U.S. Appeals Court Issues Landmark Ruling Recognizing Federal Right of Access to Literacy

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On April 23, the U.S. Court of Appeals for the Sixth Circuit issued a landmark decision recognizing a fundamental federal right to a basic minimum education and access to literacy. The ruling revived a lawsuit brought on behalf of a group of Detroit schoolchildren over poor conditions in the city's schools.

Reversing, in part, the lower court's decision, the Sixth Circuit recognized the rights to a minimum education and access to literacy as part of the 14th Amendment's substantive due process framework, guaranteeing the education needed "to provide access to skills that are essential for the basic exercise of other fundamental rights and liberties, most importantly participation in our political system."

Selendy & Gay contributed a critical amicus brief on behalf of Constitutional scholar and former Harvard Law School dean, Martha Minow, on the history of Brown v. Board of Education. In finding that a basic education is a fundamental right, the court's detailed opinion addressed the history of Brown v. Board, nearly mirroring the analysis proffered by Selendy & Gay.

Speaking with Education Dive, Lena Konanova, who led the filing of the amicus brief said, "I hope that Governor Whitmer's administration sits down with stakeholders to work out a settlement in the best interests of the students. It is important to note Judge Clay's opinion is remarkably well-situated in history and precedent. The Court draws a line from earliest days of our nation's history," from the Northwest Ordinance of 1787 through the Brown v. Board decision.

Read the full interview here.

The Selendy & Gay team on this case included Konanova, David Flugman, Jessica Underwood, Bria Delaney and Nick Klenow.

Attorneys

- Lena Konanova
- David S. Flugman

Practices

- Appellate
- Public Interest and Pro Bono