

HOW DO YOU, AS AN EDUCATIONAL EQUITY ADVOCATE, PERSUADE A STATE
SUPREME COURT TO GET INTO THE EDUCATION BUSINESS?
WHAT ARE YOUR SUGGESTIONS?

1. Need a compelling, almost overpowering, factual record to demonstrate scope and seriousness of the problem.
2. Beginning point is text of constitutional provision.
 - explore every source about the provision that you can find
 - a. when enacted
 - b. text of constitutional debates
 - c. articles about the provision
 - have to make case that provision is mandatory, not aspirational, horatory or conformational
 - try to argue that right at stake is close to fundamental, certainly important
3. Cite as many other States as you can find that are in the business.
4. Look at history of State on high court getting into arguably purely legislative issues, like prison management.
5. Amicus briefs from as many supporters as you can get, particularly
 - legislators both current and former
 - educators
 - lawyers who teach, or specialize in, State constitutional law issues
 - former Governors
 - economic analysts and others who demonstrate what it will cost the State in terms of dollars from kids who do not receive an adequate education and cannot participate meaningfully in the work force - cover all aspects of this consequence, not only jobs, but healthcare costs, etc.
 - school districts, professional unions, etc.
 - professors and teachers at colleges and community colleges who can speak to the vast number of students

they have to deal with who are unprepared for higher education and need remedial work

- high school dropouts who can speak to the disadvantages they incur because they did not receive an adequate education (who will have to get them a lawyer)
 - briefs showing national perspectives
6. Address remedy issues head-on - show that court involvement can be had without encroaching on separation of powers and that involvement will not consume so much of the court's time that court will not want to step in.