special programs for the purposes of reimbursement under this act.

SECTION 12. If no special program shall exist in the district of residence of any physically handicapped or educable mentally handicapped child, the parents or guardian, or the board of education of such district, may make application upon prescribed forms to the Board of Education, for enrollment of such child in a special program. The Board of Education shall ascertain the most feasible school district maintaining a special program for educating physically handicapped or educable mentally handicapped children, and upon determination of eligibility and capability of receiving benefits from enrollment in such special program by physical and psychological examination of the child, and upon approval of the board of education of such receiving school district, said child may be enrolled therein, and in such case the district of residence shall pay to the district of attendance an amount equal to the yearly cost of educating a normal child of like age in such district of attendance.

SECTION 13. For each physically handicapped or educable mentally handicapped child enrolled in a public school program for such children in a district other than the district of residence, the Department of Education may pay to the district of attendance tuition not exceeding \$300.00 and for the maintenance of each such child an amount not exceeding \$500.00 or in lieu of maintenance, the cost of transportation of such child not exceeding \$150.00 per school year. Payment for maintenance shall be made only in case the parent or guardian of such child does not maintain a residence within the school district wherein the child is enrolled, and payment of maintenance shall be made only in those cases where a financial need shall have been determined through the proper welfare agencies. Before making

any of the payments in this section provided, the Department of Education shall first ascertain that the school district of residence cannot practically and efficiently maintain a special program for the education of physically handicapped or educable mentally handicapped children residing therein.

SECTION 14. Special instructional services for physically handicapped and educable mentally handicapped children who are hospitalized or homebound may be provided by any school district in which such children are legal residents. Application for such services shall be submitted upon prescribed forms to the district superintendent of schools where one is available or to the county superintendent of schools who shall forward such applications to the Board of Education for investigation of the need for such services. If after investigation, the Board of Education is satisfied that the need exists, it shall approve the employment by the local school district of a teacher certified by the Board of Education to give instruction to those children hospitalized or homebound, in accordance with prescribed rules and regulations.

SECTION 15. Those school districts which may now or shall hereafter provide instructional services for physically handicapped or educable mentally handicapped children who are hospitalized or homebound, and which have agreed to expend an amount equal to their annual normal per capita cost for the instruction of such children, shall receive reimbursement from the Board of Education up to a maximum of five hours per week per child, based on the hourly cost of instruction in excess of the per capita hourly cost of instruction in regular classroom programs provided by said district but not to exceed 38 weeks per school year.

SECTION 16. The State Department of Public Health and local health departments shall provide public health services in accordance with existing programs, and be available to communities for consultation. Licensed child placement agencies, and county departments of public welfare under the supervision of the State Department of Public Welfare, shall in accordance with existing programs provide the necessary social services and be available to the communities for consultation in developing the welfare aspects of the special education program.

SECTION 17. No handicapped child as defined in Section 2 hereof, shall be required to be enrolled in any special education

program if the parent or guardian of such child shall certify to the satisfaction of the board of education of the district wherein such child resides, that such child is receiving adequate education advantages.

SECTION 18. All acts and parts of acts in conflict herewith are hereby repealed and Chapter 78, Session Laws of Colorado, 1937; Chapter 69, Session Laws of Colorado, 1945, and Chapter 221, Session Laws of Colorado, 1949, as amended by Chapter 264, Session Laws of Colorado, 1951, are hereby specifically 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 this 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. This act shall take effect and be in force from and after July 1, 1953.

SECTION 21. 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 March 12, 1953

AN ACT

House Bill No. 171

(Ch. 206, S. L. '53)

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 amended by Chapter 60, Session Laws of Colorado, 1952, is hereby amended to read as follows:

Sixteenth—Any school district not providing its own elementary, junior high school or high school, shall not be eligible to receive any funds from the State Public School Fund or the County Public School Fund if it refuses to pay tuition for any resident pupil for attendance at a school of his choice for which such pupil is qualified, in another district within the state which is not maintained by the district of residence of the pupil.

No district shall be required under the provisions of this act to pay tuition in excess of the total current cost per pupil in the school of attendance, plus fifteen per cent (15%), and less the average amount per pupil received by the school of attendance from the State Public School Fund and the County Public School Fund.

Said current cost shall be separately estimated by the school of attendance as to elementary, junior high school and high school; and such current cost and the amount to be deducted on account of funds received from the State and County Public School Funds shall be determined upon the cost and the amount received during the school year immediately preceding that in which such tuition is being paid.

In case the district of residence of a tuition pupil has not made for the current year, the special levy required of districts receiving funds from the State Public School Fund, no deduction shall be made from the tuition charged for funds received from the State and County Public School Funds by the district of attendance.

Any Board of Education paying tuition under the provisions of this act may appeal to the State Board of Education for a determination as to the reasonableness of the amount of said current cost as computed by the district of attendance, and the determination of the board as to a fair and equitable current cost shall be final.

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; **provided, however,** it shall not be lawful for any Board of Education to pay tuition at a rate higher than that provided for in this act.

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. This act shall be in force and effect from and after July 1, 1953.

Approved March 17, 1953

A N A C T

House Bill No. 191

(Ch. 127, S. L. '53)

RELATING TO LEGAL HOLIDAYS.

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

SECTION 1. Section 1, Chapter 79, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 1. The following days, viz.: the first day of January, commonly called New Year's Day; the twenty-second day of February, commonly called Washington's Birthday; the thirtieth day of May, commonly called Decoration Day; the fourth day of July, commonly called Independence Day; the first Monday in September, commonly called Labor Day; the day of the General Election in November or such other day as a General Election may be held; Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day; and any day appointed or recommended by the Governor of this state or the President of the United States as a day of fasting or prayer, or thanksgiving, are hereby declared to be legal holidays; and shall, for all purposes whatsoever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, drafts, bank checks, promissory notes, or other negotiable instruments, also for the holding of courts, be treated and considered as is the first day of the week commonly called Sunday; **provided**, that in case any of the said holidays or any other legal holiday hereafter designated shall fall upon a Sunday, then the Monday following shall be considered as the said holiday, and all notes, bills, drafts, checks or other negotiable instruments falling due or maturing on either of said days, shall be deemed to be payable on the next succeeding business day; and in case the return or adjourned day in any suit, matter or hearing before any court shall come on any day before mentioned, such suit, matter or proceeding, commenced or adjourned as aforesaid, shall not, by reason of coming on any such day, abate, but the same shall stand continued to the next succeeding day, at the same time and place, unless the next day shall be the first day of the week, when in such case the same shall stand continued to the day next succeeding, secular or

business day, at the same time and place; provided, further, nothing in this section shall prevent the issuing or serving of process on any of the days above mentioned, or on Sunday.

