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An act to establish and maintain a system of free schools.

Colorado General Assembly

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fee simple title to the real estate now occupied and controlled by the said school of mines, shall, within eighty days from the passage of this act, be vested in the trustees of the school of mines, free of any condition of defeasance whatsoever. When the said title shall be so vested, it shall be the duty of the attorney general to certify such fact in writing to the state auditor, and the state auditor shall notify the county clerks of the several counties of this state of the same, in order that [the] tax herein provided may be properly levied and assessed.

Vesting of title of real estate of school of mines in board of trustees within eighty days necessary to the taking effect of this act.

Approved, April 7, 1877.

CHAPTER XCII.

SCHOOLS.

AN ACT TO ESTABLISH AND MAINTAIN A SYSTEM OF FREE SCHOOLS.

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

2447. SECTION 1. The superintendent of public instruction, the secretary of state and attorney general, shall constitute a state board of education, of which the superintendent of public instruction shall be president.

State board, how constituted.

2448. SEC. 2. The state board of education shall meet at the state capitol on the last Saturday in December, in each year, and at such other times and places, as may by them be deemed necessary, and shall have power to adopt any rules and regulations not inconsistent with law, for its own government, and for the government of the public schools.

Meetings and powers.

2449. SEC. 3. The board is authorized and empowered to issue state diplomas to such professional teachers as may be found upon examination, or by diplomas from other states requiring similar qualifications, to possess the requisite scholarship and culture, and who may also exhibit satisfactory evidence of an unexceptional moral character, and of eminent professional experience and ability, and who have taught for two years in the state. All such diplomas shall be countersigned by the state superintendent of public instruction, and shall supercede the necessity

State diplomas, on whom issued, use of.

of any and all other examinations of persons holding the same, by county, city or local examiners; and such diplomas shall be valid in any county, city, town or district in the state, during the life-time of the holder, unless revoked by the state board of education.

Grades of diplomas.

2450. SEC. 4. The diplomas issued by the state board of education shall be of two grades. The first grade shall be evidence of the fitness of the holder thereof to teach in the high schools of the state; and the second grade shall be evidence of the fitness of the holder thereof to teach in any of the schools of the state of a lower grade than the high school.

How revoked.

2451. SEC. 5. The state board of education may at any time revoke a state diploma, upon satisfactory evidence that the holder thereof has become unworthy the same; *provided*, that before revoking any such diploma, the holder thereof shall have at least thirty days' notice to appear before the state board and refute any charges brought against him.

When elected, tenure of office.

2452. SEC. 6. At the general election, to be held in the year of our Lord one thousand eight hundred and seventy eight, and every two years thereafter, a state superintendent of public instruction shall be elected by the qualified electors of the state, who shall hold office for the term of two years, from the second Tuesday of January next after his election, and until his successor is duly elected and qualified.

Oath and bond.

2453. SEC. 7. Before entering upon his duties he shall take and subscribe the oath of office prescribed by the constitution, and shall also execute a bond, in the penalty of five thousand dollars, payable to the state of Colorado, with sureties to be approved by the state auditor, conditioned upon the faithful discharge of his official duties, and the delivery to his successor, of all books, papers, documents and other property belonging to the office. Said bond and oath shall be deposited with the secretary of state.

2454. SEC. 8. He shall have an office at the seat of government, where shall be kept an official seal, and all books and papers appertaining to the business of his office.

He shall file all papers, reports and public documents transmitted to him by the school officers of the several counties, each year separately, and hold the same in readiness to be exhibited to the governor, or to any committee of either house of the general assembly. Copies of all papers filed in his office, and his official acts may be certified by him, and when so certified, shall be evidence equally and in like manner as the original papers.

2455. SEC. 9. He shall have a general supervision of all the county superintendents and of the public schools of the state. He shall prepare, have printed and furnish to all officers charged with the administration of the laws relating to public schools and to teachers, such blank forms and books as may be necessary to the discharge of their duties. But he shall not copy-right such forms, nor be directly or indirectly compensated by reason of the sale thereof. He shall have the laws relating to public schools printed in pamphlet form, and annexed thereto, forms for making reports and conducting school business, and shall supply school officers, school libraries and state libraries with a copy each. Said printing to be paid for out of the printing fund, on the warrant of the auditor, on bills approved by the superintendent of public instruction, and attested by secretary of state.

2456. SEC. 10. He shall, on or before the tenth day of December, in every year preceding that in which shall be held a regular session of the general assembly, report to the governor the condition of the public schools, the amount of state school fund apportioned, and sources from which derived, with such suggestions and recommendations relating to the affairs of his office, as he may think proper to communicate. It shall be his duty to visit annually such counties in the state as most need his personal attendance, and all counties, if practicable, for the purpose of inspecting the schools, awakening and guiding public sentiment in relation to the practical interests of education, and diffusing as widely as possible, by public addresses and personal communication with school teachers and parents, a knowledge of existing defects, and of desirable improvements in the government and instruction of the schools; and he shall open

Keep office
where; duties.

Duties to pre-
pare blanks and
distribute the
same, also the
school law.

Biennial report;
visit each county
for what pur-
pose; corres-
pondence.

such correspondence as may enable him to obtain all necessary information relating to the system of public schools in other states; and he shall receive out of the state treasury, for actual necessary traveling expenses, and other expenses while traveling on the business of the department, not exceeding five hundred dollars per annum, for which he shall render an itemized bill to the auditor of state, who is hereby authorized to draw his warrant therefor; and an office, fuel, furniture, postage, books, stationery, and other contingent expenses pertaining to his office, shall be furnished in the same manner as those of the other departments of the state government.

State fund, distributed when; how notify different officers; traveling expenses paid; contingent expenses, how paid

2457. SEC. 11. The income of the state school fund and taxes collected by the state for the support of the public schools, which shall be received up to the first day of January and the first day of July of each year, shall be distributed annually between the first day of January and the first day of February, and the first day of July and the first day of August, respectively, in each year, among the several counties in the state, from which reports have been received by the superintendent of public instruction, as provided in this act, in proportion to the number of children of school age, as shown by the census list of each county. And the superintendent of public instruction shall certify said apportionment to the state auditor, and upon such certificate the auditor shall draw his warrant on the state treasurer in favor of the county treasurer of each county for the amount due said county. The superintendent shall also certify to the treasurer and superintendent of each county the amount apportioned to such county.

Assistant librarian.

2458. SEC. 12. He may employ an assistant librarian, who shall have charge of the state library, under such regulations as may be prescribed by the state librarian or by law. Said assistant shall receive such salary as may be provided by law.

When elected; term of office; oath and bond.

2459. SEC. 13. There shall be elected in each county, at the general election, in the year one thousand eight hundred and seventy-seven, and biennially thereafter, a county superintendent of public schools, who shall take office on the second Tuesday of January next succeeding that in

which such election shall be held. He shall hold his office for two years, and until his successor shall be elected and qualified. Before entering upon the duties of his office, he shall take the oath prescribed by the constitution, and execute a bond payable to the people of the state of Colorado, with two or more sureties, to be approved by the board of county commissioners, in penalty of not less than two thousand dollars, to be increased at the discretion of said board, conditioned upon the faithful performance of the duties of his office, and the delivery of all moneys and property as such superintendent to his successors, which bond shall be filed in the office of the county clerk.

2460. SEC. 14. Should the superintendent elect fail to qualify as aforesaid, or should there occur a vacancy in said office, the board of county commissioners shall, at their next meeting after such vacancy or failure to qualify occurs, appoint an eligible and suitable person, who shall qualify within ten days after his appointment, and who shall continue in office until the next general election thereafter. Should such appointee fail to qualify as aforesaid, another appointment shall be made in the same manner, until the vacancy shall be filled by appointment or election.

