

The Law

Education Clause of the Minnesota Constitution provides: “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”.¹

Alejandro Cruz-Guzman v. State of Minnesota et.al., (A16-1265), affirms that the Legislature has a constitutional duty to provide “a general and uniform system of public schools” that is “thorough and efficient” and “ensure(s) a regular method throughout the state, whereby all may be enabled to acquire an education which will fit them to discharge intelligently their duties as citizens of the republic”.² The State is also “required (pursuant to the Education Clause cited above) to provide enough funds to ensure that each student receives and adequate education and that the funds are distributed in a uniform manner”.³

The Supreme Court in ***Brown v. Board of Education***, 347 U.S. 483 (1954) concluded, “In the field of public education the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Segregation deprives school children of the equal protection of the laws guaranteed by the Fourteenth Amendment. Id.

Plaintiffs in ***Alejandro*** contend that if schools are segregated, they cannot provide an adequate education pursuant to the Minnesota Education Clause. Therefore, failure to provide for an adequate education is a deprivation of a constitutional right.

State Law⁴

Minnesota Statute section 124D.855 prohibits school segregation. It provides: The state, consistent with section 123B.30 and chapter 363A, does not condone separating school children of different socioeconomic, demographic, ethnic, or racial backgrounds into distinct public schools. Instead, the state's interest lies in offering children a diverse and nondiscriminatory educational experience.

Minnesota Statute section 123B.30 provides: No district shall classify its pupils with reference to race, color, social position, or nationality, nor separate its pupils into different schools or departments upon any of such grounds. Any district so classifying or separating any of its pupils or denying school privileges to any of its pupils upon any such ground shall forfeit its share in all apportioned school funds for any apportionment period in which such classification, separation, or exclusion shall occur or continue. The state commissioner upon notice to the offending district and upon proof of the violation of the provisions of this section, shall withhold in the semiannual apportionment the share of such district and the county auditor shall thereupon exclude such district from the apportionment for such period.

Minnesota Statute section 363A.13 Subd. 1 prohibits discrimination in educational institutions. The **Minnesota Human Rights Act** provides in part: “It is an unfair discriminatory practice to discriminate in any manner in the full utilization of or benefit from any educational institution, or the services rendered thereby to any person because of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability, or to fail to ensure physical and program access for disabled persons”. In addition, **Minnesota Statute 363A.13 Subd. 2** provides: “It is an unfair discriminatory practice to exclude, expel, or otherwise discriminate against a person seeking admission as a student, or a person enrolled as a student because of race, color, creed, religion, national origin, sex, age, marital status, status with regard to public assistance, sexual orientation, or disability.”

Definition of Segregation in Minnesota. Segregation as defined by **Minnesota Rule 3535.0110, subpart 9**, in public schools; "**Segregation**" means the intentional act or acts by a school district that has the discriminatory purpose of causing a student to attend or not attend particular programs or schools within the district on the basis of the student's race and that causes a concentration of protected students at a particular school.

Exceptions: It is not segregation for a concentration of protected students or white students to exist within schools or school districts: (1) if the concentration is not the result of intentional acts motivated by a discriminatory purpose; (2) if the concentration occurs at schools providing equitable educational opportunities based on the factors identified in part 3535.0130, subpart 2; and (3) if the concentration of protected students has occurred as the result of choices by parents, students, or both⁵.

The purpose of **Minnesota Rule parts 3535.0110 to 3535.0180** is to: A. recognize that the primary goal of public education is to enable all students to have opportunities to achieve academic success; B. reaffirm the State of Minnesota's commitment to the importance of integration in its public schools; C. recognize that while there are societal benefits from schools that are racially balanced, there are many factors which can impact the ability of school districts to provide racially balanced schools, including housing, jobs, and transportation; D. recognize that providing parents a choice regarding where their children should attend school is an important component of Minnesota's education policy; E. recognize that there are parents for whom having their children attend integrated schools is an essential component of their children's education; F. prevent segregation, as defined in part **3535.0110, subpart 9**, in public schools; G. encourage districts to provide opportunities for students to attend schools that are racially balanced when compared to other schools within the district; H. provide a system that identifies the presence of racially isolated districts and encourage adjoining districts to work cooperatively to improve cross-district integration, while giving parents and students meaningful choices; and I. work with rules that address academic achievement, including graduation standards under Chapter 3501 and inclusive education under part **3500.0550**, by providing equitable access to resources..