SECTION 2. The following days, viz.: the twelfth day of February, commonly called Lincoln's Birthday; the first day of August, commonly called Colorado Day; the twelfth day of October, commonly called Columbus Day; and the eleventh day of November, commonly called Armistice Day, are hereby declared to be legal holidays and shall, for all purposes as regards the holding of courts, be treated and considered as the first day of the week commonly called Sunday; provided, that in case any of said holidays shall fall upon a Sunday, then the Monday following shall be considered as the said holiday, and in case the return or adjourned day in any suit, matter or hearing before any court shall come on any of such days, such suit, matter or proceeding, commenced or adjourned as aforesaid, shall not, by reason of coming on any such day, abate, but the same shall stand continued to the next succeeding day, at the same place and time, unless the next day shall be the first day of the week, when in such case the same shall stand continued to the next succeeding, secular or business day, at the same time and place; provided, nothing in this section shall prevent the issuing or serving of process on any of the days above mentioned or on Sunday; and provided, further, that any bank as defined in Section 1, Chapter 18, 1935 Colorado Statutes Annotated, or any Industrial bank, National Banking Association, Savings bank, Trust Company or State or Federal chartered Building or Savings and Loan Association, or Federal Reserve bank, may, at its option, close or remain open for business on any date designated in this section as a legal holiday. Upon any such bank or other such organization being closed on such day, any act authorized, required or permitted to be performed at or by such bank or other such organization may be performed on the next succeeding business day and no liability or loss of rights of any kind shall result from such delay, notwithstanding the provisions of any other law of this state to the contrary. The provisions of this section shall not operate to invalidate or prohibit the doing on any of the legal holidays named in this section of any such act by any person or organization referred to herein, and nothing in this section shall, in any manner whatsoever affect the validity of or render void or voidable the payment, certification or acceptance of a check or any other negotiable instrument or any other

transaction by any of such organizations because done or performed during any of the legal holidays designated in this section, notwithstanding the provisions of any other law of this state to the contrary.

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 March 2, 1953

AN ACT

House Bill No. 192

(Ch. 212, S. L. '53)

TO PROVIDE LEGAL PROCEDURE FOR THE EMPLOYMENT, DISMISSAL, AND COMPULSORY RETIREMENT, TENURE AND CONTRACTS OF THE TEACHERS IN THE PUBLIC SCHOOLS AND JUNIOR COLLEGES, AND TO REPEAL SECTIONS 238 AND 239, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED, CHAPTER 157, SESSION LAWS OF COLORADO, 1939, AND CHAPTER 230, SESSION LAWS OF COLORADO, 1949, AND ALL OTHER ACTS OR PARTS OF ACTS INCONSISTENT HEREWITH.

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."

SECTION 2. The term "teacher" as used in this Act shall be deemed to mean and include all persons regularly certified by the teacher certifying authority of the State of Colorado, excepting those holding special permits and excepting the chief administrative officer of any school district; provided, however, that a person whose duties include those of a chief administrative officer and who is on the average required to spend two-thirds or more of the regular school hours during each school day in classroom teaching, shall be included under the provisions of this Act as a teacher.

SECTION 3. Any teacher having served as a teacher in active service in the same first-class school district, county or union high school district, or junior college (including the time before and after the passage of this Act), on a regular full-time basis continuously and without interruption for three full years, and who shall thereafter, and subsequent to the effective date of this Act, be re-employed for the fourth year immediately succeeding in such first-class district, county or union high school district, or junior college, shall, without further election, have stable and continuous tenure as a teacher in such school during efficiency and good behavior and continuous service. Absences

or leaves of absences approved by the employing board shall not be considered as an interruption. 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. Service as a substitute, special, or part-time or supply teacher shall not be deemed service on a regular full-time basis within the meaning of this Act.

SECTION 4. Nothing herein contained shall be construed as affecting the right of permanent tenure acquired by any teacher under laws in effect prior to the passage of this Act; provided, however, that the right to such continuing tenure shall hereafter be subject to termination as provided in this Act.

SECTION 5. A teacher on continuous tenure may, upon the recommendation of the superintendent, be transferred from one school, position, or grade to another within the same district, provided such transfer does not result in the assignment of a teacher to a position which he is not qualified to fill by virtue of training and certification, and provided further that such transfer shall not change the position to which such teacher is entitled on the regular teacher salary schedule of the employing district; except that a teacher who has been occupying a position of an executive or administrative nature, may if deemed unsatisfactory in such position be returned to regular classroom teaching at the regular salary figure to which he would have been entitled had he not occupied such administrative or executive position. There shall be no discrimination shown toward any teacher in the assignment or transfer of that teacher to a school, position, or grade because of race, creed or color.

SECTION 6. Salary or compensation of any teacher on continuous tenure may be changed for any succeeding year to accord with the general salary schedule adopted by the employing board of education, county high school or junior college committee. There shall be no reduction in the salary of any classroom teacher unless there is a general reduction in the salaries of fifty percent (50%) or more of all teachers in the district.

SECTION 7. Cancellation of an employment contract with a teacher on continuous tenure may be made for incompetency, neglect of duty, immorality, insubordination, justifiable decrease in the number of teacher positions, or other good and just cause. Provided, however, that the employing board or committee may

cancel such employment or impose a mandatory retirement only upon the following procedure :

(a) Written notice setting forth the basis upon which such action is requested or contemplated shall be filed with the secretary of the employing board or committee by the person initiating such action.