County commissioners fill vacancy.

2461. SEC. 15. On the last Saturday of February, May, August and November, in each year, he shall meet all persons desirous of passing an examination as teachers, in some suitable room at the county seat, notice of which shall be given in some newspaper in the county, or in case there is no paper published in the county, he shall give such notice as may by him be deemed necessary; at which time he shall examine all such applicants in orthography, reading, writing, arithmetic, English grammar, geography, the history of the United States, including the constitution of the United States, physiology, laws of health, the elements of the natural sciences, theory and practice of teaching, and so much of the school law as relates to the duties and responsibilities of teachers. If the applicant is to teach in a school of high grade, the examination shall extend to such additional branches of study as are to be pursued in such school. If satisfied of the competency to teach, and of the good moral character of the applicant, he shall give

Meet and examine teachers; in what branches; give certificate.

such applicant a certificate, as provided in the following section.

Grades of certifi-
cates, renewals,
temporary
record.

2462. SEC. 16. The certificates issued by the county superintendents shall be of three grades, distinguished as first, second and third. The first grade certificate shall be valid for two years; the second grade for one year; the third grade for six months. A county superintendent may renew a certificate of the first grade by endorsing such renewal thereon. It shall be deemed a violation of law to grant a certificate of either of the above named grades without first examining the candidate thoroughly in all the branches as specified in section fifteen of this act. The superintendent may, however, upon satisfactory evidence of competency, issue a temporary certificate, which shall be valid only until the next regular examination, at which time the holder of such temporary certificate shall appear for a complete examination as aforesaid. It shall not be lawful to renew a temporary certificate, nor to grant a second one to the same person. The superintendent shall keep an official record, in a suitable book, of the persons so examined, containing the name, age, nativity, date of examination, and grade of certificate issued.

Deputy.

2463. SEC. 17. If for any cause the superintendent is unable to attend to the duties of his office, he may appoint a deputy, who shall take the usual oath or affirmation of office, and who may exercise all the functions of county superintendent, but such deputy shall draw no salary from the public fund; *provided*, that the superintendent may receive a per diem for the service of such deputy.

Reports; items.

2464. SEC. 18. On the first day of October in each year, the county superintendent shall make a report to the state superintendent for the school year which ended August thirty-first next preceding, which report shall contain an abstract of the reports made to him by the district secretaries, together with a statement of the financial affairs of his office and of such other matters as the state superintendent shall direct, or as he himself may deem essential in exhibiting the true condition of the schools under his charge.

2465. SEC. 19. The county superintendent shall apportion all school money to the school districts, in accordance

with the provisions of section seventy-two of this act, quarterly, to wit: On the first Monday in January, April, July and October, in each year. Immediately after such apportionments he shall certify to the county treasurer the amounts which are to be placed to the credit of the several districts, and notify the treasurer of each district of the amount placed to its credit.

Apportionment,
when; notify
officers.

2466. SEC. 20. It shall be the duty of the county superintendent to exercise a careful supervision over the schools of his county; to visit each school once each quarter it is in session; to see that all the provisions of this act are observed and followed by the teachers; to keep in a good and substantial bound book a record of his official acts, and of other matters required by law to be recorded; to obey the legal instructions of the state superintendent, and to exhibit his books and report the financial condition of his office to the board of county commissioners, on or before the twentieth day of August in each year, and shall cause to be published in some newspaper of his county, if such there be, on or before the thirty-first day of August, such financial statement.

Duties, visits,
records; obey
instructions; re-
port to county
commissioners;
publish the same

2467. SEC. 21. If the county superintendent fails to make a full and correct report to the superintendent of public instruction, or refuses or neglects to report to the board of county commissioners, as required by this act, he shall, upon information from the superintendent of public instruction, or after being personally served by the board of county commissioners with a written notice to report within ten days, and having failed to do so, forfeit the sum one hundred dollars (\$100), which sum the board of county commissioners may deduct from any money due him. Said forfeit may, however, in all cases, be recovered by suit upon his official bond.

Neglect of duty;
forfeiture for
same.

2468. SEC. 22. The county superintendent shall have power, and is hereby authorized, to administer oaths and affirmations to school directors, teachers and all other persons, in official matters relating to schools; but shall receive no fee for so doing.

May administer
oaths.

2469. SEC. 23. The county superintendent shall appoint directors for any district which fails to elect, as pro-

Fill vacancies in district boards.

Ascertain boundaries of districts.

Salary, bill for same, limit, books, etc., furnished by the county, qualifications, work no removal.

vided in section forty-four, and shall fill vacancies that may occur in any board of directors by reason of death, removal from office or from the district, resignation or otherwise, except in boards of directors of districts of the first class, and the officers so appointed shall hold office only until the ensuing regular election.

2470. SEC. 24. It shall be the duty of the county superintendent to ascertain the boundaries of each school district in his county, and to make and keep a record of the same in a suitable bound book, which record shall show definitely the boundaries of each district. In case the boundaries are found to be conflicting or incorrectly described, he shall harmonize the same and make a report of such action to the boards of school directors whose districts are affected thereby. District officers shall have access to such records for the purpose of examination, making copies or for other legitimate purposes.

2471. SEC. 25. For the time necessarily spent in the discharge of his duty he shall receive five dollars per day, and ten cents for each mile necessarily traveled. He shall, as far as is practicable, render an itemized bill of his services and mileage each quarter to the board of county commissioners, and shall make oath that the bill is just and correct; whereupon the county commissioners shall order a warrant on the county treasurer, payable from the general county fund; *provided*, that the annual compensation so received shall in no case exceed eight hundred dollars; nor shall it exceed one hundred dollars for each regularly organized district in the county. The commissioners shall provide him with all necessary blank books, stationery, postage, expressage and other expenses of his office, not otherwise provided for, which last mentioned expenses shall be paid for from the county fund. And no person shall hereafter be eligible to the office of county superintendent of schools who is not a person of culture and practical experience and learning in those branches of education taught in the public schools, as provided in this act, and a person of good moral character.

2472. SEC. 26. It is hereby made the duty of the county treasurer, in each county, to keep a separate ac-

count with each school district in his county; to place to the credit of each the amount of money as certified to by the county superintendent, as provided in section nineteen, and to pay over the money so collected upon the presentation of the legally drawn warrants or orders of the district officers, entitled to draw the same; *provided*, that if the county superintendent shall notify the county treasurer in writing, that there has been a failure on the part of any board of directors to comply with the law, and that said money should be withheld from said board of directors, he shall retain the same until further notice from the county superintendent. All money which shall become forfeited by any district shall be put into the general school fund, and reapportioned as other moneys.

Duties of county treasurer; not to pay over funds in certain cases.

ORGANIZATION OF DISTRICTS, ETC.

2473. SEC. 27. For the purpose of organizing a new district, either from unorganized territory or from an old district, the parents and guardians of at least ten children, who shall possess the right to attend school in such new district, must petition the county superintendent in writing, which petition shall specify as near as may be the number and names of persons of school age, residing within the proposed boundaries of such new district. If such new district is to be formed from one or more old districts, the county superintendent shall direct some one of the petitioners who is a legal voter, to notify each elector residing within the district, so to be formed, by personal service as far as convenient, and to post a notice in three public places in said new district, that such a petition has been made, and that a meeting will be held, naming the time and place of such meeting, to determine the same.

Must contain ten children; notice served and posted.

