

## Minnesota suit over teacher tenure goes to trial

*Education News* reports that the first arguments have commenced in the suit challenging Minnesota's teacher tenure and job protection laws. The suit alleges that teacher tenure and faculty cuts based mostly on seniority create underachieving schools for students living in low-income families and students of color. They added that the current law is unconstitutional.

The lawsuit states that Gov. Mark Dayton, Education Commissioner Brenda Cassellius and local school leaders continue policies that take away the "fundamental right to a uniform and thorough education as a result of being assigned to a chronically ineffective teacher."

In 2012, state legislators passed a bill to remove seniority as the principal factor for making decisions for staffing when layoffs occur. Governor Dayton vetoed the bill, saying a new system of training and evaluating teachers would raise teacher accountability and make firing ineffective teachers easier to do. Even though school districts are allowed to use factors other than seniority to make decisions about firing staff members, time served in the position remains the primary decision-making factor.

St. Catherine University economist Kristine West argues that it may be time to update tenure laws. She said the laws came about mostly because there were no measures in place that rated teachers' effectiveness, so "years served" was used instead as a proxy for competence. Now efforts have been made in the area of evaluating educators, so that proxy is no longer necessary, she says. West adds that there is little evidence that removing laws that protect teachers from being fired would get rid of a larger number of ineffective educators.

**Source: Education News, 7/18/16, By Grace Smith**

*[Editor's Note: In April 2016, Legal Clips summarized an article in the Jurist reporting that Students for Education Reform Minnesota (SERM) had filed suit in Ramsey County District Court, Second Judicial District, claiming state laws governing teacher tenure violate students' fundamental right to an education. The suit names the state, Gov. Mark Dayton, the Minnesota Department of Education, and state Commissioner of Education Brenda Cassellius as defendants.]*