EDUCATION EQUITY IN MICHIGAN

SEPTEMBER 30, 2020

Revised 11/23/2020

"The right to an equal educational opportunity is one of the most valuable rights you have."

- United States Supreme Court in the landmark *Brown v. Board of Education, 1954*

REVISIONS PAGE

1. Bond Measure definition on page 58 made on 11/23/2020

2. Charter Schools definition on page 58 made on 11/23/2020

September 30, 2020

DEAR READERS:

We know that education is the key to unlocking a lifetime of opportunities, whether it is understanding other cultures, building knowledge to make wide-ranging contributions to society or even pinpointing interests that lead to a fulfilling career.

In 1984, in *East Jackson Public Schools v. State*, the State Court of Appeals recognized Michigan's obligation to provide an "adequate education" for all students. Further, Michigan has recognized that educating all students is a compelling state interest. We believe every child has the right to that adequate education – one which equips that child to be a fully functioning, productive member of society. Most importantly, we believe education is a civil right.

An adequate education should be available to everyone regardless of household income, race, residency or ability. But, quite simply, it is not. That disparity became increasingly clear in 2016 when the Michigan Civil Rights Commission investigated the root causes of the Flint water crisis. During that review, we saw the roots and continuing existence of educational inequities in Flint's K-12 school system.

Flint is not alone in this struggle and, in an effort to determine the size and scope of the inequities across schools and districts, the members of the Michigan Civil Rights Commission held five hearings throughout the state. We listened to testimonies from both invited subject-matter experts as well as individuals who believe they are being underserved.

During these hearings held from May 2018 to March 2019, Commissioners heard from a variety of perspectives and voices, but we heard a common theme – that the quality of education depends greatly on where students live. Residency is dependent on household income, which in turn is dependent on the opportunities provided to families, which is also dependent on parents' own race and background.

The close and circular connection of each of these factors is what makes this issue so complex. It is not as easy as labeling a school district as failing and it certainly is not made any easier with a state takeover.

While we heard plenty of examples of the unfair playing field that is Michigan's education system, we also listened to ways we can make improvements. We can change policies so that Native American students no longer must walk through gymnasiums featuring cartoonish caricatures of their people. We also can take steps to help students in Detroit, who are the subject of a pending lawsuit, so they don't have to use outdated textbooks, endure moldy smells, dead mice, leaky ceilings within the school buildings, or rely on an exorbitant number of substitute and uncertified teachers.

We can take steps to remove legacy debt so that school leaders and district administrators do not have to desperately cobble together budgets that are hobbled by long-standing debt and stagnant tax revenue.

It is important that we work cooperatively to fix this system. After all, every family is required to have their children receive an education, whether in a school building or at home, but the state has not met its most minimum obligation to provide it equally across the board.

This obligation is vital to Michigan and its future. Failing to improve educational opportunities puts the future workforce of critical thinkers at risk of being unsuccessful in navigating a rapidly changing economy. We are excited to work together to make the changes needed to help all students across the state.

The Commission wishes to thank the invited subject-matter experts who provided invaluable testimony and written resources. We would also like to include a special thank you to the former Commissioners who played integral roles in the Education Hearings: Chair Mumtaz Haque, who led this undertaking; Chair Alma Wheeler Smith; Commissioner Ricardo Resio; and Commissioner Rasha Demashkieh.

We also are reassured by the knowledge that so many are doing so much to improve educational opportunities for all our students. Moreover, the Commission would like to thank individuals who attended the hearings to listen and provide input including parents; K-12 and higher education leaders; local and state policy and political leaders; local, state, and national education and advocacy organizations; community advocates; the staff of the Michigan Department of Civil Rights; and, especially the students.

Michigan Civil Rights Commission

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MICHIGAN CIVIL RIGHTS COMMISSION EDUCATION HEARING DATES AND SPEAKERS

- **May 21, 2018, Eagle Crest Conference Center, Ypsilanti**
  Topics: Consolidation/merger of school districts, K-12 public education in Michigan, school financing and Proposal A
    - Brenda Stumbo, Ypsilanti Township Supervisor
    - State Representative Ronnie Peterson
    - Kirk Profit, Governmental Consultant Services, Inc (GCSI)
    - Eric Lupher, Citizens Research Council of Michigan
    - Randall Davis, Superintendent, Marshall/Albion School District
    - Benjamin Edmondson, Superintendent, Ypsilanti Community Schools
    - Scott Menzel, Superintendent, Washtenaw County ISD
    - Brian Gutman, The Education Trust - Midwest
    - Mitch Bean, former director, Michigan House Fiscal Agency
    - Lou Glazer, Michigan Future, Inc.

- **July 23-24, 2018, Grand Traverse Resort, Traverse City**
  Topics: Issues affecting rural students, students experiencing homelessness, students from migrant and seasonal farmworker families and testimony from Indigenous/Native American youth
    - Jim Carruthers, Traverse City Mayor
    - Deb Neddo, Migrant Seasonal Student Liaison, Traverse Bay Area Intermediate School District
    - Michelle Williams, Migrant Program Consultant, Michigan Department of Education
    - Pedro Martinez, Administrator, Van Buren Intermediate School District
    - Guillermo Martinez, Migrant Outreach Worker, Van Buren Intermediate School District
    - Marcelino Tapia, migrant and seasonal farm worker
    - Aleida Martinez, former migrant child; Associate Director, National Migrant Scholars Internship Program, Michigan State University Migrant Student Services
    - Ryan Hannon, Goodwill Industries of Northern Michigan
    - Carol Greilick, Assistant Superintendent of Special Education, Traverse Bay Area Intermediate School District
    - Melissa Isaac, Director of Education, Saginaw Chippewa Indian Tribe
    - Rebekah TenBrink, Founder and Director, LIFT Teen Center
    - Eric Hemenway, Director of Repatriation, Archives and Records; Little Traverse Bay Bands of Odawa Indians
    - Hunter Genia, Anishinaabek; Administrator of Behavioral Health Services, Saginaw Chippewa Indian Tribe
    - Sam Morseau, Director of Education, Pokagon Band of Potawatomi
    - Michelle Schulte, Honoring Our Children Initiative

- **October 8, 2018, Crowne Plaza Hotel, Grand Rapids**
  Topics: Discrimination in Michigan's K-12 schools, educational disparities in Kent County and the community's collective response
    - Wayman Britt**,** Kent County Administrator
    - Lupe Ramos-Montigny, Michigan State Board of Education
    - 13 current high school students (unidentified)
    - Milinda Ysasi, Executive Director of The Source; Co-Chair, KConnect Accountability Partners Council
    - Paul Doyle, Founder and CEO, Inclusive Performance Strategies and KConnect Equity Consultant
    - Mark Woltman, Associate Director, KConnect

- **November 19, 2018, Wayne County Community College, Detroit**
  Topics: Challenges facing students and personal testimony from high school students and recent graduates; challenges and opportunities facing K-12 education such as alternative schools, charter schools, virtual schools and public schools in Detroit and Michigan
    - 12 former high school students (unidentified)
    - Dan Quisenberry, President, Michigan Association of Public School Academies
    - Nikolai Vitti, Superintendent, Detroit Public Schools
    - Erin Einhorn, Chalkbeat Detroit
    - Michael Addonizio, College of Education, Wayne State University

- **March 25, 2019, Macomb Community College, Clinton Township**
  Topics: Funding challenges and opportunities on reforming Michigan's K-12 schools to better address needs of students as it relates to and impacts special education and students of color, understanding House Bill 5526, A-F Grading System, the impact on school districts with majority-minority student population, role of implicit bias and systemic racism in K-12 education, school-to-prison pipeline and discipline and disparate treatment in K-12 settings, role of term limits on K-12 education and continued disparity especially in urban education
    - State Representative Christine Greig, House Minority Leader
    - Michael Addonizio, Wayne State University College of Education
    - David Arsen, Michigan State University College of Education
    - Vanessa Keesler, Michigan Department of Education
    - Kelly Capatosto, Kirwan Institute
    - State Representative Sherry Gay-Dagnogo
    - Rodd Monts, ACLU of Michigan
    - Melody Arabo, EdReports
    - Michelle Fecteau, Michigan State Board of Education
    - Sandee Koski, Michigan Alliance for Families

SAMPLE EDUCATION EQUITY PLANS

- Okemos Public Schools Equity Plan
- Portland Public Schools Racial Equity Plan
- Roseville Public Schools Equity Strategic Plan
- Seattle Public Schools Educational Plan to Achieve Racial Equity
- Seattle Public Schools Racial Equity Analysis Tool
- Seattle Public Schools Racial Equity Analysis Tool for Facilitators

RESOURCES AND PRESENTATIONS SHARED DURING HEARINGS

- Civil Rights Presentation – Great Lakes Economic Consulting
- Crisis and Opportunity: Michigan Education Today
- Current Racial Disparities in Education
- Governmental Collaboration: Improving Education Data and Sovereignty
- Issues on Current Disparities in Education – Michigan Department of Civil Rights
- KConnect – Creating conditions for ALL Kent County children to succeed
- KConnect Work Plan
- Marshall Public Schools Trend Analyses
- MDE Social Studies Standards Side-by-Side Comparison
- MDE Social Studies Standards Proposed Revisions
- Michigan School Finance at the Crossroads - A Quarter Century of State Control
- Overview of Race, Place and Policy Matter in Education – Michigan League of Public Policy / Michigan Department of Civil Rights
- Public Education Funding in Michigan
- Reclaiming Native Truth – Changing the Narrative About Native Americans
- Restarting a School District: The Promise and the Challenge
- School Finance Research Collaborative Report
- Special Education: Opportunities and Challenges
- Tribal Perspective on Discrimination in Schools from the Honoring Our Children Initiative

ADDITIONAL RESOURCES

- Government Alliance on Race and Equity (GARE) Racial Equity Toolkit
- Equity Profile – Battle Creek Region
- Equity Profile – City of Detroit Region
- Equity Profile – Detroit Region
- Equity Profile – Grand Rapids Region
- Michigan Department of Civil Rights Racial Equity Toolkit
- Racial Equity Impact Assessment

CONTENTS

I. EXECUTIVE SUMMARY

An adequate education is a civil right belonging to every Michigan child. However, this right is not provided to students equally across Michigan. All too often, the effectiveness of public school systems is directly determined by the racial and economic makeup of the community. Historically, affluent and White neighborhoods have stronger school systems with opportunities for student success. Historically, poor neighborhoods of color and/or minority neighborhoods lack the resources and opportunities.

The specific obstacles identified by members of neighborhoods of color and/or minority neighborhoods include:

- Lack of access to early childhood education
- Varying degrees of parental involvement
- Funding based on declining enrollment that leaves schools grossly underfunded
- Food insecurity
- Lack of specialized instruction, after school and summer school programs
- Lack of qualified, experienced minority teachers

Instead of a cohesive, statewide education system, Michigan has independent systems that operate differently and are resourced in a variety of ways. This type of patchwork system has led to disparities between "high-performing" districts and those considered "failing," perpetuating generational poverty with no escape.

This patchwork system is characterized by:

- Proposal A and per-pupil funding
- Charter schools siphoning off public tax money from the traditional school system
- Competition between school districts for students

The existing system also holds all districts to the same standards, regardless of resources, and punishes those who do not meet the standards with labels of "failing" and threats of a state takeover. The stigma of being labeled "failing" alone crushes an already ailing system and provides no program for recovery, although the Michigan Civil Rights Commission acknowledges that all Michigan public schools suffer from insufficient funding from the state.

Education hearings held by the Michigan Civil Rights Commission (the Commission) between May 2018 and May 2019 in Ypsilanti, Traverse City, Grand Rapids, Detroit and Clinton Township provided the data for this report. Examples of those inequalities were outlined to the Commission by analysts, educators, administrators and even students themselves.

We recognize that children learn differently, they go home to vastly different environments and their life experiences are wide-ranging. Educational programs must take all these things into account. Inclusive approaches require thoughtful planning to meaningfully incorporate diversity.

Equality focuses on similarites and pays minimal attention to differences; it packages resources as a one-size fits all solution. Conversely, equity pays attention to differences and distributes resources based on an in-depth understanding of how these differences impact equitable access. As the included examples

show, local flexibility in planning, executing and evaluating the quality of education assures that the needs of the district and its children are served.

Some steps to customizing education to each community include:

- Providing cultural history and training
- Improving teacher diversity
- Soliciting student feedback
- Providing year-round schooling opportunities
- Reducing absenteeism
- Increasing teachers' and students' racial consciousness

To improve our education system overall, we should implement a process by which an increasing number of programs, resources and funds are unlocked as districts demonstrate need for them. Through addressing implicit biases and assessing institutional and structural barriers to success, school districts can experience more successes without punishing children, teachers or districts for factors beyond their control.

These biases and barriers can be broken down through the following:

- Educating on implicit biases
- Developing racially conscious strategies for school integration
- Eliminating Native American mascots
- Changing per-student funding and Proposal A
- Re-examining the hold back law
- Tracking student enrollment
- Eliminating competition between schools
- Increasing teacher pay
- Eliminating legacy debt
- Increasing special education opportunities and funding
- Increasing culturally inclusive curriculum

II. INTRODUCTION

Michigan's education system is in crisis, and many experts across the state agree. To discover whether and in what way discrimination contributes to the education crisis, the Michigan Civil Rights Commission investigated to assess inequities within the system. This inquiry follows and, in many ways, begins with the results of our year-long investigation in 2016 to search for the roots of the poisoning of Flint's public water supply and the role race played in the crisis. It was during this investigation that the roots and continuing existence of educational inequities in Flint's K-12 school system were revealed. We have since learned that this historic and institutional racism is in no way unique to Flint.

The Michigan Civil Rights Commission was created by the state constitution in 1963 to carry out its guarantees against discrimination. The second section of Article 1 of our Constitution proclaims, "[N]o person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color

or national origin."[1] The Michigan Constitution created this Commission and directed it "to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by this constitution and to secure the equal protection of such civil rights without discrimination."[2] It is pursuant to this charge that the Commission possesses the power to hold hearings, conduct an investigation and issue this report.

a. Elliott-Larsen Civil Rights Act

In 1977, the Elliott-Larsen Civil Rights Act (ELCRA)[3] was signed into law by Governor William G. Milliken. This landmark law is comprehensive and inclusive, initially prohibiting discrimination in public accommodations, public services, employment, housing, and educational facilities as defined in Article 1, Section 102 of the Act:

The opportunity to obtain employment, housing and other real estate, and the full and equal utilization of public accommodations, public service, and educational facilities without discrimination because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status as prohibited by this act, is recognized and declared to be a civil right.

Furthermore, Article 7, Section 705 of the Act does not restrict the Commission from securing civil rights guaranteed by other laws, nor does the Act restrict implementation of approved plans, programs or services to eliminate discrimination and the effects thereof when appropriate. Moreover, this provision provides that the Act shall not be interpreted as invalidating any other Act that provides programs or services for persons covered by this Act.

The Elliott-Larsen Civil Rights Act has been amended over the years to broaden its scope to prohibit additional forms of discrimination and continues to evolve to address emerging civil rights concerns.

b. Persons with Disabilities Civil Rights Act

Although ELCRA did not include the disabled community, the 1976 passage of the Persons with Disabilities Civil Rights Act (PWDCRA)[4] ensured that people with a disability are guaranteed the following opportunities and accommodations, which are guaranteed by the Act as a civil right:

The opportunity to obtain employment, housing, and other real estate and full and equal utilization of public accommodations, public services, and educational facilities without discrimination because of a disability.

[1] Constitution of the State of Michigan of 1963, Article I, Section 2.
[2] Michigan Constitution, Article V, Section 29.
[3] 1976 PA 453
[4] 1976 PA 220

III. OVERVIEW OF PROCESS

a. Purpose and Structure of Meetings

To understand key issues relative to the state's education system and to explore questions related to the impact of disparate treatment, Commissioners held a series of education hearings, listening to testimonies from both invited subject-matter experts and individuals who believe they are being underserved.

The Commission hosted five hearings across Michigan from May 2018 through March 2019 to understand the disparities that may exist in the state's education system. The hearings were held in Ypsilanti, Traverse City, Grand Rapids, Detroit and Clinton Township. These communities were selected because of the unique challenges facing each, ranging from "White flight" in urban districts in bigger cities to continually changing student populations in districts undergoing demographic changes or expansion.

"We want to hear about the concerns related to this educational crisis and, for the purposes of the hearing, we want to know from the stakeholders the experiences they have in terms of disparity, in terms of inequities … Our purpose of this hearing is to really know and hear from all stakeholders to determine and to figure out what the challenges are."

— Mumtaz Haque, Michigan Civil Rights Commission

Participants spoke about their situations to help the Commission better understand the questions of disparity and inequity between students in Michigan, assess their effects and examine whether these disparities and inequities are rooted in race or otherwise significantly unequal as to constitute a civil rights issue.

During the hearings, panels included community members, students, advocacy groups and others who provided insight and information about the education system in their respective communities by sharing personal experiences, data from their districts or employment statistics from the area. Most importantly, they discussed the ways the system has or has not provided environments that enable young people to learn. Students spoke of insufficient and/or inadequate school supplies like textbooks, inadequate food in lunchrooms and physically deteriorated learning spaces.

