

EDUCATION JUSTICE

State Constitution Education Clause Language

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Below are portions of the education clauses from the state constitutions. Most clauses contain the statements printed below, which are followed by more extensive description of the structure of the system (e.g. boards and commissioners of education, land, etc.). Many states also include nondiscrimination clauses or specifically prohibit the use of public funds for sectarian schools. The state constitutions also frequently set up permanent public schools funds, most of which provisions are now archaic.

See, also, the citations for all 50 state constitutions' education clauses, below.

Some of the more notable or well-known clauses come from the constitutions of Massachusetts, New Jersey, Montana, New York, Washington, and Florida.

Some of the most frequent phrases used to describe public or common schools include "thorough and efficient," (CO, ID, IL, KN, MD, MN, NJ, OH, PA, TX, WV) "general," "uniform," and quite often "free." "General and uniform" is used in AZ, ID, IN, MN, NC, OR, SD, and WA. Some states also make provisions to "secure the people the advantages and opportunities of education" (AR, MA, MT, NH, NC, RI, SD, WY) or similar language. Many states also mention the need for a "general diffusion of knowledge." Many enthusiastic clauses introduce education as a democratic imperative (AR, CA, FL, IL, IN, ME, MA, MI, MN, MO, MT, NH, NC, ND, RI, SD, TN, TX).

Alabama

"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....Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race."

Note: An amendment intended to remove the archaic language regarding segregation in this clause and others from the Constitution was defeated in 2004.

Alaska

"The legislature shall by general law establish and maintain a system of public schools open to all children of the State, and may provide for other public educational institutions. Schools and institutions so established shall be free from sectarian control. No money shall be paid from public funds for the direct benefit of any religious or other private educational institution."

Arizona

“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...”

Arkansas

“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.”

California

“A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.”

“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.”

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.”

“No sectarian tenets or doctrines shall ever be taught in the public school, nor shall any distinction or classification of pupils be made on account of race or color, nor shall any pupil be assigned or transported to any public educational institution for the purpose of achieving racial balance.”

Connecticut

“There shall always be free public elementary and secondary schools in the state. The general assembly shall implement this principle by appropriate legislation.”

Delaware

“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.”

Florida

“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 establishment, maintenance, and

operation of institutions of higher learning and other public education programs that the needs of the people may require.”

Note: Florida recently amended the Constitution to include a class size limit and early childhood education.

Georgia

“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.”

Hawai`i

“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.”

Idaho

“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.”

Illinois

“A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities. The State shall provide for an efficient system of high quality public educational institutions and services....The State has the primary responsibility for financing the system of public education.”

Indiana

“Knowledge and learning, general diffused throughout a community, being essential to the preservation of a free government; it should be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual scientific, and agricultural improvement; and provide, by law, for a general and uniform system of Common Schools, wherein tuition shall without charge, and equally open to all.”

Iowa

“The Iowa Constitution provides that the State has a duty to encourage ‘by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement.’”

“Under the Iowa Constitution, the State has a duty to use all suitable means to encourage and promote education.”

Note: The education clauses of the Constitution have been declared “obsolete” and omitted from current copies of the Constitution. This language comes from a lawsuit against the State.

Kansas

“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.”

Kentucky

“The General Assembly shall, by appropriate legislation, provide for an efficient system of common schools throughout the State.”

Louisiana

“The legislature shall provide for the education of the people of the state and shall establish and maintain a public educational system.”

Maine

“A general diffusion of the advantages of education being essential to the 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...”

Maryland

“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.”

Massachusetts

“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...”

Michigan

“Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.”
“The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.”

Minnesota

“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. The legislature shall make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.”

Mississippi

“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.”

Missouri

“A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of 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.”

Montana

“It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state.”

“The legislature shall provide a basic system of free quality public elementary and secondary schools....It 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.”

Nebraska

“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.”

Nevada

“The legislature shall encourage by all suitable means the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, and moral improvements, and also provide for a superintendent of public instruction and by law prescribe the manner of appointment, term of office and the duties thereof.”

“The legislature shall provide for a uniform system of common schools...”

New Hampshire

“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...”

New Jersey

“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.”

New Mexico

“A uniform system of free public schools sufficient for the education of, and open to, all the children of school age in the state shall be established and maintained.”

