

**STATE OF MINNESOTA  
IN COURT OF APPEALS**

**Case No. A17-0033**

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

Petitioners,

v.

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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**REQUEST FOR LEAVE OF COURT TO FILE AN *AMICUS CURIAE* BRIEF**

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Minneapolis, Minnesota 55402

Counsel for *Amicus*:  
**TakeAction Minnesota**

## **AUTHORITY FOR REQUEST**

TakeAction Minnesota (“TakeAction”) respectfully requests that the Minnesota Court of Appeals grant it leave to participate as *amicus curiae* in the above-captioned matter pursuant to Rule 129 of the Minnesota Rules of Civil Appellate Procedure.

## **BACKGROUND**

TakeAction is a statewide network of individual and organizational members working collaboratively to raise the voices of Minnesotans in their own communities to advance social, racial and economic justice. TakeAction membership expands to every city in the state with 5,000 individual dues-paying members, 22 institutional members, and an electronic mailing list of more than 60,000 people. Thousands of active grassroots advocates lead and implement our campaigns.

## **REASONS FOR AMICUS SUBMISSION**

The interests of TakeAction are public. Starting with the premise that we are all in this together, TakeAction pursues an ethic of inclusion and justice for all, grounded in racial and social equity. TakeAction works towards a fair, equitable and sustainable economy that benefits everyone.

TakeAction’s mission seeks to connect and lead a statewide, multi-racial alignment that challenges corporate power, structural racism, and gender oppression in order to win governing power and achieve a truly democratic and equitable society. TakeAction’s partnership with organized labor, and educators in particular, has included campaigns to pass referenda to more adequately fund our schools as well as other

political and policy initiatives. It has included member “walk-ins” with educators to demand what the children and community need from their schools.

To the extent inequities exist in Minnesota’s education system as Plaintiffs’ lawsuit alleges, TakeAction will assert that those issues may more properly be addressed through legislative and social efforts such as anti-poverty programs, early childhood education, increases in per pupil funding of schools, and *supporting teachers’ rights*—not through judicial elimination of critical teacher job protections and due process rights.

TakeAction can assist the Court in understanding how its decision regarding Minnesota’s teacher tenure and due process statutes will affect Minnesotans who rely on educators to raise their voice about inequities in schools. TakeAction believes that it is vitally important that teachers feel empowered to meet the challenges facing kids, parents, and school communities that impact education equity for all.

Therefore, TakeAction Minnesota will support the position of the Respondents by advocating that the Court uphold the Ramsey County District Court’s November 9, 2016, decision dismissing with prejudice Plaintiffs’ complaint in its entirety. Consideration of the *amicus curiae* will not delay the Court’s disposition of this case.

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

[Signature Page Follows]

Respectfully Submitted:

Dated: January 24, 2017

**MILLER O'BRIEN JENSEN, P.A.**

/s/Timothy J. Louris

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