During each of the hearings, expert panels gave presentations and testimonies that focused on particular areas of concern. In Ypsilanti, the focus was the consolidation of school districts, racial segregation and racial inequity, along with related challenges and opportunities and the impact on students of color and students with special needs. A second panel in Ypsilanti reviewed K-12 public education in Michigan, covering topics such as school financing and the school funding reform known as Proposal A, including its history, related challenges and opportunities, and its impact on students of color and students with special needs as compared to White students.

In Traverse City, the focus was on issues related to migrant children in pre-and K-12 education, homelessness, special education, and challenges with rural school education.

The panel that convened in Grand Rapids focused on challenges facing high school students and included testimony from students who shared their thoughts and stories about discrimination, harassment and bullying.

The Detroit hearing began with testimony from a student panel who shared their high school experiences related to challenges faced, discrimination, bullying, harassment and other issues as a student in an urban center. The panel that followed addressed challenges and opportunities in transitioning from high school to work, and provided information about the WorkFirst development program, early middle college, career technical education and The Marshall Plan for Talent. The Commission explored whether the programs, policies and practices discussed may have given rise to new or increased discrimination and explicit or implicit bias that adversely affects students of color and students with special needs in Detroit.

The last hearing took place in Clinton Township and consisted of testimony from experts who presented on the topic of funding challenges and opportunities on reforming Michigan's K-12 schools to better address the needs of students of color, students who require special education and students living in poverty. Experts also testified about the Michigan Department of Education's accountability systems and metrics that are measured by test scores and assessments and the accountability systems' disparate impact on suspensions, failing academic performance and declining graduation rates.

Following each panel's presentations, the Commissioners asked questions related to points that they felt required clarification or additional detail.

The second portion of each hearing was open to public comment, ensuring that members of the community at large were given the opportunity to share their stories and providing the Commission with first-person perspectives into the community's respective educational challenges.

> ***"You are the people that our legislators need to hear from and as convening us together, I think that we can get that trust necessary to forge a partnership that will help yield results for all students in Michigan, regardless of their party affiliation and/or urban, suburban or rural districts."***
>
> *- State Representative Sherry Gay-Dagnogo, 8th District*

IV. OBJECTIVE OF THIS REPORT

The Commission recognizes there is a great deal of work being done to solve Michigan's "education problem." We recognize that there are experts in the field of education with research and evidence-based solutions and plans. We do not intend to second guess the experts who have developed best practice models that have been accepted by the education sector. We aim to do our part to assess the past and current education environment, make a case for education being a civil right and to help identify a correct path forward.

We hope to bring an "equity lens" to the discussion, which in this case means that we will focus on providing equal educational opportunity when we explore issues, rather than just equal educational resources or achievement. Only with equity and inclusion being part of the assessment process when examining policies, processes and outcomes can we hope to provide all students with an equal chance in

life. If we are to "fix the system," we must not allow ourselves to fall back into the trap of separate and unequal systems that adequately educate only some of our children, preparing them for success while leaving others behind.

It has been observed through the series of education hearings that the problem with our education system is that we have no "education system." We instead have a host of independent systems that operate separately and are resourced differently. The result presents students with different challenges, depending on their community, racial makeup and levels of prosperity or poverty. With those differences, it should not be a surprise that students have dissimilar learning styles and that the systems ultimately educate differently, producing varying levels of student achievement, success and opportunities for success. By all accounts, the playing field is certainly not level for students who face racial, economic and academic achievement challenges. These students need equitable access to resources and opportunities to experience academic success.

This revelation matters now more than ever before because neither children nor adults can function in today's complex, knowledge-based and technology-driven society without a quality education. In 1972's *Wisconsin v. Yoder*[5] case, the United States Supreme Court recognized that education equips individuals with the ability to be self-reliant and self-sufficient participants in society, crediting Thomas Jefferson's belief that "some degree of education" is essential to preserving freedom and independence."[4]

> ***"Treating different things the same can generate as much inequity as treating the same things differently."***
>
> *- Kimberlé Crenshaw, Attorney/Activist*

Through this report, we will present evidence that the education system today is not providing all students with an equal opportunity to effectively succeed in life. We will show how the system is not equitable, that many communities continue to be underserved, and that the current funding structure does not address the very different needs of diverse communities and populations. These issues are rooted in a history of structural and compounding inequities and exacerbated by a present philosophy that every child should be treated the same when in fact, every child needs to be treated according to their individual and socioeconomic needs.

V. EDUCATION IS A CIVIL RIGHT

a. Our View

Education is a civil right. Every student is entitled to equal educational opportunity and must be provided with an adequate education that prepares them for success.

[5] Wisconsin v. Yader, 406 U.S. 205, 221, 225, 1972.

The landmark Elliott-Larsen Civil Rights Act[6] declared equal utilization of educational facilities, among other public accommodations and opportunities, is a civil right, as set forth within Article 1, Section 102 of the Act:

The opportunity to obtain… the full and equal utilization of… educational facilities without discrimination because of religion, race, color, national origin, age, sex, height, weight, familial status, or marital status as prohibited by this act, is recognized and declared to be a civil right.

Further, the Act, within Article 7, Section 705 does not restrict the Commission from securing civil rights guaranteed by other laws, nor does the act restrict implementation of approved plans, programs or services to eliminate discrimination and the effects thereof when appropriate.

This Commission agrees with the Detroit school children who brought the lawsuit discussed in the next section, *Gary B. v. Snyder*[7]. As a state and a nation, we recognize that every student deserves a basic education to prepare them for the possibility of being successful and productive members of society. This unquestionably includes, at its core, the opportunity to attain literacy.

Our nation was born on the idea that all Americans are endowed with "self-evident" and "unalienable" rights, including in particular the rights to "life, liberty and the pursuit of happiness," as set forth within the Preamble to the U.S. Declaration of Independence. Our government is instituted with the specific purpose "to secure these rights." It is this spirit with which our constitution and laws must be read. The benefits bestowed by the government must provide ALL with an EQUAL OPORTUNITY in this pursuit. It has been recognized throughout our nation's history that every child has the right to an adequate education – one that equips that child to be a fully functioning, productive member of society. Although the U.S. Supreme Court has not recognized an explicit right to a public education, it has left the door open at least with respect to the right to a "minimally adequate education."

It is for this reason that we mandate education. We recognize it as a vital state interest. In Michigan, a parent may elect not to send their child to school, but that parent cannot then fail to provide the child with an adequate education. We thereby recognize not only that education is a fundamental right held by

[6] Court Weighs Detroit Literacy Battle: 'Is This Really Education?' By Jennifer Chambers, The Detroit News October 23, 2019.
[7] Gary B. v. Snyder, 329 F. Supp. 3d 344 (E.D. Mich. 2018)

every child, we also assert that the standard we dictate parents who homeschool must meet is the very minimum that we are obligated to provide in our public schools.

An adequate education, we have declared, is a universal right possessed by every child. Providing one is a mandated responsibility of every parent and we have provided public schools to make this possible. We cannot allow our schools to fail to meet this responsibility.

An adequate education is a civil right and it belongs to every child among us.

Moreover, even if the courts determine the right to an education is not itself a fundamental "civil right" on its own, an equal educational opportunity remains a civil rights issue. Because it is being mandated and provided by state government, the educational opportunity must be made equally available to all children.

Each child's right is not merely to be treated the same as every other child. The right is to an adequate education; it is a right to equal opportunity. A student whose parent(s) is working multiple jobs might need additional help learning multiplication tables and one who has a parent(s) that helps him or her with homework every night may not. A class of students in a community of poverty may need to be provided with breakfast in order to be able to learn, while an affluent district's students would not. Providing every child with an equitable opportunity to learn is not achieved by equally giving the same granola bar to all students; it requires giving a balanced meal to those who need it.

We must recognize that every child comes from a different background. While we cannot level the playing field where backgrounds and demographics are concerned, we can better utilize our resources to level the playing field in the schools. This starts with providing children of color in impoverished neighborhoods curriculums and programs that address their cultural and language needs, teachers who look like them and resources sufficient to address their individual needs. Similarly, local schools need additional resources to educate children with special needs and children from migrant families. These students are not being properly served today, and this unequal treatment significantly reduces their odds of economic success and prevents them from breaking the cycle of poverty.

Perhaps most importantly, we can no longer pretend that providing an adequate education is solely the responsibility of local governments. By doing so, we have created an education structure in Michigan that all but guarantees the continuing provision of separate and unequal educational opportunities.

We have inherited and continue to perpetuate a state school system that is really nothing but a conglomerate of individual educational fiefdoms. As we saw in Flint and described in our report, we define these local school systems using the same self-created boundaries that we have used to amass and protect individual wealth and opportunity. The intent of these boundaries may not have always been to create a system where students would have unequal access to resources and opportunities, but this result is undeniable.

Michigan has recognized that educating all its students is a compelling state interest. Like this Commission, the State Board of Education is created by our Constitution. The Constitution also provides that "the legislature shall maintain and support a system of free public elementary and secondary schools as

defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin."

We do not suggest this constitutional provision was intended to create unequal education opportunity. To the contrary, we believe the intent was clear – the state legislature is to be responsible for maintaining a system that serves the state's vital interest, and the system cannot discriminate. However, the words have been read more literally to shift the burden so that systemic discrimination is no longer the state's concern, and only the local districts are prohibited from discriminatory policies. Even if this were the intent of the framers, we do not believe the state can avoid its own responsibilities for a system it creates simply by deferring the problem to local institutions that do not have the ability to address statewide inequalities and the discrimination that results.

Similarly, we do not believe the legislative language in the Elliott-Larsen Civil Rights Act absolves the state from its duty to equally protect the rights of all students in the state's system. The legislature may have determined that it did not want claims of discrimination by the state brought to this Commission, but it cannot simply absolve itself of its own obligation to ensure that the state's education system does not "discriminate against an individual in the full utilization of or benefit from the [state's system], or the services, activities, or programs provided by the [state's system] because of religion, race, color, national origin, sex or race" simply by omitting the words. It may extend, and indeed it has extended, this responsibility to others, but any claim that the state has no responsibility for the discriminatory nature of a system it created must be rejected.

The issues faced by the education system today are deeply rooted in our history – a history that includes dramatic population shifts, segregation, and a funding system dependent on the local tax base and supplemented by the premise that it costs the same amount to educate every child, regardless of race, geography or individual needs. We cannot hope to address these problems without analyzing their roots. The systemic racism we described in Flint is deeply embedded into the state's system of defining school districts with the same lines that permitted, and sometimes encouraged, White flight and the resulting disappearance of capital and resources. A long history of housing discrimination going back to the time of the Great Depression cannot simply be ignored when school resources are primarily defined by a student's address.

Michigan's education system currently provides students with separate and unequal educational opportunity. No solution to the state's education crisis can be complete if it does not address these disparities. All Michigan students are entitled to better than what we now offer them, but focused attention must be paid to those with maximum need.

b. Gary B. v. Snyder

In September 2016 in the *Gary v. Snyder*[8] case, seven school children who were students in five of Detroit's lowest-performing schools, represented by a California public interest law firm, filed a federal class action lawsuit against Michigan Governor Rick Snyder and state education officials. The students alleged that the state has denied their constitutional right to literacy. The suit accuses the state of "separate and unequal" treatment of students in Detroit's low-performing schools, who are mostly poor children of color.

[8] *Gary B. v. Snyder*, 329 F. Supp. 3d 344 (E.D. Mich. 2018).

The complaint alleged pervasive conditions that denied children the opportunity to attain literacy, including lack of books, classrooms without teachers or unqualified/uncertified teachers, insufficient desks, buildings plagued by vermin, unsafe facilities and extreme temperatures, and demanded that the state of Michigan ensure that students receive:

- Evidence-based literacy instruction at the elementary and secondary level
- A stable, supported and appropriately trained teaching staff
- Basic instructional materials
- Safe school conditions that do not interfere with students' learning

In this issue of first impression for the United States District Court for the Eastern District of Michigan, U.S. District Judge Stephen Murphy III ruled in June 2018 that there is no fundamental right of access to literacy under the U.S. Constitution. Yet, even while doing so, he recognized that literacy is vitally important to public life and that the conditions in Detroit public schools are "devastating." Judge Murphy nonetheless concluded that the Due Process Clause of the 14th Amendment "does not require a state to provide access to minimally adequate education." The students appealed this decision to the United States Court of Appeals for the Sixth Circuit where the matter is pending.

With the appeal pending, Governor Gretchen Whitmer became the named Defendant in the lawsuit upon her election. In June 2019, Michigan Attorney General Dana Nessel filed an amicus brief imploring the court to rule that there is a constitutional right to a minimally adequate public education, stating that "a minimally adequate education cannot just be a laudable goal, it must be a fundamental right. That is the only way to guarantee that students, who are required to attend school, will actually have a teacher, adequate educational materials, and a physical environment that does not subject them to filth, unsafe drinking water, and physical danger." While Governor Whitmer has not yet addressed the arguments set forth by the Attorney General's arguments in her amicus brief, her spokeswoman stated to a Bridge Magazine reporter that "[A]s the governor has always said, she believes every child has a birthright to a good education …"

Regardless of the outcome of the pending lawsuit, efforts to level the education playing field in the state's K-12 system will not end there; education is believed by many, including this Commission, to be a fundamental civil right under both state and federal law. Inherent in this civil right is access to quality education. We must prepare students to succeed in our society as significant educational disparities still exist for students who are Black and Latino as well as those who have disabilities and those who come from a family of migrant farmers. Moreover, disparities that exist in course availability and enrollment lead to challenges in career entrance, readiness and success. Maximizing educational opportunities from early learning through post-secondary success ensures that all students — despite race, national origin, gender, ability, sexuality or religion — are equipped to and are supported in overcoming academic or socioeconomic barriers to a quality education.

Plaintiffs in the case have told the court that, as described by lead attorney Mark Rosenbaum, "[W]e are not talking about labs that split atoms. We are talking about the basics like teachers and books and facilities where kids need to learn." Conditions have been described to include teachers failing to show up for days with students watching movies in the gym, lack of textbooks, moldy smells, dead mice, leaky ceilings, uncertified teachers, more students than chairs and, perhaps most telling, students who graduate only to be required to take remedial classes to attend community college.

To ensure this civil right is afforded equally to all children in Michigan, plaintiffs argued that several co-existing problems must be addressed. These include:

- Lack of access to early childhood education
- Parental involvement
- Funding based on declining enrollment that leaves schools grossly underfunded
- Food insecurity
- Lack of specialized instruction, after school and summer school programs
- Lack of qualified, experienced minority teachers

Oral arguments in the case were heard on October 24, 2019, and on April 23, 2020, a three-judge panel of the U.S. Court of Appeals (Sixth Circuit) ruled that the plaintiffs had been denied "access to literacy." On May 14, 2020, Governor Gretchen Whitmer settled the case with the plaintiffs, yet in a highly unusual move on May 19, the Sixth Circuit U.S. Court of Appeals decided to rehear the case "sua sponte" (on its own accord without formal prompting from a party) "en banc" (hearing of the case by all of the judges of the court). This move vacated the Sixth Circuit opinion that found a basic minimum right to education.

Thereafter, the plaintiffs moved to dismiss the case on the grounds that it was moot because a settlement had been reached. On June 11, 2020, the Sixth Circuit granted the dismissal.

Current Status
Because the Sixth Circuit vacated the April 2020 opinion, it does not have precedential value, though the language of the opinion still exists for plaintiffs to potentially draw on in the future. The settlement still stands and its terms are ongoing.

VI. OUR SHARED EXPERIENCE

a. History

None of the problems now facing Michigan's public-school system occurred overnight. Most have their roots in local, state and even national policies that ignored, or were even designed and intended to preserve, inequities. It is only after we as a state understand this history and the role it plays that we can all begin to address solutions.

The racial makeup of today's schools can be attributed in large part to a series of federal court decisions – including *Milliken v. Bradley*[9] – which created a form of segregation that has continued to allow suburbs to escape being included in court-ordered desegregation and busing plans with nearby cities.

In southeast Michigan, "White flight" played a significant role in the decline of the Detroit Public Schools District. From the 1950s through the 1970s, Detroit lost over 30 percent of its White population to the suburbs, where the population climbed to over 3 million. By the 1970s, students of color comprised nearly 75 percent of a once majority-White system. This population shift left behind a depleted tax base that starved public schools, as described in Jeffrey Mirel's "The Rise and Fall of an Urban School System."

[9] *Milliken v. Bradley*, 418 U.S. 717, 94 S.Ct. 3112, 41 L.Ed.

One can also point to local policies like those of Charles Stewart Mott, who was elected Mayor of Flint in 1912. His actions more than 100 years ago are still affecting that community today.

The Great Depression left the Flint schools in desperate condition. In 1935, Mott funded a plan to test the idea of turning schools into neighborhood recreation centers after hours, with a goal of combating juvenile delinquency, and "this helped to shape the development of a school-based model of community education that eventually spread throughout the country and around the world."[10] The cities of Grand Rapids, Pontiac and Ypsilanti[11] use the community school model today.

After experiencing success with this program, Mott expanded his neighborhood-based community education program, increasing funding by nearly 500 percent in 1937. At this point he turned his attention to non-recreational needs, adding programs like vocational training as well as homemaking for women and domestic training for new mothers -- both programs geared specifically for working-class Catholics.