2474. SEC. 28. The qualified electors of such proposed new district, when assembled in accordance with the notice above required shall organize by electing a chairman and secretary. Every legally qualified elector, and none other, shall be entitled to vote at such meeting. After the organization of such meeting as above mentioned, a vote shall be taken by ballot, on the question whether or not the proposed district shall be organized. Those in favor of organization

Electors; two-thirds majority; directors hold till next regular election; report to county superintendent; hardship to head of family; limit in dividing districts

shall vote "yes," and those opposed "no." If two thirds of the legal voters so voting are found to be in favor of such organization, and not otherwise, the meeting shall proceed to elect by ballot, a board of directors of said district, who shall hold office until the ensuing regular election, as provided for in section forty-four (44) of this act. The secretary of said meeting shall immediately transmit to the county superintendent a copy of the proceedings of the meeting; upon the receipt of which, if the proceedings are found to have been in accordance with law, he shall establish and number such district, and enter a record of the same, and of the proceedings of the meeting, as provided in section twenty-four (24) of this act; *provided*, if such organization of a new district works great hardship to any head of a family, a statement of the facts may be submitted to the superintendent, and two disinterested persons, one to be named by the superintendent and one by the person effected, and if in their judgment, good cause be shown for the transfer, he may be transferred to another district; *provided further*, that no district shall hereafter be divided for the purpose of forming a new district, unless it contains an area of more than nine square miles, nor shall a district be divided, if by so doing, the remainder of the district shall be found to contain less than fifteen persons of school age; and when practicable, the district shall conform to government lines; *provided, also*, that no incorporate city or town shall hereafter be divided into two or more school districts.

Union of contiguous districts;
majority determined.

2475. SEC. 29. Two or more contiguous districts may be united into one district or a fractional portion of one district may be detached from the same and added to a district contiguous to said fraction. For the purpose of effecting such union or transfer, each district shall, at a special meeting legally called for the purpose, determine by ballot whether or not a majority of the legal voters assembled are in favor of such union or transfer. Those in favor shall vote "yes," those opposed, "no." In the case of a vote for a union, if a majority in each district are in favor of the same, there shall be called a union meeting, by giving notice as provided in section twenty-seven, (27) at which union meeting the organization shall be perfected

by the election of officers and other necessary proceedings in the same manner as provided for the organization of districts in section twenty-eight (28) of this act.

2476. SEC. 30. No new district formed as provided in sections twenty-seven (27) and twenty-eight (28) of this act, shall be entitled to any portion of the public school money until a school has actually commenced therein, and unless within six (6) months from the establishment of such district, a school be opened and maintained as required by law, then the action making such district, shall be void, and all actions had by such district, acting as a body corporate, shall cease and determine and all taxes which may have been levied in the old district or districts, out of which the new one was formed, shall be valid and binding upon the real and personal property of the new district, the same as if said new district had never been organized; *provided*, that the county superintendent may for good cause extend the said six (6) months to eight (8) months. Said time of limitations shall begin to run from the time of the meeting at which it was voted to organize the district. That whenever any district shall, for the period of one year, fail to maintain a school and to keep up its organization of officers, as required by law, the county superintendent shall declare such district annulled, and its territory may, by him, be attached to other districts, upon petition of the heads of families within such territory.

Most establish school before money is paid over; may become void in six months; county superintendent may extend time; he shall annul after one year.

2477. SEC. 31. A joint school district may be formed from territory belonging to two or more contiguous counties. For the purpose of organizing a joint district, the same preliminary steps shall be taken, and the same course pursued, as is provided for the organization of other districts, in sections twenty-seven (27) and twenty-eight (28). Such district shall be designated as "joint district number —, of the counties of — and —," and shall be so numbered that it shall have the same number in all the counties from which it is formed. The petition required by section twenty-seven (27) shall be made to each county superintendent interested, who shall unite in forming such district; *provided*, that the school census, the record of attendance at school, the assessing of property, the collection

Joint districts; how formed; reports, etc.; separate teachers in.

of taxes, and all other acts which from their nature should be separately kept, shall be kept and done, and the reports thereof made as if each portion of said joint district belonging to each county were an entire district in the respective counties. The teachers of such joint district shall have a certificate from the superintendent of the county in which the school house is located.

New districts to have just share of money, but not till a school begins.

2478. SEC. 32. When a new district is formed from one or more old ones it shall be entitled to a just share of the school moneys remaining to the credit of the old district or districts, after deducting for the payment of all outstanding debts, excepting debts incurred for building and furnishing school houses; *provided*, that no money shall be apportioned to such new district until a school shall have been commenced therein in good faith.

UNION HIGH SCHOOL.

Contiguous districts may form; committee elected from joint boards; county superintendent a member of committee.

2479. SEC. 33. Whenever the school boards of two (2) or more contiguous school districts shall each deem it advisable to establish a union high school, the county superintendent shall, at the request of two (2) of the secretaries of the boards, call a meeting of the boards interested, by giving personal notice to each member; which meeting shall elect by ballot from among the members of said boards, if a majority of the members of each board are present, a committee of three (3), to be known as the high school committee of such union school. The county superintendent shall be *ex-officio* an additional member of said committee, and shall preside at the meetings thereof. There shall be elected a secretary of such committee, and, if need be, a treasurer.

Tenure of office; vacancies how filled; compensation of secretary.

2480. SEC. 34. The members of said high school committee shall hold the office for and during the term they are members of their respective boards. All vacancies in said committee, other than such as are caused by the expiration of the term of office, shall be filled by the school board of which the person so vacating was a member. The secretary shall be elected annually, and may receive such compensation as the committee shall deem proper to allow.

2481. SEC. 35. The regular meetings of the high school committee shall be held on the first Saturday of March, June, September and December of each year, and special meetings may be held at any time upon the call of the county superintendent, or of two (2) members of the committee.

Regular meetings; special meetings.

2482. SEC. 36. Said committee shall exercise all the powers and perform all the duties, with reference to said high school, that are accorded to and required of school boards throughout the state, as provided in section fifty (50) of this act, and shall have power to establish and prescribe the qualifications and manner of examination for admittance to the high school.

Powers and duties of committee

2483. SEC. 37. After the first establishment of such a union high school, it shall be maintained until the then next regular apportionment of the county school fund, as follows: each district shall draw from its school fund and cause to be placed to the credit of high school fund such part of the whole expenses as shall be proportioned to the number of pupils attendant at such high school from such district. After the first year, or part of a year, so as above provided for, the said high school shall, so far as practicable, be rated as a separate district. It shall be entitled to draw from the general state and county funds its quota for attendance, as provided by section seventy-two (72) of this act, and the deficit shall be made up from the several district funds in proportion to the number of pupils from each district who attended said high school during the then past year.

Apportionment of funds to high school first year, rated as separate district thereafter; deficit, how made up.

2484. SEC. 38. The high school may be maintained during forty (40) weeks in each year, and shall be free to all children in the county who are qualified for admission, according to the requirements prescribed by the committee, and whose districts contribute to its support.

Free, to whom; maintained forty weeks.

2485. SEC. 39. Every district in the county which contributes to the support and patronage of said high school, shall, by its board of directors, be entitled to a voice in the election of members of the committee.

Who shall elect members of committee.

SCHOOL DISTRICTS, OFFICERS AND ELECTIONS.

2486. SEC. 40. Each regular organized school district heretofore formed, or that may be formed, as provided in this act, is hereby declared to be a body corporate, by the name and style of school district No. —, in the county of —, and state of Colorado, and in that name may hold property and be a party to suits and contracts, the same as municipal corporations in this state.

