

## Education Minnesota

# Court dismisses meritless attack on teachers' due process rights

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*ST. PAUL, Minnesota. Jan. 22, 2019* \_ A challenge to Minnesota's due process protections for educators, including tenure, lacks legal merit, the Minnesota Court of Appeals ruled Tuesday in dismissing a lawsuit backed by billionaire donors.

"After more than two years of litigation, up and down the state court system, we're back where we started," said Denise Specht, president of Education Minnesota. "This is a misguided lawsuit brought without compelling evidence, backed by some of the wealthiest people in America, with the intent to strip away the protections that allow educators to speak out about what's happening in our schools without fear of being fired or laid off."

The Minnesota Court of Appeals dismissed the lawsuit, *Forslund v. State of Minnesota*, based on the merits of the case. "... a plaintiff cannot sustain a claim that the state is providing a constitutionally inadequate education without proving that the state is in fact providing a constitutionally inadequate education," according to the ruling.

The plaintiffs are supported by the Partnership for Education Justice, a New York-based advocacy group that the New York Times reports receives its primary funding from the foundations of the notoriously anti-union Walton family, the founders of Walmart.

"As we have seen in other states, attempts to weaken or repeal these due process protections do not improve teacher quality or student achievement," Specht said. "In fact, the changes lower morale in a profession that already struggles to retain talented, experienced educators. Attacks like this lawsuit worsen the teacher shortage."

"There are real challenges facing public education in Minnesota, including racial opportunity gaps, shortages of trained educators, a student mental health crisis, crushing education debt and chronic underfunding," Specht said. "It's time for our leaders to focus on the issues that truly matter to most Minnesotans, not the distractions promoted by the billionaires who want to protect a status quo that made them rich."

### 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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