At this point, all of the programs Mott had been supporting were in White neighborhoods. However, these programs were the tip of the iceberg in what became a long-sustained series of developments, policies and practices that kept school segregation firmly in place in Flint.

For example, in 1947, Mott launched the Fairview Project in the St. John neighborhood, home to primarily Black and Latino residents. The intention of this project was to "put the Negro on our middle-class level of thinking. We have to take out the good Negro and bring him along to our middle class," according to Frank Manley, a Mott Foundation trustee and spokesperson at the time. After experiencing more success with this project, Mott went on to fund the construction of a four-year college in Flint, predicated on the passage of a $7 million public school millage, followed by the construction of new schools all following Mott's community-based schools model. By 1960, eight new schools had been built – seven in all-White neighborhoods. The eighth school had a student body that was 83 percent Black. Education and curricula were tailored to fit the perceived needs of the community being served. These actions fit well with Mott's philosophy that the common interest was best served by sorting and separating students by race and class. In these school-based communities, race defined where you lived, and where you lived defined the type of education you received at your community-based school.

When the Flint school board adopted "race-neutral" standards designed to separate students by ability so their educations could be tailored accordingly, they essentially dictated that segregated schools had different programs intended to produce different results. This sorting resulted in schools with Black majorities teaching vocational and life skills. The school board had created a system that dictated the type of future a student would experience.

As one former Flint student put it: "Most Black folks they put on the track system. They would train you to be able to go into General Motors but not to be able to go to college. That's the kind of system they had you on, taking home economics and gym." (Former Flint City Councilman Woody Etherly, Jr., Northern High class of 1962.)

[10] https://www.mott.org/news/releases/community-school-model-expand-district-wide-flint/
[11] https://www.mlive.com/news/grand-rapids/2016/08/community_school_model_expandi.html and https://cismichigan.org/

The 1954 landmark U.S. Supreme Court decision *Brown v. Board of Education*[12] did little to change anything in Flint, because Flint did not have all-White schools. It had neighborhood schools where students were assigned to a school based on their addresses. This neighborhood-based separation policy stood up to a number of legal examinations because, in the parlance of the day, Brown prohibited only de jure (in law) discrimination, not de facto (in practice) discrimination.

> ***"The refusal to offer Black and Brown and poor children the same resources and educational opportunities that are offered to White and wealthy children continues to be a national crisis that has yet to be acknowledged, or addressed, by those in positions of power."***
>
> *— FAILING BROWN V. BOARD: A Continuous Struggle Against Inequity in Public Education, a report by The Journey for Justice Alliance*

While much of what was done through programs like these was well-intentioned, especially in that time, there is no question that Charles Mott and the Mott Foundation played a role in keeping Flint's schools segregated and in "tracking" Blacks onto paths that did not include college.

These types of historical factors continue to play a significant role in the inequities that exist in today's education system. This history is the fabric that makes up Michigan today. Whether residents live in the suburbs or the city, we all have a responsibility to address these issues. These are not just problems for the government and the courts to figure out. Low rates of educational attainment mean stagnating wages and tax bases that stifle economic growth. It means fewer students graduating from high school with the necessary skills to enter vocational and technical schools or universities and colleges. Without this pool of qualified workers, Michigan is less competitive in recruiting new employers. This systemic problem affects us all and we all bear the responsibility to address these complex issues.

> ***"I don't have a clue what you do with racial segregation and racial inequity in 2018. A few of us grew up sixty-years ago; we thought we'd be out of this mess by now, but in many cases, it's even more difficult because it's more covert."***
>
> *— Kirk Profit, Lobbyist and Former Member of the Michigan House of Representatives*

b. Emergency Financial Managers in Michigan

Public Act 72 of 1990 broadened existing Emergency Financial Manager powers to handle all city finances and added a statute for the Emergency Management process to apply to public school districts. Several districts have been placed into the hands of emergency managers by Governors from both parties, including Detroit Public Schools and the districts of Muskegon Heights and Highland Park.

Following his election in 2010, Governor Rick Snyder and the Republican-controlled state Legislature expanded the powers of emergency managers. Subsequently, Michigan voters, through a November 2012 ballot proposal, repealed the contentious law; however, less than two months later, Governor Snyder signed Public Act 436 of 2012, which replaced the repealed law. This new act offered four pathways for

[12] *Brown v. Board of Education of Topeka,* 347 U.S. 483 (1954)

schools and municipalities that are financially challenged. These pathways allow for consent agreement, chapter 9 bankruptcy, mediation or emergency manager.

The emergency manager law has been criticized when used in municipalities and school districts. In 2011, Governor Snyder appointed an emergency manager to run Flint. In April 2014, officials from Flint switched the city's water supply to the Flint River as a cost-savings measure for the city. In doing so, they introduced lead-poisoned water into homes, in what became a massive public health crisis. On February 17, 2017, this Commission released a report that included, in part, findings and recommendations following a series of three hearings in Flint that included testimony from Flint citizens and subject-matter experts, addressing the history of Flint's economy, housing, environmental justice and the application of the current emergency manager law. The Commission examined the historical and ongoing effects of "systemic racism" that repeatedly led to disparate racial outcomes, as exemplified in the Flint water crisis.

c. Detroit

Detroit Public Schools, which was once one of the nation's largest school districts, has experienced a myriad of approaches and governmental interventions – instituted by both local and state entities – to operate the school district in a coordinated effort to address governance, fiscal, academic achievement, enrollment and infrastructure/real estate concerns. While some of these efforts have achieved mild successes, the Detroit Public Schools still lags behind neighboring school districts and comparable organizations across the county in both its spending per pupil and performance on academic assessments.

The School Reform Act, Act 10 of 1999, effective March 26, 1999, was packaged as a Detroit mayoral "takeover" and amended the Revised School Code to establish school reform boards for qualifying school districts.[13]

A "qualifying school district" was defined within the new Act as a school district with a pupil population of 100,000 or more. The only school district in Michigan that fell under the statute's definition of a "qualifying school district" was the City of Detroit. The Act also provided that the mayor of any "qualifying school district" must appoint six of seven members of the school board within thirty days, and that a majority of the board members must be composed of school electors of the qualifying school district (i.e. Detroit residents). Moreover, non-residents were qualified for appointments to the board. [14]

The seventh member of the reform board was the State Superintendent of Public Instruction, selected by the State Board of Education, or his designee. The Act suspended the powers and duties of the existing school board and disqualified the existing school board members from appointment to the new School Reform Board. In summary, this reform law replaced the elected DPS school board with an appointed board and a Chief Executive Officer (CEO).

[13] Mich. Comp. Laws Ann. § 380.1 et seq.
[14] Id. § 380.372

The Reform Board and CEOs governed DPS for five years, having survived challenges to their roles including prevailing in a lawsuit filed against the city and state government leaders that resulted in the court upholding the powers of the city and state.[15]

In 2004, however, Detroit residents voted against mayoral control; thus, DPS board elections commenced, with the new school board taking office in January 2006, after 30 DPS schools were closed in 2005.

CEOs and superintendents were appointed until 2009, when the first Emergency Financial Manager, Robert Bobb, was appointed by Governor Jennifer M. Granholm when Detroit Public Schools came under a financial emergency in 2009 under Public Act 72 of 1990.

In 2011, the school board prevailed in a lawsuit against Emergency Financial Manager Robert Bobb and three months later, the legislature passed Public Act 4 of 2011, also known as the Local Government and School District Fiscal Accountability Act, which gave state officials the authority to intervene in units of local government and school districts that experience severe financial stress or financial emergencies. The new law enhanced the powers afforded emergency managers under Public Act 101 of 1988 and Public Act 72 of 1990, both passed to give the state substantial rights over governmental bodies facing bankruptcy.

Robert Bobb served as Emergency Financial Manager of Detroit Public Schools until 2011, the year that Governor Rick Snyder appointed a different financial manager, Roy Roberts, and also created the Education Achievement Authority (EAA) to take over and turn around failing schools statewide. EAA began taking over Detroit schools in September 2012.

In 2012, Michigan voters rejected the emergency manager laws by ballot referendum and one month later, the legislature passed a more powerful emergency manager law (Public Act 436 of 2012), which took effect on March 28, 2013. While this new law provides options for communities in financially stressed communities, the state remains heavily involved in the financial assessment process and the governor has the authority to determine whether a financial emergency exists, which may in some cases result in an emergency manager being appointed.

With the expansion of emergency manager powers with Public Act 436 of 2012, known as the Local Financial Stability and Choice Act, other schools have come under emergency management including school districts in the City of Muskegon Heights and City of Highland Park.

On July 2, 2013, a school district dissolution provision was passed into law allowing school districts that are financially struggling to be dissolved by the state treasurer and state superintendent, with the intermediate school district splitting up the district's territory between neighboring school districts. Under Public Act 97 of 2013, dissolved school districts became a tax-collecting unit, under the intermediate school district's control, to pay off debts. Managers have complete control over the local unit with the ability to reduce pay, outsource work, reorganize departments and modify employee contracts. Emergency managers assigned to school districts were also authorized to transfer failing schools to the Education Achievement Authority.[16]

[15] See, Helen Moore, et al. v. School Reform Board of the City of Detroit, et al., 147 F. Supp. 2d 679 (2000)
[16] Retrieved from: https://www.michiganradio.org/post/struggling-school-districts-can-be-dissolved-under-new-law

Three additional Emergency/Financial Managers followed Roy Roberts, who served from 2011 to 2013. Thereafter, Governor Snyder appointed:

- Jack Martin (2013-2015)
- Darnell Earley (2015-2016)
- Steven Rhodes (2016; served approximately 6 months)

In 2014, the EAA faced significant declines in enrollment, as many students who formerly attended EAA schools moved to Detroit Public School campuses. The EAA, which was authorized by the Eastern Michigan University Board of Regents, was notified in February 2017 that in June 2017, their authorizer would begin to dismantle the EAA. Today, the Education Achievement Authority no longer exists.

January 2017 marked the first time a Detroit school board had regained power over controversial gubernatorial appointees who started serving as emergency/financial managers in 2009.

Detroit Public Schools Community District (DPSCD) retained The Allen Law Group to review and analyze the decisions and practices of Detroit Public Schools (DPS) from 1999-2016.

Information was gathered through conducting research and gathering information from various sources, including interviews with current and former staff members who have knowledge about DPS' operations during the focused timeframe. Also examined were publicly available documents, academic writings, public records, newspaper accounts, board meeting minutes, DPS Comprehensive Annual Financial Reports, research papers and historical documents.

This comprehensive report includes an examination and analysis of the state of affairs of the school district while under the operational leadership of state-appointed emergency managers.

The district remains under the oversight of the Detroit Financial Review Commission (FRC), which currently must review and approve the district's budget, out-of-state travel and union contracts, among many items. The FRC is responsible for oversight of the City of Detroit, the School District for the City of Detroit (DPS) and the Detroit Public Schools Community District. It ensures both are meeting statutory requirements, reviews and approves their budgets and establishes programs and requirements for prudent fiscal management, among other roles and responsibilities.

The FRC was initially created on November 12, 2014, to provide oversight of the City beginning on December 10, 2014. It began its oversight of the Detroit Community District on June 21, 2016, following the enactment of amendments to Public Act 181 of 2014 and the creation of the new Community District.

FRC members include five appointed members and six ex-officio members, which are the State Treasurer (who serves as chairperson), the State Budget Director (who serves as the designee of the Director of the Michigan Department of Technology, Management and Budget), the Mayor and City Council President of the City of Detroit, and the Superintendent and School Board Chairperson of the Detroit Public Schools Community District. [17]

[17] https://www.michigan.gov/treasury/0,4679,7-121-1751_51556_77310---,00.html

VII. OUR SYSTEM TODAY

Michigan students have choice in their public education offerings through the existence of "schools of choice" and Public-School Academies (PSAs) or charter schools[18].

Schools of choice refers to students' ability to elect to attend a public school without living in the school district borders and without the permission of the school district in which they do reside.[19]

Public School Academies, or charter schools, are institutions set up within school districts typically to serve a special set of students such as those interested in a magnate program or who have been expelled from other schools.

However, different rules exist for different educational institutions, including one set for Public School Academies (PSAs) or charter schools and another for public schools. While various protocols and standards exist for each of those types of institutions, both draw from the same pool of students and the same pot of limited education funding from the state.

This system as it is currently constructed rewards high-functioning, high-income districts with mostly White students, and penalizes those with unique challenges, including districts in rural and urban areas serving minorities, migrant children and children with special needs.

It is a system that provides taxpayer money to charter schools without requiring them to follow state laws regarding special education, testing and licensing. And it is a system that changes its priorities every few years with elected, but term-limited, leaders in Lansing.

All of these factors have created an environment of cut-throat competition and deep divisions, which is preventing many of those personally invested in education from working together for its collective benefit. As public schools face increased competition for students, and the dollars that come with them, the system has also experienced a drop in enrollment. In 2017-18, there were 1.5 million children enrolled in K-12 schools in Michigan, compared to a peak of 1.7 million students in the 2002-03 school year, according to the Citizens Research Council of Michigan. A system with fewer students entering schools systemically affects the state's overall ability to distribute money, creating significant problems.

> ***"... we don't have a coherent system of how we deliver public education for students. And so, when you have system incoherence, you're gonna get wildly unpredictable results that are variable over time."***
>
> *— Scott Menzel, Superintendent, Washtenaw Intermediate School District*

The education landscape varies greatly from large city centers to agricultural areas, creating different types of demands on educators. The needs of students in one area can be much different from another, including, for example, students in the Ypsilanti district who need to use washers and dryers at school, to Spanish-speaking liaisons in western Michigan communities who help families from other countries understand their rights about living and working in the state.

[18] https://www.michigan.gov/documents/PSAQA_54517_7.pdf
[19] http://www.legislature.mi.gov/(S(kgixk2v2u3ik4zr3ijzbvt1s))/mileg.aspx?page=getobject&objectname=mcl-388-1705

In the Traverse Bay Area Intermediate School District (TBAISD), for example, a large number of enrolled students come from transient, migrant working families. These are students who are not in the area for an entire school year, do not necessarily speak English as a first language, and have parents who often do not completely understand the U.S. education system. To best serve these students, local school officials coordinated a program specifically geared for migrant farming families, aimed at making migrant families feel welcome as well as reducing the possibility of miscommunication, particularly about a serious health issue or even a food allergy. The district is able to do this by using interpreters and migrant liaisons in the fields, according to Deb Neddo, who works for the TBAISD.

> ***"The challenge that we're still working on is to build the capacity so that schools understand the risk factors that migrant students come with. Take absences: the students may be absent from school. Right now, what I call our "little people programs" are still getting up and running, so the older students may have to miss school so that they can watch the younger students, so that their parents can work and earn a living, because that's why they're here. So, it is building that capacity, to make sure that everybody understands that."***
>
> *—Deb Neddo, Traverse Bay Area ISD*

The tax dollars allocated per student to this district do not necessarily cover the special needs presented by this particular population of students.

a. The Funding

Before 1994, Michigan had a system to fund education that was primarily based on property taxes. Because most of the funding for area schools came from local property taxes, it meant significant inequities – some districts had great property wealth and others that had much less, the Citizens Research Council of Michigan reported.

Our flawed system of school finance reached a breaking point in 1993 when the Kalkaska School District closed early in its academic year because it did not have enough resources to continue operations due to the lack of sufficient property tax revenues. That situation resulted in the state of Michigan sending an emergency manager to the district, setting the stage for a large-scale change in the way the state funds education.

A watershed ballot measure known as Proposal A was approved by Michigan voters and went into effect for the 1994-95 school year. Its passage drastically changed the way schools are funded. Proposal A was mainly viewed as property tax relief, but for schools it was a new funding mechanism that distributed state funds not based on tax revenues, but on a per-pupil basis to each district, commonly called a district's foundation allowance.

In 1994-95, the first year under this new system, the gap in total funding between high and low property tax districts was $2,300 per student.[20] In 2016, 22 years later, the gap was $658. So, while the state is closer to achieving equality from a funding perspective, Eric Lupher, President of the Citizens Research Council of Michigan is among those questioning whether that is the appropriate goal for the system.

David Arsen, professor of Education Policy and K-12 Educational Administration at Michigan State University, along with doctoral students and co-authors Tanner Delpier and Jess Nagel, examined the principles of equity and adequacy in school finance in a study titled: *Michigan School Finance at the Crossroads: A Quarter Century of State Control*.[21] The researchers analyzed how the Proposal A system has performed since its inception. While their findings and conclusions were not embraced by all, they urged a public discussion regarding K-12 funding.

The report revealed, in part, that Michigan's total education revenue growth since the passage of Proposal A has declined significantly, resulting in Michigan being ranked 48th among 50 states in real per-pupil revenue decline, factoring in the rate of inflation. Further, they identified numerous key problems that have contributed to insufficient funding for schools since the passage of Proposal A and addressed Michigan's categorical grants for special purposes such as at-risk students (those living in poverty) and funding for English Language Learners / Limited English Proficiency. The report also analyzed special education funding, and highlighted the 2018 acknowledgment of the U.S. Department of Education that Michigan is the only state serving special education students so poorly that the federal government needed to intervene to ensure the state was working to meet the requirements of federal disability law.

Of the $8,500 schools receive per student on average, about $6,500 of that goes toward operational costs, including teacher's books, chalkboards or whiteboards, etc., leaving $2,000 to account for long-term legacy costs, Lupher said.

