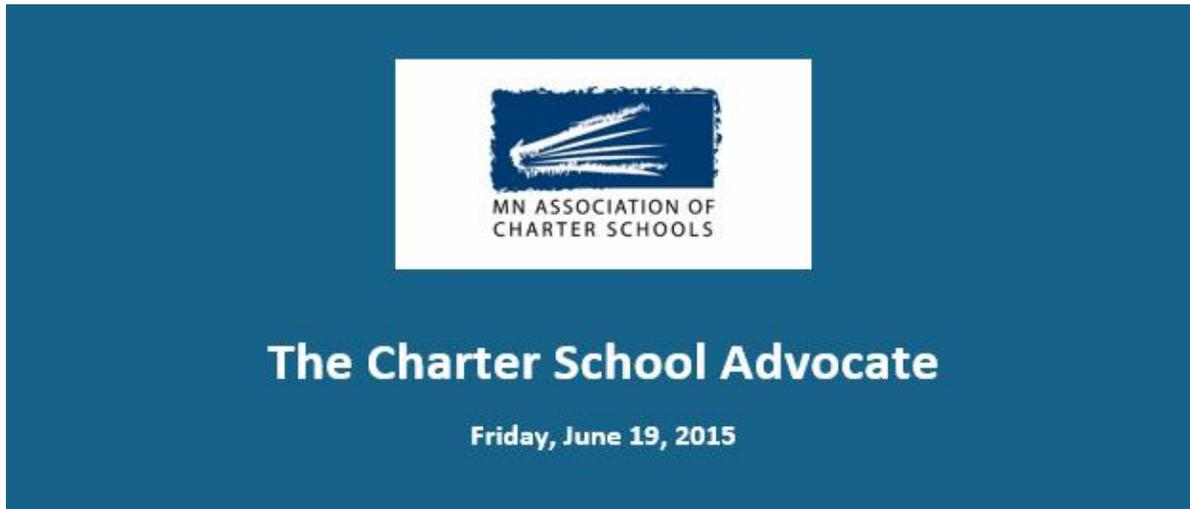


# Action Alert - Desegregation Rule Hearing

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## **\*\* ACTION REQUEST \*\***

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### **SCHOOL DESEGREGATION/INTEGRATION RULE ADMINISTRATIVE HEARING - JULY 8, 2015**

*This memo seeks to provide background information on a July 8, 2015 hearing that will have an impact on charter schools, and outlines the steps that charter school educators, parents, and community members may want to take. We strongly urge you to take action as the future of many charters, and chartering itself, is at stake.*

On July 8<sup>th</sup>, Chief Administrative Law Judge Tammy L. Pust will conduct an administrative hearing on the proposed amendments to the state desegregation/integration Rule – MN Rule 3535. There are two proposed amendments. One proposed by the City of Brooklyn Center (Orfield) and the other by the MN Department of Education.

There would be significant impacts and effects for charter schools by either proposed amendment, but for different reasons.

#### **The City of Brooklyn Center/Orfield Proposed Amendment**

The City of Brooklyn Center proposed amendment is based on the work of Myron Orfield, who has been engaged in a multi-decade crusade to eliminate families from having choices in public schools, claiming that open enrollment, charter schools, etc. have led to segregation and white flight, caused cities to become poorer, depressed the tax base, and caused banks to not give credit or provide mortgages to families in certain communities.

The effect of the Brooklyn Center/Orfield Amendment would be to create “super school districts” which charters would come under. It would allow the state to define differences in programs, staffing, facilities, etc. that may exist between school districts or schools as acts of “legal segregation”. A finding of legal segregation could require students to be placed in other schools, staff to be transferred to other buildings, and even schools to be closed – all to implement a particular vision of the world.

The Brooklyn Center/Orfield Amendment would severely limit, if not eliminate parental/student choice in public education, strip away the authority of school district and charter school boards, and empower government functionaries/bureaucrats with the decisions as to where children can go to school, where teachers can teach, what programs can be offered where, and where and when facilities can be built or altered.

While the Brooklyn Center/Orfield Amendment would drastically affect school choices, the existence of many charter schools, and local autonomy, the impact of the MDE Amendment would affect charters in a different way.

## The MN Department of Education Proposed Amendment

The MN Department of Education argues that their proposed amendment would not affect parental choice, require racial balancing – or moving kids to other schools, or the transfer of teachers, etc., like the Brooklyn Center/Orfield Amendment. The Department even promises that charter schools will receive Integration Revenue – but that decision is not up to the Department. Which schools receive revenues is a decision of the legislature, not MDE.

While the MDE amendment may not impact charter schools in the way the Brooklyn Center/Orfield amendment would, the MDE amendment would fundamentally affect charter schools by allowing MDE by rule to impose laws and rules on charters from which they have been exempted by the legislature.

The MDE amendment would set a precedent that by its own power, it could require charter schools to come under any law or state rule without the authority of the legislature. This would be a fundamental shift in the balance of power between the Executive and Legislative branches of government.

### SOME POTENTIAL KEY MESSAGES

#### On The Brooklyn Center/Orfield Amendment:

- There is a huge difference between the forced school segregation by governments of 50-60 years ago, and parents choosing the schools they believe best serve their child's needs and aspirations. This proposal would actually take us back in time.
- Some of the schools that have been recognized by MDE and local and national publications for their work in closing the achievement gap would need to make major changes, or even be closed under the Brooklyn Center/Orfield proposal.
- The proposal would disproportionately affect minority and less affluent families, while leaving white, affluent families with the opportunities to send their children to schools of their choice.
- The proposal would undermine local control of schools and reduce the influence of parents and educators in the education decisions, which is a central tenant of charter schools

#### On the MDE Amendment:

- MDE should not be able to compel charter schools to comply with laws, and/or rules that the legislature has exempted them from, without explicit authority from the legislature.
- MDE being able to impose laws and rules on charters without legislative authority represents a shift in the power between the Executive and Legislative branches of government and undermines democracy.

### SO WHAT DO YOU NEED TO DO AS A CHARTER SCHOOL?

- Speak Up NOW – or forever hold your peace.

**Your Potential Comments to the ADMINISTRATIVE LAW JUDGE *should talk about how the proposed amendments will affect your school, families and students. They should not just be a repetition of the message points above.***

Submit your comments on the proposed Amendments and how they would affect your families and your school to the Office of Administrative Hearings in writing by Wednesday, July 8<sup>th</sup>. Comments can be sent by email or by U.S. Mail.

#### COMMENTS via EMAIL

Rulecomments@state.mn.us

#### COMMENTS via U.S. MAIL:

Chief Judge Tammy L. Pust  
Office of Administrative Hearings  
600 N. Robert St.  
P.O. Box 64620  
St. Paul, MN 55164-0620

If you have any questions, please contact myself at [Eugene@mncharterschools.org](mailto:Eugene@mncharterschools.org). or [651.789.3090 ext. 10](tel:651.789.3090), or Joe Nathan at [joe@centerforschoolchange.org](mailto:joe@centerforschoolchange.org) or [612. 309.6571](tel:612.309.6571).

**The Time for Action is NOW** – the legal processes of government do not operate on school calendars.

Eugene Piccolo  
Executive Director