

Report to the Colorado General Assembly:

**COUNTY
SUPERINTENDENTS
IN COLORADO**



COLORADO LEGISLATIVE COUNCIL

RESEARCH PUBLICATION NO. 73

DECEMBER 1962

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OF THE
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COUNTY SUPERINTENDENTS OF SCHOOLS IN COLORADO

Legislative Council
Report To The
Colorado General Assembly

Research Publication No. 73
December, 1962

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December 19, 1962

To Members of the Forty-fourth Colorado General Assembly:

In accordance with the provisions of House Joint Resolution No. 7, 1962 session, the Legislative Council conducted a study on the office of the county superintendent of schools in Colorado through its Committee on School Aid. The report of that committee is transmitted herewith.

Because the committee had not completed its assignment by the time the Council held its final meeting in November, authorization was granted the committee by the Council to meet in December. Consequently, the Council has not had the opportunity to review this report prior to its being submitted to the 44th General Assembly.

Respectfully submitted,


James E. Donnelly
Chairman

COLORADO GENERAL ASSEMBLY



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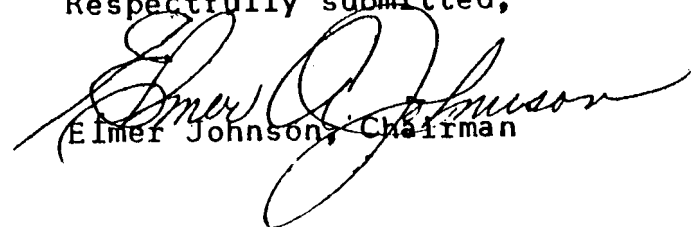
Senator James E. Donnelly, Chairman
Colorado Legislative Council
Room 341, State Capitol
Denver 2, Colorado

Dear Mr. Chairman:

Your Committee on School Aid which was directed to carry out the study proposed in House Joint Resolution No. 7, 1962 session, relating to the office of county superintendent of schools in Colorado, has completed its assignment and submits the accompanying report thereon.

The committee was unable to complete its work prior to the November Council Meeting largely because of the uncertainty pertaining to the vote on Amendment No. 6 in the 1962 general election. In this connection, the major recommendation of the committee is the preparation and adoption of a constitutional amendment which would make the office of county superintendent of schools optional for counties which have substantially reduced the number of school districts therein.

Respectfully submitted,


Elmer Johnson, Chairman

FOREWORD

House Joint Resolution No. 7, 1962 session, directed the Legislative Council "to conduct a study on the functions and duties of the office of county superintendent of schools under our constitution and statutes, the present activities of these officials, and the effect which school district reorganization has had thereon." This study was referred to the Legislative Council's Committee on School Aid whose membership consisted of Representative Elmer A. Johnson, chairman; Representative Guy Poe, vice chairman; Lieutenant Governor Robert L. Knous; Senators Fay DeBerard, Roy H. McVicker, James W. Mowbray, and Allegra Saunders; and Representatives Palmer L. Burch, Forrest G. Burns, Ruth B. Clark, James M. French, John G. Mackie, Howard B. Propst, Raymond H. Simpson, and Albert J. Tomsic.

In accordance with its assignment, the committee reviewed the activities of this office as well as alternative proposals resulting from possible revisions in the office of county superintendent of schools. In this connection, various meetings were held with representatives of the State Association of County Superintendents of Schools and the State Department of Education to explore the present situation and to review possible alternative courses of action.

The committee delayed reaching any final decisions until the outcome was known on Amendment No. 6 at the 1962 general election, relating to county offices. The official canvass showed that the proposal lost by a vote of 208,867 to 207,442, or a difference of 1,425.

The committee was assisted in its study by Miss Clair T. Sippel, secretary of the Legislative Reference Office, and by Mr. David Morrissey and Miss Janet Wilson, Legislative Council research assistants.

December 19, 1962

Lyle C. Kyle
Director

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COUNTY SUPERINTENDENTS OF SCHOOLS IN COLORADO

Committee Findings and Recommendations

The office of county superintendent of schools is established by the Colorado Constitution. A county superintendent must be elected every four years in each county in the state (except the City and County of Denver, where the county superintendent is appointed).

When Colorado had more than 4,000 school districts with many one and two-teacher schools, the county superintendent played an essential supervisory role in the school affairs of his county. But under H.B. 900 (1949) and S.B. 385 (1957) the number of districts in Colorado has been reduced to 263 as of October 25, 1962. Several of these districts are county-wide and most of them employ their own district superintendents.

In the 45 counties where the number of districts has been reduced to three or fewer, there is little need for the supervisory services of the county superintendent. Following reorganization the workload of the county superintendent decreases unless he conscientiously seeks other types of duties to replace the supervisory and organizational functions which previously kept him busy. Consequently, the office of county superintendent in most reorganized counties is no longer viewed as one of strong educational leadership. Instead it is looked upon as a record-keeping and transmitting agency.

Expenses of office. County superintendents' offices in the state have budgeted approximately \$450,000 for 1962, including salaries, supplies, and miscellaneous expenses. Salaries are based on population classifications as required by the Colorado Constitution and are not related to the degree of reorganization or the number of districts in the county.

Qualifications. In order to qualify for the office of county superintendent a person must be a qualified elector who has resided in the county for at least one year; must hold a valid Colorado teaching certificate; and must have at least eight months of teaching experience. The requirements for training and experience are statutory and are subject to change by the General Assembly. The Colorado Association of County Superintendents recommended in 1950 that four years of college training be required for all county superintendents. The 1961 teacher certification law will eventually have that effect, since it requires that all new teaching certificates be based on four years of college.

Previous studies and recommendations. In 1956 a lay committee appointed by the state commissioner of education to study the office of county superintendent recommended removal of the office from the Constitution, followed by legislation providing that the office of county superintendent be abolished in counties having less than ten operating school districts. The State Board of Education has adopted a resolution stating a similar view--that the office should be abolished when there has been a sufficient degree of reorganization that the office is no longer needed.

An interim legislative committee established in 1961 to study county officials' salaries recommended moderate raises for county superintendents of schools and included the county superintendent along with other county officers in a proposed constitutional amendment to provide a means whereby changes in county offices could be voted by the people of a county. The 1962 regular session of the General Assembly passed legislation raising the salaries of county superintendents and approved the proposed constitutional amendment for submission to the people in November. The proposed amendment was defeated by a narrow margin of only 1,425 votes at the general election.

Alternative approaches. The committee has explored three alternative approaches to the problem of what to do with the county superintendent's office: (1) amend the Constitution to permit abolishment of the office in some or all counties; (2) redefine the duties and possibly the qualifications of the office under the present structure; or (3) provide some type of intermediate service unit to serve an area larger than a county, either by amending the Constitution or by working within the present constitutional structure.

If the Constitution were to be amended to permit abolishment of the office in some or all counties, the most logical approach would seem to be to base abolishment on the number of districts in the county. If abolishment of the office were permitted in counties having less than ten districts, 54 counties would be affected. If the cut-off number were set at three or fewer districts the office could be abolished in 45 counties, and if abolishment were permitted only in one-district counties, 20 counties could abolish the office. If the office of county superintendent were abolished, some of his statutory duties could be discontinued and others transferred to other officials.

If the present constitutional structure is retained, the county superintendents could be given more statutory direction concerning the types of functions they should be performing. Types of services which some county superintendents now perform without specific statutory direction include: library service, in-service training for teachers, audio-visual materials, legal and financial advice, testing services, health services, liaison between the local districts and the State Department of Education and liaison between the local districts and the people of the county. Service-type functions such as these could be provided for in the statutes with sufficient flexibility to be easily adapted to differing county situations. Appendix A contains the suggestions of the Larimer County Superintendent for types of services which county superintendents might undertake.

If some type of intermediate service unit were established to cover an area larger than a county, the types of programs which might be established include: curriculum development, special education, guidance and counseling, vocational and adult education, school library development, curriculum materials centers, cooperative purchasing, audio-visual education development, and educational television. The intermediate service unit would be able to provide these services to a greater extent than the individual school districts could provide singly. At least eight states have formed this type of intermediate unit without respect to county boundaries. To replace the county superintendent with such an intermediate service unit structure in Colorado would require a constitutional amendment. However, the

Colorado Association of County Superintendents has submitted a proposal for an intermediary services center which could offer services across county lines without abolishing the office of county superintendent. The plan would require legislation to permit county superintendents to cooperate to provide special services across county lines, utilizing the special abilities of each county superintendent in the cooperating region.

Committee Recommendations

After studying the several possible approaches, the committee has concluded that reorganized counties with three or fewer districts should be permitted to abolish the office of county superintendent. The committee believes that the people of those counties should be given the opportunity to decide whether the services of the county superintendent are needed or not and that the Constitution should be amended to so provide.

The committee feels that a proposal directed exclusively to the office of county superintendent of schools, being focused on a narrower issue than was proposed amendment no. 6 in 1962 (which dealt with the entire county government structure), will have a greater chance for success at the polls and should be submitted even though amendment no. 6 was defeated.

