



The Charter School Advocate

Thursday, July 26, 2018

MINNESOTA SUPREME COURT RULES THAT WHAT AN “ADEQUATE EDUCATION IS?” WILL BE DETERMINED BY THE COURTS

In the Cruz-Guzman vs Minnesota case the Minnesota Supreme Court ruled 4-2 that “We will not shy away from our proper role to provide remedies for violations of fundamental rights merely because education is a complex area. The judiciary is well equipped to assess whether constitutional requirements have been met and whether appellants’ fundamental right to an adequate education has been violated. Although the Legislature plays a crucial role in education, it is ultimately the judiciary’s responsibility to determine what constitution requires and whether the Legislature has fulfilled its constitutional duty.”

Based on that the Court ruled that the trial on whether the “*high degree of segregation and based on race and socio-economic status*” in Minneapolis and St. Paul schools can provide an “adequate education will go forward. The trial is expected to start this fall.

While the Court stated that an “adequate education” is a fundamental right, the Court did not determine what that fundamental right to an “adequate education” means?

So, it seems that is what the trial in Hennepin District Court, Appeals Court and ultimately the MN Supreme Court will determine.

In his dissent to the decision, Justice Anderson stated, “*I am reminded of the principle of Chesterton’s fence: before taking down a fence, it is wise to ponder why the fence was constructed in the first place. Here, we take down a fence constructed to avoid judicial entanglement with political questions. I fear we do not fully appreciate the consequences that will follow, not only for the other branches of government but for the judiciary as well.*”

The full decision can be found [HERE](#)

AGENDA TO FULFILL THE PROMISE – EQUITABLE FUNDING

The Association’s Government Affairs Committee met in late June and continued its work on defining the specific positions that will flesh out our “**Agenda to Fulfill the Promise**” which will outline the Association’s legislative goals for the next biennium and beyond.

TODAY, we are sharing a DRAFT of the section of the Agenda that deals with **Equitable Funding for Charter School Students**. *We would appreciate any feedback or suggestions.*

EQUITABLE FUNDING FOR CHARTER SCHOOL STUDENTS

One of the fundamental misconceptions which exists relative to the original promise is that students attending chartered public schools should receive less funding than their counterparts who attend traditional public schools. This is not only a misguided belief - it is discriminatory.

The question needs to be asked: *Why should a public school student who attends a chartered public school receive less funding for their education than a public school student who attends a traditional public school?*

The Answer: *There is no reason.*

Statement of Beliefs

“Any system which provides greater expenditures for some children over others should undergo the most exacting scrutiny... It harms the state generally by creating a disparity in the relative abilities of children educated in our schools. Indeed this disparity in the opportunity to learn ensures that the disparity in wealth will continue into the future.”

Minnesota Supreme Court Justice Alan Page
1993 Skeen vs State of Minnesota

The current system of educational funding in Minnesota does indeed need to be scrutinized relative to the disparity it has created for public school students who attend chartered public schools.

Addressing this disparity in educational funding is nothing less than a matter of justice and fairness.

Minnesota’s State ESSA Plan states that *“Minnesotans want an equitable system.”* It goes on to state that Educational Equity is ... ***“the condition of justice, fairness, and inclusion in our systems of education so that all students have access to opportunity to learn and develop to their fullest potential.”***

“Eliminating those structural and institutional barriers to educational opportunity requires systemic change that allows for the distribution of resources, information, and other support, depending on the student’s situation to ensure an equitable outcome.”

One of the structural and institutional barriers for students who attend chartered public schools is the inequitable distribution of financial resources.

Therefore, we support legislation to:

- Provide schools with **an increase in the general revenue formula** that at least matches the rate of inflation in the previous biennium.
- Provide **adequate and stable funding for Pre-K programs.**
- Increase the state percentage of special education funding.

