



CHARTERS URGED TO APPLY AS A PROVISIONALLY- APPROVED ONLINE PROVIDER

As noted in recent communications from MDE, “districts/charters that are fully-approved or provisionally-approved online providers will have the greatest flexibility at the local level to adapt throughout the school year to COVID-19 cases and close contacts as needed. These districts/charters are positioned to provide online instruction to (a) families that wish to continue online learning this year and (b) to students/classrooms/grades/schools that need to quarantine.”

“Districts/charters that are **not** fully-approved or provisionally-approved online providers and experience COVID-19 cases or close contacts who cannot attend in-person instruction can choose to:

- Use homebound instruction for **individual students, small groups of students or classes**. MDE has updated the definition of homebound for purposes of generating student membership and state aid; ... or
- Use up to **30 total instructional days** throughout the course of the entire school year for temporary shifts to online learning at the **grade, school, or LEA-wide level**. If there is a need to exceed the 30-day maximum, MDE will establish a process to submit information for the approval of additional days from MDE....”

CRUZ- GUZMAN CASE

On August 9th the MACS Board of Directors held a special information session to get an update on the Cruz-Guzman Case. The Board heard from:

- The three Defendant-Intervenor school directors (*Charvez Russell, Brandon Wait, & Samuel Yigsaw*) on why their schools got involved in the case 5 years ago and what they see is at stake in the Case;
- The Defendant-Intervenor legal team (*Jack Perry, John Cairns, & Nekima Levy Armstrong*) on the current status of the legal proceedings;
- The National Alliance of Public Charter Schools' perspective on the Cruz-Guzman Case delivered by Jack Perry as the Alliance legal staff (*Renita Thukral & Rob Reed*) were unavailable to participate due to other commitments;
- *Daron Korte*, MDE Assistant Commissioner who provided an overview of the legislation that is a proposed settlement between the Plaintiffs and Defendants.

The Board also reviewed the role MACS has played over the 5 years of the Case to this point and discussed potential actions going forward.

There was an agreement to expand the Board's decision in May to focus our efforts to inform, educate, and mobilize the charter school community about legislation regarding the issues in this case. We'll also look to find different ways of informing and educating the community on the history, status, and potential legal ramifications of the legal proceedings in the Case.

ACTION: *The MACS staff will develop a plan to expand communication efforts to inform and educate the entire charter school community about the history, issues, status, and legal proceedings of the Cruz-Guzman Case.*

IN THE MEAN-TIME, SOME BASIC FACTS:

The Minnesota Association of Charter Schools:

- Believes that charter schools need to [*Welcome All*](#) students, and be culturally responsive and inclusive;
- Has never taken a position in opposition to the MN Achievement and Integration Law;
- Opposed the attempt by MDE in 2015 to bring charter schools under the Achievement and Integration Law through rulemaking rather than the legislative process. That attempt, if it had been successful, would have created a precedent that MDE could subject charter schools to laws which did not apply without legislative action. Once the precedent had been set, MDE would be able to do it again, and again, and again;

- Is not, nor has it ever been a been a party (Defendant-Intervenor) in the Cruz-Guzman Case;
- Was invited by the Defendant-Intervenor schools to provide a perspective on how the Case might impact the charter school community, to share a perspective during the mediation process, and assist the Defendant-Intervenor schools is seeking funding from the charter school community for their legal costs;
- Board of Directors approved in May that our focus as an Association should be working in the legislative process to ensure that any legislation that comes from this Case provides charter schools with equitable funding, and acknowledges that ‘culturally affirming schools’ are valid and legitimate public schools of choice; and
- Approved that our focus be on educating the charter school community about the Cruz-Guzman case legislation, and mobilizing the charter school community to assist in the legislative effort.

MACS FALL PUBLIC POLICY FORUM

The fall Public Policy Forum on the **afternoon of Thursday, October 7th** just prior to the MACS Annual Meeting/Celebration. One of the topics on the agenda of the Forum will be the Cruz-Guzman Case. The Public Policy Forum & Annual Meeting/Celebration will be held at the UNION DEPOT in St. Paul. **MARK YOUR CALENDAR**

HOST AN ONSITE VACCINATION EVENT FOR YOUR STUDENTS' COMMUNITY

To increase vaccination rates, the State launched ‘**Vax to School**’ — a statewide campaign encouraging students and families to get fully vaccinated against COVID-19 by the beginning of the school year. If a school in your district is interested in hosting an on-site vaccination clinic, please fill out the following interest survey: [Community Vaccination Event Request Form](#).

CHARTERS IN THE COURTS ACROSS AMERICA

CALIFORNIA - A Superior Court in Sacramento County ruled in July that the California Schools Act does not confer upon non-classroom-based (online) charter schools a contractual right to funding based on the current school year’s average daily attendance. The issue was raised when the Legislature passed laws last year to deal with revenue lost due to the COVID pandemic. The schools argued non-classroom-based charter schools have a constitutional right to equal funding under the constitution. The Court disagreed. (*Reyes vs State of California*)

NORTH CAROLINA – A Federal Appeals Court (4th Circuit) ruled on August 9th in *Peltier vs Charter Day School Inc.* that Title IX bars dress codes that discriminate based on sex. The case involves a charter school which requires girls to wear skirts and bars them from wearing pants or shorts. The case now goes back to District Court for trial.

"Unleashing education from convention" - is more than the MACS motto, it is a reminder of our purpose, our goals and it serves as a clarion **Call To Action.**

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