

The Page-Kashkari Amendment Will Harm Minnesota Students

Page and Kashkari claim their proposed amendment would “put K-12 education in the hands of parents, where it belongs.” In fact, **it would put K-12 policy and funding in the hands of Minnesota judges.**

Page and Kashkari maintain their amendment’s adoption would improve poor and minority students’ academic performance.

On the contrary, as evidence from other states demonstrates, **it would open a Pandora’s box of lawsuits, massively increase spending and seriously erode democratic control** of education—with little or no academic improvement to show for it.

The **Federal Reserve cites two kinds of evidence** for its claim that the amendment would reduce the learning gap: 1) ***Constitutional amendments in Florida and Louisiana***, and 2) ***academic gains in schools in New Orleans, New York City*** and a handful of other places.

In fact, **the academic gains the Fed cites did NOT result from constitutional amendments or from court involvement** with education policy.

- ***Florida’s success*** flowed from innovative K-12 policies initiated by a reform-minded governor and legislature. They did not require a constitutional amendment.
- ***Academic gains in Louisiana*** arose from the unique circumstances of Hurricane Katrina. After Katrina, the state used an amendment that allowed it to manage failing schools, or let others do so, to create a system of charter schools operated by non-profits. Today, almost 95 percent of New Orleans students attend charter schools. New Orleans’ success arose from school choice, not a constitutional amendment.
- Successes in ***New York City*** occurred in highly unusual “beat-the-odds” charter schools, and those in ***Boston*** in a unique program that connects students with “wrap-around” social services. **We already have both in Minnesota**, and do not need a constitutional amendment to expand them.

Putting K-12 education in the hands of the courts has failed to produce meaningful academic gains in any other state. For example:

- In **Washington**, in response to education adequacy litigation, the legislature passed the **largest tax increase in state history**, and **K-12 spending almost doubled** over 10 years. Yet student ***achievement has remained flat.***
- In **New Jersey**, K-12 litigation has gone on for 50 years. It produced **the largest sales- and income-tax hike in state history**, and some districts now **spend as much as \$34,000 per student**. Yet minority, low-income students’ ***academic performance has not meaningfully improved.***
- In **Colorado**, the attorney general declared that, if K-12 litigation succeeded there, the state would have to **raise taxes by at least 50 percent or devote 89 percent of the general fund**

budget to K-12 funding, crowding out spending for health care, public safety and higher education. Fortunately, the Colorado Supreme Court ruled the state's educational funding system constitutional in 2013.

Minnesota has an on-going K-12 lawsuit—*Cruz-Guzman v. State of Minnesota*—in which plaintiffs have stated they seek metro-wide, raced-based busing in the Twin Cities. **The proposed amendment would significantly increase the likelihood of plaintiffs' success in that or a similar suit.**

The Page-Kashkari amendment would **spawn a host of lawsuits**, some unanticipated.

- For example, **parents whose children** graduate high school, but **aren't "fully prepared to participate in the economy"** (as many currently are not), could sue the state for failing to meet its constitutional obligation. As a remedy, will the state be obliged to pick up unsuccessful young people's living expenses? Pay for additional schooling? Create jobs for them?
- **What are the amendment's implications for private school or homeschooled students?** Could the legislature repeal homeschooling as inconsistent with a "fundamental right" to a "quality public education?" Could parents who don't wish their children to receive, for example, "comprehensive sex education," be charged with child neglect if a state agency determines such curricula are necessary to "fully prepare" children to "participate in society?"

The amendment's adoption would politicize the Minnesota courts, as special interests poured money into electing judges who favored their agenda.

Improving academic achievement and shrinking the learning gap are goals all Minnesotans share.

But the path to effective K-12 reform does not lead through the courts.

It requires the leadership of elected officials who have high standards, make tough choices, demand accountability, support robust school choice, and push back relentlessly against the special interests that stand in the way.