

IN THE DISTRICT COURT OF APPEAL
FOR THE FIRST DISTRICT OF FLORIDA

CASE NO. 1D16-2862

CITIZENS FOR STRONG SCHOOLS, INC., et al.,

Appellants,

v.

FLORIDA STATE BOARD OF EDUCATION, et al.,

Appellees.

**On Appeal from the Circuit Court of the Second Judicial Circuit
in and for Leon County, Florida**

L.T. Case No.: 09-CA-4534

AMICUS CURIAE BRIEF
IN SUPPORT OF APPELLANTS

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STATEMENT OF IDENTITY AND INTEREST IN THE CASE

I. Statement of Interest in the Case

The *Amici Curiae*'s¹ interest in this case is the education provided to the more than 70,000 homeless students in Florida. These homeless students make up a numerically large and important subset of the students whose education is the subject of this appeal. As organizations who are committed to serving those at-risk students, the *Amici Curiae*'s interest in this case is whether the Trial Court incorrectly held that the State of Florida is meeting its constitutional mandate to provide a high quality education for *all* students. The *Amici Curiae* submit that the Trial Court's ruling was incorrect as applied to Florida's homeless student population.

II. The *Amici Curiae*'s Respective Interests

The National Law Center of Homelessness & Poverty (the "Law Center") is the only national organization dedicated solely to using the power of the law to end and prevent homelessness. Through policy advocacy, public education, and impact litigation, the Law Center addresses the symptoms and root causes of homelessness by developing, advocating for and implementing effective laws and policies that

¹ The *Amici Curiae* are comprised of four organizations: (1) National Law Center on Homelessness & Poverty; (2) the Bassuk Center on Homeless and Vulnerable Children & Youth; (3) the Children and Youth Law Clinic at the University of Miami School of Law; and (4) the Disability and Public Benefits Clinic at Florida Coastal School of Law.

meet the immediate and long-term needs of those who are homeless or who are at risk of becoming homeless.

The Bassuk Center on Homeless and Vulnerable Children & Youth (“Bassuk Center”) connects and supports communities across the nation that are responding to family homelessness. Using research-based knowledge and evidence-based solutions, Bassuk Center advances policies and practices that ensure stabilization of homeless and vulnerable children, youth, and families and that promote their wellbeing.

The Children and Youth Law Clinic (“CYLC”) is an in-house legal clinic staffed by faculty and students of the University of Miami School of Law. Established in 1995, the CYLC engages in individual and law reform advocacy to serve the legal needs of vulnerable children, with a particular emphasis on the child welfare and juvenile justice systems.

The Disability and Public Benefits Clinic at Florida Coastal School of Law (the “Disability and Public Benefits Clinic”) represents disabled youth and adults in both civil and administrative tribunals, and more particularly, as Attorney *ad Litem* in dependency and delinquency cases. The Disability and Public Benefits Clinic represents transient and homeless youth in legal proceedings before the various judicial systems in Florida.

SUMMARY OF ARGUMENT

The evidence presented to the Trial Court overwhelmingly establishes that the State of Florida (the “State”) is not providing a high-quality education to homeless students. As a result, the Trial Court erred in finding that the State has satisfied its constitutional mandate to “make adequate provision for the education of **all children**... for a.... high quality system of free public schools that allows students to obtain a high quality education.” *See*, Fla. Const. Art. IX § 1(the “Education Article”) (emphasis added).

In fact, despite the voluminous evidence on the plight of homeless students, the Trial Court dedicated a paltry 2 out of the 169 pages of the findings of fact to homeless students. R. 3776-3777.² As the Trial Court’s brief attention to this important subset of students demonstrates, the Trial Court overlooked this subset of the Florida student population and failed to give proper weight to the Plaintiffs’ evidence with respect to homeless students as a component of all students. In fact, the Trial Court did not even consider or address the special needs of the homeless students, which must be addressed in order to provide them with the high quality education the law requires. Instead, the Trial Court dismissed the evidence on homeless students’ specialized needs as needs for ‘social services’ for which the

² Citations to the Record and Supplemental Record, will be to the Record and page number, *e.g.*, R. 534. Citations to the trial transcript will be to the transcript volume, page and line, *e.g.*, Tr. v.6, 791:18-792:11. Citations to the trial exhibits, which were sent by the lower court via separate CD, will be to the Exhibit number and page therein, *e.g.*, Ex. 4040, at 45.

