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**TIM NELSON:** Good afternoon, this is *Minnesota Now*. I'm Tim Nelson. This week the fight against school segregation in Minnesota took a turn when a Minnesota appeals court ruled against a group of Twin Cities parents. Those parents say class and racial segregation in Minnesota schools is violating the state's constitutional obligation to educate all students adequately. To dig into the details of their argument and what the court said, I'm joined by Beth Hawkins. She is senior writer and national correspondent with the online education newspaper *The 74*. Thanks for being here, Beth.

**BETH** Hi, Tim. Glad to be here.

**HAWKINS:**

**TIM NELSON:** So Minnesota's constitution promises an adequate education to all students. What do these parents, how do they say schools are falling short?

**BETH** So in 2015, a group of Twin Cities parents sued an array of state officials claiming that the fact that there were large and persistent racial imbalances in their schools denied them an adequate education, that some of the problems due to concentrations of poverty were standing in the way of their children's academic and social success.

**TIM NELSON:** And how would they, how-- are they looking at test results or grades? How do they measure that?

**BETH** So I do think that they are looking at test results. They're looking at other factors such as academic growth.

**HAWKINS:** They're looking at attendance. I'm not sure that these plaintiffs have drilled down on the individual performance of individual schools so much as they say that there is a pattern. There's a persistent pattern of their children being shunted into schools that are under-resourced, that have teachers who are less qualified, that have fewer resources to serve their kids, worse facilities, and so forth.

**TIM NELSON:** And what did the court rule in this latest ruling?

**BETH** So this ruling is both very narrow and also very important. What the court ruled was that the fact that there are racially imbalanced schools, and that's an important term to hang on to first for a second, racially imbalanced, does not by itself, in the absence of an intent on the part of any part of the state--

--to segregate children by race constitute a violation of the state constitution and its education adequacy clause which you cited earlier. So what the state would have to have put into place a policy that intended to keep children separated if it were to all on its own constitute a violation of the of the constitution.

**TIM NELSON:** So in your coverage of this, you have sort of delineated between imbalance and segregation. Are they saying that this is OK? That segregation as the parents are alleging is OK?

**BETH** I don't think that they're saying that at all. I think one of the questions that will be decided, either now as an appeal goes to the supreme court, which the attorneys for the plaintiffs vowed within hours of the decision coming down Monday or it will be decided at trial is, what constitutes segregation?

Some of the defendants have argued that segregation is the practice of excluding someone from a school or other public facility, neighborhood, et cetera, because of their race or other demographic group. And that if students choose, families choose to enroll their children in a school that appeals to students of a particular race or ethnicity for whatever reason, that's not segregation. Those schools may be racially imbalanced. They may serve almost virtually entirely students of color. But since no one's excluded, under law or in practice, it's not segregation.

**TIM NELSON:** So you talked about choosing schools. Obviously, Minnesota, a leader in charter schools, are they involved in this case?

**BETH HAWKINS:** Yes. So those are the defendants that I was talking about, very shortly after the suit was filed in 2015, a handful of very high-performing Minnesota charter schools which are publicly funded, but independently managed schools asked the court for permission to join the suit, because one of the things that the suit sought was to extend the state's desegregation rules to them.

And what the charter schools said were, they're not currently turning away anybody on the basis of race or ethnicity. They, under law, like any other Minnesota school, are obliged to accept all comers. So the schools that wanted to participate in the suit, and are participating in the suit, two of them enroll almost exclusively children of a single race or ethnicity. There's a school in Saint Paul that's almost all East African children, and the school in Minneapolis that's 90% or more black children. And they're very, very high performing.

And what those schools have argued is that if a white child or a Latino child wants to apply and to enter the school, they're more than welcome. But that they have struck on a formula that affirms their students cultures and celebrates their background. And that has translated into high academic results. And that, in fact, those students are not being denied an adequate education. They're getting a superior education for them.

**TIM NELSON:** So you said that this case has been winding through the courts for quite a while. Obviously, this is an appeals court decision, a stop along the way here. What's next? How does this work out?

**BETH HAWKINS:** Yeah, so this one just goes back and forth between the trial court and various appeals court. What will happen now is that the plaintiffs will appeal to the state supreme court which has already heard a separate question in the same suit, heard a separate question in this suit in 2018.

The supreme court will either decide to take up the question about whether racial imbalance in schools on its face is a violation of the state constitution, or it will decline to answer that question, in which case, it goes back to the trial court where I believe things are done except for a trial. I believe the next stage is discovery, the finding of evidence, the pre-interviewing of witnesses, and so forth would go forth.

**TIM NELSON:** Well, we'll look forward to your coverage of those developments. Thank you so much, Beth.

**BETH HAWKINS:** Thank you, Tim. Bye-bye

**TIM NELSON:** Bye. Beth Hawkins is a senior writer and national correspondent for *The 74*. It's an online education outlet. She's based in Minneapolis.