

**STATE OF MINNESOTA
IN COURT OF APPEALS**

Case No. A17-0033

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

Petitioners,

v.

**REQUEST BY
EDUCATION MINNESOTA
FOR LEAVE TO PARTICIPATE AS
AMICUS CURIAE**

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.

**TO: The Court of Appeals of the State of Minnesota, Parties and Counsel of
Record:**

Education Minnesota respectfully requests that the Minnesota Court of Appeals
grant it leave to participate as *amicus curiae* in the above-entitled matter. This request is
made pursuant to Rule 129 of the Minnesota Rules of Civil Appellate Procedure.

Education Minnesota is the leading advocate for public education in Minnesota. Our over 70,000 union members work in pre-K-12 schools and higher education institutions statewide, including almost all of Minnesota's K-12 public school teachers; education support professionals; faculty at several university campuses, community and technical colleges; college students preparing for careers in education; and retired educators who have devoted their lives to students. Our nearly 440 locals statewide help mentor new teachers, provide professional development, negotiate and maintain work contracts, among other direct services and support. Education Minnesota gives voice to the issues that affect educators and the students they teach. We help make sure our members' voices are heard anywhere decisions get made that affect public education—whether it's at the state Capitol, in Washington, D.C., or with local school administrators.

Education Minnesota is uniquely situated to assist the Court in understanding how its decision could impact teachers, recruitment of people to become teachers, students, and the public school system in Minnesota. In addition, Education Minnesota will provide the Court with a perspective of the public policy implications of the decision based on analysis and experience prior to and throughout the enactment and amendments of the challenged statutes.

The continuing contract and teacher tenure laws are essential for educators who are working to advance educational equity on behalf of students. Due process is important for teachers who hold students to high standards, protect students from abuse, teach controversial subjects, and challenge their school district regarding the proper placement of a student receiving special education services. There was a time when

women were fired for being women or for becoming pregnant; when teachers of color were fired because of their race; and when teachers were fired because they stood up against the bullying of students seen as having an unpopular view held in a community. These attitudes persist today. Without these laws, teachers would again risk arbitrary and unfair termination decisions based on cronyism, nepotism, personal vendettas or because one teacher was more expensive than another. Job protections also help attract educators to the profession and keep them there for a career.

For the reasons stated above, the interests of Education Minnesota are both public and private. Education Minnesota will support the position of the Respondents and will advocate that this Court uphold the decision issued by the Ramsey County District Court dated November 9, 2016, because although the achievement gap exists and persists for students of color, it is not the result of the continuing contract or teacher tenure laws in Minnesota. The laws are essential for advocating for teachers, advocating for students and public education, and to attract diverse teachers who are important to the success and learning of all students.

For all the above reasons, Education Minnesota urges this Court to grant its request for leave to participate as *amicus curiae* in the above-entitled matter.

Respectfully Submitted:

Dated: January 24, 2017

By: /s/ Jess Anna Glover

Jess Anna Glover

Christina L. Ogata, Reg. No. 0171049

Jess Anna Glover, Reg. No. 0330905

Cedrick R. Frazier, Reg. No. 0387647

EDUCATION MINNESOTA

41 Sherburne Avenue

St. Paul, Minnesota 55103

Telephone: (651) 767-1258

christina.ogata@edmn.org

jessanna.glover@edmn.org

cedrick.frazier@edmn.org

Attorney for Amicus Curiae

Education Minnesota