(b) A copy of such notice shall be mailed, by registered mail, to the teacher whose employment is sought to be terminated at his address as last known to the employing board or committee, together with a statement over the signature of the president or secretary of the employing board or committee, advising such teacher that if he desires a hearing upon such requested or contemplated cancellation of employment or mandatory retirement, a request for such hearing, either public or private at his choice, must be delivered to the secretary of the employing board or committee within ten (10) days from the date of mailing such copy of notice and statement. If no such request for hearing is made by such teacher, the right to a hearing shall be deemed waived. Provided, that the employing board or committee may permit such hearing if, in its sole discretion, the failure to request such hearing was due to excusable oversight or inability to act on the part of such teacher. In the absence of such request for hearing, or permission for such hearing, the employing board or committee may proceed to consideration of the requested or contemplated cancellation of employment or mandatory retirement of any regular meeting of such board or committee, or at a special meeting including such matter in the call therefor.

(c) If a hearing shall be requested or permitted, the employing board or committee, or its president or other chief executive officer, shall fix a date for such hearing which shall be within thirty (30) days after request therefor or permission given therefor, and notice setting forth the time and place thereof shall be mailed by registered mail to such teacher at his address as last known by the employing board or committee, at least ten days before such hearing.

(d) At any such hearing the teacher shall have the right to appear in person with or without counsel, and shall have the right to be heard and to present the testimony of witnesses and other evidence bearing upon the reasons for the proposed cancellation of employment or mandatory retirement, and shall have

the right to cross-examine witnesses at the hearing. No testimony shall be received from a witness except under oath or affirmation, which may be administered by any member of the employing board or committee. Any witness who shall testify falsely pertaining to the matter under inquiry shall be deemed guilty of perjury and shall be punished accordingly.

At any such hearing the employing board or committee may in its discretion receive and consider reports and records made and kept in the usual course of business of such district or junior college, and it shall not be necessary that technical rules governing admission of evidence in courts of law be observed.

The findings and conclusions of the employing board or committee on the facts shall be final and conclusive, and shall not be set aside except for fraud, abuse of discretion, or for violation of any law or laws.

SECTION 8. Any teacher in the public schools employed on a full-time basis but not under continuous 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 shall notify the employing board of education in writing to the contrary on or before said 15th day of April.

SECTION 9. From and after the effective date of this Act tenure protection against dismissal or retirement shall cease when the teacher reaches the age of sixty-five (65) years, Provided, however, that tenure protection shall continue beyond the age of sixty-five (65) years unless/or until the teacher has had at least one year's notice in writing from the employing board or committee that his employment will be terminated.

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 this 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. Sections 238 and 239, Chapter 146, 1935 Colorado Statutes Annotated, Chapter 157, Session Laws of Colorado, 1939, and Chapter 230, Session Laws of Colorado, 1949, and

all other Acts or parts of Acts inconsistent herewith are hereby repealed.

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.

Approved March 26, 1953

AN ACT

House Bill No. 225

(Ch. 203, S. L. '53)

RELATING TO SCHOOLS AND SCHOOL DISTRICTS,
AND TO AMEND THE LAW RELATING THERETO.

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

SECTION 1. Section 28, Chapter 224, Session Laws of Colorado, 1949, as amended by Section 16, Chapter 268, Session Laws of Colorado, 1951, is hereby amended to read as follows:

Section 28. The regular election for electing members of Boards of Education in districts heretofore or hereafter organized under the provisions of this act shall be held biennially on the first Monday in May of each odd numbered year.

When a new district shall have been formed under the provisions hereof the chairman of the County Committee shall call a special election in such new district for the election of a Board of Education for the district, to be held on the day the new district becomes a body corporate, and at such election five members of the Board of Education shall be elected, one to serve until the next regular biennial election, two to serve until the second regular biennial election, and two to serve until the third biennial election. As each of said terms expires, successors shall be chosen for terms of six years each.

In districts heretofore organized under the provisions of this act, two members of the Board of Education shall be elected at the regular biennial election to be held on the first Monday in May, 1953, to serve a term of two years. At a special election to be held on the first Monday in May, 1954, one member shall be elected, who shall have a term of three years, and at the regular biennial election of 1955 two members shall be elected, who shall have terms of four years each. As each of said terms expires, successors shall be chosen for terms of six years each.

All of said elections shall be held in accordance with the laws governing elections in districts of the first class in districts of the class in which the new district belongs.

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 April 1, 1953

AN ACT

House Bill No. 323

(Ch. 209, S. L. '53)

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. Section 7, Chapter 153, Session Laws of Colorado, 1949, is hereby amended by the addition of new Subsection (m) to read as follows:

(m) To accept, to use, disburse and administer all federal-aid or other property, services and moneys allotted to the state board of education for state and local public schools or public educational functions, or allotted without designation of a specific agency for purposes which are within the functions of the state board of education; and to prescribe, by rule or regulation not inconsistent with the laws of this state, the conditions under which such property, services or moneys shall be accepted and administered. On behalf of the state, the commissioner of education is empowered to make such agreements with the approval of the attorney general, not inconsistent with the laws of the state, as may be required as a condition precedent to receiving such funds or other assistance.

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 April 1, 1953

A N A C T

House Bill No. 442*

(Ch. 168, S. L. '53)

APPORTIONING THE MONEYS RECEIVED BY THE STATE OF COLORADO FROM THE SECRETARY OF THE TREASURY OF THE UNITED STATES PURSUANT TO THE PROVISIONS OF SECTION 35, FEDERAL OIL LEASING ACT OF FEBRUARY 25, 1920, AS AMENDED, AND REPEALING THE LAW RELATING THERETO.

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

SECTION 1. Section 61 of Chapter 118, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 61. In accordance with the provisions of Section 35, Federal Oil Leasing Act of February 25, 1920, as amended by subsequent acts dated May 27, 1947, and August 3, 1950, the State Treasurer is hereby directed to receive and hold such sums of money as may be payable to the state by the Secretary of the Treasury of the United States as the state's share of sales, bonuses, royalties and rentals of public lands, for (1) the benefit of the several counties of the state from which said sales, bonuses, royalties and rentals originate, and for (2) the benefit of the public schools of this state.

