

STATEMENT OF THE PLAINTIFFS IN
CRUZ-GUZMAN V. STATE OF MINNESOTA EDUCATIONAL ADEQUACY CASE
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Key Facts:

- *Cruz-Guzman v. State of Minnesota* is an educational adequacy lawsuit under the Minnesota State Constitution
- Filed November 5, 2015 in Hennepin County District Court
- This school desegregation lawsuit seeks class action status on behalf of all school children in Saint Paul and Minneapolis public schools
- Filed by same legal team that prosecuted *NAACP v. State of Minnesota* and *Xiong v. State of Minnesota* educational adequacy litigation in 1990s

About the litigation:

Today we are pleased to announce that we have filed an educational adequacy lawsuit in Hennepin County District Court against the State of Minnesota on behalf of all children in Saint Paul and Minneapolis public schools. The lawsuit challenges the unlawful and unconstitutional segregation of schools in the Twin Cities. The case, which will be known as *Cruz-Guzman v. State of Minnesota*, is being prosecuted by the same team of litigators that 20 years ago prosecuted the educational adequacy lawsuits known as *NAACP v. State of Minnesota* and *Xiong v. State of Minnesota*.

Seven families and one non-profit organization have agreed to participate as plaintiffs on behalf of the class because they believe in the importance of a desegregated education and they believe that the State of Minnesota has violated the State Constitution by failing to provide a desegregated education to all students in Minneapolis and Saint Paul public schools.

We are confident that the State's own publicly available data clearly proves our case. The State has long been aware of the unlawful segregation of Twin Cities schools. The State in fact allows, facilitates, and, through its actions

and inaction, supports segregation of schools. The State does this even though it knows that such segregation is unlawful and unconstitutional, and that it harms children.

We anticipate that this case will generate significant debate and discussion. Some people may be tempted to mischaracterize this lawsuit. Let us be clear —this is a school desegregation lawsuit. The demands and remedies we pursue in court will *necessarily* include metropolitan-wide desegregation. This is the only way to ensure that **all** children in Saint Paul and Minneapolis public schools receive the adequate education to which they are legally and constitutionally entitled.

About our demands and potential remedies:

Why metropolitan-wide desegregation?

In this lawsuit, we demand metro-wide desegregation because Minneapolis and Saint Paul public schools cannot desegregate themselves. Why is school desegregation necessary? Simply put, because it is proven to work. From 1970 to the mid-1980s, the only period in which schools were allowed to desegregate across the country, the so-called “learning gap” between African-American and European-American students was cut in half across the country. It was the only time this has ever happened. In fact, not only was the learning gap cut in half during that time period, but life outcomes also improved for children in newly desegregated schools.

Why was school desegregation stopped if it was so successful? That is an important question. In the 1980s, the federal government responded to pressure from European-American constituents to use the federal courts not to vindicate children’s constitutional rights to a desegregated education, but instead to systematically fight to *re-segregate* the nation’s schools. That trend has been continued by both Republican and Democrat administrations through the present even though segregated schools are a proven failure and harm children, particularly children of color.

Today, sadly, there is an entire architecture of patronage in every large American city, including Minneapolis and Saint Paul, doling out money and limited power on the condition that those receiving the money and power defend the system of segregated schools. Today, we find ourselves back where we began over fifty years ago when *Brown v. Board of Education* was originally litigated - with hyper-segregated, low-performing public schools in Minneapolis and Saint Paul.

What else does this lawsuit demand?

This lawsuit is committed to vindicating the legal and constitutional rights of all children to an adequate, high quality, non-racist, desegregated education. As others have noted, such an education includes, among other things, (1) choice for families (high quality options and alternatives), (2) equitable

access (including transportation), and (3) students and families feeling safe, valued, welcomed, and respected, regardless of ethnicity, learning ability, language or other factors, not just within all school buildings, but in all programs within those buildings.