The committee therefore recommends that a constitutional amendment be submitted to the people of the state in 1964, providing that counties which have three or fewer districts may abolish the office of county superintendent. The proposed amendment is included in this report as Appendix B.

COLORADO COUNTY SUPERINTENDENTS OF SCHOOLS

The progress of school district reorganization in recent years has resulted in a need for re-evaluation of the functions and duties of the county superintendent of schools. The Constitution provides that a county superintendent must be elected every four years in each county in the state (except the City and County of Denver, where the county superintendent is appointed). Consequently, every county will continue to have a county superintendent until the Constitution is amended to provide otherwise.

The problem is that in reorganized counties with three or fewer districts, there is little need for the supervisory services of the county superintendent. In counties which have several districts and have not completed reorganization, the county superintendent still has important functions to perform for the schools of the county. But following reorganization the workload of the county superintendent decreases unless he conscientiously seeks other types of duties to replace the supervisory and organizational functions which previously kept him busy. Some county superintendents have taken other jobs while at the same time receiving salaries as county superintendents. In some cases the county superintendent is even employed as a teacher in a school district of the county in which he is the elected county superintendent. It is obvious that something should be done to alleviate the problem, but the fact that the office cannot be abolished in any county without a constitutional amendment complicates attempts to find a workable solution.

The committee has studied the office of county superintendent and has explored three alternative approaches to the problem: (1) amend the Constitution to permit abolishment of the office in some or all counties (a constitutional amendment which would have eliminated the prohibition against abolishing the office was defeated in November); (2) redefine the duties and possibly the qualifications of the office under the present structure; or (3) provide some type of intermediate service unit to serve an area larger than a county, either by amending the Constitution or by working within the present constitutional structure.

Constitutional Basis for the Office of County Superintendent

The office of county superintendent of schools is established by the Colorado Constitution, Article IX, Section 6.¹ The county superintendent is an elected official and he serves a four-year term as provided by Article XIV, Section 8.²

The only constitutionally prescribed qualifications for county superintendent of schools are the general provisions specifying that all county officers be qualified electors who have resided in the county for at least one year.³ The requirements that the county superintendent have a valid Colorado teaching certificate and at least eight months of teaching experience are statutory.⁴

Vacancies in the office of county superintendent are filled by appointment by the board of county commissioners.⁵

Although the Constitution establishes the office of county superintendent of schools, very little is said in the Constitution about the duties of the office. For instance, Article IX, Section 6, provides that the county superintendent is ex officio commissioner of lands in his county; however, the section does not specify any of the duties of that position but rather leaves this to the direction of the State Board of Land Commissioners or to the General Assembly. Likewise, the directives in Article IX, Section 4 (that the county treasurer shall collect school funds and disburse them to the proper districts upon warrants drawn by the county superintendent, or by the proper district authorities) is qualified by the phrase, "as may be provided by law." Consequently the General Assembly is, for all practical purposes, wholly responsible for prescribing the functions and duties of the county superintendent.

1. "There shall be a county superintendent of schools in each county, whose term of office shall be two years, and whose duties, qualifications and compensation shall be prescribed by law. He shall be ex officio commissioner of lands within his county, and shall discharge the duties of said office under the direction of the state board of land commissioners, as directed by law."

2. "There shall be elected in each county, at the same time at which members of the General Assembly are elected, commencing in the year nineteen hundred and fifty four, and every four years thereafter, ...one county superintendent of schools; ...and such officers shall be paid such salary or compensation, either from the fees, perquisites and emoluments of their respective offices, or from the general county fund, as may be provided by law. The term of office of all such officials shall be four years, and they shall take office on the second Tuesday in January next following their election, or at such other time as may be provided by law. The officers herein named elected at the General Election in 1954 shall hold their respective offices until the second Tuesday of January, 1959.

"This section shall govern, except as hereafter otherwise expressly directed or permitted by constitutional amendment."

3. Article XIV, Section 10.

4. Section 35-10-1 (2), C.R.S. 1953, 1960 Permanent Supplement.

5. Article XIV, Section 9.

Historical Importance of the County Superintendent

The county superintendent's office was established as a part of the total provision that there should be public schools for all the youngsters of the state of Colorado. Under the authority of Article IX, Section 2, Colorado Constitution,⁶ the 1877 session of the General Assembly enacted laws which permitted the parents of at least ten school-age children to petition to form a school district. The county superintendent was an important figure in the formation of the new districts. The petition was presented to him; he gave notice of the organizational meeting; and he certified and recorded the establishment of the newly formed district.

More than 4,000 school districts were formed in Colorado under these statutes. This meant that there were many one and two-teacher schools operating in the state and that the state needed some qualified official to carry out its supervisory responsibilities. As a logical result, the county superintendent's office was established with authority and responsibility to give direction to the educational program and to provide general supervision of the schools in each county. For more than 70 years the county superintendent played an essential supervisory role in the conduct of the affairs of public education in Colorado.

The Changing Role of the County Superintendent

During the 1920's and 1930's the schools in the more settled areas of the state began to employ district superintendents, and it became more and more apparent that the duties of such superintendents did, to an extent, duplicate the duties of the county superintendent.

As Colorado grew and developed, many social, economic and political changes took place. The agricultural economy of the state followed the national trend of the farms becoming larger and the rural communities and the number of farmers becoming smaller. Many mining communities became much smaller as mining waned as a source of livelihood.

During the 1930's and 1940's it became apparent that planned reorganization of school districts and consolidation of schools were needed. In 1949 the Colorado General Assembly passed H.B. 900 which required that each county look at its district structure and consider the question of reorganization. During the four years this law was operative, the number of school districts in the state was reduced from 1,759 to 1,145.

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

In 1957 the Colorado General Assembly passed S.B. 385 which further called on the counties to reorganize their school districts. Under this law the number of school districts has been reduced to 263 as of October 25, 1962. At the present time only 34 districts do not employ their own superintendents to administer and supervise the schools. These do not include the 34 nonoperating districts. All of these district--34 operating and 34 nonoperating--are located in ten counties of Colorado.

Table 1 shows the number of districts in each county on October 25, 1962, as compared with the number on May 1, 1957. A resume of the number of districts presently existing in the counties of Colorado shows that:

20 counties have 1 district
16 counties have 2 districts
9 counties have 3 districts
<u>45</u> counties have 3 or fewer districts.

All but one of the districts in the 45 counties with three or fewer districts employ superintendents who should have the qualifications for the supervision and administration of the schools of their districts.

The organization of county-wide school districts and large school districts served by locally employed superintendents has tended to weaken the role of the county superintendents. At the present time the qualifications of the county superintendents are far below the qualifications of the local school officials whom they, by law, are supposed to supervise. The office of county superintendent in most reorganized counties is no longer viewed as one of strong educational leadership. Instead it is looked upon as a record-keeping and transmitting agency.

Expenses of the County Superintendent

Table 2 on pages six and seven shows the expenses of the office of county superintendent of schools in each county. A total of \$449,552 has been budgeted for the office for 1962. This includes salaries for the county superintendent, deputies and clerical assistants and the cost of supplies and miscellaneous expenses. Salaries are based on population classifications.

Studies and Recommendations by Various Groups Prior to This Study

Colorado Association of County Superintendents. A resolution approved by the Colorado Association of County Superintendents in 1950 recommended that the legislature require four years of college training to qualify for the office of county superintendent. Although the General Assembly has not passed legislation specifically increasing the educational requirement to four years, the 1961 teacher certification law will eventually have that effect because the county superintendents must hold a valid Colorado teaching certificate and all new certificates

TABLE 1

COLORADO COUNTIES RANKED BY NUMBER OF SCHOOL DISTRICTS*

October 25, 1962

COUNTY	No. Dists. 10/25/62	No. Dists. 5/1/57	COUNTY	No. Dists. 10/25/62	No. Dists. 5/1/57
PR Las Animas	18	46	R Grand	2	12
PR Weld	18	78	R Huerfano	2	26
El Paso	17	22	R Kiowa	2	10
PR Garfield	16	25	R Montrose	2	20
PR Logan	15	25	R Ouray	2	2
PR Montezuma	15	15	R Park	2	14
Morgan	14	14	R Phillips	2	13
Sedgwick	14	13	PR Pueblo	2	2
PR Arapahoe	10	16	R Rio Blanco	2	8
PR Adams	7	19	R Teller	2	8
R Kit Carson	6	15	R Yuma	2	27
FR Otero	6	15	R Archuleta	1	1
R Baca	5	27	R Clear Creek	1	7
PR Elbert	5	8	R Crowley	1	9
PR Lincoln	5	20	R Custer	1	2
PR Washington	5	29	R Delta	1	1
PR Conejos	4	17	R Denver	1	1
R Prowers	4	35	R Dolores	1	9
R Cheyenne	3	7	R Douglas	1	17
PR Fremont	3	22	R Eagle	1	15
R LaPlata	3	15	R Gilpin	1	7
R Larimer	3	31	R Gunnison	1	22
PR Mesa	3	3	R Hinsdale	1	2
R Rio Grande	3	3	R Jackson	1	7
R Routt	3	29	R Jefferson	1	1
R Saguache	3	5	R Lake	1	6
PR San Miguel	3	7	R Mineral	1	1
R Alamosa	2	12	R Moffat	1	23
R Bent	2	17	R Pitkin	1	2
R Boulder	2	29	R San Juan	1	1
R Chaffee	2	14	R Summit	1	8
R Costilla	2	12	TOTALS	263	929

R = Reorganized (44)

PR = Partially Reorganized (16)

* Source: Colorado State Department of Education, Division of School District Organization.