SECTION 2. Section 62 of Chapter 118, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 62. (1) Such money as may be received by the State Treasurer in accordance with Section 61 hereof, shall be paid to the several counties of the state from which said sales, bonuses, royalties and rentals originate for the purpose of construction and maintenance of public roads or for the support of public schools, and the county commissioners of any county receiving such money shall apportion said money between the county public school fund and the county road fund, provided that not more than seventy-five percent of said money shall be apportioned to either of said funds; provided, that during the year 1955 no single county of the state shall receive an amount in excess of \$500,000.00; provided further, that during the

*See Senate Bill 2, Extra Session (page 62), for repeal of H.B. 442 and subsequent law passed.

calendar year 1956 no single county of the state shall receive an amount in excess of \$300,000.00; and provided further, that during any subsequent calendar year no single county of the state shall receive an amount in excess of \$200,000.00. If, subsequent to the passage of this act, any new oil fields shall be discovered, developed and brought into production in any county of this state, and moneys therefrom shall be received by the State of Colorado from the Secretary of the Treasury of the United States, then notwithstanding any other provisions of this act, there shall be paid to the county in which said new oil fields shall be located, and from which such moneys originate, the amount of said moneys, not exceeding \$500,000.00 during the first, second and third years, and not exceeding \$200,000.00 in any year thereafter, which moneys shall be apportioned by the county commissioners of said county as hereinabove provided.

(2) The balance of any moneys so received remaining after payment to the several counties of the state as provided in subsection (1) hereof shall be paid by the State Treasury into the State Public School Fund, to be used for the support of the public schools of the state in accordance with the provisions of Chapter 59, Session Laws of Colorado, 1952.

SECTION 3. Section 63 of Chapter 118, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 63. Warrants in payment of the amounts due the several counties of the state shall be issued and paid pursuant to the provisions of the law.

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 1, 1953

AN ACT

House Bill No. 465

(Ch. 19, S. L. '53)

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 1953-1954, the sum of eleven million seven hundred twenty-five thousand dollars (\$11,725,000.00), for the purpose of providing funds for distribution under the provisions of the Public School Finance Act of the State of Colorado, and any amendments thereto.

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 April 5, 1953

SENATE BILLS

AN ACT

Senate Bill No. 7 (Ch. 59, S. L. '52)*
As Amended by House Bill 285 (Ch. 208, S. L. '53)

Amended Sections set in Italics

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.

*See Senate Bill 1, Extra Session (page 59), for amendments to Sections 8, 11 and 13 of S.B. 7.

(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

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

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.

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.

(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.

Determining aggregate days when new district formed

(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 public school finance program as herein defined and provided for, it shall be the duty of the board of county commis-*

Commissioners levy tax amount

sioners of each county to levy, at the same time that other taxes are levied for county purposes, a tax of four and one-fourth ($4\frac{1}{4}$) mills on all of the taxable property in the county; **provided, however,** that if a levy of less than four and one-fourth ($4\frac{1}{4}$) mills will produce a sum greater than the total aggregate classroom unit values of all school districts in any county, the board of county commissioners of such county may petition the state board for a determination of the amount of money which will be needed for such total aggregate classroom unit values. 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 eleven and one-fourth ($11\frac{1}{4}$) mills.

County making levy in 1952 deemed to have made necessary levy

Any county which made the required county levy, or any city and county which made the required total levy, in the calendar year 1952, as provided by Chapter 59, Session Laws of Colorado 1952, before amendment of said act by this act, shall be deemed to have made the necessary levy required by this section for the year 1953.

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

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.

Minimum Salary to be paid to entitle district to funds

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, one and one-half (1½) mills; in districts of the first, second, or third class which are parts of county or union high school districts, five and one-half (5½) mills; in all other districts, seven (7) mills.*

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

(2) *Any school district which made the required minimum district levies in the calendar year 1952, and in all other respects qualified under the provisions of Chapter 59, Session Laws of Colorado, 1952, before amendment of said act by this act, 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, 1953.*

District making minimum levy in 1952 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

Proportional amount to which District is entitled

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

in the County Public School Fund to the special funds of the respective districts in said proportions.

State provide
deficiency
in funds

Section 13. Minimum Equalization Program. *From and after July 1, 1953, 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 distribution 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 two thousand five hundred dollars (\$2,500.00), and for those served by teachers holding graduate certificates the sum of two thousand seven hundred and twenty-five dollars (\$2,725.00).*

Amounts based
upon teacher
certification

State Board
determine
amount each
district
entitled to
receive

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.

State Treasurer
make distribu-
tion upon
certification of
State Board

(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

Basis for
making
distribution

State Board
make certifi-
cation to State
Treasurer

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

(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.

Remaining funds distributed—
How—when

(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 Board certify amount to State Treasurer

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 made to State Board

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.

State Board make investigation and certify amount to be paid

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.

Secretary of Board certify acceptance of Act to County Superintendent

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.

County Superintendent certify to State Board

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.

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

(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.

County Superintendent certify information to State Board--
When

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.

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

(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.

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

(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.

Forms prescribed by 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 be 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 allow-

able classroom units may first assign classroom unit values on the basis of those teachers holding graduate certificates.

Junior Colleges heretofore organized entitled to direct grant

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

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

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.

Funds not to be used for debt service or Capital Outlay

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

County Treasurer not to collect collection fee

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.

Joint District—Classroom Units—How calculated

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 treas-

County Treasurer designated to receive joint school district funds

County
Treasurer
not to charge
collection fee

urer 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.

Location of
Administrative
Headquarters
designated in
joint district

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.

Act not to
limit right
to make
other levies

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.

Other funds
allowable

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

Fiscal year

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

State Board
make Rules
and Regula-
tions for
administration

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.

Disposition of
unexpended
balances

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" general 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 in 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.

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.

Sections
and
Chapters
Repealed

SECTION 25. This act shall be in force and effect from and after July 1, 1953.

Approved April 20, 1953

The Sections set in *Italics* are the amendments to Senate Bill No. 7, which amendments were enacted by the 1953 Legislature and amended by Senate Bill 1 extra session (see S. B. 1 extra session, p. 59).

AN ACT

Senate Bill No. 107

(Ch. 41, S. L. '53)

CONCERNING MOTOR VEHICLES, AND TO AMEND
THE LAW RELATING THERETO:

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

SECTION 1. Section 239, Chapter 16, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 239 (a) The driver of a vehicle upon any highway outside of a business or residence district, upon meeting or overtaking any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall slow down to ten miles per hour.

