



MN ASSOCIATION OF
CHARTER SCHOOLS

Wednesday, October 16, 2019
NOW IS THE TIME!

As you know the Cruz-Guzman Case is now in the Mediation Process which is required by law in civil cases in Minnesota. The goal of mediation is to see if the various parties can find a way to settle the case in a manner agreeable to all parties.

In the Cruz- Guzman Case there are three (3) parties: the Plaintiffs (parents suing the State); the Defendants (the State – Legislature and Governor); and the Defendant-Interveners (the 3 charter schools).

To date there have been 24 full days of mediation, and there are three more days scheduled for October and another three days in November. The schedule after that has not yet been announced.

The fundamental contention asserted by the Plaintiffs is that state policies (*all types of school choice*) have led to the “re-segregation” of public schools in the cities of Minneapolis and St. Paul. The Plaintiffs argue that minority students cannot receive an “adequate education” in a school or classroom that is what they call “segregated”.

The **first questions** that were dealt with in the court proceedings were:

- Does the Minnesota Constitution include the right to an adequate education?
- Is the question of whether the State is providing an adequate education a judicial issue? (*an issue for the courts to decide*)

These questions were taken to the Minnesota Supreme Court for a decision. In the summer of 2018 the MN Supreme Court ruled that:

1] Yes, there is a right under the Minnesota Constitution to an Adequate Education. (*It did not however define an adequate education*)

2] Yes, the courts do have the authority to hear cases involving whether this constitutional right is being violated.

These two decisions have put a number of questions on the table for a decision – either through the mediation process or a trial in court. Questions like:

- What is an adequate education? How is it defined?
- What does integration mean? What does desegregation mean?
- What does diversity mean?
- What does having an equitable opportunity mean? How do we guarantee equitable opportunities?
- What resources need to be provided to schools to accomplish equitable opportunities?
- How do the goals of integration and school choice coexist?
- What limits, if any, should there be on school choice?
- What does accountability in education mean? How do you measure and document accountability?

The answer to these questions and others in this Case will have a profound effect and impact on every public school in the State of Minnesota. The Defendant-Intervener Schools (Higher Ground, Friendship and Paladin) are your voice in the Cruz-Guzman Case.

The Minnesota Association of Charter Schools urges your school to support their efforts on your behalf. In the letter sent to you from the three defendant-intervener schools in early September, they requested financial support for the **MACS Charter School Joint Action Fund**. [Click here to view that letter.](#)

You may ask what role the MN Association of Charter Schools has in this case. The Association's role is **first, to be a resource** to the Defendant-Intervener Schools and their legal team, **second to share information about the case** with the chartered public school community, and **third to encourage schools who are not a direct party** in the case to support those who are in the case.

So, again, the Minnesota Association of Charter Schools encourages your school to support the joint effort as all charter schools will be impacted by a settlement or court decision.

Recently, I wrote in The ADVOCATE that the Association **will alert you** when action is needed in the public policy arena. Well, **NOW IS ONE OF THOSE TIMES FOR ACTION.**

Eugene
Executive Director

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