



Cruz-Guzman vs. Minnesota

History, Context, and Future

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Introduction

▶ Daniel Sellers

- ▶ Executive Director, Ciresi Walburn Foundation
- ▶ Have helped to lead advocacy, media, and communications for *Cruz-Guzman* charter school intervenors since 2016.

▶ Contact information

- ▶ e: dsellers@ciresiwalburnfoundation.org
- ▶ c: 612-280-8310

Background & History of *Cruz-Guzman*

- ▶ Plaintiffs filed their lawsuit in November 2015, alleging the rights of Minnesota children were being violated by state actors because schools are “segregated” by race and socioeconomic status.
- ▶ The plaintiffs have argued that “segregation” in schools violates the following parts of the Minnesota Constitution and policies:
 - ▶ The Education Clause
 - ▶ The Equal Protection Clause
 - ▶ The Due Process Clause
 - ▶ The Human Rights Act

The Education Clause of the Minnesota Constitution

- ▶ “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.”



Plaintiffs' Arguments

- ▶ “Minnesota Schools have been in the past and currently are segregated on the basis of both race and socioeconomic status... Schools within Minnesota concentrate students by poverty and race...[These] educational environments in which [students] are placed...depress their educational opportunities and achievement.”
- ▶ “Because the Constitution requires that the plaintiffs receive an adequate education as a fundamental right, the [State] is required by law to remedy the inadequate education being received.”

“Segregated” vs. “Identifiable”

- ▶ *Brown v. Board of Education* taught us that “segregation is bad,” right?
 - ▶ **“Segregated”** schools exist when there is **intentional** separation of students based on race or socioeconomic status that is the **result of specific state or local laws** that prohibit students from separate races or classes attending school together.
 - ▶ **“Identifiable”** schools serve predominantly one race and/or socioeconomic class of students and are often the result of many intertwined factors—housing patterns, school design, parent/family choice.

“Segregated” vs. “Identifiable”

- ▶ Hennepin County District Court Judge Susan Robiner has refused to refer to racially isolated schools as “segregated,” noting that the term has a particular legal definition regarding the separation of students by race:
 - ▶ *“The court will use the term ‘segregated’ when referring to plaintiffs’ allegations in order to accurately describe what plaintiffs allege. It will use the term ‘imbalanced’ otherwise, recognizing that the word ‘segregated’ often connotes an intentional policy of separating races, or other protected classes.”*

What's Wrong with the Plaintiffs Argument?

- ▶ The plaintiffs are arguing that **a school that serves predominantly students of color—by virtue of that fact alone—cannot possibly be considered “adequate.”**
 - ▶ Other factors such as academic outcomes, student engagement, family involvement, and parent choice *cannot be considered* in determining if a school is “adequate.”
- ▶ Essentially, the plaintiffs are arguing that (a) children of color can't learn unless they are seated next to white children and (b) families of color shouldn't have the right to choose the best school for their kids.

What are the Possible Consequences if the Plaintiffs Prevail?

- ▶ **Student “busing”**—Moving students like “chess pieces” around the Twin Cities metro area (and beyond) to achieve racial and socioeconomic “balance” at all schools.
- ▶ **Charter school closures**—The plaintiffs have proposed legislation that would result in charter school closure if schools could not meet specific racial diversity targets within three years.
 - ▶ **Eliminating school choice**—Any effort that places school integration as the paramount outcome risks taking away the hard-won power of families to choose where their children go to school.

What are the Possible Consequences if the Plaintiffs Prevail?

- ▶ Among other challenges to school choice, **the plaintiffs want the state's desegregation rules to apply to charter schools.**
- ▶ **The plaintiffs would have the state ignore other elements of an adequate education**—and instead define educational adequacy as simply a numbers-only racial balancing exercise.
 - ▶ Elements such as literacy, numeracy, social development, recreational pursuits, work-training, creative arts, social/ethical growth, and even school financing would be ignored.

Who is Protecting Public Charter Schools and Parent Choice?

- ▶ Over the objections of Plaintiffs, the Court allowed Charter Schools to “intervene” in the case in 2015.
 - ▶ The court recognized that charter schools were at serious risk
- ▶ For more than six years, **a team of lawyers representing three charter schools have been working tirelessly to ensure that charter schools are not negatively affected by *Cruz-Guzman***—defending the values of parent choice and school autonomy.*

*The intervening schools are Friendship Academy (Minneapolis), Higher Ground Academy (St. Paul), and Paladin Academy (Coon Rapids)

Cruz-Guzman Timeline

- ▶ November 2015: Plaintiffs file suit against the State of Minnesota
- ▶ December 2015: Charter Schools successfully “intervene” in the case
- ▶ Fall 2017: The State of Minnesota files to dismiss the case on the grounds that it is not “justiciable”—that the legislature, not the courts, should dictate education policies.
- ▶ July 2018: Minnesota Supreme Court rules that the case is “justiciable”—that the courts can play a role in determining whether the state is meeting its constitutional requirement to provide an adequate education—and sends the case back to the district court for a trial.
- ▶ Spring 2019: The parties enter court-mandated “mediation” to determine if the case can be settled without a lengthy (and expensive) trial.