Education Article is not concerned, regardless of the effects of those needs on the education ultimately obtained. *See*, R. 3777. The Trial Court also failed to take into account the significant under achievement of homeless students *vis-a-vis* their stably-housed peers and the fact that the academic performance of homeless students has, at best, remained at the same low levels as in previous years. Finally, the Trial Court failed to address the lack of funding provided by the State to school districts to address the needs of homeless students, as a distinct student population, and how that lack of funding negatively impacts the education of homeless students.

Instead, the Trial Court appears to rely on the U.S. Department of Education's finding of the State as compliant with the McKinney Vento Homeless Assistance Act ("McKinney Vento") as proof that the State is meeting its constitutional mandate, as set forth in the Education Article. R. 3564, R. 3776-3777. However, the Trial Court's Findings of Fact address the wrong question. Whether the State is in compliance with McKinney Vento has no bearing on whether it is in compliance with the higher educational standard mandated by the Florida Constitution. McKinney Vento is the floor with which the state must comply under federal law, but in Florida, the Education Article provides a higher educational standard as mandated by the citizens of Florida. Therefore, the questions is whether Florida meets the higher educational standard in the

Education Article, rather than the standard imposed by McKinney Vento. *See e.g., Oregon v. Hass*, 420 U.S. 714, 719 (1975) (holding that where a state requires more than that required under McKinney Vento, courts will enforce the additional requirements imposed by the state). As a result, the Trial Court failed to consider the relevant evidence before that the State does not meet this higher educational standard, particularly as applied to its homeless students.

ARGUMENT

I. Florida’s Constitution Mandates that the State Provide All Children with a High Quality Education.

Article IX of Florida’s Constitution provides in relevant part that:

The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of **all** children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and **high quality** system of free public schools that allows students to obtain a **high quality education**...

Fla. Const. Art. IX § 1 (emphases added). The incorporation of the “paramount duty” language to the Education Article, as amended in 1998, represents a return to the education article of the 1868 Constitution of the State, which provided that “it is the paramount duty of the State to make ample provisions for the education of all children residing within its borders, without distinction or preference,” and represented an intent by the legislature to impose a maximum duty on the State to provide for education. *Bush v. Holmes*, 919 So. 2d 392 (Fla. 2006) (*citing*,

William A. Buzzett and Deborah K. Kearney, Commentary, art. IX, § 1, 26A Fla. Stat. Annot. (West Supp. 2006)). This paramount duty requires the State to fulfill its constitutional mandate by providing a high quality education to all children residing in Florida. The State must ensure that the education provided to its student population is both uniform and high quality, in addition to safe, secure and efficient. *See, Holmes*, 919 So. 2d at 408-409 (holding that the State could not divert funds from public schools through scholarship programs that allow attendance at private schools because to do so “undermines the system of ‘high quality’ free public schools that are the sole authorized means of fulfilling the constitutional mandate to provide for the education of all children residing in Florida.”).

The Education Article’s strong mandate for a high quality education for **all children**, includes homeless children within Florida’s borders. A homeless child is defined as one who lacks a fixed, regular, and adequate nighttime residence. 42 U.S.C. § 11434a(2)(A); Fla. Stat. § 1003.01(12). This includes children who are sharing homes with non-family, those awaiting foster placement, and those who are living in motels, hotels, shelters, cars, parks, public spaces, abandoned buildings or similar settings. 42 U.S.C. § 11434a(2)(B)(i)-(iii); *also see*, Tr. v.2, 183:3-14.

The State of Florida has the fourth largest number of homeless students in the United States, representing 5% of the Nation's homeless student population. Ex. 3945 at 147143 fn. 2. This equates to over 70,000 homeless students in 2012-2013 state wide. *See, id*; Ex. 1689; Tr. v.2, 184:3-12. This number represents a 45% increase from the number in school year 2009-2010. *Id.* Despite the high number of homeless students, the State has failed to create a plan to ensure it is meeting the mandate imposed by the Education Article with respect to these students. For example, while funding is based upon the number of identified homeless students, current funding does not take into account the identified and individualized needs of homeless students. Tr. v.8, 1223:4-25; 1224:1-11. As a result, homeless students' needs are not being addressed through funding and the failure to identify and address the needs of homeless students is evident in their performance scores, both as standalone scores and as compared to their peers, as discussed below. *See, Tr. v.8, 1226:11-21.* As a result, the State is failing to fund a high quality education of homeless students in contradiction to the mandate imposed on it by the Education Article.