Every school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than 8 inches in height which can be removed or covered when the vehicle is not in use as a school bus.

(b) Every school bus shall stop as far to the right off the roadway as possible before discharging or loading passengers and, when possible, shall not stop where the visibility is obscured for a distance of 200 feet either way from the bus.

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 April 1, 1953

A N A C T

Senate Bill No. 137

(Ch. 207, S. L. '53)

AUTHORIZING THE LEASING OF SCHOOL DISTRICT LANDS FOR OIL AND GAS AND THE COMMITMENT OF SUCH LANDS TO POOLING AND UNITIZATION AGREEMENTS,

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

SECTION 1. Every school board shall have the power to lease any real estate or any interest therein owned by the school district for oil and gas and exploration, development and production purposes, upon such terms and conditions as may be prescribed and contracted by the school board in the exercise of its best judgment and as such board deems to be for the best interests of the school district; **provided, however**, that any such lease of oil and gas rights shall be for a term not to exceed ten (10) years and as long thereafter as oil or gas is produced and shall provide for a royalty of not less than twelve and one-half per cent ($12\frac{1}{2}\%$) of all oil and gas produced, saved and marketed, or the equivalent market value thereof, which royalty may be reduced proportionately under appropriate provision in such lease if the interest in the school district is less than a full interest in the land or oil and gas rights in the land described in such lease; and **provided further**, that when in the opinion of the school board and because of the size, shape or current use of any tract of land owned by the school district, the best interests of the school district require, any lease of such tract may provide that no drilling shall be conducted on the land covered thereby, in which case such lease shall be for a term not to exceed ten (10) years and so long thereafter as the school district may share in royalties payable on account of production of oil or gas from lands adjacent to such tract so leased.

SECTION 2. When deemed by the school board to be in the best interest of the school district, any school district, acting by its school board, may enter into any unit agreement providing for the pooling, unitization or consolidation of acreage covered by any oil and gas lease executed by such school district with other acreage for oil and gas exploration, development and pro-

duction purposes and providing for the apportionment or allocation of royalties among the separate tracts of land included in such unit or pooling agreement on an acreage or other equitable basis and may by such agreement, with the consent of the lessee under such lease, change any and all of the provisions of any lease issued by such school district, including the term of years for which such lease was originally granted, in order to conform such lease to the terms and provisions of such unit or pooling agreement and to facilitate the efficient and economic production of oil and gas from the lands subject to such agreement.

SECTION 3. The leasing of school district real estate under the provisions of this act shall not be deemed to be a sale of such school property.

SECTION 4. All leases of oil and gas or rights therein and all unit agreements relating to or dealing with oil and gas and containing provisions similar to those set forth in this act affecting school district lands heretofore made or entered into by any school district, acting by the school board, are hereby confirmed, validated and declared to be legal and valid in all respects.

SECTION 5. 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 provision or application, and to this end the provisions of this act are declared to be severable.

SECTION 6. 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 16, 1953

AN ACT

Senate Bill No. 156

(Ch. 205, S. L. '53)

RELATING TO THE POWERS AND DUTIES OF SCHOOL DISTRICT OFFICERS, THE HANDLING OF SCHOOL DISTRICT FUNDS, TO AMEND SECTIONS 54, 60, 86, 103 AND 112, CHAPTER 146, 1935 COLORADO STATUTES ANNOTATED, AND TO REPEAL SECTION 55, CHAPTER 146, COLORADO STATUTES ANNOTATED, AND ANY OTHER ACTS OR PARTS OF ACTS IN CONFLICT HEREWITH.

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

SECTION 1. Election to Receive District Funds from County Treasurer. The Board of Education of any first class school district may elect to have all moneys received by the County Treasurer for such district paid direct to the treasurer of such district by said County Treasurer, to be deposited and disbursed by said district treasurer as provided by law. Written notice of such election shall be filed with the County Treasurer by the secretary of the district, and thereafter unless and until revocation of said election by said board of education the County Treasurer shall, at least once each month, pay to the treasurer of the district upon proper warrant of the district, all moneys collected by him for such district.

SECTION 2. Section 54, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 54. Depositories in Certain Districts of the First Class—Treasurer to Give Bond—Amount—Effect of Failure to Give Bond. In school districts of the first class having a school population of more than thirty thousand (30,000), and in districts electing to operate under the provisions of Section 1 of this act, the funds of the district, after their receipt by the district treasurer, shall be deposited to the credit of the school district in a depository, or depositories, designated by the board of education.

Each of such depositories shall be required to give a bond, or bonds, the surety on such bond, or bonds, to be a responsible surety company, which bond, or bonds, shall be conditioned for

the payment of all sums so deposited, together with accrued interest thereon, upon demand of the school district acting through its treasurer; provided, however, the treasurer of the district, by and with the consent and approval of the board of education thereof, may accept in lieu of such surety bond, or bonds, approved bonds of the United States, of the State of Colorado, or general obligation bonds of cities within the State of Colorado having a population of more than twenty-five thousand (25,000), or of the said school district, such bonds to be placed with and held in trust by the trust department of some bank other than that of the bank giving such bonds, or with the Denver branch of the Federal Reserve Bank of Kansas City, contingent upon the issuance by said Denver branch of the Federal Reserve Bank of Kansas City of its joint custody receipt subject to the joint order of the depository and the treasurer of the school district, to secure and guarantee payment of the principal and accrued interest thereon of the deposits of said school district, and the treasurer shall not have on deposit at any time in any one (1) depository a sum greater than the amount of the surety bond, or bonds of the depository, or in lieu of such surety bond, or bonds, the amount at market value thereof of approved bonds placed with and held in trust by the Trust Department of the bank holding said approved bonds or with the Denver branch of the Federal Reserve Bank of Kansas City to secure the deposits and accrued interest thereon of said school district in said depository as aforesaid; provided, further, that such school district may pay the premium on depository bonds or fees incurred in connection with trusts or escrows to secure the deposits and accrued interest thereon.

In such school districts the treasurer shall give bond in a sum to be fixed by the board of education or high school committee, which bond shall be approved by and filed with the County Superintendent of Schools.

