

Attorney hits court delays in school aid suit

By Tim Richard
staff writer

An attorney told his 56 school district clients that the state Court of Appeals has failed for seven weeks to take the first step in their \$72 million suit against the state.

"It borders on being scandalous," said Dennis Pollard, who filed the suit Sept. 13. He asked the appellate court to assign the Macomb Circuit Court their request for a preliminary injunction to prohibit the treasury from cutting their state aid.

"The court routinely could decide what forum to send adjudication of an injunction. Where's it going to be heard? We haven't heard. You have no access to anyone (in the court hierarchy) with any information," Pollard told a meeting of his 55 superintendents Thursday.

"In 'Durant' we had a decision (on assignment) within a week," said Pollard, referring to a similar suit he won on behalf of Fitzgerald School District in Macomb County against the state.

Pollard predicted the case could drag on 10 years or more.

Pollard wants the appellate court to assign the new case to the same judge — George Deneweth — who upheld the school on over major legal point.

TEN PERCENT of the state's 562 school districts — mainly in the metro suburbs and along the Great Lakes shores — are suing the state over the 1990 aid act. The law "recaptures" \$72 million of aid for special education teaching and transportation, bilingual teaching and Social Security.

The schools contend the Legislature violated the 1978 Headlee amendment to the Michigan Constitution by failing to pay for programs the state mandated.

"That 'recapture' offends me," said Lawrence J. Nichols, superintendent of Royal Oak, previous superintendent in Northville and once an administrator in Livonia. "It says somehow we managed to sneak in, in the middle of the night, and stole it. The state government has failed to fund its own

— not our — formula."

"Recapture" is a term coined by legislators.

The suing districts include:

- Oakland — Avondale, Birmingham, Farmington, Novi, Rochester, Southfield, Troy and West Bloomfield.
- Wayne — Livonia, Northville, Plymouth-Canton and South Redford.

THE DISTRICTS all are "out of formula," meaning they receive no general state aid. The "recaptured" money was put into general state aid in a bill engineered by Reps. William Keith, D-Garden City, and James O'Neill, D-Saginaw, and Sen. Dan DeGroot, R-Port Huron.

"We've been portrayed as 'filthy rich, greedy districts,'" said Farmington Superintendent Michael Flanagan. "But in the long run, the in-formula districts will benefit. If they (legislators) can take it away from us, they can take it away from the rest."

The meeting was held in Givill Elementary

School, in what Flanagan called the "modest" southern end of the Farmington district.

MANY PLAINTIFFS say they must ask local property tax increases or resort to layoffs to balance their budgets.

"Definitely next year we're into layoffs," said Rochester Superintendent John Schultz, predicting a \$3 million revenue loss. The district has no plans to ask for a tax increase.

Flanagan said Farmington's \$5.8 million loss is "devastating."

Royal Oak's Nichols said legislative leaders are talking about either statewide sharing of industrial and commercial property taxes or "dramatic" further cuts in categorical aid.

One superintendent asked Pollard if the appeals court's long delay were connected to the gubernatorial election.

"We have no idea what's going on," Pollard replied.

Both Gov. James Blanchard and his chal-

lenger, Sen. John Engler, supported the categorical aid cut. They and legislative leaders see it as necessary to reduce the funding gap between the richest districts (\$8,000 per pupil) and the poorest (barely \$2,500).

Nichols said that since 1978 the state had routinely underfunded categorical aid, but usually by only \$20 million. This year the underfunding leaped.

"Sad? Sort of. Yeah. I think so — a tale littered with broken promises."

REP. KEITH, chair of the House Education Committee, has made no secret of his desire to end all categorical aid. His district includes Garden City and Inkster, both in-formula school systems.

Before the bill was passed, Keith said his idea is to put the "recapture" money into formula aid and increase the number of districts in the formula.

Currently about 70 percent of districts are in-formula. Keith would increase that to 80 or 90 percent.

November decision seen on school tax hike bid

Continued from Page 1

Farmington officials said in the summer they have enough money in the current budget to carry the district through this school year, but not into any future years if the same programs are maintained.

Other problems have also arisen, including a \$2.8 million outstanding debt owed to the district from Oakland Schools. Increases in oil and gas prices have also raised the cost of maintaining the bus fleet, Flanagan said.

And, he added, the district is expecting a lower State Equalized Value on local properties, based on information obtained from the municipalities within the district.

To date, 56 districts in Michigan,

including Farmington, have joined a lawsuit against the state in an attempt to halt the recapture bill, passed by state legislators in the summer. A parent group in Farmington is also circulating petitions to get legislators to reverse their vote.

At a meeting of the district superintendents involved in the lawsuit Thursday, Flanagan warned that all districts, including those in-formula, could be impacted in the long term by the state action. "I really believe in the long-run the in-formula districts are going to thank us for this suit," he said. "If they can take our money, they can take it from the in-formula districts too."

Headlee opposes tax hike to offset aid loss

By Casey Hans
staff writer

Farmington Hills businessman Richard Headlee is slated that 56 school boards across Michigan are now on his side in fighting state government, but said he will not support local districts asking for additional millage to cover what the state is taking away.

"Until we recover the revenue due us from the state, I would not support putting any additional burden or hardship on the people of this town," said the former gubernatorial candidate, chairman of Alexander Hamilton Life Insurance Co.

and author of the 1978 Headlee Tax Limitation Amendment.

"They're not going to get another dime's worth of property taxes out of me until they fight this good fight to the end."

Headlee refers to the possibility of local districts going back to voters for more money because of a school aid bill passed last summer in the state legislature, which is taking \$72 million away from out-of-formula districts.

DESPITE HIS feelings on any tax increases, Headlee is pleased with the strong stance being taken by the districts, including Farmington. "I

finally have somebody rowing in the same boat, and I feel terrific," he said. "Brother Headlee is one happy dude."

Headlee's feelings do not surprise Farmington Superintendent Michael Flanagan, who said at a superintendent's meeting Thursday he expected such a response.

"Everybody thinks because Mr. Headlee is in our back yard, we are in bed with him, so to speak," Flanagan said at the meeting, held at Givill Elementary. "Mr. Headlee came out against our bond issue, and he's going to come out against our millage because he feels the state will keep doing it (recapturing money)."

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