

No. 347915-III

**COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION THREE**

QUINCY MARIN,

Appellant,

v.

SPOKANE PUBLIC SCHOOLS NO. 81,

Respondent.

**MOTION OF AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF**

ACLU OF WASHINGTON
FOUNDATION

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The American Civil Liberties Union of Washington (“ACLU”) respectfully moves pursuant to RAP 10.1(e) and 10.6 to file a brief as *amicus curiae* in this matter. The Brief of *Amicus Curiae* (“Brief”) is filed with this Motion. In support of this Motion, *amicus* offer the following information:

I. IDENTITY AND INTEREST OF *AMICUS*

The American Civil Liberties Union of Washington (“ACLU”) is a statewide, nonpartisan, nonprofit organization of over 75,000 members dedicated to the preservation and promotion of civil liberties. The ACLU has worked both to advance the constitutional right to education and to combat the school to prison pipeline, including in collaboration with community stakeholders in Spokane. The ACLU has submitted numerous *amicus* briefs to this Court and others.

II. FAMILIARITY WITH THE ARGUMENT

Counsel for *amicus* have obtained copies of, and are familiar with: the ruling and record of the lower court and the briefing submitted to this court by the Parties. *Amicus* is familiar with the scope of the Parties’ arguments and has not unduly repeated arguments raised or likely to be raised by the Parties.

III. ISSUES TO BE ADDRESSED BY *AMICUS*

1. Whether this Court should review the school board's decision upholding Quincy's suspension *de novo*.
2. Whether a student can be long-term suspended, meaning a months-long loss of schooling, for a first-time instance of misconduct, which did not involve a true threat.

IV. WHY *AMICUS* BRIEFING WILL ASSIST THIS COURT

The Washington Constitution, Article IX, section 1, makes education the paramount duty of the State. When students, like Quincy, are suspended from school for long terms, they suffer significant deprivation of the right to education. This Court's decision will determine the appropriate standards for judicial review of a school board's decision upholding a student suspension. *Amicus* provides additional authority and analysis of the issues before this Court, as well as context for the broader implications of this Court's decision. *Amicus'* argument will assist the Court's analysis. RAP 10.6(a).

The ACLU respectfully requests that the Court grant leave to file the *Amicus* Brief filed concurrently with this Motion.

RESPECTFULLY SUBMITTED this 10th day of April 2017.

By: /s/Nicole K. McGrath

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**COURT OF APPEALS FOR THE STATE OF WASHINGTON
DIVISION III**

No. 347915-III

QUINCY MARIN

v.

SPOKANE PUBLIC SCHOOLS NO. 81

I declare, under penalty of perjury, under the laws of the State of Washington, that on the date below, I caused to be served a copy of the *MOTION OF AMERICAN CIVIL LIBERTIES UNION OF WASHINGTON FOR LEAVE TO FILE AMICUS CURIAE BRIEF* in the following manner:

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Via Email with Consent

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Signed this 10th day of April, 2017, at Seattle, King County, WA.

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