# Public Education in Michigan

A Shared Responsibility

## Article 8, Sec. 3-MI Constitution

- ► The Michigan Constitution places all public education, and all general planning, coordination, leadership, and general supervision under the State Board of Education
- ► Money to local school districts is appropriated by the Legislature
- ► This creates a bifurcation or sharing of responsibility

#### PA 72 of 1990-"The Dam"

- Recognized shared responsibility; allowed for state assistance and financial direction
- Preserved local control and administration
- Only allowed intervention for financial matters when there were no other alternatives
- ► This was operative statute when DPS requested state assistance in 2008

### Was there a problem?

- DPS was achieving academic success
- Detroit News: "DPS Test Scores Soared"
- Then-Gov. Engler took credit in 1998 campaign literature
- ▶ DPS had 92% market share; 114M surplus
- Voters passed 1.3 Billion construction bond
- ▶ DPS out scored 250 school districts in the State placing it in the mid-range of M.E.A.P. testing



Thursday, Sept. 4, 1997

METRO EDITION



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### Detroit's state school test scores soar

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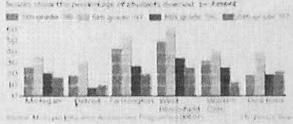
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#### Science results

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students)

Testing in the midrange of schools with approximately 250 below and 250 above Michigan schools with the Michigan MEAP

coord district wide

\$114m surplus + \$40m rainy day fund.

173,871

92% of all Detroit resident students attended DPS.

#### PA 10 of 1999- "Breach in the Dam"

- Covered any first class school district (DPS was the only one at the time, since or ever. However, it was worded carefully as to avoid an unconstitutional local acts violation)
- Placed the State Superintendent of Public Instruction (or designee) on newly-created school board which made it nearly impervious to a federal court challenge.
- ► Engaged the Mayor-City and school district which had contiguous taxing bodies of taxpayer property as to not violate Headlee provisions
- With about a quarter of its students failing which was very common in the state. That percentage represented approximately 48,000 students. This was nearly twice the number of total students enrolled the second largest district's.
- ▶ Because of the DPS district's shear size the legislature reasoned that their intervention was necessary, or so they said.
- The Detroit community reasoned that this was a money and power grab to control the 1.5 Billion dollar bond money that Detroit voters had approved for building repair, rehab and construction. Of course these allegations presupposes a knowledge of intent which they did not and could not prove.
- However, then State Representative LaMar Lemmons introduced an amendment that would have allowed the locally elected school Board to be left in place to oversee the Bond money, the repair, rehab and construction of schools. This would allow the State's Reform pedagogical experiment to run its course.
- The amendment failed on party lines.

#### Detroiters resist and rebel!

- Many middle class parents immediately rejected the idea of a Reform Experiment on their children with 11,000 students and families abandoned DPS.
- ▶ The District became stigmatized by the State's labelling.
- Parents and Taxpayers had no recourse for complaints, concerns and disagreements with the Reform C.E.O. and the essentially powerless reform Board
- ▶ Reform school Board meetings were often disrupted with protests and demonstrations; arrests were commonplace
- Detroiters did what ever they could to resist the imposition of the State's failing reform experiment on their children
- ▶ It is widely believed that the often looped footage of the appointed Reform School Board President instructing security to "get her, a complaining guardian grandparent, out of here" changed his fortune in a future Mayoral bid.

### "When it Rains, It Pours"

## <u>Deputy Wayne County Executive Mike Duggan, of</u> <u>Livonia, was given charge of the DPS summer rehab</u> <u>project</u>

- ▶ In charge of the \$89,000,000 summer DPS rehab program
- Mr. Duggan is empowered to award No-Bid contracts by the State
- ► According to *Detroit News & Free Press*, Duggan received huge donations from school contractors in his bid for Wayne County Prosecutor
- ▶ DPS staff indicate work performed under Duggan's supervision was shoddy & required more money to renovate buildings at additional expense

