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6 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
7
8 IN AND FOR THE COUNTY OF MARICOPA

9 CRANE ELEMENTARY SCHOOL DISTRICT;) Case No.: _____
10 CREIGHTON ELEMENTARY SCHOOL DISTRICT;))
11 GLOBE UNIFIED SCHOOL DISTRICT; MURPHY))
ELEMENTARY SCHOOL DISTRICT; PINON))
12 UNIFIED SCHOOL DISTRICT; TOLLESON))
ELEMENTARY SCHOOL DISTRICT; TOLLESON))
13 UNION HIGH SCHOOL DISTRICT,))

COMPLAINT

14 Plaintiffs,))

15 vs.))

16 STATE OF ARIZONA; STATE BOARD OF))
EDUCATION; and JAIME MOLERA, as))
17 Superintendent of Public Instruction,))

18 Defendants.))
19)

20 The Plaintiffs allege:

21 **NATURE OF THE ACTION**

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23 1. This lawsuit challenges the failure of the Arizona school finance system to
24 provide the programs and funding that are necessary for at-risk students to achieve the academic
25 standards prescribed by the state and measured by Arizona’s Instrument to Measure Standards

1 (“AIMS”). The Plaintiffs contend that the Defendants’ failure to provide the necessary programs
2 and funding violates the requirement in Arizona’s Constitution that the legislature establish and
3 maintain a general and uniform public school system. The Plaintiffs further contend that
4 education is a fundamental right under Arizona’s Constitution and that without the programs and
5 funding that are necessary for at-risk students, such students are denied an opportunity to acquire
6 the basic education that is guaranteed to them by the Arizona Constitution. The Plaintiffs seek a
7 declaration from the Court that Arizona’s school finance system is unconstitutional.
8

9 **PARTIES**

10 2. The Plaintiffs are school districts duly established under the laws of Arizona.
11 Each of the Plaintiff school districts has a substantial number of students who are identified as
12 being at-risk of failing in public school because of their socioeconomic status. The Plaintiffs are
13 specifically identified as follows:
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- 15 a. Crane Elementary School District is located in Yuma County, Arizona and has
16 approximately 5,069 students.
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- 18 b. Creighton Elementary School District is located in Maricopa County, Arizona and
19 has approximately 8,082 students.
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- 21 c. Globe Unified School District is located in Gila County, Arizona and has
22 approximately 2,270 students.
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- 24 d. Murphy Elementary School District is located in Maricopa County, Arizona and
25 has approximately 2,554 students.

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e. Pinon Unified School District is located in Navajo County, Arizona and has approximately 1,548 students.

f. Tolleson Elementary School District is located in Maricopa County, Arizona and has approximately 1,438 students.

g. Tolleson Union High School District is located in Maricopa County, Arizona and has approximately 4,061 students.

3. The Defendant State of Arizona is a body politic.

4. The Defendant State Board of Education is an agency of the State of Arizona with the duties and responsibilities enumerated in the Arizona Constitution and statutes.

5. The Defendant Jaime Molera is the Superintendent of Public Instruction for the State of Arizona and is sued in his official capacity.

FACTS

6. There are approximately 800,000 students attending Arizona’s public schools. Of that number, approximately 200,000 students are at-risk of failing in school because of their low socioeconomic status and the barriers that status creates for academic success. Students from low socioeconomic background are at substantial risk of failing in public school if they are not provided with the additional programs and services that are necessary in order for them to overcome the disadvantages that their socioeconomic status creates for them. Arizona’s school finance system fails to provide any funding for such programs or services.

1 7. Arizona's school finance system generally provides that each school district will
2 have a minimum amount of funds to spend for the education of each student. The school finance
3 system does that by authorizing school districts to establish budgets based upon a minimum
4 dollar amount for each student. The revenues to fund the system are produced through a
5 combination of state and local revenues. The school districts' relative contribution to the total
6 amount is related to the assessed valuation of property within the school district. For school
7 districts that cannot generate the budget limit through the levy of the state's qualifying tax rate,
8 the state provides the difference so that each school district has approximately the same amount
9 of funding to spend for each student.
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11 8. The school finance system recognizes some students as having special needs and
12 provides additional funding and programs to address those needs. Students with disabilities and
13 students with limited English proficiency are designated additional weights in the school finance
14 formula such that the school district has additional funds with which to provide the programs and
15 services that students with special needs require in order to obtain the basic education that the
16 state is required to provide every student.
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18 9. The school finance system and its funding formula fail to provide any additional
19 funds to school districts so that they can address the special needs of at-risk students and provide
20 them with the programs they need in order to acquire the basic education the state is required to
21 provide them. The minimum base level amount that the school finance system provides for each
22 student was not intended or designed to address the special needs of at-risk students.
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24 10. The Plaintiff school districts have student populations with large numbers of
25 students are at-risk of failing in public school because of their socioeconomic status. One
measure of the socioeconomic status of students is their participation in the federal free and

1 reduced lunch program. Students with family incomes below 185% of the federal poverty level
2 are eligible for free or reduced-price school lunches. Each of the Plaintiff school districts has a
3 substantial number of students participating in the free and reduced lunch program. The number
4 of students participating in each district as a percentage of the total student population is as
5 follows: Crane Elementary School District, 61%; Creighton Elementary School District, 91%;
6 Globe Unified School District, 43%; Murphy Elementary School District, 89%; Pinon
7 Elementary School District, 89%; Tolleson Elementary School District, 69%; Tolleson Union
8 High School District, 27%.

9
10 11. Under Arizona law, the State Board of Education is required to prescribe
11 academic standards for Arizona's public schools. A.R.S. §§ 15-701, 15-701.01. Pursuant to that
12 requirement, the Board has adopted academic standards in at least the areas of reading, writing,
13 mathematics, science and social studies.

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15 12. The State Board of Education is also required to prescribe competency
16 requirements that incorporate the academic standards adopted by the Board for promotion of
17 students from the third and eighth grades and for the graduation of students from high school.

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19 13. The State Board of Education is also required to develop and adopt competency
20 tests that incorporate the academic standards in at least the areas of reading, writing and
21 mathematics for the graduation of students from high school. The State Board of Education has
22 adopted the Arizona Instrument to Measure Standards ("AIMS") prescribed by A.R.S. § 15-741
23 as the required competency test for graduation from high school.

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25 14. By any measure, at-risk students generally and disproportionately fail to achieve
the academic standards adopted by the State Board of Education. As a result, they fail to meet

