

Education Minnesota

Minnesota Court of Appeals upholds due process protections for teachers

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ST. PAUL, Minn. Sept. 5, 2017 – The Minnesota Court of Appeals ruled with Minnesota educators and followed decades of precedent on Tuesday by rejecting a challenge to the state’s due process protections for organized teachers. The courts have now dismissed the lawsuit twice.

“We were confident the Court of Appeals would confirm that due process protections like tenure were not only constitutional, but good for Minnesota students and the schools that serve them,” said Denise Specht, president of Education Minnesota. “Today’s ruling shows the judges considered both sides, applied the law and reached the correct conclusion.”

The Minnesota case is one of three similar lawsuits supported by the Partnership for Education Justice and Students for Education Reform, which both receive funding from the conservative Walton family. The New Jersey case has been dismissed once, the New York case is before the New York Supreme Court and the Minnesota case has now been dismissed a second time.

“These lawsuits are part of a nationwide public relations campaign to mislead the public about what due process protections like tenure are all about,” said Specht. “These laws prevent good teachers from being fired for bad reasons. They protect teachers who speak out about the learning conditions in their schools, or for advocating for their students on the margins. Simply put, they let teachers tell parents what they need to know about their schools.”

“There is special significance to the ruling coming down today,” Specht said. “It’s the first day of the school year for thousands of educators across the state. These due process laws permit them to speak out for what their students will need this year. And some of those students will need us more than ever. They are the Dreamers, the DACA recipients, whose lives may be turned upside down and face incredible danger now that President Trump has followed through on his cruel promise to end the program. Educators will speak out and stand up for them.”

Ramsey County District Judge Margaret Marrinan dismissed *Forslund v. State of Minnesota* in October 2016. In her ruling, she noted the Minnesota Supreme Court has repeatedly recognized the legitimacy of the state’s due process laws, in one case calling them, “wise legislation, promotive of the best interests, not only of teachers affected, but of the schools as well.”

The *Forslund* lawsuit did not name Education Minnesota as a defendant, but the union filed a friend-of-the-court brief supporting the state, which defended the laws. The Minnesota Association of Secondary School Principals

joined the union's brief. Also filing a brief in support of the state were TakeAction Minnesota, ISALAH and Centro de Trabajadores Unidos en Lucha, also known as the Center for Workers United in Justice.

About Education Minnesota

Education Minnesota is the voice for professional educators and students. Education Minnesota's members include teachers and education support professionals in Minnesota's public school districts, faculty members at Minnesota's community and technical colleges and University of Minnesota campuses in Duluth and Crookston, retired educators and student teachers. Education Minnesota is affiliated with the American Federation of Teachers, National Education Association and AFL-CIO.

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