II. The State is Not Meeting the Constitutional Mandate

A. Homeless Students Have Multidimensional Needs that the State Must Address Through the Educational System.

Evidence presented at trial demonstrates that homeless children have unique, yet, identifiable needs which if addressed, improve educational outcomes. Tr. v.2, 218:1-25; 219:1-13. For example 61% of girls and 16% of boys report sexual abuse at home as reason for running away. Estes, R. & Weiner, N. (2001), *Commercial sexual exploitation of children in the U.S., Canada, and Mexico*, Philadelphia, PA: University of Pennsylvania. Forty-six percent of homeless youth reported being physically abused, 38% reported being emotionally abused, and 17% reported being forced into unwanted sexual activity by a family or household member. Nat'l State Conference of State Legislatures, *Homeless and Runaway Youth* (2016).³ Between 6% and 22% of homeless girls are pregnant. *Id.* Additionally, many homeless students live with drug abusers or abuse drugs themselves. *See*, Tr. v.28, 4293:2-16. These life circumstances and trauma experienced by homeless children shape their ability to learn and behave at school (Tr. v.2, 221:11-25; 222:1-18) resulting in an astonishing 75% dropout rate. Nat'l State Conference of State Legislatures, *Homeless and Runaway Youth* (2016).

³ Retrieved from <http://www.ncsl.org/research/human-services/homeless-and-runaway-youth.aspx> (last retrieved Nov. 2, 2016).

The impact of poverty and lack of resources were described during trial by one teacher in Alachua county: “[the children in poverty] have experienced trauma in their home lives . . . [the children have been] sexually abused . . . physically and emotionally abused. So that impacts a classroom in many ways. We’ll have students who shut down, so they may be present, they may be looking at me, but that doesn’t mean that they’re learning and processing what’s happening in the classroom.” Tr. v.13, 1890:12-22. These children, even first graders, act out and can be aggressive. Tr. v.13, 1891:8-20; Tr. v.2, 222:10-18.

The Trial Court characterized the needs of homeless students as a need for social, not educational services. R. 3565-66. Certainly, homeless children need social services, too. But where their life circumstances impact academic performance, behavior at school and the safety of other students while in the classroom, **it is an educational issue.** *See* Education for Homeless Children and Youths Program Non-Regulatory Guidance at p. 16 (July 27, 2016) (discussing that homeless education coordinators should coordinate and consult with state and local agencies to “to minimize educational disruption for children and youths who become homeless”).⁴

Furthermore, the Education Article dictates that the State has a “paramount duty” to make adequate provision for “all students” to obtain a high quality

⁴ Retrieved from <http://www2.ed.gov/policy/elsec/leg/essa/index.html> last retrieved 11/1/2016.

education. Fla. Const. Art. IX § 1. Therefore, if homeless students experience life circumstances that impact their ability to behave appropriately and this impacts their ability to learn as well as the ability of other children to learn, Florida's constitution mandates that the State must address these issues.

Despite the obvious multidimensional needs of homeless students, the State has conducted no analysis on whether the school districts have sufficient funding to provide needed services to homeless youth to help them overcome the obstacles to them receiving high quality education. Tr. v.8, 1226:11-21. The State has not undertaken any statewide analysis of the retention rate or promotion rate of homeless students. Tr. v.8, 1223:4-25; 1224:1-11. Finally, Florida has not conducted any analysis as to the educational needs of homeless students for supplemental services such as tutoring, social workers, counseling services, behavioral specialists, and mental health services. Tr. v.8, 1224:6-11. While the Trial Court held that the State has met its mandate, this ruling is particularly troubling given the State's lack of analysis and information on the educational needs of its homeless student population. The evidence presented to the Trial Court clearly demonstrated that the State has woefully failed a large segment of Florida's most vulnerable children and the Trial Court completely failed to consider this evidence.

B. Homeless Students in Florida Consistently Underperform in Academics Compared to the Student Population as a Whole

The Trial Court declared "Florida has seen a dramatic increase in student achievement on a variety of measures, including national and international assessments, state assessments, graduation rates, and Advanced Placement participation and performance." R. at 3474. While this may be true for some students, it is not true for the homeless children. *See, e.g.* Ex. 1544. In some circumstances homeless students' performance has actually declined significantly when compared to homeless children in other states. *Id.* (Reflecting 4th grade reading proficiency of Florida homeless students dropped by 11% while remaining constant nationwide over the same period). With the evidence of stagnant and even declining performance, it is clear "high quality" education is not being provided to **all** Florida students. The Trial Court did not consider the evidence regarding the performance of homeless students in ruling that the State is meeting its obligation under the Education Article.

