



Forbes Solutions PLLC

Review and Update Alejandro Cruz Guzman

Presented to AMSD Board of Directors Meeting
August 13, 2021



Review



The Timeline-how did we get here?
Alejandro Cruz Guzman
Proposed Settlement/New Legislation
Current Status
Justice Page's Proposed Amendment
Reimagine Minnesota Discussion

The Timeline-How did we get here?

1. Booker v. Special School Dist. No. 1, Minneapolis, Minn., 351 F. Supp. 799 (D. Minn. 1972).
2. Skeen v. State of Minnesota, 505 N.W.2d 299 (Minn. 1993).
3. Minneapolis Branch of the NAACP v. State of Minnesota., No. 95-14800 (Minn. Dist. Ct. filed 1995)

The Struggle

The Education Clause of Minnesota Constitution provides:

“Uniform system of public schools. The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools. The legislature shall make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.”

Minn. Const. art. XIII, §1.

Booker Cases

Key Principle of *Brown v. Board of Education*

Segregation imposed by law is unconstitutional

If the District is found to be segregated by law, it must be integrated.

Findings:

- The districts decisions regarding school construction, size and location of certain schools.
- Intentional drawing of attendance lines that effectively increased segregated schools.
- The districts transfer policy allowing special transfers between schools and agreements between principals.
- Optional attendance zones along the perimeters of minority neighborhood with the intended effect of allowing white students to “escape” schools with heavy minority enrollments.
- Employment practices and assignment of teachers based on race.
- The district was aware of the high degree of residential segregation due to discrimination and the school board members admitted that public pressure against desegregation and integration influenced their decisions.

Skeen

Three Important Points:

1. Students have a fundamental right to a general and uniform system of public education, which provides an adequate education. However, that right does not extend to any particular funding scheme.,
2. The State has a legitimate interest in encouraging school districts to supplement the basic revenue component because it must balance the competing interests of equality, efficiency and limited local control; and
3. Absent glaring disparities, the responsibility for devising a school funding system is best left to the legislature.

MPS 1995 NAACP Case

The NAACP on behalf of residents and students of MPS filed a class action lawsuit in State Court against the State and various officials and agencies alleging that MPS children were receiving inadequate education because it was segregated, and unequal compared to the education that suburban public-school children receive.

Included Race and Poverty

- Lawsuit alleged that the State maintained a system of concentrated poverty and racial segregation that as a result interfered with the children receiving an adequate education.
- Plaintiffs cited research to show that low-income students were twice as likely to achieve at higher levels in suburban districts.
- The case was settled in 2000 on the eve of trial by creating a four-year voluntary “Choice is Yours” program that included voluntary busing of low-income Minneapolis students to suburban schools.
- The program was expanded in 2002 through a federal grant.
- In June 2005 the legal settlement of the NAACP lawsuit expired.

Alejandro Cruz-Guzman, et. al. v. State of Minnesota et. al.

The Complaint

Plaintiffs

- MPS and St. Paul children represented by Daniel Schulman-the same attorney that represented the plaintiffs in the 1995 NAACP adequacy lawsuit.
- A class action complaint against the State of MN, MN Senate and House, MDE and Commissioner in November 2015. It claims:
 - Minnesota Constitution requires State to provide a general and uniform system of public education.
 - Skeen holds this requirement mandates a fundamental right to adequate education.
 - Students enrolled in MSP and SPPS attend segregated, unequal and therefore inadequate schools.
 - Plaintiffs want a declaration that the State has failed to carry out its mandate, therefore depriving Plaintiffs of their fundamental constitutional right to an adequate education.

Intervenors

- Three Charter Schools/representative parents have been allowed to intervene because “If Plaintiffs prevail, Plaintiffs clearly envision that charter schools would be subject to remedies to eradicate segregation since charter schools are public schools.” Trial court later determined that they must also comply with integration mandates.

State's Alleged Failures

Improper oversight of district activities that include:
Open enrollment, transfer policies, formation of charter schools, drawing and redrawing of school boundaries, discriminatory discipline and suspension policies, discriminatory assignment of teachers, misallocation of resources, improper and abusive use of special education services, alternative schools, magnet schools and other similar programs.

