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**STATE OF MINNESOTA
IN COURT OF APPEALS
A19-1762**

St. Cloud Educational Rights Advocacy Council,
Appellant,

vs.

Tim Walz, et al.,
Respondents.

Filed November 9, 2020
Affirmed in part, reversed in part, and remanded; motion granted in part
Frisch, Judge

Stearns County District Court
File No. 73-CV-19-1242

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Considered and decided by Frisch, Presiding Judge; Reilly, Judge; and Reyes, Judge.

UNPUBLISHED OPINION

FRISCH, Judge

Appellant commenced this action against various government entities, alleging that Minnesota's education-funding framework violates the Education and Equal Protection Clauses of the Minnesota Constitution by failing to afford an adequate education to certain

public school students within the St. Cloud Area School District. The district court dismissed the amended complaint in its entirety and denied temporary injunctive relief, concluding that the amended complaint raised a nonjusticiable political question and otherwise failed to state a claim upon which relief can be granted; that certain parties were immune from suit; and that appellant lacked standing, failed to join a necessary party, and forfeited the issue of whether certain parties were improperly joined. We affirm the dismissal of several parties from the action and the dismissal of the equal-protection claims. We decline to reach the immunity issue. We reverse in part the district court's dismissal of the education-clause claim and the denial of the temporary-injunction motion. We remand to the district court for reconsideration of the temporary-injunction motion and further proceedings on the merits.

FACTS

In February 2019, appellant St. Cloud Educational Rights Advocacy Council (SCERAC) commenced this action against several government entities, alleging generally that Minnesota's education-funding framework violates the Education and Equal Protection Clauses of the Minnesota Constitution by failing to afford sufficient funding to provide an adequate education for students seeking to overcome educational disadvantages within the St. Cloud Area School District (the school district). The respondents on appeal are Governor Tim Walz, the State of Minnesota, the Minnesota Senate, the Minnesota House of Representatives, the Minnesota Department of Education (MDE), and Commissioner of Education Mary Ricker. We summarize SCERAC's specific allegations set forth in the amended complaint, accepting the allegations as true for the purpose of

reviewing the district court’s dismissal of the action. *See Forslund v. State*, 924 N.W.2d 25, 32 (Minn. App. 2019). We first contextualize SCERAC’s allegations with a brief summary of the Education Clause and Minnesota’s education-funding framework.

The Education Clause

The Education Clause of the Minnesota Constitution requires the legislature to “establish a general and uniform system of public schools” and to “make such provisions by taxation or otherwise as will secure a thorough and efficient system of public schools throughout the state.” Minn. Const. art. XIII, § 1. The Education Clause creates “a fundamental right . . . to a general and uniform system of education which provides an adequate education to all students in Minnesota.” *Skeen v. State*, 505 N.W.2d 299, 315 (Minn. 1993) (quotation omitted).

Minnesota’s Education-Funding Framework

Minnesota funds public schools through a mix of federal, state, and district-specific resources. State appropriations include basic revenue and categorical revenues. Basic revenue is calculated pursuant to a formula based on pupil units per school year, *see* Minn. Stat. § 126C.10, subd. 2 (2018), while categorical revenues are directed toward specific needs beyond those covered by basic revenue, *see, e.g.*, Minn. Stat. § 126C.10, subsd. 3-4 (2018). Aid is available for excess and unreimbursed education costs. *See* Minn. Stat. § 125A.79, subd. 5 (2018). Minnesota law further requires school boards to “provide by levy of tax necessary funds for the conduct of schools, the payment of indebtedness, and all proper expenses of the district.” Minn. Stat. § 123B.02, subd. 8 (2018).

SCERAC's Allegations

In the amended complaint, SCERAC alleged that, in the 1990s, Minnesota abandoned education standards emphasizing minimal levels of instruction and instead adopted standards focusing on student proficiency. The transition increased the costs for school districts that serve students with educational disadvantages. In 2003, Governor Tim Pawlenty appointed a task force to determine whether Minnesota's school-financing arrangements equitably distributed funding. The state conducted a comprehensive study in 2004. The task force found that minority student populations required additional staff resources to close achievement gaps, that the proportion of limited-English-proficient students had increased dramatically in the preceding decade, and that the rising number of low-income students required additional educational services. The task force ultimately recommended the implementation of a cost-based funding allocation. No further action was taken by the task force, and its recommendations were not implemented.

Today, according to SCERAC, the state's legislative and executive branches have still not determined the level of funding necessary to deliver a standards-compliant education to students with educational disadvantages. Nor have those branches correlated school funding to the cost of funding adequate education programs. SCERAC alleged that the responsible government actors have "intentionally set funding levels knowing that they are starkly insufficient to cover the cost of providing education that meets state standards."

The school district spans 250 square miles and includes several cities and townships. It has a large, growing population of "students with educational disadvantages," which SCERAC defines as "students seeking to overcome educational disadvantages in the

following groups”: (1) lower-income students, (2) English-language learners, (3) first-generation students, (4) students with dyslexia, and (5) students of color. Relative to nearby districts, student demographics reflect high percentages of free-lunch-eligible and English-language-learner students.