The state provides operational money for all public schools through the State Foundation Grant on a per-pupil basis. Because of some variances based on Proposal A, charter schools receive the base amount, which is about $7,500 per student, said Dan Quisenberry, director of the Michigan Association of Public School Academies. Districts across the state could be above or below that, based on where they were 25 years ago pre-Proposal A, but the majority of districts remain underfunded.

Although some districts receive higher-than-average funding, most of those resources are dedicated to operational concerns. Charter schools are not provided capital dollars, which are funded by local property taxes, so it is difficult for these schools to improve facilities without support from a private charter school operator. This leads to outside control of curricular outcomes while still counting the number of students enrolled in order to obtain resources.

[20] Pratt, C. (2014, April 29). A brief history of Proposal A, or how we got here. *Bridge Magazine*. Retrieved from: https://www.bridgemi.com/talent-education/brief-history-proposal-or-how-we-got-here

[21] Arsen, D., Delpier, T., Nagel, J. (2019). Michigan School Finance at the Crossroads: A Quarter Century of State Control. Retrieved from: http://education.msu.edu/ed-policy-phd/pdf/Michigan-School-Finance-at-the-Crossroads-A-Quarter-Center-of-State-Control.pdf

b. The Program

The Michigan Department of Education is trying to address the needs of specific student populations with special programming. For example, the department provides personal curriculum for students with disabilities, behavioral support programs and special programming for students who have been identified with autism and programming for students who are blind/visually impaired, among other special programming. Even so, more needs to be done. For example, educating special-needs students is more costly than general education programs. These factors become especially difficult for low-income districts, which are forced to use general operating dollars to meet the needs of their special-education students.

Further, as these districts, including Detroit, Grand Rapids and Flint, lose students and the funding that follows them to a school of choice or charter school, special-needs students are typically left behind. These schools are left with even fewer resources to address their students with special needs, said Lupher of the Citizens Research Council of Michigan.

As student populations change over a period of years, the state has worked to provide services as needed. Adequate funding, however, continues to fall short. And again, while funding may be inadequate everywhere, the harm is greatest where there is the greatest need.

The Michigan Department of Education also has developed a variety of migrant education programs across the state, including 25 school-year programs and 22 summer programs, all but one of which operates throughout the calendar year, according to Michelle Williams, who works for the department. Those summer programs served 2,672 students in 2017.

“Many of our families will leave for the winter period and some of them will return in the summer, depending on the area and the crops that are being harvested there,” said Williams, who noted that different educational systems and requirements in different states can make it difficult for students of migrant families to experience consistency and continuity in their schooling.

VIII. WHAT WE LEARNED

Throughout the course of the hearings, the Commission has learned much about the present state of Michigan education. Whether it was the experts or participants speaking, the observations were consistent and concerning.

From state-assigned emergency managers to the state-ordered reorganization of school districts, the history of education in Michigan is one replete with grudges and underlying mistrust of both state and local officials. School administrators, parents, teachers and even elected school board members in a handful of struggling districts across the state feel like no one is listening while everyone is giving orders designed to circumvent local control.

In Lansing, elected leaders from other areas of the state — those with much less diversity and a much higher median household income — cannot understand why the education systems in these big cities just cannot turn things around. Yet, some experts have determined that having an equitable education system

implies that students are being provided what they need to achieve equality.[22] This reality rings true in a number of statements from the various hearings.

In particular, we learned that insufficient education funding in Michigan is a problem everywhere. It is not a minority issue. However, we also learned that the problem is most severe where the need is greatest. What is important is that it is indisputably clear that many Michigan students are receiving an exemplary education, while many others receive one that is not even adequate. In short, Michigan's students are not being provided with an equal, or in many cases even adequate, opportunity to learn or to succeed.

With respect to race, it is clear that our shared history has played an enormous role in creating have and have not school districts, with students of color falling disproportionately in the latter. Recognizing the existence and role of institutional racism is critical to understanding the present disparity of opportunity. It is not, however, a necessary part of addressing the problem. If we are to provide EVERY student with an adequate and equal opportunity to learn, we need to focus on those who have been left behind. Recognizing present racial inequities is not about targeting programs based on race, it is about understanding why programs that address educational opportunity may appear that way.

IX. EDUCATION HEARINGS – INVITED PANELS

a. Education Hearings – Public Comment

On May 21, 2018, in Ypsilanti, members of the Commission heard from a variety of school administrators on topics including school consolidation and cooperation among a variety of entities in the community, particularly those areas in southeast Michigan. Experts on the panels also testified about school funding, changing demographics and high school graduation rates particularly among Black males.

The Commission also heard extensive testimony about standardized test scores as well as the limitations of what those scores can explain about the student experience and forecast about future achievement.

[22] Multicultural Education (5th ed.). *Language Policy*, *7*(3), 297-299. doi:10.1007/s10993-008-9091-x.

"So, I'm going to try to paint a picture here if I can. I guess I will start with this. Frankly, I am a Black male in the United States, so everything I see is from my perspective. So, I have to throw that out, it might be different than someone else's, but that's my reality. I begin and I say can you mandate integration? Is it even possible to mandate integration? Where in America have White families been forced to attend Black schools? I haven't found one place. Not one place where White families move to Black areas. Instead, it's usually the opposite. Black families are forced into White institutions. So that's pretty much what's at play here."

—Benjamin Edmondson, Superintendent, Ypsilanti Community School District

The Commission learned about the consolidation of two radically different school districts in the Marshall Albion District, and the challenges that accompanied that for its administrators and students.

During the 2013-14 school year, Randall Davis, Superintendent of Marshall Albion School District, oversaw the consolidation of the Albion Community Schools and Marshall School District in eastern Calhoun County. At that time, the Albion community and the Albion K-8 district was approximately 85 percent children of color. By comparison, Marshall had only 7 to 8 percent of children of color.

> ***"Both districts needed to find a way to get more diverse, create a more global learning environment for kids, find a way to be able to work with each other and jointly problem solve, and be better prepared for lifelong learning in all kinds of avenues and environments in which they'll go to..."***
>
> *— Randall Davis, Superintendent, Marshall Albion School District*

Davis said, "In 2013, 30 percent of the 2,258 students at the Marshall Public Schools were economically disadvantaged. Five years later, following the consolidation with Albion, that percentage increased to 45 percent of 2,848 students. The district went from almost 700 economically disadvantaged students in 2013 to almost 1,300 students in that category in 2018."

He added, "A year earlier, in 2012, we were at 9.34 percent children of color. In the 2017-18 school year, the district's enrollment children of color make up nearly 25 percent of the 2,800-student population, going from 200 to nearly 700 students."

"Diversity is really key in that piece. The question is, are we serving them well?" Davis asked.

"For the Albion students that came into the newly consolidated system since 2013, based on race, the highest risk population are the White males that came in from the Albion Community Schools," Davis reported, noting "a success rate of 73 percent for them."

"The district's success rate is 88 percent for racially diverse males and 94 percent for diverse females. Overall, its success rate is 87 percent of all the students who came out of Albion into our public schools in Marshall," Davis reported. "The district saw 95 percent of its Black students complete high school in 2017 when the state's average was 69 percent," Davis said.

> ***"And we recognize that because of the efforts that we've done, collectively between Albion and Marshall, we're actually educating the whole child. Every child. Every child in regard to race, creed, color, whatever. Every child has the opportunity to succeed in our system."***
>
> *— Randall Davis, Superintendent, Marshall Albion School District*

On July 23, 2018, in Traverse City, area residents and representatives from educational groups and advocacy organizations testified about the unique needs of rural school districts and those that are home to large migrant populations, such as those in northwestern Michigan.

Those who testified included a variety of administrators and educators with years of experience working with migrant families and children, including Michelle Williams, a migrant education program consultant for the Michigan Department of Education. Commissioners also heard testimony from a group of Native American representatives.

The Commission also heard from a several Native American presenters, including June Sade, the education director for a small public school in the western part of the Upper Peninsula. Sade, who identified herself as being Sokaogon Chippewa, noted that more than 50 percent of her school's population is Native American. This population of students and their parents face unique challenges and often feel forgotten by the state and its leaders who make laws and develop policy, Sade said.

On Oct. 8, 2018, in Grand Rapids, Commissioners heard from local officials about their efforts to help boost diversity among its workforce going back to 2001 with the establishment of the Kent County Cultural Insight Council, said Wayman Britt, Kent County administrator.

Kent County, which is the fourth largest county in Michigan, has about 650,000 residents. The population is about 74 percent White, 10 percent Latinx, 10 percent Black and about 6 percent Asian.

In Kent County, Britt reported that nearly 18 percent of the workforce are people of color who roughly make up 22 percent of the county's residents. A little more than half of its workforce are women. In 2017, nearly 28 percent of the county's new hires were minorities and half of its workforce was women.

A handful of high school students and graduates testified during this forum, noting the importance of diverse schools as well as challenges that go along with attending underfunded schools, including poor learning environments and transportation shortages.

Presenters from KConnect focused on educational disparities in Kent County and the community's collective response to them, including Milinda Ysasi, executive director of The Source and Co-Chairwoman of KConnect's Accountability Partners Council.

> ***"As a former President of the Board of Education for Kentwood Public Schools for eight years and being involved in this work of equity and inclusion and diversity, there are discussions and efforts in different school districts along with some employers who are looking at how to tap into some pipeline opportunities to expose their students to the field of education. One of those examples would be connecting to the historical Black college tour and having students actually begin to explore their options around education and other areas of development that reflects who they are and supports their reinforcement of the value that they would bring to the learning environment."***
>
> *—Paul Doyle, Founder and CEO, Inclusive Performance Strategies and KConnect's Equity Consultant*

On November 19, 2018, in Detroit, three panels of education and community leaders focused on challenges facing students in school settings; challenges and opportunities facing K-12 education such as alternative schools, charter schools, virtual schools and public schools in Detroit and Michigan; and challenges and opportunities for students, students of color and students with special needs/disabilities when it comes to workforce development initiatives, the Marshal Plan for Talent, Early/Middle College (EMC) programs and Career and Technical Education (CTE) programs in Detroit and Michigan. The Commission also heard personal testimony from high school students and recent graduates.

"I'm proud of our Black children. They are brilliant. They are brilliant! Because with the lousy education that the state has given them and what they have seen across this nation, they still rise. And will keep rising."

— Helen Moore, Keep the Vote No Takeover Coalition

On March 25, 2019, in Clinton Township, a panel of education leaders, along with education funding experts, made presentations and testified about funding challenges and opportunities related to reforming Michigan's K-12 schools to better address the needs of students as it relates to and impacts special education and students of color. The research and experiences shared further enlightened the Commission about the long-term and complicated fiscal challenges in the K-12 system.

> ***"In the first eight years under Proposal A, the nominal foundation increased on average $185 a year; $185 a year was the average over that first span. Since 2003, it's increased at a rate of only $26 per year on average. That's substantially below the rate of inflation. That's why you get these downward trajectories… On average, Michigan school districts are devoting $500 per pupil of regular education funding for special education funding. In some districts, they are devoting over $1,200 a year of regular education funds to cover required special education services."***
>
> *David Arsen, professor of Education Policy and K-12 Educational Administration, Michigan State University*

> ***"But that we've got to move to a model where we are concentrating those resources where they're going to be the most impactful and really making sure that every child has that same opportunity, and some require more services to get up to that level playing field. That's what we're not doing. That is what the school research collaborative was trying to get at. I think this first budget takes a couple ... the governor's first budget a couple steps toward that in the areas of special education and at-risk students, but we have a lot more to work on."***
>
> *State Representative Christine Greig, 37th District*

b. The Teachers

On average, annual salaries for teachers in Michigan's lowest-performing school districts are less than teachers' salaries in higher-performing districts. This pay gap makes it increasingly difficult for districts to attract and retain talent. The magnet created by higher-paying districts also means that most new teachers, those with the least amount of classroom experience, are expected to support students in some of the most challenged districts, including those in Detroit, Benton Harbor and Bridgeport-Spaulding Community School District.

There is also a gap in the number of diverse graduates with teaching degrees. Tavion Moore, who attended Grand River Preparatory High School in Grand Rapids, told Commissioners about his experience at the school that had a diverse student population but only a few educators of color.

"At Grand River Preparatory High School," Moore noted, "... the staff did not accurately reflect (the local) demographic. You will see that out of all of the staff and faculty members, there were only one or two faculty members of color at the school. And I think that, at times, the faculty struggled to build a connection or relationship with the students because they didn't have the same life experience as the students."

Moore, who is also President of the NAACP Youth Council in Grand Rapids, said, "students were discouraged from speaking Spanish in classrooms and encouraged to leave school after classes ended although they needed internet service from the building and, at times, food."

c. Lack of Role Modeling

In at-risk school districts with high populations of students of color, having a teacher with a similar background and life experience is a rarity. This creates a disconnect between reality and opportunity for disadvantaged young people and provides limited role models for students who might otherwise choose education as a career path.

Participants in the hearings who addressed this critical issue pointed out a key driver in tackling this issue from a diversity standpoint — commonly known as the "You can't be what you can't see" concept.

d. The Students

By 2050, approximately 50 percent of the United States population will be comprised of people of color; urban youth will make up a significant portion of this group.[23] Given this demographic shift, it is imperative to prepare urban youth for the challenges and opportunities that await them in the academy and the workplace.

"Over 14 years, from 2003 to 2014, fourth grade reading scores in Michigan have roughly stayed the same," said Brian Gutman, Director of External Affairs, Education Trust-Midwest. "During that same span, Michigan has seen about half of the improvement in fourth-grade reading levels than Black students in

[23] Murdock, S. H., & Swanson, D. A. (2008). *Applied Demography in the 21st Century: Selected Papers from the Biennial Conference on Applied Demography, San Antonio, Teas, January 7-9, 2007*. Berlin, Germany: Springer Science & Business Media.

Florida, Alabama and Tennessee," he shared. "Low-income students in Michigan have seen about a third of the improvement over those 14 years than their peers in the same subject in Massachusetts and Tennessee."

"In eighth-grade math, Michigan's Black students ranked 49th in the nation," Gutman noted.

"In 2017, Detroit was the lowest-performing large urban district in the nation for fourth-grade reading, as well as most other subjects, and it was substantially below the second lowest-performing large urban district in the nation," Gutman reported.

> ***"Students aren't trapped in failing schools as much as they are trapped in poverty fueled by segregation."***
>
> *— Andre Perry, Fellow at the Brookings Institute*

On the standardized M-STEP test in Michigan, students across the state in 2017 had a proficiency rate of 44.2 percent. The rate among low-income students statewide was 28 percent. Those rates were found among a handful of districts with large populations of low-income students:

- Just below 20 percent in the Ypsilanti Community Schools
- About 18 percent in the Grand Rapids Public Schools
- Slightly over 10 percent in the Flint Community Schools
- Just below 9 percent in the Detroit Public Schools Community District

Michigan has the lowest high school graduation rate for Black boys among the 50 states, said Davis of the Marshall Albion School District.

> ***"At the moment, affluent kids are getting a rock-climbing education, non- affluent kids are at best getting a ladder climbing one. So, one group of kids is being prepared for the 21st century, the other for the 20th century."***
>
> *— Lou Glazer, President & Co-founder of Michigan Future, Inc.*

Health and educational attainment are also closely linked, according to Ellen Rabinowitz, Health Officer with Washtenaw County Public Health.

Rabinowitz described that "In the Ypsilanti Community Schools, about 66 percent of students graduate on time, but that rate is 85 percent in nearby Washtenaw County Schools," Rabinowitz said. Nor is the disparity limited to graduation rates, added Rabinowitz, who went on to note that, "Meanwhile, Ypsilanti's 48198 zip code has both the highest percentage of children covered by Medicaid and the highest rate of obesity of any zip code in Washtenaw County. And the Washtenaw County opportunity index shows that there's a nine-year difference in life expectancy between Ann Arbor's 48104 zip code and Ypsilanti's 48198 zip code."

e. At-Home Support

Less affluent parents are often forced to work multiple jobs to provide for their children. As a result, these children do not necessarily have support outside of the classroom to get help with reading or homework or encouragement to practice musical instruments at home.

> ***"We have to do better, but a parent gives you the best child that they can. If they could do better, I'm certain that they would. It's just the luck of the draw. You get who you get. So, I just don't want to ever blame parents."***
>
> *— Benjamin Edmondson, Superintendent, Ypsilanti Community School District*

Parents who live in areas with struggling school districts often also find themselves with limited options that over time become a revolving door for their kids. Dawn Wilson-Clark, for example, has five children, one of whom has special needs.

Her efforts to find quality schools for them in Detroit have come up short. Wilson-Clark, who is a parent organizer with an education advocacy group called 482Forward, has found schools that "don't have adequate books, that have overcrowded classrooms and crumbling buildings."

She added, "This is clearly discrimination against Black, brown and low-income children. Detroit schools, Flint schools, Pontiac schools are the canary in the coal mine for kids across this state. As low-income Black and brown communities, we felt the divestment in public education in Michigan long before the predominantly White communities."

