

## **EDUCATION PROVISIONS OF THE 50 STATE CONSTITUTIONS**

December 19, 2017

This memorandum provides a brief synopsis of the type of language states use in their constitutions to address K-12 public education. Attached is a chart containing each state’s constitutional provisions that provide for a K-12 public school system and, if applicable, a funding requirement for such public school system. Several states have no funding requirement for a public school system in their constitutions. This memorandum does not address litigation based on the constitutional education provisions or how each state’s court has interpreted such provisions.

### **General Education Provisions**

All 50 state constitutions have an education provision, but the obligations that arise from each state’s constitutional provisions vary based on the specific language of the education provision and their state court’s interpretation of such language. No two states have the exact same language in their educational provisions.

Each state constitution places some level of responsibility on its legislature to address education. The specific language used in constitutional education provisions has consequences as to the level of responsibility the state’s legislature has regarding public schools. The level of responsibility ranges from merely establishing a system of public schools to prioritizing education and striving for high educational quality.

The most basic level of responsibility placed on state legislatures is the mere establishment of a system of public schools. For example, Tennessee’s constitution states:

*“The General Assembly shall provide for the maintenance, support and eligibility standards of a system of free public schools...”<sup>1</sup>*

Tennessee has no other constitutional provisions addressing K-12 public education.

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<sup>1</sup> Tenn. Const. art. IX, § 12.

Most states provide a higher level of responsibility on their state legislatures than merely establishing a public school system. These states typically require some minimum standard of quality in their public school systems. The level of minimum quality varies based on the specific language used and the state court’s interpretation of such language. Common words used in this type of educational provision, include, “efficient,” “thorough,” and “suitable.” Arkansas’s constitution states:

*“[T]he State shall ever maintain a general, suitable and efficient system of free public schools and shall adopt all suitable means to secure to the people the advantages and opportunities of education.”<sup>2</sup>*

Similarly, Colorado’s constitution states:

*“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...”<sup>3</sup>*

At the highest level of responsibility, a few states make education the most important duty of the legislature. For example, Washington’s constitution states:

*“It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.”<sup>4</sup>*

### **Education Funding Provisions**

In addition to general provisions on a system of public schools, most state constitutions have some provision addressing the funding of such public school system, although a few state constitutions do not. For states that do have some public education funding provision, their funding provisions range from merely establishing a school fund to requiring a specific level of funding.

Maryland’s constitution merely establishes a school fund. It states:

*“The School Fund of the State shall be kept inviolate, and appropriated only to the purposes of Education.”<sup>5</sup>*

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<sup>2</sup> Ark. Const. art. XIV, § 1.

<sup>3</sup> Colo. Const. art. IX, § 2.

<sup>4</sup> Wash. Const. art. IX, § 1.

<sup>5</sup> Md. Const. art. VIII, § 3.

Some states place a higher level of funding responsibility on their state legislature than merely establishing a school fund. For example, Oregon’s constitution includes more specific requirements that school funding is sufficient to ensure a quality education. It states:

*“The Legislative Assembly shall appropriate in each biennium a sum of money sufficient to ensure that the state’s system of public education meets quality goals established by law...”<sup>6</sup>*

A few states provide a specific spending requirement. For example, Missouri’s constitution requires the state spend a certain percentage of its state revenue on public schools if its school fund is insufficient. Missouri’s constitution specifically states:

*“In event the public school fund provided and set apart by law for the support of free public schools, shall be insufficient to sustain free schools at least eight months in every year in each school district of the state, the general assembly may provide for such deficiency; but in no case shall there be set apart less than twenty-five percent of the state revenue, exclusive of interest and sinking fund, to be applied annually to the support of the free public schools.”<sup>7</sup>*

California’s constitution explicitly requires a minimum a dollar amount per student be appropriated. Though the dollar amount is outdated, the California constitution states:

*“The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for apportionment in each fiscal year, an amount not less than one hundred eighty dollars (\$180) per pupil in average daily attendance in the kindergarten schools, elementary schools, secondary schools, and technical schools in the Public School System during the next preceding fiscal year.”<sup>8</sup>*

Nearly all states have experienced some form of school finance litigation based on their state constitutional language either in the general education provision, the funding provision or some other educational provision.<sup>9</sup> State courts have found varying levels of obligation based on specific state constitutional language. Further analysis would be required to provide particular information on how a specific state court has interpreted such state’s education provisions.

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<sup>6</sup> Ore. Const. art.XIII, § 8.

<sup>7</sup> Mo. Const. art. IX, § 3(b).

<sup>8</sup> Cal. Const. art. 9, § 5.

<sup>9</sup> Delaware, Hawaii, Mississippi, Nevada and Utah have not had challenges to their state educational provisions.

