



**Minnesota School Boards Association**  
**Minnesota Senate E-12 Finance and Policy Committee Testimony**  
**Dr. Terence Morrow**  
**Friday, March 6, 2020**

Celebrating its centennial this year, the Minnesota School Boards Association is a leading advocate for public education and supports, promotes, and strengthens the work of Minnesota’s 333 public school boards and districts.

Minnesota’s school districts are deeply committed to addressing the factors that affect student academic achievement across our state. To invoke the proposed amendment’s language, student achievement *is* the paramount duty of Minnesota’s school districts.

For this reason, MSBA welcomes the discussion that the proposed amendment has generated.

MSBA shares the critically important goal of closing the achievement gap. MSBA President Deb Pauly, Executive Director Kirk Schneidawind, and others met with former Justice Page and Minneapolis Federal Reserve President Kashkari to discuss the amendment’s potential impacts upon Minnesota’s students and schools. We attended multiple meetings to offer guidance based upon our school districts’ experiences and initiatives focused upon the achievement gap.

Questions have arisen among MSBA’s members about the proposal. Because other education advocates and organizations have already articulated concerns regarding “uniform achievement standards” and other provisions in the proposed amendment, MSBA offers three initial questions that Minnesota school districts and board members have asked:

1. Minnesota's public schools receive federal and state funding that is insufficient to meet student needs. Special education funding offers an instructive example. The federal government created an individual right that special education students may assert in court—but the federal government continues to underfund the Individuals with Disabilities Education Act (IDEA). As school administrators observed, school districts have used general school funds (the cross-subsidy) to provide special education services in order to fulfill the right that IDEA created.

A situation similar to the IDEA cross-subsidy problem will likely arise under the proposed amendment. Proponents maintain that the amendment establishes a fundamental right that could be asserted in litigation. School districts and board members are concerned that state funding may be insufficient to continue the cross-subsidy and simultaneously fulfill the undefined funding requirements that the amendment’s fundamental right may generate.

Unlike our cities and counties, our school districts are not authorized to increase tax levies fill the funding gap without voter approval. Rising reliance upon local property taxes can hinder a school district’s ability to secure sufficient funding.

MSBA members ask: will the proposed amendment ensure the state funding needed to fulfill the amendment’s requirements?

2. I share with you a recent issue of MSBA's *Journal* that describes just some of the work that school districts across Minnesota are doing to address the achievement gap. And yet economic instability, housing, health care, nutrition, and other key factors that schools may not be able to resolve directly can and do significantly impact academic achievement.

MSBA members ask: While it may be a good start, is the amendment insufficient because many factors—often called opportunity gaps—are not addressed?

3. The amendment refers to 'a paramount duty' of the state to ensure that students receive a quality education. In meetings with President Kashkari and former Justice Page, participants have expressed deep concern that school districts and locally-elected school board members will be exposed to litigation—even though the duty is upon the state.

MSBA members ask: Will the public service of locally elected school board members expose them to liability for acts or omissions of the state of Minnesota related to this amendment?

President Kashkari and former Justice Page have consistently stated that, while they are not interested in 'weakening' the proposal, they are interested in ways in which the proposal can be strengthened. To this end, MSBA initially offers two initial suggestions for improving the proposal:

1. Insert the word 'the' as follows: "It is **the** paramount duty of the state to ensure and fully fund quality public schools that fulfill this fundamental right."

The proposal as initially written states that "it is a paramount duty." President Kashkari and former Justice Page routinely use the word 'the' when discussing the proposal. MSBA believes that the proposal should reflect the way in which the advocates discuss it.

The word *paramount* means "superior to all others; supreme." Because only one paramount duty can exist, the word **the** would forestall misunderstanding and needless conflict. It would also clearly set forth the state of Minnesota's responsibility under the amendment.

2. Insert the words "fully fund" as follows: "It is a paramount duty of the state to ensure **and fully fund** quality public schools that fulfill this fundamental right."

This insertion would establish the state's responsibility more clearly than the original proposal. When asked in one meeting, the amendment's advocates stated that they believe the word 'ensure' includes 'full funding.' Rather than risk uncertainty—and because the stakes for Minnesota's students are so significant—MSBA believes that clarity and certainty should be included.

Thank you very much for allowing the Minnesota School Boards Association to share this information. Minnesota's public schools, staff members, and school board members will continue their determined work to do all they can to improve academic achievement. MSBA and its members will continue to work with the legislature and with all Minnesotans who share this focus on all of our students across Minnesota.