¹ Minnesota Constitution Article XIII, § 1.

² Citing *Bd. of Educ. of Sauk Ctr.*, 17 Minn. at 416 (1871)

³ Citing *Skeen v. State*, 505 N.W. 2d 299, 312 (Minn. 1993)

⁴ See Minnesota Statute sections 124D.855 to 124D.896. See also Minnesota Statute 363A.13 for full text.

⁵ Minnesota Statute **124D.896**.

Overview of Standards, Programs and Initiatives developed to meet legal requirements	
<i>Pauley v. Kelly</i>, standard defines 'thorough', 'efficient' and 'education' to determine compliance with state constitutional requirements.⁶	Pauley sets the standard for a thorough and efficient system of schools: "It develops, as best the state of education expertise allows, the minds, bodies and social morality of its charges to prepare them for useful and happy occupations, recreation and citizenship, and does so economically." (1) literacy; (2) ability to add subtract, multiply, and divide numbers; (3) knowledge of government to the extent that the child will be equipped as a citizen to make informed choices among persons and issues that affect his own governance; (4) self-knowledge and knowledge of his or her total environment to allow the child to intelligently choose life work and to know his or her own options; (5) work-training and advanced academic training as the child may intelligently choose; (6) recreational pursuits; (7) interests in all creative arts, such as music, theatre, literature and the visual arts; (8) social ethics, both behavioral and abstract, to facilitate compatibility with others in this society; (9) good physical facilities, instructional materials and personnel; (10) careful state and local supervision to prevent waste and monitor pupil, teacher and administrative competency.
Minnesota State Academic Standards⁷	The Minnesota K-12 Academic Standards⁸ are the statewide expectations for student achievement in K-12 public schools. The standards identify the knowledge and skills that all students must achieve in a content area by the end of a grade level or grade band. Minnesota has state standards for these content areas: • English language arts, • Mathematics • Science • Social studies • Physical education. Students complete the academic standards by taking a core course of study that equips them with the knowledge and skills they need for success in postsecondary education, highly skilled work, and civic life. To graduate, a student's coursework must include at least the minimum state course credit requirement. (1) 4 credits language Arts; (2) 3 credits Mathematics including algebra, geometry, statistics and probability sufficient to satisfy the standards, must now also complete an algebra II credit or its equivalent as part of the 3-credit requirement. In addition to the high school credits, students in the graduating class of 2015 and beyond must also complete an algebra I credit by the end of eighth grade; (3) 3 credits of science including a biology credit. In addition, students in the graduating class of 2015 and beyond must complete a chemistry, physics, or Career and Technical Education (CTE) credit as part of the 3-credit requirement. (The CTE credit must meet the standards underlying the chemistry or physics credit.) (4) 3.5 credits of social studies including U.S. history, geography, government and citizenship, world history and economics; (5) 1 credit in the arts; (6) 7 elective credits.
School District Standards⁹ <p style="text-align: center;">LOCAL CONTROL</p>	Districts are required to put state standards into place so all students have access to high-quality content and instruction. Districts determine how their students will meet the standards by developing courses and curriculum and choosing teaching methods. School districts must also develop their own district standards for these content areas: (1) health; (2) world languages; (3) career and technical education (4) the arts.
Minnesota Achievement and Integration Program¹⁰	The purpose of the Achievement and Integration for Minnesota program is to pursue racial and economic integration, increase student achievement, create equitable educational opportunities, and reduce academic disparities based on students' diverse racial, ethnic, and economic backgrounds in Minnesota public schools. To be eligible the school district must meet the guidelines set forth in Minnesota Rules 3535.0100 et al. and submit a plan or be a member of a multidistrict integration collaborative that files a plan with the commissioner.