### The Detroit News AND Free Dress

at a tabes 1, 1999



U-M (5-a) or MSU (5-a) Noon, ARC

#### MSU. U-M tilt a perfect matchup

By Dave Dye and Angelique & Compelle No Denne Nove

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#### Detroit Acce Pers

WASTED DOLLARS, BROKEN BUILDINGS

### **Bad management, cronyism** waste school repair money

Five years later, Detroit schools still in disrepair, learning hindered

CONFIDENTIAL TO MAN I PERSON, MAN D. Andrew Committee Company Elds Segred, 7.5., American Septembers, Publish Management and July Copins Improvements DATE Separates 14, 1915 SCHOOL DISTRICT MAJEST PLANSING

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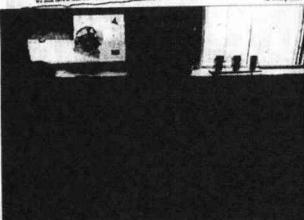
In the west fire months, we will be maring factor 10 application for an additional 130

We show have at least a first (2) year rapid improvement flow.

# Defruit News investigation details how district botched its \$1.5-billion bond program.

> BY MELYIN COMMON AND CHARLES HENT The Chance Sweet go Copyright 1960

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Inside this Detroit News special report

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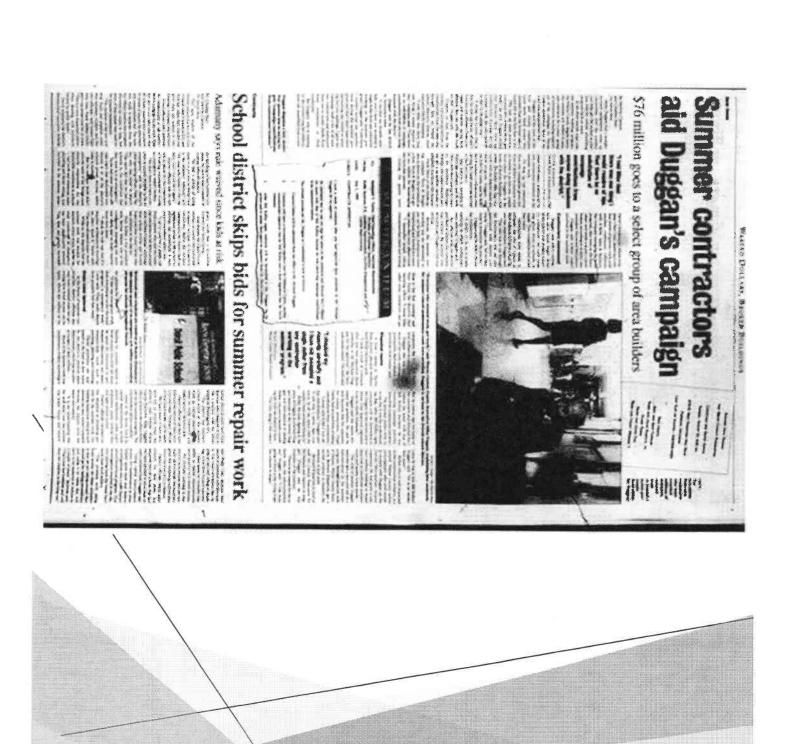
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## 1999 David Adamany 1st Reform CEO reports:

▶ Reported the following to the MI Legislator:

That the Detroit Public School district was the number 1 performing School district in the nation with a population above 100k Students where the majority were receiving free and reduced lunch.

- ▶ DPS had 40 schools where over 80% of its students were eligible for free or reduced lunch to score at or above national levels.
- Detroit had more national certified teachers than any other any school district in the State.
- ► Teaching professionals from around the nation came to Detroit to learn what and how to teach impoverish students.
- David Adamany leaves DPS with a continued surplus of approximately.