TABLE 2

EXPENSES OF THE OFFICE OF COUNTY SUPERINTENDENTS*

<u>County</u>	<u>Actual 1960</u>	<u>Estimated 1961</u>	<u>Budgeted 1962</u>
Adams	\$ 21,559	\$ 23,320	\$ 26,000
Alamosa	5,470	5,364	5,370
Arapahoe	13,926	15,000	15,325
Archuleta	3,567	3,442	3,502
Baca	6,270	5,010	5,835
Bent	6,251	7,214	7,342
Boulder	15,840	14,000	15,800
Chaffee	4,095	4,200	4,200
Cheyenne	3,449	3,440	3,940
Clear Creek	3,716	4,200	3,740
Conejos	5,033	5,360	5,102
Costilla	4,950	4,978	5,053
Crowley	4,431	4,381	4,500
Custer	3,830	3,390	3,880
Delta	8,600	8,810	8,810
Denver	---	---	---
Dolores	3,297	3,630	4,130
Douglas	6,078	6,480	6,080
Eagle	4,450	4,435	5,050
Elbert	6,200	6,800	7,000
El Paso	18,915	19,775	21,704
Fremont	7,113	7,520	7,500
Garfield	10,098	10,600	11,590
Gilpin	2,736	2,745	2,885
Grand	5,825	5,500	6,175
Gunnison	4,378	4,087	4,100
Hinsdale	831	835	1,070
Huerfano	8,336	8,100	8,340
Jackson	3,831	2,819	3,405
Jefferson	10,580	9,885	11,310
Kiowa	4,176	4,737	5,590
Kit Carson	4,865	5,400	5,400
Lake	4,092	4,270	4,312
La Plata	6,810	5,732	5,525
Larimer	16,398	15,200	11,200
Las Animas	10,424	11,500	7,455
Lincoln	6,422	6,300	6,700
Logan	14,329	16,195	16,345
Mesa	10,131	10,255	10,410
Mineral	833	796	992

<u>County</u>	<u>Actual 1960</u>	<u>Estimated 1961</u>	<u>Budgeted 1962</u>
Moffat	\$ 7,166	\$ 7,450	\$ 8,290
Montezuma	7,928	8,500	8,640
Montrose	9,161	9,860	10,225
Morgan	9,076	9,360	10,010
Otero	12,072	12,262	12,367
Ouray	2,978	3,080	3,600
Park	3,424	3,565	3,690
Phillips	4,464	5,400	5,000
Pitkin	3,082	3,180	3,200
Prowers	9,076	8,083	8,417
Pueblo	6,758	6,485	6,981
Rio Blanco	6,793	6,612	6,200
Rio Grande	5,554	5,545	5,810
Routt	5,259	5,400	5,600
Saguache	4,322	4,384	4,472
San Juan	2,544	2,620	2,845
San Miguel	3,783	4,016	4,498
Sedgwick	4,305	4,425	4,575
Summit	2,618	2,645	2,626
Teller	3,689	3,790	4,000
Washington	7,964	8,780	8,780
Weld	16,856	16,951	18,480
Yuma	8,313	8,516	8,580
Average	\$ 6,925	\$ 7,058	\$ 7,251
Total	429,350	437,614	449,552

* Source: County budgets filed with the Tax Commission.

(except one-year letters of authorization) require four years of college. It will be several years before the four-year certificate is the only valid Colorado teaching certificate, however, since life certificates based on two years of college are still valid for the life of the holder.

Committee on the Office of County Superintendents of Schools.

Pursuant to a resolution adopted at a 1953 workshop of the Colorado Association of County Superintendents, the State Commissioner of Education appointed a 12-member committee (representing lay and professional groups) to study the office of county superintendent in Colorado and other states. The report of this committee was completed in 1956 and contained the following summary of findings and recommendations:

FINDINGS

1. Education is a state function and is so stated in Article IX of the Constitution of the State of Colorado:

"The General Assembly shall, as soon as practicable, provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state, wherein all residents of the state, between the ages of six and twenty-one years, may be educated gratuitously.
2. Even though education is a function of the state, it is impossible for the state to administer its entire public school system from a central state education authority. Therefore, the state must establish sound administrative patterns to promote the necessary educational leadership that should come from local districts.
3. Traditionally, the American system of public education is locally controlled. The system of intermediate units in its early inception provided a system of organizing local control, but the intermediate unit as organized in Colorado has become out of date the same as other social and industrial developments have become obsolete.
4. Since its inception in 1876, there have been relatively few changes made in the legal organization of the office of county superintendent. In this period of time the only changes have been in extending the term of office from two to four years, which was a constitutional provision, and a statutory provision, setting up educational requirements for the office.

5. Until 1937 there were no educational requirements for the holders of this office. Requirements as set up by law at present are extremely limited. In other words, the qualification requirements for holders of the office have not kept pace with the other educational advances of the state.
6. The office of county superintendent is primarily of administrative nature, while the prescribed administrative preparation of the office holder is limited.
7. In the previous planning for school district reorganization in Colorado, little consideration has been given to the role of the office of county superintendent. Therefore, in developing future plans for organizational structure, more study should be given to the assignment of the area of the intermediate unit.
8. The organization of the state into a county unit system of education is not necessarily essential to the development of sound educational administration. It may be that administrative units will cross county lines or, in other instances, circumstances may warrant the organization of several school districts in one county.
9. Study has shown that there is no definite established pattern of intermediate units in the United States; each state adapts its plans to fit the peculiar characteristics of the state.
10. The general level of influence of any office of school administration in the state is not likely to rise much higher than the possibilities inherent in its organizational structure.

RECOMMENDATIONS

1. That the legislature give consideration and place on the ballot at the next general election a constitutional amendment providing for the removal of the office of county superintendent from the provisions of the Colorado State Constitution.

2. That after the passage of the constitutional amendment time should be given for a study period to design proper legislative procedures governing the office.
3. That after the office of county superintendent has been removed from the provisions of the constitution, legislation should be enacted by the general assembly providing that the office of county superintendent be abolished in counties having less than ten operating school districts. In such cases the committee recommends that these districts report directly to the State Department of Education, thereby eliminating duplication of expense and services of two administrative offices.
4. That the general assembly provide, as soon as possible, a sound system for a state-wide reorganization of school districts. This system of reorganization would provide that each county or district be large enough to provide minimum educational opportunities with an administrative staff qualified to provide the educational leadership which is necessary for the incorporation of such a program. This program of reorganization should be developed on the following principles:
 - a. That the districts be large enough, in both area and school population, to provide a staff qualified to give help in all areas of curriculum.
 - b. That the district have sufficient taxable wealth to support the minimum educational program without undue financial burden.
 - c. That wherever possible the county constitute the district. In some situations a district might consist of more or less than one county.
 - d. That one local school board be elected at large from the district, the board to consist of five to seven members serving for overlapping terms.
 - e. That each local school board employ a superintendent of schools who shall serve at the pleasure of the board to be its executive officer and who shall be held responsible and accountable for executing all policies adopted by the board and the regulations of the State Board of Education.

- f. That the professional qualifications of the superintendent of schools be prescribed by the State Board of Education.
5. There should be a state-wide committee for nine people representing interested groups charged with the responsibility to spearhead a campaign for completing such a reorganization proposal.

State Board of Education. In March, 1955, the State Board of Education adopted the following resolution:

"That the State Board of Education go on record officially stating its view that the office of county superintendent of schools should be abolished when there has been a sufficient degree of reorganization that the office is no longer needed and that a constitutional amendment should be prepared to effect this procedure;..."

This resolution was reaffirmed by the Board in 1960.

1961 Interim Legislative Committee on County Salaries. An interim legislative committee was established in 1961 to study county officials' salaries. This committee studied the office of county superintendent along with other county offices.

At the request of the committee, the Colorado Association of County Superintendents conducted a survey of the workload of county superintendents. The survey showed that, in 1961, 50 county superintendents worked full time and ten worked part time. (Two counties did not reply to the questionnaire and no answer was given for Denver, where the county superintendent is appointed.) Of the ten who worked part time, two worked for 10-14 hours per week and eight worked as much as 32 hours per week. Nineteen county superintendents said that the workload has increased during the last five years and 17 said that it has decreased. (Twenty-five counties gave no answer.) It was pointed out that since reorganization the type of work has changed for many superintendents. Additional services are being rendered (e.g., in-service training for teachers, teachers' libraries, and establishment of centers for supplementary instructional materials and audio-visual materials). Also, in some instances the reported decrease in workload was explained as a decrease from the previous extreme overload to a normal 40-hour week.

