

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A17-0033**

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Tiffini Flynn Forslund, Justina  
Person; Bonnie Dominguez; and  
Roxanne Draughn,

Petitioners,

v.

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**REQUEST FOR LEAVE TO  
PARTICIPATE AS AMICUS CURIAE  
BY MINNESOTA ASSOCIATION OF  
SECONDARY SCHOOL PRINCIPALS**

State of Minnesota State of Minnesota;  
Mark Dayton, in  
his official capacity as the Governor  
of the State of Minnesota; the  
Minnesota Department of Education;  
Brenda Cassellius, in her official  
capacity as the Commissioner of  
Education; St. Paul Public Schools,  
Independent School District 625;  
Anoka-Hennepin School District 11;  
Duluth Public Schools, Independent  
School District 709; West St. Paul-  
Mendota Heights-Eagan Area  
Schools, Independent School District  
197,

Respondents.

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TO: THE COURT OF APPEALS OF THE STATE OF MINNESOTA,  
THE PARTIES ABOVE NAMED AND THEIR RESPECTIVE  
COUNSEL:

Roger J. Aronson states as follows:

1. He is an attorney licensed to practice law in the State of Minnesota and is authorized to make this petition on behalf of the Minnesota Association of Secondary School Principals, (MASSP).

2. This request for permission to file an amicus brief is made as a matter of public interest on behalf of Minnesota Association of Secondary School Principals. MASSP members include 1,100 principals and assistant principals who are responsible for the administration, supervision and control of Minnesota's public high, middle and junior high schools. All of Minnesota's public school principals and assistant principals are included as "teachers" within the definition sections of Minn.Stat. §122A.40 and Minn. Stat. §122A.41, commonly referred to as the teacher

3. He is familiar with the above-referenced case, and the fact that the District Court dismissed the Appellants complaints on the claim that the teacher tenure provisions of Minnesota law violate the Constitution of the State of Minnesota; the equal protection clause of the United States Constitution; and other claims.

4. Minnesota school principals would be significantly affected if the employment protections contained in the tenure act

were to be declared unconstitutional or unenforceable. Principals rely, in part, on the statutory protections in order to lead their schools consistent with state law, sound practice and licensure requirements.

5. MASSP thus seeks to submit a brief as *Amicus Curiae* addressing the proper statutory construction of the Minn. Stat. §122A.40 and Minn. Stat. §122A.41 to assess a construction that would be consistent with the legislative intent to maintain leadership, order, and consistency in the principal leadership of Minnesota public schools. Its position is likely most closely aligned with that of the Respondents State of Minnesota and Commissioner of Education in this matter. MASSP will argue that the dismissal by the lower court should be upheld.

6. Consistent with *State v. Finley*, 243 Minn. 28, 64 N.W.2d 769 (1954), the requested *amicus* brief will be written to advise, inform and remind the court of legal principles pertinent to the proper development of the law in a non-adversarial manner.

7. The contemplated *amicus* brief will not exceed the twenty-page limit set forth in MINNESOTA RULES OF CIVIL APPELLATE PROCEDURE 132.01, subd. 3, and will be due within seven days after the filing of Petitioner's brief pursuant to Rule

129.02. Further it is understood that the *amicus* will not participate in oral argument except with further leave of the court per Rule 129.04.

8. A copy of this petition has been served by U. S. Mail on the same date upon the following counsel:

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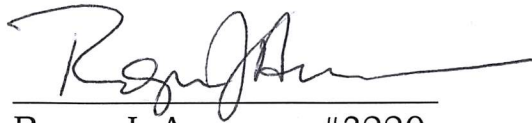
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Respectfully Submitted,

Dated: January 24, 2017

A handwritten signature in black ink, appearing to read "Roger J. Aronson", written over a horizontal line.

Roger J. Aronson, #3220

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