The Trial Court was also presented with evidence there is a significant gap in school performance between the performance of these students and their stably-housed peers. Tr. v.2, 181:15-18; 196:4-11. Homeless children consistently perform worse on standardized assessments of reading, math, science, and language as compared to the student population as a whole. Ex. 1544-1549. For

example, achievement and test score data collected from the FCAT and FCAT 2 indicate that homeless students in the state of Florida are not achieving at the same level as their peers. Tr. v.2, 178:2-8; 217:20-25. In fact, there is a measurably large achievement gap between homeless students compared with low-income students and with the general student population. Tr. v.2, 178:12-16; 180, 12-16. This achievement gap between homeless students and their peers has remained constant over at least the last six years. *Id.*; Tr. v. 2, 196:4-11. In some instances, this gap is significant. For example, in academic year 2011-2012, 62% of the States' fourth grade student population achieved reading proficiency, 52% of low-income fourth grade students achieved reading proficiency, while only 44% of Florida's homeless fourth grade students achieved reading proficiency. Ex. 1544.

The under achievement gap between homeless students, their low-income peers and the general population of Florida students on assessments continues at the 8th grade and high school assessment levels as well. Tr. v.2, 181:15-18. For example, in 2013, only 32% of homeless high school students were able to pass the State-administered reading test, compared to the 42% of low-income students and 54% of the overall high school population. Tr., v.2, 206:14-17; Ex. 1546. In fact, undisputed evidence confirms that the achievement gap between homeless students, low-income students, and the general student population, stays nearly the same for the 4th grade, 8th grade, and high school assessments. Tr. v.2, 207:2-4,

13-18; Ex. 1547; Ex. 1548; Ex. 1549. Likewise, the overall Florida general and low-income student populations outperform homeless students in math proficiency in 4th grade, 8th grade, and high school levels. Ex. 1547, Ex. 1548, Ex. 1549. In 2013, the math proficiency of Florida homeless students was bleak in comparison to low-income and overall student population, with just 44% of 4th grade homeless students, 37% of 8th grade homeless students, and 44% of high school homeless students testing at a proficient level in math. Tr. v.2, 207:17-19; Exs. 1547-1549. Significantly, in the county with the highest achievement rate, St. Johns County, the gap between homeless students and the remaining student population was 35% in math and 34% in reading on the 2014 FCAT 2.0. Ex. 3588, at 96647-48, 96681. This suggests that even in counties where resources necessary to provide a high quality education are sufficient, homeless students have needs that are neither identified nor addressed in a manner that allows them to achieve at the same educational proficiency level as other students.

Given these dramatic differences in achievement scores within the Florida student population, the Trial Court's conclusion that the State is meeting its constitutional mandate based upon the notion that the achievement scores have gone up over time is simply erroneous. *See, e.g.*, R. at 3474. The undisputed evidence confirms that the achievement gap between homeless students and low-income students, and the larger gap between homeless students and Florida

students overall, has remained constant over the last six years. Tr., v.2, 181:15-18. Thus, the achievement gap for these students is not narrowing, contrary to the Trial Court's finding of fact that performance for Florida's students is improving. R. at 3475. It is apparent that Trial Court completely ignored the performance of homeless students when determining the State has met its constitutional mandate.⁵

Evidence was presented to the Trial Court that homeless students can achieve performance scores closer to their peers if they are given the proper tools. Tr. v. 2, 218: 1-25; 219:1, 21920-25, 220:1-18. Given that there are empirically based remedies available to help close the achievement gap for homeless students, it is incumbent upon the State to utilize those tools in order to satisfy the requirements of the Education Article. Florida homeless students' achievement scores demonstrate that they are simply not performing on the same level as their peers and are not provided the tools they need to close the achievement gap. Tr. v. 2, 202: 5-20, 227:8-20. The school districts simply do not have adequate funding from the State to provide these tools. *See, e.g.* Tr. v.5, 597:13-598:8; v.6, 742:24-

⁵ In finding that the State has met the constitutional mandate of the Education Article, the Trial Court focused on the scores received on the National Assessment of Education Progress ("NAEP"), which provides assessment scores for each state. *See, e.g.* R. 3381, 3475-3481. However, reliance on the NAEP scores is misplaced, as NAEP is not aligned with the standards required by the Education Article. And specifically with respect to homeless students, NAEP scores cannot be used as a measure of whether the State is meeting the requirements of the Education Article because the NAEP scores fail to differentiate homeless students from low-income students. Tr. v.2, 203:7-14.