The Interim Legislative Committee on County Salaries recommended moderate raises for county superintendents of schools and included the county superintendent along with other county officers in a proposed constitutional amendment to provide a means whereby changes in county offices could be voted by the people of a county. The 1962 Regular Session of the General Assembly passed legislation raising the salaries of county officers (including county superintendents) and approved the proposed constitutional amendment for submission to the people in the November election.

The Committee also recommended that further study be made of the activities of county superintendents of schools, and the General Assembly authorized the present study by adopting House Joint Resolution No. 7.

Proposed Constitutional Amendment No. 6, 1962. Proposed constitutional amendment no. 6, which was defeated by vote of the people in November, would have permitted any county to make changes in the office of county superintendent if the General Assembly passed a law authorizing a proposed change and if the voters within a county approved the change at an election. Under these circumstances such a county could have:

- a. changed or abolished the office of county superintendent (or any of seven other county officers); and/or
- b. selected the county superintendent (or any of seven other county officers) by appointment instead of by election.

This amendment would also have allowed the General Assembly to base the salary of the county superintendent (and other county officers) on factors other than the county's population. Existing constitutional provisions require the General Assembly to classify counties by population and then to set salaries for county officers in accordance with the county classifications. The amendment would have provided for the repeal of this requirement, thus allowing the consideration of factors other than county population.

There was some question regarding the status of county superintendents elected for four-year terms in 1962 if proposed amendment no. 6 had passed. An opinion was requested from the Attorney General as follows:

QUESTION: If proposed Constitutional Amendment No. 6 is passed by the electorate in November of 1962, an election abolishing the office of county superintendent of schools could be held in November of 1964 and abolish that office effective January 1, 1965. What, then, would be the status of an incumbent superintendent of schools who was elected in November of 1962 to begin a four-year term in January of 1963?

ANSWER: Such abolishment of the office would be applicable to the incumbent superintendent of schools and would terminate his right to any further salary as of the date the abolishment became effective.

Committee Procedure

The committee began its study with the realization that the ultimate direction of its recommendations would be largely dependent on the fate of proposed amendment no. 6. If the amendment were adopted, the committee would recommend what changes, if any, the people of a county should be authorized to make in the office of county superintendent. If the amendment were not adopted, the committee would decide whether the character of the office should be changed within the present constitutional framework. In either case, there was need for review of the office of county superintendent.

Several county superintendents were invited to meet with the committee to discuss their concepts of the office and submit their proposals for improvement. The State Department of Education and the Legislative Council staff prepared an analysis of the present statutory duties of the county superintendent and explored several possible ways of handling the problem. All of this information was collected prior to the defeat of proposed amendment no. 6. Following the November election, when it was known that the amendment had not passed, the committee proceeded to discuss the most effective means of dealing with the office of county superintendent in the absence of immediate constitutional change.

Alternative Approaches Considered

The committee has studied three possible ways of approaching the problem of what to do with the county superintendent's office: abolish the office in some or all counties; retain the office in each county but redefine the duties and qualifications; or provide for an intermediate service unit to serve an area larger than a county.

Abolish the office. The State Board of Education recommended in 1955 that the office of county superintendent be abolished when there has been a sufficient degree of reorganization that the office is no longer needed. The Committee on the Office of County Superintendents of Schools recommended in 1956 that the office of county superintendent be removed from the Constitution and legislation be enacted providing that the office of county superintendent be abolished in counties having less than ten operating school districts. The 1961 Interim Legislative Committee on County Salaries recommended proposed constitutional amendment no. 6, which could have been the first step toward permitting abolishment of the office in counties where it is no longer needed. All of these groups have questioned the need for a county superintendent in reorganized counties with only a small number of districts. The present committee has given careful consideration to their recommendations for abolishment of the office in reorganized counties.

The Constitution would have to be amended before the office of county superintendent could be abolished in any county. Several types of amendments would be possible. The county superintendent could be retained as a constitutional officer with a provision authorizing legislation to set up conditions (e.g., fewer than a specified number of districts in the county) under which the people of a county could vote to change or abolish the office. This was the approach followed in proposed amendment no. 6. Another approach

might be to specifically provide in the Constitution that the office of county superintendent may be abolished (either by the General Assembly or by vote of the people of the county) in any county with fewer than a certain number of districts. This would continue the county superintendent as a constitutional officer in counties where his services are still needed, but would permit the elimination of the office in counties which no longer need it. A third possibility would be to remove from the Constitution all references to the county superintendent, thus making the office statutory rather than constitutional. This would give the General Assembly complete discretion in dealing with the office and would be the most flexible of the three approaches.

The need for the traditional supervisory and organizational services of the county superintendent appears to be directly related to the extent of reorganization and the number of districts in the county. As reorganization progresses and the number of districts decreases, the county superintendent is relegated from his once vital role in county school affairs to a record-keeping and transmitting function (except where he has sought other non-statutory duties on his own initiative).

Thus, basing abolishment of the office on the number of districts in the county seems to be a logical approach. There may be differences of opinion on how few districts a county should have before the office of county superintendent is abolished. The Committee on the Office of County Superintendents of Schools recommended abolishment of the office in counties having less than ten operating districts. At the present time this would mean abolishment in 54 counties. If the cut-off number were set at three or fewer districts the office would be abolished in 45 counties, and if abolishment were permitted only in one-district counties, 20 counties would be affected.

The county superintendents themselves do not agree on the advisability of this approach. Some favor eventual abolishment of the office while others feel that they perform worthwhile services even in reorganized counties. There seems to be general agreement among the county superintendents that the office should be retained at least until the problem has been studied thoroughly.

If the office were abolished, some of the duties would be transferred to other officials and other duties could be discontinued. The possible disposition of the statutory duties of the county superintendent is discussed in a later section.

Probably the greatest single obstacle to recommending a constitutional amendment to permit abolishment of the office of county superintendent is the recent rejection of proposed amendment no. 6. However, in view of the narrow defeat of that amendment, a proposal directed only to the office of county superintendent and not involving the entire county government structure might possibly have a greater chance for success in 1964.

Redefine the duties and qualifications of the office. If the county superintendent's office is retained in essentially the same form as at present, the county superintendents probably should be given more statutory direction concerning the types of functions they should be performing. Many of the present statutory functions are obsolete, especially in reorganized counties. Some county superintendents now do a number of things for the schools of their counties without specific statutory authorization or direction. For instance, they provide library service, in-service training for teachers, audio-visual materials, legal and financial advice, testing services, health services, liaison between the local districts and the State Department of Education and liaison between the local districts and the people of the county. If these types of services are worthwhile and desirable in all counties, then they should probably be encouraged and increased and defined in the statutes as being within the purview of the county superintendent's functions and duties.

There are other types of services which might be authorized by statute to strengthen the office of the county superintendent. One suggestion to the committee was that the county superintendent be made an ex officio member and secretary of each local district school board in the county. Another was that the county superintendents' relationship to the school districts of the county be made more than merely advisory--that he be given some statutory authority over school district policies. A third suggestion, accompanying proposals for strengthening the supervisory authority of the county superintendent, was that his qualifications be increased to approach those of the district superintendents whom he is supposed to supervise. The committee, however, felt that the county superintendent could be more effective in service-type functions than in an increased supervisory capacity which would encroach upon the powers of local districts.

The difficulty is that individual counties differ in their need for these types of services. One-district counties in particular can probably perform most functions more efficiently through their district organization than through the county superintendent's office. Consequently, any statutory reference to new and expanded duties for the county superintendent should be flexible and easily adapted to differing county situations.

Establish an intermediate service unit. The committee considered establishing intermediate units which would provide services for areas larger than a county and including about 10,000 children each. Such might be possible either with or without a constitutional amendment permitting abolishment of the county superintendent's office. If the county superintendent's office were retained in each county, the intermediate unit could be a cooperative project among the several county superintendents in the area, each working in his own field of specialization. This is essentially the proposal submitted by the Colorado Association of County Superintendents at the June meeting of the committee, which it discussed in detail in a later section. If the Constitution were amended to permit abolishment of the county superintendent's office, the intermediate unit could be established without regard for county lines. One highly qualified and competent administrator could serve the entire area encompassed in the intermediate unit.

In either case the intermediate unit would provide services which individual school districts are unable to provide singly. It might also improve communication and cooperation between the State Department of Education and the local school districts. It would not be a substitute for local community school districts and would serve to strengthen, rather than subordinate, local districts. Financing could be from both state and local funds.

Types of programs which might be established under an intermediate unit structure are:

- (1) Curriculum development and instructional improvement
- (2) Special education
- (3) Guidance and counseling
- (4) Vocational and adult education
- (5) School library development
- (6) Curriculum materials center development
- (7) Cooperative purchasing
- (8) Audio-visual education development
- (9) Development of educational television

At least eight states have formed intermediate units without respect to county boundaries: Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, Vermont, and Washington. In each of these states the intermediate unit is supervised by a board (either elected or appointed) which appoints a professional administrator who is responsible to the board for the initiation, conduct, and supervision of the cooperative services. This type of intermediate unit could not be effected in Colorado without a constitutional amendment (unless it were superimposed upon the county superintendent structure).

