

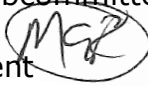


STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: November 14, 2023
TO: House and Senate K-12 Appropriations Subcommittees
FROM: Michael F. Rice, Ph.D., State Superintendent 
SUBJECT: Quarterly Report to the Legislature on Deficit Districts

OVERVIEW

Pursuant to language in Section 1220(2)(a) of the revised school code (MCL 380.1220), the Michigan Department of Education is required to report quarterly to the legislature on school districts incurring year-end deficits and the progress in reducing those deficits. In this first quarterly report for fiscal year (FY) 2023-24, an analysis of FY 2022-23 audited financial data has been completed for those school districts that ended FY 2021-22 with a deficit. The analysis is conducted using data collected from audited financial statements and the financial information database (FID).

Note: This report was prepared with data as of November 8, 2023. As of November 8, 2023, there were 31 operating school districts that had not submitted audited information.

Section 1220(2)(a) of the revised school code (PA 451 of 1976, as amended) states:

"(2) Not later than March 1 of each year, the department shall prepare a report of deficits incurred or projected by school districts, intermediate school districts, and public school academies in the immediately preceding fiscal year and the progress made in reducing those deficits and submit the report electronically, by mail, or in person to the standing committees of the legislature responsible for K-12 education legislation, the appropriations subcommittees of the legislature responsible for K-12 state school aid appropriations, the house and senate fiscal agencies, the state treasurer, and the state budget director. The department also shall submit quarterly interim reports electronically, by mail, or in person concerning the progress made by school districts, intermediate school districts, and public school academies in reducing those deficits to the standing committees of the legislature responsible for K-12 education legislation, the appropriations subcommittees of the legislature responsible for K-12 state school aid appropriations, the house and senate fiscal agencies, the state treasurer, and the state budget director."

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MICHIGAN DEPARTMENT OF EDUCATION PROCESS

Section 1220 of the revised school code requires school districts, intermediate school districts, and public school academies with a deficit fund balance to submit a Deficit Elimination Plan (DEP) to the department. MDE has a formal process in place to ensure that districts develop and implement DEPs to eliminate their deficits. This process may include requiring district representatives (e.g., administrators, local board of education members, union leaders) to meet with representatives from MDE to discuss requirements in the law, status of the district's financial situation, possible modifications to the district's DEP, and to answer questions.

The purpose of these meetings is to ensure the district's key representatives understand their responsibilities under current law. The department stresses that because Michigan is a locally controlled state, district officials must make the difficult decisions that will eliminate the deficit.

Department staff work closely with the school review and fiscal accountability division within the Michigan Department of Treasury. Our collaborative efforts ensure districts get the support they need to improve their financial condition.

REQUIREMENTS IN LAW

DISTRICT REQUIREMENTS

Section 1220(1) of the revised school code [MCL 380.1220(1)] states:

"A school district, intermediate school district, or public school academy shall not adopt or operate under a deficit budget, and a school district, intermediate school district, or public school academy shall not incur an operating deficit in a fund during a school fiscal year. If a school district, intermediate school district, or public school academy has an existing deficit fund balance, incurs a deficit fund balance in the most recently completed school fiscal year, or adopts a current year budget that projects a deficit fund balance, all of the following apply:

(a) The school district, intermediate school district, or public school academy shall notify the superintendent of public instruction and the state treasurer immediately upon the occurrence of the circumstance. A school district shall provide a copy of the notice under this subdivision to the intermediate superintendent of the intermediate school district in which the school district is located. A public school academy shall provide a copy of the notice under this subdivision to the authorizing body of the public school academy.

(b) Within 30 days after making notification under subdivision (a), the school district, intermediate school district, or public school academy shall submit to the superintendent of public instruction in the form and manner prescribed by the department an amended budget for the current school fiscal year and a deficit elimination plan approved by the board of the school district, intermediate school district, or public school academy, with a copy to the state treasurer. A school district shall transmit a copy of the amended budget and the deficit elimination plan to the intermediate superintendent of the intermediate school district in which the school

district is located. A public school academy shall transmit a copy of the amended budget and the deficit elimination plan to its authorizing body.

(c) The department may withhold and release some or all of the money payable to the school district, intermediate school district, or public school academy as provided under section 102(1) of the state school aid act of 1979, MCL 388.1702.

(d) The superintendent of public instruction may require a deficit elimination plan to include an academic plan for the school district, intermediate school district, or public school academy.

(e) After the superintendent of public instruction approves a school district's, intermediate school district's, or public school academy's deficit elimination plan, the school district, intermediate school district, or public school academy shall post the deficit elimination plan on the school district's, intermediate school district's, or public school academy's website."

The Uniform Budgeting and Accounting Act places the burden for eliminating a district's deficit on the local board of education.