SCERAC alleged that between 2009 and 2019, the school district’s special-education deficit ballooned from \$5 million to \$12 million. In 2017, the school district suffered an average annual budget shortfall of \$5,867 per special-education student. Various standardized testing metrics indicate achievement gaps between students with educational disadvantages and students with educational advantages. For example, data show that White children on average test higher than Black children in mathematics and reading across various grade levels. Non-free-lunch-eligible students score on average higher than free-lunch-eligible students.

SCERAC further alleged that the achievement gap threatens economic interests and limits disadvantaged students’ access to post-secondary education. Performance deficiencies can be corrected by the strategic implementation of structural changes, but the school district cannot afford to implement the necessary changes under the current funding scheme. While the school district provides an education “at least comparable to other districts for students with educational disadvantages,” that education does not meet established state standards. The school district is disproportionately affected by the lack

of funding relative to districts with proportionately fewer students with educational disadvantages.

SCERAC alleged that its members sustained damages. SCERAC claimed that the funding system has deprived, is depriving, or will deprive children of their “opportunity to attend their local public schools in an environment that is integrated racially, culturally, and economically, in which all children . . . receive an education that meets state standards.” SCERAC further claimed that the absence of adequate funding forced its members “to pay for special dyslexia education privately, because their children were not screened and identified”; frustrated and continues to frustrate school-board members’ “ability to meet their constitutional and legal responsibilities”; and rendered educator members “unable to implement the practices that fulfill their professional responsibilities,” damaging “their reputation as professionals” and rendering their work more difficult. SCERAC alleged that the declining quality of public education in the school district also damaged or will damage members’ home values.

SCERAC alleged three violations of the Minnesota Constitution in the amended complaint. Count I set forth a violation of the Education Clause based on the respondents’ failure to fund the costs of providing an adequate education to students with educational disadvantages. Counts II and III set forth equal-protection violations based on the respondents denying students with educational disadvantages their right to an adequate education while ensuring that right was vindicated for advantaged students.

Motion for Temporary Injunction and Motion to Dismiss

SCERAC moved for a temporary injunction requiring the respondents to (1) “provide the [school district] with full funding of the [school d]istrict’s special[-]education expenditures . . . effective with the 2019–2020 school year” and (2) “develop an[d] implement a procedure to establish the cost of providing an education that meets state standards to [school district] students—as well as other districts with elevated percentages of students with high education needs, and to provide that plan to the [district c]ourt.” The respondents moved to dismiss SCERAC’s amended complaint, arguing that the governor and legislature were immune from suit; SCERAC lacked associational standing; the governor, house, senate, and state were improper parties; SCERAC failed to join the school district as a necessary party; separation-of-powers principles and the political-question doctrine barred SCERAC’s claims; and SCERAC failed to state any claim upon which relief could be granted.

The district court granted the respondents’ motion to dismiss on numerous alternative grounds. It concluded that SCERAC’s claims raised a nonjusticiable political question implicating separation-of-powers principles and that legislative immunity barred SCERAC’s claims against the governor and the legislature. The district court determined that SCERAC lacked either individual or associational standing to sue. The district court acknowledged the improper-parties argument without addressing its merits, observed that SCERAC had failed to respond to the argument, and deemed the issue forfeited. The district court also concluded that dismissal was proper because SCERAC had failed to join the school district as a necessary party.

The district court then determined that the amended complaint failed to state a claim upon which relief could be granted. Under the Education Clause, the district court reasoned that SCERAC did not allege that students actually received an inadequate education but instead alleged that the funding scheme merely impaired the school district's ability to achieve particular outcomes. The district court reasoned that the equal-protection claims failed because (1) SCERAC did not allege that the school district received less funding per pupil than other school districts, (2) SCERAC did not allege that the respondents intended to discriminate against students with educational disadvantages, and (3) it was unclear whether "students with educational disadvantages" is a suspect class subject to equal-protection claims. The district court also denied SCERAC's motion for temporary injunctive relief.

This appeal follows.¹

¹ SCERAC urges us to strike portions of the respondents' brief and addendum not presented to the district court or to consider supplemental affidavits on appeal. First, we grant SCERAC's request to strike the respondents' specific argument that the school district is a necessary party to defend against SCERAC's allegation that students were receiving an inadequate education. The respondents did not raise the theory below, and we decline to consider it for the first time on appeal. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1988). We reject the respondents' argument that SCERAC first challenged the adequacy of education on appeal, because SCERAC's amended complaint contained allegations that students were receiving an inadequate education. Second, we grant SCERAC's request to strike information comparing the school district's revenue to nearby districts. The issue is not whether we may consider the data from public records, *see State v. Rewitzer*, 617 N.W.2d 407, 411 (Minn. 2000), but is instead whether the data is properly considered in reviewing the grant of a motion to dismiss, *Forslund*, 924 N.W.2d at 32. We limit our review to SCERAC's allegations. Third, we deny SCERAC's request to strike the respondents' argument that the school district is a necessary party based on its ability to seek approval for tax-levy funding. The respondents raised the argument in the district court. Finally, we deny SCERAC's request to supplement the record, because we limit our

DECISION

The district court dismissed SCERAC's claims on multiple, independent grounds and denied its request for a temporary injunction. We review the grant of a motion to dismiss de novo, considering only the facts as alleged in the amended complaint, assuming those facts to be true and drawing all reasonable inferences in SCERAC's favor. *See Cruz-Guzman v. State*, 916 N.W.2d 1, 7 (Minn. 2018); *Walsh v. U.S. Bank, N.A.*, 851 N.W.2d 598, 606 (Minn. 2014).

