

2022 Legislative Session Issue Brief

Minnesota students can't wait for a constitutional amendment to (maybe) bring change

No matter our differences, most of us want similar things for our children. We want them to grow up safe, supported and loved. We want them to attend joyful, welcoming schools that prepare them for success after high school. And we all want a voice in how our kids are taught.

Unfortunately, public schools in Minnesota are not meeting the needs of many students, particularly students of color, students living in poverty and students struggling with past traumas. Educators are unhappy, too. There are educator shortages everywhere. Decades of chronic underfunding created this crisis.

Minnesota families — from different places and of different races — need their elected leaders to fully fund our schools — right now. The proposed amendment to the Minnesota Constitution won't help, and might make it worse, by delaying meaningful action for years and removing important protections already in the state constitution.

Urgent needs require immediate action

- The problems facing public education are too urgent and obvious to waste time and money on constitutional lawsuits. Those cases could take as long as a decade to resolve and lead to a drawn out fight between the judicial and legislative branches over control of education policy and funding. Legislative leaders need to fully, and equitably, fund public education - and do it right now.
- There are policies proven to improve the academic success of students of color awaiting funding, including full-service community schools, expanding training for educators in cultural competency and trauma-informed teaching, and programs to recruit and retain more educators of color. All have been supported by Education Minnesota for years.
- Minnesota schools are in crisis because our state doesn't have enough elected officials with the political will to address the funding problem seriously. No amount of lawsuits will change that, but voters can.

What do Minnesotans lose?

The proposed amendment sounds good for students and schools, but it also deliberately deletes important protections for students from the Minnesota Constitution.

- It removes the clear obligation of the Legislature to fund public education through "such provisions by taxation or otherwise" for thorough and efficient public schools.
- It also deletes the state's obligation to provide a "general and uniform system of public schools."
 - A uniform system means all students will have access to a state-funded public school, no matter their ZIP code, or the color of their skin. The Minnesota Supreme Court has already held that education is a fundamental right, and that the "general and uniform" language requires the state to provide sufficient funding to ensure that each student receives an adequate level of education. *Skeen v. State*, (Minn. 1993)
 - Removing uniformity clauses from state constitutions is part of a national strategy of big money groups that work to privatize public education. These clauses have been a barrier to voucher laws, which provide public funding to private schools that can, and do, discriminate against students for their gender, religion or physical and cognitive abilities.

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Updated: Jan. 19, 2022

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Education Minnesota is an affiliate of the American Federation of Teachers, the National Education Association and AFL-CIO.  5305



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What changes?

The proposed amendment says Minnesota children have a fundamental right to a public education that “fully prepares” them for the workforce and as voters in a democracy “as measured by uniform achievement standards set forth by the state.”

- The theory is that lawsuits on behalf of individual students who don't meet state standards will drive change. The people and groups most likely to bring legal claims under this language are those who can afford attorneys, which will continue a system that favors the children of wealthy families.
- The only current “uniform standards” are scores on standardized tests, including the Minnesota Comprehensive Assessments. Educators know the damage already done by the chase for test scores. Minnesota shouldn't enshrine testing, with all its racial, cultural and economic biases, into the constitution.
- The proposed amendment makes districts and the state legally responsible for outcomes beyond their control. Academic success has always been the result of good schools, supportive families and healthy communities. Minnesota needs policies to support children in all parts of their lives, but this amendment does nothing for families or communities.
- The argument that amending the state constitution will put pressure on the legislature to transform public education unfortunately doesn't hold water. State legislatures have been ignoring constitutional lawsuits for years. Despite lawsuits and court filings, Illinois remains one of the least equitably funded states in the country and Florida and Colorado are among the least adequately funded state systems, according to a 2021 report from the National Education Policy Center. It took more than a decade for Washington state to start complying with a lawsuit that forced the state to fund a uniform system of public education. In Minnesota, the Legislature has done nothing on school segregation since the Cruz-Guzman lawsuit was filed in 2015.

Conclusion

No one argues that Minnesota shouldn't do more for its students. We welcome the renewed attention this amendment has brought to the state's racial disparities in wealth, health and academics. However, the supporters of this proposed amendment created it without the input of working educators. Predictably, their plan has serious flaws.

Education Minnesota believes there are better ways to improve the lives of students of color, both inside schools and in communities. Deleting constitutional mandates for funding and for providing equal access to public schools to all students creates risks ethical educators can't accept.

Our union believes any solution to the state's opportunity gaps must include commitments for investing additional resources in equitable ways. The best people to determine how to do that are parents, educators and the elected leaders closest to their own communities – not lawyers and courts. The judicial system is simply too slow for the urgent needs of Minnesota students. The time for the Legislature to address our state's educational disparities is right now.