### The Deluge Worsens

- ▶ Reform Board forced to hire Kenneth Burnley after Superintendent of Instruction, his designee, rejects reformed board's initial candidate for the District's Reform CEO.
- Kenneth Burnley sells the Maccabee Building, also known as the School center bldg. to Wayne State University leaving the DPS District without a home office
- ► The Maccabee Building not only was paid for, but generated income for the District through its tenets
- ► Kenneth Burnley purchased four (4) floors of the Fisher Building for more than the entire Fisher Building had been purchased for the year earlier
- ► Recently, Fisher Building and the Kahn Building combined sold for half as much as the four (4) floors purchased under the state's leadership through Burnley
- Kenneth Burnley increased the size of DPS administration in the midst of rapid enrollment decline
- Kenneth Burnley "blew through" the elected school board's surplus and created a huge deficit
- Kenneth Burnley and Jennifer Granholm borrow an unprecedented \$200,000,000 against anticipated revenues from enrollment



- ▶ In 2004, by an overwhelming margin of 2 to 1, Detroiters voted to reject any continuation of a reform experiment or Mayoral control.
- ► The \$114,000,000 surplus has been eradicated. DPS is now encumbered with over 1.1 Billion dollars in liabilities (leases, contracts, loans, bonds and other obligations)
- ► The 1.5 Billion dollar construction bond has all been spent
- Schools were built costing many times the price of their similar counterparts in the suburbs at \$150 per square feet in the suburbs vs. \$400 per square feet in Detroit

## Experiment Ends: But is it too late?

- Brief return of an elected school board
- ► The elected school Board had no school Board experience
- ▶ Inherited deficit created by reform CEO
- Previous year budget balanced by unprecedented \$200M bond (at 21% interest) imposed by Governor Granholm and the Reform CEO
- Closed 32 schools in first year
- ▶ But saddled with many pre-existing contracts
- ► That the district was encumbered with legacy debt, Leases, purchases, contracts, and obligations. This totaled to over 1.1 billion dollars in state commitments that the elected local school board was bound to honor. This we believe to be a Headlee violation!

#### Elected Board in, But Barely Afloat

- Board initiates investigation of irregularities leading to conviction of eight (8) people
- ▶ Board is unable to balance budget and is prevented by law from negating the contracts, leases, bonds, and other obligations left by the State during the State's Reform experiment
- In 2007, Board placed on the Detroit ballot a referendum requesting State assumption of all debts and obligations acquired during State takeover in accordance with the Headlee Amendment of the Michigan Constitution
- ► The Detroit citizens overwhelmingly voted in support of State assumption of State created debt!!
- State ignores Detroit voters' request for State assumption of State created debt.
- ► FBI found reform CEO Burnley and others' actions were highly irregular and boarded on gross incompetence, however did not necessarily rise to the level of criminality.



#### Requested a lifeboat...

- ► Elected school board requests state's financial management expertise under P.A. 72, the emergency FINANCIAL manager law by a majority vote ("shared responsibility")
- ► Enter The first and only Emergency Financial Manager [E.F.M.] Mr. Robert Bobb.
- ► Mr. Bobb never recognized bifurcated responsibility or the academic authority of the elected School Board over the academics of the district.
- Claimed control over "anything a penny touched" illegally operated the Academics of the district.
- Increased deficit by 100M

### ...but got the Titanic

- ► Hired the infamous, now incarcerated, Barbara Byrd-Bennett as Academic Accountability Officer
- DPS Auditor General advises against her textbook contract and other irregularities
- Purchased obsolete notebook computers
- Robert Bobb operated finances and academics in violation of the State Constitution and PA 72



### "The Baxter Decision"

- ► In light of Bobb's actions, the elected board sees no choice but to enforce its responsibility over academics
- ► The Board sues Mr. Bobb and the State of Michigan. The Board prevails in State court!
- ▶ In its decision, the court finds that the EFM caused "irreparable harm to the district"
- ► Finds that Mr. Bobb's overreach violated both the state constitution and PA 72

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and contact from the School Heart or its agents, and

5. Contracting to parchase textbooks and online neadontic resources in the absence of the book adoption process and policy of the School Board or without board approval; and

6. Authorizing the gracing of charar status to any district school;

A. Enforcing, implementing or publicising the BFM's academic plan "Excellent Schools for Every Child;" except that the current academic publices and plans including those publices and the clicic and practice on the date of this order shail continue under the auspices and authority of the Board unless voided or medialided by the Board; and

