

## CDE PROPOSED PUBLIC STATEMENT ON MILL LEVY FREEZE LITIGATION

The Colorado Department of Education has been named as a defendant in litigation filed by the Mesa County Board of County Commissioners and others concerning the constitutionality of SB. 07-199. This legislation became law in 2007 and directed that, for many school districts, the local mill levy used to fund the local share of education costs be frozen at 2006 levels. The State Board of Education did not take a position on the so-called mill levy freeze when the legislation was being considered.

The lawsuit asserts that the mill levy freeze violates Article X, Section 20 of the Colorado Constitution (known as TABOR) since there was no Statewide election in connection with the adoption of the legislation. The lawsuit as filed named only the Department as a defendant. Since then, the Governor and the State have intervened in the lawsuit. The Department filed a motion to dismiss with the Denver District Court asserting that the Department is not a proper defendant. Judge Habas denied that motion.

The State Board of Education has directed its counsel to proceed with defending the lawsuit on the merits. While this was a decision of a majority of the Board in order to gain clarity on an important constitutional issue, this does not mean that all individual members of the Board believe that the mill levy freeze is constitutional.

The logo for "FACE THE STATE" is displayed within a dark blue rectangular box. The text "FACE THE STATE" is written in a white, sans-serif font. The word "THE" is positioned between "FACE" and "STATE" and is oriented vertically, with the letters "T", "H", and "E" stacked on top of each other. The words "FACE" and "STATE" are positioned on either side of "THE" and are oriented horizontally. There are thin white horizontal lines underlining the words "FACE" and "STATE".

FACE THE STATE