**CONSTITUTIONAL EDUCATION PROVISIONS OF EACH STATE**

<b>State</b>	<b>Constitutional Provision</b>	<b>Providing K-12 Education</b>	<b>Funding for K-12 Education</b>	<b>Notes</b>
<b>Alabama</b>	Article XIV. Education	<u>Section 256</u> “The Legislature shall establish, organize, and maintain a liberal system of public schools throughout the state for the benefit of the children thereof between the ages of seven and twenty-one years.”	<u>Section 256</u> “The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein...”	Section 256 was amended in 1955 and the language quoted in this chart was removed and replaced by the amendments, however, in 1991, the provisions of 256 as they existed prior to the 1955 amendment were declared in effect, despite not being in the current language of the Alabama constitution. ( <i>Alabama Coalition for Equity, et al v. Hunt</i> , Appendix to Opinion of the Justices No. 338, 624 So. 2d 107 (Ala. 1993)).
<b>Alaska</b>	Article 7. Health, Education and Welfare	<u>Section 1</u> “The legislature shall by general law establish and maintain a system of public schools open to all children of the State...”		
<b>Arizona</b>	Article XI. Education	<u>Section 1</u> “A. The legislature shall enact such laws as shall provide for the establishment and maintenance of a general and uniform public school system, which system shall include: 1. Kindergarten schools. 2. Common schools. 3. High schools. 4. Normal schools. 5. Industrial schools. 6. Universities...”	<u>Section 8</u> “A permanent state school fund for the use of the common schools shall be derived from the sale of public school lands or other public lands specified in the enabling act approved June 20, 1910; from all estates or distributive shares of estates that may escheat to the state; from all unclaimed shares and dividends of any corporation incorporated under the laws of Arizona; and from all gifts,	

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		<p>B. The legislature shall also enact such laws as shall provide for the education and care of pupils who are hearing and vision impaired.”</p>	<p>devises, or bequests made to the state for general educational purposes.”</p> <p><u>Section 9</u>                      “The amount of this apportionment shall become a part of the county school fund, and the legislature shall enact such laws as will provide for increasing the county fund sufficiently to maintain all the public schools of the county for a minimum term of six months in every school year. The laws of the state shall enable cities and towns to maintain free high schools, industrial schools, and commercial schools.”</p>	
<b>Arkansas</b>	<p>Article XIV.                      Education</p>	<p><u>Section 1</u>                      “Intelligence and virtue being the safeguards of liberty and the bulwark of a free and good government, the State shall ever maintain a general, suitable and efficient system of free public schools and shall adopt all suitable means to secure to the people the advantages and opportunities of education.”</p>	<p><u>Section 3</u>                      “(a) The General Assembly shall provide for the support of common schools by general law. In order to provide quality education, it is the goal of this state to provide a fair system for the distribution of funds. It is recognized that, in providing such a system, some funding variations may be necessary. The primary reason for allowing such variations is to allow school districts, to the extent permissible, to raise additional funds to enhance the educational system within the school district. It is further recognized that funding variations or restrictions thereon may be necessary in order to comply with, or due to, other provisions of this Constitution, the United States</p>	<p>Article XIV Section 3 also provides for an ad valorem property tax of 25 mills to be used solely for maintenance and operation of public schools and allows local districts to levy an annual ad valorem property tax if approved by a vote of the electorate of the local district.</p>

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			Constitution, state or federal laws, or court orders.”	
<b>California</b>	Article 9. Education	<u>Section 5</u> “The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.”	<u>Section 6</u> “The Legislature shall add to the State School Fund such other means from the revenues of the State as shall provide in said fund for apportionment in each fiscal year, an amount not less than one hundred eighty dollars (\$180) per pupil in average daily attendance in the kindergarten schools, elementary schools, secondary schools, and technical schools in the Public School System during the next preceding fiscal year.”	
<b>Colorado</b>	Article IX. Education	<u>Section 2</u> “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.”	<u>Section 3</u> “The public school fund of the state shall, except as provided in this article IX, forever remain inviolate and intact and the interest and other income thereon, only, shall be expended in the maintenance of the schools of the state, and shall be distributed amongst the several counties and school districts of the state, in such manner as may be prescribed by law.”	
<b>Connecticut</b>	Article Eighth. Of Education	<u>Section 1</u> “There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation.”	<u>Section 4</u> “The fund, called the SCHOOL FUND, shall remain a perpetual fund, the interest of which shall be inviolably appropriated to the support and encouragement of the public schools throughout the state, and for the equal benefit of all the people thereof. The value and amount of said	