The treasurer of such school district who shall fail or refuse to give bond as above provided shall be disqualified from receiving any money on account of the district until such bond in the amount of \$100,000.00 or 50% of the budget as filed with the State Tax Commission, whichever is the lesser amount. In any school district electing to operate under this act or having a school population of thirty thousand (30,000) or more the school board shall prepare a monthly summary showing the receipts and balances each month and shall make such summaries

available upon request. The office of treasurer shall be deemed vacant and the vacancy so created shall be filled in the same manner as other vacancies are filled.

SECTION 3. Section 60, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 60. **School Orders Registered when Insufficient Funds—Interest.** In school districts having a school population of more than thirty thousand (30,000), and in districts electing to operate under the provisions of Section 1 hereof, school orders drawn on the district treasurer and made payable to his order for the purpose of transferring funds to his checking accounts for payment of indebtedness of the district in accordance with the orders of the board, may, when the treasurer has insufficient funds with which to pay the same, be registered in the name of the bank or banks which shall advance the necessary funds with which to pay such indebtedness; and when so registered shall become legal obligations of the district; and the amount of such registered school orders shall be repaid to such bank or banks together with interest on the same, from date of registration, at the rate allowed by law to be paid on registered county warrants unless a lower rate of interest shall have been agreed upon.

SECTION 4. Section 86, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 86. **Directors to Qualify — Vacancy — Treasurer's Bond and Report — Depositories.** The directors shall each within twenty (20) days after his or her election appear before some officer authorized to administer oaths, and take an oath that he or she will faithfully perform the duties of his or her office required by law, and will support the Constitution of the United States, the Constitution of the State of Colorado, and the laws made pursuant thereto, which oath may be administered by the County Superintendent or by the president of the board, and which oath shall be filed with the County Superintendent; and in case of failure to so qualify within said period, his or her office shall be deemed vacant and the vacancy thus created shall be filled in the same manner as other vacancies in the office of director. If the amount of money liable to come into the hands of the treasurer in the discharge of his official duties exceeds Twenty Dollars at any one time, he shall, except in school districts having a school population of more than thirty thousand (30,000) and in districts electing to operate under the provisions

of Section 1 of this act, give bond in double the amount of money liable to come into his hands, which amount shall be determined by the board of education, which bond shall be approved by and filed with the County Superintendent. The treasurer of any school district of any class who shall fail or refuse to give bond as above when required to do so by the board, shall be disqualified from receiving any money on account of the district, until such bond is executed and filed, and if such failure shall continue for more than thirty (30) days after such bond has been ordered by the board, the office of treasurer shall be deemed vacant and the vacancy so created shall be filled in the same manner as other vacancies. The treasurer of all first class districts shall publish, semi-annually, in some newspaper published within the County wherein such district is located, a complete and full report of all receipts and expenditures of the said district's funds.

SECTION 5. Section 103, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 103. **Meetings—President to Sign Orders on Funds—Absence from District.** The president when present shall preside at all meetings of the board and of the district. He shall sign all orders on the county treasurer and on the district treasurer for the payment of money; provided, that in districts having a school population of more than thirty thousand (30,000), the vice-president, if any there be, may, in the absence or inability of the president, sign all such orders, or the president may designate any person not an officer for that purpose, with the approval of the board, which person shall give bond in such amount as may be fixed by the board, said bond to be approved by and filed with the County Superintendent of Schools. Except in districts having a school population of more than thirty thousand (30,000) and in districts electing to operate under the provisions of Section 1 of this act, no orders shall be drawn on the county treasurer except in favor of parties to whom the district has become lawfully indebted. In districts having a school population of more than thirty thousand (30,000), and in districts electing to operate under the provisions of Section 1 of this act, the funds of the district shall be held and distributed by the district treasurer only to persons, firms and corporations to whom the district shall have become lawfully indebted, in accordance with the orders of the board. In districts of the second and third classes, in the absence of the president, the secretary shall preside at board and district meetings. In districts of the first class the board

may elect one of its members vice-president. In such case the vice-president, in the absence of the president, shall preside at board meetings. In case of the absence or inability of the president to perform any of his duties, or in case of his refusal to do so when so ordered by the board, or at any time with his approval, the board of education may delegate to the vice-president, and he shall thereupon be empowered to perform, such duties of the president as shall be so delegated to him. Absence from the district of any director or officer of the district, without leave of the board entered upon its minutes, when prolonged beyond thirty (30) consecutive days, may be held to work a vacancy in said office when so declared by the vote of three-fourths of the remaining members of the board; and such vacancy shall be filled as other vacancies are filled.

SECTION 6. Section 112, Chapter 146, 1935 Colorado Statutes Annotated, is hereby amended to read as follows:

Section 112. **Duties of Treasurer—Neglect of Duty.** It shall be the duty of the treasurer to countersign all lawful warrants drawn by the president and secretary on the county treasurer, and to keep an account of the same. He shall take charge of all moneys received by him on account of the district, and pay out the same according to law. In school districts having a school population of more than thirty thousand (30,000), and in districts electing to operate under the provisions of Section 1 of this act, he shall pay out moneys in his hands upon lawful orders drawn and countersigned by the secretary and signed by the president. In such districts if the legal warrant of the district be presented to him when there are no funds in his hands to the credit of the district fund against which the warrant is drawn, he shall endorse, or cause to be endorsed, upon such warrant the words "no funds," together with his signature, or a facsimile thereof, and the date of such presentment, and the said warrant shall draw interest from the date of such endorsement at the same rate as county warrants in like condition. In all districts the treasurer shall render a statement of the finances of the district as shown by the records of the office at the close of each school year, and at any other time, when required by the board. For a failure to perform any of the duties of his office, when directed by the board, or for refusing or neglecting to deliver to his legally qualified successor all money, books or other district property in his possession or care, within ten days after the same shall have been demanded by such successor, he shall

be liable on his bond, and shall make good any loss resulting to the district from such failure or neglect.

SECTION 7. Section 55, Chapter 146, 1935 Colorado Statutes Annotated, and all acts or parts of acts in conflict herewith are hereby repealed.

SECTION 8. The school board, board of directors, or board of education of any school district, with the written approval of the county superintendent of schools of the county in which such school district is situate, may contract or negotiate with any bank, finance company or person for a loan, not to exceed the difference between the anticipated revenue for the current year and the amount credited to the account of the district to date by the county treasurer of the county wherein the district is located, for the current year; for the purpose of eliminating the necessity of issuing registered warrants to meet the operating expenses of the district. Said indebtedness shall be liquidated within six (6) months after it is made from monies received by the district for current operating expenses.

