



FEDERAL RESERVE BANK OF MINNEAPOLIS

Closing Minnesota's achievement gaps: Why a constitutional amendment?

The State's duty toward its children is not satisfied unless it provides equal educational opportunities for all children.

—JUSTICE ALAN PAGE, DISSENTING, *SKEEN V. STATE*, MINNESOTA SUPREME COURT, 1993

Dissenting in *Skeen*, Justice Page, citing *Brown v. Board of Education*, the landmark U.S. Supreme Court case, noted the lack of equal opportunities for *all* Minnesota children. Twenty-seven years later, while Minnesota is a national leader in education on some dimensions—including equalizing school funding and promoting school choice via open enrollment and charter schools—its efforts have not translated into better outcomes for students of color and those from low- or moderate-income families, regardless of race or ethnicity. Instead, our achievement gaps are deep, persistent, and getting worse. This is a statewide crisis.

Our children deserve better. It is time to finally put children first.

Why a constitutional amendment?

A recent report by the Federal Reserve Bank of Minneapolis documents that Minnesota has some of the largest achievement gaps in the nation, and they are getting worse.¹ Children from low-income families and families of color have shockingly lower educational opportunities and outcomes in Minnesota. If we do not close these gaps, some of these children might never fully participate in our economy. It is unfair, and it will limit Minnesota's economic competitiveness.

Stronger constitutional guarantees help improve policy by putting power in the hands of families to ensure that their children receive a quality education. Under the proposed amendment, the state—through the legislature, executive branch, and judiciary—would be required to ensure that all students are afforded a quality education and that the state is held accountable to established standards.

It is time to shift the paradigm in Minnesota from focusing solely on education systems to focusing on children and the outcomes they need to thrive in society. We need to amend our constitution to establish that all Minnesota children have a fundamental right to a quality education. Focusing on children and educational outcomes will motivate legislators and policymakers to enact innovative policy changes that put children first.

How is our current constitution inadequate?

Having not substantively changed since it was first enacted in 1857, Minnesota's constitution reads:

UNIFORM SYSTEM OF PUBLIC SCHOOLS. The stability of a republican form of government depending mainly upon the intelligence of the people, it is the duty of the legislature to establish a general and uniform system of public schools. The legislature shall make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.

Our Supreme Court interpreted this language to mean that students have a fundamental right to an *adequate* education system. No parent aspires for their child to have an *adequate* education. Under the current constitution, there is no mandate for *quality* education for *all* children and no accountability as measured by any objective standard.

How can we strengthen our children's right to a quality education?

We propose replacing the current constitutional provision (Art. XIII, Sec. 1) with new language that puts children first and holds the state accountable for outcomes:

EQUAL RIGHT TO QUALITY PUBLIC EDUCATION. All children have a fundamental right to a quality public education that fully prepares them with the skills necessary for participation in the economy, our democracy, and society, as measured against uniform achievement standards set forth by the state. It is a paramount duty of the state to ensure quality public schools that fulfill this fundamental right.

Rationale for proposed language

Overall, the intent of the proposed amendment is to put children first and to hold the state accountable for achieving outcomes, specifically that all children receive a quality education. We have looked at education provisions in constitutions across the country and have taken the strongest elements from them in crafting this proposal. In fact, by focusing on outcomes, we have gone even further and believe this proposal will put Minnesota first in the nation with the strongest constitutional education provision.

The proposed language does not prescribe a specific remedy or policy. Instead, it defines the rights of children, the duties of the state, and general goals of the citizenry. It provides a framework and catalyst for the legislature to enact education policies, but does not dictate what those policies should be. Ultimately, it puts power in the hands of families to ensure that their children are getting a quality education. We believe this amendment will lead to legislative and regulatory changes to improve educational outcomes, but if those changes prove insufficient, ultimately families will be able to turn to the courts to have their children's rights vindicated.

1. Title: "Equal right to a quality public education"

The goal of including a title to any clause in a constitution is to describe the objective of the provisions set forth in the clause. While the word "fundamental" in the body of the provision implies "equal," the title uses the latter to reflect more simply the objective of the proposed amendment: to establish that all children have an equal right to receive a quality education.

2. “all children”

The proposed amendment defines rights for the intended beneficiaries of public education: Minnesota’s children. By focusing on children rather than students, this proposed language includes the possibility of encompassing early childhood education, as needed by individual children, without extending to post-secondary education. Two of the strongest constitutional education clauses in the United States—Washington and Florida—emphasize “education of all children.”

3. “fundamental right to a quality public education”

The proposed language strengthens Minnesota’s constitutional guarantee of a fundamental right to education by making the fundamental right explicit and by adding the word “quality.” Public schools are the means by which the state ensures that Minnesotans are educated.² The word “public” is used in the proposed amendment to reflect the role of the state and the scope of its decision-making powers in the provision of education. “Quality” will be defined by the people of Minnesota via their elected representatives and the process of setting academic standards.

4. “fully prepares”

In *Skeen v. State*, Justice Page noted that “the state’s duty is not satisfied when some children receive an ‘adequate’ education while others receive a more-than-adequate education.” The proposed language “fully prepares” is included to reflect that all children should be provided with an equal opportunity to reach their full potential. This term is a guarantee of opportunity, knowing that each child’s results may differ.

5. “skills necessary for participation in the economy, our democracy, and society”

This language is included to emphasize outcomes and the role of education in a child’s development. In addition to providing knowledge, a quality education teaches critical thinking and decision-making skills. Collectively, these are necessary for the exercise of individual rights and for providing individuals the opportunity to contribute to the economy and society as a whole.

6. “as measured against uniform achievement standards set forth by the state”

The goal of this language is to provide for an objective standard in the constitution by which the state’s performance is measured. Minnesota’s current constitutional language does not provide such a tool. The proposed language will require the state to meet standards that are measurable, are based on outcomes, and are applied to all children equally. It is critical that children are actually learning, otherwise it would be easy to just graduate students who are unprepared. Minnesota has rigorous standards today, and this amendment does not propose to change those standards. It simply holds the state accountable for meeting its own standards, which it does not do today for all students. Ultimately, the standards are set by the people through their elected leaders.

7. “paramount duty of the state”

The purpose of using “paramount duty of the state” is to highlight the importance of education and to clarify the state’s duty to ensure quality education, consistent with the “fundamental right” of children. The Florida and Washington constitutions make public education a paramount duty. In addition, while our constitution currently focuses only on “the legislature,” this new proposal references “the state,” which gives the legislature, the executive branch, and the judiciary a role in making sure children’s rights to a quality education are fulfilled.

Summary

By putting children first, Minnesota’s constitution can give policymakers, educators, and families clearer objectives for reducing gaps in educational opportunity and achievement. Our constitution can reflect the importance we place on education and equity, our standards for excellence, our commitment to every child, and our knowledge that a quality public education is absolutely essential to prepare students to participate fully in the economy, our democracy, and society.

If these are truly our values, we should lead the nation by declaring them to be a right. We owe our children nothing less.

¹ See Grunewald and Nath (2019) for more details on the persistence and extent of Minnesota’s achievement gaps. <https://www.minneapolisfed.org/policy/education-achievement-gaps>

² We define a public school as any school that is provided at public expense, is required to meet state standards, and is accessible by all children.