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			<p>fund shall be ascertained in such manner as the general assembly may prescribe, published, and recorded in the comptroller's office; and no law shall ever be made, authorizing such fund to be diverted to any other use than the encouragement and support of public schools, among the several school societies, as justice and equity shall require.”</p>	
<b>Delaware</b>	Article X. Education	<p><u>Section 1</u> “The General Assembly shall provide for the establishment and maintenance of a general and efficient system of free public schools, and may require by law that every child, not physically or mentally disabled, shall attend the public school, unless educated by other means.”</p>	<p><u>Section 2</u> “In addition to the income of the investments of the Public School Fund, the General Assembly shall make provision for the annual payment of not less than one hundred thousand dollars for the benefit of the free public schools which, with the income of the investments of the Public School Fund, shall be equitably apportioned among the school districts of the State as the General Assembly shall provide;”</p>	
<b>Florida</b>	Article IX. Education.	<p><u>Section 1</u> “(a) The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the</p>	<p><u>Section 1</u> “It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders.”</p> <p><u>Section 6</u> “The income derived from the state school fund shall, and the principal of the fund may, be appropriated, but only to the support and maintenance of free public schools.”</p>	<p>In 1998, the words “efficient, safe, secure, and high quality” were amended into the constitution as standards for determining the “adequacy” of public education. This was in response to litigation where the court found that the issue of “adequacy” was nonjusticiable because in determining what was</p>

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		establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require..."		adequate, the court would be usurping the legislature's authority. ( <i>Coalition for Adequacy and Fairness in School Funding, Inc. v. Chiles</i> , 680 So. 2d 400 (Fla. 1996).
<b>Georgia</b>	Article VIII. Education.	<p><u>Section 1</u>                      "The provision of an adequate public education for the citizens shall be a primary obligation of the State of Georgia. Public education for the citizens prior to the college or postsecondary level shall be free and shall be provided for by taxation, and the General Assembly may by general law provide for the establishment of education policies for such public education. "</p>	<p><u>Section 6 Paragraph I</u>                      "(a) The board of education of each school system shall annually certify to its fiscal authority or authorities a school tax not greater than 20 mills per dollar for the support and maintenance of education. Said fiscal authority or authorities shall annually levy said tax upon the assessed value of all taxable property within the territory served by said school system, provided that the levy made by an area board of education, which levy shall not be greater than 20 mills per dollar, shall be in such amount and within such limits as may be prescribed by local law applicable thereto."</p> <p><u>Section 6 Paragraph II</u>                      "The mill limitation in effect on June 30, 1983, for any school system may be increased or removed by action of the respective boards of education, but only after such action has been approved by a majority of the qualified voters voting thereon in the particular school system to</p>	



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			be affected in the manner provided by law.”	
<b>Hawaii</b>	Article X. Education	<u>Section 1</u> “The State shall provide for the establishment, support and control of a statewide system of public schools free from sectarian control, a state university, public libraries and such other educational institutions as may be deemed desirable, including physical facilities therefor.”		
<b>Idaho</b>	Article IX. Education and School Lands	<u>Section 1</u> “The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools.”	<u>Section 3</u> “The public school permanent endowment fund of the state shall forever remain inviolate and intact; the earnings of the public school permanent endowment fund shall be deposited into the public school earnings reserve fund and distributed in the maintenance of the schools of the state, and among the counties and school districts of the state in such manner as may be prescribed by law. No part of the public school permanent endowment fund principal shall ever be transferred to any other fund, or used or appropriated except as herein provided.”  <u>Section 4</u> “The public school permanent endowment fund of the state shall consist of the proceeds from the sale of such lands as have heretofore been granted, or may hereafter be granted, to the state by	

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			<p>the general government, known as school lands, and those granted in lieu of such; lands acquired by gift or grant from any person or corporation under any law or grant of the general government; and of all other grants of land or money made to the state from the general government for general educational purposes, or where no other special purpose is indicated in such grant; all estates or distributive shares of estates that may escheat to the state; all unclaimed shares and dividends of any corporation incorporated under the laws of the state; all other grants, gifts, devises, or bequests made to the state for general educational purposes; and amounts allocated from the public school earnings reserve fund.”</p>	
<b>Illinois</b>	Article X. Education	<p><u>Section 1</u>                      “A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities.</p> <p>The State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law.”</p>	<p><u>Section 1</u>                      “The State has the primary responsibility for financing the system of public education.”</p>	
<b>Indiana</b>	Article 8. Education	<p><u>Section 1</u>                      “Knowledge and learning, generally diffused throughout a community, being</p>	<p><u>Section 2</u>                      Establishes a common school fund</p>	

