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COMPLAINT	

Plaintiffs, for their Complaint against Defendants, allege as follows:

INTRODUCTION

1. In November 2000, the People of Colorado voted in favor of this State’s future by amending our Constitution to prioritize education over competing budgetary demands. This amendment (“Amendment 23”), now enshrined as article IX, section 17 of the Colorado Constitution, is the subject of this lawsuit. Plaintiffs must bring this lawsuit because the General Assembly, after honoring Amendment 23 for this Century’s first decade, reversed course in 2010 when it began cutting almost \$1 billion annually from education funding.

2. Amendment 23 requires annual minimum increases in education funding, with the goal of returning funding to 1988 levels and then keeping pace with inflation. The People

deemed these constraints necessary because steadily declining education funding was failing to provide Colorado students the resources necessary to compete in the new Millennium. Had the General Assembly stayed the 2000-2010 course by continuing to comply with Amendment 23, education funding would have been restored to 1988 levels by 2011.

3. In budget year 2010-11, however, and continuing each succeeding fiscal year, the General Assembly reversed course and began violating Amendment 23 by slashing education funding by \$1 billion annually. It has done so by creating a so-called “Negative Factor” through new “Subsection (g)” to Public School Finance Act, C.R.S. § 22-54-104(5)(g).

4. The Subsection (g) Negative Factor and resulting funding reductions are causing irreparable harm to students, districts, and educational organizations across our state. Plaintiffs ask this Court to remedy the violation by declaring that Amendment 23 requires increasing (not slashing) education funding, by declaring Subsection (g) unconstitutional, and by enjoining Defendants from effectuating that unconstitutional provision.

JURISDICTION AND VENUE

5. This action is brought pursuant to C.R.C.P. 57 and 65 and the Uniform Declaratory Judgments Law, for declaratory and injunctive relief to determine and enforce rights guaranteed by the Colorado Constitution.

6. This Court has jurisdiction pursuant to article VI, section 9 of the Colorado Constitution. Venue is proper in the City and County of Denver pursuant to C.R.C.P 98(b).

PARTIES

A. Individual Plaintiffs

7. Lindi and Paul Dwyer are residents of the State of Colorado, residents and taxpayers of Cheyenne County School District, and are the parents of Jayda Dwyer, age 13, Joslyn Dwyer, age 11, Janesha Dwyer, age 9, and Jentri Dwyer, age 5, all students of Kit Carson School District.

8. Terry Siewiyumptewa is a resident of the State of Colorado, a resident and taxpayer of Hanover School District, and the parent of Shane Siewiyumptewa, age 13, and Kristen Johnson, age 17, students at Hanover School District and John Johnson, age 20, former student of Hanover School District.

9. Tracey and Monty Weeks are residents of the State of Colorado, residents and taxpayers of Kit Carson School District, and parents of Jared, age 14, and Jordyn, age 11.

10. Jeffrey and Terri Piland are residents of the State of Colorado, residents and taxpayers of Lewis Palmer School District, and parents of Joseph, age 12, and George, age 11.