Desegregated learning environments, to which this lawsuit is committed, are those within which all those participants feel able and are encouraged to actively engage in all academic and social processes; feel welcomed, valued, and respected; incorporate, acknowledge, and celebrate the cultures, language, history, and intellectual contributions of all groups in the curriculum and daily lives of all students, families, staff and community.

Desegregated schools, to which this lawsuit is committed, reflect inclusion throughout the curriculum, throughout all buildings and programs, their governance, staff recruitment, hiring, and staff development, and family and community engagement. Moreover, desegregated schools, to which this lawsuit is committed, encourage the transformation of the existing system and our larger society to meet the needs of all students and staff, as part of everyday life. This is what the lawsuit is committed to delivering. ***This lawsuit says, “Yes” to desegregation and to all other aspects of a high quality, appropriate, non-racist, and desegregated education.***

What this lawsuit is *not* about:

From time to time, you may hear assertions about this case from various people, including many who feel they have something to lose, such as status or money, if schools are desegregated. For example, some may say this case is about busing, or about money, or about having children of color sit next to so-called “white” kids. Let us be clear.

This lawsuit is not about busing; it’s not about money; and it’s not about simply changing where kids go to school. Today, virtually all children in the Twin Cities are bused to schools; but they are bused to *segregated* schools. We will change that. There is already a lot of money in K-12 education; this lawsuit rejects the notion that more funding for schools can somehow provide an adequate education *in the absence of metro-wide desegregation*. Let there be no confusion. This lawsuit is committed to ensuring a high quality, appropriate, non-racist, and desegregated education for ***all*** children. It is about equality; it is about ensuring that the power structure of this society does not continue to separate children by their skin color, their family income, or their last names.

This lawsuit is about having children of all colors, backgrounds, and socio-economic statuses sitting and learning together in high quality desegregated schools, as required by the Minnesota State Constitution, and the American vision of a fair and just society.

Inclusion and outreach:

We stand prepared to work with all people of good faith who want genuinely to improve the educational opportunities and outcomes for all children in the Twin Cities. There are, by some counts, as many as 500 different organizations in the state of Minnesota with an avowed purpose to address in some fashion the so-called “learning gap.” Unfortunately, few of these organizations are advocating for what has already been proven to work: desegregation. While we are open to discussing a variety of improvements and changes that could and should be implemented in Twin Cities schools **as part of metro-wide desegregation**, we will not waste our time, as Mahatma Gandhi observed, trying to teach the British that 2+2=4.

Our determination to prevail:

A system of patronage has been in place in Minnesota and Saint Paul for a long time. That system of patronage is designed to perpetuate the current status quo of segregated schools. In the course of prosecuting this lawsuit, we anticipate there will be criticisms and opposition from people who derive power and money from this deplorable system of oppression that has impaired the futures of hundreds of thousands of children in the Twin Cities and millions nationwide. Those in the system who are well-informed and unafraid of the truth know we are right when we say that segregation destroys educational opportunity and damages children’s futures. The debate therefore is not really over whether desegregation is necessary, but about whether the power structure in this state and country will “allow” the system of segregated education to be dismantled.

We understand that some people in the Twin Cities feel that the power structure is unassailable. We have been told this in a variety of ways by people who have lived in the Twin Cities for a long time. We disagree with that perspective. We believe that as with any other unjust and unlawful system of oppression, the segregation of schools in the Twin Cities can and must be challenged.

We believe that the most effective way to dismantle systems of oppression is to attack them at their source – by allowing children to learn for themselves and from their own experiences that they are all equal, and that the color of one’s skin or the size of one’s wallet has no bearing on whether he or she should have power over others in this or any other society.

We are proceeding with this case to ensure that the law and the Constitution are upheld, and that all children in the Twin Cities receive a high quality, appropriate, non-racist, and desegregated education.

For more information, visit our website at www.gpmlaw.com/cruzguzman or contact us directly at the contact information listed at the top of this statement.

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