

## PENDING CASES OF INTEREST

### Thompson R2-J School District

v

### Luke P., by and through his parents and next friends, Jeff P. and Julie P.

Colorado U.S. District Court Case No. 05cv2248 pending before Colorado U.S. District Judge Walker Miller

**Stuart Stuller** for plaintiff Thompson R2-J School District

**Jack Robinson** for defendants Luke P., by and through his parents and next friends, Jeff P. and Julie P.

**Issues:** The school district has appealed hearing officers' rulings that it must pay for an autistic student to attend a specialized residential treatment center in Boston where tuition is more than \$100,000 per year. The boy's parents contend that he is entitled to the specialized care under the federal Individuals with Disabilities Education Act, which requires that all students with disabilities have access to a "free appropriate public education."

### Adams County School District No. 50, et al., Boulder Valley School District RE-2, et al., and Poudre School District No. R-1, et al.,

v

### Colorado State Board of Education, Colorado Charter School Institute and State of Colorado, et al.

Denver District Court Case No. 2005cv196 (the three school districts' separate lawsuits now are consolidated) pending before Denver District Judge Joseph Meyer

**Patrick Mooney** for plaintiff Adams County School District No. 50

**Stuart Stuller** for plaintiff Boulder Valley School district RE-2

Martin Semple for plaintiff Poudre School District No. R-1

Anthony Dyl and John Sleeman for defendants Colorado State Board of Education, Colorado Charter School Institute and State of Colorado, et al.

**Issues:** The school districts have challenged the authority of the Colorado Charter School Institute, created by the legislature in 2004, to grant charter school applications, contending the school districts alone should make such decisions. The legislator who sponsored the creation of the institute contends it is necessary to have a state-level authorizing authority because many school districts are reluctant to authorize charter schools.

### Anthony Lobato, as an individual and as parent and natural guardian of Taylor Lobato, et al.

v

### State of Colorado, et al.

Colorado Court of Appeals Case No. 06CA733

Alexander Halpern and **Kathy Gebhardt** for plaintiffs, a coalition of parents, 14 school districts, and educational organizations including the Colorado Association of School Boards, the Colorado Association of School Executives, and the Colorado Education Association  
John Sleeman for defendant State of Colorado; William Moloney for defendant Colorado State Board of Education

**Issues:** Plaintiffs argue that the State of Colorado is failing to provide "a thorough and uniform system of free public schools" as mandated in the Colorado Constitution's "Education Clause" due to insufficient funding, and that Amendment 23 does not define the amount of funding required to meet the qualitative standards set forth in the Education Clause. Denver District Judge Michael Martinez dismissed the lawsuit, agreeing with the state defendants that Amendment 23 mandates a minimum level of state education funding that was approved by the voters of Colorado and that it is up to voters and the legislature to decide what levels of funding are adequate.