2487. SEC. 41. There shall be elected in each school district of this state, annually, and in the manner prescribed in section forty-four (44) of this act, a board of directors. The number of persons that shall constitute each board of directors shall be determined as follows: The school districts shall be classified into first (1st), second (2d) and third (3d) classes; districts containing a school population of more than one thousand (1,000), shall be denominated districts of the first (1st) class; districts containing a school population of three hundred and fifty (350) and not exceeding one thousand, shall be denominated districts of the second class; and districts containing a population of less than three hundred and fifty, shall be denominated districts of the third class. At the next regular election hereafter, as provided in section forty-four (44) of this act, all districts of the first (1st) class shall elect by ballot two (2) directors for three (3) years, two (2) directors for two (2) years, and two (2) directors for one year, and annually thereafter there shall be elected two (2) directors for three (3) years. All districts of the second and third classes shall elect one (1) president for three (3) years, one (1) secretary for (2) years, and one (1) treasurer for one (1) year, and annually thereafter there shall be elected for three (3) years a person to fill the vacancy occurring. School boards of the first class shall, at their first meeting after their election, elect a president who shall be a member of the board, a secretary who may or may not not be a member of the board, and a treasurer who shall not be a member of the board; who shall each hold office for one year or until his successor is elected and qualified. In districts of the first and second classes, the boards, after organization, shall exercise all the power given to the electors of districts of the third class as specified in

Each district a
body corporate.

Annual election;
classes of dis-
tricts, according
to population;
term of office;
organization of
boards.

section sixty-two (62) of this act; *provided*, that all districts organized under the territorial law of A. D. 1876, shall elect at the next regular election, only such district officers as may may be necessary to fill the vacancies occurring under the provisions of said law.

2488. SEC. 42. Every school district in the state, which now exercises the prerogatives of a school district, and the legality of whose formation or organization has not been legally denied, and which has a board of school directors, duly qualified according to the usual method, and has exercised the rights and enjoyed the privileges of a legally and regularly established district for one (1) year, shall be and is hereby declared to be a legal school district.

Present organization legalized.

2489. SEC. 43. All school districts now formed or which may hereafter be formed, which shall continue to exercise, undisputed, the prerogatives and enjoy the privileges of a legally formed district, for the period of one year next succeeding the election of its officers, shall be deemed to be a legally formed district, and its legality shall not thereafter be questioned.

What constitutes a district legally.

2490. SEC. 44. The regular election for electing members of the school board, shall be held annually in each district on the first Monday in May, at which time it shall be lawful to transact any business pertaining to schools and school interests. The secretary of each school board shall cause written or printed notices to be posted, specifying the day and the place of such election, and the time during which the ballot box shall be kept open, not less, however, than three hours, and further specifying at what hour any other business shall be transacted. Said notices shall be posted in at least three public places in the district, one of which shall be the school house, if there be one, at least six days previous to the time of the election. If the secretary fail to give such notice, then any two (2) legal voters residing in the district may give such notice, over their own names, and such election may be held after the day fixed by this act for such election. All elections shall be by ballot, and in the absence of a notice specifying the hour, the ballot box shall be opened at nine (9) o'clock A. M., and closed at four (4) o'clock P. M.

Annual election.

Notice.

Ballot box open three hours.

Notice by two voters.

All elections by ballot.

Who are voters.

2491. SEC. 45. Every elector legally qualified to vote at a general election, having been a resident of the school district for thirty (30) days next preceding the day of election, and who shall have paid all school taxes assessed against him, shall be entitled to vote; *provided*, that no person

Sex no qualification.

Challenge.

Oath.

Judges of election.

Counting the vote.

Tie vote.

Special election.

Failure to give notice voids the election.

shall be denied the right to vote at any school district election, or to hold any school district office on account of sex. Any person offering to vote, may be challenged by any legally qualified elector of the district, and any one of judges of the election shall thereupon administer to the person challenged an oath, as follows: "You do swear (or affirm) that you are a citizen of the United States, or that you have declared your intention to become such; that you have resided in this state of Colorado six months immediately preceding this election; that you are twenty-one years of age; that you have resided in this district thirty days next preceding this election; that there are no unpaid school taxes assessed against you; and that you have not voted at this election, so help you God, (or under the pains and penalties of perjury)." If he shall refuse to take such oath or affirmation, his vote shall be rejected. And any person guilty of voting illegally, shall be punished as provided in the general election law of this state. The president, secretary and treasurer of the district school board, shall act as judges of the election, and should any of them be absent at the opening of the polls, the electors present shall appoint a legal voter to fill the vacancy.

2492. SEC. 46. Immediately after the closing of the polls, the judges shall proceed to count the votes, and the person or persons qualified to be elected, who shall receive the largest number of votes, shall be declared elected. If, for any cause, no election be held at the regular time, or if upon counting the votes there be a tie vote for any one or more of the offices, a special election shall be called by the board within ten (10) days, and notice thereof given as required in section forty-four (44) of this act. A failure to give the prescribed notice of such special election shall render the election void.

2493. SEC. 47. The directors shall each, within twenty (20) days after his or her election, appear before some officer

authorized to administer oaths, and take oath he or she will faithfully perform the duties of his or her office [as] required by law, which oath shall be filed with the county superintendent, and in case of failure so to qualify, his or her office shall be deemed vacant, and the county superintendent shall appoint another and suitable person, who shall qualify immediately. The treasurer of each board shall give a bond in double the amount of money liable to come into his hands, said bond to be approved by and filed with the county superintendent. The directors elect shall take office immediately after qualifying, as aforesaid.

Oath of office.

Where filed.

Vacancy how filled.

Treasurer's bond.

2494. SEC. 48. Any school board shall have power to make such by-laws for their own government and for the government of the public schools under their charge, as they may deem expedient, not inconsistent with the provisions of this act, or the instructions of the superintendent of public instruction. District boards of the first class shall also have power to fill any vacancy which may occur in the board until the regular election, at which time the vacancy shall be filled for the unexpired term.

By-laws by the board.

Vacancies in districts of first class.

2495. SEC. 49. The regular meeting of each board shall be held on the last Saturday of March, June, September and December. The board may, however, hold such other regular, special or adjourned meetings as they may from time to time determine, or as may be specified in their by-laws.

Regular meetings.

Special meetings.

2496. SEC. 50. Every school board, unless otherwise especially provided by law, shall have power, and it shall be their duty:

Powers and duties of boards.

First—To employ or discharge teachers, mechanics, and laborers, and to fix, allow and order paid their salaries and compensation, and the compensation of the secretary and treasurer of the board, and to determine the rate of tuition for non-resident pupils.

Employment and discharge of teachers, etc.

Compensation of same.

Second—To enforce the rules and general regulations of the state superintendent, to fix the course of study, the exercises and the kind of text-books to be used; *provided*, that but one kind of text-book of the same grade or branch of study shall be used in the same department of a school, and that after the adoption of any book, it shall not be changed

Fix course of study.

Text books.

One kind in same branch.

Not changed in less than four years. in less than four years, unless the price thereof shall be unwarrantably advanced, or the mechanical quality lowered, or the supply stopped.

School furniture. *Third*—To provide for school furniture, and for everything needed in the school house, or for the use of the school board.

Houses. *Fourth*—To rent, repair and insure school houses.

To build or remove. *Fifth*—To build or remove school houses, and to purchase or sell school lots, when directed by a vote of the district so to do.

Sixth—To hold in trust for their district all real or personal property for the benefit of the school thereof.

Suspend or expel pupils. *Seventh*—To suspend or expel pupils from school who refuse to obey the rules thereof, and to exclude from school, children under six years of age.

Number of teachers. *Eighth*—To determine the number of teachers that shall be employed and length of time over and above three (3) months that the school shall be kept; to fix the time for the opening or closing of school, and for the dismissal of primary pupils before the regular time for closing schools.

Length of school and school hours. *Ninth*—To provide books for indigent children, on the written statement of the teacher, that the parents of such children are not able to purchase them.

