

**SCHOOL LAWS OF THE STATE OF COLORADO,  
U. S. A. : INCLUDING AMONG OTHER THINGS,  
PROVISIONS OF THE ACT OF CONGRESS  
GRANTING LANDS TO THE STATE FOR  
EDUCATIONAL PURPOSES, AND  
PARTS OF THE CONSTITUTION CONCERNING  
EDUCATIONAL INSTITUTIONS**

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School Laws of the State of Colorado, U. S. A. : Including among Other Things, Provisions of the Act of Congress Granting Lands to the State for Educational Purposes, and Parts of the Constitution Concerning Educational Institutions by Katherine M. Cook

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**KATHERINE M. COOK**

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# SCHOOL LAWS

OF THE

## State of Colorado

### U. S. A.

c. s. v.  
E 9-1763  
8/24/18

Including, Among Other Things, Provisions of the Act of  
Congress Granting Lands to the State for Educational  
Purposes, and Parts of the Constitution Concerning  
Educational Institutions.

KATHERINE M. COOK

State Superintendent of Public Instruction

1909-1910



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CALIFORNIA

1909

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STATE OF COLORADO  
DEPARTMENT OF PUBLIC INSTRUCTION

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This compilation of the School Laws is made in compliance with the statute, which provides that the state superintendent "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."

This work embraces the statutes now in force, including those passed by the legislature of 1909; all the provisions of the Enabling Act, Constitution of the State, and Federal Statutes pertaining to public schools. The sections have been rearranged and numbered according to the Revised Statutes of Colorado. In order to obviate the difficulties which have arisen from the conflicting statements relating to Union and County High Schools, the laws applicable thereto have been arranged under separate headings.



Superintendent of Public Instruction.

DENVER, COLORADO, September 25, 1909.

State of  
California

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## THE ENABLING ACT.

Act of Congress, March 3, 1875.

### 7. Lands for schools.

The sections numbered sixteen and thirty-six in every township, and where such sections have been sold or otherwise disposed of by any act of congress, other lands equivalent thereto in legal subdivisions of not more than one quarter-section, and as contiguous as may be, are hereby granted to said state for the support of common schools.

### 10. Seventy-two sections for university.

That, seventy-two other sections of land shall be set apart and reserved for the use and support of a state university, to be selected and approved in manner as aforesaid, and to be appropriated and applied as the legislature of said state may prescribe for the purpose named and for no other purpose.

### 14. School lands—how sold—price.

That the two sections of land in each township herein granted for the support of common schools, shall be disposed of only at public sale, and at a price not less than two dollars and fifty cents per acre, the proceeds to constitute a permanent school fund, the interest of which is to be expended in the support of common schools.

### 15. Mineral lands excepted.

That all mineral lands shall be excepted from the operation and grants of this act.

### FINES UNDER FEDERAL STATUTES.

Sec. 52. Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both. [Federal Criminal Code.

Sec. 53. Whoever shall build a fire in or near any forest timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than one thousand dollars, or imprisoned not more than one year or both. [Federal Criminal Code.

Sec. 54. In all cases arising under the two preceding sections the fines collected shall be paid into the public school fund of the county in which the lands where the offense was committed are situated. [Federal Criminal Code.



# CONSTITUTION OF COLORADO, 1876.

## ARTICLE IV.

### EXECUTIVE DEPARTMENT.

#### 1. Term of office—residence—duties—seat of government.

The executive department shall consist of a governor, lieutenant-governor, secretary of state, auditor of state, state treasurer, attorney-general, and superintendent of public instruction, each of whom shall hold his office for the term of two years, beginning on the second Tuesday of January next after his election; \* \* \* The officers of the executive department, except the lieutenant-governor, shall, during their term of office, reside at the seat of government, where they shall keep the public records, books and papers. They shall perform such duties as are prescribed by this constitution or by law.

#### 4. Eligibility—first election—thereafter—age—residence.

No person shall be eligible to the office of governor, lieutenant-governor, or superintendent of public instruction, unless he shall have attained the age of thirty years. \* \* \* no person shall be eligible to any one of said offices, unless, in addition to the qualifications above prescribed therefor, he shall be a citizen of the United States, and have resided within the limits of the state two years next preceding his election.

#### 6. Governor appoint officers—vacancy—election—senate confirms.

\* \* \* If the office of auditor of state, state treasurer, secretary of state, attorney-general, or superintendent of public instruction, shall be vacated by death, resignation or otherwise, it shall be the duty of the governor to fill the same by appointment, and the appointee shall hold his office until his successor shall be elected and qualified in such manner as may be provided by law. \* \* \*

#### 20. Superintendent of public instruction, ex officio librarian.

The superintendent of public instruction shall be ex officio state librarian.

## ARTICLE VII.

## SUFFRAGE AND ELECTIONS.

1. **Citizenship.**

Every person over the age of twenty-one years, possessing the following qualifications, shall be entitled to vote at all elections: He or she shall be a citizen of the United States, and shall have resided in the state twelve months immediately preceding the election at which he offers to vote, and in the county, city, town, ward or precinct, such time as may be prescribed by law.

4. **Absence in civil or military service.**

For the purpose of voting and eligibility to office, no person shall be deemed to have gained a residence by reason of his presence, or lost it by reason of his absence, while in the civil or military service of the state, or of the United States, nor while a student at any institution of learning, nor while kept at public expense in any poorhouse or other asylum, nor while confined in public prison.

5. **Privilege of voters.**

Voters shall in all cases, except treason, felony or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning therefrom.

6. **Electors only eligible to office.**

No person except a qualified elector shall be elected or appointed to any civil or military office in the state.

10. **Prisoners disqualified—restoration—pardon or full service.**

No person while confined in any public prison shall be entitled to vote; but every such person who was a qualified elector prior to such imprisonment, and who is released therefrom by virtue of a pardon, or by virtue of having served out his full term of imprisonment, shall, without further action, be invested with all the rights of citizenship, except as otherwise provided in this constitution.

## ARTICLE VIII.

## STATE INSTITUTIONS.

## 1. Charitable institutions established.

Educational, reformatory and penal institutions, and those for the benefit of the insane, blind, deaf and mute, and such other institutions as the public good may require, shall be established and supported by the state, in such manner as may be prescribed by law.

## 5. Territorial institutions become state—transfer.

The following territorial institutions, to-wit: The University at Boulder, the Agricultural College at Fort Collins, the School of Mines at Golden, the Institute for the Education of Mutes at Colorado Springs, shall, upon the adoption of this constitution, become institutions of the state of Colorado, and the management thereof subject to the control of the state, under such laws and regulations as the general assembly shall provide; and the location of said institutions, as well as all gifts, grants and appropriations of money and property, real and personal, heretofore made to said several institutions, are hereby confirmed to the use and benefit of the same respectively; *Provided*, This section shall not apply to any institution, the property, real or personal, of which is now vested in the trustees thereof, until such property be transferred by proper conveyance, together with the control thereof, to the officers provided for the management of said institution by this constitution, or by law.

## ARTICLE IX.

## EDUCATION.

## 1. Board of education—members—president.

The general supervision of the public schools of the state shall be vested in a board of education, whose powers and duties shall be prescribed by law; the superintendent of public instruction, the secretary of state and attorney-general shall constitute the board, of which the superintendent of public instruction shall be president.

## 2. Free schools—one in each district—three months.

The general assembly shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uni-