

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

Case Type: Other Civil

Alejandro Cruz-Guzman, as guardian and next friend of his minor children; Me'Lea Connelly, as guardian and next friend of her minor children; Ke'Aundra Johnson, as guardian and next friend of her minor child; Izreal Muhammad, as guardian and next friend of his minor children; Roxxanne O'Brien, as guardian and next friend of her minor children; Diwin O'Neal Daley, as guardian and next friend of his minor children; Lawrence Lee, as guardian and next friend of his minor child; and One Family One Community, a Minnesota non-profit corporation,

Court File No. _____

Plaintiffs,

CLASS ACTION COMPLAINT

vs.

State of Minnesota; Mark Dayton, Governor, State of Minnesota; Minnesota Department of Education; Dr. Brenda Cassellius, Commissioner, Minnesota Department of Education; Minnesota Senate; Sandra L. Pappas, President of the Minnesota Senate; Minnesota House of Representatives; Kurt Daudt, Speaker of the Minnesota House of Representatives,

Defendants. _____

Plaintiffs above-named, for their complaint against defendants above-named, complain and allege as follows:

NATURE OF ACTION

1. Plaintiffs above-named, parents, as guardians and next friends of children enrolled, or expected to be enrolled during the pendency of this action, in the Minneapolis Public Schools, Special School District No. 1, and the Saint Paul Public Schools, Independent School District 625, bring this lawsuit in order to redress the denial to them by the defendants of the fundamental right of the plaintiffs to receive an adequate education, a right secured to the plaintiff class by the Education Clause of the Minnesota Constitution, Article XIII, Section 1, by the Equal Protection Clause of the Minnesota State Constitution, Article I, Section 2, and by the Due Process Clause of the Minnesota Constitution, Article I, Section 7. Plaintiffs also bring this suit pursuant to the Minnesota Human Rights Act, Minnesota Statutes §§ 363A.01 *et seq.*, for unlawful discrimination in education on the basis of race and status with regard to public assistance in violation of § 363A.13 subd. 1.

2. The Minneapolis and Saint Paul Public Schools have been in the past and currently are segregated on the basis of both race and socioeconomic status, such that plaintiffs and other school-age children attend schools the enrollment of which is disproportionately comprised of students of color and students living in poverty, as compared with a number of neighboring and surrounding schools and districts. The plaintiffs are therefore confined to schools that are separate and segregated in terms of both racial and socioeconomic composition. As a matter of both law and fact, such schools are not equal to neighboring and surrounding whiter and more affluent suburban schools. Because such schools are separate and unequal, the education the students receive is *per se* inadequate within the meaning of the Education Clause, the Equal Protection Clause, and the Due Process Clause of the Minnesota Constitution. Such discrimination also violates § 363A.13 subd. 1 of the Minnesota Human Rights Act.

3. Schools within Minnesota concentrate students by poverty and race. These students so concentrated in certain Minneapolis and Saint Paul schools are capable of learning and performing at an adequate educational level, as measured by widely accepted standards. The educational environment in which they are placed, however, with the high degree of segregation based on race and socioeconomic status and the negative effects incident thereto, depresses their educational opportunities and achievement.

4. The State, which has known for some time of these patterns of segregation and resulting educational outcomes, has the capacity and duty to discharge its constitutional obligation to provide plaintiffs with an adequate and equitable education, but has failed to do so.

5. In fact, defendant Dr. Brenda Cassellius, Commissioner, Minnesota Department of Education, has publicly acknowledged that the odds are against students of color receiving an adequate education in segregated schools. She has nevertheless publicly stated that she favors and will not take action to desegregate segregated schools. As reported by the Minneapolis StarTribune on November 1, 2015, “Brenda Cassellius, the state’s education commissioner, doesn’t think a lawsuit will be successful. While the state continues to provide districts with financial aid to integrate schools, Cassellius said she believes all-minority schools can succeed. ‘There are some spectacular stories out there of schools beating the odds,’ she said.”

<http://www.startribune.com/urban-school-districts-are-among-least-integrated/339132801/>. As described more fully hereafter, the evidence is overwhelmingly to the contrary, as she surely knows.

6. Because the Constitution requires that the plaintiffs receive an adequate education as a fundamental right, the defendants are required by law to remedy the inadequate education being received by the plaintiffs, regardless of whether the defendants have caused, contributed

to, or are at fault for this inadequacy. Alternatively, the defendants must remedy the inadequacy of the education being received by the plaintiffs, because the defendants in fact have caused, contributed to, are responsible for, and are at fault for this inadequacy by reason of the acts and omissions of defendants described hereinafter. In addition, plaintiffs are entitled under §§ 363A.29 subd. 3 and 363A.33 subd. 6 of the Minnesota Human Rights Act to an order directing the defendants to cease and desist from the unfair discriminatory practices found to exist and to take such affirmative action as in the judgment of the Court will effectuate the purposes of the Minnesota Human Rights Act.

THE PARTIES

7. Plaintiff Alejandro Cruz-Guzman is a resident of the City of Saint Paul, and brings this action as guardian and next friend of his minor children, A. C., age 13, a student at Murray Middle School in Saint Paul, and M. C., age 9, and A. C., age 8, students at Groveland Park Elementary School in Saint Paul.

8. Plaintiff Me'Lea Connolly is a resident of the City of Minneapolis, and brings this action as guardian and next friend of her minor children, J. C., age 5, and M. C., age 7, students at Armatage Elementary School in Minneapolis, and Y. C., age 11, a student at Anthony Middle School in Minneapolis.

9. Plaintiff Ke'Aundra Johnson is a resident of the City of Minneapolis, and brings this action as guardian and next friend of her minor child, J. J., age 8, a student at Lincoln Elementary School in Minneapolis.

10. Plaintiff Izreal Muhammad is a resident of the City of Minneapolis, and brings this action as guardian and next friend of his minor children, E. M. and E. M., age 10, students at Lucy Laney Elementary School in Minneapolis.

11. Plaintiff Roxxanne O'Brien is a resident of the City of Minneapolis, and brings this action as guardian and next friend of her minor children, J. H. J., age 12, and I. I. B., age 8, students at Nellie Stone Johnson Elementary School in Minneapolis.

12. Plaintiff Diwin O'Neal Daley is a resident of the City of Minneapolis, and brings this action as guardian and next friend of his minor children N. O. D., age 8, and N. O. D., age 6, students at Seward Montessori School in Minneapolis.

13. Plaintiff Lawrence Lee is a resident of the City of Minneapolis, and brings this action as guardian and next friend of his minor children, A. L., age 8, and A. L., age 7, students at Riverview West Side Elementary School of Excellence in Saint Paul.

14. Plaintiff One Family One Community is a Minnesota nonprofit corporation located in the City of Minneapolis, one of the purposes of which is to ensure and provide for adequate educational opportunities for economically-disadvantaged children and children of color. Its founder and Executive Director is Queen Maleta Kimmons. It brings this action on behalf of its actual and potential clients, whose children of school age are not receiving an adequate education.

