



NEWS RELEASE

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UNPRECEDENTED VICTORY FOR COLORADO'S PUBLIC SCHOOL CHILDREN

Denver District Judge Sheila Rappaport ruled yesterday in favor of school districts, parents, and students in one of the most significant cases in Colorado history, *Lobato v. State*, finding that Colorado's entire system for funding public schools is "irrational, arbitrary, and severely underfunded" and therefore violates the Colorado Constitution. The Court ordered, after decades of severe underfunding of Colorado schools, that the State must design, fund, and implement a system of public school finance that enables *all* students in the State to graduate with the knowledge and skills necessary for citizenship, post-secondary education, and participation in the workforce.

The *Lobato* case was brought in 2005 by Children's Voices, a non-profit public interest law firm, against the State of Colorado, the Colorado State Board of Education, and the Governor. Plaintiffs are twenty-one school districts, including Jeffco, Aurora, Colorado Springs D11, and all the San Luis Valley districts, as well as children and parents from across the state.

In a 183-page decision, the Court found that Colorado's public schools are so underfunded that children throughout the State are being denied an adequate education, in violation of the state constitutional mandate of a "thorough and uniform" system of public



education. The Court recognized that, due to significant underfunding, school districts across the State are unable to provide the educational programs, services, instructional materials, equipment, technology, and facilities necessary to assure all children an education that meets the mandates of the Constitution and the State's standards-based education system. Rural and urban districts alike are unable to hire, compensate, and retain effective, highly qualified teachers and administrators; to provide the curriculum, technology, textbooks, and other instructional materials necessary to meet student performance expectations; and to construct, maintain, and renovate school buildings and facilities. Many school districts are relegated to obsolete textbooks and materials, lack of necessary computers and Internet connectivity, and dilapidated and unsafe classrooms and other facilities. The Court also found that school districts are unable to provide the classroom time, professional training, and interventions critical to the education of under-served student populations, including students at-risk of academic failure, non-English speaking students, students with disabilities, students of minority racial and ethnic heritages, students of low-income families, and gifted and talented students. As a result of the irrational and inadequate school finance system, hundreds of thousands of Colorado students are not reaching proficiency in reading, writing, mathematics, and science, and are not ready for postsecondary education or the workforce upon high school graduation. The Court additionally found that school districts are being denied their constitutional right to exercise local control over instruction because of insufficient funding.

The Court acknowledged it is not its function at this time to determine the amount necessary to provide adequate funding for public education. However, the Court did find that public education in this State is "very significantly underfunded" and that any legislative



response must address the level of funding necessary to meet the mandate of the Education Clause and the standards-based education system. The Court ordered that Colorado's school finance system be revised to assure that funding is rationally related to the actual costs of providing a thorough and uniform system of public education, recognizing that increased funding will undoubtedly be required.

Plaintiff Anthony Lobato, the father of two daughters who attended public school in Center, Colorado, is extremely relieved and grateful that, after more than six years in the court system, the dire financial condition of our schools will finally be addressed so that all kids – no matter where they live -- can get an adequate education. Lead counsel for Plaintiffs, Kathleen Gebhardt, is “thrilled that the constitutional rights of Colorado’s more than 800,000 students have been vindicated so that they can finally receive the education they need and deserve to be prepared for college, citizenship, and a 21st century workforce.” She calls upon the legislature to act immediately to design a constitutional school finance system that provides all students with the educational opportunities and resources to meet state standards.

The decision is available at: <http://childrens-voices.org/lobato-v-state-of-colorado/court-documents/trial/>

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