

## **A Historical Review of Schools for Equity in Education (SEE)**

The vast majority of the superintendents and board members that were involved in organizing SEE (then known as ASGSD the Association of Stable and Growing School Districts) and who were involved in the lawsuit in the late '80's and early '90's, are retired or no longer serving on boards of member districts. As a result, a brief refresher course in the history of the organization and its reason for existence would be helpful to current members.

A pamphlet published by the League of Women Voters states, "The social consciousness of the 1960s generated a movement to redress unequal educational opportunities in this country," One part of that movement was a lawsuit filed in Minnesota in the late '60s, Van Dusartz v Hatfield, challenging the constitutionality of Minnesota's education finance system. In response, the Governor and the legislature passed the 1971 Omnibus Tax Act, known as the "Minnesota Miracle."

The purpose of this legislation was to bring the Minnesota school financing system into line with the constitutional mandate to "establish a general and uniform system" of education. Under this legislation, a basic general education aid formula, that guaranteed a certain amount per pupil unit, was established. It equalized the tax effort among districts by requiring each district to levy a uniform rate against its property value. The state would step in and make up the difference if the local levy did not raise the guaranteed amount. This legislation also gave districts the opportunity to raise additional amounts by obtaining voter approval of an excess levy. However, excess levies were not equalized and fell 100% on the local property tax base.

In the years following 1971, those districts with high property wealth per pupil unit, took advantage of the opportunity to supplement their revenues by passing additional operating levies. Few low property wealth districts adopted such levies. In addition, the 1971 legislation provided a grandfather provision or "supplemental revenue" to those districts that had high levels of revenue prior to 1971. This stream of revenue was supposed to be phased- out, however, many amendments to the 1971 legislation delayed the phase-out. By the late 70s, the disparity in revenue between districts had grown substantially.

With economic pressures on districts to keep pace with each other due to formalized bargaining and the need to provide additional facilities and programs in growing districts, a small group of districts from the outer ring suburbs and a few close in rural regional centers met to discuss how to achieve education finance reform that would address their problems. The outcome was formation of ASGSD – the Association of Stable or Growing School Districts – 18 districts committed to the purpose of achieving

- Equal access to quality education for all students regardless of property wealth
- Equitable distribution of school revenues
- Adequate funding of preK-12 education programs
- A property tax system that provided equal access to revenue

Having another education group to deal with did not exactly meet with cheers and applause among legislators and even other education groups. It was common to hear, "Why can't you educators get together and speak with one voice? You are hurting your own cause by being fractured." Our response, "We would be happy to. Just create a financially level playing field for all school districts and we will gladly join together as one voice."

The early 80's saw growth in membership as ASGSD banded together to learn how to spell a new word and address a new financial issue "rescission." About the same time, public schools came under attack as a result of the publication of the report titled, [A Nation at Risk](#).

With few gains toward achieving equity, ASGSD's legislative committee and its Executive Director began to explore the possibility of filing a new lawsuit to challenge the constitutionality of Minnesota's education finance system. This came in the wake of numerous suits in other states – some had been successful and some had failed. A litigation committee was formed to conduct a preliminary study and to report back with a recommendation. This was 1986.

Other districts in similar financial circumstances, not members of ASGSD, were invited to join in the effort. A separate legal fund was created to support the effort. In 1987, the law firm of Lindquist & Vennum was hired to guide the effort

Also in 1988, the firm of Augenblick and Meyers was engaged to assess the chances of success if a lawsuit were to be filed. At the same time the legislature adopted a bill that gave a \$20 increase per pupil unit to all students and \$30 to those districts with supplemental revenue. That was the straw that broke the camel's back.

The litigation committee recommended to the board and the general membership that a lawsuit be filed. The suit was filed in October 1988.

Challenges and attempts to have the suit thrown out occurred during the period from 1988-1990. The discovery or findings of fact took place from 1989-1991. After successfully achieving a change of venue from Ramsey to Wright County, the case was scheduled for trial in December 1990 before Judge Meyer. The trial commenced in January 1991 and ran into May – the longest civil trial on record at that time in Minnesota. Later that fall, Judge Meyer found in favor of the plaintiffs and declared Minnesota's education finance system unconstitutional.

The State and intervener districts filed an appeal. The appeal was heard by the State Supreme Court in January of 1993. In August of that year, the Court overturned the district court decision on a 5-2 vote. They determined that Minnesota's system of finance did provide sufficient funding to all students to meet basic educational requirements. Justice Alan Page dissented, stating "the state's duty toward its children is not satisfied unless it provides equal educational opportunities for all children. This duty is not satisfied when some children receive an "adequate" education while others receive a more-than-adequate education." He goes on to say, "The court's decision today ensures that some of our children will be less prepared than others for the difficult issues of the future."

What was the significance of filing the lawsuit?

In 1989 & 1990 the legislature included proposals to equalize the excess levy referendum dollars.

In 1991 debt service was partially equalized, but Governor Perpich vetoed the first year of funding for the program. It was later adopted.

In 1991 the first stage of referendum equalization was passed and improved again in 1993.

These efforts, proposed and fought for by SEE/ASGSD, were cited by the Supreme Court as good faith efforts on the part of the State to address issues raised in the lawsuit.

Since 1993 SEE has continued to work for adequate and equitable funding achieving legislation providing additional equity revenue, more referendum equalization, and protected the per pupil funding for growing districts when the State moved to marginal cost funding. In addition the organization has gained recognition among legislators as a valid voice on funding and other economic issues.

So where are we today? Let me again quote from the pamphlet put out by the League of Women Voters concerning education finance in Minnesota,

"What has resulted is that the Minnesota basic education funding system is a complex quagmire that provokes more questions than answers. Generally speaking, the funding system causes intelligent persons to walk away baffled, content to abandon the muddle to the experts."

This was written in 1990. Has anything changed?