15. Defendant State of Minnesota is the duly constituted government and territory of Minnesota established by the Constitution of 1857 and Act of Congress of May 11, 1858. Defendant Mark Dayton is the Governor of the State of Minnesota and is sued in that capacity. Pursuant to Minn. Stat. § 15.06, he is responsible for appointing the Commissioner of Education, with the advice and consent of the Senate. Under Minn. Stat. § 127A.06, Governor Dayton receives recommendations from the Commissioner of Education concerning laws relating to the state system of education, and also receives a biennial education budget. As the chief executive officer of the State of Minnesota, Governor Dayton is ultimately responsible for ensuring that the

plaintiffs are fully accorded and not deprived of their fundamental rights under the Education, Equal Protection, and Due Process Clauses of the Minnesota Constitution.

16. Defendant Minnesota Department of Education is a department of the state government of Minnesota and is charged with carrying out the provisions of Minn. Stat. chapters 120A to 129C and other related education provisions under law, as provided by Minn. Stat. § 120A.02, which responsibilities include exercising general supervision over public schools and public educational agencies in the State of Minnesota. The Department of Education is also maintaining an Office of Desegregation/Integration, pursuant to Minn. Stat. § 124D.892, to coordinate and support activities related to student enrollment, student and staff recruitment and retention, transportation, and interdistrict cooperation among school districts.

17. Defendant Dr. Brenda Cassellius is the Commissioner of Education, appointed by the Governor, with the advice and consent of the Minnesota Senate, as provided in Minn. Stat. §§ 15.06 and 119A.03, and is sued in that capacity. The Commissioner performs duties prescribed by law and is generally responsible for the efficient administration and operation of the Minnesota Department of Education.

18. Defendant Minnesota Senate is a legislative body established by Article IV, Section 1 of the Minnesota Constitution. Defendant Sandra L. Pappas is the President of the Minnesota Senate and is sued in that capacity. As one of the two houses of the Minnesota Legislature, the Minnesota Senate is charged with the responsibility under Article XIII, Section 1 of the Minnesota Constitution, to establish a general and uniform system of public schools and to make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the State of Minnesota.

19. Defendant Minnesota House of Representatives is a legislative body established by Article IV, Section 1 of the Minnesota Constitution. Defendant Kurt Daudt is the Speaker of the Minnesota House of Representatives and is sued in that capacity. As one of the two houses of the Minnesota Legislature, the Minnesota House of Representatives is charged with the responsibility under Article XIII, Section 1 of the Minnesota Constitution, to establish a general and uniform system of public schools and to make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the State of Minnesota.

CONDUCT GIVING RISE TO VIOLATIONS OF LAW

20. School children in public schools throughout the State of Minnesota, including the City of Minneapolis, the City of Saint Paul, and their adjacent suburban communities, are largely segregated by race and socioeconomic status.

21. Although children of color comprise only approximately 29 percent of Minnesota's public school population, and children receiving free or reduced lunch comprise approximately 38 percent of Minnesota's public school population, the public schools of the City of Minneapolis are approximately 66 percent children of color and 64 percent free or reduced lunch; and the public schools of the City of Saint Paul are 78 percent children of color and 72 percent free or reduced lunch.

22. The school age populations in a number of suburban school districts surrounding or contiguous to the Minneapolis and Saint Paul public school districts, by contrast, are overwhelmingly white. In addition, such suburban school districts have a far lesser incidence of children living below the poverty line. Defendants thus are maintaining and permitting to be operated school systems in the City of Minneapolis and the City of Saint Paul that are segregated on the basis of race and socioeconomic status and that are separate from the school systems in

surrounding and neighboring suburbs in their high percentage of students of color and students living in poverty.

23. With the knowledge and consent of the defendants, the Minneapolis public school district has also established and permitted the formation of numerous hyper-segregated schools, in which children of color and/or children receiving free or reduced lunch constitute close to or more than 80 percent of the enrollment, including, but not limited to, the following schools:

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Selected Minneapolis Schools with Non-white Student Shares > 80 Percent (2013-14)

<u>School</u>	<u>% Children of Color</u>	<u>% Free/ Reduced Lunch</u>	<u>Enrollment</u>
North Academy Arts/Communication	99	88	154
Wellstone International High	98	95	276
Hmong International Academy	97	89	539
Anishinabe Academy	96	96	363
Nellie Stone Johnson Elementary	96	93	807
Bethune Elementary	96	100	359
Andersen Community	96	97	1,128
Lucy Laney @ Cleveland Park Elem.	95	98	677
Green Central Park Elementary	94	96	558
Jenny Lind Elementary	92	90	547
Sullivan Elementary	92	91	736
Jefferson Elementary	92	97	721
Olson Middle	92	94	337
North Senior High	92	90	99
Henry Senior High	91	87	1,104
Hall International	90	90	452
Folwell Arts Magnet	88	85	902
Anwatin Middle Com & Spanish D I	87	83	641
Sheridan Elementary	86	94	502
Bryn Mawr Elementary	85	87	454
Pillsbury Elementary	85	89	620
Bancroft Elementary	84	89	534
Edison Senior High	83	86	744
Roosevelt Senior High	83	81	783
Emerson Elementary	82	82	528
Pierre Bottineau	82	68	111
Pratt Elementary	80	80	221

Source: Minnesota Department of Education.

24. At the same time, with the knowledge and consent of the defendants, the Minneapolis public school district has also established and permitted the formation of numerous segregated schools in which white children and children not receiving free or reduced lunch

constitute a disproportionately high percent of the enrollment, including, but not limited to, the following schools:

Selected Minneapolis Schools with White Student Shares > 60 Percent (2013-14)

<u>School</u>	<u>% White Children</u>	<u>% Free/ Reduced Lunch</u>	<u>Enrollment</u>
Kenny Elementary	60	36	417
Lk Nokomis Comm-Wenonah Campus	61	48	281
Hiawatha Elementary	61	41	222
Barton Open Elementary	66	29	743
Kenwood Elementary	68	26	486
Armatage Elementary	70	28	629
Field Elementary	71	21	515
Hale Elementary	77	15	621
Burroughs Elementary	81	11	795
Lake Harriet Upper School	83	8	639
Lake Harriet Lower Elementary	88	8	530

Source: Minnesota Department of Education.