8. Implementing any curriculum, standards for promotion and similar academic policies that are in conflict with policies that the lifth retains the right to determine on facet grounds the extent to which particular policies can be implemented within the conflues of available resources; and

9. Refusing to maintain and support limurcially within the budgeted resources of the district the Bourd's selection of the schools superintendent teachers in the schools and the selection of the academic seministrators of the District; and

10. Relising to conduct a consultation with the Board in accordance with the shitteny.

mendate; and in the failing to reseind March 10, 2010 order the all DPS neadernic

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IT IS FURTHER ORDERED that any contracts entered into between the UFM and a third party that are inconstatent with this injunction and the authority of the UFM are voldable at the option of the School Board.

Circuit Court Judge

IL IS SO ORDERED.

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goals, programming and academic curriculum and if the educational pelicies of the defendant are impused an stationally responsible entity making that seademic and educational decisions; and

WHEREAS this Court further found that has suffered irreparable haven by being prevented by defendant from performing its dely to supervise, implications and existents for the Detroit Public School District edocational policy, goals, academics, euriculum, school hours, sessions, and programs; and

WHERLAS this Court further found that pointiffs will suffer irreparable barm if defendant is not restrained and enjoined from hithority and endeather programs and educational influence subsequents and educational victions statutority, and

WHEREAS this Court furber found that the harm to plaintiffs of not lessing a permanent injunction that defendant cense and desist frustration of the school board from the performance of its standary duties outweights the harm to the defendant who can easy out his statutory duties without responsibility to lend, supervise, set, chart or dictate academic and/or statutory duties without responsibility to lend, supervise, set, chart or dictate academic and/or

WHEREAS the Court lumber bound that the public interest is been served by conjoining the EAM from acting outside his authority ander the Lecal Government Fiscal Responsibility Act and combing the plaintiff to perform its statumy duties by ordering the EFM not not to exercise scadenic subarity in the absence of any clear legislative grant of seatismic matterial EFM, and

WHERMAS this Court further found that there is no adequate remody at law such that

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WHEREAS The Count found that no security is needed because the parties are public officials; and

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Order on Social Premotion; and

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3. Issuing any directives to engage in deficit teaching or to take any when steps in conflict with the Beaul's neutoenic policy; and

4. Directing the DPS's academic staff not to communicate with or take directions on

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### Unleashing of Floodwaters

- PA 4 repeals PA 72
- PA 4 does not recognize the shared, bifurcated responsibility over public education as set forth in the state constitution
- ▶ Gave total control over academics and finances to an emergency manager ("EM")
- Took all authority from the elected board
- Disregarded board request for transparency and cooperation

### ...That Followed

- Roy Roberts further refinanced debt against advice of Auditor General
- Failed to rectify or even improve the financial situation even though that was the chief responsibility under PA 4
- ► Failed to supervise the district-turned a blind eye toward the Charles Pugh situation even though notified repeatedly by elected board

### The Wreckage...

- ► Enter Roy Roberts-first Emergency Manager [E.M.]
- Signs over 15 schools to experimental EAA above the objections of the powerless elected Board.
- Massive school closures which creates gaping holes in neighborhoods
- Sold Closed school buildings to competing Charters schools.
- Eliminated effective programs at Southwestern, Oakman, Catherine Ferguson, Davis Aerospace and others



- ► Failed to comply with board policy regarding background checks and fingerprinting
- Conflict of interest in appointments
- Failed to adequately address debt reduction
- Failed to address ratio of administrators to teachers and students
- Failed to stabilize or increase enrollment
- ► 44,000 of 118,000 students <42% market share

	Academic	Finances	Enrollment	Market Share (% of Detroit students)
1999	Testing in the mid- range with 250 schools 250 below and 250 above Michigan schools with the Michigan MEAP score district wide.	\$114m surplus + \$40m rainy day fund.	173,871	92% of all Detroit resident students attended DPS.