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		<p>essential to the preservation of a free government; it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide, by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all.”</p>	<p><u>Section 3</u> “The principal of the Common School fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of Common Schools, and to no other purpose whatever.”</p> <p><u>Section 4</u> Investment and distribution of fund interest</p> <p><u>Section 5</u> Reinvestment of unused interest</p> <p><u>Section 6</u> Preservation of fund by counties</p>	
<p><b>Iowa</b></p>	<p>Article IX. Education and School Lands.</p> <p>1st. Education</p> <p>2nd. School Funds and School Lands</p>	<p><u>1<sup>st</sup>, Section 12</u> “The Board of Education shall provide for the education of all the youths of the State, through a system of Common Schools...”</p> <p>However, the board of education was abolished in 1864 and replaced with a superintendent of education. But the language of Section 12 was never amended or repealed. In <i>Clark v. Bd. Of Dir.s.</i>, the Iowa Supreme Court, relying on Section 12, stated that “provision shall be made ‘for the education of all the youths of the State through a system of common schools,’ which constitutional declaration has been effectuated by</p>	<p><u>2<sup>nd</sup>, Section 1</u> “The educational and school funds and lands shall be under the control and management of the general assembly of this state.”</p> <p><u>2<sup>nd</sup>, Section 3</u> “The proceeds of all lands that have been or hereafter may be, granted by the United States to this state, for the support of schools, which may have been or shall hereafter be sold, or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of congress, distributing the proceeds of the public lands among the several states of the union, approved in the year of our</p>	

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		enactments providing for the ‘instruction of youth between the ages of five and twenty-one years’” (24 Iowa 266 (1868)).	Lord one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such percent as has been or may hereafter be granted by congress, on the sale of lands in this state, shall be, and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the general assembly may provide, shall be inviolably appropriated to the support of common schools throughout the state.”	
<b>Kansas</b>	Article 6. Education	<u>Section 1</u> “The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law.”	<u>Section 6</u> “(b) The legislature shall make suitable provision for finance of the educational interests of the state. No tuition shall be charged for attendance at any public school to pupils required by law to attend such school, except such fees or supplemental charges as may be authorized by law.”	
<b>Kentucky</b>	Education	<u>Section 183</u> “The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State.”	<u>Section 184</u> Establishes a school fund  <u>Section 185</u> Provides for the payment of interest on the school fund  <u>Section 186</u> “All funds accruing to the school fund shall be used for the maintenance of the public schools of the Commonwealth, and for no other purpose, and the General	

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			<p>Assembly shall by general law prescribe the manner of the distribution of the public school fund among the school districts and its use for public school purposes.”</p>	
<p><b>Louisiana</b></p>	<p>Article VIII. Education</p>	<p><u>Section 1</u> “The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.”</p>	<p><u>Section 11</u> “The legislature shall appropriate funds for the operating and administrative expenses of the state boards created by or pursuant to this article.”</p> <p><u>Section 13</u> (A) Requires the legislature to appropriate funds to supply free school books and other materials of instruction at elementary and secondary levels.</p> <p>“(B) Minimum Foundation Program. The State Board of Elementary and Secondary Education, or its successor, shall annually develop and adopt a formula which shall be used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools as well as to equitably allocate the funds to parish and city school systems. Such formula shall provide for a contribution by every city and parish school system. Prior to approval of the formula by the legislature, the legislature may return the formula adopted by the board to the board and may recommend to the board an amended formula for consideration by the board and submission to the</p>	<p>Article VIII Section 13 has been amended five times since its enactment. The amendments were approved in 1987, 1995, Oct. 1999, Nov. 1999 and 2006.</p>

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			<p>legislature for approval. The legislature shall annually appropriate funds sufficient to fully fund the current cost to the state of such a program as determined by applying the approved formula in order to insure a minimum foundation of education in all public elementary and secondary schools. Neither the governor nor the legislature may reduce such appropriation, except that the governor may reduce such appropriation using means provided in the act containing the appropriation provided that any such reduction is consented to in writing by two-thirds of the elected members of each house of the legislature. The funds appropriated shall be equitably allocated to parish and city school systems according to the formula as adopted by the State Board of Elementary and Secondary Education, or its successor, and approved by the legislature prior to making the appropriation. Whenever the legislature fails to approve the formula most recently adopted by the board, or its successor, the last formula adopted by the board, or its successor, and approved by the legislature shall be used for the determination of the cost of the minimum foundation program and for the allocation of funds appropriated.”</p>	
<b>Maine</b>	Article VIII. Part First. Education	<p><u>Section 1</u>                      “A general diffusion of the advantages of education being essential to the</p>		

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		preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools;”		
<b>Maryland</b>	Article VIII. Education	<u>Section 1</u> “The General Assembly, at its First Session after the adoption of this Constitution, shall by Law establish throughout the State a thorough and efficient System of Free Public Schools; and shall provide by taxation, or otherwise, for their maintenance.”	<u>Section 3</u> “The School Fund of the State shall be kept inviolate, and appropriated only to the purposes of Education.”	
<b>Massachusetts</b>	Part the Second the Frame of Government. Chapter V. The University at Cambridge, and Encouragement of Literature, Etc.	<u>Section 2</u> “Wisdom, and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools and grammar schools in the towns;”	<u>Articles of Amendment. Article XVIII</u> “No grant, appropriation or use of public money or property or loan of credit shall be made or authorized by the commonwealth or any political subdivision thereof for the purpose of founding, maintaining or aiding any infirmary, hospital, institution, primary or secondary school, or charitable or religious undertaking which is not publicly owned and under the exclusive control, order and supervision of public officers or public agents authorized by the commonwealth or federal authority or both...”	

