



500 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402
MAIN: 612.632.3000
FAX: 612.632.4444

DANIEL R. SHULMAN
ATTORNEY
DIRECT DIAL: 612.632.3335
DIRECT FAX: 612.632.4335
DANIEL.SHULMAN@GPMLAW.COM

May 22, 2013

Mr. Bill Droessler
1515 Chelsea Street
Saint Paul, MN 55108

Dear Mr. Droessler:

I write to you in your capacity as a representative of the East Metro Integration District (“EMID”) Families Group. As you know, I have had contact with the EMID Families Group over the past year or so, and I am aware of developments regarding EMID, the schools, and integration choice options on the east side of the region. I am writing to you in order to put on record some of my views regarding the regrettable and deplorable resegregation of schools in the Greater Twin Cities Metro Area. Please feel free to share this letter as you deem appropriate.

I come to this matter with a history of involvement in desegregation/adequacy litigation. From 1995 to 2000, I was the lead lawyer for the plaintiffs in two cases that challenged segregation in the Minneapolis Public Schools: *NAACP v. State of Minnesota* and *Xiong v. State of Minnesota*. The claim in both cases was that the Minnesota State Constitution requires the State to provide an adequate education to all Minnesota children, who have a fundamental right to an adequate education; and that by permitting segregation based on race and socioeconomic status in the Minneapolis Public Schools, the State was violating its duty and the fundamental right of children to receive an adequate education, because a segregated education is not an equal education under *Brown v. Board of Education*, and thus by definition not an adequate education. The court found this theory to be a valid basis to bring suit. ***This is still the law in Minnesota.***

The two cases were eventually settled, with part of the settlement being the Choice Is Yours program. Although the settlement provided for the program to run for four years, it proved to be so popular and successful that it was voluntarily extended and continues to this day, although in an unfortunately diminished form.

What is even more unfortunate is that school segregation today is even *worse* than it was when we brought and settled our litigation. Through countenancing, approving, and ignoring actions increasing school segregation by local school districts, other governmental bodies and agencies, and even the State Department of Education, the State has allowed resegregation not only in Minneapolis, but throughout the entire Greater Twin Cities Metro Area. If the State’s action and inaction in the 1990s violated the law—and they surely did—the State’s recent action and inaction are equally violative of law and even more reprehensible, given the lessons that

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should have been learned from our litigation in the 1990s. The recent events involving EMID with the Crosswinds and Harambee buildings are merely one example of such recurring and continuing violations.

When I settled the NAACP and Xiong cases thirteen years ago, I hoped never to have to file another school desegregation case. I fear, however, that my hope was not well-founded. The rampant resegregation of schools with the State's assistance and knowledge, as typified by the recent EMID developments, in all likelihood will put all of us back in court again, this time with the entire Metro area at issue.

Very truly yours

A handwritten signature in black ink, appearing to read 'DRS', with a long horizontal flourish extending to the right.

Daniel R. Shulman

DRS/gms

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