### What State control has wrought!

	Academics	Finances	Enrollment	Market Share (% of Detroit student)
2016	DPS has the lowest academic performance in the State.	\$3.5 Billion deficit	Approx imately 46,000	42% of all Detroit resident students

#### Voter concern gaged by Participation

Candidate	Vote %	Votes		C 4: 4 - 4		
aMar Lemmons	11.9%	42,112	Party	Candidate	Vote %	Votes
Reverend	10.8%	38,242	Non-	Mike Duggan	54.9%	74,254
David Murray						
da Carol Short	9.5%	33,453	Partisan		47.70	(0.440
Patricia	8.5%	30,130	Non-	Benny Napolean	47.7%	60,448
Johnson			Partisan			
Singleton			Non	Write-in	0.3%	445
A. Heard	7.3%	25,959				
K. Sanders	7.2%	25,574	Partisan			
D. Bryant	7.1%	24,963		Total Votes		135,15
S. Johnson	6.8%	23.975	The Gr	overnor Rad	e in Detroi	
V. Gibsen	5.2%	18,456				
G. Lemmons	4.8%	16,913	Candidate	Vote %	Votes in Detroit	Total Votes Casted
W. Harris	4.6%	16,255				Casteu
G. White	4.5%	15,952	Rick Synder / Brain Calley	6.8%	11,522	166,247
R. Paul	3.2%	11,321	Breit Calley			
R. Patrick	2.8%	11,175	Wark Schauer /	92.18%	152,096	166,247
J. Williams IV	2.8%	9,984	Lisa Brown			
U. Sherman jr.	1.7%	5,844	Non-Partisan	Write-in	0.3%	445
Write-In votes	0.9%	3.094		Total Votes		166,247

## How can we rescue the Detroit Public School District from any further State intervention or experimentation?

- Immediately conduct a specific audit to determine the causes and origins of the deficit.
- ► Apply a proportional allocation of responsibility system. This would insure that the State of Michigan would not impose undeserved penalties on the local School District that occurred during the State's operation of the district.
- ▶ Have the State to immediately assume its portion of the deficit. Mandate that the State reconcile and reimburse the local district for any and all outstanding funds owed due to any Headlee violations [Article 9; Sections 25-32 of the Michigan Constitution]
- Immediately empower the current already elected School Board.

## Stopping the D.E.C., and other Damaging Strategies!

The Detroit Education Commission

- The so called Detroit Education Commission [DEC] will divert sorely needed resources away from the classroom and into a newly created Mayoral bureaucracy.
- ► The DEC takes away the authority granted to Detroit voters and gives those powers to a newly created Mayoral appointed "commission"--
- The DEC will adversely affect:
  - **▶**Enrollment
  - **▶**Curriculum
  - **▶**Programming
  - **▶**Staffing
  - **▶**Salaries
  - **▶**Logistics
  - **▶**Finances
  - **▶**Class size

- ► Potential Litigation
- ▶ Projection
- ▶ Competitions
- ► Credit Rating
- ▶ Bond Rating
- ► Academic Rating of Schools
- ► Other Operational Functions & Responsibilities too numerous to list

DEC will operate only in the City of Detroit allowing other school districts to compete without any such impediments

The DEC is a continuation of experimentation on Detroit's children

The elected Detroit School Board Members have unanimously opposed the creation of the DEC or any form of Mayoral control

This was done in response to the will of the voters' of the City of Detroit in 2004 voted against Mayoral control and continued experimentation

## Old Co, New Co, and the Penalizing of the Victims

- State proposes the bifurcation of the DPS school district for the purposes of separating the debt
- ► However, much of the debt, if not the vast majority, was created by and/or during the State's operation of the District
- ▶ Without a specific audit to determine the causes and origins of the debt, this (Old Co, New Co) is a punitive and underserving penalty & a probable violation of Headlee <u>amendment</u>- the prohibition of the State to impose taxation on local unites of government (cities, school districts, local elected school boards & citizens)

## Who Will Stop This Disenfranchisement?

- ▶ Who will stand up for the children of Detroit?
- ▶ Who will stand up for democracy?
- Who will stand up and speak truth to power?

## ►Will it be you?