Indigent children. *Tenth*—To require all pupils to be furnished with the proper and suitable books as a condition of membership in school.

Sectarian books. *Eleventh*—To exclude from schools, and school libraries, all books, tracts, papers or catechisms of a sectarian nature.

Twelfth—To require teachers to conform to the law.

Annual report. *Thirteenth*—To make an annual report as required by law, to the county superintendent, on or before the tenth day of September in each year, in the manner and form and on the blanks prescribed and furnished by the superintendent of public instruction.

Fourteenth—To make a report directly to the state superintendent whenever instructed [by] him so to do.

Admit pupils from adjoining districts. *Fifteenth*—The school board of any district may, with the concurrence of the board of an adjoining district or districts, admit pupils from either of said districts to a school within their own district; but said pupils shall be enumerated in

their respective districts, and the portion of the school money to which they may be entitled by such enumeration shall be applied to the support of [the] said school where they shall attend.

2497. SEC. 51. The school board of districts of the first and second classes shall have the power to establish a separate high school whenever they shall deem it expedient or necessary, and shall have power to determine the qualifications for admission to such school, and shall exercise all the powers with reference to such high school which are accorded to them in relation to the schools of lower grade. *Provided*, that no school board shall build or lease any building especially for such high school, unless authorized to do so by a vote of the district, as provided in section sixty-two (62) of this act.

Board may establish high school.

No building without vote of the district.

2498. SEC. 52. The president, when present, shall preside at all meetings of the board and of the district, sign all orders on the district or county treasurer for the payment of money, and shall appear in behalf of his district in all suits brought by or against the same; but when he is individually a party, this duty shall be performed by the secretary.

Duties of president.

2499. SEC. 53. The secretary shall record all proceedings of the board and of the district meetings in separate books kept for that purpose; shall preserve copies of all reports made to the county superintendent; shall file all papers transmitted to him by other school officers pertaining to the business of the district, and shall countersign all drafts, warrants or orders drawn by the president, and shall keep a register of all orders drawn on the county or district treasurer, showing the number of the order, date, name of the person in whose favor drawn, for what purpose, and the amount; and shall, from time to time, furnish the district treasurer with a transcript of the same. Immediately after the election of the board of directors, as provided by this act, he shall transmit to the county superintendent a statement giving the name and postoffice address of the president, secretary, and treasurer, respectively, of the board of directors, as aforesaid. He shall, between the twentieth (20th) of June and tenth (10th) of July of each year take

Secretary.

Keep records.

Preserve and file papers and reports.

Countersign orders and register same.

Report names to county sup't.

Take census. and keep and record a list, alphabetically arranged, of the names of all persons residing in the district between the ages of six (6) and twenty-one (21) years, and shall deliver a copy of the same to the principal teacher of each school in the district. The census list shall be sworn to as correct

Swear to same. by the person taking the same, and a copy thereof filed with the county superintendent. If the same person is found to be listed in more than one district, he or she shall be counted as belonging to the district where he or she shall or may attend school.

Children temporarily absent. 2500. SEC. 54. All children who may be temporarily absent from their district attending boarding schools or private seminaries, shall be included in the census list so taken, and shall not be taken by the secretary of the district where they may be.

Keep accounts. 2501. SEC. 55. The secretary shall keep an accurate account of the expenses incurred by the district, and shall present the same to the board whenever called upon. He

Give notices. shall give the required notice of all regular and special meetings, as herein authorized. On or before the tenth

Annual report. day of September of each year, he shall make out and file in the office of the county superintendent, a report of the affairs of the district containing:

Items. *First*—The number of persons, male and female, each, in his district, between the ages of six (6) and twenty-one (21) years.

Second—The number of schools, and the branches taught in each.

Third—The number of pupils in each school.

Fourth—The number of teachers employed in each school, and the compensation of each per month.

Fifth—The number of days the school was taught during the year then past, and by whom.

Sixth—The number of pupils enrolled during the year, the average daily attendance, and the average number belonging to the school.

Seventh—The average cost of tuition per month, for each pupil, based on the average number belonging to the school.

Eighth—Text books used in each school.

Ninth—The number of volumes in the library of each school.

Tenth—The aggregate amount paid teachers during the year, and the average monthly pay of teachers.

Eleventh—The number of public school houses, and the estimated value of each.

Twelfth—The amount raised in the district, by tax, for the erection of school houses.

Thirteenth—The amount raised by subscription, or by other means than by tax.

Fourteenth—The amount of special tax levied for the support of schools.

Fifteenth—The amount of money on hand at the beginning of the year then past.

Sixteenth—The amount of money received from all other sources than those herein specified.

Should the secretary fail to file his report, as above directed, he shall forfeit the sum of one hundred (100) dollars, and shall make good all loss resulting to the district, from such failure.

2502. SEC. 56. The secretary shall render a statement of the condition of the finances, as shown by the books, at any time when required by the school board, and his books shall always be open for inspection.

2503. SEC. 57. It shall be the duty of the treasurer to take charge of all moneys received by him, from orders on the county treasurer, and from all other sources, to pay out the same upon the order of the president, countersigned by the secretary; he shall keep an account of the receipts and expenditures thereof, in a book provided for such purpose; he shall render a statement of the finances of the district, as shown by the records of his office, at any time when required by the board. For a failure to perform any of the duties of his office, when directed by the board, he shall be liable on his bond, and shall make good all loss resulting to the district from such failure.

2504. SEC. 58. No superintendent or district officer shall receive any compensation, who has neglected or refused to perform any duty required by law, and any district officer so neglecting or refusing, when specially directed by a majority of the district board, shall be deemed guilty of a misdemeanor; and it shall be deemed a violation of

Forfeit for failure.

Render statement to board.

Books always open.

Treasurer's duties.

Custodian of funds.

Keep accounts.

Render financial statement.

Forfeit for failure.

Neglect of duty a misdemeanor.

law for any person to draw or sign a warrant for the payment of such delinquent officer, and any person so signing a warrant shall be liable in double the amount of such warrant.

TEACHERS.

2505. SEC. 59. No district board shall employ any person to teach in any of the public schools of the state, unless such person shall have a license to teach, issued from the proper county or state authority, and in full force at the date of employment; and any teacher who shall commence teaching in any such school, without such license, shall forfeit all claim to compensation out of the school fund, for the term so teaching without such license. And if a teacher's license shall expire by its own limitation within a term of employment, such expiration shall not have the effect to stop the school, or stop the teacher's pay; *provided*, that a teacher whose certificate so expires, shall, at the first regular examination, or before, secure a renewal thereof or a new certificate. No teacher shall be dismissed without due notice, and upon good cause shown; and such teacher shall be entitled to receive pay for services rendered.
2506. SEC. 60. The principal teacher of every public school in this state shall, at the commencement of such school, notify the county superintendent of such commencement, and at the expiration of each term of service furnish a complete report to the school board of his district, verified by affidavits, showing the length of the school term, in days actually taught, including national holidays that occur during the weekly sessions; the number of teachers employed, male and female; the number of pupils enrolled during the term, distinguishing between males and females; the average daily attendance; the average number belonging; branches pursued and text books used. Besides such term records and reports the principal teacher shall keep a registry in a suitable book, which shall be furnished by the board, which shall show, alphabetically arranged, males and females separately, the name, age, parent or guardian, date of enrollment, number of days attendance during each term, and total number of days
- Shall not teach without certificate.
- Forfeit.
- Expiration of certificate not to stop school.
- Not dismissed without cause.
- Shall notify county superintendent of commencement.
- Furnish sworn report.
- Items of same.
- Keep register.
- Items.