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<b>Michigan</b>	Article VIII. Education	<u>Section 2</u> “The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law.”		
<b>Minnesota</b>	Article XIII. Miscellaneous Subjects	<u>Section 1</u> “The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools.”	<u>Section 1</u> “The legislature shall make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.”	
<b>Mississippi</b>	Article 8. Education	<u>Section 201</u> “The Legislature shall, by general law, provide for the establishment, maintenance and support of free public schools upon such conditions and limitations as the Legislature may prescribe.”	<u>Section 206</u> “There shall be a state common-school fund, to be taken from the General Fund in the State Treasury, which shall be used for the maintenance and support of the common schools. Any county or separate school district may levy an additional tax, as prescribed by general law, to maintain its schools. The state common-school fund shall be distributed among the several counties and separate school districts in proportion to the number of educable children in each, to be determined by data collected through the office of the State Superintendent of Education in the manner to be prescribed by law.”	
<b>Missouri</b>	Article IX. Education	<u>Section 1</u> “A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of	<u>Section 3(a)</u> “All appropriations by the state for the support of free public schools and the income from the public school fund shall	



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		<p>the people, the general assembly shall establish and maintain free public schools for the gratuitous instruction of all persons in this state within ages not in excess of twenty-one years as prescribed by law.”</p>	<p>be paid at least annually and distributed according to law.”</p> <p><u>Section 3(b)</u>                      “In event the public school fund provided and set apart by law for the support of free public schools, shall be insufficient to sustain free schools at least eight months in every year in each school district of the state, the general assembly may provide for such deficiency; but in no case shall there be set apart less than twenty-five percent of the state revenue, exclusive of interest and sinking fund, to be applied annually to the support of the free public schools.”</p>	
<b>Montana</b>	<p>Article X. Education and Public Lands</p>	<p><u>Section 1</u>                      “(3) The legislature shall provide a basic system of free quality public elementary and secondary schools. The legislature may provide such other educational institutions, public libraries, and educational programs as it deems desirable...”</p>	<p>Section 1                      “(3)...[The legislature] shall fund and distribute in an equitable manner to the school districts the state's share of the cost of the basic elementary and secondary school system.”</p>	
<b>Nebraska</b>	<p>Article VII. Education</p>	<p><u>Section 1</u>                      “The Legislature shall provide for the free instruction in the common schools of this state of all persons between the ages of five and twenty-one years.”</p>	<p><u>Section 5</u>                      Requires certain fines, penalties and license money to be appropriated for the use and support of the common schools in the subdivision where the fine, penalty or license money was accrued</p> <p><u>Section 9</u>                      “(1) The following funds shall be exclusively used for the support and</p>	

**CONSTITUTIONAL EDUCATION PROVISIONS OF EACH STATE**

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			maintenance of the common schools in each school district in the state or for early childhood education operated by or distributed through the common schools as provided in subsection (3) of this section, as the Legislature shall provide: (a) Income arising from the perpetual funds; (b) The income from the unsold school lands, except that costs of administration shall be deducted from the income before it is so applied; (c) All other grants, gifts, and devises that have been or may hereafter be made to the state which are not otherwise appropriated by the terms of the grant, gift, or devise; and (d) Such other support as the Legislature may provide.”	
<b>Nevada</b>	Article 11. Education	<u>Section 1</u> “The legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year, and any school district which shall allow instruction of a sectarian character therein may be deprived of its proportion of the interest of the public school fund during such neglect or infraction, and the legislature may pass such laws as will tend to secure a general attendance of the children in each school district upon said public schools.”	<u>Section 6</u> “2. During a regular session of the Legislature, before any other appropriation is enacted to fund a portion of the state budget for the next ensuing biennium, the Legislature shall enact one or more appropriations to provide the money the Legislature deems to be sufficient, when combined with the local money reasonably available for this purpose, to fund the operation of the public schools in the State for kindergarten through grade 12 for the next ensuing biennium for the population reasonably estimated for that biennium.”	

