

**IN THE SUPREME COURT OF FLORIDA**

CITIZENS FOR STRONG SCHOOLS,  
INC., et al.,

Petitioners,

Case No. SC18-67  
L.T. No. 1D16-2862

v.

FLORIDA STATE BOARD OF  
EDUCATION, et al.,

Respondents,

and

CELESTE JOHNSON, et al.,

Intervenors/Respondents.

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**UNOPPOSED MOTION OF EDUCATION LAW  
CENTER FOR LEAVE TO FILE  
AMICUS BRIEF IN SUPPORT OF PETITIONERS**

Pursuant to Florida Rule of Appellate Procedure 9.370, Education Law Center (“ELC”) respectfully moves this Court for leave to file an amicus brief in support of Petitioners in this appeal, and as grounds therefore, states as follows:

1. This case is before this Court for its discretionary review of a decision of the First District.

2. ELC has a strong interest in this case. ELC is a non-profit organization that advocates on behalf of public school children for equal and adequate educational opportunity under state and federal laws through policy

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initiatives, research, public education, and legal action. ELC is counsel for the plaintiff school children in the landmark case *Abbott v. Burke*, which presented claims of inadequate educational opportunity similar to those in the case before this Court. In *Abbott*, the New Jersey Supreme Court accepted plaintiffs’ claims as justiciable and, following a trial and ruling on the merits, ELC secured remedial measures to ensure disadvantaged school children a constitutional “thorough and efficient” education. *Abbott v. Burke*, 575 A.2d 359 (N.J. 1990). ELC has a direct interest in securing similar benefits from effectuating the education rights of public school children in other states through access to the courts. To this end, ELC has participated as *amicus curiae* or as counsel in state education rights and opportunity cases in California, Colorado, Connecticut, Indiana, Pennsylvania, Nevada, New York, South Carolina, Delaware, Minnesota, Michigan and Texas.

3. ELC’s amicus brief will address the core issue in this case—the justiciability of education resource, funding, and opportunity claims under Article IX, § 1 of the Florida Constitution—by providing the Court with context and precedent from comparable cases in sister state courts across the nation. Florida’s “education article” contains substantive terms the judicial branch can apply and utilize as standards to manage and adjudicate education adequacy and opportunity claims, just as other state courts have interpreted similar terms. The overwhelming majority of state courts have rejected arguments similar to those cited by the First

District and ruled that constitutional challenges to inadequate education are justiciable. *Conn. Coal. for Justice in Educ. Funding, Inc. v. Rell*, 990 A.2d 206, 225 n.24 (Conn. 2010). The Pennsylvania Supreme Court, whose earlier decision the First District relied upon, has now joined the majority of state courts in declaring constitutional challenges to the deprivation of educational opportunity for school children justiciable. *William Penn Sch. Dist. v. Pennsylvania Dep't of Educ.*, 170 A.3d 414 (Pa. 2017). ELC's brief will review each of these points to demonstrate the justiciability of these claims under Florida's education article, providing context from state courts across the nation.

4. ELC's brief will assist the Court by situating the question of justiciability in the context of similar cases nationwide. *See id.* at 453 ("It is instructive that so many other states have found claims under their respective education clauses to be justiciable, either explicitly in the face of political question challenges, or implicitly by analyzing at length the merits of the challenges at issue."). The Court's ruling in this case will determine a fundamental question: whether public school children have access to the courts to protect and enforce their right to an adequate education under the Florida Constitution.

5. Undersigned counsel has conferred with counsel for the parties and is authorized to represent that they have no objection to this motion.

WHEREFORE, ELC respectfully asks this Court for leave to file an amicus brief in support of Petitioners.

Respectfully submitted,

/s/ Courtney Brewer  
Courtney Brewer  
Florida Bar No. 890901  
cbrewer@mills-appeals.com  
service@mills-appeals.com (secondary)  
The Mills Firm, P.A.  
325 North Calhoun Street  
Tallahassee, Florida 32301  
(850) 765-0897  
(850) 270-2474 facsimile

*Counsel for Education Law Center*

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the following counsel by email on June 14, 2018:

Jodi Siegel  
Kirsten Clanton  
Southern Legal Counsel, Inc.  
1229 NW 12th Avenue  
Gainesville, FL 32601  
[Jodi.siegel@southernlegal.org](mailto:Jodi.siegel@southernlegal.org)  
[Kirsten.clanton@southernlegal.org](mailto:Kirsten.clanton@southernlegal.org)

*Attorneys for Petitioners*

Jonathan A. Glogau  
Office of the Attorney General  
400 S. Monroe Street, PL-01  
Tallahassee, FL 32399-0400  
[Jon.glogau@myfloridalegal.com](mailto:Jon.glogau@myfloridalegal.com)  
[Joann.mrazek@myfloridalegal.com](mailto:Joann.mrazek@myfloridalegal.com)

