

Bond Case Briefs

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SCHOOLS - COLORADO

Education reEnvisioned BOCES v. Colorado Springs School District 11

Supreme Court of Colorado - May 20, 2024 - P.3d - 2024 WL 2264341 - 2024 CO 29

School district cooperative brought declaratory judgment action against nonmember school district, seeking to continue to operate a contract school within school district's boundaries without school district's consent, and school district filed counterclaim and third-party claim against school's operator also seeking a declaratory judgment.

The District Court denied school district's motion for partial summary judgment and granted cooperative and operator's motion for summary judgment. School district appealed. The Court of Appeals reversed and remanded. Cooperative and operator petitioned for certiorari review, which was granted.

The Supreme Court held that:

- School district's approval of charter school application for school did not moot the appeal;
- Case involved issue of great public importance as an exception to any mootness; and
- Cooperative lacked statutory authority to locate a contract school within a nonmember school district without that district's consent.

School district's approval, during pendency of proceedings, of charter school application for school district cooperative's contract school that served students with reading challenges did not moot appeal of grant of summary judgment for cooperative and school operator on claim seeking declaratory judgment that cooperative had statutory authority to locate a contract school within a nonmember school district's boundaries without that district's permission, where a charter contract had not yet been executed, and school continued to operate as a contract school within school district's boundaries and without school district's consent.

Whether school district cooperative had statutory authority to locate a contract school like its academy for students with reading challenges within a nonmember school district's boundaries without that district's consent was a matter of great public importance, as exception to mootness doctrine, on appeal of grant of summary judgment for cooperative and academy operator on claim seeking declaratory judgment on the issue, especially since cooperative planned to continue opening more schools like academy in the future.

Statute allowing a school district cooperative to construct, purchase, or lease sites, buildings, and equipment to provide facilities necessary for operation of cooperative service program at "any appropriate location" does not give a cooperative authority to locate a contract school within a nonmember school district's boundaries without that district's consent.