attendance of each pupil during each school year, beginning September first (1st). The affidavit above mentioned may be taken by the president of the school board, and it shall further be the duty of every teacher in a public school to report to the district secretary and also to the county superintendent the average number of pupils belonging to his or her school for the term; *provided*, that in graded schools the subordinate teachers shall make such report to the principal or superintendent of such school, who shall forward to the district secretary and also to the county superintendent an abstract of such reports; and until such reports shall have been filed, and such yearly registry made, the president shall not draw his warrant for the last month's salary of the teacher. The average number belonging shall be determined at the close of each week, as follows: In all cases of absence from school, whether with intention of returning or not, whether the absence be occasioned by sickness or other causes, including suspension of pupils, but excepting only the cases of transfer to some other school in the same system, the pupil's name shall be kept on the roll as belonging for three whole days and dropped uniformly in case he does not return on the seventh half day; but a pupil who recites lessons in school shall be considered as belonging for the day although the lessons may have been studied elsewhere. The average number belonging for the term shall be found by dividing the sum of the weekly averages by the number of weeks in the term. It shall be the duty of each successive teacher to keep the said annual registry, as above specified, for the time that such teacher has charge of the school, and the teacher who shall be teaching at the close of the last term of each school year shall, in the annual report, include all statistics from the school register for the entire school year, notwithstanding any previous report for a part of the year.

Report to secretary and county superintendent.

Assistant's report to principal.

Average number belonging.

How obtained.

Annual report to include statistics for the full year.

SPECIAL DISTRICT MEETINGS.

2507. SEC. 61. In any district of the third class the board of directors may at any time call a special meeting of the electors of such district for any of the purposes specified in section sixty-two (62) of this act, and it shall be

Directors to call in third class districts.

Ten voters may petition.

Notices.

Items.

Twenty days.

Powers of electors.

Items.

their duty to call such meeting, if petitioned so to do by ten (10) legal voters of the district. Notices specifying the time, place and object of such meeting, shall be posted in three (3) public places, one of which shall be at the place of meeting at least twenty (20) days prior to the time of holding such meeting.

2508. SEC. 62. The qualified electors of districts of the third class, when assembled at any regular or special meeting, shall have power:

First—To appoint a chairman and secretary in the absence of the regular officers.

Second—To adjourn from time to time, as occasion may require.

Third—To fix the site for each school house, taking into consideration in doing so the wants and necessities of the people of each portion of the district.

Fourth—To order such tax on taxable property of the district as the meeting shall deem sufficient for any of the following purposes: To pay teachers; to purchase or lease a suitable site for a school house or school houses; to build, rent or purchase a school house or school houses, and to keep in repair and furnish the same with the necessary fuel and appendages; for procuring libraries for the schools, books and stationery for the use of the board and district meetings, and to defray all other contingent expenses of the district.

Fifth—To direct the sale or other disposition to be made of any school house, or the site thereof, and of such other property, real or personal, as may belong to the district, and to direct the manner in which the proceeds arising therefrom shall be applied.

Sixth—To transact generally such business as may tend to promote the cause of education, in accordance with the provisions of this act.

Seventh—To adopt any rules of order for the government of district meetings, not incompatible with the provisions of this act, and to alter and change the same from time to time, as occasion may require.

2509. SEC. 63. The county commissioners shall, at the time of levying the tax for county purposes, cause to be levied a

tax for the support of schools within the county of not less than two (2) mills on the dollar, and not more than ten (10) mills on the dollar of the assessed value of all the taxable property, real and personal, within the county; which tax shall be collected by the county treasurer at the same time and in the same manner as state and county taxes are collected, except that it shall be receivable only in cash.

County commissioners shall levy tax.

Two to ten mills.

Treasurer shall collect.

2510. SEC. 64. No county clerk or other person who shall make out the tax list or assessment roll of any county, shall omit or neglect to levy said tax of two (2) mills, as aforesaid, by reason of the omission of the board of county commissioners to pass a resolution for that purpose. Failure to levy a tax of at least two (2) mills, as above specified, shall be deemed a violation of the law, and the person or persons through whose neglect or refusal the failure so to levy shall occur, shall forfeit the sum of one hundred (100) dollars each, and be liable for all damages resulting from such neglect or failure.

County clerk must levy with or without order of commissioners.

Forfeit for failure to levy.

2511. SEC. 65. The county treasurer shall, on or before the first day of January, April, July and October, of each year, certify the amount of said tax which shall have been collected, and the amount of any other county school money, then in the county treasury, to the county superintendent, and shall render him a statement of the amount uncollected. The amount unpaid shall be collected at any subsequent time, as delinquent taxes are collected, and shall be certified to the county superintendent as aforesaid. Should the treasurer fail at any time to pay over the tax as herein provided, he shall forfeit the sum of one hundred (100) dollars, and double damages, to be collected on his official bond; suit to be brought by the county superintendent, for the benefit of his county [school fund].

County treasurer to certify amount collected to county superintendent quarterly.

Delinquent taxes

Forfeit and damages.

SPECIAL SCHOOL FUND.

2512. SEC. 66. On or before the day designated by law for the commissioners of each county to levy the requisite taxes for the then ensuing year, the school board in each district of the first and second classes, and the school boards of the districts of the third class that may have voted to raise a special school or building fund, shall certify

School boards to notify county commissioners.

to the county commissioners the number of mills per dollar which it is necessary to levy on the taxable property of the district, to raise the said special fund, and the commissioners shall cause the same to be levied at the same time that other taxes are levied, and the amount of such special tax which shall be assessed to each taxpayer of such district shall be placed in a separate column of the tax book, which shall be headed "Special School Tax." There shall also be a column in said tax book in which shall be designated the number of the school district in which the property is listed. This tax shall be collected in cash only, and placed to the credit of the proper district, as fast as collected, and the amount placed to the credit of each district, shall be reported to the president of such district at the end of every month, and shall be subject to the order of the district board. It is hereby made the duty of the county assessor and county treasurer to so arrange their tax schedules and books as to conform to the above provisions; *provided*, that the county assessor shall list all property, both real and personal, in the school district in which the same may be at the time any school tax may be levied.

To be levied
same as other
taxes.

Separate column
for each district.

Cash only.

Assessor and
county treasurer
to arrange books

Where property
is listed.

County treasurer
to keep an ac-
count with each
district.

2513. SEC. 67. It shall be the duty of the county treasurer to open and keep separate accounts with each school district in his county, and hold the funds of each district, subject to the legal drafts of the president, as provided by section fifty-two (52) of this act.

PENAL FUND.

2514. SEC. 68. All fines, penalties and forfeitures provided by this act may be recovered by action of debt, in the name of the people of the state of Colorado, for the use of the proper school district or county, and shall, when they accrue, belong to the respective districts or counties, in which the same may have been incurred; and the county treasurers, for their counties, are hereby authorized to receive and cause to be placed to the proper credit such forfeitures. Except as otherwise provided by law, all sums of money derived from fines imposed for violation of orders of injunction, mandamus and other like writs or for contempt of court, shall be paid into the school fund of the

Fines under this
law.

county wherein the contempt or such violation was committed; and the clear proceeds of all fines collected within the several counties of the state for breach of the penal laws, and all funds arising from the sale of lost goods and estrays, shall be paid over in cash by the person collecting the same, within twenty (20) days after the collection, to the county treasurer of the county in which the same have accrued, and shall be by him credited to the general county school fund. He shall indicate in such entry the source from which such money was derived. Any officer or person collecting or receiving any such fines, forfeitures or other moneys, and refusing and [or] failing to pay over the same, as required by law, shall forfeit double the amount so withheld and interest thereon at the rate of five (5) per cent. per month during the time of so withholding the same; and it shall be a special duty of the county superintendent of schools to supervise and see that the provisions of this section are fully complied with, and report thereupon to the county commissioners semi-annually or oftener, if required by them.

