

Colorado Supreme Court 2 East 14th Avenue Denver, CO 80203	DATE FILED: March 17, 2014 CASE NUMBER: 2013SC233
Certiorari to the Court of Appeals, 2011CA1856 District Court, City and County of Denver, 2011CV4427 and 2011CV4424	
<p>Petitioners:</p> <p>Taxpayers for Public Education, Cindra S. Barnard, Marson S. Bernard, James Larue, Suzanne T. Larue, Interfaith Alliance of Colorado, Rabbi Joel R. Schwartzman, Rev. Malcolm Himschoot, Kevin Leung, Christian Moreau, Maritza Carrera, and Susan McMahon,</p> <p>v.</p> <p>Respondents:</p> <p>Douglas County School District, Douglas County Board of Education, Colorado State Board of Education, and Colorado Department of Education.</p>	Supreme Court Case No: 2013SC233
ORDER OF COURT	

Upon consideration of the Petition for Writ of Certiorari filed in the above cause, and now being sufficiently advised in the premises,

IT IS ORDERED that said Petition shall be, and the same hereby is, GRANTED as to the issues set forth below, and the briefs shall be filed as follows:

- (a) Petitioner's Opening Brief shall be filed within forty two days from this date;
- (b) Respondent's Answer Brief shall be filed within thirty five days from receipt of the Opening Brief;
- (c) Petitioner's Reply Brief may be filed within twenty one days from receipt of the Answer Brief.

Pursuant to C.A.R. 54(a), the record on file will be treated as though sent up in response to a formal writ.

The issues as announced by the Court this day are as follows:

[REFRAMED ISSUE 1] Whether the court of appeals erred by restricting Colorado's standing doctrine when it held that the Public School Finance Act of 1994's ("the Act") mere grant of authority to the State Board to issue rules and regulations necessarily deprives the Plaintiffs of standing and precludes any private action to enjoin the Douglas County School District ("the District") from violating the Act.

[REFRAMED ISSUE 2] Whether the Choice Scholarship Program violates the Act by including 500 Program students "enrolled" in an illusory Charter School who actually attend private schools in the District and elsewhere in the District's student count for funding.

[REFRAMED ISSUE 3] Whether the court of appeals erred in ruling that the Choice Scholarship Program is entitled to a presumption of constitutionality under Article IX, Section 3, that can only be rebutted by proof of unconstitutionality "beyond a reasonable doubt," and therefore in concluding that fund monies were not spent on the Choice Scholarship Program, notwithstanding the trial court's factual finding to the contrary.

Whether the Choice Scholarship Program violates Article IX, Section 7, of the Colorado Constitution by diverting state educational funds intended for Douglas County public school students to private elementary and secondary schools controlled by churches and religious organizations.

Whether the Choice Scholarship Program violates the compelled-support and compelled-attendance clauses of Article II, Section 4, of the Colorado Constitution by directing taxpayer funds to churches and religious organizations, and by compelling students enrolled in a public charter school to attend religious services.

Whether the Choice Scholarship Program violates Article IX, Section 8, of the Colorado Constitution by requiring students who are enrolled in a public charter school, and counted by Douglas County as public school students, to

be taught religious tenets, submit to religious admission tests, and attend religious services.

DENIED AS TO ALL OTHER ISSUES.

BY THE COURT, EN BANC, MARCH 17, 2014.