- *MCL 141.436(7) – "Except as otherwise permitted by Section 102 of the State School Aid Act, 1979 PA 94, MCL 388.1702, or by other law, the legislative body shall not adopt a general appropriations act or an amendment to that act which causes estimated total expenditures, including an accrued deficit, to exceed total estimated revenues, including an available surplus and the proceeds from bonds or other obligations issued under the Fiscal Stabilization Act, 1981 PA 80, MCL 141.1001 to 141.1011, or the balance of the principal of these bonds or other obligations."*
- *MCL 141.437(2) – "If, during a fiscal year, it appears to the chief administrative officer or to the legislative body that the actual and probable revenues from taxes and other sources in a fund are less than the estimated revenues, including an available surplus upon which appropriations from the fund were based and the proceeds from bonds or other obligations issued under the Fiscal Stabilization Act, 1981 PA 80, MCL 141.1001 to 141.1011, or the balance of the principal of these bonds or other obligations, the chief administrative officer or fiscal officer shall present to the legislative body recommendations which, if adopted, would prevent expenditures from exceeding available revenues for that current fiscal year. The recommendations shall include proposals for reducing appropriations from the fund for budgetary centers in a manner that would cause the total of appropriations to not be greater than the total of revised estimated revenues of the fund, or proposals for measures necessary to provide revenues sufficient to meet expenditures of the fund, or both. The recommendations shall recognize the requirements of state law and the provisions of collective bargaining agreements."*
- *MCL 141.438(3) – "Except as otherwise provided in Section 19, an administrative officer of the local unit shall not incur expenditures against an*

appropriation account in excess of the amount appropriated by the legislative body. The chief administrative officer, an administrative officer, or an employee of the local unit shall not apply or divert money of the local unit for purposes inconsistent with those specified in the appropriations of the legislative body."

MICHIGAN DEPARTMENT OF EDUCATION REQUIREMENTS

Penalties in law that may be imposed on deficit districts include: (1) withholding state school aid [MCL 388.1702(1)]; and (2) reporting a violation to the Michigan Attorney General who will review the report and determine if action is required [MCL 388.1761].

1. MCL 388.1702(1) – *"If a district or intermediate district is required to submit a deficit elimination plan under section 1220 of the revised school code, MCL 380.1220, and the district or intermediate district fails to submit a deficit elimination plan or the deficit elimination plan is not approved, the department may withhold some or all of the money payable to the district or intermediate district under this article, in an amount the department determines necessary to incentivize the district or intermediate district to eliminate the deficit, until the district or intermediate district submits to the department for approval an amended budget for the current school fiscal year and a deficit elimination plan in the form and manner prescribed by the department or until the deficit elimination plan is approved by the department, as determined by the department."*
2. MCL 388.1761 – *"A school official or member of a board or other person who neglects or refuses to do or perform an act required by this act or who violates or knowingly permits or consents to the violation of this act is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$1,500, or both."*

As state superintendent, I have not asked for the Attorney General's involvement regarding deficit districts.

DEFICIT DISTRICT DATA

Attachments A and B provide the financial analysis for FY 2022-23.

Questions about this report should be directed to Phil Boone in the department's Office of Financial Management at BooneP2@michigan.gov or 517-335-4059.

Attachments

**DEFICIT DISTRICT QUARTERLY REPORT
TO THE HOUSE AND SENATE K-12 APPROPRIATIONS SUBCOMMITTEES**

**FINANCIAL ANALYSIS OF DEFICIT DISTRICTS
2022-23**

An analysis of the audited FY 2022-23 financial data has been completed for districts that ended FY 2021-22 with a deficit. The analysis is conducted using data collected from audited financial statements and the financial information database (FID). There were six districts that ended FY 2022 in deficit:

- 1 district eliminated its deficit in FY 2023
 - Attachment B, Category 1
- 1 district reduced its deficit in FY 2023
 - Attachment B, Category 2
- 1 district is eliminating its deficit with school operating taxes
 - Attachment B, Category 5
- 1 district closed at the end of FY 2023
- 2 districts have not submitted their audited information

Saginaw Academy of Excellence closed at the end of FY 2023. WAY Academy of Flint and Lincoln-King Adams-Young Academy have not submitted their FY 2023 audited information, which was due by November 1, 2023. The statutory penalty for not submitting the audited information by November 1 is the withholding of state aid payments. The November state aid payment of \$95,299.41 for WAY Academy and Lincoln-King's November payment of \$939,730.91 have been withheld. Once the information is submitted, the funds will be released.

Highland Park City Schools (Attachment B, Category 5) is eliminating its deficit through the capture of school operating taxes. Highland Park City Schools was converted to a public school academy in FY 2013.

CATEGORY 1

Schools eliminating their deficit as of June 30, 2023

School Name	June 2021 Fund Balance	June 2022 Fund Balance	June 2023 Fund Balance	2023 GF Revenues	% Fund Balance is of Revenues
Detroit Public Safety Academy	(287,782)	(146,456)	4,728	2,664,377	0.18%

CATEGORY 2

Schools starting FY 2023 in deficit that ended the year with a reduced deficit

School Name	June 2021 Fund Balance	June 2022 Fund Balance	June 2023 Fund Balance	2023 GF Revenues	% Deficit is of Revenues
Macomb Academy	(1,087,309)	(1,063,450)	(982,431)	1,342,153	-73.20%

CATEGORY 3

Schools starting FY 2023 in deficit that ended the year with a greater deficit

School Name	June 2021 Fund Balance	June 2022 Fund Balance	June 2023 Fund Balance	2023 GF Revenues	% Deficit is of Revenues
N/A					

CATEGORY 4

Schools starting FY 2023 with a positive fund balance that ended in deficit

School Name	June 2021 Fund Balance	June 2022 Fund Balance	June 2023 Fund Balance	2023 GF Revenues	% Deficit is of Revenues
N/A					

CATEGORY 5

School eliminating its deficit with the capture of school operating taxes through the Department of Treasury

School Name	June 2021 Fund Balance	June 2022 Fund Balance	June 2023 Fund Balance	2023 GF Revenues	% Deficit is of Revenues
Highland Park City Schools	(3,972,896)	(3,019,901)	(2,278,948)	2,133,801	-107%