List of Statutory Duties of County Superintendents

To give the committee an idea of the types of duties which are statutorily prescribed for the county superintendent of schools, a summary of the statutory duties of the office was prepared. The primary functions or duties of the county superintendents of schools are contained in Article 2 of Chapter 123, C.R.S. 1953, as amended. The general powers of supervision of schools within a county are vested, to some extent, with the county superintendents. The duties prescribed by this article are summarized below:

Section 123-2-1 requires the county superintendent of schools to file an annual report with the commissioner of education. The report is to contain an abstract of the reports of the districts, and such other matters as the commissioner of education may direct.

Section 123-2-2 outlines the general duties of the county superintendent. The opening statement of this section seems to provide broad general powers to the county superintendents... "It shall be the duty of the county superintendent to exercise a careful supervision over the schools of his county; to visit each school at least once during each quarter it is in session; to see that all provisions of this chapter are observed and followed by teachers and

school officers;..." The remainder of this section primarily directs the county superintendent to keep records of the financial condition of the districts operating within the county.

Sections 123-2-4 and 5 empower the county superintendents to administer oaths and affirmations to teachers and others relating to schools and to appoint directors of districts when vacancies occur.

Section 123-2-6 directs the county superintendents to ascertain the boundaries of each school district in their respective counties and to harmonize them if necessary when district lines are in conflict.

Section 123-2-7, 1960 Permanent Supplement to C.R.S. 1953, requires the county commissioners to provide suitable office space and supplies to the county superintendent. The expenses incurred are to be paid out of the county general fund. The section also requires the county superintendent to keep his office open such days of the week as the duties of the office may require.

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In addition to the above provisions of Article 2 of Chapter 123, there are a number of miscellaneous sections of the statutes directing county superintendents to perform some special service or function. These provisions have been placed in four categories: (1) general supervisory responsibilities; (2) organizational responsibilities; (3) record-keeping duties; and (4) miscellaneous provisions.

General supervisory responsibilities. 40-18-8 -- duty of county superintendents to file complaint against unauthorized cutting of timber on state land;

80-8-15 -- a child between the ages of fourteen and sixteen may be exempted from provisions restricting theatrical employment upon written application to the county superintendent, followed by a hearing with appeal to the county or juvenile court;

81-15-16 -- county superintendent of schools must see that the school districts comply with the state workmen's compensation law and that districts pay the required monies into the fund;

84-1-13 -- the county superintendent of schools is an ex officio member of the county library board;

111-5-3 -- duty of county superintendent of schools to notify school districts of their rights under the Public Employees Retirement Association and to assume administrative duties concerning the handling of funds;

123-3-3 -- county superintendent must see that all fines imposed for violation of orders of injunction, mandamus, and other like writs or for contempt of court shall be paid into the county public school fund and all the clear proceeds of all fines collected within the county for breach of penal laws and funds arising from sale of lost goods and estrays shall also go to the county public school fund;

123-3-8 -- county treasurer must certify to county superintendent the amount of delinquent school taxes and pay to the school fund monies subsequently collected;

123-3-11 -- treasurer of school district must file a bond with the county superintendent and the bond must be approved by the county superintendent;

123-3-18 -- local school board may acquire short-term loans following approval of county superintendent;

123-8-24 -- the county superintendent, the county committee, and the commissioner of education must approve school district reorganization plan before it becomes final;

123-15-1 -- county superintendent is ex officio member of the county union high school board;

123-15-4 -- county superintendent may call a special meeting of the union high school board at any time;

123-15-10 -- if boundaries of union high school district coincide with the boundaries of first, second, or third class school district, the county superintendent must notify the district school board, the union high school committee, and the county treasurer that the union high school district is dissolved;

123-20-3 -- minors between fourteen and sixteen who cannot read and write the English language shall attend school at least one-half day, attend a public night school, or take regular private instruction from some qualified person as approved by the county superintendent; also, any employer, with the approval or consent of the county superintendent, may make provision for the private instruction of minors;

123-20-5 -- truant officer must also perform services required by county superintendent or local school board and must also file his records with the county superintendent and local school board;

123-21-13 -- duties of persons authorized to take school census -- includes county superintendents;

123-21-16 -- county superintendent's responsibility to see that physical examinations are given in the event school does not have a principal;

123-26-11 (1960 Permanent Supp.) -- upon approval of the county superintendent of schools a district is eligible for participation in distribution of county public school fund if it is educating all or a portion of its children in a school district of another state;

137-3-51 -- provides for the county assessor to notify the county superintendent of the value of property in each district of the county: the districts are then notified of their assessed valuation by the county superintendent; the districts are then required to make their levy and certify the same to the county superintendent.

Organizational responsibilities -- administering elections.
123-7-1 through 123-7-7 (as amended) -- provide the method for reorganization of school districts. It is the duty of the county superintendent of schools, upon petition by the parents of 15 children for the formation of a new school district, to set a time for a hearing for the proposed new district. If, following such hearing, it is the judgment of the county superintendent that the school interests of the district affected by the proposed change will be best promoted by said change, he shall direct one of the petitioners to notify each elector in the district so affected of the reorganization election.

123-7-2 -- specifies that county superintendents may transfer to another district any family suffering hardship due to the change. County superintendent also has duties regarding the unification of contiguous districts into one district.

123-7-7 -- requires the county superintendent to meet with two boards of directors of districts which desire boundary changes for the purpose of revising district lines. The boundaries thus revised must be approved by both boards and then submitted to popular vote of residents affected. The county superintendent is responsible for notifying electors and if the plan is approved notice is given to the county assessor of the proper county.

123-8-4 -- county superintendent's duty to call a meeting of presidents of local school districts for purposes of selection of county school district reorganization committee; county superintendent serves as secretary of committee but is a non-voting member;

123-8-15 (2) -- county superintendent must provide notification for hearings on proposed changes or reorganization;

123-8-26 (1960 Permanent Supp.) -- duty of county superintendent of schools to establish director districts when reorganization of school districts has taken place;

123-14-2, 3, and 6 -- duty of county superintendent upon petition of fifty voters of any county of second, third, fourth, or fifth class, to post an announcement of an election for forming a single high school district in a county; it is also the duty of the superintendent to canvass the votes of such election; if the election results in consolidation, the county superintendent is required to call a meeting of the directors of the school districts;

123-14-19 (1960 Permanent Supp.) -- upon petition of fifty voters, the county superintendent is responsible for organizing a bond election for high school districts;

123-16-11 -- county superintendents of the several counties. at their first annual state meeting, shall appoint a committee of five to formulate a course of study for union high school districts;

123-23-4 (1960 Permanent Supp.) -- petitions for junior college districts must be filed with county superintendents;

123-23-5 and 6 (1960 Permanent Supp.) -- upon petition, as provided in 123-23-4, it is the duty of county superintendent to give notice of election for organization of a junior college district;

123-23-8 and 9, (1960 Permanent Supp.) -- county superintendent of schools must canvass the vote for creation of a junior college district; if the vote is favorable then the county superintendent of schools petitions the election authority for a vote to elect district representatives;

123-23-10 (Chapter 218, Laws of 1961) -- if the committee of any existing junior college district so elects, the committee members may be elected by a majority vote of all directors of the respective school districts within the junior college district present at a meeting called by the county superintendent of schools;

123-23-12 (Chapter 218, Laws of 1961) -- the county superintendent or county superintendents of the county or portions of the counties included in the new junior college district shall call and conduct such elections in the manner provided in sections 123-23-14 through 123-23-19;

123-25-4 (1960 Permanent Supp.) -- county superintendent is required to carry out election of county school planning committee and to serve as secretary and non-voting member of committee;

123-25-15 (1960 Permanent Supp.) -- plans of school planning committee (123-25-4, 1960 Permanent Supp.) must be published by county superintendent and hearings called by county superintendent;

123-25-22 and 23 (1960 Permanent Supp.) -- result of vote on plans of county school committee are filed with superintendent and it is the superintendent's duty to notify commissioner of education;

Record-keeping duties. 16-2-20 (1960 Permanent Supp.) -- county superintendents of schools are directed to report the name and address of blind, deaf, or mute persons under 21 years of age to the superintendent of school for the deaf and blind;

79-15-19 -- the county treasurer, at the time of rendering to the county superintendent of schools his quarterly certificates of taxes collected, must show separately in such certified statement the amounts received from fines and by whom paid;

88-1-15,17 and 18 -- concern budgeting and expenditures of local governmental units; the financial records of school districts must be filed with the county superintendent;

123-8-23 -- county superintendent certifies to commissioner of education the results of reorganization elections;

123-10-34 -- secretaries of boards of education transmit copies of district reports to county superintendents;

123-10-40 -- county superintendent checks the census lists of school districts within his county to see that all individuals are listed in only one district;

123-10-60 -- duty of county superintendent to certify to the state commissioner of education a report of figures on school bus transportation;

123-14-28 -- if a district is exempt from payment of county high school taxes, the vote of district must be certified to county commissioners by the county superintendent;

123-17-3 (Amended by Chapter 213, Laws of 1961) -- county superintendent is required to keep a record of teaching certificates;

123-25-41 (1960 Permanent Supp.) -- the county school planning committee may annex or dissolve districts under special circumstances and when such action is taken it must be filed with county superintendent;

123-26-14 (1960 Permanent Supp.) -- the county superintendent shall certify annually to the state board of education school district information concerning aggregate days of attendance, number of days school was actually in session, salaries and types of certificates, etc.

