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December 1, 2011

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NEWS RELEASE

Court rules in favor of Citizens for Strong Schools in passing education lawsuit to Supreme Court

In a major legal victory for the local group Citizens for Strong Schools and other public education advocates across the state, the 1st District Court of Appeal has rejected the Florida Legislature's request to dismiss a lawsuit on educational funding and policies.

In an 8-7 vote, the court ruled that the issues raised in the lawsuit are "of great public importance" and asked the Florida Supreme Court to hear the case.

"We're thrilled with the ruling," said Mark McGriff, chairman of Citizens for Strong Schools, an education advocacy group established in 2008. "It means state leaders can't prevent us from having our day in court."

The Gainesville-based non-profit Southern Legal Counsel filed the lawsuit back in 2010 on behalf of Citizens for Strong Schools, an Orlando-based group called Fund Education Now and several parents from Duval County. The lawsuit alleges that the state has not lived up to its obligation to provide a 'uniform, efficient, safe, secure and high quality system' of public schools.

That obligation is spelled out in Article IX of Florida's Constitution, which also says that public education is the state's 'paramount duty.' The language was added to the Constitution in 1998 after 72% of Florida voters approved it. Since then, the state has cut school budgets dramatically and shifted more of the responsibility for funding schools onto local communities.

Lawyers representing the legislature, the Board of Education and the Department of Education raised a number of objections to the lawsuit, including a contention that the courts have no role in interpreting Article IX. Circuit Court Judge Jackie L. Fulford rejected that argument back in August of 2010, but state leaders appealed her decision to the District Court of Appeal.

In the court's majority opinion, one judge wrote that the case "involves a clash of two extremely important precepts," namely the power of the legislature to fund schools and set educational policy and the right of citizens to demand that the language they added to the constitution be followed--and to appeal to the courts if they believe that's not happening.

He also wrote that "the defendants are here seeking to derail proceedings in the trial court before they can conclude here."

Jon Mills was Speaker of the Florida House in 1986-88 and was a member of the Constitutional Revision Commission that drafted Article IX. He is currently teaching law at the University of Florida and is working with the Southern Legal Counsel on the case. He said he fully expects the Supreme Court to take on the case.

"This is a confirmation that the 'high quality' provision in the Constitution means what the public thought it meant and that the court believes it's enforceable," he said. "That's the biggest step forward yet and puts us in the best position we could be in at this point."

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