

MONDAY, FEBRUARY 29, 2016

Good Morning Members of Minnesota's Chartered Public School Community,

As you know, in early November, a Desegregation Lawsuit was filed against the State of Minnesota (*Governor, Commissioner, and Legislature*) alleging that state education policies (i.e. *open enrollment, PSEO, charter schools, etc.*) have and are creating segregated public schools. (*It is important to note that the lawsuit is different than the Integration Rule proposed by MDE that is now pending in the Administrative Law process.*)

Three charter schools: **Higher Ground Academy, St. Paul; Friendship Academy of the Arts, Minneapolis;** and **Paladin Career and Technology High School, Blaine;** and **their parent representatives (collectively)** sought to be Court approved Intervenor in the Desegregation Lawsuit to ensure that the rights of charter schools and parental choice were protected.

On February 2nd, the Court approved the schools as Defendant-Intervenor, citing that the interest of charter schools and charter school families ***"is not adequately represented by the existing parties as the Defendants (State of Minnesota) have expressly stated that they take no position on the alleged charter school exemption..."***. (2/2/16 Intervention Order Attached). In other words, **the State is not going to protect charter schools or charter school families** as part of its defense against the claims of the lawsuit. Charter schools have to defend their own interests.

The Intervenor, along with the MN Association of Charter Schools have retained Jack Y. Perry of Briggs and Morgan P.A. as the lead counsel for charter schools. Cindy Lavorato of Lavorato Law Offices L.L.C. and John Cairns of John Cairns Law P.A. are also counsel for the charter schools. The Intervenor sought participation in the Desegregation Lawsuit for the benefit of all charter schools, for two basic and fundamental reasons:

- 1] **to protect "charter school autonomy" and the statutory and rule exemptions** from the State Desegregation rules and requirements, and
- 2] **to protect "parental choice"** as provided by Minnesota Enrollment Options Program, which is the statutory authority permitting all parents to choose a charter school for their children's K-12 public education.

The Intervenor have already provided \$35,000 as "seed Money" in their defense of charter schools' interest (*theirs as well as your interest*) in the Desegregation Lawsuit. The MN Association of Charter Schools has agreed to provide a modicum of financial support and will participate in the litigation strategy and oversight.

The Intervenor and the Association cannot fund on their own the legal defense of charter school autonomy, nor the school choice rights of the 50,800 plus students who attend charters. We are, therefore, jointly seeking your school's financial participation in the legal defense of charter school autonomy and parental choice. The hope and goal is that 100% of charter schools will participate in funding the effort.

Our **suggested funding level is \$5.00 per pupil** attending your school. This funding will provide the resources for the Intervenors through the first phase, including the District Court's April 14th hearing which will have significant impact on the future direction of the lawsuit.

Agreeing to provide financial support **will not make you a "party"** in the lawsuit, **nor will it make your school a client** of Briggs and Morgan P.A. or John Cairns P.A. **What it will do is support** the Intervenors and the Association's participation in defending charter school autonomy and parental choice in this litigation.

The Intervenors and the Association will jointly monitor the expenditure of the funds, and in the event that the collective financial support exceeds the legal costs incurred, the remaining funds will be returned to supporters on a pro-rata basis.

Financial support checks should be made payable to Briggs and Morgan and then sent to:

Briggs and Morgan P.A.
Attn: Jack Y. Perry (Charter School Defense Fund)
2200 IDS Center
80 South Eighth Street
Minneapolis, MN 55402

We ask that your school make your commitment with all deliberate speed (hopefully by March 15th) as the work of representing the interest of charter schools is already well underway. ***Briggs and Morgan will issue a receipt for legal support services for your school records.***

If you have any questions, please feel free to contact any one of us at the contact information below.

Thank you for your consideration and support for the effort to defend charter school autonomy and parental choice.

Bill Wilson
Executive Director
Higher Ground Academy

Eugene Piccolo
Executive Director
MN Association of Charter Schools

Charvez Russell
Executive Director
Friendship Academy of the Arts

Brandon Wait
Executive Director
Paladin Career and Technology High School

cc: Authorizers