25. With the knowledge and consent of the defendants, the Saint Paul public school district has also established and permitted the formation of numerous hyper-segregated schools, in which children of color and/or children receiving free or reduced lunch constitute close to or more than 85 percent of the enrollment, including, but not limited to, the following schools:

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Selected St. Paul Schools with Non-white Student Shares > 80 Percent (2013-14)

<u>School</u>	<u>% Children of Color</u>	<u>% Free/ Reduced Lunch</u>	<u>Enrollment</u>
Phalen Lake Hmong Studies Magnet	98	93	699
Obama Service Learning Elementary	98	97	466
Bruce F Vento Elementary	97	96	516
Mississippi Creative Arts Elem	97	95	472
Paul & Sheila Wellstone Elementary	96	93	601
Maxfield Elementary School	96	98	334
Riverview West School Of Excellence	95	94	296
Jackson Preparatory Elementary	95	92	429
Benjamin E Mays Magnet	95	92	493
Washington Tech Secondary Magnet	94	93	2,095
Daytons Bluff Elementary	93	93	417
Humboldt Secondary School	93	93	1,174
Highwood Hills Elementary	92	95	299
Galtier Elementary School	91	94	163
Battle Creek Middle	91	88	893
American Indian Magnet School	91	93	672
Harding Senior High	91	85	2,077
John A. Johnson Achievement Plus El.	90	98	397
Saint Paul Music Academy	90	95	543
Frost Lake Elementary School	90	88	509
Cherokee Heights Elementary School	88	94	339
Hazel Park Preparatory Academy	88	91	643
Johnson Senior High	88	85	1,398
Farnsworth Aerospace Upper	88	86	692
Battle Creek Elementary School	87	78	444
Farnsworth Aerospace Lower	87	81	553
Como Park Elementary	87	89	453
Hamline Elementary School	86	87	277
Crossroads Science Program	85	78	347
Eastern Heights Elementary	85	85	381
The Heights Community School	83	86	559

Source: Minnesota Department of Education.

26. At the same time, with the knowledge and consent of the defendants, the St. Paul public school district has also established and permitted the formation of numerous segregated schools in which white children and children not receiving free or reduced lunch constitute a disproportionately high percent of the enrollment, including, but not limited to, the following schools:

Selected St. Paul Schools with Non-white Student Shares > 50 Percent (2013-14)

<u>School</u>	<u>% Children of Color</u>	<u>% Free/ Reduced Lunch</u>	<u>Enrollment</u>
Letoile Du Nord French Immersion L	55	32	234
Groveland Park Elementary	57	39	527
Jj Hill Montessori	58	31	353
Letoile Du Nord French Immersion U	62	28	375
Expo For Excellence Elementary Sch	63	31	673
St. Anthony Park Elementary	67	27	510
Randolph Heights Elementary	72	26	462
Horace Mann School	73	25	369

Source: Minnesota Department of Education.

27. The segregation and hyper-segregation described in the foregoing tables have been the result of boundary decisions by the Minneapolis and Saint Paul School Districts, made with the knowledge and consent of defendants, which have had both the purpose and effect of creating and increasing segregation of the Minneapolis and Saint Paul public schools by race and socioeconomic status.

28. Also contributing to the segregation and hyper-segregation described in the foregoing tables have been open enrollment policies adopted by the Minneapolis and Saint Paul public schools, with the knowledge and consent of the defendants, which have allowed

segregation and re-segregation of the Minneapolis and Saint Paul public schools by race and socioeconomic status.

29. Defendants have also permitted and approved the formation of numerous charter schools segregated by race and socioeconomic status in Minneapolis, Saint Paul, and surrounding suburban communities, which have foreseeably promoted and exacerbated segregation and re-segregation by race and socioeconomic status in the Minneapolis and Saint Paul public schools. The Twin Cities metropolitan area now contains 131 charter schools, over 80 percent of which are segregated by race, socioeconomic status, or both. The tables below show all of the charters that are either more than 95 percent students of color or more than 80 percent white students. Nearly a third (42 of 131) of charters in the Twin Cities are more than 95 percent students of color. In addition, there is a growing pattern in the suburbs of predominantly white charter schools locating near more racially diverse traditional schools. In 2013, 67 percent of suburban charters (32 out of 48 schools) were predominantly white (defined as more than 80 percent white students) compared to just 44 percent of traditional schools in the suburbs. More than half of predominantly white suburban charters were located in the attendance areas of traditional schools that were significantly more racially diverse. This figure has nearly tripled in the previous five years.

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Selected Charter Schools with Non-white Student Shares > 95 Percent (2013-14)

<u>School</u>	<u>% Children of Color</u>	<u>% Free Reduced Lunch</u>	<u>Enrollment</u>
Higher Ground Academy	100	97	619
Woodson Institute For Excellence Ch	100	100	238
Hmong College Prep Middle Academy	100	87	730
Hmong College Prep Academy Hs	100	91	396
Loveworks Academy For Arts	100	88	281
New Millenium Academy Charter Sch	100	77	435
Dugsi Academy	100	98	356
Adelante College Preparatory Acad	100	96	202
Community School Of Excellence	100	91	975
Best Academy	100	90	497
Step Academy Charter School	100	98	170
Cedar Riverside Community School	99	99	161
High Ground Secondary Academy	99	92	125
Harvest Preparatory School	99	95	369
Sojourner Truth Academy	99	99	422
El Colegio Charter School	99	91	79
Aurora Middle School	99	95	129
Aurora Charter School	99	96	203
Excell Academy Charter	99	93	363
Twin Cities International Elem Sch.	99	97	593
Friendship Acdmy Of Fine Arts Chtr.	99	91	127
Urban Academy Charter School	99	n.a.	267
Partnership Academy, Inc.	99	99	282
Ubah Medical Academy Charter School	99	99	359
Hiawatha Leadership Acad-Morris Pk	99	97	385
Hiawatha Leadership Acad-Northrop	99	99	68
Noble Academy	99	78	476
Hennepin Elementary School	99	98	218
Mastery School	99	88	199
Mn International Middle Charter	98	98	403
Lincoln International School	98	n.a.	142
Kipp Minnesota Charter School	98	95	199
Minneapolis College Preparatory	98	98	90
Hope Community Academy	97	82	500
Academia Cesar Chavez Charter Sch.	97	97	389
Stonebridge Community School	97	97	203
College Preparatory Elementary	97	98	295
Venture Academy	97	96	118
Augsburg Fairview Academy	96	92	169
City Academy	95	n.a.	109
St. Paul City Primary School	95	98	282
Minnesota Internship Center	95	91	56

Source: Minnesota Department of Education.

Selected Charter Schools with White Student Shares > 80 Percent

<u>School</u>	<u>% White Children</u>	<u>% Free Reduced Lunch</u>	<u>Enrollment</u>
Northwest Passage High School	80	47	133
Nova Classical Academy Upper School	80	12	415
Eagle Ridge Academy Charter School	80	18	409
Natural Science Academy	80	22	60
Seven Hills Classical Academy	81	14	473
Mts Pease Academy	82	35	66
Nova Classical Academy	83	10	469
Beacon Academy	83	17	412
World Learner Charter School	85	10	210
Great River School	85	11	416
Lakes International Language Admy	85	10	692
St. Croix Preparatory Academy Lower	88	9	451
Pact Charter School	89	13	343
St. Croix Preparatory Academy Upper	89	8	312
Pact Charter Secondary	90	12	313
St Croix Preparatory Academy Middle	90	7	355
Cologne Academy	90	18	461
Prairie Creek Community School	91	13	182
Kaleidoscope Charter School	91	16	476
Twin Cities German Immersion Chrtr	91	9	376
Swan River Montessori Charter Sch	92	10	146
North Lakes Academy 56	94	29	191
North Lakes Academy	94	22	174
Lionsgate Academy	94	20	161
Spectrum High School	96	18	528
Aspen Academy	97	9	506
Nasha Shkola Charter School	100	70	161

Source: Minnesota Department of Education.