⁶ *Pauley v. Kelly*, 162 W. VA.672,255 S.E.2d 859 (1979)

⁷ Minnesota Statutes, section 120B.021, Subdivision 4. (2018)

⁸ Taken in part from Minnesota Department of Education Website. See, education.mn.gov, for further information.

⁹ Minnesota Statutes, sections 120B.02, 120B.021-120B.022

¹⁰ Minnesota State Statute 124D.861(2017) Minnesota Administrative Rules 3535.0110.

Overview of Standards, Programs and Initiatives developed to meet legal requirements	
	<p>Eligible districts must use the revenue to pursue academic achievement and racial and economic integration through: (1) integrated learning environments that give students improved and equitable access to effective and more diverse teachers, prepare all students to be effective citizens, and enhance social cohesion; (2) policies and curricula and trained instructors, administrators, school counselors, and other advocates to support and enhance integrated learning environments under this section, including through magnet schools, innovative, research-based instruction, differentiated instruction, improved and equitable access to effective and diverse teachers, and targeted interventions to improve achievement; (3) rigorous career and college readiness programs and effective and more diverse instructors for underserved student populations; (4) integrated learning environments to increase student academic achievement; cultural fluency, competency, and interaction; graduation and educational attainment rates; and parent involvement. In addition, eligible districts may adopt policies to increase the diversity of district teachers and administrators using the revenue for recruitment, retention, and hiring incentives or additional compensation.</p>
World's Best Workforce¹¹	<p>To ensure every school district in the State is making strides to increase student performance. Each district must develop a plan that addresses the following five goals: ☐ All children are ready for school.☐ All third-graders can read at grade level.☐ All racial and economic achievement gaps between students are closed.☐ All students are ready for career and college.☐ All students graduate from high school. The success of each plan will be measured by: (1) closing the gap by student group; (2) MCA scores; (3) high school graduation rates; (4) career and college readiness.</p>
Every Student Succeeds Act¹² (replaces NCLB)	<p>To raise achievement and eliminate disparities between student groups, Minnesota's system will be equitable, coherent and meaningfully guided by students, families and educators. Every Student Succeeds Act (ESSA) reauthorizes the Elementary and Secondary Education Act (ESEA), previously known as No Child Left Behind (NCLB). ESSA empowers states to develop systems and policies that place a sharp focus on equity and continuous improvement for all students, so that all students have what they need to succeed, and all teachers and administrators have supports in place to deliver on that promise. (1) standards and assessments; (2) accountability; (3) identifying schools for support and improvement; (4) school support; (5) english learners (6) educator quality and equity in access; (7) more programming to support schools and students.</p>
Reimagine Minnesota¹³	<p>A commitment to create lasting equity and excellence in education for all students. Purpose is to ensure the constitutionally guaranteed right to an adequate education of all students by creating a comprehensive collective action plan to address integration, access, opportunity, and educational achievement. (1) develop, sustain and evaluate cultural competence for all teachers; (2) prioritize and ensure personalized education with emphasis on acceleration vs. intervention; (3) develop and implement culturally inclusive standards, curriculum and comprehensive system of assessment; (4) develop teacher preparation, recruitment and retention for staff of color; (5) elevate student voice and leadership and improve/ensure inclusiveness in the school culture and environment; (6) eliminate disproportionality due to adult behaviors and policies; provide growth-oriented student support; (7) build bridges between school and community; (8) create and sustain consistent shared understanding of equity and high level of skill application for leaders at all levels; (9) statewide funding that ensures equity, access and opportunity for all students.</p>

¹¹ Minnesota State Statute 120B.11. See also education.mn.gov for further information

¹² State plan approved by the U.S. Department of Education on January 10, 2018. See education.mn.gov for further information

¹³ A voluntary initiative of 42 school districts led by Superintendents and supported by the Association of Metropolitan School Districts (AMSD). This effort is ongoing.