**CONSTITUTIONAL EDUCATION PROVISIONS OF EACH STATE**

<b>State</b>	<b>Constitutional Provision</b>	<b>Providing K-12 Education</b>	<b>Funding for K-12 Education</b>	<b>Notes</b>
<b>New Hampshire</b>	Part Second. Form of Government	<u>Article 83</u> “Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government; and spreading the opportunities and advantages of education through the various parts of the country, being highly conducive to promote this end; it shall be the duty of the legislators and magistrates, in all future periods of this government, to cherish the interest of literature and the sciences, and all seminaries and public schools...”		
<b>New Jersey</b>	Article VIII. Taxation and Finance. Section 4	<u>Paragraph 1</u> “The Legislature shall provide for the maintenance and support of a thorough and efficient system of free public schools for the instruction of all the children in the State between the ages of five and eighteen years.”	<u>Paragraph 2</u> “The fund for the support of free public schools, and all money, stock and other property, which may hereafter be appropriated for that purpose, or received into the treasury under the provisions of any law heretofore passed to augment the said fund, shall be securely invested, and remain a perpetual fund; and the income thereof, except so much as it may be judged expedient to apply to an increase of the capital, shall be annually appropriated to the support of free public schools, and for the equal benefit of all the people of the State...”	
<b>New Mexico</b>	Article XII. Education	<u>Section 1</u> “A uniform system of free public schools sufficient for the education of, and open to,	<u>Section 2</u> Establishes a permanent school fund	

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<b>State</b>	<b>Constitutional Provision</b>	<b>Providing K-12 Education</b>	<b>Funding for K-12 Education</b>	<b>Notes</b>
		all the children of school age in the state shall be established and maintained.”	<p><u>Section 4</u>                      “All forfeitures, unless otherwise provided by law, and all fines collected under general laws; the net proceeds of property that may come to the state by escheat; the rentals of all school lands and other lands granted to the state, the disposition of which is not otherwise provided for by the terms of the grant or by act of congress shall constitute the current school fund of the state.”</p> <p><u>Section 7</u>                      Provides for permanent school fund investments</p>	
<b>New York</b>	Article XI. Education	<p><u>Section 1</u>                      “The legislature shall provide for the maintenance and support of a system of free common schools, wherein all the children of this state may be educated.”</p>		
<b>North Carolina</b>	Article IX. Education	<p><u>Section 2</u>                      “(1) General and uniform system: term. The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.”</p>	<p><u>Section 2</u>                      “(1) General and uniform system: term. The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.</p> <p>(2) Local responsibility. The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing</p>	

**CONSTITUTIONAL EDUCATION PROVISIONS OF EACH STATE**

<b>State</b>	<b>Constitutional Provision</b>	<b>Providing K-12 Education</b>	<b>Funding for K-12 Education</b>	<b>Notes</b>
			boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or post-secondary school program.”	
<b>North Dakota</b>	Article VIII. Education	<p><u>Section 1</u> “A high degree of intelligence, patriotism, integrity and morality on the part of every voter in a government by the people being necessary in order to insure the continuance of that government and the prosperity and happiness of the people, the legislative assembly shall make provision for the establishment and maintenance of a system of public schools which shall be open to all children of the state of North Dakota and free from sectarian control.”</p> <p><u>Section 2</u> “The legislative assembly shall provide for a uniform system of free public schools throughout the state, beginning with the primary and extending through all grades up to and including schools of higher education, except that the legislative assembly may authorize tuition, fees and service charges to assist in the financing of public schools of higher education.”</p>		
<b>Ohio</b>	Article VI. Education	<p><u>Section 2</u> “The general assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but, no religious or</p>	<p><u>Section 2</u> “The general assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the State; but, no religious or</p>	

**CONSTITUTIONAL EDUCATION PROVISIONS OF EACH STATE**

State	Constitutional Provision	Providing K-12 Education	Funding for K-12 Education	Notes
		other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.”	other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.”	
<b>Oklahoma</b>	Article XIII. Education	<u>Section 1</u> “The Legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated.”	<u>Section 1a</u> “The Legislature shall, by appropriate legislation, raise and appropriate funds for the annual support of the common schools of the State to the extent of forty-two (\$42.00) dollars per capita based on total state-wide enrollment for the preceding school year. Such moneys shall be allocated to the various school districts in the manner and by a distributing agency to be designated by the Legislature; provided that nothing herein shall be construed as limiting any particular school district to the per capita amount specified herein, but the amount of state funds to which any school district may be entitled shall be determined by the distributing agency upon terms and conditions specified by the Legislature, and provided further that such funds shall be in addition to apportionments from the permanent school fund created by Article XI, Section 2, hereof.”  <u>Article XI, Section 2</u> Establishes a permanent school fund and provides for its uses	
<b>Oregon</b>	Article VIII. Education and School Lands	<u>Section 3</u> “The Legislative Assembly shall provide by law for the establishment of a uniform, and general system of Common schools.”	<u>Section 8</u> “(1) The Legislative Assembly shall appropriate in each biennium a sum of money sufficient to ensure that the state's system of public education meets quality goals established by law, and publish a	Article XIII, Section 8 is titled “Adequate and Equitable Funding”

