

IN THE SUPREME COURT OF THE STATE OF NEVADA

Ruby Duncan, Rabbi Mel Hecht,
Howard Watts III, Leora Olivas, and
Adam Berger,

Appellants,

Electronically Filed
Jul 20 2016 02:04 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

Supreme Court No. 70648
District Court No. A-15-723703-C

v.

State of Nevada Office of the State
Treasurer of Nevada, Nevada
Department of Education; Dan Schwarz,
in his official capacity, and Steve Canavero,
in his official capacity,

Respondents

**MOTION TO FILE *AMICUS CURIAE* BRIEF
ON BEHALF OF PROPOSED AMICI AMERICAN FEDERATION
FOR CHILDREN, HISPANICS FOR SCHOOL CHOICE, SCHOOL
CHOICE WISCONSIN, DR. PATRICK J. WOLF, AND WISCONSIN
INSTITUTE FOR LAW & LIBERTY**

The American Federation for Children, Hispanics for School Choice,
School Choice Wisconsin, Dr. Patrick J. Wolf and the Wisconsin Institute
for Law & Liberty *Amici Curiae*, hereby move this Court for permission to
file an amicus brief under Nevada Rule of Appellate Procedure 29. The
proposed brief is in support of the position advocated by the Respondents

and is filed herewith. In support of this Motion, the *Amici* make the following averments:

1. Each of the *Amici* is committed to the reform and improvement of the U.S. K-12 school system. Under Article XI Section 1 of the Nevada Constitution, the Legislature not only has the power to but is, in fact, directed to encourage education not solely through a system of public schools but through “all suitable means.” The *Amici* will show in this brief that Senate Bill 302 is a suitable means to encourage education by offering Nevada families a broader array of educational opportunities.

2. This Court accepted an amicus brief in the related case of *Schwartz v. Lopez* (Nevada Supreme Court Case No. 69611) from the Wisconsin Alliance for Excellent Schools and other amicus parties that represent the educational establishment and are opposed to school choice. In that brief, those amicus parties attempted to portray the Milwaukee Parental Choice Program as a failure when nothing could be further from the truth.

3. These *Amici* would show the Court that school choice has worked extremely well in Wisconsin and that the extensive research into the Milwaukee Parental Choice Program establishes how offering parents additional education choices works as a method to encourage education. Empowering parents to make decisions about their children’s education leads to positive outcomes, including but

not limited to better academic performance for the students whose families take advantage of the program. Because Nevada's Education Savings Account is a similar form of school choice, it is not just a "suitable" means of promoting education, it is a very good one. As a result, Senate Bill 302 is within the constitutional power of the legislature.

4. The American Federation for Children ("AFC") is a leading national advocacy organization promoting school choice with a specific focus on school vouchers, scholarship tax credit programs, and Education Savings Accounts. AFC seeks to improve our nation's K-12 education by advancing public policy that empowers parents, particularly those in low-income families, to choose the education they determine is best for their children.

5. Hispanics for School Choice is a non-profit organization that undertakes to improve education for all Hispanic students. The organization believes all Hispanic families should have quality school options relating to their children's education including school vouchers or Education Savings Account.

6. Dr. Patrick J. Wolf is a Distinguished Professor of Education Policy and holds the 21st Century Endowed Chair in School Choice in the Department of Education Reform at the University of Arkansas. He is the principal researcher of the School Choice Demonstration Project that evaluates voucher programs across

the country. He has authored, co-authored, or co-edited four books and over 100 journal articles, book chapters, and policy reports on education issues, including school choice and special education.

7. School Choice Wisconsin is a non-profit organization that supports expanded educational options for children through the use of school vouchers, charter schools, and other innovative programs that empower parents to choose the best educational environment for their children.

8. The Wisconsin Institute for Law & Liberty (“WILL”) is a non-profit, public interest law and policy center dedicated to promoting the public interest in free markets, limited government, individual liberty, and a robust civil society. WILL has represented clients in litigation that advances parental choice. WILL’s education researchers have authored numerous policy reports and studies about school choice and public education in Wisconsin.

9. The amici request that this Court accept their brief (filed herewith) under Nevada Rule of Appellate Procedure 29.

Respectfully submitted,

/s/ Andrew R. Muehlbauer

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Dated: July 20, 2016