

Representative Lyons and Members of the House Education Standing Committee,

Thank you for your service to our state and for the time you have already taken to communicate with the MDE on various sections of HB 6004. My name is Tracy Peters and my comments reflect my dual perspective as a teacher and attorney.

I am here because I am very concerned that the US DOE, OCR division held an August 30, 2012 hearing in Detroit to take testimony on Michigan's education reform policies and their disproportionate effects on communities of color. Today, I fear that we are considering codifying one of these reforms for I feel that will be the collective effect of HBs 6004 and SB 1538 – education reform that will drive Michigan to be a voucher state with one separate and unequal school district that will serve only minority students in the DPS.

In that spirit, I recommend this committee take one of three actions on this legislation:

First, in light of P.A. 4's repeal on November 6, 2012, §§ 1280c(19), 1260(4) and all references to an Emergency Manager should be stricken as Emergency Managers are no longer recognized as appointed officials for local units of Michigan governments. Similarly, I recommend that the powers of this bill's "Chancellor" as enumerated in § 774(1)-(4) be removed because this new language is nearly identical to P.A. 4's language detailing the powers of an Emergency Manager. Under HB 6004, a Chancellor possesses many of the same powers as an Emergency Manager; resulting in unchecked powers bestowed upon an unelected official – a system of governance rejected by Michigan voters. The House and Senate Journal will similarly reflect that concerns over EAA governance having been raised by both Democrat and Republican legislators.

My second proposed action for this committee is that you not confirm the EAA as part of this state's system of public schools unless it is reestablished in the 2013-2014 school year to fairly include school districts from around the state. I suggest this because HB 6004 seeks to codify two essential principles that were lacking in both the EAA's formation and its current 2012-2013 school year. These two principles are transparency and lack of a conflict of interest for public officers and employees.

a. Transparency

The EAA's 2011-2012 formative year lacked transparency because criteria for the two most essential components of the EAA were not made known to Detroit students and their families. Although the 15 DPS schools comprising this statewide school district were on the MDE's TTB (Top to Bottom) list, so were schools from ~~thirty-two~~³⁴ other school districts in Michigan – several districts with multiple schools. As a school district that in reality could impact any public school district in the state, the processes taken by the Governor and the DPS' EM used for selecting only DPS schools for the EAA at the exclusion of 31 other districts should have been publicized statewide. The only argument advanced by an EAA official at their public June 2012 budget hearing was that this decision was "geographically feasible." Geography may provide a rational basis for this decision but certainly not a compelling one when you consider the EAA only affects children in Detroit.

Transparency was also lacking for the process used by the Governor and DPS' EM for determining precisely which buildings within the Detroit Public Schools were to be

placed into the EAA. This transparency was necessary to show that no conflict of interest existed for DPS' EM in his dual role working for DPS and the EAA.

- b. No Conflicts of Interest DPS' EM served dually as EM and Chairman of the competing EAA school district's Executive Committee when he and the Governor determined the precise admission criteria for schools that would leave DPS to become part of the EAA. Because the EM was in a position to know pertinent information about specific DPS buildings, he could select schools for the EAA while simultaneously serving DPS as its financial and academic leader. This may have created a conflict of interest as both buildings and students from the Detroit Public Schools were selected to populate a competing statewide school district. In my opinion, it appears that DPS was harmed and the EAA (a statewide district) benefitted from newly constructed or rehabilitated buildings with thriving student populations.

My third suggestion for this committee is to hold a joint hearing of the Senate and House Education Standing Committees in Detroit in lieu of your December meetings in fairness to ~~hear testimony from~~ the only Michigan schoolchildren and their families currently affected by the EAA. Just as there are students and parents in Detroit who need to share their firsthand experiences in this statewide school district, there may be some of you sitting before me now who do not feel comfortable taking action on HB 6004 or SB 1538 without further information presented by those individuals most directly affected.

Finally, I urge this committee to follow the words of Senators Gleason and former Senator Prusi, who, under their constitutional right of protest (Art. 4, Sec. 18) protested against the adoption of the first conference reports on HB 4787 – the authorizing legislation for the EAA. "... we want to see reform on the education system here, but I believe and members of my caucus believe that there was a lot of stuff thrown into this mix that has nothing to do with Race ToThe Top and has nothing to do with actually reforming our education system. It is simply a philosophical position that the majority caucus has taken over the years and was never able to accomplish until we ginned up a crisis in education, and we ginned up a sense of urgency over federal money. We still had a lot of time to work on these reforms." (Journal of the Senate, First Conference Report, December 19, 2009).

Those protests were voiced almost two years ago. There is still time to work on the most sweeping education reform in 20 years. But together and with thoughtful dialogue with the people who make our education system great – children, their parents and the educational staffs that serve them.

Respectfully submitted by Tracy Peters on November 19, 2012 for the House Education Standing Committee.