Miscellaneous provisions. 35-1-9 -- county superintendent's office excluded from maintaining eight-hour day office hours;

35-10-1 (1960 Permanent Supp.) -- requires county superintendents of schools to hold a valid Colorado teaching certificate and to have taught in Colorado public schools at least eight months;

35-10-2 -- county commissioners to appoint superintendent in the event a superintendent does not qualify for office;

56-2-1 to 17 -- relates to compensation of county officers: 56-2-10 provides county superintendents with authority to appoint deputies subject to approval of boards of county commissioners; 56-2-11 allows county superintendents to receive a mileage allowance for distances traveled in performance of duty;

67-1-4 and 6 -- county superintendent's duty to promote observance of "Arbor Day";

123-8-38 (2) -- county superintendent does not receive additional compensation for reorganization work except for special expenses;

123-10-18 -- county superintendent may administer oaths to school board directors if not administered by president of board; such oath is filed with the county superintendent;

123-17-2 -- all blanks of forms required in the execution of 123-17-2 must be supplied by commissioner of education to the county superintendent and by the superintendent to the local school district secretaries;

123-17-5 -- removes power of county superintendent to issue teaching certificates;

123-19-15 (1960 Permanent Supp.) -- lists eligibility of county superintendents for P.E.R.A. benefits;

123-20-1 -- duty of county superintendent of schools, if there is no district superintendent, to hear and act on all applications of children desiring exemption from sections 123-20-1 to 123-20-12 (compulsory education);

123-21-17 -- teachers must report any mental, moral, or physical defectiveness of children to principal or county superintendent if there is no principal and it is the duty of such superintendent to report to the parents: if parents fail to take action, superintendent must report case to the Bureau of Child and Animal Protection; if parents cannot afford to take any action the county superintendent reports the case to the county physician;

123-22-6 -- county superintendent must make application for parents for special education programs for handicapped children, if such programs are available, and if there is no local superintendent of schools to handle such matters;

123-22-14 -- application for instruction for hospitalized or homebound children must be made through the district or county superintendents;

123-25-36 (2) (1960 Permanent Supp.) -- county superintendent is not allowed additional compensation other than special expenses incurred under chapter 123, article 25;

124-2-2 -- each county shall be entitled to send one pupil under the age of sixteen to University of Colorado, tuition free, said pupil to be selected by competitive examination before the county superintendent of such county.

Possible Disposition of Statutory Duties Under Alternative Approaches

Table 3 was prepared to show the possible assignment of the statutory duties of the county superintendent under each of the alternative approaches considered by the committee. Assignments were determined for the following three possible courses of action: (1) the office will be abolished; (2) the office will be continued as presently constituted; and (3) the office will be abolished and some form of intermediate unit will be established.

Office of county superintendent of schools abolished. Column (3) of Table 3 lists the possible disposition of duties of the county superintendent of schools if the office were abolished. There does not appear to be any statutory duty which could not logically be discontinued or transferred to a local school district, another county office, or the State Department of Education. In general, the suggested transfer of duties would enable the local districts to deal directly with the State Department of Education rather than through the county superintendent of schools.

The county superintendent's duties regarding elections and petitions for elections (Article 23 of Chapter 123, C.R.S. 1953, as amended) could be transferred to the county clerk, since he participates in such services at present. Local districts could handle most of the record-keeping functions now performed by county superintendents. The State Department of Education could keep records of school district boundaries (123-2-6, C.R.S. 1953) and could act in the role of county superintendent in regard to school district reorganization (123-7-1 through 123-7-7, C.R.S. 1953, as amended).

Continuation of office of county superintendent. Column (4) of Table 3 outlines possible assignments of present statutory duties of county superintendents of schools based on the assumption that the office of county superintendent will be continued as presently functioning without any significant revision in duties. No attempt was made to include additional duties which might be added to strengthen the office. The few suggested changes in present statutory responsibility listed in Column (4) are minor. For example, 123-20-5, C.R.S. 1953 (truant records), requires the county superintendent to keep a record of truancy offenders; perhaps such records would be of more value to the county judge and could be placed under his jurisdiction. Some other duties of an administrative nature pertaining to such things as workmen's compensation and P.E.R.A. could be handled by local school districts.

Intermediate unit created. Column (5) of Table 3 presents possible assignments of duties based on the establishment of an intermediate unit and the abolishment of the county superintendent's office. The intermediate unit would function, not as a supervisory office, but as a service agency. Thus many of the county superintendent's duties would be handled under this alternative in the same manner as they would be handled if the office were abolished with no replacement.

The intermediate unit might provide a more logical disposition of certain of the county superintendent's duties than would otherwise be available. For instance, 123-22-6, C.R.S. 1953, regarding special education, would probably be incorporated as a function of the special services program of the intermediate unit. Also, the intermediate unit could participate in school district reorganization, since its personnel would be closely associated with problems of community needs and resources.

TABLE 3

POSSIBLE REVISION OF STATUTES OUTLINING DUTIES OF COUNTY
SUPERINTENDENT OF SCHOOLS IN COLORADO

(1)	(2)	Possible Alternative Agencies For Administering Duties			(5)
Citation	Duties	County Supt. Abolished	No Change In Office of County Supt.	County Supt. Abolished-- Intermed. Unit Created	County Supt. Abolished-- Intermed. Unit Created
123-2-1&3	Annual report	Repeal (Local Sch. Dist.)	Co. Supt.	Repeal (Local Sch. Dist.)	Repeal (Local Sch. Dist.)
123-2-2	Supervise county schools	Repeal	Co. Supt.	Repeal	Repeal
123-2-6	School district boundaries	St. Dept. of Ed.	Co. Supt.	St. Dept. of Ed.	St. Dept. of Ed.
80-3-15	Exemptions for theatrical employment	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.	Local Sch. Dist.
81-15-16	Workmen's compensation provisions	Local Sch. Dist.	Local Sch. Dist.	Local Sch. Dist.	Local Sch. Dist.
111-5-3	Administration of P.E.R.A. funds for school districts	Local Sch. Dist.	Local Sch. Dist.	Local Sch. Dist.	Local Sch. Dist.
123-3-8	Receive report on delinquent school taxes	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.	Local Sch. Dist.
123-3-11	School District treasurer file bond with	Local Sch. Bd.	Co. Supt.	Local Sch. Bd.	Local Sch. Bd.
123-3-18	Approve short term loans of school districts	St. Dept. of Ed.	Co. Supt.	St. Dept. of Ed.	St. Dept. of Ed.
123-3-24	Approve reorg. plans	St. Dept. of Ed.	Co. Supt.	Intermed. Unit	Intermed. Unit
123-15-1	Ex officio member county union high school bd.	Repeal in part	Co. Supt.	Intermed. Unit	Intermed. Unit
123-15-4	Call meetings of union high school bd.	Union High Sch. Bd.	Co. Supt.	Union High Sch. Bd.	Union High Sch. Bd.
123-15-10	Dissolve union high school district	St. Dept. of Ed.	Co. Supt.	St. Dept. of Ed.	St. Dept. of Ed.
123-20-3	Approve private instruction for employed minors	Local Sch. Bd.	Co. Supt.	Local Sch. Bd.	Local Sch. Bd.
123-20-5	Truant records	Co. Judge	Co. Judge	Co. Judge	Co. Judge
123-21-16	Physical exams	Co. Health Dept.	Co. Health Dept.	Co. Health Dept.	Co. Health Dept.
123-26-11	Approve eligibility for school funds where children educated in another state	St. Dept. of Ed.	Co. Supt.	St. Dept. of Ed.	St. Dept. of Ed.
(1960 Perm. Supp.)	Notify school districts of assessed valuation	Co. Treas.	Co. Supt.	Co. Treas.	Co. Treas.

