

[Justia](#) > [US Law](#) > [Colorado Law](#) > [Colorado Constitution](#) > Article 9, Education

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Article 9, Education

ARTICLE IX

Education

Section 1. Supervision of schools ♦ board of education.

(1) The general supervision of the public schools of the state shall be vested in a board of education whose powers and duties shall be as now or hereafter prescribed by law. Said board shall consist of a member from each congressional district of the state and, if the total number of such congressional districts is an even number, one additional member, and said members shall be elected as hereinafter provided. The members of said board shall be elected by the registered electors of the state, voting at general elections, in such manner and for such terms as may be by law prescribed; provided, that provisions may be made by law for election of a member from each congressional district of the state by the electors of such district; and provided, further, that each member from a congressional district of the state shall be a qualified elector of such district. If the total number of congressional districts of the state is an even number, the additional member of said board shall be elected from the state at large. The members of said board shall serve without compensation, but they shall be reimbursed for any necessary expenses incurred by them in performing their duties as members of said board.

(2) The commissioner of education shall be appointed by the board of education and shall not be included in the classified civil service of the state.

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(3) The qualifications, tenure, compensation, powers, and duties of said commissioner shall be as prescribed by law, subject to the supervision of said board.

As amended November 2, 1948. (See L. 49, p. 359.); as amended November 3, 1992 ♦♦ Effective upon proclamation of the Governor, January 14, 1993. (For the text of the amendment and the votes cast thereon, see L. 92, p. 2316 and L. 93, p. 2159.)

Section 2. Establishment and maintenance of public schools. The general assembly shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, wherein all residents of the state, between the ages of six and twenty♦one years, may be educated gratuitously. One or more public schools shall be maintained in each school district within the state, at least three months in each year; any school district failing to have such school shall not be entitled to receive any portion of the school fund for that year.

Section 3. School fund inviolate. The public school fund of the state shall, except as provided in this article IX, forever remain inviolate and intact and the interest and other income thereon, only, shall be expended in the maintenance of the schools of the state, and shall be distributed amongst the several counties and school districts of the state, in such manner as may be prescribed by law. No part of this fund, principal, interest, or other income shall ever be transferred to any other fund, or used or appropriated, except as provided in this article IX. The state treasurer shall be the custodian of this fund, and the same shall be securely and profitably invested as may be by law directed. The state shall supply all losses thereof that may in any manner occur. In order to assist public schools in the state in providing necessary buildings, land, and equipment, the general assembly may adopt laws establishing the terms and conditions upon which the state treasurer may (1) invest the fund in bonds of school districts, (2) use all or any portion of the fund or the interest or other income thereon to guaranty bonds issues by school districts,

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or (3) make loans to school districts. Distributions of interest and other income for the benefit of public schools provided in this article IX shall be in addition to and not a substitute for other moneys appropriated by the general assembly for such purposes.

Section 4. County treasurer to collect and disburse. Each county treasurer shall collect all school funds belonging to his county, and the several school districts therein, and disburse the same to the proper districts upon warrants drawn by the county superintendent, or by the proper district authorities, as may be provided by law.

Section 5. Of what school fund consists. The public school fund of the state shall consist of the proceeds of such land as have heretofore been, or may hereafter, be granted to the state by the general government for educational purposes; all estates that may escheat to the state; also all other grants, gifts or devises that may be made to this state for educational purpose.

Section 6. County superintendent of schools. There may be a county superintendent of schools in each county, whose term of office shall be four years, and whose duties, qualifications, and compensation shall be prescribed by law.

The provisions of section 8 of article XIV of this constitution to the contrary notwithstanding, the office of county superintendent of schools may be abolished by any county if the question of the abolishment of said office is first submitted, at a general election, to a vote of the qualified electors of said county and approved by a majority of the votes cast thereon. In any county so voting in favor of such abolishment, the office of county superintendent of schools and the term of office of any incumbent in said county shall terminate on June 30 following.

As amended November 3, 1964. (See Laws 1964, p. 840.)

Section 7. Aid to private schools, churches, sectarian purpose, forbidden. Neither the general assembly, nor any county, city, town, township, school district or other public

corporation, shall ever make any appropriation, or pay from any public fund or moneys whatever, anything in aid of any church or sectarian society, or for any sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution, controlled by any church or sectarian denomination whatsoever; nor shall any grant or donation of land, money or other personal property, ever be made by the state, or any such public corporation to any church, or for any sectarian purpose.