Ari S. Bargil  
Institute for Justice  
999 Brickell Avenue, Suite 720  
Miami, FL 33131  
[abargil@ij.org](mailto:abargil@ij.org)

*Attorney for Institute for Justice*

Timothy McLendon  
3324 W University Avenue, Box 215  
Gainesville, FL 32607  
[mclendon@law.ufl.edu](mailto:mclendon@law.ufl.edu)

Deborah Cupples  
2841 SW 13th Street, G-327  
Gainesville, FL 32608

Christie Letarte  
Dawn Roberts  
The Florida Senate  
302 The Capitol  
404 South Monroe Street  
Tallahassee, FL 32399-1100  
[letarte.christie@flsenate.gov](mailto:letarte.christie@flsenate.gov)  
[christie.letarte@yahoo.com](mailto:christie.letarte@yahoo.com)  
[roberts.dawn@flsenate.gov](mailto:roberts.dawn@flsenate.gov)  
[dkroberts.seminole@gmail.com](mailto:dkroberts.seminole@gmail.com)

Rocco Testani  
Stacey McGavin Mohr  
Lee A. Peifer  
Sutherland, Asbill & Brennan, LLP  
999 Peachtree Street NE, Suite 2300  
Atlanta, GA 30309-4416  
[Rocco.Testani@sutherland.com](mailto:Rocco.Testani@sutherland.com)  
[Phyllis.White@sutherland.com](mailto:Phyllis.White@sutherland.com)  
[Janice.English@sutherland.com](mailto:Janice.English@sutherland.com)  
[Stacey.Mohr@sutherland.com](mailto:Stacey.Mohr@sutherland.com)  
[Lee.Peifer@sutherland.com](mailto:Lee.Peifer@sutherland.com)  
[Cynthia.Garrett@sutherland.com](mailto:Cynthia.Garrett@sutherland.com)

Judy Bone  
Mari Presley  
Matthew Mears  
Florida Dept. of Education  
1244 Turlington Building  
325 W. Gaines Street  
Tallahassee, FL 32399  
[judy.bone@fldoe.org](mailto:judy.bone@fldoe.org)  
[mari.presley@fldoe.org](mailto:mari.presley@fldoe.org)  
[matthew.mears@fldoe.org](mailto:matthew.mears@fldoe.org)  
[cara.martin@fldoe.org](mailto:cara.martin@fldoe.org)

Adam S. Tanenbaum  
Matt Carson  
Florida House of Representatives

[dcupples@cox.net](mailto:dcupples@cox.net)  
Eric J. Lindstrom  
Egan, Lev & Siwica, P.A.  
P.O. Box 5276  
Gainesville, FL 32627-5276  
[elindstrom@eganlev.com](mailto:elindstrom@eganlev.com)

Neil Chonin  
2436 NW 27th Place  
Gainesville, FL 32601  
[neil@millierworks.net](mailto:neil@millierworks.net)

*Attorneys for Petitioners*

Robert M. Brochin  
Clay M. Carlton  
[bobby.brochin@morganlewis.com](mailto:bobby.brochin@morganlewis.com)  
[clay.carlton@morganlewis.com](mailto:clay.carlton@morganlewis.com)  
Morgan, Lewis & Bockius LLP  
200 South Biscayne Blvd., Suite 5300  
Miami, Florida 33131  
Telephone: 305.415.3000  
Facsimile: 305.415.3001

Jon Lester Mills  
Stephen N. Zack  
[jmills@bsflfp.com](mailto:jmills@bsflfp.com)  
[szack@bsflfp.com](mailto:szack@bsflfp.com)  
Boies Schiller & Flexner, LLP  
100 SE Second Street, Suite 2800  
Miami, Florida 33131  
Telephone: 305.357.8449

Stuart H. Singer  
[ssinger@bsflfp.com](mailto:ssinger@bsflfp.com)  
Boies Schiller & Flexner, LLP  
401 E. Las Olas Blvd., Suite 1200  
Fort Lauderdale, Florida 33301-2211

*Attorneys for Certain Members of the*

418 The Capitol  
402 South Monroe Street  
Tallahassee, FL 32399-1300  
[adam.tanenbaum@myfloridahouse.gov](mailto:adam.tanenbaum@myfloridahouse.gov)  
[debi.robbsins@myfloridahouse.gov](mailto:debi.robbsins@myfloridahouse.gov)  
[matt.carson@myfloridahouse.gov](mailto:matt.carson@myfloridahouse.gov)

*1998 Constitution Revision Commission*

*Counsel for Florida State Board of Education; Joe Negron, in his official capacity as the President of the Florida Senate; Richard Corcoran, in his official capacity as the Speaker of the Florida House of Representatives; Pam Stewart, in her official capacity as the Florida Commissioner of Education*

/s/ Courtney Brewer  
Attorney