"… when a child goes home from school or a child isn't yet enrolled in school and they're from a wealthy family, their education is largely and effectively subsidized by their parents. Those are higher-quality, earlier-quality learning opportunities, those are books in the home and parents who are available and able to read to them, and I should say parents and guardians and other caretakers. Those are trips to museums and other cultural institutions, those are high-quality summer learning programs which reduce the summer slide and help those kids often catch up rather than fall behind," said Brian Gutman, Director of External Relations at The Education Trust-Midwest. Other factors from these perspectives included addressing long-term factors that impact poverty, renting instead of owning a home and the financial stress of just trying to make ends meet.

f. The Communities

The look and feel of communities across the state are changing. Technology, increasing diversity, decreasing tolerance of differences and a greater perceived gap between the haves and the have nots has made society more volatile than ever. If these changes aren't met with patience, tolerance and understanding, trouble will follow**.**

> ***"There is no other predictor of state economic well-being that is as powerful as increased education attainment."***
>
> *—Eric Lupher, Director of State Affairs, Citizens Research Council of Michigan*

"… we almost encourage our kids to leave town after they graduate college. They leave town, these families, their children aren't being born here. It's as simple as our population's down. Our student funding (is) attached to population."

— Speaker 15 in Ypsilanti (No name in hearing transcript)

Hate, fear and poverty are playing increasing roles in our education system. Ashna Noor, who works with the Council on American Islamic Relations, understands the hate aspect all too well.

She describes Detroit and its neighboring suburbs as the most segregated areas in the country. Noor, who is also a board member for the Michigan Coalition of Human Rights and a speaker for Muslim Anti-Racism Collaborative, explained that Muslim students often do not receive accommodations for their religious duties. For example, during Ramadan, when most Muslim high school students are fasting from sunrise to sunset, they are still expected to participate in physical education classes. Muslim students are being bullied at an increasing rate at school and in their communities, with 2,599 anti-Muslim incidents around the country in 2017, up from 2,200 the year before, Noor said.

Fear is prevalent among the children of migrant workers, as these children are increasingly worried about being separated from their families as they move between states for farming work, according to Pedro Martinez, the administrator for the Van Buren Intermediate School District migrant program in southwestern Michigan.

Poverty is a significant barrier that must be addressed to allow students to thrive in the academic environment and at home. The plight of the poor and mechanisms to address poverty have been studied for decades. While most would agree that education is foundational to exiting poverty, this reality has not been sufficiently reflected in the allocation of resources or attention. Poverty and education currently form something of a "catch-22." The attainment of education that is necessary to escape poverty is also largely prevented by poverty.

Living in poverty is an endurance test: a single adverse event (for instance, a job loss, unplanned pregnancy or loss of transportation) can make an unstable situation even worse and derail efforts to build financial security. Various levels of support as well as different types of aid across the span of time in poverty are required to maintain endurance and hope. In short, a holistic approach that addresses individual needs at particular points, coupled with an effort to eliminate barriers over a lifetime is required to help people overcome poverty.

The most enduring correlations to poverty are race and urbanicity, though trends have shown increasing proportions of the poor in suburbs and rural areas.[24] Contemporary factors compounding the usual unmet demand for services are economic uncertainty remaining from the last recession, including continuing

[24] Kneebone, E. and Berube, A. Confronting Suburban Poverty in America. Washington, DC: The Brookings Institution Press, 2013.

unemployment or under-employment, layoffs and shifts to lower-paying jobs. Even for those not meeting certain poverty definitions, the lingering impact of the economic downturn has meant changes in living standards, moves and spouses living apart. That means a greater need for services as well as increasing demands for unique service types in different areas than in the past.

The Michigan League for Public Policy publishes the annual Kids Count in Michigan Data Book as part of a national effort to improve conditions for children and their families. Now in its 27th year, the yearly data book analyzes and evaluates the well-being of children in the state and its communities and identifies policy recommendations to improve outcomes for kids.

The 2019 Kids Count Data Book revealed, in part, that almost half a million Michigan children — roughly one in five — are still living in poverty (this, despite a 20.6 percent drop in the state's child poverty rate). The 2019 book primarily compares available data from 2012 to 2017 and analyzes 16 key indicators across four domains, with some key findings having been summarized by the Michigan League for Public Policy as follows:

- Economic Security: The state saw big drops in children ages 0-17 in poverty and kids 5 and under in the Food Assistance Program, but the overall number (416,305) and percentage (19.6 percent) of kids living in poverty remains staggering.
- Health & Safety: Expectant mothers not receiving adequate prenatal care continues to be an area of concern with that rate increasing 10.6 percent. Low birthweight babies, infant mortality and child/teen deaths have leveled off. Michigan saw a 30.9 percent reduction in teen births.
- Family & Community: The rates of investigated and confirmed cases of abuse and neglect went up almost one-third and children in out-of-home care increased as well.
- Education: One in five high school students are still not graduating on time, despite a 16.6 percent drop in the rate, and fewer Michigan kids are in preschool, proficient in third-grade reading or are ready for college.

Socio-economic conditions play a critical role in the lives of students and the subsequent opportunities available to them throughout their academic career. Mark Woltman, KConnect Associate Director, served as a panelist during the Michigan Civil Rights Commission's hearing in Kent County, which focused on educational disparities created by poverty in that area.

He said, "In Kent County, for example, 30 percent of the residents live below 200 percent of the poverty line. When that rate is broken down by race and ethnicity, it's approximately 60 percent to 65 percent of the Black and Latinx residents." KConnect serves as a network of public, private and independent organizations working to facilitate, advance and evolve a common agenda ensuring all children in Kent County have a clear path to economic prosperity through family, education and community opportunities.

"In Kent County, Latinx residents have a median income of about $40,000 per year, which is dramatically less than the median income of $81,000 for White families there," Woltman added. "The gap is slightly smaller, at about $38,000, between White and Black families there."

The Kent County Intermediate School District, which has 107,000 students in 20 traditional districts, is about 60 percent White, 18 percent Latinx, 14 percent Black students, and 10 percent who identify as two or more races, Asian, Native American and Pacific Islander. Nearly 90 percent of students in Kent ISD

attend traditional public schools, or about 94,000 students, while about 13 percent, or 14,500, are in charter schools.

Half of Kent County ISD students are eligible for free and reduced lunch. However, when broken down by race and ethnicity, that includes 84 percent of both Black and Latinx students, while only 30 percent of the total number of White students live below this low-income level.

"Similar disparities also exist in third-grade reading proficiencies in Kent County," Woltman reported. "While about 50 percent of these third graders are reading at grade level, 60 percent of the White students are considered proficient while it's only about 23 percent of the Black students and about 29 percent of Latinx students," The situation is not better at the high school level. When it comes to being proficient at the SAT as a junior in high school in Kent County, about 40 percent of the students are considered proficient on that test. But disaggregating the data reveals this proficiency actually includes about 50 percent of White students, but only 15 percent of Latinx students and 11 percent of Black students.

> ***"In every single district that has a big enough population to compare to, there is a disparity. There is not an exception to that," Woltman said. "Another interesting thing about this data is that there are about 13—about one-third of the school districts (in Kent County)—that do not have a big enough population of either White students or Black students to compare. And this speaks to the level of segregation that we have within our community."***
>
> *- Mark Woltman, KConnect Associate Director*

g. Information Poverty

Information poverty is described by professor and researcher Johannes J. Britz[25] as individuals and communities, within a given context, who do not have the requisite skills, abilities or material means to obtain efficient access to information, interpret it and apply it appropriately. It is further characterized by a lack of essential information and a poorly developed information infrastructure.

Most of us live in the information age, the digital age, and in a knowledge economy. Yet access to a great deal of related resources - even those required for basic necessities and rights - remains inaccessible for many. Central to gaining access to resources is information that ultimately leads to actionable knowledge and empowered decisions. Data and information access are

[25] Britz, J. J. (2004). To Know or not to Know: A Moral Reflection on Information Poverty. *Journal of Information Science*, *30*(3), 192-204. doi:10.1177/0165551504044666.

fundamental to democracy[26] and an integral component of social rights through which other rights (political, civil) are put into practice and "allow people to become full members of society at every level."[27] Unequal access to information perpetuates the racial divide and the differences between the haves and have nots, which are increasing across the U.S., including within Michigan.

The internet has proven to be a useful tool for delivering information to people with lower incomes, less education and people of color. This means a digital divide exists with lower-income Blacks, Native Americans and Hispanics disproportionately affected.

A similar divide can exist where English is a second language (especially when true for a student, but also for a student's parents). These students may receive the same instruction in class, but the assumption that they will be able to supplement this instruction using online resources may be overly optimistic. This divide is often also exacerbated by the isolation of being different, and as a result, cut off from much of the inter-student reinforcement of what is being learned. While this is true even for students in wealthy districts, it can be doubly detrimental for Hmong, Cambodian, Laotian, Burmese, Bangladeshi, Vietnamese and other student immigrants who often live in struggling districts like Detroit or Hamtramck.

The information divide has been described as reciprocal: society does not make efforts to include the disenfranchised and the disenfranchised become closed off from society and information from it that may be useful. Behavioral researcher Elfreda A. Chatman formulated theories that described information poverty as a normal reaction for people living in closed environments in which they may judge relatively trivial information from within their environment as more important than significant information from outside the environment.[28] Chatman noted that disincentives for information seeking could become cultural norms for people in the "small worlds" that she observed, which led people to avoid information that could be useful to them. Regarding the specialized populations she studied, Chatman concluded "their world is one in which the information needs and its sources are very localized … outsiders are usually not sought for information and advice … and norms and mores define what is important and what is not." She further concluded, "The process of understanding begins with research that looks at [the poor's] social environment and that defines information from their perspective."

Information designed from the provider's perspective rather than the consumer's is problematic, especially when time and other resources of the information-seeker are limited. Resources exist, but how

[26] Murdock, G., & Golding, P. (1989). Information Poverty and Political Inequality: Citizenship in the Age of Privatized Communications. *Journal of Communication*, *39*(3), 180-195. Doi:10.1111/j.1460-2466.1989.tb01051.x.

[27] Jaeger, P.T. and Thompson, K.M. (2004). Social information behavior and the democratic process: Information poverty, normative behavior, and electronic government in the United States. Library and Information Science Research 26, 94–107.

[28] Chatman, E. A. (1996). The impoverished life-world of outsiders. *Journal of the American Society for Information Science*, *47*(3), 193-206. doi:10.1002/(sici)1097-4571(199603)47:3<193::aid-asi3>3.0.co;2-t.
See also, Eren, M. E. (2016). An author report: Elfreda Annmary Chatman. *International Journal of Human Sciences*, *13*(1), 844. doi:10.14687/ijhs.v13i1.3642.

does one gain access without insider knowledge? Access to the best information (or at least the best information delivery) often requires the latest (and most expensive) technology. Lacking information or a means to access it leaves one disempowered and without the tools to adequately plan for a better future.

According to Dr. Earlie Washington, Director of the University-Community Empowerment Center at Western Michigan University, "Information deficits affect nearly every aspect of living, and the demand for and diversity of needs is apparent. In fact, movement out of poverty is difficult because of its complex nature and the co-morbid conditions associated with it, including mental health, physical health, food insecurity, and transportation, among others. Organizations with targeted resources are unable to meet the demand. Moreover, services are often disjointed, disrupted (e.g., based on a person's movement in and out of eligibility), or discontinued altogether—information changes, at different levels, and rapidly. Various levels of support, as well as different types of support, across the span of time in poverty, are required to maintain one's endurance and hope. In short, a holistic approach that addresses needs at an individual level at given points in time that encompasses multiple types of needs across the lifespan is required."

X. WHERE DO WE GO FROM HERE

There are numerous system-wide opportunities that, if thoughtfully and strategically pursued, can effectively address problematic policies, strategies and procedures that do not trample on the civil rights of K-12 students. While we are making broad recommendations and identifying opportunities where changes can be made locally, we understand that solutions will differ from district to district. Thus, we are not making narrowly tailored and specific recommendations that attempt to spell out exactly how recommended changes should be implemented. We leave that to the experts. Rather, our recommendations are intended to identify and address ways in which we can begin to address the reality that Michigan's education "system" as it is presently set up is inequitable and provides unequal opportunity.

a. Education on Implicit Bias

Education on implicit bias with the goal of elevating levels of racial consciousness and cultural awareness is required to interrupt unconscious biases in the decision-making process. The Kirwan Institute reminds us that we must pay attention to implicit bias since "this phenomenon has the power to influence policies and conditions in the real world, to distort the opportunity that all Americans must have to achieve success. For example, an elementary school teacher may say—and explicitly believe—that she has equal expectations for all of her students, while in fact, implicit racial bias lowers her expectations for students of color, stimulates subtle differences in the way she behaves toward these students and lowers the academic performance of these students."

Teachers, staff and all those involved in creating and sustaining an environment conducive to learning that promotes equitable opportunities for all youth and does not assume that inclusion is a natural consequence of diversity, must understand the ways that a racialized ideology impacts the work they do and the people they serve. Without understanding and acknowledging the impact of polarized/racialized societal messages at the personal, interpersonal, institutional and structural level, quality access to

inclusive education continues to be compromised by not giving careful attention, time and resources to learning about implicit bias and strategies to debias classrooms and school curriculums.

b. Develop Racially Conscious Strategies for School Integration

Racially conscious strategies for school integration that recognize that as school closures continue, more students in schools with limited resources (majority students of color) are placed in schools with more resources (majority White students). Without a racially conscious approach designed to promote meaningful integration, students end up with increased opportunities to reject one another. Dr. Beverly Daniel Tatum, a renowned authority on the psychology of racism, argues in her book, "Why are All the Black Kids Sitting Together in the Cafeteria?" that straight talk about our racial identities is essential if we are serious about enabling communication across racial and ethnic divides. In sum, the unintended consequences of mandated integration without racially conscious strategies often lead to more division and minimize the opportunities to benefit from the innovation, creativity and broader perspectives that reside in diversity. Solutions through an equity lens are needed to help sustain an environment of inclusion and healthy racial identities. See considerations for racially conscious integration here.

XI. SYSTEM-WIDE OPPORTUNITIES: ADDRESSING INSTITUTIONAL AND STRUCTURAL BARRIERS

a. Change Per-Student Funding

Michigan ranks a dismal 49th among the states in real per-pupil funding growth from 2005 to 2014, with an actual 7 percent reduction over that period, said Dr. Michael F. Addonizio, Charles H. Gershenson Distinguished Professor – Educational Leadership & Policy Studies, Wayne State University. Funding for educationally at-risk children had been particularly neglected, he said.

The School Finance Research Collaborative – a group comprised of education officials from Oakland, Wayne, Macomb and other large counties – has recommended increasing the base funding to $9,590 for every student in Michigan, a concept endorsed by several of the experts who testified before the Commission, including KConnect in Kent County.

That figure was determined to be the baseline investment for a basic education for every student, regardless of circumstance. Thus, an additional percentage of this base funding must be woven into the funding stream to address specific populations with greater needs, such as special education, English language learners, students living in poverty, as well as career and technical education.

The group also expressed support for funding transportation at $731 per rider and providing rural, suburban, urban and smaller districts with additional funding because of their lack of economies of scale. Presently, such costs come at the expense of programs directed at educating students.

The leader of Detroit's public-school system offered one example. Dr. Nikolai Vitti, Superintendent of Detroit Public Schools, suggested moving the state to a weighted student formula in which poverty is considered as part of schools' special education status as well as English language learner status. State funding that is intended to fund a student's education should, he argues, reflect the costs necessary to successfully educate that student.

Implicit in a 'weighted' system like this is recognition that universally increasing per pupil funding until it covers students with the greatest needs would over-fund others. The result thus becomes a compromise where state monies that could be spent where most needed are instead diverted to where other resources could be made available – a system arguably equivalent to providing hurricane infrastructure funds equally to every zip code nationally.

Looking at education systems elsewhere, Addonizio pointed to Massachusetts, which is now considered to have one of the best in the country. He noted that in the 1980s, per-pupil spending in Massachusetts and Michigan was roughly equal; however, in the early '90s, when Michigan went in the direction of Proposal A, Massachusetts adopted comprehensive education reform. He described how Massachusetts commissioned an adequacy study and based upon its findings, substantially increased its support of schools. Today per-pupil funding in Massachusetts is about 30 percent higher than it is in Michigan. Furthermore, when that new money was made available for the schools in Massachusetts, it was allocated almost exclusively to schools with high educational-need children. This included English language learners, low-income children and special-needs children.

The result: "Year after year, Massachusetts is at or near the top in all testing categories for fourth grade and eighth grade reading and math, according to the National Assessment of Educational Progress," Addonizio said.

b. Change Proposal A

Schools and students also would be helped by changing the underlying policy structure of Proposal A so that funding would no longer follow students to their school of choice or a charter school. Schools could take a step toward financial stability by having a portion of the foundation grant stay with the home district. That change also would take out a profit incentive that exists with for-profit charters, because they would have to educate on three-quarters of a foundation grant.

> ***"I will call it a Michigan crisis and that is what I hope we are able to address because if we actually believe that every child should be able to achieve their full potential regardless of where they live and who their parents are, then our system fundamentally had to shift in order to allow that to happen."***
>
> *— Scott Menzel, Superintendent, Washtenaw Intermediate School District*

XII. RE-EXAMINE THE HOLD BACK LAW

In 2016, Michigan lawmakers passed a bill which was eventually signed into law that required reading proficiency to move from the third to fourth grade. Governor Rick Snyder signed this long-debated reading bill in October 2016. The “third-grade reading law” requires teachers to hold back students who do not display reading proficiency on standardized tests. Being held back in a grade at school dramatically increases the rate at which students are likely to drop out of high school.

