

**IN THE SUPREME COURT OF FLORIDA  
Case No. SC18-67**

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CITIZENS FOR STRONG	:	
SCHOOLS, INC., et al.	:	
 Petitioners,	 :	
 v.	 :	
FLORIDA STATE BOARD OF	:	L.T. Case Nos. 1D16-2862; 1D10-6285
EDUCATION, et al.,	:	
 Respondents,	 :	
 and	 :	
CELESTE JOHNSON, et al.,	:	
 Intervenors/Respondents.	 :	
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**MOTION OF THE FOUNDATION FOR EXCELLENCE  
IN EDUCATION FOR LEAVE TO FILE BRIEF  
AS AMICUS CURIAE IN SUPPORT OF RESPONDENTS**

The Foundation for Excellence in Education (“ExcelinEd”), by and through its below-listed counsel, respectfully moves this Court for an Order allowing it to file an *amicus curiae* brief in support of the Respondents in the above-captioned matter. ExcelinEd believes that its brief will assist the Court in the disposition of this case because ExcelinEd has extensive experience in researching and assessing public education policy issues nationwide and, in particular, in Florida. ExcelinEd

informed the parties of its intent to seek leave to file a brief. Neither Petitioners nor Respondents oppose ExcelinEd's motion.

### **Memorandum in Support of Motion**

The Florida Rules of Appellate Procedure allow amicus briefs to be filed by leave of the court. *See Fla. R. App. P. 9.370(a)*. Such briefs are allowed when the amicus has an "interest" in the case and "can assist the court in the disposition of the case." *Id.*

ExcelinEd is a 501(c)(3) nonprofit, nonpartisan organization based in Tallahassee, Florida and was founded in 2008 by former Florida Governor Jeb Bush. Its mission is to build an American education system that equips every child to achieve his or her potential. ExcelinEd designs and promotes student-centered education policies, makes available model legislation, and provides rule-making expertise, implementation assistance, and public outreach. As a Florida-based organization, ExcelinEd has a particular interest in Florida's education system, and has frequently written on Florida education policy issues.

ExcelinEd's proposed amicus brief would assist the Court by presenting additional points and information concerning Florida's education system that might not otherwise be presented by the parties. Specifically, ExcelinEd has done considerable research on two topics: (1) whether judicial involvement in education policy can drive meaningful or consistent improvements in student outcomes, and

(2) how state curriculum standards can promote educational performance. These issues are highly relevant to Petitioners' constitutional challenge, and thus ExcelinEd's research would aid the Court in its analysis of the arguments in this case.

**WHEREFORE**, amicus ExcelinEd respectfully requests this Court to allow ExcelinEd to file a brief as *amicus curiae* in support of Respondents.

Respectfully submitted,

/s/ Andy Bardos

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that, on July 27, 2018, the foregoing motion was furnished by electronic mail to all counsel identified on the Service List that follows.

*/s/ Andy Bardos* \_\_\_\_\_

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