

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2
3 DAN SCHWARTZ, in his official capacity as
4 Treasurer of the State of Nevada,

5 Appellant,

6
7 vs.

8 HELLEN QUAN LOPEZ, individually and on
9 behalf of her minor child, C.Q.; MICHELLE
10 GORELOW, individually and on behalf of her
11 minor children, A.G. and H.G.; ELECTRA
12 SKRYZDLEWSKI, individually and on behalf
13 of her minor child, L.M.; JENNIFER CARR,
14 individually and on behalf of her minor
15 children, W.C., A.C., and E.C.; LINDA
16 JOHNSON, individually and on behalf of her
17 minor child, K.J.; SARAH and BRIAN
18 SOLOMON, individually and on behalf of
19 their minor children, D.S. and K.S.,

20 Respondents.

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Tracie K. Lindeman
Clerk of Supreme Court

No. 69611

21 **MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF**

22 Pursuant to NRAP 29, the National School Boards Association (“NSBA”) and
23 the Nevada Association of School Boards (“NASB”), hereby move for permission to
24 participate as *amici curiae* and to file a brief in support of the position of
25 respondents. The NSBA and NASB participated as *amici* in the district court
26 proceedings. The proposed brief is being submitted with this motion.

27 **INTERESTS OF THE AMICI**

28 NSBA is a nonprofit organization representing state associations of school
boards, and the Board of Education of the U.S. Virgin Islands. Through its member
state associations, NSBA represents over 90,000 school board members who govern

1 approximately 13,800 local school districts serving nearly 50 million public school
2 students. NSBA regularly represents its members' interests before Congress and
3 federal and state courts and has participated as *amicus curiae* in many cases
4 involving the use of public funds to pay for private education. See, e.g., *Zelman v.*
5 *Simmons-Harris*, 536 U.S. 639 (2002); *Locke v. Davey*, 540 U.S. 712 (2004);
6 *Arizona Christian Sch. Tuition Org. v. Winn*, 563 U.S. 125 (2011).

7 NASB is a non-partisan, non-profit organization that provides professional
8 development, leadership training, educational advocacy, and other services to the
9 seventeen school boards in Nevada. All 107 elected or appointed school board
10 members are represented. Collectively, boards govern school districts
11 serving approximately 465,000 students across the Nevada, attending public schools
12 in urban, rural, and remote communities. NASB's mission is promoting success for
13 all students through local school board leadership. The NASB partners with UNR
14 Extended Studies, the Nevada Association of Counties, and the Nevada League of
15 Cities and Municipalities to provide the Certified Public Official program for elected
16 officials, an in-depth series that provides diverse resources for educational and
17 professional development responsive to the changing needs of elected and appointed
18 officials in public office throughout Nevada.

19 **REASONS WHY *AMICI* BRIEF IS DESIRABLE**

20 This appeal deals with the constitutionality of the Education Savings Accounts
21 Program (ESAP) established by SB 302 (2015). The appeal is of significant
22 importance to numerous children, parents and schools throughout Nevada. The
23 court's decision in this appeal will have widespread consequences for education in
24 Nevada.


25 *Amici* believe their input as *amici* will assist the court in resolving the
26 momentous issues in this appeal. *Amici* believe SB 302 is unconstitutional and
27 deprives Nevada students and their families of state and federal rights to a free,
28 public education. *Amici* also believe SB 302 undermines public education and is part

1 of a nationwide campaign by special interest groups to divert tax dollars away from
2 public education and into private hands. *Amici* urge this court to affirm the district
3 court's conclusion that the law is unconstitutional, and to avoid a ruling that would
4 strengthen efforts that seek the destruction of one of the most important cornerstones
5 of our democracy.

6 *Amici* were allowed to participate by filing a brief in the district court
7 proceedings. Their brief for this appeal is being lodged contemporaneously with this
8 motion.

9 *Amici* request the court to permit the brief to be filed, pursuant to NRAP 29.

10 Date: April 1, 2016

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CERTIFICATE OF SERVICE

I certify that I am an employee of Lemons, Grundy & Eisenberg and that on this date the foregoing was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

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DATED: 4/1/16