XIII. TRACK STUDENT ENROLLMENT

A continual reference for national best-practices, schools in the state of Massachusetts count their students every three years on a rolling schedule. That cadence has helped its districts stabilize their funding and avoid annual fluctuations that lead to challenges with educational delivery.

XIV. ELIMINATE COMPETITION

Michigan's education system is not a coherent one. It is one of cut-throat competition with districts going up against each other to get the best teachers, the best students and even the best lobbyists to get them the most funding from Lansing.

Infrastructure in Michigan’s education system creates distracting and dangerous competition where local communities work to build facilities better than their neighbors. The ultimate desire of the competition is to draw students and their accompanying foundation allowance dollars into the fold.

"The idea of competition to improve an educational environment has been tested since the mid-'90s and it doesn't work," said Scott Menzel, Washtenaw Intermediate School District Superintendent. "It's not about competition. Innovation is great. What it is about is ensuring that we have the resources in every community, so that wherever a kid lives, they're able to go to a school that can meet their needs."

When school districts consolidate, this competition is suddenly erased as each of the former districts disappears and a new entity is created. However, the state does not create a new school number; it allows the larger district to keep its identification number, indicative of an approach that presumes there is a winner and a loser.

"One is when you go into these circumstances there's always going to be angst," said Davis, from the Marshall Albion District. "You have to go into it looking for a win-win. It can't be your district has these issues and our district is so much better.”

"You have to find common, shared challenges and then you have to find shared opportunities for success. And you have to be transparent about it. You have to say it to your public. You have to say it to your constituents who pay your taxes; you have to make sure that everybody knows. School enrollment, school of choice, declining student enrollment, all of those things are challenges for every district. And the only way we're going to succeed is if we do it together."

Providing unweighted per-pupil funding exacerbates rather than addresses the problems. If not literally true, it at least suggests that the greater needs of some students are being addressed at the expense of others.

When students moved out of the Ypsilanti and Willow Run school districts — through school of choice to either charters or neighboring public schools — it diminished the ability of the two districts to meet students' needs, said Scott Menzel of the Ypsilanti/Willow Run Consolidation.

> ***"In the mid-1990s, Michigan had 511 school districts, which means 511 superintendents, 511 had a curriculum and pensions that they've been paying down in a system that's big-time broken. Too many of our districts are too small. Even with consolidation, we are not achieving the economies of scale because we're creating districts that are still too small, even after consolidation."***
>
> *— Speaker 15 from Ypsilanti Education Hearing*

a. Eliminate Legacy Debt

When it comes to school district consolidations, the state could allow the funding it provides to help eliminate some or all of the legacy debt. The Ypsilanti-Willow Run consolidation, for example, could not use such funds for debt during its merger, which created "major problems," Menzel said.

In 2016, the Detroit Public Schools' enrollment, for example, was a mere 30 percent of its 2002 level. Still, under emergency management, Addonizio noted that debt payments consumed a staggering $1,100 per pupil of the district's $7,300 per-pupil foundation allowance, and pension contributions drained another $1,400 per pupil. Less than $5,000 per pupil remained to run the schools. "That was untenable and triggered the so-called rescue and creation of a new Detroit Public Schools Community District," said Addonizio, who added that, "the move was in the right direction. But he also noted that Flint, Pontiac, Muskegon Heights, Highland Park, and other city districts had been similarly afflicted by state aid and school choice policy."

"It would be helpful to see the state take on more of schools' legacy costs, including pensions," Lupher said. That would allow the districts to focus their state funding on education. The state "has been taking on more and more of that burden," he said. "It has been sending the foundation amount to the districts and then paying above that an amount directly into MPSERS, the state's educator retirement system … if at some point we get ahead of this, we're all better off for it."

"In Detroit, it would require a $500 million investment to bring each of our schools to 2021 standards," said Vitti, who pointed out that the current budget does not have that funding. "Its 18 mils and 13 mils (tax levies) are paying the legacy debt, most of which was incurred by emergency management, putting the district at a disadvantage."

b. Make Student Funding Flexible

When it comes to school district consolidations, the state could allow funding it provides to help with the transition to eliminate some or all of the legacy debt. The Ypsilanti-Willow Run consolidation, for example, could not use such funds for debt during its merger, which created "major problems," Menzel said.

“It would be helpful to see the state take on more of schools' legacy costs, including pensions,” Lupher said. That would allow the districts to focus their state funding on education. The state "has been taking on more and more of that burden," he said. "It has been sending the foundation amount to the districts and then paying above that an amount directly into MPSERS, the educator retirement system...if at some point if we get ahead of this, we're all better off for it.”

c. Provide Social Services Funding from the State

It would benefit schools as well as their students if the state provided additional funding to those institutions with high poverty rates, which creates special challenges for educators. Schools need supplemental funding because students who grow up in poverty have different challenges and needs for support than kids who are born with additional resources, Menzel said. Figuring out that differential funding, on top of the base, is really critical, he said. In the Ypsilanti Community School District, Superintendent Benjamin Edmondson noted that it has to provide resources for social services, including social workers for students and parents. It also provides homeless services, restorative practices, a school safety officer in two of their schools as well as washing machines and dryers.

d. Provide Additional Funding for Students with Additional Needs

This one is simple. When a student is identified as having additional (special) needs that must be provided by a school, the cost of providing that student with educational opportunity is not going to be the same.

The only way to address the increased costs to the school without taking the funds from other students’ programs, and the only way to avoid disincentivizing the school from seeking the student’s admission and/or recognizing the student’s needs, is for the increased cost to be equally distributed to all schools by adjusting state funding. This might be done by the creation of a separate funding mechanism, or more simply by increasing the state’s per-pupil allocation for these students.

e. Recognize that All Special-Needs Students are not Alike

Students with special needs fall broadly into two distinct (only sometimes overlapping) categories: those who differ from other students cognitively and those who do not. The difference is critical not because the needs are different (though they clearly are), but because the expectations should be. Failing to recognize this difference often negatively affects the opportunities provided to at least one of these two groups.

Simply put, cognitive needs often affect the ability to learn. The expectation of a student should reflect what that student is capable of, which is why we should not consider them as part of a school’s performance evaluation. Doing so punishes the school and its graduates by labeling it underperforming.

On the flip side, a student with non-cognitive needs is no less capable than a student with different, more conventional needs. A student who is blind, for example, does not require the lighting that is provided to other students, but they may require reading materials to be provided audibly or in braille. In neither instance, however, does that different need limit the student's ability (and right) to learn. Lowering the expectations of a student who is blind, who is deaf, who uses a wheelchair or who otherwise has special needs can have the effect of rewarding a school that is underperforming with respect to such students. More importantly, it will certainly hurt that student's future both educationally and permanently.

f. Properly Fund the Michigan School for the Deaf

In keeping with the above, the equal expectations for student achievement may come with additional cost that equitably should be spread among all institutions, not borne solely by those who are providing appropriately. We have discussed equitably distributing this additional cost already.

However, we have become aware that the Michigan School for the Deaf is forced to educate its students with a budget that is actually less than would be available to a school of equal size even in low-income districts. This is the direct result of the special nature of the school, which is set up as a single state-run entity without any local district or resulting tax base. A student who transfers to MSD does bring their per-pupil funding to the school, but that is essentially the only funding the school receives. The legislative provision for this important institution needs to include a funding allocation that will compensate for the lack of locally collected funds. Again, this could be a separate allocation or an increase in the per-pupil funding the state provides for these students.

XV. OTHER OPPORTUNITIES

a. Reduce Absenteeism

Simply put, students cannot learn unless they show up.

The Kent County ISD determined that about 12 percent of its students were chronically absent. That is 13,000 students within Kent ISD losing 1.5 million hours of instructional time per school year. If those students were moved from chronic absenteeism to stable absenteeism (about 5 percent of school days missed), the ISD would gain 750,000 hours of classroom time in a year.

Absenteeism is, however, another area where disaggregating data reveals a deeper problem than first appears. While 12 percent absenteeism represents an opportunity, only by breaking it down further is the nature of the opportunity revealed. While addressing absenteeism as a whole helps to address disparities in student learning, focusing on the unique challenges of students of color would be more effective at improving attendance and reducing disparity.

For example, an effort by Grand Rapids Public Schools was able to improve overall attendance from 65 percent in 2016 to about 79 percent in 2017. This represents a 14-percentage point gain overall, but attendance among Black students alone improved by 20 percentage points.

The district has been working to reduce that rate since 2013, which is when it adopted an educational campaign that targeted parents and students called "Challenge 5," or "Strive for Less than Five" days

absent. The district committed to reviewing and updating its definitions of absenteeism and tracking those numbers daily. It also tapped into students' competitive nature, setting up leaderboards in schools so they could see who was getting ahead or falling behind in the district-wide competition to reduce that rate.

The "Strive for Less Than Five" campaign is a concept that the Kent County ISD began to replicate across the districts in the county in 2018.

b. Enhance Summertime Resources

Often thought of only for individual students who are underperforming, summer classes may also provide opportunities to address the needs of specific groups of students.

"The Van Buren Intermediate School District has an average recruitment of about 850, and out of that total, about 500 to 550 are migrant children who are enrolled throughout the summer," according to Pedro Martinez, Administrator for International Partnerships and Summer Migrant Education Programs. To serve these students, the school district sponsors Project NOMAD or Needs and Objectives for Migrant Advancement and Development.

"During the summer months, however, special education resources are limited, prohibiting the district from meeting the needs of these students," Martinez reported.

With an incredible amount of resources available in Michigan's higher education community, particularly among Spanish-speaking college students, allowing these young people to provide services to migrant students over the summer months in exchange for course credit or some debt forgiveness would help fill some needs and offer an incredible incentive for participation. Such partnerships may also create interest in working in these rural districts among student participants.

> ***"There are some rural challenges we need to look at. Many schools are struggling financially and cannot afford the same variety of course selection for middle and high school as suburban an urban schools do. Many times, the quality of teachers in a particular subject area may not be available, and there are no certified teachers in those areas to fill the positions."***
>
> *—Pedro Martinez, Needs and Objectives for Migrant Advancement and Development (Project NOMAD)*

c. Develop a More Nimble Registration Process

Students can face many hurdles as they enter the school system in Michigan, particularly if they are coming from another state, which educators see happening frequently in migrant farming populations in agricultural areas. Students at times may have to wait 10 days for the paperwork to be processed so they can attend school, which can be troublesome if their families are only in an area for 30 to 40 days, according to Neddo of the Traverse Bay Area Intermediate School District. Being able to enroll students immediately while their paperwork is being processed would help both students and schools.

d. Solicit Student Feedback

Just like when employees leave a company and complete an exit interview, schools should be tapping into the experiences of students as they are leaving for a career or college. An online student "exit interview" of just a handful of questions could provide helpful information about educators, courses, facilities and extracurricular opportunities.

e. Provide Cultural History Training

Public education institutions should take immediate proactive steps to include non-exclusively Eurocentric American history and curriculum that is meaningful and relevant to their course study. This is particularly true for Black and Indigenous American history, but it is no less important that American history education include Asian Americans, Hispanic/Latinx Americans and other non-White non-Europeans.

Moreover, educators should be provided with information that would give them insight into the culture and historical background of their students. Information about the background of students of color in Detroit, for example, could help shape an educator's approach to lessons as well as disciplinary actions.

This, it should be noted, is not restricted to actual 'history' curricula. Culturally different Americans should be included across the educational spectrum, from art and music to math and science. This could, for example, include not only the artists or scientists to be studied, but also the structure and content of math story problems.

f. Increase Teacher Diversity

KConnect, the network of public, private and independent groups in Kent County, has focused some of its efforts on diversifying the teaching staff. It is a priority because research shows that students of color are more likely to do better in school, stay in school and show interest in college if they have at least one teacher of color during their academic career.

Black students who had at least one Black teacher in fourth, fifth or sixth grades were 30 percent more likely to stay in school and about 20 percent more likely to show interest in college, according to a recent study by Johns Hopkins University.

In the Kent County ISD, officials determined it had a gap of about 1,500 teachers to be representative of the demographics of the county, which meant it needed about 500 Black and 650 Latinx educators to fill that gap. Across the entire state, there are only 1,100 Latino teachers.

KConnect's network partners are working on a strategy aimed at inspiring, training, recruiting and retaining teachers of color. The group acknowledges that it has to do a better job within the community to inspire students in the K-12 system to become teachers.

It is critical to diversify the Michigan teacher workforce. While about 5 percent of Michigan teachers are Black, 18 percent of students are Black. Only 1 percent of teachers in Michigan are Latinx, compared to a student population of 8 percent.

What's more, the state recently reported that 8 percent of its teachers leave the workforce each year, presenting an opportunity to improve diversity. Efforts to reduce the attrition of teachers of color and increase recruitment would close the gap in less than a decade if 11,700 Black teachers and 6,100 Latino teachers were hired.

g. Improve Teacher Pay, Preparedness and Support

Increasing wages for teachers creates a system in which educators feel appreciated and, in turn, more invested in staying in a district for a long tenure.

"We have things where we're asking sacrifices from our teachers. So, teachers of color or teachers who are local to Ypsilanti have to leave the community to get the kind of pay that they need," said Desiree Simmons, a resident of Ypsilanti.

Improvements in educational achievement in states such as Tennessee, Alabama, Florida and Louisiana are due in part to changes around teacher preparedness, said Gutman.

"Those changes include whether that teacher is entering the field or teachers that are already in the field or, more commonly, both," Gutman said. "They've identified that not every teacher has the materials they need every day for every student and have provided a range of ways to support their teachers."

Teachers should be evaluated on a range of outcomes, not just test results. Those could include everything from student attendance to class participation to test scores.

h. Provide and Disaggregate Data

The Michigan Civil Rights Commission could require high-quality data valuable to schools and education officials be provided to local groups to help them understand trends around everything from education to health to social services. While data from the state has been difficult to obtain in the past, some think the Civil Rights Commission can help break down these barriers by advocating for open data at the state level and assisting districts in analyzing the data with an equity lens.

Not all children learn at the same pace as others, to be sure, but disaggregating school-based data can cast additional light on learning trends in subpopulations. We know that disaggregated data provides critical measures of effectiveness and equity for individuals, organizations and groups in the business of ensuring that education-based services are provided in the same manner everywhere. Policymakers must consider gender, race, ethnicity, grade level, individual behaviors, language and (maybe most importantly) socio-economic status and related factors when writing and debating decisions that will impact students across Michigan. Certainly, even the data contained in this report from which recommendations were made, should continue to be disaggregated so policymakers – like the Civil Rights Commission – can implement best practices in order to serve students equitably.

Similar steps were taken by the Department of Health and Human Services (HHS) as part of the Affordable Care Act in a 2012 report entitled HHS Action Plan to Reduce Racial and Ethnic Health Disparities. In the report, a priority was placed on "ensuring that data collection standards for race, ethnicity, sex, primarily language, and disability status are implemented throughout HHS-supported programs, activities, and surveys." The same should be done with educational data in Michigan.

Observing disaggregated data for individual school districts is also important because it can be used to see if there are meaningful differences in subpopulations who are accessing education-based services and determining which intervention has been most successful. While data cannot be the sole influencer, trends in disaggregated data can be analyzed to ensure changes in policy and/or funding have the greatest impact on the most students where limited resources are concerned; in effect, using trends in disaggregated school-based data to help guide decision making will ensure increased equity across the board.

i. Support Partnerships and Collaborations

At Washtenaw County Public Health, officials use health equity as the organizational compass. There, they have launched the One Community and Equity Initiatives that seek to embed the notion of equity into every budget and policy decision made in its community, Rabinowitz said.

Davis, of the Marshall Albion School District, said, "… partnership and collaborations are critical. And innovation and being nimble as a district, working outside of the silos is critical."

j. Mandate Early School Programming

While children must attend first grade in Michigan, education earlier than that is not mandated. That means children could show up to school not having looked at a book for the first 6 years of their lives, which could be the reading level of a 2-year-old. Academic achievement standards, meanwhile, do not have any flexibility. Those limitations require educators to get students, regardless of educational experience, to a certain level by a certain time. Without meeting those requirements, the teachers, administrators and districts are penalized, often for situations that are out of their initial control. Early childhood education for all students in all districts would help level the playing field.

k. Provide Year-Round Educational Opportunities

In Ypsilanti, Upward Bound has worked to extend on-campus summer programming for incoming ninth-graders from one week to five weeks, creating an opportunity to support students academically and "putting them in a position where going to college does not impact them so drastically economically," said Roger Wallace, Director of the Upward Bound program at Eastern Michigan University and a member of the Upward Bound-Engage team at Eastern Michigan University.

l. Eliminate the Use of Native American Imagery in School Mascots and Messaging

Michigan has 52 schools, including primary and secondary institutions, that use Native American-themed mascots or race-based mascots, according to Julie Dye, a Pokagon Band Potawatomi Nation elder, who testified before the Commission in Traverse City.

"Allowing the dehumanization of these images permanently assigns Native children to the past, undeserving of the respect that other ethnic groups are afforded by not being used as props for sports," Dye said.