743:16, 791:18-792:11, 796:25-797:9, 797:23-798:8, 879:22-880:10; v.7, 985:12-986:6, v.7, 1059:25-1060:13, 1071:16-1072:3, 1073:22-1074:6, 1076:24- 1077:1, 1100:16-19; v.9, 1280:15-1281:9, 1287:25-1289:11; v.13, 1898:4-8, 1900:1-4, 15-17, 2013:16-24; v.22, 3237:2-17.

C. Federal Funding is Inadequate to Meet the Needs of Homeless Students.

Florida's only source of funding solely dedicated to homeless students comes from the federal government. Yet, the amount of funding has fallen while the number of identified homeless students has risen. For example, federal funding for homeless students fell from \$3,283,463 in 2010 to \$3,274,156 in 2013. Ex. 3580. Thereafter, federal funding was relatively consistent in 2014-2015 compared to 2012-2013. *Id.* While the funding has dipped and then remained stagnant, the homeless student population has increased by 45% (from 49,112 in 2009-2010 to 71,446 in 2013-2014). Exs. 3580; 1690. This amounts to \$66.86 per homeless child in 2010 to \$45.83 per homeless child in 2013. And these are just children who have been identified. Despite Florida's heightened constitutional educational standards, Florida does not dedicate any funds (apart from federal funds) for the education of homeless students. Tr. v.8, 1225:16-23.

Furthermore, evidence presented to the Trial Court demonstrates that funding for students in poverty decreases the achievement gap between affluent

and non-affluent children. Tr. v.5, 626:20-24; Tr. v2, 164:18–165:18. The services traditionally provided by increased funding include tutoring services and summer learning programs. An example is Union City, New Jersey where “substantial increased funding . . . was directed toward particular programs for kids from poverty backgrounds and English language learners . . . [and] test scores for Union City were on par with the most affluent, high-performing school districts in the state of New Jersey.” Tr. v.2, 164:18-165:18. In fact, most states, not including Florida, consider the extra costs of providing additional services to impoverished children who are “at risk” and build this into the overall costs of providing education. Tr. v.2, 107:8-14; 155:23-25; 156:1-2. In fact, research shows generally that weighting in a state’s spending formula for children from poverty background and extra spending on services for these children leads to beneficial results and better performance. Tr. v.2, 161:7-13; 140:17-25. The evidence shows that more funding improves educational performance and Florida’s constitution requires that the State provide adequate provision for **all** children.

D. The Current Funding Scheme is Insufficient to Meet the Needs of Homeless Students.

Despite evidence that additional funds for children in poverty improves outcomes, Florida does not account for poverty in its educational funding plan. Tr. v.16, 2416:24-2417:1. Instead, Florida provides resources based on the number of

students with additional funding per student for low performing schools. There is no additional weight based on the number of homelessness students. Tr. v.34, 5088:25-5089:5. This creates a disparity in the amounts of funds provided to districts per homeless student. For example, in academic year 2013-2014 as an example, Leon County had 702 homeless students. Ex. 3568. Brevard County had 1690 homeless students. Trial Ex. 3568. Leon County received \$103,950 of federal funding allocated by the State for homeless students while Brevard County received \$101,000. *See*, Exs. 3568; 3573-3579. Thus, Brevard received slightly less than Leon in federal funds for homeless students even though Brevard had more than twice as many homeless students that academic year. *See, id.*

Current allocated federal funds are not sufficient to meet the education needs of homeless students. In counties where there are high numbers of homeless students like Hillsborough, Miami-Dade, and Polk, school districts have relied on private donations to meet the **basic** academic needs of homeless children and youth. Ex. 3568. For example, in Hillsborough county, the school district obtained school supplies and care packages for unaccompanied homeless students graduating from high school as a result of a community partner donation. Ex. 3699, at 104457-58. Similarly, in Miami-Dade and Polk, donations were used to provide school uniforms and school supplies. Ex. 3699, at 104314, 104319,

104329, 104682. It is clear that more State funding is needed to meet the needs of these homeless students. Exs. 3568, 3573-3579.