I. SCERAC forfeited its challenge to the dismissal of the state, governor, senate, and house as improper parties.

The respondents moved to dismiss the state, governor, senate, and house as improper parties, arguing that none of those parties could individually provide the relief requested by SCERAC. The district court found that SCERAC failed to respond to the respondents' argument and therefore deemed the issue forfeited.² On appeal, the respondents repeat this substantive argument and assert that SCERAC's forfeiture at the district court is an independent basis to affirm the dismissal of these parties. We conclude that SCERAC forfeited the issue on appeal by failing to challenge the district court's

review to the allegations in the amended complaint and arguments raised by the parties or considered by the district court.

² The district court deemed the issue "waived." But the supreme court has distinguished waiver from forfeiture, explaining that "forfeiture is the failure to make the timely assertion of a right," whereas "waiver is the intentional relinquishment or abandonment of a known right." *State v. Beaulieu*, 859 N.W.2d 275, 278 n.3 (Minn. 2015) (quoting *United States v. Olano*, 507 U.S. 725, 733, 113 S. Ct. 1770, 1777 (1993)). The district court indicated it "ha[d] not located" SCERAC's responsive argument but made no finding that SCERAC intended to waive the issue. Because the district court's conclusion rested on SCERAC's failure to respond to the issue, we use the term "forfeiture" rather than "waiver."

forfeiture determination. We therefore affirm the dismissal of the state, governor, senate, and house.

Separate from any forfeiture before the district court, SCERAC forfeited this issue on appeal. SCERAC failed to acknowledge or challenge in its principal appellate brief any aspect of the district court's order regarding dismissal based on the forfeiture of the improper-parties argument. Nor did SCERAC address the issue in its reply brief, notwithstanding the fact that the respondents again raised the underlying forfeiture issue in their responsive brief and repeated their substantive argument. When asked during oral argument to identify where or how SCERAC challenged the district court's forfeiture decision on appeal, counsel cited only to SCERAC's arguments regarding immunity. But whether the governor and legislature are immune from suit is an issue separate and distinct from whether a party is individually incapable of affording complete relief requested by SCERAC and is therefore an improper party. We do not presume error on appeal, and as the appealing party, SCERAC bears the burden of demonstrating error. *See Loth v. Loth*, 35 N.W.2d 542, 546 (Minn. 1949). When a party fails to challenge a district court's decision in its appellate brief, the issue is forfeited and the district court's decision stands. *Lener v. St. Paul Fire & Marine Ins. Co.*, 263 N.W.2d 389, 390 (Minn. 1978).

Because SCERAC forfeited the issue on appeal, we affirm the dismissal of the state, governor, senate, and house as parties to this action. And because we affirm the dismissal of all parties claiming immunity from suit, we need not address the parties' immunity arguments. We also decline to reach the merits of the respondents' improper-parties argument. We express no opinion as to the effect of this dismissal, which is based solely

on forfeiture grounds, in any future proceeding. The dismissal of these parties is not dispositive of the appeal because the respondents did not move to dismiss the MDE or the commissioner of education as improper parties to this action. Accordingly, we address the remaining issues on appeal as to the MDE and Commissioner Ricker.

II. The amended complaint set forth a justiciable, nonpolitical question.

The district court concluded that the entirety of the amended complaint raised a nonjusticiable political question in violation of separation-of-powers principles, reasoning that granting SCERAC's requested relief would subsume powers granted by the constitution to either the legislative or executive branches. *See* Minn. Const. arts. XIII, § 1 (Education Clause), X–XI (taxing and spending), IV (establishing the legislature). In response, SCERAC argues that it asserted justiciable claims according to supreme court precedent.

We review questions of constitutional interpretation and justiciability *de novo*. *Cruz-Guzman*, 916 N.W.2d at 7. A justiciable controversy is one that is appropriate for a court's adjudication. *Id.* Justiciability is a prerequisite to a court's exercise of subject-matter jurisdiction. *Schwalter v. State*, 822 N.W.2d 292, 298 (Minn. 2012). The Minnesota Constitution specifically precludes the judiciary from exercising “any of the powers” delegated to the executive or legislative departments, except when specifically allowed by the constitution. Minn. Const. art. III, § 1. This separation of powers “has given rise to a number of prudential limits to the courts' exercise of subject-matter jurisdiction.” *Citizens for Rule of Law v. Senate Comm. on Rules & Admin.*, 770 N.W.2d 169, 173 (Minn. App. 2009), *review denied* (Minn. Oct. 20, 2009). Separation-of-powers

principles preclude the judiciary from resolving political questions, which involve matters “to be exercised by the people in their primary political capacity” or which “ha[ve] been specifically delegated to some other department or particular officer of the government, with discretionary power to act.” *In re McConaughy*, 119 N.W. 408, 417 (Minn. 1909).