> ***"Logos of bloodthirsty warlike male noble warriors, entire stadiums doing the Tomahawk Chop, frivolous misuse of sacred cultural or restricted items like pipes and drums and feathers, dance, face paint. It all contributes to a child who may already be at risk. Culture shaming and depression, lowering of self-esteem, lowering of how they view themselves."***
>
> *— Julie Dye, Pokagon Band Potawatomi Nation elder*

She added, "This activity is school-sanctioned, government-sanctioned bullying and harassment. And just like bullying and harassment policies do not stop bullying, schools with mascots that create guidelines that state that they have to respect Native people do not stop disrespect when it involves team spirit. Kids will do anything in the name of team spirit."

In order for all students — those of Native American descent as well as those who are White, Black, or Hispanic — to understand that such depictions are inappropriate, these logos and mascots cannot be allowed to be normalized as imagery in schools.

XVI. EQUITY RESEARCH AND EDUCATION EQUITY MODELS

a. The Business Case for Racial Equity

In 2015, the W.K. Kellogg Foundation and Altarum, a nonprofit research and consulting organization, released its second national report highlighting the business case for racial equity. The Business Case for Racial Equity in Michigan Report revealed the results of a study that found that "Michigan can realize a $92 billion gain in economic output by 2050 if racial disparities in health, education, incarceration and employment are eliminated."

The report further revealed, in part, that "Children who grow up in a society where their health, education and well-being are considered valuable and important have higher achievement in school and more opportunities for employment and financial stability as adults. And just as advancing racial equity has a profound effect on children and their families, it also has a tremendous influence on the potential for profound positive economic growth."

The updated (2018) "Business Case for Racial Equity" further revealed that inequities hold our society back and emphasized the importance of bringing together investors, entrepreneurs, policymakers and others who have a stake in creating a more equitable community to "connect the dots between current policies and practices, human capital constraints, untapped markets and lost revenues."

b. Excellent Educators for All Initiative

In July 2014, the U.S. Department of Education (USDE) launched the Excellent Educators for All Initiative to ensure that all students have equitable access to a quality education. This initiative focused on equitable access to excellent educators and was intended to help states and school districts increase access to excellent educators for the students who need them most, regardless of their race, income or

neighborhood. All 50 states, the District of Columbia and Puerto Rico participated in this initiative, which was reauthorized in December 2015 by Every Student Succeeds Act (ESSA). Educator equity remains a statutory requirement in Title I, Part A7 of ESSA, and ESSA includes updated components that states will need to address (Every Student Succeeds Act of 2015, P.L. 114-95, §129, Stat. 1802 (2015)). While this initiative was a good start toward states implementing Education Equity plans, the limited focus is on access.

c. Sample Education Equity Plans

Effective Equity/Social Justice Plans are designed to achieve equitable outcomes for students across the board and provide an avenue for using an equity lens to review all policies, practices and procedures within school systems. A few examples of more comprehensive Equity Plans from Okemos, Michigan; Seattle, Washington; Portland, Oregon and Roseville, Minnesota are included in the index.

XVII. CONCLUSION AND RECOMMENDATIONS FOR ACTION

Education is a civil right. Yet it is being compromised by historical practices and policies that have not addressed key barriers to academic success. In light of the state's lack of leadership in addressing race and equity issues effectively and holistically in education, the Michigan Civil Rights Commission recommends the following action steps to begin to address the inequities that exist in Michigan's schools. Indeed, there is tremendous opportunity ahead for the state by implementing these recommendations with openness and urgency.

The Michigan Civil Rights Commission recommends that the Michigan Department of Civil Rights expand the existing Council for Government and Education on Equity and Inclusion to include representatives of the Michigan Department of Education, and establish the Council as the entity responsible for implementing and overseeing the following recommendations for action.

- Develop a Statewide Educational Equity Plan to enhance policies, accountability and opportunities for all, using a holistic approach to inform the Michigan Department of Civil Rights, the State Department of Education and schools statewide.
- Ensure that all data collected by state and county government entities be disaggregated by race and ethnicity.
- Encourage schools across the state to create local school equity plans and contribute information and resources to encourage and support equitable practices and opportunities for schools.
- Host periodic professional development training workshops and a yearly "Best Practices in Education Equity" conference.
- Provide year-round cultural competency/race and equity education, advice and coaching.
- Increase internet access for students and families and develop an easily accessible electronic outreach and inclusion model that is available to everyone involved in the education process.
- Support a well-resourced and quality teacher training program (through universities and colleges), encouraging diversity in its teaching roles and student enrollment.

- Work to encourage the placement of affordable public housing only in school districts that are educationally successful and can support new students who have additional needs as the result of prior inadequate educational opportunity.
- Work with other entities to recognize the overlapping roles that housing discrimination, employment discrimination, environmental racism and other existing racial disparities play in perpetuating educational inequity.
- Create a multicultural, student-led component of the Council for Government and Education on Equity and Inclusion to engage students and parents/guardians on the local level. Many students are interested in equity and can help make strides to remove barriers and re-shape equity policies and practices that inhibit students of color.

The members of the Michigan Civil Rights Commission commend this report to education stakeholders throughout the state of Michigan and encourage its use as a road map for developing school equity plans to ensure that every child in Michigan has access to an equitable education.

XVIII. ADDENDUM – COVID-19'S IMPACT ON EDUCATION IN MICHIGAN

This addendum is included to provide context for the situation of K-12 education in Michigan from March 2020 through August 2020 - post the Michigan Civil Rights Commission's education hearings. As the final version of this report was being prepared, the pandemic known as COVID-19 hit, adding another component to our already burdened education system.

On Tuesday, March 10, 2020, the Michigan Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, Governor Gretchen Whitmer issued Executive Order 2020-4. That order declared a state of emergency across the state of Michigan under Article 5, section 1 of the Michigan Constitution of 1963, the Emergency Management Act[29] and the Emergency Powers of the Governor Act of 1945[30].

Beginning Monday, March 16, 2020, elementary and secondary school buildings were closed to students for educational purposes through April 15, 2020. Executive Order 2020-05[31] signed March 13, 2020, read in part:

> "...
> (2) Beginning on March 16, 2020 all elementary school buildings and secondary school buildings in this state must close to students for educational purposes through April 15, 2020. This requirement includes all public and non-public and boarding schools in the state. This requirement does not apply to residential facilities at schools and childcare providers at schools."

The abrupt state-wide closure of elementary and secondary schools was unprecedented. The challenge became how to continue the education of K-12 students as fully and effectively as possible.

Two weeks later as the virus continued to rage out of control, and based on then-recent guidance from the Centers for Disease Control and Prevention, EO 2020-05, which permitted assemblages of no more than 250 people, was rescinded and replaced with 2020-11, signed March 16, 2020. This new EO prohibited assemblages of more than 50 people, but otherwise did not change the scope of temporary restrictions imposed by EO 2020-5 as to the closure of elementary and secondary school buildings.

"Stay Home and Stay Safe" became everyone's reality with Executive Order 2020-21[32]. It was a "temporary requirement to suspend activities that are not necessary to sustain or protect life" signed March 23, 2020. By now it was apparent that in-person instruction in Michigan schools was too dangerous to resume in the near future and very likely for the remainder of the 2019-20 school year. But in Michigan, education

[29] 1976 PA 390, as amended, MCL 30.401-30.421
[30] 1945 PA 302, as amended, MCL 10.31-10.33
[31] Executive Order 2020-5: Temporary prohibition on large assemblages and events, temporary school closures; subsequently rescinded and replaced with Executive Order 2020-11 signed March 16, 2020
[32] Extended and modified by EO 2020-42, EO 2020-59, EO 2020-70, EO 2020-77

is paramount as Article 8 section 1 of the Michigan Constitution specifically states, "... schools and the means of education shall forever be encouraged."

In response, on April 2, 2020, Governor Whitmer signed Executive Order 2020-35[33] (COVID-19), "Provision of K-12 education during the remainder of the 2019-2020 school year" to begin to outline how education and related matters would proceed. This Executive Order recognized "While there is no substitute for a highly trained and experienced teacher interacting with students in a classroom, schools must continue to provide, and students must continue to receive, the highest level of educational opportunities possible under the difficult circumstances now before us." Among its many provisions, it ordered:

- Suspension of in-person instruction for pupils in grades K-12 for the remainder of the 2019-2020 school year
- Continued closure of school buildings used to provide K-12 education
- Suspension of K-12 sports activities and other in-person extracurricular school activities while any state of emergency or state disaster prompted by COVID-19 was in effect
- Maintain continuity of learning to the greatest extent possible
- Temporary suspension of strict compliance with certain rules and procedures under the Revised School Code and the State School Aid Act of 1979
- Temporary suspension of certain requirements under the Teachers' Tenure Act[34] and the Great Start Readiness Program[35], "... as reasonable and necessary to ensure that the COVID-19 pandemic did not frustrate the state's ability to retain talented teachers or eliminate opportunities to assist at-risk preschool children in becoming ready for school."

****

The entire state of Michigan was struggling to adjust to the inconvenience of our new normal, "stay home and stay safe," wearing facial coverings, social distancing, no in-person school, no socializing, no visiting friends, no parties, no sports ... you fill in the blank. Overnight, students, teachers and parents went from the familiarity of in-person learning to one hundred percent remote/virtual learning.

> ***"The challenge is going to be making sure that no matter what the individual circumstances of a student are, that learning is continuing in a meaningful and safe way."***
>
> *- Brian Gutman, Director of External Relations at The Education Trust-Midwest*

Effective virtual learning and virtual teaching is a challenge to the entire education community. The Michigan Department of Education's website, http://www.michigan.gov/mde, provided a tremendous amount of information and guidance in developing numerous resources to assist local school districts and families. Education information and resources could be found on the MDE website by clicking on the images that follow.

[33] Subsequently rescinded and replaced with Executive Order 2020-65 (COVID-19) which expanded and clarified EO 2020-35.
[34] 1937 PA 4 (Ex. Sess), as amended, MCL 38.71 et seq.
[35] MCL 388.1632 and 388.1639

Return to School Roadmap

Learning at a Distance

Guidance Memos

Supporting Summer Learning

School Nutrition Resources

Online Instructional Resources

Professional Learning

Social Emotional Learning

Special Education

Career & Technical Education

Early Childhood

Family Engagement

RETURN TO LEARN

The entire state of Michigan was experiencing COVID-19, but the pandemic's impact was different depending on where you lived. ***MI Safe Start: A Plan to Re-engage Michigan's Economy*** was released on May 7, 2020. This plan outlined how Michigan would begin to re-engage while continuing to keep communities safe. Re-engagement would happen in phases based on the status of the virus within each region. This concept was also applied to the reopening of schools.

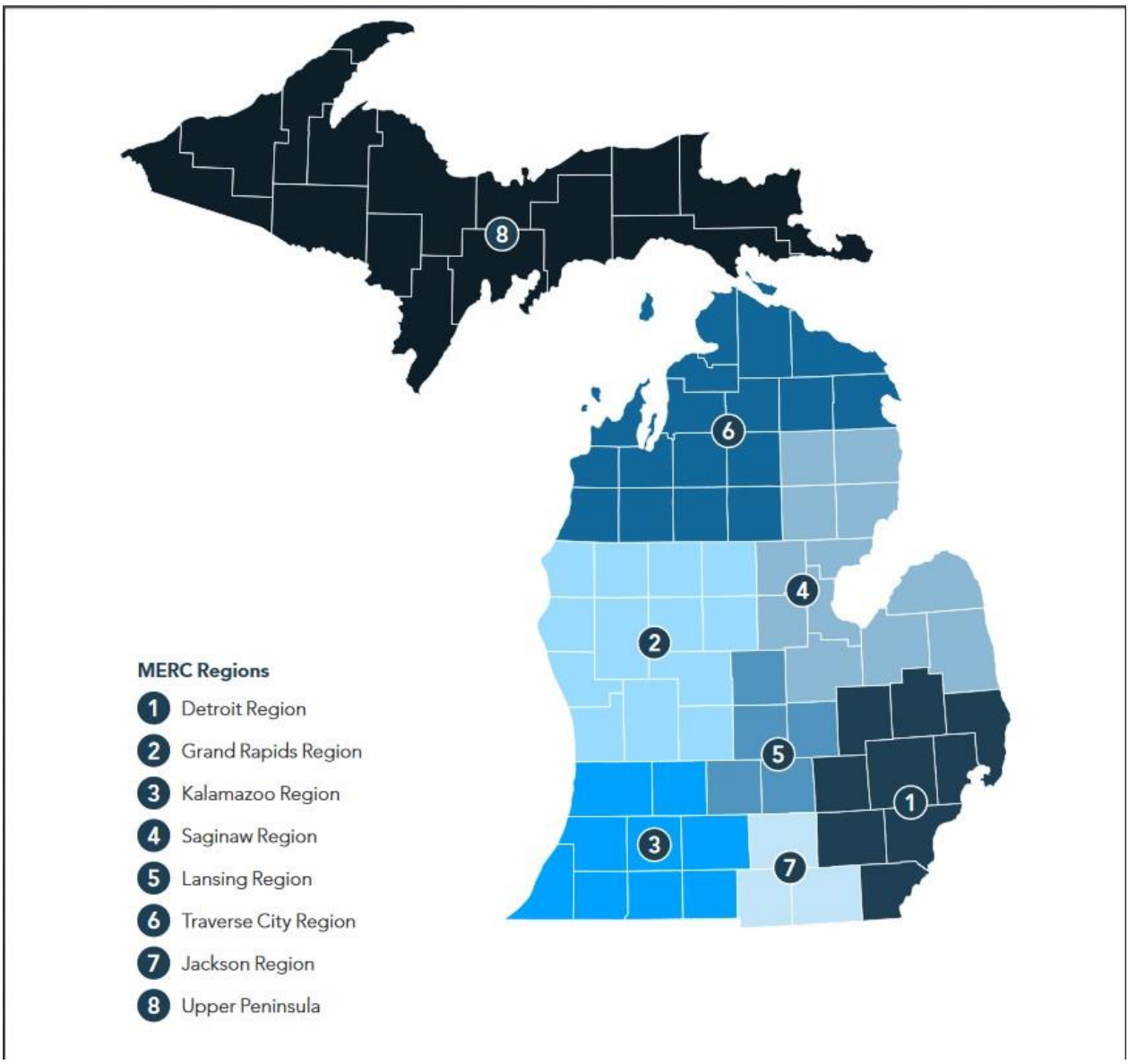
MI Safe Start Phases

	1 Uncontrolled growth	2 Persistent spread	3 Flattening	4 Improving	5 Containing	6 Post-pandemic
What's happening with the disease?	Increasing number of new cases every day, likely to overwhelm the health system	Continue to see high case levels with concern about health system capacity	Case growth is gradually declining	Cases, hospitalizations and deaths are clearly declining	Continued case and death rate improvements and outbreaks can be quickly contained	Community spread not expected to return
What do we need to do to stay safe?	**Stay Home, Stay Safe:** Strict social distancing, travel restrictions, face coverings, hygiene best practices, remote work	**Stay Home, Stay Safe:** Strict social distancing, travel reduction, face coverings, hygiene best practices, remote work	**Safer at Home:** Continued distancing, increased face coverings No gatherings	**Safer at Home:** Continued distancing, face coverings, safe workplace practices Small gatherings	**Stay Safe:** Adherence to new guidelines. Continued distancing, coverings, mitigated workplaces Increased size gatherings	Sufficient community immunity and availability of treatment
What work can we do? *(Examples)*	Critical infrastructure • First responders • Health care workers • Critical manufacturing • Food and agriculture • Essential retail (e.g., grocery) • Transportation	Critical infrastructure Additional types of recreation allowed	Specified lower-risk businesses with strict workplace safety measures • Construction • Manufacturing • Real estate • Outdoor work	Additional lower-risk businesses with strict safety measures • Other retail, with capacity limits • Offices, but telework required if possible	Most businesses, with strict mitigation measures • Restaurants / bars • K-12 and higher ed. (live instruction) • Travel	All businesses Events and gatherings of all sizes with new safety guidance and procedures Social distancing rules are relaxed and large events are permitted
What factors determine progression to next phase?	Analysis shows epidemic growth rates slowing Hospital and treatment capacity built, alternative care facilities established Infrastructure for crisis response and data systems to monitor progression are in place	Cases, deaths decline for extended period Monitor impact on vulnerable populations Sufficient health system capacity in place Improved testing, contact tracing and containment capacity	Cases and deaths decline more sharply, percent positivity decreasing Healthcare system capacity continues to strengthen Robust testing, contact tracing and containment protocols in place	Cases and deaths at low absolute rates per capita Health system capacity is very strong Robust testing, contact tracing and containment protocols in place	High uptake of an effective therapy or vaccine	

Note: This framing is being updated and refined as additional guidance from CDC and public health experts becomes available

It is also possible to move backwards if risk increases and if we stop adhering to safe practices

The state was geographically grouped by county into 8 regions:



On June 30, 2020, Executive Order 2020-142, "Provision of K12 education for the 2020-2021 school year" and “MI Safe Schools: Michigan's 2020-21 Return to School Roadmap” were released. Together, these two documents provided answers to many of the questions school communities had been asking, including but not limited to: required safety protocols, remote/virtual instruction for all students including those with disabilities, access to technology, diverse programming, and mental and social-emotional wellbeing. The Roadmap's Executive Summary provided an excellent overview of the report and how schools would reopen in the fall of 2020.