TABLE 3
(Continued)

(1)	(2)	(3)	(4)	(5)
<u>Citation</u>	<u>Duties</u>	<u>County Supt. Abolished</u>	<u>No Change In Office of County Supt.</u>	<u>County Supt. Abolished -- Intermed. Unit Created</u>
123-7-1 through 7, (1960 Perm. Supp.) 123-8-4	Participate in school district reorganization	St. Dept. of Ed.	Co. Supt.	Intermed. Unit
123-8-15(2)	Call meeting for selection of reorg. committee	St. Dept. of Ed.	Co. Supt.	Intermed. Unit
123-8-15(2)	Notification of reorg. hearing	County Reorg. Committee	Co. Supt.	County Reorg. Committee
123-8-26 (1960 Perm. Supp.)	Establish director districts after reorganization	St. Dept. of Ed.	Co. Supt.	Intermed. Unit
123-14-2,3&6	Election on forming single co. high school district	County Clerk	Co. Supt.	Co. Clerk
123-14-19 (1960 Perm. Supp.)	Organizing bond election	County Clerk	Co. Supt.	Co. Clerk
123-16-11	Statewide committee on course of study for union high school districts	Repeal	Co. Supt.	Repeal
123-23-4 (1960 Perm. Supp.)	Receive petitions for junior college districts	Co. Clerk	Co. Supt.	County Clerk
123-23-5&6 (1960 Perm. Supp.)	Notice of election on junior college district	Co. Clerk	Co. Supt.	County Clerk
123-23-8,9 (1960 Perm. Supp.)	Canvass junior college vote	Co. Clerk	Co. Supt.	County Clerk
123-23-10&12 (ch. 218, laws of 1961)	Call election of junior college committee	Co. Clerk	Co. Supt.	County Clerk
123-25-4 (1960 Perm. Supp.)	Election of school planning committee.	Co. Clerk	Co. Supt.	County Clerk
123-25-15 (1960 Perm. Supp.)	Publication of plans of school planning committee	Sch. Planning Committee	Co. Supt.	Sch. Planning Committee

TABLE 3
(Continued)

(1)	(2)	(3)	(4)	(5)
Citation	Duties	County Supt. Abolished	No Change In Office of County Supt.	County Supt. Abolished-- Intermed. Unit Created
		Co. Clerk	Co. Supt.	Co. Clerk
123-25-22&23 (1960 Perm. Supp.)	St. Dept. of Ed. notified of results of vote on school plans	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.
16-2-20 (1960 Perm. Supp.)	Report blind, deaf, and mute under 21 years	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.
79-15-19	Receive county treasurer's reports	St. Dept. of Ed.	Co. Supt.	St. Dept. of Ed.
88-1-15,17,&18	School district financial reports filed with	Co. Clerk	Co. Supt.	Co. Clerk
123-8-23	Notify St. Dept. of Ed. of results of reorganization elections	St. Dept. of Ed.	Co. Supt.	St. Dept. of Ed.
123-10-34	School dist. reports filed with	St. Dept. of Ed.	Co. Supt.	St. Dept. of Ed.
123-10-40	Check school census list	Local School Dist.	Co. Supt.	Local School Dist.
123-10-60 (1960 Perm.Supp.)	Certify figures on school bus transportation	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.
123-17-3 (Amended - ch. 213, L'61)	Keep record of teaching certificates	St. Dept. of Ed.	Co. Supt.	St. Dept. of Ed.
123-25-41 (1960 Perm. Supp.)	Receive notice of action of planning committee when district dissolves	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.
123-26-14 (1960 Perm.Supp.)	Certify data on school attendance etc.	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.
67-1-4&6	Promote observance of "Arbor Day"	St. Dept. of Ed.	Co. Supt.	St. Dept. of Ed.
123-17-2	Supply forms to districts	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.
123-20-1	Act on exemptions from compul- sory attendance law	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.
123-21-17	Receive reports on mental or physical defect of child	Local Sch. Dist.	Co. Supt.	Intermed. Unit
123-22-6	Apply for special education program	Local Sch. Dist.	Co. Supt.	Intermed. Unit
123-22-14	Apply for instruction for hospitalized or homebound children			

TABLE 3
(Continued)

(1)	(2)	(3)	(4)	(5)
	Duties	County Supt. Abolished	No Change In Office of County Supt.	County Supt. Abolished-- Intermed. Unit Created
Citation 124-2-2	Select one pupil under 16 to attend University free	St. Dept. of Ed.	Co. Supt.	St. Dept. of Ed.
123-2-4,5	Administer oaths - fill district director's vacancies	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.
40-18-8	File complaint against unauthorized cutting of timber	Repeal	Repeal	Repeal
84-1-13	Ex officio member of library board	Repeal in part	Co. Supt.	Intermed. Unit
123-3-3	Verify that fines, etc. are paid to county school fund	Co. Treas.	Co. Supt.	Co. Treas.
123-14-28	Certify exemption for district from county high school tax	Co. Treas.	Co. Supt.	Co. Treas.
123-10-18	Administer oaths to school boards	Pres. of Local Sch. Bd.	Co. Supt.	Pres. of Local Sch. Bd.
123-2-2	Keep district financial records	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.
123-21-13	Take school census	Local Sch. Dist.	Co. Supt.	Local Sch. Dist.

Proposal by County Superintendents

A group of county superintendents appeared before the committee and presented the following proposal which had been adopted at the Colorado Association of County Superintendents Workshop on June 9 and 10, 1962.

IMPROVED EDUCATION SERVICES IN COLORADO

STATEMENT OF POSITION

Recent educational changes including school district reorganization and automation of data processing have served to affect school administrations in Colorado. In consequence there is renewed discussion of the office of County Superintendent of Schools and its future. The following paragraphs outline the proposal of the Colorado Association of County Superintendents for identifying the tasks of the office under these new circumstances.

The purpose of the county superintendent's office at the time of its creation was one of promoting the best education of every child. This purpose has not changed. However, the members of the Colorado Association of County Superintendents recognize that their office could make a greater contribution to this end. Indeed the office is in a unique position to do so, providing as it does, a staff rather than a line relationship to school district administration. Further, the county superintendent of schools is in a position to assist school communities to engage in joint or cooperative enterprises designed to improve the educational opportunities of Colorado's boys and girls. An intermediary education office at the county or intercounty level could make available to local school districts supplementary services such as the following:

- Specialized help with programs for small districts that cannot justify special personnel in art, music, physical education, etc.,
- Special education, including remedial reading and speech therapy, Work with partially sighted children as well as those with hearing difficulties,
- Work with the mentally handicapped,
- Coordination of guidance and counseling and mental health programs,
- Health Services,

Library services including audio-visual materials and equipment,
In-service education for teachers,
Research,
Consulting services for planning, maintaining, and operating buildings,
Assistance with transportation problems,
Centralized purchasing, aid with accounting procedures and audits.

It is suggested that if the county or intermediate resource center is successfully to fulfill the services listed above and others, its administrator should possess a Master's degree or equivalent and be required to qualify for an administrator's certificate within a specified time except that there be a "grandfather clause" to assure the continuing availability of present holders of the county superintendent's office.

Believing that the aforementioned services are necessary for complete, comprehensive educational programs in Colorado schools, the Colorado Association of County Superintendents urges early action by the General Assembly to provide legislation creating appropriate intermediary education offices in the state. Specifically the association proposes to undertake a study of the practices and needs of Colorado school communities as well as conditions of size, scope, and financial structure to the end that it will present to the Legislative Council by December 1, 1962, a concrete plan for the establishment of the supplementary services outlined above.

The plan would require legislation to permit county superintendents to cooperate to provide special services across county lines, utilizing the special abilities of each county superintendent in the cooperating region. It would mean developing an intermediary services center through which the superintendents would work with districts requesting services.

The county superintendents offered to develop a pilot project along these lines in the San Luis Valley to provide such services as testing, health services, counseling, libraries, and audio-visual aids. Each district would contribute on a per child basis for the services it requested. A few months after the offer was made the county superintendents concluded that they did not have enough time or information to formulate such a program and the project was cancelled.

Prior to the October meeting of the committee the proposal for legislation permitting inter-county cooperation was renewed, along with the following memorandum requesting additional study of the county superintendent's office and educational administration in general:

The Committee for the study of the County Superintendent's Office, feeling that the County Superintendents have gone as far as possible in the study of the County Office and its relation to the educational pattern of the State and recognizing the immediacy of the problem, wishes to present to the Legislative Council the following request:

That the Legislative Council appoint a Committee to study the pattern of Education Administration at all levels - local districts, intermediate units (County Superintendent's Office at present) and the State Department of Education - and to formulate a plan for the State in which the duties expected of each level are clearly defined and revised where necessary.

Appendix A

COPY

B.F. Kitchen

November 20, 1962

John G. Mackie
948 Collyer Street
Longmont, Colorado

Dear Mr. Mackie:

Thank you for your letter of November 16, especially for the congratulations, and for the invitation for me to state personal suggestions as to the possible procedures, now that Amendment No. 6 was not approved in the November election.

The status of the Amendment, locally, is indicated in paragraph 3 of the Enclosure Number 1, and a possible procedure is shown in paragraph 6 of the same enclosure.

My entrance into the election as a candidate for the County Superintendency came from a clear sky, for the 1958-62 incumbent resigned after a disagreement with the County Commissioners over the budget, said resignation taking effect on July 1, 1962. In accepting the interim appointment, I was told that it would be necessary for me to run for the office subject to the November election. Having retired from the Superintendency of the Loveland schools on July 1, 1959, I was reluctant to reenter the education field, but having been elected, I am anxious to do my part in either eliminating the County Superintendency or in making it agree with changed conditions.

