

STATE OF MINNESOTA

FILED
Court Administrator

DISTRICT COURT

COUNTY OF RAMSEY

JUN 22 2011

SECOND JUDICIAL DISTRICT

CASE TYPE: CIVIL

By  Deputy

In re Temporary Funding of Core
Functions of the Executive Branch
Of the State of Minnesota

Court File No: 62-CV-11-5203

**MOTION OF MINNESOTA SCHOOL
BOARDS ASSOCIATION FOR LEAVE
TO PARTICIPATE AS *AMICUS CURIAE***

INTRODUCTION

The Minnesota School Boards Association (“MSBA”), a voluntary nonprofit association of public school boards in the State of Minnesota, requests leave of this Court to participate as *amicus curiae* in connection with the Petition filed by the Attorney General of the State of Minnesota in the above-captioned matter on June 13, 2011. MSBA represents school districts throughout the State in public forums, such as the Courts and the State Legislature. MSBA also provides information and services to its members and coordinates their relationships with other public and private groups. In addition, MSBA provides advice and guidance to its member school districts in a wide variety of areas, including policy matters, public finance and legal issues. MSBA has an ongoing relationship with the public school districts in the State of Minnesota. MSBA believes that the Court should be aware of the perspective of the public school districts in this State with regard to the present case.

More specifically, MSBA seeks to participate by expressing support for the Attorney General’s Petition, but also by bringing specific issues to the attention of the Court that were not addressed in either the 2001 or 2005 decisions. In this regard, the Legislature has

adopted certain open and standing or standing appropriations of certain education aids and credits. Since the appropriations have been made, the funds should be ordered to be paid notwithstanding a government shutdown.

I. MSBA Has a Significant Interest in the Present Case.

Minnesota school districts are charged under Minnesota and federal law to perform core functions on behalf of the State and federal government. This was the finding of this Court under similar circumstances in 2001 and 2005. Consequently, Minnesota school districts have a significant interest in an order providing for continued funding, including the payment of State and federal education aids to school districts.

Additionally, an issue not addressed by the Attorney General's Petition is the open and standing or standing appropriations provided for school districts in the law. It is the position of MSBA that even if public education was found to not be a core function of government that must continue to be funded, the funding of open and standing or standing appropriations is necessary and supported by the law.

Should a shutdown be realized, school districts will be significantly impacted without the continued receipt of State and federal education aids to school districts.

II. The Court Would be Aided by Participation of MSBA as *Amicus Curiae*.

MSBA has specific knowledge and understanding of the laws applicable to public school districts related to the performance of core functions on behalf of the State and federal government. MSBA also has specific knowledge and understanding with respect to the funding of school districts in Minnesota. The *amicus curiae* brief filed with this motion addresses these issues and the potential effects if funding is not continued.

III. Participation by MSBA as *Amicus Curiae* Would Not Prejudice Petitioner of Any Interested Person or Delay Disposition of this Case.

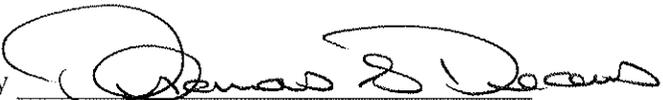
The issues discussed in the attached brief will not prejudice the Attorney General or any interested person as they are specific to the operation of public school districts in the State. In addition, consideration of the MSBA's arguments will not delay the Court's disposition of this case. This motion and the accompanying *amicus curiae* brief are intended to assist the Court in rendering a decision.

For the reasons stated above and in the accompanying *amicus curiae* brief, MSBA respectfully requests leave to participate as *amicus curiae* and to file the accompanying brief and participate in oral argument during the hearing scheduled for June 23, 2011.

Respectfully submitted,

KNUTSON, FLYNN & DEANS, PA

Dated: June 22, 2011

By 

Thomas S. Deans Atty. Reg. 21751
1155 Centre Pointe Drive, Suite 10
Mendota Heights, MN 55120
Phone: (651) 222-2811

Attorneys for *Amicus Curiae*
Minnesota School Boards Association

The undersigned hereby acknowledges that sanctions may be imposed pursuant to Minnesota Statutes § 549.211.

KNUTSON, FLYNN & DEANS, P.A.

By: 

Thomas S. Deans Atty. Reg. 21751
1155 Centre Pointe Drive, Suite 10
Mendota Heights, MN 55120
Phone: (651) 222-2811