In *Cruz-Guzman*, the supreme court held that claimed violations of the Education Clause presented a justiciable controversy appropriate for judicial determination. 916 N.W.2d at 9. The *Cruz-Guzman* plaintiffs claimed that the state’s education practices resulted in racial and socioeconomic segregation and worse academic outcomes for students enrolled in segregated schools. *Id.* at 5–6. The supreme court recognized that matters of education policy generally fall within the legislature’s authority but that the Education Clause is a constitutional “mandate to the [l]egislature.” *Id.* at 8–9 (quotation omitted). Given that mandate, the supreme court reasoned that courts are “the appropriate domain” to determine whether a constitutional violation exists. *Id.* at 9. It explained that the judiciary is “not necessarily require[d]” to exercise the legislature’s powers to provide a remedy, specifically when the claims “ask the judiciary to answer a yes or no question—whether the [l]egislature has violated its constitutional duty to provide a general and uniform system of public schools that is thorough and efficient.” *Id.* (quotation omitted). And the court clarified that it did not read the complaint as requesting the judiciary to devise “particular educational policies to remedy constitutional violations” in the legislature’s place. *Id.*

SCERAC sought several forms of relief in the amended complaint. It asked the district court to declare that Minnesota’s education-funding system, as applied to the school

district, violates the Education and Equal Protection Clauses. It sought a “preliminary and permanent injunction” requiring the respondents to “fully fund St. Cloud’s special education program for the 2019-20 biennium in the 2019 legislative session.” SCERAC sought an order requiring the school district to submit a plan to enhance and improve new programs that meet the needs of educationally disadvantaged students and submit that plan to the district court. Last, SCERAC sought a “preliminary and permanent injunction requiring the [respondents] to prepare and implement the framework to determine the full cost of providing a public education to student[s]” in the school district and “to submit that plan” to the district court “for potential utilization in all subsequent budgets and appropriations if the [district court] so orders.”³

The district court observed that this requested relief extended beyond the mere answer of the yes-or-no question as to whether a constitutional violation occurred. The district court concluded that the relief requested by SCERAC required the judicial exercise of legislative and executive powers and therefore dismissed the *entire* action as presenting a nonjusticiable political question.

While SCERAC acknowledges that it sought remedies compelling coordinate branches of government to act differently, SCERAC emphasizes that this action *also* presents a core question uniquely appropriate for judicial determination: whether the

³ SCERAC additionally asked the district court to “declare the limitations on . . . Quality Compensation unconstitutional” and to order the state “to make Quality Compensation available to all districts at management discretion and without requiring the consent of labor unions.” The district court did not fully address this requested relief, and the parties do not address this portion of the amended complaint on appeal. We limit our review to the issues raised in the parties’ briefs.

respondents' failure to adequately fund the education of students with educational disadvantages violates the Minnesota Constitution. In other words, putting aside that a court may not be able to provide all requested remedies, SCERAC argues that its amended complaint set forth at least one justiciable claim for relief: whether the acts or omissions of the respondents give rise to a violation of the Minnesota Constitution.

The district court correctly concluded that the amended complaint requested at least some relief that would require an impermissible exercise of judicial authority. The amended complaint, for example, requested that the district court require that the respondents “fully fund” the St. Cloud special-education program for the current biennium; compel coordinate branches of government to prepare frameworks and plans for funding school programs and present those plans to the district court for review and approval; order the establishment of budgets for approved frameworks on a going forward basis; and otherwise approve substantive education programs. These requests asked the district court to establish, review, or approve “particular educational policies to remedy constitutional violations” in violation of separation-of-powers principles.⁴ *See id.*

But the amended complaint also raised at least one justiciable, nonpolitical question: whether a constitutional violation had occurred. SCERAC asked the district court to find and declare that the education-funding framework violates the Education and Equal

⁴ SCERAC claims it is “doubtful” whether the judiciary’s power in this context is limited to answer yes-or-no questions. But it offers no authority that would permit the judiciary to order the legislative and executive branches to take steps to appropriate additional funding to the school district. And we decline to comment on the availability of possible relief beyond that already requested in this action.

Protection Clauses. This request fell within the proper domain of the judiciary and presented a justiciable, nonpolitical question for the district court's determination. The type of question presented here is identical to that presented in *Cruz-Guzman*, where the supreme court held that the judiciary was the "appropriate domain" to address the yes-or-no question: "whether the [l]egislature ha[d] violated its constitutional duty." *Id.* The district court therefore erred in dismissing that portion of the amended complaint seeking resolution of the question of whether a constitutional violation occurred.

