

Senate Judiciary Committee
“Nominations”
Questions for the Record
September 20, 2017
Senator Amy Klobuchar

Question for Allison Eid, Nominee to be U.S. Circuit Judge for the Tenth Circuit

In *Lobato v. State*, you joined an opinion upholding Colorado’s public school financing system after a trial court found that the system violated the state constitution. In that case, parents of school children sued the state, claiming that the public school system failed to provide sufficient funding to support a “thorough and uniform” system of free public schools as required by the state constitution. The dissenting Justices described the state’s education system as “fundamentally broken,” “plagued by underfunding,” and “marked by gross disparities among districts.” They also noted that the underfunding had prevented many schools from complying with the Americans with Disabilities Act.

- Can you explain how you reached your conclusion in this case, including how you interpreted the “thorough and uniform” funding standard to allow for broad disparities among different school districts?

Response: As stated in the majority opinion written by now-Chief Justice Rice, the majority examined the plain meaning of the phrase “thorough and uniform.” As described in the opinion, “thorough” “commonly refers to something of a quality that is ‘marked by completeness.’” The term “uniform” “connotes something that is characterized ‘by a lack of variation, diversity, [or] change in form’ or that is ‘consistent . . . in character.’” The majority concluded from this that a “thorough and uniform” system of public education “is of a quality marked by completeness, is comprehensive, and is consistent across the state.” The majority stated that this definition was supported by other provisions of the Colorado Constitution as well as by precedent. The majority determined that the rational basis test was the appropriate standard to apply, and ultimately concluded that the “current public school financing system is rationally related to the ‘thorough and uniform’ mandate because it funds a system of free public schools that is of a quality marked by completeness, is comprehensive, and is consistent across the state.” The majority ended its opinion by noting that it was its duty to “avoid making decisions that are intrinsically legislative.”