

The Proposed Amendment to the Education Clause of the Minnesota Constitution

Frequently Asked Questions

1. What does the Minnesota Constitution currently say about education, and how would the proposed amendment change that?

The proposed amendment is not simply an addition to the current language in the education clause of the Minnesota Constitution, which 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.

The replacement language, as currently proposed by Our Children Minnesota, would read:

EQUAL RIGHT TO QUALITY 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. The duty of the state established in this section does not infringe on the right of a parent to choose for their child a private, religious, or home school as an alternative to public education.

These changes strip a number of critical provisions from the Minnesota Constitution, with little explanation from the amendment's supporters as to why.

2. Who is leading the efforts behind this amendment?


It is difficult to tell. Although a group called "Our Children Minnesota" is leading the efforts to get the amendment on the ballot, the group [has refused to disclose its funders](#). Much of the initial development of policy papers and public relations events to support the amendment have been led by the Federal Reserve Bank of Minneapolis, whose President, Neel Kashkari, has participated extensively in events promoting it. Kashkari was the former Republican Party nominee for governor of California in 2014, a campaign in which he was [strongly critical](#) of teachers' unions and teacher tenure rights. Former Minnesota Supreme Court Justice Alan Page has also lent his name to the amendment effort and has participated in many public events promoting it.

3. Is it unusual for the Federal Reserve Bank of Minneapolis to be involved in lobbying on education?

A number of outlets, including the [Wall Street Journal](#), have raised concern about the bank's extensive efforts in lobbying for the passage of this amendment, given the Fed's longstanding history of abstaining from political activity and the Minneapolis Fed's own [Code of Conduct](#), which states, "although an employee may participate or become involved in issues of general public concern or debate, the employee's association with the Bank must not be publicized in connection with any political activity."

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Education Minnesota is an affiliate of the American Federation of Teachers, the National Education Association and AFL-CIO.  2559



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4. What other organizations besides Education Minnesota are opposed to this amendment?

Among those opposed are a coalition of [education and constitutional law scholars](#), the Minnesota School Boards Association, the Minnesota AFL-CIO, Center of the American Experiment, the Minnesota Council on Latino Affairs, and Minneapolis Public Schools. The NAACP of Minnesota and the Dakotas wrote a [letter](#) to the Minnesota Legislature expressing deep concerns with the amendment. The Minnesota Rural Education Association wrote a [letter](#) to Kashkari and Justice Page outlining concerns and questions about the amendment, including the following statement: “To believe that public schools alone can close all achievement gaps is to put blinders on to the world we and our children, especially those not achieving, live in.”

5. If not an amendment, what does Education Minnesota think the solutions are to the racial and economic disparities in Minnesota schools?

The Legislature already has the ability to enact smart investments and policy changes that have a proven track record of reducing achievement disparities for BIPOC and economically disadvantaged students. Education Minnesota supports investing Minnesota’s surplus in racially and economically integrated magnet schools, high-quality universal preschool, full-service community schools, increased mental health supports for students and educators and increasing recruitment and retention of BIPOC educators. See our full 2022 legislative agenda [here](#). The amendment is a distraction from these proven solutions that the legislature can enact this year without any changes to constitutional language.

6. Has the language in this amendment been added to any other state constitutions?

The language providing that education is the state’s “paramount duty” has been added to the Washington and Florida constitutions. However, Washington and Florida’s constitutions both contain the uniformity clause that this amendment would eliminate from Minnesota’s constitution. In addition, the [Washington Constitution](#) contains extensive language about education funding through taxation, and the [Florida Constitution](#) mandates class-size limits and free preschool for all four-year-olds in the state. To our knowledge, no state has defined quality education “as measured against uniform achievement standards” in their constitution, nor has any state eliminated the terms “general and uniform,” “thorough and efficient” or the funding mechanism of “taxation” from their education clause.

7. What is necessary for this amendment to appear on the ballot? When do the amendment’s supporters intend for that to happen?

To appear on the ballot in November 2022, the amendment must pass both the Minnesota House and Senate by a majority vote. Ballot measures to amend the Minnesota Constitution do not require the governor’s signature.

8. Doesn’t Education Minnesota believe all students deserve a high quality public education? If so, why is it opposed to putting it in our state’s constitution?

Education Minnesota absolutely believes all children deserve a high quality education; however, we do not believe that the current language is preventing that from happening. The Minnesota Supreme Court has already interpreted education as a fundamental right for every Minnesota student in [Skeen v. State](#), decided in 1993. In addition, the amendment seeks to define “quality” in a way that is quite narrow: “as measured against uniform achievement standards.” After two years of promoting this amendment, its sponsors still haven’t explained what those standards would be.

Whatever standards are developed, using them to measure whether the state is fulfilling a constitutional obligation is highly likely to increase reliance on high-stakes standardized testing, narrow school curricula, and punish schools, educators and students who need and deserve the most support. Delivering a quality public education to every child should be the goal of every school, district and state government, but educational quality cannot be reduced to a single test score or metric.

9. What is the basis for Education Minnesota's concern that this amendment will lead to vouchers?

Without explanation, the amendment deletes the guarantee of a "uniform and general system of public schools." This language was the basis for the determination that education is a fundamental right in Minnesota, and it has been the basis for many lawsuits challenging inadequate and underfunding of public schools in the 1980s and 1990s. Most notably, it was the basis for a 2005 decision by the Florida Supreme Court in [Bush v. Holmes](#) that the state's sweeping voucher law was unconstitutional. School choice advocates, including the conservative American Legislative Exchange Council (ALEC), have since [criticized](#) the interpretation of uniformity clauses to prohibit vouchers and other privatization efforts.

10. What is the basis for Education Minnesota's concern that this amendment will lead to increased lawsuits against schools and the state?

Although the Minneapolis Fed released a paper claiming that education amendments do not necessarily lead to increased litigation, the reliability of the Bank's research on its own amendment [has been called into question](#) for a number of flaws and unwarranted assumptions. In addition, Our Children's own [website](#) even acknowledges lawsuits will occur if the Legislature does not make the still undisclosed policy changes demanded by the amendment's supporters: "If these important policy debates do not happen and citizens' rights are being compromised, the Amendment will ensure citizens may seek resolution in the judicial branch." The prospect of lawsuits against schools based on isolated data points like standardized test scores would likely penalize and stigmatize schools that serve students with the greatest needs instead of providing them with the necessary resources to help all students be successful.

11. Haven't constitutional amendments in other states resulted in increased funding for public schools and raises for teachers?

Claims that constitutional amendments drive increases in investment lack credible empirical support. The only known [research paper](#) to make this claim comes from none other than the Federal Reserve Bank of Minneapolis. Questions of objectivity aside, the paper fails to prove any direct causal link between constitutional amendment activity and greater resources for public education or better outcomes. As education scholar [Bruce Baker](#) notes, the Fed's research "pays too little attention to complexities at numerous other steps in the process: from constitutional language to court orders, to legislation, to actually changing the levels and distribution of schooling resources."

The Minneapolis Fed attempts to trace increases in student test scores and funding back to constitutional amendments as their dispositive source, despite significant differences in the amendment language and political context in each of the states where these amendments occurred. In addition, the amendment contains new language that does not currently exist in any other state constitution in the country, so any claim about the impact of past amendments on education funding or student achievement is not a useful indicator of legal policy changes that this particular amendment – which removes current language relating to education funding – might usher in. The amendment is far more likely to result in decreased resources for public schools and the students and families who need them the most.