30. In large part, the high degree of segregation by race and socioeconomic status in charter schools has occurred because defendants have permitted and approved a policy of intentional segregation among charter schools. A number of charter schools implicitly and

explicitly market themselves to students and parents as the providers of racially-oriented education, appropriate only to particular racial groups.

31. Despite the high degree of racial and socioeconomic segregation within the charter system, and the ongoing intentional segregation within this system, defendants have exempted charter schools from the state's desegregation/integration rules and requirements, which has foreseeably promoted and exacerbated segregation within Minneapolis and Saint Paul public schools. No other state in the country exempts charter schools from desegregation plans.

32. In addition, school districts in suburban communities surrounding Minneapolis and Saint Paul have engaged in drawing and redrawing school attendance boundaries that have had the purpose and effect of segregating their schools by race and socioeconomic status, all with the knowledge and consent of defendants, and with the effect of reinforcing segregation in the Minneapolis and Saint Paul public schools by preventing and deterring Minneapolis and Saint Paul students from transferring to such suburban school systems. Over the last decade, as more families and schoolchildren of color moved to the suburbs, particularly Twin Cities inner ring suburbs, defendants have permitted and approved the drawing of school boundaries that have deliberately increased segregation by race and socioeconomic status in a number of suburban districts, including, but not limited to, Bloomington, Rosemount-Apple Valley-Eagan, and Hopkins.

33. Further, on information and belief, the Minneapolis and Saint Paul School Districts, with the knowledge and consent of defendants, have used state and federal funds, which have been specifically designated to be used for the purposes of desegregation and education of socioeconomically deprived children, for other purposes unrelated to desegregation

and education of socioeconomically deprived children, and thereby solidified and promoted segregation by race and socioeconomic status in the Minneapolis and Saint Paul public schools.

34. Not only have the Minneapolis and Saint Paul School Districts segregated schools by race and socioeconomic status, but, with the knowledge and consent of defendants, they have exacerbated such unlawful discrimination through segregation of classes by race and socioeconomic status within particular schools, discriminatory discipline and suspension practices and policies, and discriminatory assignment of teachers to segregated schools. For example, in Saint Paul, African American students are suspended at a rate several times more than white students; in 2012-2013, African American students made up 73 percent of all suspensions; and low income students made up 93 percent of all suspensions in 2012-13.

35. Minneapolis and Saint Paul public schools contain a far greater proportion of students, at all levels, living in neighborhoods with high levels of poverty than do the great preponderance of suburban schools. This concentration of poverty leads to a concentration of social, physical, economic, and child development challenges that negatively impact both students and schools. Individuals living in concentrated poverty in Minneapolis and Saint Paul have substantially increased from the 1970s to the present. Concentrated poverty, such as exists in parts of the City of Minneapolis and City of Saint Paul, when carried into the public schools, directly results in lower school achievement, wholly without regard to considerations of race. Racial segregation, on top of socioeconomic segregation, further exacerbates these problems and worsens educational outcomes.

36. For 2014, 23.2 percent of Black (not of Hispanic origin) students in Minneapolis public schools demonstrated proficiency in reading, 22.7 percent demonstrated proficiency in mathematics, and 12.5 percent demonstrated proficiency in science. For 2014, 25.2 percent of

Black (not of Hispanic origin) students in Saint Paul public schools demonstrated proficiency in reading, 24.4 percent demonstrated proficiency in mathematics, and 14 percent demonstrated proficiency in science. These results compared negatively with statewide averages for all students of 58.8 percent, 60.5 percent, and 53.4 percent respectively. These results for Black students also compared negatively with proficiency of white Minneapolis students of 77.7 percent in reading, 76.1 percent in mathematics, and 71.1 percent in science, and with proficiency of white Saint Paul students of 72 percent in reading, 67 percent in mathematics, and 64.2 percent in science. The 2014 proficiency of Hispanic/Latino students in Minneapolis was 24.3 percent in reading, 31 percent in mathematics, and 18.5 percent in science. The 2014 proficiency of Hispanic/Latino students in Saint Paul was 29 percent in reading, 28.5 percent in mathematics, and 21.7 percent in science. The 2014 proficiency of Native Americans in Minneapolis was 22.9 percent in reading, 22.9 in mathematics, and 16.6 percent in science. The 2014 proficiency of Native Americans in Saint Paul was 35 percent in reading, 29.4 in mathematics, and 21 percent in science.

37. Beginning in the year 2000, defendants have mandated that students in Minnesota must pass 8th Grade Basic Standards Tests for reading and mathematics in order to graduate from high school. For the period from 2010 through 2014, the pass rates for 8th grade students in Minneapolis and Saint Paul public schools taking the basic standards tests for reading and mathematics have been as set forth in the following tables compared with the pass rates for all 8th grade students in Minnesota and the pass rates for 8th grade students in various suburban districts.

Basic Standards Test Pass Rates

<u>Reading</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Minneapolis	53%	56%	57%	42%	44%
Saint Paul	50	53	56	38	39
Statewide	72	74	75	58	59
Edina	90	91	92	81	86
Minnetonka	90	92	92	80	80
Wayzata	90	90	91	78	80
Woodbury	80	81	80	65	70
Mahtomedi	87	90	91	77	82
Stillwater	84	85	86	70	70
<u>Mathematics</u>	<u>2010</u>	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>
Minneapolis	46%	38%	39%	42%	43%
Saint Paul	49	40	40	42	39
Statewide	65	56	61	60	61
Edina	86	79	80	82	81
Minnetonka	84	78	85	81	81
Wayzata	84	76	84	81	81
Woodbury	77	65	65	72	72
Mahtomedi	82	73	82	82	85
Stillwater	75	70	74	73	71

Source: Minnesota Department of Education.

38. Segregation by race and socioeconomic status in the Minneapolis and Saint Paul public schools has also resulted in low graduation rates for students of color. In 2014, while the overall high school graduation rate for the Minneapolis public schools was 58.7 percent, the graduation rate for Black (not of Hispanic origin) students was 47.3 percent, for Native American students 29.2 percent, and for Hispanic students 45.1 percent. White students had a

graduation rate of 77.3 percent. In 2014, while the overall high school graduation rate for the Saint Paul public schools was 75.5 percent, the graduation rate for Black (not of Hispanic origin) students was 68.8 percent, for Native American students 51.5 percent, and for Hispanic students 69.4 percent. White students had a graduation rate of 83.6 percent. The statewide graduation rate for Minnesota was 81.2 percent.

