

<p><b>Court of Appeals, State of Colorado</b>  <b>101 W. Colfax Avenue, Suite800</b>  <b>Denver, CO 80202</b>  Appeal from District Court, Denver County, Colorado  Honorable Michael A. Martinez  Case No. 2011CV4424, consolidated with 2011CV4427</p>	<p><b>^COURT USE ONLY ^</b></p>
<p><b>Defendants-Appellants:</b> COLORADO STATE BOARD OF EDUCATION, DOUGLAS COUNTY SCHOOL DISTRICT, et al.,  and  <b>Intervenors-Appellants:</b> FLORENCE and DERRICK DOYLE, et al.,  v.  <b>Plaintiffs-Appellees:</b> JAMES LARUE, TAXPAYERS FOR PUBLIC EDUCATION, et al.</p>	<p>Case No.  11CA1856  11CA1857</p>
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<p><b>MOTION OF AMICUS CURIAE THE LEGAL CENTER FOR PEOPLE WITH DISABILITIES AND OLDER PEOPLE FOR LEAVE TO PARTICIPATE IN SUPPORT OF APPELLEES' ANSWER BRIEF</b></p>	

Pursuant to Colorado Appellate Rule 29, The Legal Center for People with Disabilities and Older People (“The Legal Center”) respectfully requests this Court’s permission to file the attached brief as *Amicus Curiae* in the above-captioned case, in support of Appellees’ Reply Brief, and as grounds for this request state:

1. The Legal Center is a Colorado non-profit corporation established to protect and promote the legal and human rights of persons with disabilities. It serves as Colorado’s federally-mandated and State-designated Protection and Advocacy System pursuant to 42 U.S.C. §§15001, *et seq.* (for individuals with developmental disabilities); 42 U.S.C. §§10805, *et seq.* (for individuals with mental illness); and 29 U.S.C. §794(e) (for individual rights). Particularly relevant to this case is The Legal Center’s mission of protecting individuals with disabilities pursuant to Section 504 of the Rehabilitation Act, 29 U.S.C. §794 (2006) (“Section 504”); and Title II of the Americans with Disabilities Act, 42 U.S.C. §§12131, *et seq.* (2006) (“ADA”). Since The Legal Center’s founding in 1976, it has represented over 17,000 individuals with disabilities and has assisted more than 58,000 individuals with disabilities in advocating for themselves.

2. Pursuant to these authorities, The Legal Center has a keen interest and responsibility in ensuring that public entities do not discriminate against people

with disabilities. Section 504 and the ADA prohibit “recipients of federal assistance” or “public entities” from discriminating against individuals with disabilities. “Recipients” means “any state or its political subdivision” under Section 504, 34 C.F.R. §104.3 (2010); and “public entities” are defined as “any state or local government” under the ADA, 42 U.S.C. §12131(1)(A) (2006). The Douglas County School District (“DCSD”) qualifies under both definitions as an entity that is prohibited from discriminating against people with disabilities. DCSD receives federal funding for special education services.

3. The Honorable Michael A. Martinez, trial court judge in this matter, found that the Scholarship Program administered by the DCSD in this matter “permits participating private schools to discriminate against students with disabilities.” Paragraph 49 of Order dated August 12, 2011.

4. *Amicus* The Legal Center has an interest in this matter in order to ensure that students with disabilities in the DCSD are not discriminated against, and that they have the same access as students without disabilities have to the benefits of the Choice Scholarship Program and Choice Scholarship Schools.

WHEREFORE, The Legal Center respectfully moves for leave to file the concurrently filed brief as *amicus curiae* in this matter.

Respectfully submitted this 31<sup>st</sup> day of  
May, 2012.

By:

*s/ Chester R. Chapman*

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Chester R. Chapman, #8673

Randy L. Parcel, #2635

On behalf of *amicus curiae*

The Legal Center for People with

Disabilities

and Older People