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## CASE AND CASB JOIN SCHOOL DISTRICTS IN LAWSUIT CHALLENGING TRANSPORTATION SECTION OF HB 18-1306

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**For Immediate Release**

### CONTACT

Melissa Gibson, CASE  
[mgibson@co-case.org](mailto:mgibson@co-case.org); (303) 762-8762  
Clarke Reader, CASB  
[creader@casb.org](mailto:creader@casb.org); (303) 302-3811



## **CASE and CASB Join School Districts in Lawsuit Challenging Transportation Section of HB 18-1306**

CASB and CASE, joined by six school districts and two individual taxpayers, filed a lawsuit today challenging the constitutionality of the transportation section of HB 18-1306. The school district plaintiffs are: Poudre School District, Englewood Schools, Sheridan School District No. 2, Cheyenne Mountain School District 12, Monte Vista C-8 School District, and Jeffco Public Schools, and the Colorado Rural Alliance is in support of the lawsuit. In the lawsuit, we argue the transportation section is invalid under multiple provisions of the Colorado Constitution, including the clear expression and single subject requirements.

The transportation section of HB 18-1306, which was added to the bill at the eleventh hour without public discussion or debate, deletes the longstanding statute requiring that a school district consent to another school district furnishing transportation to its students. Deleting this requirement will allow a school district to enter a neighboring district and furnish transportation to nonresident students without the district's consent, as well as reimburse parents for expenses incurred in transporting nonresident students. [Click here for more information on HB 18-1306 and the Governor's response to the bill.](#)

The lawsuit, filed in Denver District Court, seeks a court order declaring the transportation section void and requests a preliminary injunction. If granted, the preliminary injunction would require the Colorado Commissioner of Education to provide notice of this lawsuit to all local school boards and to instruct all school districts to follow the law as it existed before HB 18-1306. The goal of the preliminary injunction would be to maintain the established systems and agreements for student transportation until the court decides whether the transportation section of HB 18-1306 is unconstitutional and therefore invalid.

The bill's other provisions, which pertain to school districts' obligations to students in out-of-home placement, are not affected by this lawsuit. Even if the court finds the transportation section of HB 18-1306 void, as a violation of provisions in the Colorado Constitution governing the legislative process, the Colorado General Assembly could pass the same or a similar law during a subsequent legislative session.

The new transportation section is scheduled to take effect this school year, though this will change if the court grants the request for a preliminary injunction. We will continue to provide you with updates as the case moves forward.

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**CAES**

Colorado Association of Educational Specialists

**CAESP**

Colorado Association of Elementary School Principals

**CALET**

Colorado Association of Leaders in Educational Technology

**CASPA**

Colorado Association of School Personnel Administrators

**CASSA**

Colorado Association of Superintendents and Senior Administrators

**CASSP**

Colorado Association of Secondary School Principals

**DBO**

Department of Business Officials

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