

**No. 18-1855/18-1871**

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

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**GARY B.; JESSIE K.**, a minor, by Yvette K., guardian ad litem; **CRISTOPHER R.**, a minor, by Escarle R., guardian ad litem; **ISAIAS R.**, a minor, by Escarle R., guardian ad litem; **ESMERALDA V.**, a minor, by Laura V., guardian ad litem; **PAUL M.; JAIME R.**, a minor, by Karen R., guardian ad litem,

*Plaintiffs - Appellants,*

v.

**RICHARD D. SNYDER**, Governor; **JOHN C. AUSTIN**, member of MI Bd of Education; **MICHELLE FECTEAU**, member of the MI Bd of Education; **LUPE RAMOS-MONTIGNY**, member of the MI Bd of Education; **PAMELA PUGH**, member of the MI Bd of Education; **KATHLEEN N. STRAUS**, member of the MI Bd of Education; **CASANDRA E. ULBRICH**, member of the MI Bd of Education; **EILEEN WEISER**, member of the MI Bd of Education; **RICHARD ZEILE**, member of the MI Bd of Education; **BRIAN J. WHISTON**, Superintendent of Public Instruction for the State of MI; **DAVID B. BEHEN**, Director of the MI Dept of Technology; **NATASHA BAKER**, State School Reform/Redesign Officer, in their official capacities,

*Defendants - Appellees.*

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**MOTION FOR LEAVE TO FILE BRIEF OF *AMICUS CURIAE*  
THE EDUCATION TRUST IN SUPPORT OF APPELLANTS**

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November 26, 2018

Pursuant to Federal Rule of Appellate Procedure 29(a)(2) and (3), The Education Trust (“EdTrust”) moves the Court for leave to file the accompanying amicus brief in support of Plaintiffs-Appellants’ brief seeking reversal of the district court’s dismissal of their Complaint with prejudice.

In support of this motion, Amicus Curiae states:

**Movant’s interest:** EdTrust is a national not-for-profit organization that works to close opportunity gaps that disproportionately affect students of color and students from low-income families. Its work is focused on students like Gary B. and appellants. EdTrust aggregates and analyzes data to help stakeholders and decision-makers in states and localities examine the success of their school system and compare their achievements, or failures, to others. EdTrust is deeply familiar with the problems that plague school districts and underserved students in communities like Detroit, and maintains an office in Michigan to focus on the schools at issue in this appeal and the students who attend them. Ed Trust is interested in this proceeding because of its potential to close the opportunity gaps faced by appellants, and highlight inequities that require Court intervention.

**Why an amicus brief is desirable and relevant:** While the proceedings below addressed the law applicable to this action based on the factual allegations pleaded by appellants, EdTrust respectfully submits that there are important additional considerations that may properly inform the Court’s deliberations, and

in its brief provides information and data on three critical issues. EdTrust is well-positioned to offer data to the Court to assist it in interpreting the factual allegations below, and to correct some misstatements of fact that may have contributed to the dismissal of the case.

First, EdTrust files this brief to refute the fallacy that illiteracy is inevitable for Detroit's schoolchildren on account of challenging circumstances in their lives; the data show that this simply is not true. EdTrust offers data from other districts nationwide that demonstrates that schools serving children of color in low-income communities can achieve outcomes similar to statewide results for their privileged peers across all grades and subjects. The analysis dispels the myth that there is little educators can do to overcome obstacles presented by poverty and discrimination. The State of Michigan could have been effective in providing an education to appellants, regardless of the children's own circumstances. On this second point, EdTrust offers comparative data from other large city school districts with similar demographics, each of which performed much better than Detroit while Detroit was under direct State administration.

Finally, EdTrust draws on statewide metrics to demonstrate why, for the purpose of appellants' equal protection claim, the Detroit schools in the Complaint should be compared to districts statewide. The State of Michigan exerts control over all school districts by setting educational standards, conducting performance



/s/

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