Contempt of court.

Penal fines.

Estrays.

Forfeiture for failure to pay over.

County superintendent to look after fines, etc.

SPECIAL BUILDING FUND.

2515. Sec. 69. A special building fund for building, leasing, purchasing, repairing, enlarging or furnishing school buildings or purchasing grounds, may be raised, levied, assessed and collected, in the same manner as is provided in this act for special school fund and kept separate from all other funds, and as fast as collected shall be subject to the order of the proper district board; *provided*, that it shall not be lawful to reconsider the question of the levy of said tax after the same has been certified to the county commissioners.

How raised.

Kept separate.

Reconsideration.

2516. Sec. 70. It shall be deemed illegal for any person or persons to appropriate, or cause to be used, any portion of the state, county, special school or penal fund, for the purpose of building, furnishing or erecting additions to any school house, or for the purchase or improvement of any school house, site or lot; *provided*, that if any portion of the aforesaid school funds remain to the credit of any district after the payment of all expenses necessary to the

What funds may not be used for building.

Balance after
ten months
school.

support of a public school for a period of ten months in any one year in said district, it shall be lawful for the district board to use such balance for any of the purposes provided for in section fifty (50) of this act.

APPORTIONMENT OF SCHOOL FUND.

First Monday of
October.

2517. SEC. 71. On or before the first Monday of October next, after having received the reports from the secretaries of the several districts, as provided to section fifty-five (55) of this act, and annually thereafter, the county superintendent of each county shall estimate what proportion of the general school fund, which may be distributed during the then current year among the districts of his county, shall belong to each district.

Apportioned ac-
cording to census

2518. SEC. 72. The county superintendent shall apportion the said fund among the districts entitled to the same according to the number of persons of school age, as shown by the census list of the several districts. He shall, after such apportionment is ascertained, proceed as directed in section nineteen (19) of this act.

Forfeiture re-
ferred to state
superintendent.

2519. SEC. 73. Whenever a school district shall have forfeited or been deprived of the whole or any part of an apportionment, if it can be shown to the satisfaction of the state superintendent of public instruction, that such forfeiture or deprivation was caused by accident, mistake or extraordinary occurrence, he may, upon the application of such district, direct and authorize the county superintendent to make an equitable allowance to such district.

No district en-
titled to money
unless it has a
school at least
sixty days, holi-
days included.

2520. SEC. 74. After the first day of September, A. D., 1877, no district shall be entitled to receive, nor shall it receive any portion of the general or county school fund unless there was maintained in such district, during the year next preceding the time of apportionment, a school under the charge of a licensed teacher, or a succession of licensed teachers, for and during sixty (60) school days. All legal and national holidays, and all days not exceeding six that the school may have been suspended by reason of the attendance of teachers upon teachers' institutes, shall be included in the sixty (60) days aforesaid; *provided*, that such holidays and such institutes occurred during the reg-

ular term of the school; *provided, further*, that the provisions of this section shall not apply to a new district until after the lapse of one year from the date of its organization.

Not apply to new districts.

SCHOOLS.

2521. SEC. 75. A public school is hereby defined to be a school that derives its support entirely, or in part, from moneys raised by a general state, county or district tax.

Public school.

2522. SEC. 76. Every public school, except the high school shall be open for the admission of all children between the ages of six (6) and twenty-one (21) years, residing in that school district during at least three school months in each year, and the school board shall have power to admit adults and children not residing in the district, if they see fit so to do, and to fix the terms of such admission.

Open to all children of the district.

Children from other districts.

2523. SEC. 77. The public schools of this state shall be taught in the English language, and the boards shall provide to have taught in them the branches specified in section fifteen (15) of this act, and such other branches of learning and other languages as they may deem expedient; and whenever the parents or guardians of twenty or more pupils in attendance at any school shall so demand, it shall be the duty of the board to procure efficient instructors and introduce the German and Spanish, or either language, and gymnastics, as a branch of study, into such school; *provided*, that such demand is made before the teacher or teachers are employed for the ensuing term.

School taught in the English language.

German and Spanish taught by request.

2524. SEC. 78. The school year shall begin on the first day of September and end on the thirty-first day of August. A school month shall be four weeks, a school week five days, and a school day shall not exceed six hours, excluding the time of intermission at noon.

School year.

Month.

Day.

2525. SEC. 79. A school census is hereby defined to be a census embracing all persons between the ages of six and twenty-one years. School age is hereby defined to be any age over six and under twenty-one years.

School census.

School age.

TEACHERS' INSTITUTE.

2526. SEC. 80. Whenever reasonable assurance shall be given by the county superintendents of two or more counties in any judicial district, to the superintendent of public instruction, that not less than twenty-five teachers in said district desire to assemble for the purpose of holding a teachers' institute, to remain in session not less than five working days, he shall appoint the time and place of said meeting, and give due notice thereof to the county superintendents of all the counties in said district, and for the purpose of defraying the expenses of said institute the said state superintendent is hereby authorized to draw out of any moneys in the state treasury, appropriated to this purpose, a sum not exceeding one hundred (100) dollars annually for one such institute in said judicial district, and shall transmit the same to the county superintendent in whose county the institute shall be held, who shall defray the necessary expenses of the institute, and if any balance remains he shall refund the same into the state treasury within ten days after the close of the institute aforesaid. Whenever any such institute is in session the boards of directors of such schools as may be in session at the time, may close the schools during its sessions, if they deem it advisable, and permit the teachers thereof to attend such institute; and the pay of such teachers while attending the institute shall continue the same as though such schools had not been closed.

Twenty-five
teachers in a ju-
dicial district.

Not less than
five days.

One hundred
dollars annually
to each district.

Boards may
close schools on
account of insti-
tute.

APPEALS.

2527. SEC. 81. Any person aggrieved by any decision or order of the district board of directors, in matter of law or fact, may, within thirty days after the rendition of such decision, or making of such order, appeal therefrom to the county superintendent of the proper county.

2528. SEC. 82. The basis of the proceeding shall be an affidavit, filed by the party aggrieved, with the county superintendent, within the time for taking the appeal.

2529. SEC. 83. The affidavit shall set forth the errors complained of in a plain and concise manner.

Made within
thirty days.

To county su-
perintendent.

By affidavit.

Set forth errors.

2530. SEC. 84. The county superintendent shall, within five days after the filing of such affidavit in his office, notify the secretary of the proper district, in writing, of the taking of such appeal; and the latter shall, within ten days after being thus notified, file in the office of the county superintendent, a complete transcript of the record and proceedings relating to the decision complained of, which shall be certified to be correct by the secretary.

Notify secretary
within five days.

Transcript filed
within ten days.

2531. SEC. 85. After the filing of the transcript aforesaid, in his office, he shall notify, in writing, all persons adversely interested, of the time and place where the matter of the appeal will be heard by him.

Notify all parties

2532. SEC. 86. At the time thus fixed for hearing, he shall hear testimony for either party, and for that purpose may administer oaths if necessary, and he shall make such decision as may be just and equitable, which shall be final, unless appealed from, as hereinafter provided.

Hear testimony
and make
decision.

2533. SEC. 87. An appeal may be taken from the decision of the county superintendent to the state board of education, in the same manner as provided in this act, for taking appeals from the district board to the county superintendent as nearly as applicable, except that the said board shall give thirty days' notice of the appeal to the county superintendent, and the like notice shall be given the adverse party. The decision of said board, or a majority of them, shall be rendered by the president of the board, and such decision, when made, shall be final.

Appeals to state
board.

Thirty days
notice.

Decision final.