Rather than recognize the justiciable, nonpolitical question posed by the amended complaint, the district court and the respondents focused exclusively on the requests for relief seeking judicial intrusion into matters delegated to coordinate branches of government as justification for dismissal of the entire action. But justiciability merely requires "the *presence of a justiciable controversy*," *Schowalter*, 822 N.W.2d at 298 (emphasis added), rather than the *absence of any nonjusticiable question*. And while the district court correctly noted that the parties in *Cruz-Guzman* did not seek the type of expansive relief sought by SCERAC in this action, the supreme court explained that "[p]roviding a remedy for Education Clause violations does not *necessarily* require the judiciary to exercise the powers of the [l]egislature," reconciling the judiciary's power to determine constitutional violations with the legislature's power to set policy. *Cruz-Guzman*, 916 N.W.2d at 9 (emphasis added).

Accordingly, because the amended complaint raised a justiciable controversy appropriate for resolution in the district court, the district court erred by dismissing the

entire action as presenting a nonjusticiable political question in violation of separation-of-powers principles.

III. The amended complaint contained adequate allegations that SCERAC has associational standing to bring this action.

The district court concluded that SCERAC lacked standing to sue because the amended complaint did not contain allegations of concrete and actual injuries either to SCERAC or its members. SCERAC argues that (1) the amended complaint contained “compelling allegations” of direct injury to members with cognizable interests “in the education of their own [children] and their community’s children in their own public schools,” (2) the district court erroneously declined to consider affidavits, and (3) the district court misapplied federal caselaw. The respondents urge us to affirm because SCERAC failed to allege its members suffered an injury-in-fact, because any injury is not fairly traceable to the respondents’ actions, and because SCERAC’s members lack any “indicia of membership.”

We review questions of standing de novo, accepting the complainant’s allegations as true and construing those allegations in favor of the complainant. *Forslund*, 924 N.W.2d at 30, 32. Standing requires a party to have “a sufficient stake in a justiciable controversy.” *Lorix v. Crompton Corp.*, 736 N.W.2d 619, 624 (Minn. 2007). “A party may acquire standing either by statute or as an aggrieved party who has suffered some injury-in-fact.” *Garcia-Mendoza v. 2003 Chevy Tahoe*, 852 N.W.2d 659, 663 (Minn. 2014). SCERAC does not dispute that it lacks individual standing but instead claims associational standing to sue.

Under the “well-established notion of associational standing,” Minnesota recognizes the right of an organization to “sue to redress injuries to itself *or injuries to its members.*” *State by Humphrey v. Philip Morris Inc.*, 551 N.W.2d 490, 497–98 (Minn. 1996) (quotation marks omitted). An organization can assert associational standing “if its members’ interests are directly at stake or if its members have suffered an injury-in-fact.” *Builders Ass’n of Minn. v. City of St. Paul*, 819 N.W.2d 172, 177 (Minn. App. 2012). An injury-in-fact is “a harm that is both concrete and actual or imminent.” *Hanson v. Woolston*, 701 N.W.2d 257, 262 (Minn. App. 2005) (quotation omitted), *review denied* (Minn. Oct. 18, 2005). The injury must be traceable to the defendants’ actions and redressable by the court. *Garcia-Mendoza*, 852 N.W.2d at 663.

The amended complaint contained allegations that SCERAC is a nonprofit corporation formed “to bring together residents[] and families *served by the St. Cloud District*” (emphasis added) and that SCERAC’s membership includes “families whose children have educational disadvantages.” SCERAC alleged that its members include “families with children with educational challenges who deserve a more robust and fully funded school system” including “families with children who have dyslexia” who “have gone for years without appropriate screening, diagnosis, and individualized instruction.” These allegations support reasonable inferences that the “families served” by the school district are the same “families whose children have educational disadvantages” and that parents of children with educational disadvantages advocate for the specific relief of additional funding for the school district to benefit *their own* children. A viable Education Clause claim requires proof “that the legislature *has failed* or is failing to provide an

adequate education.” *Forslund*, 924 N.W.2d at 34 (emphasis added). These identified members of SCERAC indisputably have a direct stake in the constitutional question posed by this action: whether the legislature has failed or is failing to provide an adequate education to disadvantaged, school-age children.⁵

The respondents contend that even if members of SCERAC have a direct stake in the outcome of the action, SCERAC still lacks standing because injuries alleged on behalf of parent members are not fairly traceable to the conduct of the respondents. But the amended complaint contained allegations otherwise: that the respondents’ failure to provide additional funds for the school district’s special-education costs results in substandard education for students with educational disadvantages. We accept those allegations as true at this procedural juncture.⁶

⁵ For purposes of determining associational standing, we need not determine whether every member of the organization has a sufficient stake in the outcome of the action. *See Builders Ass’n*, 819 N.W.2d at 176–77 (concluding that builders association had associational standing where only “[s]ome of its members” suffered injury). Because we conclude that SCERAC has associational standing on behalf of parent members, we do not decide whether other members’ purported injuries confer standing. And we note that our decision is based solely on the allegations in the amended complaint, which we accept as true and construe in the light most favorable to SCERAC at this procedural posture. Nothing in this opinion should be construed to limit the ability of the parties or the district court to further address the issue of standing as appropriate on remand.

