

Article X Education

Article X, Section 1 [Free nonsectarian schools.]

The Legislature shall provide for the establishment and maintenance of the state's education systems including: (a) a public education system, which shall be open to all children of the state; and (b) a higher education system. Both systems shall be free from sectarian control.

Article X, Section 2 [Defining what shall constitute the public school system.]

The public education system shall include all public elementary and secondary schools and such other schools and programs as the Legislature may designate. The higher education system shall include all public universities and colleges and such other institutions and programs as the Legislature may designate. Public elementary and secondary schools shall be free, except the Legislature may authorize the imposition of fees in the secondary schools.

Article X, Section 3 [State Board of Education.]

The general control and supervision of the public education system shall be vested in a State Board of Education. The membership of the board shall be established and elected as provided by statute. The State Board of Education shall appoint a State Superintendent of Public Instruction who shall be the executive officer of the board.

Article X, Section 4 [Control of higher education system by statute -- Rights and immunities confirmed.]

The general control and supervision of the higher education system shall be provided for by statute. All rights, immunities, franchises, and endowments originally established or recognized by the constitution for any public university or college are confirmed.

Article X, Section 5 [State School Fund and Uniform School Fund -- Establishment and use -- Debt guaranty.]

- (1) There is established a permanent State School Fund which consists of:
 - (a) proceeds from the sales of all lands granted by the United States to this state for the support of the public elementary and secondary schools;
 - (b) 5% of the net proceeds from the sales of United States public lands lying within this state;
 - (c) all revenues derived from nonrenewable resources on state lands, other than sovereign lands and lands granted for other specific purposes;
 - (d) all revenues derived from the use of school trust lands;
 - (e) revenues appropriated by the Legislature; and
 - (f) other revenues and assets received by the permanent State School Fund under any other provision of law or by bequest or donation.
- (2)
 - (a) The permanent State School Fund shall be prudently invested by the state and shall be held by the state in perpetuity.

- (b) Only earnings received from investment of the permanent State School Fund may be distributed from the fund, and any distribution from the fund shall be for the support of the public education system as defined in Article X, Section 2 of this constitution.
 - (c) Annual distributions from the permanent State School Fund under Subsection (2)(b) may not exceed 5% of the fund, calculated as provided by statute.
 - (d) The Legislature may make appropriations from school trust land revenues to provide funding necessary for the proper administration and management of those lands consistent with the state's fiduciary responsibilities towards the beneficiaries of the school land trust. Unexpended balances remaining from the appropriation at the end of each fiscal year shall be deposited in the permanent State School Fund.
 - (e) The permanent State School Fund shall be guaranteed by the state against loss or diversion.
- (3) There is established a Uniform School Fund which consists of:
- (a) money from the permanent State School Fund;
 - (b) revenues appropriated by the Legislature; and
 - (c) other revenues received by the Uniform School Fund under any other provision of law or by donation.
- (4) The Uniform School Fund shall be maintained and used for the support of the state's public education system as defined in Article X, Section 2 of this constitution and apportioned as the Legislature shall provide.
- (5)
- (a) Notwithstanding Article VI, Section 29, the State may guarantee the debt of school districts created in accordance with Article XIV, Section 3, and may guarantee debt incurred to refund the school district debt. Any debt guaranty, the school district debt guaranteed thereby, or any borrowing of the state undertaken to facilitate the payment of the state's obligation under any debt guaranty shall not be included as a debt of the state for purposes of the 1.5% limitation of Article XIV, Section 1.
 - (b) The Legislature may provide that reimbursement to the state shall be obtained from monies which otherwise would be used for the support of the educational programs of the school district which incurred the debt with respect to which a payment under the state's guaranty was made.

Article X, Section 7 [Proceeds of land grants constitute permanent funds.]

The proceeds from the sale of lands reserved by Acts of Congress for the establishment or benefit of the state's universities and colleges shall constitute permanent funds to be used for the purposes for which the funds were established. The funds' principal shall be safely invested and held by the state in perpetuity. Any income from the funds shall be used exclusively for the support and maintenance of the respective universities and colleges. The Legislature by statute may provide for necessary administrative costs. The funds shall be guaranteed by the state against loss or diversion.

Article X, Section 8 [No religious or partisan tests in schools.]

No religious or partisan test or qualification shall be required as a condition of employment, admission, or attendance in the state's education systems.

Article X, Section 9 [Public aid to church schools forbidden.]

Neither the state of Utah nor its political subdivisions may make any appropriation for the direct support of any school or educational institution controlled by any religious organization.