

IN THE SUPREME COURT OF FLORIDA

GOVERNOR JOHN ELLIS “JEB”
BUSH, CHARLES J. CRIST, JR.,
BRENDA MCSHANE, *et al.*,

Appellants,

v.

Case Nos. SC04-2323,
SC04-2324, SC04-2325

RUTH D. HOLMES, *et al.*,

Appellees.

**UNOPPOSED MOTION TO APPEAR AS
AMICI CURIAE IN SUPPORT OF APPELLANTS**

Pursuant to Florida Rule of Appellate Procedure 9.370, the Black Alliance for Educational Options, the Hispanic Council for Reform and Educational Options, Excellent Education for Everyone, the Center for Education Reform, and the Reason Foundation respectfully move this Court for permission to file a brief as *amici curiae* in the above-referenced proceeding, and in support of this request state the following:

1. The above-referenced groups filed an *amici curiae* brief in this proceeding on January 24, 2005. Pursuant to Florida Rule of Appellate Procedure 9.370(a), the groups filed their brief by consent of all parties. The groups were subsequently advised by the Clerk’s Office that the Court requires a motion for

leave to file in all cases, regardless of whether proposed *amici* have obtained the consent of all parties.

2. The Black Alliance for Educational Options (“BAEO”) is a non-profit, intergenerational organization of educators, parents, students, community activists, public officials, religious leaders, and business people. BAEO is committed to improving educational opportunities available to minority and low-income children throughout the United States by supporting parental choice as a means of empowering families and increasing educational options for black and other children living in depressed neighborhoods. BAEO believes that the American ideal of equal opportunity is unattainable for economically disadvantaged black children so long as they continue to lack access to educational opportunities that will allow them to close the widening gap between their academic achievement and that of white children.

3. The Hispanic Council for Reform and Educational Options (“Hispanic CREO”) is a non-profit organization that serves as a national voice for the right of Hispanic families to access all educational opportunities for their children, regardless of income. Hispanic CREO believes that the most effective way to improve educational outcomes for Latino children, who are statistically now the most undereducated group of children in America, is to empower parents to choose effective educational programs.

4. Excellent Education for Everyone (“E3”) is a coalition of New Jersey citizens from across the political spectrum, of all races, all religions, and all ethnic groups, and all regions of the State of New Jersey. E3’s goal is to ensure that all parents, regardless of income, have the power and resources to determine where and in what way their children will be educated. E3 supports programs designed to improve public schools by subjecting them to the competitive pressures of parental school choice.

5. The Center for Education Reform (“CER”) is a national, independent, non-profit advocacy organization that creates opportunities for and challenges obstacles to better education for America’s communities. CER advances substantive reforms that produce high standards, accountability and freedom of choice. CER is a full-service education reform engine that works with diverse constituencies to restore excellence and equity to America’s public schools.

6. The Reason Foundation is committed to improving the quality of education for all students by advancing parental choice and competition among schools. More specifically, the Reason Foundation supports the choices of the hundreds of families in Florida who, without Florida’s Opportunity Scholarship program, would be forced by economic necessity to have their children remain in Florida’s failing public schools.

7. These proposed *amici* share an interest in this proceeding because of their common commitment to ensuring equal educational opportunities for all children, regardless of their race, ethnicity, religious affiliation, or socioeconomic background.

8. The issue addressed by the groups' brief is whether the Opportunity Scholarship Program violates article I, section 3 of the Florida Constitution. One aspect of the constitutional inquiry is to determine the purpose and effect of the challenged program. In this regard, the brief presents argument and evidence supporting the proposition that voucher programs help individual students, improve public schools (by requiring them to respond to competition) and promote integration and tolerance.

9. The brief will assist the Court by demonstrating that the true function of the Opportunity Scholarship Program is to promote education reform and to provide equal educational opportunities to students of all races and backgrounds—not to “aid” religious schools.

WHEREFORE, the Black Alliance for Educational Options, the Hispanic Council for Reform and Educational Options, Excellent Education for Everyone, the Center for Education Reform, and the Reason Foundation respectfully request that the Court grant this motion and permit them to file a brief in this proceeding as *amici curiae*.

DATED: January 25, 2005.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served this 25th day of January, 2005, via first-class mail, postage pre-paid to the following counsel of record:

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