In order to ensure all students have a long-term chance for success, districts need consistent additional funds to address the specialized needs of homeless students. *See*, Tr. v.6, 742:1-23. Evidence presented to the Trial Court reflects that When school districts are forced to rely on private donations to provide basic resources, there is clearly insufficient funds. *See*, Ex. 3568, Exs. 3573-3579. Yet, evidence supplied to the Trial Court shows that additional academic services could help overcome the achievement gap Florida's homeless children experience *vis a vis* their stably-housed peers. *See*, Tr. v.2, 164:18-165:18; Tr. v.2, 161:7-13; 140:17-25. The Education Article dictates that since additional resources for academic support increases educational outcomes (*see*, Tr. v.2, 161:7-13; 140:17-25), the State must provide these resources.

E. Compliance With Federal Law (McKinney-Vento) is Necessary But Not Sufficient.

The Trial Court relied on the State's compliance with McKinney-Vento as a basis for finding that it is meeting the requirements of the Education Article with respect to homeless students. R. at 3777. The Trial Court's findings are erroneous. McKinney-Vento does not impose the same requirements on the State as the Education Article. Federal law often imposes a minimum standard while allowing

states to require more rigorous standards, if the individual states so choose. *See e.g., Oregon v. Hass*, 420 U.S. 714, 719 (1975). Where state law requires more, the courts will enforce those heightened requirements. *See id.* Here, Florida's Constitution requires more for homeless students than federal law.

McKinney-Vento is a federal program that provides grants earmarked for homeless children to states that meet certain criteria. 42 U.S.C. § 11301 *et seq.* While the intent of McKinney-Vento is to assist homeless students by removing educational barriers, the law itself sets a very low bar for compliance that is not tied to any measure of whether or not a district is successfully dealing with the issues most affecting homeless students. Tr. v. 2, 184:19-22; 221:2-10, 8-10. Rather, the main component of McKinney-Vento that must be complied with to receive funds is the **identification** of homeless students and the **identification** of the needs of homeless students. Tr. v. 2, 184:19-22; Tr., v.8, 1221:13-18; Ex. 1471. McKinney-Vento does not require that homeless children meet any academic criteria for a district to receive funding. Tr. v.8, 1220:9-24. In fact, McKinney-Vento does not require the State to identify or address any **academic** problems at all. Tr. v.2, 221:1-10. McKinney-Vento simply lacks an accountability requirement for ensuring that the educational barriers affecting homeless students are removed. Despite the stated purpose of the law, to remove

barriers to education, the enforcement mechanism - access to federal funds - focuses on identifying rather than fixing such issues. *Id.*

On the other hand, the Education Article mandates that it is a paramount duty of the State to provide adequate provision for the education of all children within its borders such that these children obtain a high quality education. Fla. Const. Art. IX § 1. The Education Article clearly requires more than the collection of basic data required by McKinney-Vento. In fact, the 1998 Constitution Commission drafted the current version of the Education Article with the specific intent to establish education as a "fundamental value" and to impose on the state a "paramount duty" to make adequate provision for the highest quality education for all of Florida's children. *Bush v. Holmes*, 919 So. 2d at 403 (Fla. 2006). The State's compliance with McKinney-Vento's requirement that it collect data on homeless students says nothing about whether it is successfully meeting its paramount duty to provide Florida's homeless students with a high quality education. As a result, the Trial Court erroneously concluded that the State is meeting its educational obligation because it has satisfied the federal requirements of McKinney-Vento.

CONCLUSION

Florida's Constitution mandates that the State provide all students with a high quality education. Homeless students are a particularly vulnerable subset of

the student population, and have unique life circumstances which present academic and behavioral challenges in the school system. The testimony and other evidence presented at trial reflected that the State is failing to adequately address these needs which has resulted in woefully inferior academic performance. Not only is the state failing to address the unique needs of homeless children, the State has not even conducted any studies on what it would take to properly address the needs of its homeless students. This is despite research and evidence that additional services and funding would increase the academic performance of homeless students. For these reasons, the State is not meeting its constitutional obligation to homeless children and as a result, the Trial Court's ruling must be overturned.

CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2016, I electronically filed the foregoing document using the eDCA system and a true and correct copy of the foregoing document was served by email pursuant to Fla. R. Jud. Admin. 2.516 to all counsel of record on the attached Service List.

CERTIFICATE OF COMPLIANCE

I certify compliance with Fla. R. App. P. 9.210(a)(2) and that the font of this brief is Times New Roman 14–point font.

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