Section 8. Religious test and race discrimination

forbidden ♦ **sectarian tenets.** No religious test or qualification shall ever be required of any person as a condition of admission into any public educational institution of the state, either as a teacher or student; and no teacher or student of any such institution shall ever be required to attend or participate in any religious service whatsoever. No sectarian tenets or doctrines shall ever be taught in the public school, nor shall any distinction or classification of pupils be made on account of race or color, nor shall any pupil be assigned or transported to any public educational institution for the purpose of achieving racial balance.

As amended by the People, November 5, 1974 ♦ Effective upon proclamation of the Governor, December 20, 1974.

Section 9. State board of land commissioners. (1) The state board of land commissioners shall be composed of five persons to be appointed by the governor, with the consent of the senate, one of whom shall be elected by the board as its president.

(2) The governor shall endeavor to appoint members of the board who reside in different geographic regions of the state. The board shall be composed of one person with substantial experience in production agriculture, one person with substantial experience in public primary or secondary education, one person with substantial experience in local government and land use planning, one person with substantial experience in natural resource conservation, and

one citizen at large.

(3) The governor shall appoint a new board of land Commissioners on or before May 1, 1997. The term of each member shall be for four years; except that of the first board members appointed under this subsection (3), two members shall be appointed for terms that expire June 30, 1999, and three members shall be appointed for terms that expire June 30, 2001. The terms of office of the members of the board appointed prior to the effective date of this subsection (3) shall expire upon the confirmation of the first three members of the board appointed under this subsection (3). No member shall serve more than two consecutive terms. Members of the board shall be subject to removal, and vacancies of the board shall be filled, as provided in article IV, section 6 of this constitution.

(4) The board shall, pursuant to section 13 of [article XII](#) of this constitution, hire a director with the consent of the governor; and, through the director, a staff, and may contract for office space, acquire equipment and supplies, and enter into contracts as necessary to accomplish its duties. Payments for goods, services, and personnel shall be made from the income from the trusts lands. The general assembly shall annually appropriate from the income from the trusts lands, sufficient moneys to enable the board to perform its duties and in that regard shall give deference to the board's assessment of its budgetary needs. The members of the board shall not, by virtue of their appointment, be employees of the state, they may be reimbursed for their necessary and reasonable expenses and may, in addition, receive such per diem as may be established by the general assembly, from the income from trust lands.

(5) The individual members of the board shall have no personal liability for any action or failure to act as long as such action or failure to act does not involve willful or intentional malfeasance or gross negligence.

(6) The board shall serve as the trustee for the lands granted to the state in public trust by the federal government, lands acquired in lieu thereof, and additional lands held by the board

in public trust. It shall have the duty to manage, control, and dispose of such lands in accordance with the purposes for which said grants of land were made and [section 10](#) of this article IX, and subject to such terms and conditions consistent therewith as may be prescribed by law.

(7) The board shall have the authority to undertake nonsimultaneous exchanges of land, by directing that the proceeds from a particular sale or other disposition be deposited into a separate account to be established by the state treasurer with the interest thereon to accrue to such account, and withdrawing therefrom an equal or lesser amount to be used as the purchase price for the other land to be held and managed as provided in this article, provided that the purchase of lands to complete such an exchange shall be made within two years of the initial sale or disposition. Any proceeds, and the interest thereon, from a sale or other disposition which are not expended in completing the exchange shall be transferred by the state treasurer to the public school fund or such other trust fund maintained by the treasurer for the proceeds of the trust lands disposed of or sold. Moneys held in separate account shall not be used for the operating expenses of the board or for expenses incident to the disposition or acquisition of lands.

Section 10. Selection and control of public lands.

(1) The people of the state of Colorado recognize (a) that the state school lands are an endowment of land assets held in a perpetual, inter-generational public trust for the support of public schools, which should not be significantly diminished, (b) that the disposition and use of such lands should therefore benefit public schools including local school districts, and (c) that the economic productivity of all lands held in public trust is dependent on sound stewardship, including protecting and enhancing the beauty, natural values, open space and wildlife habitat thereof, for this and future generations. In recognition of these principles, the board shall be governed by the standards set forth in this section 10 in the discharge of its fiduciary obligations, in addition to other laws generally applicable to trustees.