“The legislature shall provide for the training of teachers in the normal schools or otherwise so that they may become proficient in both the English and Spanish languages, to qualify them to teach Spanish-speaking pupils and students in the public schools and educational institutions of the state, and shall provide proper means and methods to facilitate the teaching of the English language and other branches of learning to such pupils and students.”

“Provision shall be made for the establishment and maintenance of a system of public schools which shall be open to all the children of the state and free from sectarian control, and said schools shall always be conducted in English.”

New York

“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.”

North Carolina

“Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.”

“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.”

North Dakota

“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.”

“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...”

“The legislative assembly shall take such other steps as may be necessary to prevent illiteracy, secure a reasonable degree of uniformity in course of study, and to promote industrial, scientific, and agricultural improvements.”

Ohio

“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 other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.”

Oklahoma

“The Legislature shall establish and maintain a system of free public schools wherein all the children of the State may be educated.”

Oregon

“The Legislative Assembly shall provide by law for the establishment of a uniform, and general system of Common schools.”

“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 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.”

Pennsylvania

“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.”

Rhode Island

“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 advances and opportunities of education and public library services.”

South Carolina

“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.”

South Dakota

“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 the people the advantages and opportunities of education”

Tennessee

“The state of Tennessee recognizes the inherent value of education and encourages its support. The General Assembly shall provide for the maintenance, support and eligibility standards of a system of free public schools.”

Texas

“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.”

Utah

“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.”

Vermont

“Laws for the encouragement of virtue and prevention of vice and immorality ought to be constantly kept in force, and duly executed; and a competent number of schools ought to be maintained in each town unless the general assembly permits other provisions for the convenient instruction of youth.”

Virginia

“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.”

“Standards of quality for the several school divisions shall be determined and prescribed from time to time by the Board of Education, subject to revision only by the General Assembly.”

Washington

“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.”

“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.”

West Virginia

“The Legislature shall provide, by general law, for a thorough and efficient system of free schools.”

“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.”

Wisconsin

“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...”

Wyoming

“The right of the citizens to opportunities for education should have practical recognition. The legislature shall suitably encourage means and agencies calculated to advance the sciences and liberal arts.”

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Citations:

Ala. Const., art. XIV, § 256;

Alaska Const., art. VII, § 1;

Ariz. Const., art. XI, § 1;

Ark. Const., art. XIV, § 1;

Cal. Const., art. IX, § 1;

Colo. Const., art. IX, § 2;

Conn. Const., art. VIII, § 1;

Del. Const., art. X, § 1;

Fla. Const., art. IX, § 1;

Ga. Const., art. VIII, § 1, para. (1);

Haw. Const., art. X, § 1;

Idaho Const., art. IX, § 1;

Ill Const., art. X, § 1;

Ind. Const., art. VIII, § 1;

Iowa Const., art. IX 2d, § 3;

Kan. Const., art. VI, § 1;

Ky. Const., § 183;
La. Const., art. VIII, § 1;
Me. Const., art. VIII, part 1, § 1;
Md. Const., art. VIII § 1;
Mass. Const., pt. 2, ch. V, § 2;
Mich. Const, art. VIII, § 2;
Minn. Const., art. XIII, § 1;
Miss. Const., art. VIII, § 201;
Mo. Const., art. IX § 1, cl. a;
Mont. Const., art. X, § 1;
Neb. Const., art. VII, § 1;
Nev. Const., art. XI, § 2;
N.H. Const., part 2, art. 83;
N.J. Const., art. VIII, § 4, para. (1);
N.M. Const., art. XII, § 1;
N.Y. Const., art. XI, § 1;
N.C. Const., art. IX, § 2;
N.D. Const., art. VIII, § 1;
Ohio Const., art. VI § 3;
Okla. Const., art. XIII, § 1;
Ore. Const., art. VIII, § 3;
Pa. Const., art. III, § 14;
R.I. Const., art. XII, § 1;
S.C. Const., art. XI, § 3,
S.D. Const., art. VIII, § 1;
Tenn. Const., art. XI, § 12;
Tex. Const., art. VII, § 1;
Utah Const., art. X, § 1;
Vt. Const., ch. II, § 68; Va.
Const., art. VIII, § 1; Wash.
Const., art. IX, § 1; W. Va.
Const., art. XII, § 1; Wis.
Const., art. X, § 3;
Wyo. Const., art. VII, § 1.