

All School Buildings Are Not Equal.

Yet, the Colorado Constitution Calls for “A Thorough and Uniform System of Free Public Schools” throughout.

From the time of its adoption, Colorado’s constitution has enshrined the principle that the state is responsible for providing an education to each student in the state, whether that student is urban or rural, poor or wealthy. The Colorado Constitution reads, “The general assembly shall...provide for the establishment and maintenance of a thorough and uniform system of free public schools throughout the state...” (article IX, section 2 of the Colorado Constitution).

In 1998, parents of children in six Colorado school districts filed a lawsuit against the state. They argued that the local property tax-based system of funding school capital needs and the school conditions produced by that system violated the state’s constitutional obligation to provide a “thorough and uniform” system of public schools. As a result, the entire state system for funding school capital was unconstitutional, the lawsuit argued. (*Giardino versus the State Board of Education*).

According to the complaint, the deficiencies included “unsafe fire escapes and fire alarm systems, antiquated wiring and plumbing, leaking roofs, inadequate heating ventilation and air conditioning systems, insufficient insulation and energy controls, poor lighting, unsafe science laboratories, and structural deficiencies...”

The lawsuit was settled out of court in 2000 when the state agreed to dedicate \$190 million from the General Fund over 11 years to address the most serious needs. However, while the settlement required “continuous funding” the bill enacting the settlement did not require any appropriation in years when revenues do not meet a specified benchmark. Because of the recession, this benchmark was not met from 2002 to 2005. As a result, the state has dedicated only a fraction of the settlement amount to school building construction and renovation. Consequently, the backlog of capital construction needs is continuing to grow.

The settlement also requires the state to help districts “evaluate the need for capital construction expenditures...” (22-54-117(c), C.R.S.). However, six years after the settlement, the state still has not fulfilled this obligation. Although the state auditor recommended, in a 2003 report, that Colorado conduct a statewide school capital needs assessment, the Colorado Department of Education disagreed, saying, “the General Assembly may come under pressure for more capital construction funding if the true cost of bringing school facilities up to an acceptable or standardized level were known.”

For a summary of the lawsuit and the state’s school capital needs, see the report of the state auditor from May 2003
[http://www.leg.state.co.us/OSA/coauditor1.nsf/All/94A886BA729C566D87256E2800641984/\\$FILE/1505%20Pub%20Sch%20Constr.Perf%20FY%2003.pdf](http://www.leg.state.co.us/OSA/coauditor1.nsf/All/94A886BA729C566D87256E2800641984/$FILE/1505%20Pub%20Sch%20Constr.Perf%20FY%2003.pdf)