⁶ The respondents rely upon a nonprecedential Florida Supreme Court case for the proposition that “[b]road claims that a ‘lack of funding has resulted in disproportionate outcomes for certain students’ fail to establish the necessary causal relationship,” quoting *Citizens for Strong Schs., Inc. v. Fla. State Bd. of Educ.*, 262 So.3d 127, 142–43 (Fla. 2019). But *Citizens* involved a different standard of proof, arising after a bench trial where the parties were required to prove, as opposed to allege, a causal relationship. *Id.* at 143.

Finally, the respondents argue that SCERAC failed to allege sufficient indicia of membership to demonstrate associational standing. In *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 344–45, 97 S. Ct. 2434, 2442 (1997), the Supreme Court considered whether apple growers and dealers had sufficient “indicia of membership” to confer associational standing on a state agency with no formal members, acknowledging that the agency was not a “traditional voluntary membership organization.” Although Minnesota “derived” its associational-standing approach from *Hunt*’s general definition of associational standing, *Humphrey*, 551 N.W.2d at 498, the supreme court has not adopted a requirement regarding indicia of membership. We see no principled reason to apply such a requirement to a traditional nonprofit corporation. And although the district court summarized the respondents’ indicia-of-membership argument, it did not reach its decision on that basis.

Accordingly, we conclude that the district court erred by finding that the amended complaint lacked sufficient allegations demonstrating SCERAC’s associational standing to bring this action.

IV. The district court erred by dismissing the amended complaint for failure to join the school district as a necessary party.

The district court concluded that because the school district was a necessary party for SCERAC to achieve complete relief for its claims, its failure to join the school district as a party merited dismissal of the action under Minn. R. Civ. P. 19.01 and the Minnesota Uniform Declaratory Judgments Act (UDJA), Minn. Stat. §§ 555.01–.16 (2018).

We interpret statutes and procedural rules de novo. *Cruz-Guzman*, 916 N.W.2d at 13. The UDJA affords courts the “power to declare rights, status, and other legal relations whether or not further relief is or could be claimed.” Minn. Stat. § 555.01. “When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding.” Minn. Stat. § 555.11. Minnesota Rule of Civil Procedure 19.01 meanwhile provides that a person “shall be joined as a party” if complete relief cannot be afforded in that person’s absence *or* if the person claims an interest relating to the subject of the action such that disposition would impair that person’s ability to protect the interest or “leave any one already a party” at risk of incurring multiple or inconsistent obligations.

We agree with the district court that the school district was a necessary party under Rule 19.01. SCERAC requested that the district court order the school district to (1) “dedicate the new funds towards improving markedly the education of other educationally disadvantaged students” and (2) “submit a plan to enhance[and] improve[] new programs that meet the needs of those other educationally disadvantaged students.” SCERAC’s request for relief sought more than a mere declaration of a constitutional violation. *See Cruz-Guzman*, 916 N.W.2d at 14. Under Rule 19.01, the district court therefore correctly reasoned that, in the absence of the school district, “complete relief [could not] be accorded among those already parties.”⁷

⁷ This action is unlike *Cruz-Guzman*, where the relief requested did not require joinder of the school districts and joinder was not necessary because “[e]ven if the school districts

For the same reason, the district court also concluded that the school district was a necessary party under the UDJA. We note that the rule and statute differ. The rule contemplates two circumstances in which a party must be joined: (1) when “complete relief cannot be accorded” in the party’s absence and (2) when “the person claims an interest relating to the subject of the action” and disposition would impair their interests or put an existing party at risk. Minn. R. Civ. P. 19.01. The UDJA contemplates only the second circumstance. *See* Minn. Stat. § 555.11 (“[A]ll persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding.”). But for purposes of this appeal, we need not resolve whether the analysis by the district court regarding complete relief applies to the UDJA because even if the school district was a necessary party under both Rule 19.01 and the UDJA, dismissal for failure to join a necessary party was improper.

The respondents argue that dismissal is necessary because a declaratory action cannot bind absent parties. They cite *Unbank Co., LLP v. Merwin Drug Co.*, a matter where Unbank filed a declaratory-judgment action challenging the issuance of a currency-exchange license to Merwin by the commissioner of commerce. 677 N.W.2d 105, 106 (Minn. App. 2004). Unbank did not sue the commissioner or join him as a party, opting only to sue Merwin. *Id.* We concluded that Unbank’s failure to join the commissioner as a necessary party was a fatal defect because the department of commerce “indisputably has

and charter schools might eventually be affected by actions potentially taken by the State in response to this litigation, those possible effects are not enough to require that the school districts and charter schools be joined as necessary parties.” 916 N.W.2d at 14.

an interest in its licensing decisions and the legal interpretation of its governing act.” *Id.* at 107. We affirmed the district court’s dismissal of the declaratory action while clarifying that the dismissal was without prejudice. *Id.* at 109–10.