Progress

- Motion to Dismiss at Trial Court level in April 2016
- Plaintiffs and Defendant's Appeal Trial Court Decision
 - Plaintiffs' educational claim is based on a qualitative standard ("adequate education"), which must be established/defined, by the legislature.
 - All claims (including Equal Protection and Due Process) arise out of the adequacy in education claim. Therefore the matter is not justiciable (cannot be decided by the Court) but is a matter for the legislature.
 - The Court of Appeals did not address immunity or indispensable party issues.
- Minnesota Supreme Court accepts Certiorari.
Numerous parties submit amicus briefs (friend of the court) to assist the court in its analysis.

2018 Supreme Court reversed the Court of Appeals and reinstated the matter-Back to the trial court

- Legislature has a duty (which is a mandate, not just a grant of power) to “establish a general and uniform system of public schools.”
- Funding shall secure a thorough and efficient system of public schools throughout the state.
- The fundamental right recognized is “a right to a general and uniform system of education that is thorough and efficient, that is supported by sufficient and uniform funding, and that provides an adequate education to all students in Minnesota” (Opinion at p.17),
- The judiciary decides whether the Legislature has complied with the constitutional mandate,
- Legislature must meet a baseline level or it has not fulfilled the duty to provide an adequate education,
- The Court references *Pauley v. Kelly* (also addressed in *Skeen*) regarding measures of qualitative assessment.

Current Status

- Case was mediated from 2019-2021.
- The honorable Pamela Alexander and Judy Mares-Dixon were the mediators.
- All parties participated in the mediation.
- The Superintendents presented the Reimagine work and were asked to convene a small advisory/listening group to hear proposals as the mediation progressed.
- As a result, New legislation was introduced during 2020-2021 legislative session to repeal old Achievement and Integration law and introduce new law that incorporates settlement agreement language.
- It was not voted on.
- Parties are now in discovery with trial date set for October 2022.

Justice Page's Proposed Amendment to the Education Clause

- Equal Right To Quality Public Education

All children have a fundamental right to a quality public education that fully prepares them with the skills necessary for participation in the economy, our democracy, and society, as measured against uniform achievement standards set forth by the state. It is a paramount duty of the state to ensure quality public schools that fulfill this fundamental right. ***The duty of the state established in this section does not infringe on the right of a parent to choose for their child a private, religious, or home school as an alternative to public education.***

Why the change?

- The Achievement Gap
Threatening economic competitiveness-BIPOC and low- and moderate-income families.
- Dissatisfaction with Skeen v. State (adequate education)
“The States duty toward its children is not satisfied unless it provides equal educational opportunities for all children”.
“It is time to shift the paradigm in Minnesota from focusing solely on education systems to focusing on children and the outcomes they need to thrive in society”.
- The inclusion of QUALITY in the title describes the objectives.
Fundamental in the body implies equality-needs to be up front and intentional.

Cont.

- New legislation focuses on All children and not just students.
Early childhood education.
- “Skills necessary for participation in the economy, our democracy, and society”
Emphasizes outcomes and the role of education in a child’s development. Includes critical thinking and decision-making skills.
- “As measured against uniform achievement standards set forth by the state”
Provides for an objective standard in the constitution by which the state’s performance is measured.

Cont.

- “Paramount duty of the State”

Highlights the importance of education and to clarify the State’s duty to ensure quality education, consistent with the “fundamental right” of children.

New proposal references the State not just the legislature thereby giving all three branches of government the duty to children with a quality education.

History:

How did Alejandro Cruz Guzman cause us to look to our community for guidance?

Future:

How do we continue to bring lasting change during the pandemic and in the midst Resistance?

The History-2015

Take No Action		Intervene		Create an Educational Action Plan	
Pro's	Con's	Pro's	Con's	Pro's	Con's

What is this calling you to do?

Reimagine Work

12 World Cafes

Student Conference

Business Leaders Conference

Synthesis Workshops

AMSD Reimagine hosted team meetings for cross
pollination of ideas and support/ Inter-District Work
Sessions, Design and Collaboration

Plan was Developed

Reimagine Minnesota/Nine Strategies

1. Cultural Competency for teachers (everyone)
2. Recruitment and Retention
3. Community Bridges
4. Personalized Education
5. Student Voice
6. Shared Understanding
7. Cultural Inclusivity
8. Adult Behaviors
9. Statewide Funding

Powerful Question

How might my guidance/work require me to be a Critical Race Theorist?