39. The cumulative responsibility for educating this high proportion of students living in poverty places the Minneapolis and Saint Paul public schools at a severe educational disadvantage in comparison with suburban schools. Because the Minneapolis and Saint Paul public schools must devote disproportionately large resources to dealing with the many problems and difficulties that accompany poverty and racial segregation, the Minneapolis and Saint Paul public schools lack adequate resources to provide and maintain staffing, staff development, facilities, text books, science equipment, computers, sports and art programs, extracurricular activities, and other necessities and accoutrements of an adequate education.

40. Many of the students in Minneapolis and Saint Paul not only perform substantially below suburban students attending schools where poverty and enrollment of low income students and students of color are not so high, but also fail to perform at levels of adequacy accepted and recognized by the State. The State has failed to educate these students both in comparison with other students and based on its own standards of what is adequate.

41. All children, including the plaintiffs, have the capacity to learn if given a suitable and adequate education. Because the Minneapolis and Saint Paul public schools have an extraordinary proportion of children living in poverty among their student populations, however, the Minneapolis and Saint Paul public schools operate at a severe educational disadvantage in addressing the educational needs of all students--not only those who are low-income, but those

who are not. The sheer proportion of students living in poverty imposes enormous educational burdens on the individual students, teachers, classrooms, and schools within the City of Minneapolis and the City of Saint Paul. These burdens are then substantially worsened by racial segregation. These burdens have deprived both the low-income children and all other Minneapolis and Saint Paul school children of their right to an equal educational opportunity.

42. Faced with these severe educational burdens, schools in the Minneapolis and Saint Paul School Districts have been unable to provide educational opportunities that are substantially equal to those received by school children in suburban districts.

43. As a result, the overall achievement of school children in the Minneapolis and Saint Paul public schools, assessed by virtually any measure of educational performance, is substantially below that of school children in suburban districts and inadequate.

44. For example, graduation rates in Minneapolis and Saint Paul public schools are substantially lower than graduation rates in suburban districts. While Minneapolis public schools have a 58.7 percent graduation rate and St. Paul has a graduation rate of 75.6 percent, suburban school districts often average graduation rates of 90 percent or more. These suburban school districts are also far less segregated than the Minneapolis and Saint Paul School Districts. For example, Edina, with a graduation rate of 97.3 percent, has only 19 percent students of color and 9 percent students on free or reduced lunch. Minnetonka, with a graduation rate of 92.9 percent, has only 13.4 percent students of color and 7.2 percent of students on free or reduced lunch. Wayzata, with a graduation rate of 95.4 percent, has only 29.3 percent students of color and 12.5 percent students on free or reduced lunch. Woodbury High School, with a graduation rate of 96 percent, has only 30.6 percent students of color and 15.8 percent students on free or reduced lunch. Mahtomedi High School, with a graduation rate of 97.9 percent, has only 9.1

percent students of color and 7.2 percent students on free or reduced lunch. Stillwater High School, with a graduation rate of 93.3 percent, has only 8.3 percent students of color and 11.8 percent students on free or reduced lunch. On information and belief, much of the enrollment of students of color and students in poverty in suburban districts consists of Minneapolis school children able to attend school in these suburban districts as the result of the settlement of prior litigation against the State for failing to provide an adequate education for Minneapolis school children. Similarly, standardized test scores for children in the Minneapolis and Saint Paul public schools fall substantially below scores for children enrolled in suburban schools.

45. Other measures of educational achievement reveal the same pattern of disparities. Most suburban schools rank far ahead of the Minneapolis and Saint Paul public schools when measured by the percentage of students who enter four-year colleges, the percentage of students who enter any program of higher education, and the percentage of students who obtain full-time employment within nine months of completing their schooling.

46. The racial and socioeconomic segregation of the Minneapolis and Saint Paul public schools necessarily limits not only the equal educational opportunities for plaintiffs and other Minneapolis and Saint Paul students, but their potential employment as well, inasmuch as a large percentage of all employment growth in the Twin Cities metropolitan area is occurring in the suburban districts, and suburban students have greater access to and a higher rate of success in obtaining employment with many metropolitan area employers.

47. Inadequacy of the education being received by the plaintiffs is the result of the educational and social policies pursued or accepted by the defendants, including the racial and socioeconomic segregation of the Minneapolis and Saint Paul public schools.

48. The practices that the defendants have engaged in or permitted and have caused or contributed to the segregation of the Minneapolis and Saint Paul public schools include, *inter alia*, the following:

- (a) Defendants have facilitated, approved, and consented to the development and implementation of a “community schools” plan in the Minneapolis and Saint Paul public school districts. The “community schools” plan has foreseeably resulted in greater segregation by race and socioeconomic status of the Minneapolis and Saint Paul public schools. In addition, the “community schools” plan, by design and effect, disadvantages students of color and low-income students.
- (b) Defendants have drawn district lines contiguous with municipal boundaries and, subsequently, have encouraged and supported consolidation of smaller suburban districts that have excluded and isolated further the Minneapolis and Saint Paul public school districts and their students.
- (c) Defendants have neither developed nor implemented and enforced effective rules or an effective plan for desegregation/integration or for remedying the inadequacy of the education being received by the plaintiffs and other Minneapolis and Saint Paul school children, although defendants know and have known for some time of the segregation and resulting inadequacy of education in the Minneapolis and Saint Paul public schools.
- (d) Defendants have facilitated, approved of, and consented to the following policies and practices in Minneapolis and Saint Paul public schools that have rendered increasingly difficult the provision of an adequate education to the plaintiffs; segregation of staff by race; misallocation of financial resources; discriminatory

disciplinary procedures; and the improper and abusive use of Special Education services, alternative schools, Limited English Proficiency programs, magnet schools, charter schools, tracking practices, and other similar programs.

- (e) Defendants have authorized, approved, and consented to school construction and other capital expenditures and improvements with respect to education that have reinforced and contributed to the entrenchment of existing concentrations of poverty, racial segregation, and the concomitant inadequacy of education in the Minneapolis and Saint Paul public schools.
- (f) Although obligated to do so, the defendants have failed to coordinate school desegregation/integration efforts with the housing, social, economic, and infrastructure needs of the metropolitan area.

49. The defendants have also allowed numerous schools in suburban school districts surrounding Minneapolis and Saint Paul to become segregated on the basis of race and socioeconomic status, with the consequences that desegregation of the Minneapolis and Saint Paul public schools has become much more difficult, and cannot effectively be achieved without a remedy embracing the entire Twin Cities metropolitan area.

50. The defendants have allowed the stain and pollution of public school segregation by race and socioeconomic status to spread like a cancer throughout the Twin Cities metropolitan area over the last 20 years.