But more recently, the Minnesota Supreme Court reversed the dismissal of an action with prejudice under Rule 19.01 based on the nonjoinder of a necessary party. *See Schulz v. Town of Duluth*, 936 N.W.2d 334, 342 (Minn. 2019). In *Schulz*, the supreme court explained that the “failure to join a necessary party is not a jurisdictional defect.” *Id.* at 339. Accepting that the appellants had indeed failed to join a necessary party, the *Schulz* court concluded that Rule 19.01 required joinder of the necessary party rather than dismissal of the action: “[O]nce a district court has jurisdiction over the matter, it must use Rule 19.01 to join all parties that it finds to be necessary under the rule.”⁸ *Id.*

We are unconvinced that the UDJA required dismissal for two reasons. First, Rule 19.01 applies to the UDJA, a fact that we expressly acknowledged in *Unbank*. 677 N.W.2d at 108 (“The rules of civil procedure supplement the provisions of Minn. Stat. § 555.11”); *see also State Auto. & Cas. Underwriters v. Lee*, 257 N.W.2d 573, 575–76 (Minn. 1977) (applying Rule 19 to UDJA). Having concluded that the school district was a necessary party, the district court was required to “order that the [school district] be made a party.” Minn. R. Civ. P. 19.01. Second, we see no principled reason why the

⁸ We are aware that the district court issued its order in September 2019, before the supreme court released the opinion in *Schulz* in December 2019. Even so, we generally apply the law as it exists at the time of our opinion. *See Interstate Power Co. v. Nobles Cty. Bd. of Comm’rs*, 617 N.W.2d 566, 575 (Minn. 2000). And even before the *Schulz* opinion, Rule 19.01 included mandatory language.

absence of a necessary party would warrant dismissal in one case and joinder in another when the rule and the UDJA similarly define necessary parties in terms of interests and rights. Accordingly, we reverse the dismissal of the amended complaint for failure to join a necessary party and remand for further proceedings in accordance with Rule 19 and this opinion.

V. The amended complaint stated a claim for relief under the Education Clause.

The district court dismissed the cause of action arising under the Education Clause, concluding that SCERAC failed to allege “that the financing system is actually resulting in an inadequate education” and instead alleged that the funding framework “impairs the . . . school district’s ability to achieve particular outcomes.” SCERAC contends that it sufficiently alleged that the deficient funding system resulted in an inadequate education.

We review the sufficiency of allegations set forth in the amended complaint de novo, accepting SCERAC’s allegations as true and drawing reasonable inferences in its favor. *See Walsh*, 851 N.W.2d at 606. The Education Clause extends the “fundamental right . . . to a general and uniform system of education which provides an adequate education to all students in Minnesota.” *Skeen*, 505 N.W.2d at 315 (quotation omitted). A viable Education Clause claim requires an allegation “that the legislature has failed or is failing to provide an adequate education.” *Forslund*, 924 N.W.2d at 34.

SCERAC alleged, in part, that (1) “the state has failed to provide the [school] district with adequate funding . . . to meet state standards for students with educational disadvantages and, *as a result, far too many of these students are not meeting state standards*” (emphasis added); (2) the state’s failure to correlate the cost of providing an

adequate education with funding measures “is a major contributing cause” of the state’s “failure to provide students with an education that meets all state standards”; (3) “[t]o meet the constitutional requirement . . . the [school district] must have substantially greater funding . . . and it must use those additional funds to implement significant changes in the delivery of instruction”; (4) “Minnesota’s system provides grossly inadequate funding and management authority to meet the needs of students with educational disadvantages”; and (5) “the state provides inadequate funding and an inadequate framework to deliver an education for students seeking to overcome educational disadvantages and achieve an education that meets state standards.” These allegations stated a viable claim under the Education Clause upon which relief could be granted.

The district court determined these allegations insufficient under *Forslund*, a case in which the appellants alleged that portions of Minnesota’s continuing-contract and teacher-tenure statutes violated their children’s rights under the Education and Equal Protection Clauses. *Id.* at 29. The appellants in that case alleged that the statutes made it difficult to dismiss ineffective teachers, that their children either had been or were at risk of being taught by ineffective teachers, and that “the specter of ineffective teaching burden[ed] their right to an adequate education.” *Id.* We presumed that the adequacy of education could be influenced by a number of variables such as funding and substantive education policies, clarifying,

When an Education Clause claim is based on one or more of these variables, a plaintiff needs to prove facts to establish that those variables are actually resulting in an inadequate education. In other words, a plaintiff cannot sustain a claim that the state is providing a constitutionally inadequate

education without proving that the state is in fact providing a constitutionally inadequate education.

