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## **Court rules for ACLU-MN taxpayer standing in charter school case**

*Decision allows ACLU-MN to protect public money*

St. Paul, MN -- Today, U.S District Court Judge Donovan Frank ruled that the ACLU-MN has taxpayer standing to protect public funds in a lawsuit filed on behalf of its members against Tarek ibn Ziyad Academy (TIZA), its sponsor, Islamic Relief, and the Commissioner of the Minnesota Department of Education. The lawsuit argues that TIZA's policies and operations improperly promote religion in violation of the Establishment Clause. The ruling came down in response to the motions to dismiss filed by the defendants, arguing, among other things, that the ACLU-MN did not have standing to sue. The Court rejected the argument and found that the ACLU-MN had demonstrated that it has standing to sue on behalf of its taxpaying members.

The Court noted that its decision "underscores the importance of taxpayer standing, particularly when there is no other party to sue." The Court opined that, while TIZA students or their parents could raise an Establishment Clause challenge against TIZA, "[i]t seems unlikely that a parent or student of TIZA, who presumably attends the school because of its particularized program, would challenge the program of choice."

"We are grateful that the judge held that we have standing in this case," said ACLU-MN Executive Director Chuck Samuelson. "We believe that it is important to ensure that taxpayer funds are used appropriately. TIZA has received millions of dollars of taxpayer funds and we have the right to question how these public funds are being used," Samuelson said.

In its ruling, the Court also rejected the Defendant's arguments that the lawsuit should be dismissed as moot, that the ACLU-MN should have exhausted administrative remedies and that the Court should abstain from exercising jurisdiction in the case. The Court granted the dismissal of claims raising statutory violations and claims against the Minnesota Department of Education as an entity. The ACLU-MN did not contest the dismissal of those claims. "We look forward to the next stages of this litigation and the opportunity to prove our claims," said ACLU-MN Legal Counsel Teresa Nelson.

The ACLU-MN is represented by ACLU-MN cooperating attorneys Peter Lancaster, Christopher Amundson and Ivan Ludmer from the law firm of Dorsey and Whitney.