51. With the knowledge and consent of the defendants, suburban school districts have established and permitted the formation of numerous segregated schools, in which children of color and/or children receiving free or reduced lunch constitute close to or more than 70 percent of the enrollment, including, but not limited to, the following schools:

Selected Suburban Schools with Non-white Student Shares > 70 Percent (2013-14)

<u>School</u>	<u>District</u>	<u>% Children of Color</u>	<u>% Free/ Reduced Lunch</u>	<u>Enrollment</u>
Crest View Elementary	Osseo	96	89	377
Zanewood Community School	Osseo	96	90	489
Fair Oaks Elementary	Osseo	93	89	409
Garden City Elementary	Osseo	92	80	412
North View Ib World School	Osseo	90	79	744
Valley View Elementary	Bloomington	88	85	539
Northport Elementary	Robbinsdale	87	82	585
Evergreen Park Elementary	Anoka-Hennepin	86	76	501
Park Brook Elementary	Osseo	86	76	318
Centennial Elementary	Richfield	84	83	479
Earle Brown Elementary	Brooklyn Center	84	82	1,054
Brooklyn Center Secondary	Brooklyn Center	83	82	816
Palmer Lake Elementary	Osseo	82	75	691
Park Center Ib World School	Osseo	79	63	1,323
Meadow Lake Elementary	Robbinsdale	79	81	602
Central Park Elementary	Roseville	79	80	489
Valley View Elementary	Columbia Heights	78	86	553
Highland Elementary	Columbia Heights	76	83	538
Columbia Academy	Columbia Heights	76	82	661
Sky Oaks Elementary	Burnsville	75	78	621
Talahi Community Elementary	St. Cloud	75	92	470
Brooklyn Junior High	Osseo	74	57	921
Birch Grove School For The Arts	Osseo	74	58	556
Edinbrook Elementary	Osseo	73	57	857
Richfield Middle	Richfield	73	71	906
Columbia Heights Senior High	Columbia Heights	72	75	814
Hidden Valley Elementary	Burnsville	72	71	585
Valley View Middle	Bloomington	72	70	688
Harambee Elementary	East Metro Integration District	72	65	427
North Park Elementary	Columbia Heights	71	78	501
Richfield Dual Language School	Richfield	71	56	463
Webster Elementary	North St Paul-Maplewood Oakdale	71	76	407
Eisenhower Elementary	Hopkins	70	72	464
Edgerton Elementary	Roseville	70	70	498

Source: Minnesota Department of Education.

These 34 schools represent just five percent of total enrollments in suburban schools, but 16 percent of suburban students of color and 18 percent of low-income suburban students attend these schools. The average non-white share of these schools is 79 percent, compared to 26 percent in the other 484 suburban public schools. The average free and reduced lunch share is 76 percent, compared to 24 percent in the other 484 suburban public schools. There are 132 suburban public schools with student populations that are at least 90 percent white.

52. Segregation by race and socioeconomic status in the Twin Cities metropolitan area public schools has been worsening for over two decades. In the 19 years from 1995 to 2014, the number of schools in the Twin Cities metropolitan area made up of more than 90 percent students of color increased by more than 10 times, from 11 to 114. The number of students of color in those highly segregated environments rose by more than 22 times (from 1,863 to 41,685), a percentage increase from 2.4 percent to 22.2 percent.

53. The growth of segregation by race and socioeconomic status cannot be explained merely by reference to national or regional demographic shifts, and is not comparable to trends taking place elsewhere. In the previous two decades, the share of the regional population in majority persons of color, economically disadvantaged areas increased from 3 percent to 9 percent, much more slowly than the share of students in segregated schools. Peer regions with similar demographic compositions did not see comparable increases in school segregation. For instance, between 2000 and 2009, in the Portland region, the number of highly segregated schools with more than 90 percent students of color increased from 0 to 2. The number of highly segregated schools in the larger Seattle region increased from 14 to 25. In the Twin Cities region, the number of highly segregated schools increased from 11 to 83.

54. The segregation and hyper-segregation described hereinabove have been the result of boundary decisions of school districts, including in the Minneapolis and Saint Paul School Districts, all made with the knowledge and consent of defendants, which have had both the purpose and effect of creating and increasing segregation of the Minneapolis and Saint Paul public schools by race and socioeconomic status.

55. With the knowledge and consent of defendants, the Saint Paul Public School District has replaced its earlier small school attendance areas with large school attendance zones, which provide unequal choice to parents located in different parts of the district. Students attending school in the whiter and more affluent regions of the city have access to a larger attendance zone and more school options. Students in less white and less affluent regions of the city are more likely to be placed in a smaller, more restrictive attendance zone. The Saint Paul school district also eliminated its earlier school boundaries, designed to ensure that majority white schools within the district remain integrated.

56. With the knowledge and consent of defendants, the Minneapolis public school district has replaced its earlier small school attendance areas with large school attendance zones, which has the effect of isolating the wealthier and whiter section of Southwest Minneapolis from the rest of the city.

57. Over the last decade, as more families and schoolchildren of color moved to the suburbs, particularly Twin Cities inner ring suburbs, defendants have also permitted and approved the drawing of school boundaries that have deliberately increased segregation by race and socioeconomic status in a number of suburban districts. In recent years, the Hopkins, Bloomington, Burnsville, Osseo, East Carver, North Saint Paul-Maplewood, White Bear Lake, and Anoka-Hennepin school districts have all made boundary changes that increased the degree

of racial and socioeconomic segregation within their schools, in most cases creating racially isolated schools within their boundaries. Defendants have taken no action to prevent or correct these changes.

58. When clear evidence exists that boundary decisions have been made with the purpose and effect of increasing segregation by race and socioeconomic status, defendants have also failed to enforce state rules proscribing intentional and de facto segregation. For example, until 2007, the Rosemount-Apple Valley-Eagan school district maintained a discontinuous school attendance zone for Cedar Park Elementary school, which was 37 percent students of color. The zone included a separate northern and southern section, the former of which was comprised only of a low-income mobile home park. The two sections were separated by the attendance zones for two separate other elementary schools, both of which were 15 percent students of color or less. Students in the northern section were forced to bus past these other schools to attend their more segregated school to the south. In 2004, Defendant Department of Education examined this arrangement and took no action against the district, finding that it had not intentionally segregated these schools.

59. With the knowledge and consent of defendants, school districts have operated schemes to take advantage of flight from integrative boundary changes in neighboring districts. For instance, the Minnetonka school district has conducted advertising campaigns in neighboring districts undergoing politically charged boundary adjustments. As a result, the Minnetonka school district has, through the open enrollment system, enrolled a large number of students from neighboring districts, who tend to be more affluent and whiter than the average student in those districts. This practice has the purpose and effect of causing segregation by race and socioeconomic status.

60. Similarly, defendants have permitted charter schools to operate as de facto optional attendance boundaries, increasing segregation by race and socioeconomic status. A number of charter schools have been in the vicinity of politically charged boundary adjustments or racially transitioning school districts, and these schools attract a much higher percentage of white students than their neighboring schools. For instance, when Rosemount-Apple Valley-Eagan school district's discontinuous elementary school attendance boundary was called into question in 2004, Paidea Academy, a charter school, was opened near that boundary. Its student body has remained whiter than any other nearby school, even after the discontinuous boundary was eliminated. Likewise, the opening of Seven Hills Academy Charter in Richfield corresponded to a 28 percent decrease in white population at the nearest elementary school in the city's school district, Centennial Elementary. In 2014, Seven Hills Academy was 79 percent white, while Centennial Elementary was 87.5 percent children of color.