All money so borrowed by any school board, board of directors, or board of education shall be paid immediately into the hands of the county treasurer of the county wherein the district is located, and shall be used first to pay off any registered warrants at that time held by said county treasurer for the borrowing school district, the balance to be credited to the account of the borrowing school district.

The total interest and brokerage fee to be paid by any school board, board of directors, or board of education of any school district for monies borrowed under the terms of this act shall in no event exceed the total rate allowed by law to be paid on registered county warrants.

SECTION 9. 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 this 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 10. This act shall be in effect on and after*.....

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.

* Effective April 20, 1953

Approved April 20, 1953

A N A C T

Senate Bill No. 275

(Ch. 163, S. L. '53)

TO AMEND THE "LOCAL GOVERNMENT BUDGET LAW OF COLORADO" WITH RESPECT TO SCHOOL BUDGETS.

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

SECTION 1. Chapter 168, Session Laws of Colorado, 1945 is hereby amended by the addition of a new Section 7a, to read as follows:

Section 7a. The governing body of any school district is hereby authorized to provide for a reserve in the budget of the district for any fiscal year, of not to exceed fifteen per cent (15%) of the amount budgeted for operating costs of the district for the then current year; except for districts with a population of more than 100,000, where the reserve may not exceed twenty-five percent (25%), provided that the total amount to be raised by tax levy for any fund during such current fiscal year, including the amount of such reserve, must not exceed the total amount which may be raised for such fund by a tax levy which does not exceed the maximum levy permitted by law to be made for such fund. Said reserve shall not be expended within the fiscal year to which the budget applies, but may be expended in the following fiscal year. The amount of such reserve which is not spent during the year for which it was held in reserve, shall not thereafter be held as a continuing reserve, but shall be considered as other income of the district in preparation of the budget for the ensuing fiscal year. Provided, however, that any school district with a total budget not exceeding twelve thousand dollars (\$12,000.00) may make a levy in addition to the foregoing to produce not more than forty per cent (40%) of the total budget to create a sinking fund for the acquisition of transportation equipment.

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 April 16, 1953

1877

Received of the Treasurer of the State of New York
the sum of \$100.00

for the purchase of land in the town of
Canaan, Co. of Hamilton, N. Y.

in full for the purchase of the land
of the late John C. ...

and for the purchase of the land
of the late ...

and for the purchase of the land
of the late ...

and for the purchase of the land
of the late ...

and for the purchase of the land
of the late ...

and for the purchase of the land
of the late ...

SCHOOL LAWS

Enacted by

THE THIRTY-NINTH
GENERAL ASSEMBLY
STATE OF COLORADO

1953 Supplement

EXTRAORDINARY SESSION

Convened at Denver

At 10 o'clock A. M., Monday, June 22,
A. D. 1953, and adjourned sine die on
Wednesday, June 24, 1953

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

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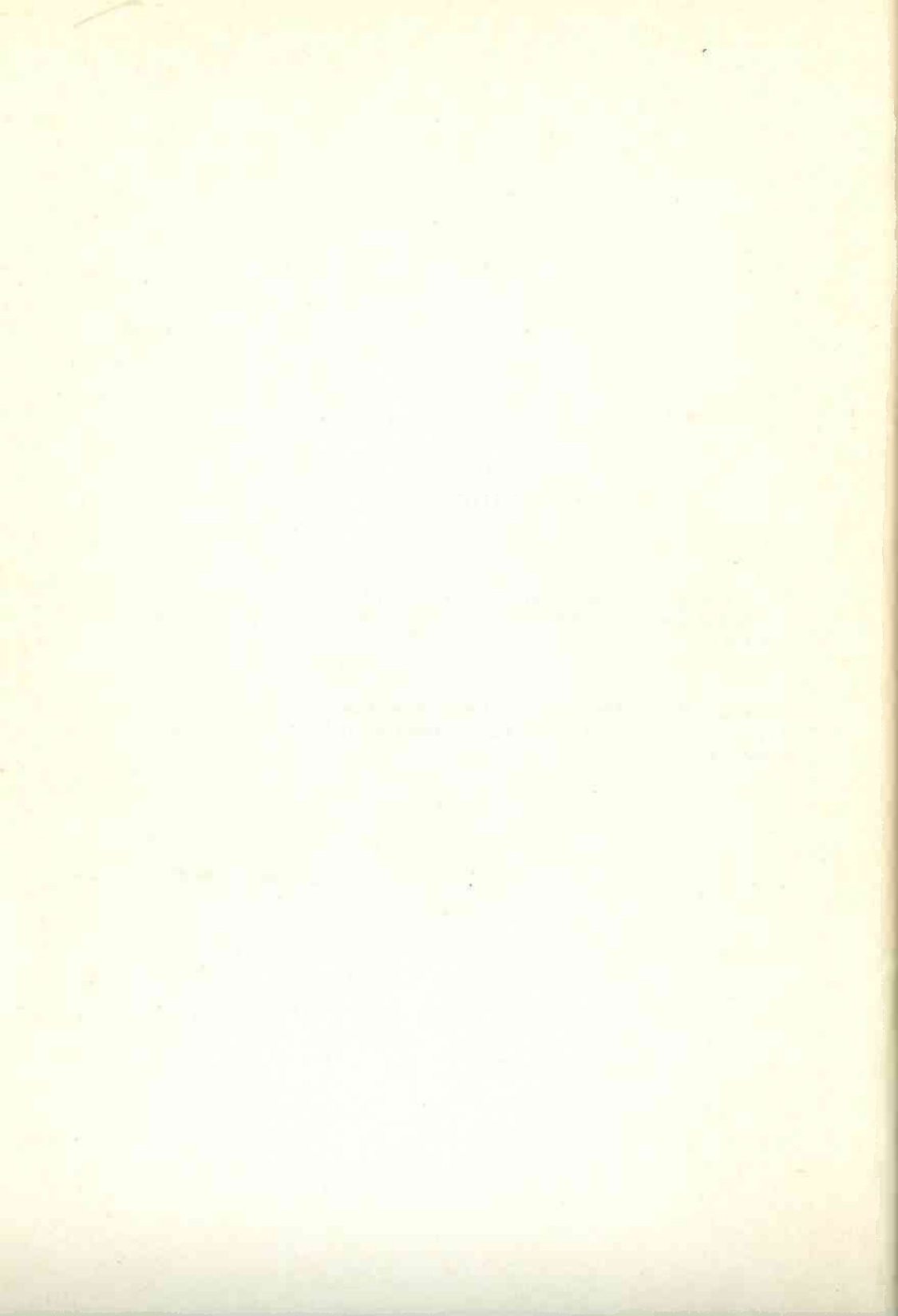
LECTURE 1: INTRODUCTION

