

Michigan Legislature Asks for Review of Decision in Right-To-Literacy Case

05/08/20

On April 23, the U.S. Court of Appeals for the Sixth Circuit issued a monumental ruling recognizing, for the first time in America's history, an explicit fundamental right to a minimally adequate education under the Due Process Clause of the U.S. Constitution.

In its decision, the court relied closely on an [amicus brief Selendy & Gay contributed on behalf of Constitutional scholar and former Harvard Law School dean](#), Martha Minow, concerning the history of Brown v. Board of Education.

In response to the landmark decision, the Michigan Legislature has intervened, requesting a full Sixth Circuit review and calling the ruling a "breathtaking attack on federalism" that "warrants en banc review." Meanwhile, the Detroit Public Schools Community District, educational advocacy groups and the plaintiffs in this case are urging Michigan Governor Gretchen Whitmer to settle the matter.

Speaking with Education Dive, Lena Konanova, who led the filing of Selendy & Gay's amicus brief, explained that a full review of the federal appellate court is possible because of the complexity of the case, but described the Legislature's request as "littered with ... easily dismissed scare tactics, like that 'roving federal judges' are operating 'to correct with no guiderails what they perceive to be societal wrongs.'"

Konanova added that the Michigan Legislature's belated attempt to insert itself into the proceedings is "based on the false premise that the Sixth Circuit's decision completely nullified the Legislature's authority and instead handed the federal courts 'control of the public-school system.'" She called that notion "a familiar bogeyman, flatly rejected by courts for decades."

Read the full article in [Education Dive](#).

Attorney

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