61. Also contributing to the segregation and hyper-segregation described hereinabove have been open enrollment policies, adopted with the knowledge and consent of the defendants, which have allowed segregation and re-segregation of the Minneapolis and Saint Paul public schools by race and socioeconomic status. These policies function as optional attendance boundaries. Due to pressures created by segregation and concentration of poverty, a much greater number of students rely on open enrollment policies to exit Minneapolis and Saint Paul than to enter these two districts. In the 2009-2010 school year, 2,452 students open enrolled out of the Minneapolis School District, while 1,256 students open enrolled into the district; the same year, 2,458 students open enrolled out of Saint Paul public schools, while 1,175 students open enrolled into the district. While the majority of the students leaving both districts were white – 54 percent and 53 percent, respectively – a small minority of the students entering the districts

were white – 22 and 25 percent, respectively. Simultaneously, in a number of suburban school districts, open enrollment created a large net increase in the student population, the majority of which was white.

62. The existing desegregation/integration rule was adopted as the result of political pressure in the months immediately preceding the 1998 gubernatorial election. Several state officials, including the Commissioner of Education, praised the rule's relaxed restrictions on school segregation. The Department of Education, in promulgating the rule, declared, contrary to federal law, the Minnesota Constitution, and the Minnesota Human Rights Act, that the State has no compelling interest in maintaining integrated public education. The rule exempts charter schools and the open enrollment system from its requirements, and maintains a higher standard to prove intentional discrimination than the standard otherwise required by state and federal law.

63. In addition, despite being fully aware of the ongoing and increasing segregation in Minnesota schools, Defendant Minnesota Department of Education is currently preparing to repeal even the weakened remedial measures within this existing school desegregation/integration rule. This includes repeal of all measures requiring interdistrict cooperation between segregated and nonsegregated school districts, and repeal of all measures that address intentional discrimination or segregation. The proposed replacement rule contains no effective remedies for segregation whatsoever and would virtually ensure that segregation by race and socioeconomic status will continue to increase.

64. Academic research shows that concentrated poverty in schools, such as exists in public schools in Minneapolis, Saint Paul, and several suburban districts, directly results in lower school achievement, a less supportive learning environment, reduced opportunity, and significantly worsened educational, professional, and social outcomes, wholly without regard to

considerations of race. Racial segregation, on top of socioeconomic segregation, further exacerbates these problems, contributing to severely unequal outcomes.

65. Research has extensively catalogued the harms created by racial and socioeconomic segregation. The academic achievement of children of color in racially segregated schools is reduced in comparison to children of color in racially integrated schools. Children of color and children from low-income families are disproportionately likely to be placed in special education programs if they attend segregated schools. Students in segregated schools are less likely to graduate and complete fewer years of education. Schools with racially segregated student bodies are also more likely to have segregated faculties, limiting opportunities for intergroup contact and reducing intergroup competency as an adult. Segregated schools provide inferior working environments and consequently suffer from greater staff turnover, undermining students' abilities to build useful academic and professional networks.

66. Research has also demonstrated that a number of important and lasting benefits accrue to children who receive a racially-integrated education. Segregated schools deprive students of these benefits. Children of color who attend integrated schools complete more years of education, graduate at a higher rate, and have higher college attendance rates than their peers in segregated schools. The achievement gap between white students and children of color is reduced in integrated schools. Integrated schools also provide students with the diverse interpersonal and professional networks that are an essential part of an adequate education. Integrated schools provide a supportive professional climate for teachers, and therefore are able to maintain a comparatively more stable teaching staff. Parental and community involvement is higher in integrated schools. Pedagogical research also indicates that integrated educational environments can help foster positive academic habits, such as increased ability for independent

thinking and a greater facility with higher order analysis. The academic and interpersonal benefits of integration accrue to all student groups, including white students, and there is no evidence that integrated schools harm any student group.

67. Sociological research shows that the benefits of integrated education are life-long and extend outside the academic setting. Students who experience intergroup contact in integrated school settings are more likely to live, work, and attend college in more integrated settings. Children of color who graduated from integrated schools tend to enter more lucrative occupations later in life, and tend to enter occupations in which minorities are historically underrepresented. Students who attend integrated schools have higher incomes later in life than students who attend segregated schools. Integrated schools improve the stability of interracial friendships and increase the likelihood of interracial friendships as adults. Intergroup contact in desegregated settings decreases racial prejudice among students and facilitates more positive interracial relations.

68. Segregated or separate schools are not equal to non-segregated schools as a matter of law, pursuant to the decision of the United States Supreme Court in *Brown v. Board of Education*, 347 U.S. 483 (1954).

69. Because the plaintiffs are receiving a segregated education in the Minneapolis and Saint Paul public schools, the education provided to the plaintiffs is unequal and constitutionally infirm. A segregated education is *per se* an inadequate education under the Education Clause of the Minnesota State Constitution, and further constitutes an infringement of the right of the plaintiffs to the equal protection of the laws under the Equal Protection Clause of the Minnesota State Constitution, as well as an infringement of the right of the plaintiffs to due process of law under the Due Process Clause of the Minnesota Constitution.

70. In addition to receiving a racially and socioeconomically segregated education, the plaintiffs are in fact receiving an inadequate education by any objective measure or standard.

71. When the State deprives citizens of liberty for the purpose of benefiting them with a service, due process requires that the service be provided to them in an adequate form. The State of Minnesota deprives students of their liberty by requiring them to attend school under penalty of law. Because the education provided in the Minneapolis and Saint Paul public schools is inadequate, the confinement of all Minneapolis and Saint Paul students pursuant to the mandatory attendance policy is constitutionally infirm.

72. Once the State establishes a system of education and requires school attendance, an understanding is created between the State and the student that secures certain benefits and that supports claims of entitlement to those benefits. Thus, an adequate education constitutes a property interest that the State may not abridge without due process of law. The contours of the plaintiffs' due process property interests are evidenced by, *inter alia*, the standards and requirements set forth by the Minnesota Constitution and state laws and regulations governing public education, including, *inter alia*, State law pertaining to graduation requirements.

73. The racial and socioeconomic segregation and deprivation of an adequate education for plaintiffs set forth in the foregoing paragraphs were necessarily intentional on the part of defendants, in that such segregation and deprivation were extreme, open, and widely known not only to defendants, but throughout the Twin Cities metropolitan area, and were the necessary and inevitable consequences of the actions and inactions of the defendants, who were repeatedly and continuously aware and informed of the effects of their actions and inactions.