Id. at 34–35. We affirmed dismissal of the action because the allegations merely claimed “that the challenged statutes ‘impinge[d] on’ or ‘burden[ed]’ their children’s right to an adequate education,” not that “the state has actually failed to provide an adequate education.” *Id.*

But the allegations in the amended complaint here, by contrast, did assert that the state actually failed to provide an adequate education and pinpoint the funding system itself as the reason students do not receive an adequate education. A reasonable inference from the amended complaint shows that SCERAC asserted that (1) the students are in fact receiving an inadequate education, (2) the alleged underfunding is the cause of that inadequacy, and (3) additional funding would correct the deficiency. The district court either failed to accept portions of the allegations as true or failed to draw reasonable inferences in SCERAC’s favor. Accordingly, we reverse the district court’s dismissal of the cause of action arising under the Education Clause and remand for further proceedings.

VI. SCERAC forfeited its challenge to the dismissal of its equal-protection claims.

The district court dismissed the equal-protection claims for failure to state a claim upon which relief can be granted. Although SCERAC argues that the district court misapplied caselaw, we do not reach the issue because SCERAC has forfeited its argument on a required element of its equal-protection claim.

The Equal Protection Clause provides that “[n]o member of this state shall be disfranchised or deprived of any of the rights or privileges secured to any citizen thereof,

unless by the law of the land.” Minn. Const. art. I, § 2. “The equal protection guarantee in the Minnesota Constitution places limits on the circumstances under and extent to which the [l]egislature can treat similarly situated people differently.” *Fletcher Props., Inc. v. City of Minneapolis*, 947 N.W.2d 1, 20 (Minn. 2020). We recognize two types of equal-protection claims: disparate-treatment claims and disparate-impact claims. *Odunlade v. City of Minneapolis*, 823 N.W.2d 638, 647 (Minn. 2012).

The respondents characterized SCERAC’s equal-protection claims as alleging disparate impact, and the district court considered those claims as alleging a disparate-impact theory. On appeal, SCERAC does not directly challenge that it alleged disparate-impact equal-protection claims in this action. Disparate impact requires proof of (1) disproportionate impact upon a suspect class and (2) discriminatory intent “on the basis of any suspect class status.” *Id.* at 648. The district court concluded that SCERAC failed to allege “the second element necessary for an Equal Protection Clause violation: i.e., that the state actor intended to discriminate against the suspect class. As a result, [SCERAC] has failed to state a claim upon which relief may be granted.”

On appeal, SCERAC does not challenge this determination and has therefore forfeited the issue. *See Lener*, 263 N.W.2d at 390. We therefore affirm the ruling of the district court. Because SCERAC forfeited this issue, we decline to address its merits or the alternative reasons set forth by the district court for dismissal.

VII. The district court abused its discretion in denying SCERAC’s motion for a temporary injunction.

Finally, SCERAC challenges the denial of its motion for temporary injunction. We review the decision to grant or deny a motion for a temporary injunction for an abuse of discretion. *In re Estate of Nelson*, 936 N.W.2d 897, 910 (Minn. App. 2019). “[A] temporary injunction is an extraordinary equitable remedy to preserve the status quo pending adjudication of a case on its merits.” *Id.* at 909. In *Dahlberg Bros. v. Ford Motor Co.*, the supreme court set forth the five factors a district court must weigh in considering a request for temporary injunctive relief: (1) the nature of the parties’ preexisting relationship, (2) the comparative harms of granting or denying the injunction pending final adjudication on the merits, (3) the likelihood that one party will prevail on the merits, (4) public-policy interests, and (5) the administrative burdens of supervision and enforcement. 137 N.W.2d 314, 321–22 (Minn. 1965).

Here, the district court analyzed only three of those five factors. The district court considered the relationship of the parties, likelihood of success on the merits, and the administrative burden of implementing injunctive relief. While the district court summarized the parties’ arguments regarding comparative harms and public-policy implications, the district court did not analyze or weigh these factors in its ultimate decision to deny injunctive relief. A district court abuses its discretion when it fails to weigh the necessary factors. *See Nelson*, 936 N.W.2d at 910-11 (“Because the district court was required to apply the *Dahlberg* factors but failed to do so, we reverse and remand for consideration of the *Dahlberg* factors.”). We also note that our decision implicates the

findings by the district court as to the likelihood of success on the merits. Accordingly, we reverse the denial of motion for temporary injunction and remand to the district court for further consideration.

CONCLUSION

We appreciate the seriousness of the allegations in the amended complaint, the procedural complexity of this action, and the effect of this opinion. We are constrained by the arguments the respective parties chose to advance, and we therefore limit our decision only to those issues properly preserved and presented for our consideration. We express no opinion as to the merits of forfeited issues or future proceedings.

We affirm the dismissal of the state, governor, house, and senate as parties to this action, as SCERAC forfeited the issue that these are improper parties to this action. We affirm the dismissal of the equal-protection claims, as SCERAC forfeited any challenge of the finding that SCERAC failed to allege the necessary discriminatory intent to sustain a disparate-impact equal-protection claim. But for the reasons set forth herein, we conclude that the district court otherwise erred in its wholesale dismissal of the amended complaint and in its denial of temporary injunctive relief, and we reverse and remand for further proceedings.

Affirmed in part, reversed in part, and remanded; motion granted in part.