**CONSTITUTIONAL EDUCATION PROVISIONS OF EACH STATE**

<b>State</b>	<b>Constitutional Provision</b>	<b>Providing K-12 Education</b>	<b>Funding for K-12 Education</b>	<b>Notes</b>
			<p>report that either demonstrates the appropriation is sufficient, or identifies the reasons for the insufficiency, its extent, and its impact on the ability of the state's system of public education to meet those goals.</p> <p>(2) Consistent with such legal obligation as it may have to maintain substantial equity in state funding, the Legislative Assembly shall establish a system of Equalization Grants to eligible districts for each year in which the voters of such districts approve local option taxes as described in Article XI, section 11 (4)(a)(B) of this Constitution. The amount of such Grants and eligibility criteria shall be determined by the Legislative Assembly.”</p> <p><u>Section 2</u> Establishes a common school fund and provides for revenue sources</p> <p><u>Section 4</u> Provides for the distribution of common school fund income</p>	
<b>Pennsylvania</b>	Article III. Legislation. B. Education	<u>Section 14</u> “The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth.”		

**CONSTITUTIONAL EDUCATION PROVISIONS OF EACH STATE**

<b>State</b>	<b>Constitutional Provision</b>	<b>Providing K-12 Education</b>	<b>Funding for K-12 Education</b>	<b>Notes</b>
<b>Rhode Island</b>	Article XII. Of Education	<p><u>Section 1</u>                      “The diffusion of knowledge, as well as of virtue among the people, being essential to the preservation of their rights and liberties, it shall be the duty of the general assembly to promote public schools and public libraries, and to adopt all means which it may deem necessary and proper to secure to the people the advantages and opportunities of education and public library services.”</p>	<p><u>Section 2</u>                      “The money which now is or which may hereafter be appropriated by law for the establishment of a permanent fund for the support of public schools, shall be securely invested and remain a perpetual fund for that purpose.”</p> <p><u>Section 4</u>                      “The general assembly shall make all necessary provisions by law for carrying this article into effect. It shall not divert said money or fund from the aforesaid uses, nor borrow, appropriate, or use the same, or any part thereof, for any other purpose, under any pretence whatsoever.”</p>	
<b>South Carolina</b>	Article XI. Public Education	<p><u>Section 3</u>                      “The General Assembly shall provide for the maintenance and support of a system of free public schools open to all children in the State and shall establish, organize and support such other public institutions of learning, as may be desirable.”</p>		
<b>South Dakota</b>	Article VIII. Education and School Lands	<p><u>Section 1</u>                      “The stability of a republican form of government depending on the morality and intelligence of the people, it shall be the duty of the Legislature to establish and maintain a general and uniform system of public schools wherein tuition shall be without charge, and equally open to all; and to adopt all suitable means to secure to</p>	<p><u>Section 3</u>                      “The interest and income of this fund together with all other sums which may be added thereto by law, shall be faithfully used and applied each year for the benefit of the public schools of the state, and shall be for this purpose apportioned among and between all the several public school corporations of the state in proportion to</p>	



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		<p>the people the advantages and opportunities of education.”</p>	<p>the number of children in each, of school age, as may be fixed by law; and no part of the fund, either principal or interest, shall ever be diverted, by legislative enactment, even temporarily, from this purpose or used for any other purpose whatever than the maintenance of public schools for the equal benefit of all the people of the state. However, before the interest and income is apportioned to the public schools, the principal shall be increased each year by an amount equal to the rate of inflation from the interest and income earned from this fund. The principal may be prudently invested as provided by law. The proceeds of all fines collected from violations of state laws shall be paid to the county treasurer of the county in which the fine was imposed, and distributed by the county treasurer among and between all of the several public schools incorporated in such county in proportion to the number of children in each, of school age, as may be fixed by law.”</p> <p><u>Section 2</u> Establishes a perpetual trust fund for maintenance of public schools</p> <p><u>Section 15</u> Provides for taxation to support the school system</p>	
<b>Tennessee</b>	Article XI. Miscellaneous Provisions	<p><u>Section 12</u> “The State of Tennessee recognizes the inherent value of education and encourages its support. The General Assembly shall</p>		