It shall be the duty of the state board of land commissioners to provide for the prudent management, location, protection, sale, exchange, or other disposition of all the lands heretofore, or which may hereafter be, held by the board as trustee pursuant to section 9(6) of this article IX, in order to produce reasonable and consistent income over time. In furtherance thereof, the board shall:

- (a) Prior to the lease, sale, or exchange of any lands for commercial, residential or industrial development, determine that the income from the lease, sale, or exchange can reasonably be anticipated to exceed the fiscal impact of such development on local school districts and state funding of education from increased school enrollment associated with such development;
- (b) Protect and enhance the long-term productivity and sound stewardship of the trust lands held by the board, by, among other activities:
 - (l) Establishing and maintaining a long-term stewardship trust of up to 300,000 acres of land that the board determines through a statewide public nomination process to be valuable primarily to preserve long-term benefits and returns to the state; which trust shall be held and managed to maximize options for continued stewardship, public use, or future disposition, by permitting only those uses, not necessarily precluding existing uses or management practices, that will protect and enhance the beauty, natural values, open space, and wildlife habitat thereof; at least 200,000 acres of which land shall be designated on or before January 1, 1999, and at least an additional 95,000 acres of which land shall be designated on or before January 1, 2001; specific parcels of land held in the stewardship trust may be removed from the trust only upon the affirmative vote of four members of the board and upon the designation or exchange of an equal or greater amount of additional land into said trust.

(II) Including in agricultural leases terms, incentives, and lease rates that will promote sound stewardship and land management practices, long-term agricultural productivity, and community stability;

(III) Managing the development and utilization of natural resources in a manner which will conserve the long-term value of such resources, as well as existing and future uses, and in accordance with state and local laws and regulations; and (IV) Selling or leasing conservation easements, licenses and other similar interests in land.

(c) Comply with valid local land use regulations and land use plans.

(d) Allow access by public schools without charge for outdoor educational purposes so long as such access does not conflict with uses previously approved by the board on such lands.

(e) Provide opportunities for the public school districts within which such lands are located to lease, purchase, or otherwise use such lands or portions thereof as are necessary for school building sites, at an amount to be determined by the board, which shall not exceed the appraised fair market value, which amount may be paid over time.

(2) No law shall ever be passed by the general assembly granting any privileges to persons who may have settled upon any such public trust lands subsequent to the survey thereof by the general government, by which the amount to be derived by the sale, or other disposition of such lands, shall be diminished, directly or indirectly.

Enacted by the people November 5, 1996 -- Effective upon proclamation of the Governor, December 26, 1996. (For the text of the initiated measure and the votes cast thereon, see Laws 1997, p. 2399.)

Section 11. Compulsory education. The general assembly may require, by law, that every child of sufficient mental and

physical ability, shall attend the public school during the period between the ages of six and eighteen years, for a time equivalent to three years, unless educated by other means.

Section 12. Regents of university. There shall be nine regents of the university of Colorado who shall be elected in the manner prescribed by law for terms of six years each. Said regents shall constitute a body corporate to be known by the name and style of "The Regents of the University of Colorado". The board of regents shall select from among its members a chairman who shall conduct the meetings of the board and a vice ♦ chairman who shall assume the duties of the chairman in case of his absence.

Repealed and reenacted, with amendments, November 7, 1972 ♦ ♦ Effective July 1, 1973. (See Laws 1972, p. 645.)

Section 13. President of university. The regents of the university shall elect a president of the university who shall hold his office until removed by the board of regents. He shall be the principal executive officer of the university, a member of the faculty thereof, and shall carry out the policies and programs established by the board of regents.

Repealed and reenacted, with amendments, November 7, 1972 ♦ ♦ Effective July 1, 1973. (See Laws 1972, p. 645.)

Section 14. Control of university.

Repealed November 7, 1972 ♦ ♦ Effective upon proclamation of the Governor, January 11, 1973. (See Laws 1972, p. 645.)

Section 15. School districts ♦ board of education. The general assembly shall, by law, provide for organization of school districts of convenient size, in each of which shall be established a board of education, to consist of three or more directors to be elected by the qualified electors of the district. Said directors shall have control of instruction in the public schools of their respective districts.

Section 16. Textbooks in public schools. Neither the general assembly nor the state board of education shall have

power to prescribe textbooks to be used in the public schools.