- Require that the **state fund all Cross-District Special Education Costs** and eliminate Tuition Bill Back to resident districts.
- Provide **full and equal Extended Time Revenue** for students who attend chartered public schools.
- Allow charter schools that serve significant populations of graduation incentive students to be designated as an **Alternative Learning Program (ALP) and be eligible for ALP funding.**
- Provide equitable **Small School Revenue** to the same percentage of charter schools as traditional districts that qualify for this revenue. (*Approximately 50% of school districts receive Small School Revenue*)
- Provide adequate **QComp Funding** to allow for the additional schools who wish to participate in the program.
- Provide that charter school students with **equal funding from Local Option Levies**
- Provide that charter school students who attend a charter school in their resident district receive an **equal share of excess levy revenue** adopted by the voters of that district.
- Require the state to **provide charter schools with the difference when the state shifts funding from state revenue sources to local property taxes**, or require that local property taxes provide charter school students who attend a charter school within their resident district an equal share of funds from the cost shift to property taxes.
- Provide all public schools with **adequate funding to meet the increasing cost of student transportation.**

RESEARCH on SCHOOL FUNDING – General Revenue & Special Education Costs

As we have mentioned in a previous edition, this summer the Association has been fortunate to have a Public Policy Intern, Katie Young, a student at the University of Minnesota.

General Revenue - Among the projects Katie has undertaken is to compare general revenue for every charter school vs the general revenue for the district in which the charter school is located. It has been an interesting project as it has shown how there are significant differences in funding even among charter schools – especially given that funding sources are normally framed in terms of statewide averages.

Special Education Costs – Another project she has been working on is to look at the total cost of special education by charter schools, the amount that charters bill back to districts, and the amount of the 10% that charters must pay from general fund.

We will be sharing more about the findings of these two projects over the coming months.

MN SENATE ED POLICY COMMITTEE HEARING ON SPECIAL EDUCATION

On Tuesday of this week the Senate Education Policy Committee held a hearing on Special Education. The hearing focused on the 2013 Office of Legislative Auditor Report and an update

on special education from MDE.

The 2013 Report stated that *“Changes are needed in special education to increase equity in its funding, help control costs while meeting student needs, and ensure local education agencies’ compliance with legal requirements without creating undue workload burdens for them.”*

The Committee is expected to have another hearing in September. *If you remember, there were proposals to have a Work Group look at Special Ed costs and funding in the interim, but since there was no education bill this past session, that proposal did not go forward.*

SUPPORT FOR SCHOOL CHOICE & CHARTERS?

According to the Thomas B. Fordham Institute *“Charter schools have historically garnered support from across the political spectrum, but President Trump and Secretary of Education DeVos—by their very support—may be narrowing that broad base. Last year’s Education Next [poll](#) found a steep drop in charter support among Democrats.”*

“As Democrats have soured on charters, Republicans have been noticeably silent. Only twenty of this year’s seventy-five GOP candidates for governor even mention charter schools on their websites, according to a [recent analysis](#)” by the American Enterprise Institute.

SO WHAT DO MINNESOTA’S CANDIDATES FOR GOVERNOR SAY ABOUT EDUCATION

You can find the candidates’ positions on education (*some short and vague – others more expansive and detailed*) on their websites.

Republican Candidates

- **Jeff Johnson (Endorsed)**
- **Tim Pawlenty**

Democratic Candidates

- **Erin Murphy (Endorsed)**
- **Lori Swanson**
- **Tim Walz**

LEGISLATIVE CANDIDATE INFORMATION SESSION ON CHARTER SCHOOLS

In mid-August the Association will be holding an **Information Session on Charter Schools for Candidates** running for the Minnesota Legislature. The session is designed as an opportunity for candidates to learn more about both the Minnesota’s leadership in the charter school movement, the facts about Minnesota’s charter schools, and upcoming education policy issues.

The Association held a similar session for legislative candidates after the primary in 2016.

REMEMBER TO ENCOURAGE EVERYONE TO VOTE. PRIMARY is TUESDAY, AUGUST 14TH