DEPRIVATION OF ADEQUATE EDUCATION—STRICT LIABILITY

74. As set forth more fully hereinabove, the plaintiffs are receiving an education in the Minneapolis and Saint Paul public schools that is both *per se* and in fact inadequate because it is segregated, and is also in fact inadequate because it is substandard by any reasonably, widely accepted measure, and because it is unequal to the education being provided in surrounding suburban school districts. The plaintiffs have a fundamental right under the Education Clause of the Minnesota Constitution, Article XIII, Section 1, to an adequate education, which is not being provided. Accordingly, regardless of whether or not they have caused or contributed to the deprivation of the fundamental right of the plaintiffs to an adequate education, defendants are required by law, under Article XIII, Section 1 of the Minnesota Constitution, to provide the plaintiffs with an adequate education and to remedy forthwith the deprivation and violation of the fundamental right to an adequate education of the plaintiffs. The plaintiffs are therefore entitled to injunctive and other equitable relief requiring defendants to remedy the deprivation of the fundamental right of the plaintiffs to an adequate education, and requiring the defendants to provide the plaintiffs forthwith with an adequate education.

DEPRIVATION OF ADEQUATE EDUCATION—CAUSED OR CONTRIBUTED TO BY CONDUCT OF DEFENDANTS

75. As set forth more fully hereinabove, the conduct of defendants described herein has caused the plaintiffs to receive an education in the Minneapolis and Saint Paul public schools that is both *per se* and in fact inadequate because it is segregated, and is also in fact inadequate because it is substandard by any reasonably, widely accepted measure, and because it is unequal to the education being provided in surrounding suburban school districts. The plaintiffs have a fundamental right under the Education Clause of the Minnesota Constitution, Article XIII, Section 1, to an adequate education, which is not being provided. Accordingly, because the

defendants by their actions and inactions set forth hereinabove have caused the plaintiffs to receive an inadequate education, defendants are required by law, under Article XIII, Section 1 of the Minnesota Constitution, to provide the plaintiffs with an adequate education and to remedy forthwith the deprivation and violation of the fundamental right to an adequate education of the plaintiffs. The plaintiffs are therefore entitled to injunctive and other equitable relief requiring defendants to remedy the deprivation of the fundamental right of the plaintiffs to an adequate education, which defendants have caused and to which they have contributed, and requiring the defendants to provide the plaintiffs forthwith with an adequate education.

DENIAL OF EQUAL PROTECTION

76. As set forth more fully hereinabove, the conduct of defendants described hereinabove has caused the plaintiffs to receive an education in the Minneapolis and Saint Paul public schools that is both *per se* and in fact inadequate because it is segregated, and is also in fact inadequate because it is substandard by any reasonably, widely accepted measure, and because it is unequal to the education being provided in surrounding suburban school districts, and defendants have thereby denied to the plaintiffs the equal protection of the laws, in violation of the Equal Protection Clause of the Minnesota State Constitution, Article I, Section 2, such that the plaintiffs have been injured and damaged as a direct and proximate result of the conduct of defendants described hereinabove, and are entitled to injunctive and other equitable relief requiring defendants to cease and desist from the conduct described hereinabove, to remedy the denial of the equal protection of the laws to the plaintiffs, and to provide the plaintiffs forthwith with a desegregated and adequate education.

DENIAL OF DUE PROCESS

77. As set forth more fully hereinabove, the conduct of defendants described hereinabove has caused the plaintiffs to receive an education in the Minneapolis and Saint Paul public schools that is both *per se* and in fact inadequate because it is segregated, and is also in fact inadequate because it is substandard by any reasonably, widely accepted measure, and because it is unequal to the education being provided in surrounding suburban school districts, and thus has caused the unlawful impingement of the plaintiffs' liberty and property interests, thereby denying to the plaintiffs the right to due process, in violation of the Due Process Clause of the Minnesota State Constitution, Article I, Section 7, such that the plaintiffs have been injured and damaged as a direct and proximate result of the conduct of defendants described hereinabove, and are entitled to injunctive and other equitable relief requiring defendants to cease and desist from the conduct described hereinabove, to remedy the denial of due process to the plaintiffs, and to provide the plaintiffs forthwith with a desegregated and adequate education.

VIOLATION OF MINNESOTA HUMAN RIGHTS ACT

78. As set forth more fully hereinabove, the conduct of defendants described hereinabove has caused the plaintiffs to be subjected to unlawful discrimination in education on the basis of race and status with regard to public assistance in violation of the Minnesota Human Rights Act, Minnesota Statutes §§ 363A.01 *et seq.*, and specifically § 363A.13 subd. 1, and plaintiffs are entitled under §§ 363A.29 subd. 3 and 363A.33 subd. 6 of the Minnesota Human Rights Act to an order directing the defendants to cease and desist from the unfair discriminatory practices found to exist and to take such affirmative action as in the judgment of the Court will effectuate the purposes of the Minnesota Human Rights Act, together with all other appropriate relief provided for therein.

MAINTENANCE OF THIS CASE AS A CLASS ACTION

79. This action is appropriate to be maintained as a class action on behalf of children enrolled, or expected to be enrolled during the pendency of this action, in the Minneapolis Public Schools, Special School District No. 1, and the Saint Paul Public Schools, Independent School District 625 because: (a) the class, consisting of thousands of students, is so numerous that joinder of all members is impracticable; (b) there are questions of law or fact common to the class, including, for example, whether the Minneapolis and Saint Paul schools are segregated by race and socioeconomic status, and whether the conduct of defendants has caused or contributed to that segregation; (c) the claims of the representative plaintiffs are typical of the claims of the class; and (d) the representative parties will fairly and adequately protect the interests of the class.

80. This action may also appropriately be maintained as a class action because the defendants have acted and refused to act on grounds generally applicable to the class through defendants' actions and inactions described hereinabove causing and contributing to the segregation by race and socioeconomic status and the denial of an adequate education to students in the Minneapolis and Saint Paul public schools, thereby making appropriate injunctive and declaratory relief with respect to the class as a whole.

PRAYER FOR RELIEF

WHEREFORE the plaintiffs demand judgment against the defendants as follows:

A. Certifying this action as a class action on behalf of a class of children enrolled, or expected to be enrolled during the pendency of this action, in the Minneapolis Public Schools, Special School District No. 1, and the Saint Paul Public Schools, Independent School District 625, and appointing the plaintiffs named herein as class representatives;

B. Finding, adjudging, and decreeing that the defendants have engaged in the violations of law set forth hereinabove;

C. Permanently enjoining the defendants from continuing to engage in the violations of law set forth hereinabove, ordering the defendants to remedy the violations of law set forth hereinabove, and ordering the defendants to provide the plaintiffs forthwith with an adequate and desegregated education;

D. Awarding to the plaintiffs their costs and disbursements herein, including their reasonable attorneys' fees incurred in the prosecution of this action; and

E. Granting to the plaintiffs such other and further relief as to the Court may appear just and appropriate.

Dated: November 5, 2015.

GRAY, PLANT, MOOTY,
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MINNESOTA STATUTE SECTION 549.21 ACKNOWLEDGMENT

The undersigned hereby acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. Sec. 549.21, subd. 2, to the parties against whom the allegations in this pleading are asserted.

Daniel R. Shulman, #100651