LECTURE 2: KINEMATICS

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AN ACT

Senate Bill No. 1

(Ch. 6, Extraordinary Session '53)

RELATING TO EDUCATION AND TO FINANCING OF PUBLIC SCHOOLS, AND TO RE-ENACT AND AMEND THE LAW RELATING THERETO.

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

Section 1. Section 8, Chapter 59, Session Laws of Colorado, 1952, is hereby re-enacted and amended to read as follows:

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 four and one-quarter ($4\frac{1}{4}$) mills on all of the taxable property in the county; **provided, however,** that if a levy of less than four and one-quarter ($4\frac{1}{4}$) 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 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.

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 eleven and one-quarter ($11\frac{1}{4}$) mills.

Any county which made the required county levy, or any city and county which made the required total levy, in the calendar year preceding the year of distribution of funds under this act, shall be deemed to have made the levy necessary to enable a school district or districts within said county or city and county to participate in the first distribution of moneys

from the State Public School Fund based on aggregate days of attendance, in accordance with the provisions of Section 14 (2) of this act.

Section 2. Section 11, Chapter 59, Session Laws of Colorado, 1952, is hereby re-enacted and amended to read as follows:

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, 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, five and one-half ($5\frac{1}{2}$) mills; in all other districts, seven (7) mills.

(2) Any school district which made the required minimum district levy in the calendar year preceding the year of distribution of funds under this act, and in all other respects qualified under this act, shall be entitled to participate in the first distribution of moneys from the State Public School Fund based on aggregate days of attendance, in accordance with the provisions of Section 14 (2) of this act.

Section 3, Section 13, Chapter 59, Session Laws of Colorado, 1952, is hereby re-enacted and amended to read as follows:

Section 13. **Minimum Equalization Program.** From and after July 1, 1953, 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 distribution 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 two thousand five hundred dollars (\$2,500.00), and for those served by teachers holding graduate certificates the sum of two thousand seven hundred twenty-five dollars (\$2,725.00).

Section 4. House Bill No. 285, enacted by the Thirty-ninth General Assembly at its First Regular Session, and approved by the Governor on April 20, 1953, is hereby repealed.

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. This act shall be in force and effect on and after July 1, 1953.

Approved June 30, 1953.

AN ACT

Senate Bill No. 2

(Ch. 5, Extraordinary Session '53)

APPORTIONING THE MONEYS RECEIVED BY THE STATE OF COLORADO FROM THE SECRETARY OF THE UNITED STATES PURSUANT TO THE PROVISIONS OF SECTION 35 OF THE FEDERAL OIL LEASING ACT OF FEBRUARY 25, 1920, AS AMENDED.

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

Section 1. In accordance with the provisions of Section 35 of the Federal Oil Leasing Act of February 25, 1920, as amended, the state treasurer is hereby directed to receive and hold such sums of money as may hereafter be payable by the secretary of the treasury of the United States to this state, as its share of sales, bonuses, royalties and rentals of public lands, for the benefit of the public schools of this state, and for the benefit of the several counties of this state in which said public lands are located and from which said sales, bonuses, royalties and rentals are derived.

Section 2. (1) One-third of all such money hereafter received by the state treasurer pursuant to the provisions of Section 35 of the Federal Oil Leasing Act of February 25, 1920, as amended, shall, upon receipt, be paid into the State Public School Fund, to be used for the support of the public schools of this state in accordance with the provisions of Chapter 59, Session Laws of Colorado, 1952, as amended.

(2) (a) The remaining two-thirds of such money hereafter received by the state treasurer pursuant to the provisions of Section 35 of the Federal Oil Leasing Act of February 25, 1920, as amended, shall be paid to the several counties of this state from which said money is derived, and used by said counties for the support of public schools and for the construction and maintenance of public roads. The board of county commissioners of any county receiving such money shall apportion such money to public schools and public roads, **provided, however,** that not more than seventy-five per cent of said money shall be apportioned to either of said purposes during any one year.

(b) During the calendar year 1955, no single county shall be paid an amount in excess of \$500,000.00, and during the calendar year 1956, no single county shall be paid an amount in excess of \$300,000.00, and during any subsequent calendar year no single county shall be paid an amount in excess of \$200,000.00.

(c) If subsequent to the passage of this act, any new oil fields shall be developed in any county, and money derived from such new oil fields shall be received from the secretary of the treasury of the United States, then in addition to the amounts above specified, there shall be paid to the county in which said new oil fields shall be located and from which said money shall be derived two-thirds of the amount received therefrom, not to exceed, however, the amount of \$500,000.00 annually during the first, second and third calendar years following such development, which money, when received by the county, shall be apportioned by the board of county commissioners to public schools and public roads as hereinabove provided. Subsequent to such third calendar year payments to counties shall be made pursuant to the provisions of subsection (b) hereof.

(3) Any balance of said money remaining after payment to the several counties as provided in subsection (2) hereof shall be paid by the state treasurer, on or before the last day of December of each year, into the State Public School Fund, and used for the support of the public schools of the state in accordance with the provisions of Chapter 59, Session Laws of Colorado, 1952, as amended.

Section 3. Warrants in payment of the amounts due the several counties of the state shall be issued and paid pursuant to the provisions of law.

Section 4. Sections 61, 62 and 63, Chapter 118, 1935 Colorado Statutes annotated, as amended by House Bill No. 442, enacted by the Thirty-ninth General Assembly at its first regular session and approved by the governor on April 1, 1953, are hereby repealed.

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 June 30, 1953.