

RESOLUTION OF THE BOARD OF EDUCATION
OF
DOUGLAS COUNTY SCHOOL DISTRICT, RE-1
IN SUPPORT OF THE STATE OF COLORADO IN THE CASE OF
LOBATO v STATE OF COLORADO

WHEREAS, the Board of Education unanimously adopted a resolution on November 16, 2010 declaring that the individual and 21 named school district Plaintiffs in the *Lobato v. State of Colorado* case currently pending in the Denver County District Court do not represent the interests of the students, families, and taxpayers of the Douglas County School District, and

WHEREAS, the Board of Education has, since the unanimous adoption of its November 16 resolution, continued to follow developments in the *Lobato* case with great interest and utmost concern about the potential impact of the case on the students, families, and taxpayers of the Douglas County School District; and

WHEREAS, if the Plaintiffs prevail in their lawsuit, the Denver County District Court will declare that the current educational funding system violates the Colorado Constitution, and

WHEREAS, if the Plaintiffs prevail in their lawsuit, the Colorado courts will likely enter remedial orders and injunctions that will have the effect of supplanting the unique role of local Boards of Education in overseeing the establishment, funding and maintenance of public schools and the public school finance system; and

WHEREAS, despite claims to the contrary by the Plaintiffs, a court-ordered and supervised system of public schools and school finance as demanded by the Plaintiffs would subvert the principle of local control embodied in Article IX, Section 15 of the Colorado Constitution, and

WHEREAS, a court-ordered and supervised system of public schools and school finance as demanded by the Plaintiffs would subvert the separation of powers doctrine embodied in Article III of the Colorado Constitution, and

WHEREAS, the Board of Education, in advocating for the interests of, and in carrying out its responsibilities to, the students, families, and taxpayers of the Douglas County School District, believes that local Boards of Education and, and to a lesser extent, the General Assembly are the most appropriate forums for addressing the complex, specific and unique needs of the local school districts, and

WHEREAS, if the Defendants, the State of Colorado, *et al.*, prevail in dismissing the lawsuit, decisions as to the establishment, maintenance and funding systems of the public schools will properly remain in the hands of the elected state and local representatives of the people.

NOW THEREFORE, IT IS RESOLVED that the Board of Education strongly supports the efforts of the State of Colorado in its defense of the *Lobato v. State of Colorado* case, because a dismissal of the case will best serve the needs of the students, families, and taxpayers of the Douglas County School District.

APPROVED this 18th day of January, 2011, by a vote of _____

President, Board of Education

ATTEST: _____