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<b>State</b>	<b>Constitutional Provision</b>	<b>Providing K-12 Education</b>	<b>Funding for K-12 Education</b>	<b>Notes</b>
		provide for the maintenance, support and eligibility standards of a system of free public schools.”		
<b>Texas</b>	Article VII. Education	<p><u>Section 1</u>                      “A general diffusion of knowledge being essential to the preservation of the liberties and rights of the people, it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.”</p>	<p><u>Section 1</u>                      “it shall be the duty of the Legislature of the State to establish and make suitable provision for the support and maintenance of an efficient system of public free schools.”</p> <p><u>Section 2</u>                      Establishes a permanent school fund</p> <p><u>Section 3</u>                      Provides for taxation for the benefit of schools</p> <p><u>Section 5</u>                      Provides for the composition of the permanent school fund, use of funds, distributions and investments</p>	
<b>Utah</b>	Article X. Education	<p><u>Section 1</u>                      “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.”</p>	<p><u>Section 5</u>                      Establishes a state school fund and uniform school fund and provides for the composition and use of the fund</p> <p>“There is established a permanent State School Fund which consists of...(e) revenues appropriated by the Legislature...”</p>	
<b>Vermont</b>	Chapter II. Plan or Frame of	<p><u>Section 68</u>                      “[A] competent number of schools ought to be maintained in each town unless the</p>		

## CONSTITUTIONAL EDUCATION PROVISIONS OF EACH STATE

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	Government. General Provisions.	general assembly permits other provisions for the convenient instruction of youth.”		
<b>Virginia</b>	Article VIII. Education	<u>Section 1</u> “The General Assembly shall provide for a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth, and shall seek to ensure that an educational program of high quality is established and continually maintained.”	<u>Section 2</u> “The General Assembly shall determine the manner in which funds are to be provided for the cost of maintaining an educational program meeting the prescribed standards of quality, and shall provide for the apportionment of the cost of such program between the Commonwealth and the local units of government comprising such school divisions. Each unit of local government shall provide its portion of such cost by local taxes or from other available funds.”	
<b>Washington</b>	Article 9. Education	<u>Section 2</u> “The legislature shall provide for a general and uniform system of public schools. The public school system shall include common schools, and such high schools, normal schools, and technical schools as may hereafter be established.”	<u>Section 2</u> “But the entire revenue derived from the common school fund and the state tax for common schools shall be exclusively applied to the support of the common schools.”  <u>Section 3</u> Provides for a common school fund and a common school construction fund	Section 1 states, “It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.”
<b>West Virginia</b>	Article XII.	<u>Section 1</u> “The Legislature shall provide, by general law, for a thorough and efficient system of free schools.”	<u>Section 5</u> “The Legislature shall provide for the support of free schools by appropriating thereto the interest of the invested “School Fund,” the net proceeds of all forfeitures and fines accruing to this state under the laws thereof and by general taxation of persons and property or otherwise. It shall	

**CONSTITUTIONAL EDUCATION PROVISIONS OF EACH STATE**

State	Constitutional Provision	Providing K-12 Education	Funding for K-12 Education	Notes
			also provide for raising in each county or district, by the authority of the people thereof, such a proportion of the amount required for the support of free schools therein as shall be prescribed by general laws.”	
<b>Wisconsin</b>	Article X. Education	<p><u>Section 3</u>                      “The legislature shall provide by law for the establishment of district schools, which shall be as nearly uniform as practicable; and such schools shall be free and without charge for tuition to all children between the ages of 4 and 20 years; and no sectarian instruction shall be allowed therein; but the legislature by law may, for the purpose of religious instruction outside the district schools, authorize the release of students during regular school hours.”</p>	<p><u>Section 2</u>                      Establishes a school fund for the following purposes:                      “(1) To the support and maintenance of common schools, in each school district, and the purchase of suitable libraries and apparatus therefor.                      (2) The residue shall be appropriated to the support and maintenance of academies and normal schools, and suitable libraries and apparatus therefor.”</p>	
<b>Wyoming</b>	Article 7. Education, State Institutions; Promotion of Health and Morals; Public Buildings. Public Schools and School Funds.	<p><u>Section 1</u>                      “The legislature shall provide for the establishment and maintenance of a complete and uniform system of public instruction, embracing free elementary schools of every needed kind and grade, a university with such technical and professional departments as the public good may require and the means of the state allow, and such other institutions as may be necessary.”</p>	<p><u>Section 8</u>                      “Provision shall be made by general law for the equitable allocation of such income among all school districts in the state. But no appropriation shall be made from said fund to any district for the year in which a school has not been maintained for at least three (3) months; nor shall any portion of any public school fund ever be used to support or assist any private school, or any school, academy, seminary, college or other institution of learning controlled by any church or sectarian organization or religious denomination whatsoever.”</p> <p><u>Section 2</u>                      School revenues from certain sources</p>	

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			<p><u>Section 4</u> Use of revenues from county school funds restricted in use for free public schools</p> <p><u>Section 5</u> Fines and penalties belong to the public school fund of the respective counties in support of the public schools therein</p> <p><u>Section 6</u> State to keep school funds and provide for the investment of such funds</p> <p><u>Section 7</u> Income from section 6 exclusively to support free public schools</p>	