Cruz-Guzman Timeline

- ▶ Spring 2020: The COVID-19 pandemic interrupts “mediation,” but not before the plaintiffs and the state attempt to exclude the charter schools as they work to reach a settlement.
- ▶ Winter 2021/2022: Plaintiffs asked the District Court Judge to decide the case without a trial by declaring that segregation *per se* violates the rights of students.
- ▶ Spring 2023: The Plaintiffs have appealed to the Minnesota Supreme Court—asking the court to declare that segregation (regardless of cause or intent) is a violation of the rights of students.
- ▶ **May 2021: Plaintiffs and State of Minnesota actors introduce legislation that would mandate school integration and penalize schools which do not comply.**
- ▶ September 2022: The Minnesota Court of Appeals ruled that the “mere existence of schools that are not integrated *does not violate the state constitution.*”

Where Does the Case Stand?

- ▶ The following question is being considered by the Minnesota Supreme Court:
 - ▶ *Is the Education Clause of the Minnesota Constitution violated by a racially-imbalanced school system, regardless of the presence of de jure segregation or proof of a causal link between the racial imbalance and the actions of the state?*
- ▶ The plaintiffs say **“Yes.”**
- ▶ The State of Minnesota says **“No.”**
- ▶ The charter school intervenors say **“No.”**

What Happens Next?

- ▶ The court will likely hear arguments later this spring and will make a ruling some time this summer or early fall.
- ▶ **If the court says “yes,”** a racially imbalanced school system is a violation of the Education Clause of the Minnesota Constitution:
 - ▶ It will signal to the legislature that new laws must be passed to require racial integration—and eliminate parent choice.
- ▶ **If the court says “no:”**
 - ▶ The case is headed back to the district court for a lengthy trial.
- ▶ The plaintiffs have shown no intention of giving up.

Why Does This Case Matter?

- ▶ *Cruz-Guzman v. Minnesota* is one of the most important pieces of litigation impacting public charter schools across the country.
 - ▶ Without a strong defense that centers parent agency, **the foundation for charter schools in Minnesota could be damaged irreparably.**
 - ▶ Because Minnesota was not only the first state to legislatively authorize charter schools, **education leaders from around the nation are watching closely** and will be tracking implications for the public charter school sector as a whole.
- ▶ All charter schools—and not just those serving predominantly students of color—are at risk.

HF 2471 Bill Language & Other “Threats”

- ▶ "Identifiable charter schools," are charter schools with an enrollment in one or more grade levels... **with greater than 20 percent variance of the school district average at the same grade level** in the district in which the charter school is located, or any charter school with enrollment of historically underserved students over 80 percent."
- ▶ **"Plans for identifiable charter schools must include measurable goals to eliminate the identifiable status of the school within three years."**
- ▶ "School districts and charter schools that fail to meet the goals identified in their plans may be subject to corrective action at the discretion of the commissioner. **Corrective action may include but is not limited to:**
 - ▶ (1) peer assistance and review;
 - ▶ (2) formative evaluations from peer districts or charter schools and summative evaluations from the department;
 - ▶ (3) redirection of funding to implement evidence-based practices identified by the commissioner; or
 - ▶ (4) restructuring of school programming.

What Can I Do to Help / Get Involved?

- ▶ In order to protect parent choice, especially at schools that are “racially” or “socioeconomically” identifiable, we need your help:
 - ▶ To ensure families and the charter schools that serve them have a legal representation, **advocates need to raise at least \$250,000** to supplement national commitments.
 - The cost to defend the charter school intervenors' interest in the case is budgeted at \$300,000 by intervenors' counsel: Jack Perry of Taft Law, John Cairns, and Nekima Levy Armstrong.
 - In light of the national and local implications of this case, the National Alliance for Public Charter Schools approved a \$50,000 contribution, contingent upon a local match.
 - ▶ Now is the time for supporters to ensure strong ongoing representation and offer support for the years of work put in by the intervenor team, by making financial contributions.
 - ▶ Checks can be made out to EdAllies,* 1621 E Hennepin Avenue, Suite 295, Minneapolis, MN 55414, specifying a restriction to "Cruz-Guzman Intervenor Defense."

*EdAllies is a fiscal sponsor and has no legal standing in the case but has agreed to support the charter school intervenors by processing contributions.

Where Can I Learn More About the Case?

- ▶ *School Desegregation Lawsuit Threatens Charters*. By Rachel M. Cohen on January 26, 2016 for The American Prospect. bit.ly/3lyMtw0
- ▶ *Centering the School Integration Conversation on What Matters Most*. By Brandie Burris-Gallagher on June 14, 2018 for EdAllies. bit.ly/3lvE78a
- ▶ *Why charter school advocates have mixed feelings about the state Supreme Court's integration decision*. By Erin Hinrichs on July 26, 2018 for MinnPost. bit.ly/3k370zo
- ▶ *Judge Denies Bid to Decide Minnesota School Desegregation Case Without Trial, Sends 6-Year-Old Lawsuit to Appeals Court*. By Beth Hawkins on December 8, 2021 for The 74. bit.ly/3YVzMAM
- ▶ *In lawsuit over Minnesota school segregation, court finds 'racially imbalanced' system unintentional*. By Eder Campuzano on September 26, 2022 for StarTribune. bit.ly/3xyMXM6
- ▶ *Court: Minnesota Schools' Racial Imbalance Alone Not a Constitutional Violation*. By Beth Hawkins on September 27, 2022 for The 74. bit.ly/3KhLDEZ