
CASE NO. 84735

IN THE SUPREME COURT OF THE STATE OF NEVADA

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Elizabeth A. Brown
Clerk of Supreme Court

EDUCATION FREEDOM PAC,

Appellant,

v.

BEVERLY ROGERS, AN INDIVIDUAL; RORY REID, AN INDIVIDUAL;
AND BARBARA K. CEVASKE, IN HER OFFICIAL CAPACITY AS
NEVADA SECRETARY OF STATE,

Respondents.

**MOTION TO FILE *AMICI CURIAE* BRIEF OF
PUBLIC FUNDS PUBLIC SCHOOLS, AMERICAN CIVIL LIBERTIES
UNION OF NEVADA, AND WASHOE EDUCATION ASSOCIATION
IN SUPPORT OF RESPONDENTS AND AFFIRMANCE**

Pursuant to Rule 29 of the Nevada Rules of Appellate Procedure, Public Funds Public Schools, the American Civil Liberties Union of Nevada, and the Washoe Education Association move this Court for leave to file the accompanying *amici curiae* brief in support of the Respondents.

Public Funds Public Schools (“PFPS”) is a national campaign to ensure public funds for education are used to maintain, support, and strengthen public

schools. PFPS is a partnership between Education Law Center (“ELC”) and the Southern Poverty Law Center (“SPLC”). ELC, based in Newark, New Jersey, is a nonprofit organization founded in 1973 that advocates on behalf of public school children to enforce their right to education under state and federal laws across the nation. SPLC, based in Montgomery, Alabama, is a nonprofit civil rights organization founded in 1971 that serves as a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance human rights.

PFPS opposes all forms of private school vouchers—including conventionally structured vouchers, Education Savings Account (“ESA”) vouchers, and tax credit scholarship vouchers—and other diversions of public funds from public education in order to safeguard limited public education resources and students’ rights. PFPS uses a range of strategies to protect and promote public schools and the rights of all students to a free, high-quality public education, including participation in litigation challenging voucher programs, both as litigants and as *amicus curiae*. ELC and other PFPS partners represented public school families in *Schwartz v. Lopez*, in which this Court ruled that Nevada’s previous attempt at enacting an ESA voucher statute was unconstitutional.

The American Civil Liberties Union (“ACLU”) of Nevada is a state affiliate of the national ACLU, a nonprofit, nonpartisan organization that has been our

nation's guardian of liberty for over 100 years. The ACLU of Nevada works to defend and preserve the individual rights and liberties that the Constitution, the laws of the United States, and Nevada law guarantee. Throughout its history the ACLU has served as direct counsel and *amicus curiae* in matters before the Supreme Court, United States Circuit Courts, United States District Courts, and state and local courts to combat discrimination in its many forms, including discrimination on the basis of race, gender, socio-economic status and disability, and inclusive of issues involving public education and funding, which are implicated in the instant matter. The ACLU of Nevada maintains educational equity as one of its strategic priorities and this matter raises many educational equity issues that will impact current and future students. Moreover, the ACLU of Nevada maintains an interest in ensuring proper procedure with ballot initiatives brought before Nevada voters. Because the rights of Nevadans to maintain an education system devoid of discrimination in its many forms are at stake in this matter and there remain serious educational equity and constitutional elements underlying this matter, its proper resolution is of particular interest to the ACLU of Nevada and its members.

The Washoe Education Association ("WEA") works to protect rights and due process for education professionals serving the Washoe County School District, which is the second largest school district in Nevada. WEA, which has over 2,900 members, believes that the best possible working conditions are the best possible

learning conditions for the children of Washoe County. Through its Government Relations Committee, WEA organizes activities to advocate on behalf of students and educators at the local, state and national levels. One of WEA's advocacy priorities is full funding for Nevada's under-resourced public schools. WEA opposes private school vouchers, which divert public funds to private education and harm public schools.

Proposed *Amici* bring expertise and experience relevant to the core issues pending before this Court. They also have a strong interest in the outcome of this matter. In Nevada and (in the case of PFPS) states across the nation, they work to promote students' civil rights and equal educational opportunities, to ensure that democratically-controlled public schools are adequately funded to provide a high-quality education to all students, and/or to keep public funds in public schools. In connection with that work, each movant has engaged in study, advocacy, and/or litigation regarding the financial costs of private school voucher programs and their other negative effects.

Given their experience and expertise, movants are well positioned to supply context and information that may assist the Court in assessing the true costs of voucher programs, both economic and non-economic. Specifically, the proposed brief sets forth data and research about the negative effects that private school voucher programs nationwide have had on state budgets and public school resources,

students' academic outcomes, racial integration in schools, and the legal rights of vulnerable student groups.

For these reasons, Proposed *Amici* respectfully asks the Court to grant this motion and accept the accompanying brief.

DATED this 25th day of July, 2022.

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CERTIFICATE OF SERVICE

I certify that on the 25th day of July, 2022, I caused to be served via the Nevada Supreme Court's e-filing system and pursuant to NRAP 25(b) and NEFCR 9, and electronically filed the foregoing **MOTION TO FILE *AMICI CURIAE* BRIEF OF PUBLIC FUNDS PUBLIC SCHOOLS, AMERICAN CIVIL LIBERTIES UNION OF NEVADA AND WASHOE EDUCATION ASSOCIATION IN SUPPORT OF RESPONDENTS AND AFFIRMANCE** with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-filing system (Eflex). Participants in the case who are registered Eflex users will be served by the Eflex system.

/s/ Pamela McAfee

An employee of Kemp Jones, LLP