2534. SEC. 88. Nothing in this act shall be so construed as to authorize either the county superintendent or the state board, to render a judgment for money; neither shall they be allowed any other compensation than is allowed by law. All necessary postage must first be paid by the party aggrieved.

No judgment for
money rendered.

SCHOOL DISTRICT BONDS.

2535. SEC. 89. On the petition of twenty legal voters of any school district, the secretary of said district shall give notice, not less than twenty days before any regular or special meeting, held under the provisions of this act, that

Notice given on
petition of
twenty voters.

Vote may be taken at any regular or special meeting.

None are voters but such as have paid school tax.

Not to exceed three per cent. of valuation.

Vote by ballot.

Interest not to exceed twelve per cent.

Redeemable at pleasure of district.

Payable at county treasurer's office, or in New York.

Registered in county recorder's office.

County commissioners levy all bond taxes.

the question of contracting a bonded debt, for the purpose of erecting and furnishing school buildings, or purchasing ground, will be submitted to such qualified electors of the district as shall have paid a school tax therein in the year next preceding the said meeting. The electors aforesaid shall first agree, by a majority vote on the amount of indebtedness to be created, if any, (but in no case shall such indebtedness exceed three per cent. of the assessed value of the property in said district at the assessment next preceding the creation of such indebtedness, and in no case shall the aggregate amount of bonded indebtedness of any school district exceed three per cent. of the assessed value of the property of such district,) shall then proceed to vote by ballot "for the bonds" or "against the bonds," and the ballot box for this purpose shall be kept open as provided in section forty-four (44) of this act; and if it appear that a majority of all the votes cast are "for the bonds," the board of directors, as soon as practicable, shall issue coupon bonds of the district bearing interest not exceeding twelve per cent. per annum, payable semi-annually, and redeemable at the pleasure of the district after five years, and payable fifteen years from date; the principal and interest payable at the office of the treasurer of the county in which the said district may be situated, or the interest may be made payable in the city of New York, at the option of the holders thereof, and the cancelled coupons shall be at the disposal of the district board.

2536. SEC. 90. Whenever any school district shall issue bonds under the provisions of this act, all such bonds shall, previous to being negotiable, be presented to the recorder of the county, to be duly registered by him in a book kept for that purpose in his office, noting the school district, amount, time of payment and rate of interest, and all such bonds shall state on their face that they are issued under the provisions of this act.

2537. SEC. 91. Whenever any school district shall issue bonds under the provisions of this act, it shall be the duty of the board of commissioners of the county in which said district may be situated, to levy and assess a special tax on all the taxable property of such district, in amount

sufficient to pay the interest coupons thereon, when the same shall become due according to their tenor and effect, and the county treasurer shall collect the same as other taxes are collected, in cash only, keeping the same separate from other funds received by him; and if there shall be any surplus after paying [the coupons and] the expenses of collecting such special tax, the treasurer shall without delay pass the same to the credit of such school district, and such fund so passed to the credit of the district, shall be subject to the disposal of the board of directors. And after the expiration of five years next after the issue of such bonds, and annually thereafter until the full payment of said bonds, the said county commissioners shall provide by taxation, and shall collect at least ten per centum and not more than twenty per centum of the principal of such bonds, which amount shall be assessed and collected the same as the tax for the payment of the interest coupons, and when collected shall be turned over to the treasurer of such school district, such money to be used only in the payment of such bonds, in manner as follows: The treasurer of such school district, immediately after receiving the money as aforesaid, shall advertise in some newspaper published in his county, if there be any, for four successive weeks, that on a certain day named in the advertisement, he will pay certain of the district bonds, said bonds to be described in the advertisement by number and amount, and the advertisement shall further state that after the day so fixed for payment, the interest on the bonds described as aforesaid, shall cease and determine. The said payment shall be made at the office, and in the presence of the treasurer of the county, who shall cancel the bonds redeemed, and a minute of such cancellation shall be made on the books of the county recorder, after which they shall be at the disposal of the district board. The provisions of this section for levying and collecting taxes, and for the payment of interest coupons, shall be applicable to all school districts that have issued bonds under the provisions of laws of the territory of Colorado.

Surplus to go to district.

Taxes for principal; manner of payment.

At county treasurer's office.

Bonds issued under territorial law.

2588. SEC. 92. In all districts that have issued bonds under the provisions of the laws of the territory of Colorado,

Manner of re-
deeming bonds
issued under
territorial law.

the treasurer of the district, immediately after receiving the annual installment of the fund for the redemption of said bonds, as provided in section ninety-one (91), shall go into the market, and at the lowest price for which he can obtain such bonds, shall use such fund in the retiring of such bonds to the extent of such fund; *provided*, that the said treasurer shall not pay more than five per cent. premium on any bonds of his district, and any balance of said funds remaining in the hands of said treasurer shall be invested as nearly as possible in United States bonds or state bonds of Colorado.

Shall not pay
over five per
cent. premium.

Invest balance
in U. S. bonds.

Bonds deposited
in some bank.

Interest appro-
priated.

Bonds sold.

No change in
boundary lines
releases any
property from
bond tax.

Property added
to the district
liable for tax.

2539. SEC. 93. All United States or state bonds which may come into the hands of any district treasurer, under the provisions of this act, shall be duly recorded in the books of the district, and deposited in the safety vault of some bank within the state, selected by the district board. The interest coupons of said bonds shall be duly collected by the district treasurer, and the proceeds turned over to the county treasurer, to be used in the payment of the interest coupons of the bonds of such district, and the annual tax for the payment of the interest on said district bonds shall be proportionately lessened. Said United States or state bonds shall be sold by the district board at the best market rates, and the proceeds thereof used to redeem the bonds of the district when the same become due, or when they can be bought at not to exceed five per cent. premium.

2540. SEC. 94. No change in the boundary lines of such school district shall release the taxable real estate of the district from assessment and levy of taxes to pay the interest and principal of such bonds, and if there shall be any change of the lines of such school district, so as to leave any portion of the taxable real estate of the district out of the district, which was subject to taxation in the district at the time of the issue of such bonds, the assessment and levy for principal and interest of such bonds shall be made on such property as if it were still within the district, and if there shall be any change of the lines of such school district, so as to annex any taxable real estate, after the issue of such bonds, the real estate so annexed

shall thereafter be subject to the assessment and levy for principal and interest of such bonds.

2541. SEC. 95. The treasurer of the county shall receive the same compensation for the collection of such special taxes as he does for other school taxes. Compensation of county treasurer.

2542. SEC. 96. All such bonds so issued shall be signed by the president of the board of directors, and shall have the seal of the district attached, and shall be countersigned by the county treasurer. Bonds sealed and countersigned.

2543. SEC. 97. An act entitled an act concerning school bonds, approved January 29, 1872, and all acts amendatory thereto, also an act entitled, "An act to amend, revise and consolidate the acts relating to public schools," approved February 11, 1876, and all other general laws inconsistent with this act are hereby repealed. Repealing clause.

2544. SEC. 98. Inasmuch as an apportionment of the common school fund will be made to the various school districts within the state on the first of April, A. D. 1877, and such apportionment made under the present law will work a hardship to many districts, therefore this general assembly is of the opinion that an emergency exists requiring this act to be in force and take effect immediately. Emergency clause.

Approved, March 20, 1877.

CHAPTER XCIII.

SHEEP.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF SHEEP INSPECTORS.

[Session Laws, 1872.]

2545. SECTION 1. The county commissioners shall appoint a sheep inspector, who shall be a citizen of the county for which he is appointed, for each county containing two thousand sheep, who shall hold his office for two years, unless sooner removed; and any inspector may act in an adjoining county having no inspector, on request of the commissioners thereof. Appointment and term of office.