What is the purpose of the MI Safe Schools Roadmap?

First and foremost, the Roadmap provides required and strongly recommended safety protocols to keep school communities safe based on the status of the coronavirus. Additionally, the Roadmap provides recommendations across mental and social-emotional health, instruction, and operations within each phase of the MI Safe Start Plan, to support all schools in Michigan as they continue their return to school planning work and move towards implementation.

These requirements and recommendations are not always easy, but they are necessary. We must all continue to put safety first, leverage science, data, and public health evidence to inform the decisions we make to serve each and every student in Michigan well.

How was the MI Safe Schools Roadmap Developed?

Governor Whitmer implemented a six-phase approach to reopening the state in order to mitigate the impacts of COVID-19 and to protect the wellbeing of all Michiganders. On May 15, 2020, Governor Whitmer through Executive Order 2020-88, established the Return to School Advisory Council to develop recommendations for a safe return to in-person instruction. The Advisory Council included educators, administrators, elected officials, parents, students, and public health experts from across the state. Additionally, representatives from departments across Michigan state government assembled as a Task Force to support the development of the Roadmap. Ultimately, Governor Whitmer considered recommendations from the Advisory Council and Task Force to make final decisions about required safety protocols.

What guiding principles informed the instruction sections of the MI Safe Schools Roadmap?

1. Equitable access to learning is a right for each child.
2. In collaboration with parents, students, and teachers, schools will use data and evidence to prioritize resources for each child.
3. Teachers and staff will prioritize deep, meaningful relationships to create safe learning environments for each child.
4. Teachers and staff will empower the value, cultivation of relationships, and belonging of student and parent voice in all aspects of learning and emotional support for families.

How should the MI Safe Schools Roadmap be used?

Local education leaders should use this Roadmap to understand what safety protocols must be implemented, and to develop detailed district and building-level plans for how to implement the required safety protocols described in the Roadmap.

All preK-12 schools will be required to follow the safety protocols outlined in this Roadmap which are noted as "required." Many schools may also choose to implement some or all of the "strongly recommended" or "recommended" practices, thus going beyond what is required.

What is the difference between "Required" protocols and those that are either "Strongly Recommended" or "Recommended" in the MI Safe Schools Roadmap?

Safety protocols that are required must be implemented by all Michigan schools that serve students in grades preK-12. They are the most feasible protocols that will minimize risk of exposure to COVID-19.

Safety protocols that are either strongly recommended or recommended are optional and all schools may choose to implement these safety protocols to minimize spread of COVID-19. All strongly recommended and recommended protocols and actions will not be appropriate or feasible in all settings and should be implemented as appropriate.

What are school opening scenarios for Fall 2020?

Depending on the status of MI Safe Schools, there are three scenarios for school opening in fall 2020:

1. Schools open for in-person instruction with minimal required safety protocols (MI Safe Start Phase 6).
2. Schools open for in-person instruction with moderate required safety protocols (MI Safe Start Phase 5).
3. Schools open for in-person instruction with more stringent required safety protocols (MI Safe Start Phase 4).
4. Schools do not open for in-person instruction and instruction is provided remotely (MI Safe Start Phases 1-3).

How does the MI Safe Schools Roadmap relate to the MI Safe Start Plan?

Governor Whitmer will continue to use the MI Safe Start Plan as the highest-level governing framework for determining if and when it is safe to resume in-person instruction. Within the MI Safe Start Plan, schools are not permitted to provide in-person instruction of any kind if their region is within Phases 1-3 of the pandemic. All schools are permitted to resume in-person instruction beginning in Phase 4 of the MI Safe Start Plan. Some regulations and mandates will be relaxed as COVID-19 public health metrics improve in Phase 5 of the MI Safe Start Plan. All schools will remain open with some lasting safety requirements once community spread is not expected to return during Phase 6 of the MI Safe Start Plan. Schools will retain authority to enact stricter public health requirements than is mandated within this Roadmap. Additionally, school districts will retain the authority to close school buildings even if they have not been mandated to do so. Tribal Education Agencies and non-public schools are exempt from many state regulations, but must adhere to the health and safety protocols outlined in the Roadmap in order to actively mitigate the spread of COVID-19 for all Michiganders.

Moving forward, school districts were empowered to decide how the new 2020-2021 school year would begin based on their region and the phase they were in as dictated by the MI Safe Start Plan. Some districts offered parents a choice between in-person learning and online learning. Others planned to start the school year with one hundred percent remote/virtual learning and transitioning to in-person learning if conditions allowed. But everyone was not on the same page. For example, some parents in the Birmingham school district protested the decision to begin the school year with one hundred percent virtual learning. They argued that students needed sports and other extracurricular activities. Parents and student athletes protested at the Capitol in Lansing against the decision to delay some sports, such as football, until spring 2021. Teachers in the Detroit Public Schools Community District called a safety strike vote out of concern for members' safety. Fortunately, the issues and concerns were resolved without a strike. However, the agreement did result in DPSCD teachers who opt in for in-person instruction having small classes and receiving hazard pay.

Who are Michigan students and employees?

The charts below paint a picture of Michigan students and employee demographics and vulnerable populations, factors school districts must consider as they prepared to open for the 2020-2021 school year. COVID-19 is known to impact people differently in large part due to age, race and socioeconomic status. The chart on the left identifies that a significant share of Michigan's public education workforce is over the age of 65, and disproportionately vulnerable to COVID-19. The chart on the right identifies various disproportionalities among racial and ethnic minority groups; for example, the reality that access to technology devices and high speed internet is lacking, which is likely to lead to learning loss among these vulnerable populations.

School Workforce Demographics

1.7%
of elementary school teachers

2.1%
of middle and high school teachers

2.1%
of principals

2.5%
of school counselors

8.5%
of janitorial staff

10.7%
of food distribution staff

19.7%
of transportation staff

Student Populations

17.9%
students who are African American

8.2%
students who are Hispanic/Latino

0.6%
students who are American Indian or Alaska Native

4.4%
students who are two or more races

3.5%
students who are Asian

13.3%
students with disabilities

48.7%
students who are economically disadvantaged

6.2%
students who are English language learners

2.2%
students who have experienced homelessness

11

Sample School Reopening Plans[36]

Benton Harbor Area Schools in Berrien County planned to begin the school year August 31 with multiple options for families. K-8 students would choose a fully online program or a hybrid program that blends in-person and remote learning. High school students would attend fully online.

Brighton Area Schools in Livingston County will begin the school year Sept. 8 with students learning in person four days a week. The fifth day will be spent learning online. The district also is offering online only options.

Cadillac Area Public Schools in Wexford County will begin the school year Aug. 31 with students learning in person five days a week.

Davison Community Schools in Genesee County will begin the school year Sept. 8 with some students learning in person and other students learning online.

Detroit Public Schools Community District, the state's largest school district, is giving parents the choice between in-person learning and online learning. The school year begins Sept. 8.

Escanaba Area Public Schools will offer students the options of full in-person instruction, fully online, and a hybrid.

Flint Community Schools in Genesee County began the school year Aug. 5 fully online. Classes will remain online until at least mid-September, district officials said.

Grand Rapids Public Schools in Kent County has a plan that still must be approved by the school board that will have students learning online until the end of the first marking period on Oct. 21. The district will decide then whether to continue with online only or provide a mixture of online and in-person learning. The school year begins Aug. 25.

Huron Valley Schools in Oakland County will begin the school year Aug. 31 with students in grades K-7 learning in person two days a week and online three days a week. Students in grades 8-12 will begin the year with two weeks of remote instruction and return to a mix of in-person and online learning on Sept. 14. The district is also giving families the option of a fully online program.

Iron Mountain Public Schools will provide face-to-face instruction, plus an option for fully online learning for those who choose.
Lansing School District in Ingham County is beginning the school year Aug. 31 online. Students will receive a combination of live instruction from teachers and some self-paced learning. The district announced Aug. 6 that all sports and extracurricular activities have been canceled.

[36] *Originally published by Chalkbeat Detroit, a nonprofit news organization covering public education. As printed in Bridge Magazine, August 28, 2020*

Marquette Area Public Schools will start the year with full face-to-face instruction, with possible movement to online learning if the local health department determines there is an uptick in community spread and strains on local health capacity.

Midland Public Schools is offering students three options: full face-to-face instruction five days a week, a hybrid online and in-person model for middle and high schools, and fully online.

Portage Public Schools in Kalamazoo County will begin the school year Aug. 31 with K-5 students attending school in person Monday through Thursday, and online on Fridays. Elementary families can also choose an online only option. Students in grades 6-12 will attend school online. They have the option to complete their virtual learning inside a school building where they would also have access to academic and social-emotional support.

Southfield Public Schools in Oakland County is beginning the year Aug. 31 with online instruction. The district is also reportedly opening one of its school buildings to children under the age of 13 whose parents need to work or have other circumstances that prevent them from helping their children with online schoolwork. The district will provide childcare and allow the students to complete their remote learning in the building. It will cost parents $200 a week.

Warren Consolidated Schools i**n Macomb County** is starting the school year Sept. 8 with students learning online.

Conclusion

While this sampling of various school reopening plans shows there is no comprehensive agreement between school districts, there also exists disagreement between administrators, teachers, parents and even students. One thing everyone can agree on is that the school years 2019-2020 and 2020-21 are unlike any school years we have experienced in our lifetimes.

APPENDIX

a. Terms and Definitions

The following are key terms, definitions and acronyms related to Michigan education (from edsource.org/glossary) and discrimination (from racialequitytools.org). These additional terms and definitions from the Anti-defamation League (ADL) are often associated with and provide a common working language for ADL's educational anti-bias programs and resources.

Accountability - The notion that people (e.g., students or teachers) or an organization (e.g., a school, school district or state department of education) should be held responsible for improving student achievement and should be rewarded or sanctioned for their success or lack of success.

Achievement test - A test to measure a student's knowledge and skills.

At-risk student - Students may be labeled at risk if they are not succeeding in school based on information gathered from test scores, attendance or discipline problems.

Bond measure - A method of borrowing used by school districts to pay for construction or renovation projects. A bond measure requires a simple majority* to pass. The principal and interest are repaid by local property owners through an increase in property taxes.

Categorical grants - Funds from the state or federal government granted to qualifying schools or districts for specific children with special needs, certain programs such as class size reduction or special purposes such as transportation. In general, schools or districts must spend the money for the specific purpose. All districts receive categorical aid in varying amounts. This aid is in addition to the funding schools received for their general education program.

Certificated/credentialed employees - School employees who are required by the state to hold teaching credentials, including full-time, part-time, substitute or temporary teachers and most administrators.

Certificate/credential - A state-issued license certifying that the teacher has completed the necessary basic training courses and passed the teacher exam.

Charter schools - A charter school is a state supported public school operating under charter contract issued by a public authorizing body. It offers education ranging in grades K 12, without charge to students, and is funded with tax dollars, generally subject to fewer rules and regulations than traditional public schools. It is required to adhere to Michigan statutes and rules for special education as well as the federal requirement.**

Choice schools - The schools of choice provisions in Section 105 and 105c of the State School Aid Act allow local school districts to enroll non-resident students and count them in membership without having to obtain approval from the district of residence.

**revised 11/23/2020 (formerly read 55%).*
*** revised 11/23/2020 to include a Michigan specific definition.*

Culture - Culture is a shared, learned, symbolic system of values, tastes, styles, beliefs and attitudes that shapes and influences one's perceptions, behaviors and interaction patterns in the world; ways of thinking, knowing and being in the world. Culture is created, shared and transformed by a group of people bound together by a common history, geographic location, language, social class, religion or other shared identity. Culture is created and re-created in the contexts of our everyday life; it is dynamic, not static; it is context specific. Culture is not synonymous with race, which is often coded as "cultural difference;" racial groups have cultural features. (Nieto & Bode, 2012)

Cultural Competence/Awareness - According to the National Center for Cultural Competence (NCCC), which is located at Georgetown University, cultural competence is a set of values, behaviors, attitudes and practices within a system, organization, program or among individuals and which enables them to work effectively cross-culturally. It refers to the ability to honor and respect the beliefs, language, interpersonal styles and behaviors of individuals and families receiving services as well as staff who are providing such services.

Cultural Racism - Cultural racism refers to representations, messages and stories conveying the idea that behaviors and values associated with White people or "Whiteness" are automatically "better" or more "normal" than those associated with other racially defined groups. Cultural racism shows up in advertising, movies, history books, definitions of patriotism and in policies and laws. Cultural racism is also a powerful force in maintaining systems of internalized supremacy and internalized racism. It does that by influencing collective beliefs about what constitutes appropriate behavior, what is seen as beautiful and the value placed on various forms of expression. All of these cultural norms and values in the U.S. have explicitly or implicitly racialized ideals and assumptions (for example, what "nude" means as a color, which facial features and body types are considered beautiful, which child-rearing practices are considered appropriate.)

Disaggregated data - The presentation of data broken into segments of the student population instead of the entire enrollment. Typical segments include students who are economically disadvantaged, from racial or ethnic minority groups, have disabilities or have limited English fluency. Disaggregated data allows parents and teachers to see how each student group is performing in a school.

Discrimination - The unequal treatment of members of various groups based on race, gender, social class, sexual orientation, physical ability, religion and other categories. [In the United States] the law makes it illegal to discriminate against someone on the basis of race, color, religion, national origin or sex. The law also makes it illegal to retaliate against a person because the person complained about discrimination, filed a charge of discrimination or participated in an employment discrimination investigation or lawsuit. The law also requires that employers reasonably accommodate applicants and employees sincerely held religious practices unless doing so would impose an undue hardship on the operation of the employer's business.

Diversity - Diversity includes all the ways in which people differ and it encompasses all the different characteristics that make one individual or group different from another. A broad definition includes not only race, ethnicity and gender — the groups that most often come to mind when the term "diversity" is used — but also age, national origin, religion, disability, sexual orientation, socioeconomic status, education, marital status, language and physical appearance. It also involves different ideas, perspectives and values.

Ethnicity - A social construct that divides people into smaller social groups based on characteristics such as shared sense of group membership, values, behavioral patterns, language, political and economic interests, history and ancestral geographical base. Examples of different ethnic groups are: Cape Verdean, Haitian, Black (Black); Chinese, Korean, Vietnamese (Asian); Cherokee, Mohawk, Navaho (Native American); Cuban, Mexican, Puerto Rican (Latino); Polish, Irish, and Swedish (White).

Equality - Equality means all people having the same rights and opportunities, and in day-to-day living, it means access to food, health and mental health services, education and training, employment, housing, legal services and personal safety.

Implicit Bias - Also known as unconscious or hidden bias, implicit biases are negative associations that people unknowingly hold. They are expressed automatically without conscious awareness. Many studies have indicated that implicit biases affect individuals' attitudes and actions, thus creating real-world implications even though individuals may not be aware that those biases exist within themselves. Notably, implicit biases have been shown to trump individuals' stated commitments to equality and fairness, thereby producing behavior that diverges from the explicit attitudes that many people profess. The Implicit Association Test (IAT) is often used to measure implicit biases with regard to race, gender, sexual orientation, age, religion and other topics.

Inclusion - The practice of placing students with disabilities in regular classrooms, also known as mainstreaming. Authentically bringing traditionally excluded individuals and/or groups into processes, activities and decision/policy making in a way that shares power.

Minorities – A part of a population differing from others in some characteristics and often subjected to differential treatment.

Public Foundation - A "public foundation" is just another term for a public charity. (Examples of public charities with the word "foundation" in their names include the Make-A-Wish Foundation and The Susan G. Komen Foundation.) These nonprofit organizations rely on donations from individuals, the government, corporations and private foundations to fund their operations and programs.

Private Foundation - A private foundation, like a public charity or public foundation, is dedicated to carrying out a charitable mission. However, a private foundation is not a public charity because instead of receiving public support, it is funded and controlled by an individual, family or corporation. Examples of private foundations include The Bill and Melinda Gates Foundation, the Walton Family Foundation and the Coca-Cola Foundation, Inc.

Proficiency - Mastery or ability to do something at grade level.

Pupil-teacher ratio - The total student enrollment divided by the number of full-time equivalent teachers. The pupil-teacher ratio is the most common statistic for comparing data across states; it is usually smaller than average class size because some teachers work outside the classroom.

SAT (Standardized Achievement Test) - Also known as the SAT Reasoning Test (formerly called the Scholastic Aptitude Test), this test is widely used as a college entrance examination. Scores can be compared to state and national averages of seniors graduating from any public or private school.

Standardized test - A test that is in the same format for all who take it. It often relies on multiple- choice questions and the testing conditions—including instructions, time limits and scoring rubrics— are the same for all students; sometimes accommodations on time limits and instructions are made for students with disabilities.

Tenure - A system of due process and employment guarantee for teachers. After serving a two-year probationary period, teachers are assured continued employment in the school district unless carefully defined procedures for dismissal or layoff are successfully followed.

Title 1 - A federal program that provides funds to improve the academic achievement of educationally disadvantaged students who score below the 50th percentile on standardized tests, including the children of migrant workers.

Tracking - A common instructional practice of organizing students in groups based on their academic skills. Tracking allows a teacher to provide the same level of instruction to the entire group.

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Individuals requiring this report in an alternative format should contact the Michigan Department of Civil Rights at 800-482-3604 or MDCR-INFO@michigan.gov.

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