In my personal campaign - in interviews, in newspaper and radio advertising, and in personal appearances before various groups, I used the following paragraphs from my set campaign speech:

"The only issue in this year's election of a County Superintendent is the changed nature of that official's duties. The facts show that currently two-thirds of the functions performed by the Superintendent before reorganization in 1960 are now being done by the very capable and very efficient administrative staffs of the three districts into which Larimer County has been divided.

"Amendment No. 6 on the November ballot further complicates the situation. That Amendment, if approved by the voters - as I hope it will be - might result in the elimination of the County Superintendency in any county; if not approved, then the General Assembly, or the State Board of Education, should redefine the duties of the County Superintendent in order to justify the

continued existence of the office. In either eventuality, your selected Superintendent needs to be ready with a program flexible enough to cease if the Superintendency is eliminated after the next general election, or to continue indefinitely if Amendment No. 6 is not approved.

"If elected, what do I propose to do regarding the dilemma?"

"By January 1, 1963, I shall have completed the outlines of ten (10) projects which need to be done each year, in order that the administrator in each of Larimer County's three districts may know what is going on in the other two districts and may act on the information as he sees fit to act."

See Enclosure Number 2 for the titles of these projects. I have obtained the cooperation of the three districts in carrying these reports to completion.

Before deciding on the personal platform for my campaign, I had studied very carefully a memorandum released on April 3, 1962 from the Legislative Council Staff to the Committee on School Aid, in re the subject, "County Superintendent of Schools."

You will readily see the influence of this memorandum on my campaign speech by noting the following quotation from pages 18 and 19 of the document:

"(5) If the intermediate unit is to be eliminated, what procedure should be followed? Should the office of County Superintendent be completely removed from the Constitution or should it remain in the Constitution subject to abolishment in individual counties by the electors of the county? Should abolishment be permissive or mandatory? If mandatory, should it apply to all counties or only to counties meeting certain conditions (e.g., to all reorganized counties with fewer than a specified number of districts)?"

I think the immediate problem can also be sensed from two letters dated August 31, 1962, both written by the Committee of eight (8) County Superintendents. I do not know who appointed the eight.

Here is a quotation from the first, written to Lyle C. Kyle, Director of the Colorado Legislative Council.

"Many County Superintendents realize that the office, as it has functioned in the past, is now passe. Some will not seek reelection; others at a personal sacrifice, are willing to stay in office and help work out a solution. After several surveys and research of other states' studies,

we do not feel that education will best be served in Colorado without some type of an intermediate unit to work with the State Department of Education and local districts."

Here is the second quotation, taken from another letter of the Superintendents' Committee and directed to the Committee on School Aid:

"The Committee for the study of the County Superintendent's... wishes to present to the Legislative Council the following request:

'That the Legislative Council appoint a committee to study the pattern of Educational Administration at all levels-local districts, intermediate unit (County Superintendent's office at present) and the State Department of Education and to formulate a plan for the state in which the duties expected of each level are clearly defined.' "

I had not read either of the letters before formulating my campaign speech; but I guess there must have been some telepathic exchange between the Committee and myself, assuming that amendment No. 6 would not be approved, which turned out to be the case.

I am very much interested in the closing paragraph of your letter of November 16, and I hope I will have the opportunity to talk with you in regard to the legislation which you may ultimately write for improving the office. I would also welcome the opportunity to appear at some appropriate meeting of the House Education Committee and the Senate Education Committee.

Before closing this long letter, I wish to make a third suggestion in addition to the two that were mentioned in my campaign speech and in paragraph 6 of the first enclosure.

In looking for work that the County Superintendent could do effectively, except in very small or in very large counties as to school population, I believe the General Assembly might well direct the State Board of Education to make this assignment: - Let the County Superintendent, in addition to his existing transmittal duties, be responsible for all reports originating in the county as to State accreditation of elementary, junior high, and senior high schools. The law now says that the County Superintendent must visit each school in the county once each quarter. Fine, then let him visit with a definite purpose. Those County Superintendents not familiar with accreditation procedures could be effectively briefed by the proper bureau, viz., the Division of Accreditation of the Colorado State Department of Education. I am certain that the people who want to keep the County Superintendency would feel that here is a plan that enables the patrons of the county to keep a measure of control over their own schools.

I hope to see you soon.

Yours truly,

BFK/rh

/s/ B.F. Kitchen

Enclosure No. I

Paragraph 3:

"In Larimer County Amendment No. 6 received 7,224 'yes' votes and 5,681 'no' votes, thus showing that the electors in this county approved the amendment by a majority of 1,543 votes; but in the state-wide count the amendment lost by a scant margin of 1,239 votes."

Paragraph 6:

"The personnel of the 44th General Assembly, convening on January 2, 1963 will be quite different from that of the 43rd General Assembly. This means that the membership of the House Education Committee and of the Senate Education Committee will be quite different after January 2. Possibly the best plan now is to try to interest those committees in submitting to the electors in the general election of 1964, an amendment that would change the language of Article IX, Section 6 of the Colorado Constitution as follows: 'There shall be a County Superintendent of Schools in each county...except in those counties which have completely reorganized under the provisions of Senate Bill #385 (1957).' The underlined words are new."

Enclosure No. II

Research Projects, Larimer County, School Districts R-1, R2-j, and R-3 by the County Superintendent of Schools

1. Comparative study of high school curricula in the six operating senior high schools of Larimer County (grades 10,11,12).
2. Salary schedule (graphic) of employees in the three districts.
3. A report on teacher turnover in the three districts.
4. Graphic analysis of enrollment trends (continuous for 5 years).
5. Comparison of individual classroom loads (elementary, junior high and senior high).
6. Cumulative school calendar comparisons.
7. Comparative summary of "Follow-up Reports for High School Graduates."
8. Extra-curricular activities in all schools, all types.
9. Individual features of elementary schools, such as playground use, use of audio-visual aids, libraries, and the employment of dining areas when not being used as lunchrooms.
10. Team teaching procedures.

Appendix B

HOUSE CONCURRENT RESOLUTION NO.

SUBMITTING TO THE QUALIFIED ELECTORS OF THE STATE OF COLORADO
AN AMENDMENT TO ARTICLE XIV OF THE CONSTITUTION OF THE
STATE OF COLORADO, PROVIDING A METHOD FOR THE ABOLISHMENT
OF THE OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS IN ANY
COUNTY HAVING LESS THAN FOUR SCHOOL DISTRICTS.

Be It Resolved by the House of Representatives of the
Forty-fourth General Assembly of the State of Colorado, the
Senate concurring herein:

SECTION 1. There shall be submitted to the qualified
electors of the state of Colorado at the next general election for
members of the general assembly, for their approval or rejection, the
following amendment to article XIV of the constitution of the state
of Colorado, to-wit:

Section 8 of article XIV of the constitution of the state
of Colorado is hereby amended to read:

Section 8. (1) There shall be elected in each county, at
the same time at which members of the general assembly are elected,
commencing in the year nineteen hundred and ~~fifty-four~~ SIXTY-SIX, and
every four years thereafter, one county clerk, who shall be ex officio
recorder of deeds and clerk of the board of county commissioners; one
sheriff; one coroner; one treasurer who shall be collector of taxes;
one county superintendent of schools EXCEPT AS PROVIDED IN SUBSECTION
(2) OF THIS SECTION; one county surveyor; one county assessor; and one
county attorney who may be elected or appointed, as shall be provided
by law; and such officers shall be paid such salary or compensation,

either from the fees, perquisites, and emoluments of their respective offices, or from the general county fund, as may be provided by law. The term of office of all such officials shall be four years, and they shall take office on the second Tuesday in January next following their election, or at such other time as may be provided by law. ~~The officers herein named elected at the General Election in 1954 shall hold their respective offices until the second Tuesday of January 1959.~~

(2) THE GENERAL ASSEMBLY MAY BY LAW ABOLISH THE OFFICE OF COUNTY SUPERINTENDENT OF SCHOOLS IN ANY COUNTY WHICH HAS LESS THAN FOUR SCHOOL DISTRICTS WITHIN ITS BOUNDARIES, INCLUDING ANY JOINT DISTRICTS, THE TERRITORY OF WHICH IS IN MORE THAN ONE COUNTY, PROVIDED, THAT NO SUCH LAW SHALL BE IN FORCE UNTIL IT SHALL HAVE BEEN SUBMITTED, AT A GENERAL ELECTION, TO A VOTE OF THE PEOPLE OF THE COUNTY AFFECTED, AND APPROVED BY A MAJORITY OF THE VOTES CAST THEREON IN SAID COUNTY.

SECTION 2. Each elector voting at said election and desirous of voting for or against said amendment shall cast his vote as provided by law either "Yes" or "No" on the proposition: "An amendment to article XIV of the constitution of the state of Colorado, providing a method for the abolishment of the office of county superintendent of schools in any county having less than four school districts."

SECTION 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined in the manner provided by the laws of the state of Colorado for the canvassing of votes for representatives in Congress, and if a majority of the electors voting on the question shall have voted "Yes", the said amendment shall become a part of the state constitution.