

Roy Roberts on MSC ruling

For Distribution to All DPS Personnel:

As you have probably heard by now, the Michigan Supreme Court ruled today that the referendum petitions submitted by Stand Up for Democracy to place the question to revoke PA4 on the [November 2012](#) ballot did in fact comply with state law requirements, and ordered the Board of State Canvassers to certify the petition for the November ballot.

Under this ruling, once the Board of Canvassers certifies the petition, Public Act 4 will be "suspended" pending a vote by the citizens of the State to repeal or uphold the statute at the next election. To be clear, – Public Act 4 will only be SUSPENDED until the election is held and the voters decide. Michigan voters will make the final decisions and could decide in November to keep PA4 or to repeal PA4.

RIGHT NOW, PUBLIC ACT 4 IS STILL IN EFFECT AND WILL BE SUSPENDED ONLY AFTER THE STATE BOARD OF CANVASSERS HOLDS ITS PUBLIC MEETING AND FORMALLY CERTIFIES THE REFERENDUM LANGUAGE FOR THE NOVEMBER BALLOT. We do not know the date when that meeting will be scheduled.

Once the Board of Canvassers has taken action to certify the petitions and PA 4 is suspended, the Emergency "Financial" Manager law, PA72 - is automatically reinstated until the vote is taken on PA4 in November. This is the same position held by the prior emergency manager. On the date that PA72 becomes effective Mr. Roberts will promptly take the oath of office that same day and continue to assume authority of the District's operations in the capacity of Emergency Financial Manager as authorized under PA72.

MR. ROBERTS HAS DIRECTED THAT ALL STAFF CONTINUE WITH YOUR DUTIES WITHOUT INTERRUPTION IN CONDUCT OF THE AFFAIRS OF THIS DISTRICT UNLESS AND UNTIL DIRECTED BY HIM OTHERWISE. THE BOARD OF EDUCATION HAS NO AUTHORITY TO DIRECT DPS PERSONNEL TO TAKE ANY ACTION TO THE CONTRARY.

As we move forward it's critically important that everyone remain focused on doing our best for the children of DPS.

Thank you.

Kevin A. Smith, Esq.

Chief of Staff

Detroit Public Schools

Office of the Emergency Manager

3011 West Grand Blvd. - Fisher Bldg., 14th

Detroit, Mi. 48202