



CRUZ - GUZMAN CASE UPDATE

On **Monday, September 13, 2021**, District Judge Susan Robiner conducted a hearing on the Plaintiffs' Motion for a Partial Summary Judgment that in effect, would find that *"the Defendants (State of Minnesota) have violated the Education Clause of the State Constitution by instituting, maintaining, permitting, and failing to correct systems of public schools segregated by race and socio-economic status in Minneapolis, St. Paul and other Minnesota communities;"*

The **Plaintiffs want the Judge** *"to order the Defendants to cease all violations; and order the Defendants to remedy such violations and conform with the mandate of the Education Clause to provide a non-segregated general, uniform, thorough, and efficient system of public schools in the Minneapolis and St. Paul School Districts and any other such Minnesota School Districts segregated by race or SES."*

THE PLAINTIFFS' ARGUMENT

The argument of the Plaintiffs is simple although it has several components:

- A "segregated" public school cannot be providing an "adequate education", or as the Plaintiffs attorney stated, 'quality education becomes irrelevant when dealing with segregation'.
- De jure segregation (State Action) and de facto segregation (Fact or individual choice) are one in the same.
- State policies have caused re-segregation.
- State inaction in enforcing the State Desegregation Rule has caused re-segregation.

- The State Education Clause requires a general, uniform, thorough, and efficient system of public education. The State Supreme Court has ruled that “it is self-evident that a segregated system of public schools is not ‘general’, ‘uniform’, ‘thorough’, or ‘efficient’ – therefore the State of Minnesota is in violation of the Education Clause.

THE DEFENDANT'S ARGUMENT

The argument of the Defendant is based on these points:

- The Plaintiffs are not entitled to a Partial Summary Judgment because neither the State Constitution nor any court guarantees that a school must have a certain racial or socioeconomic demographic.
- There is a difference between de jure and de facto Segregation that involves intent which the Plaintiffs do not acknowledge.
- The Plaintiffs use the term “racial segregation” and “racial imbalance” interchangeably and equate them to mean the same thing, which they do not.
- There needs to be a link between what the Plaintiffs claim as the “cause” and the result which the Plaintiffs claim is, “educational inadequacy”, and they have not done so.

THE DEFENDANT-INTERVENORS' ARGUMENT

The argument of the Defendant-Intervenors is based on these points:

- Racial and socioeconomic numeric “imbalance” is not “segregation” in of itself.
- Culturally affirming colleges and universities (HBCU’s) have not been found to constitute “segregation”, so why would culturally affirming schools at the K-12 level be found to constitute “segregation” – in both cases students and families choose the school.
- In 2019, the MN Court of Appeals provided the District Court with guidelines for how to address its obligations in the Forslund II vs State Case.
- The decision in that Case requires that Plaintiffs need to prove that a policy is the cause of an “inadequate education” and the Plaintiffs have not met the requirements to do so.

THE BOTTOM LINE

During the hearing, Judge Robiner asked questions of the lawyers for all three parties and posed a couple of different hypothetical situations to elicit how the lawyers would respond. At the end of the hearing, she made it clear that she will decide on the Motion, as she cannot punt this one aside. Judge Robiner has 90 days under law to issue a decision, but it is more than probable that her decision will be issued before that statutory requirement. Whatever Judge Robiner decides will most likely be appealed directly to the MN Supreme Court given the importance of the issue.

EP

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