

Legal lesson

Schools must help, not block police

Our schools certainly wouldn't want to be seen as obstructing justice. Yet that's how it looked this week when North Farmington High School Principal Deborah Clarke went to court to defend her refusal to help police with an investigation of an assault between students.

The case involves a fight between students nearly three months ago. Farmington Hills police were asked to help on the investigation but were refused certain witness information from the school. Judge Fred Harris ruled Tuesday that Clarke must turn over all the information, though an appeal is expected.

Police and school officials generally cooperate on these types of investigations, since both sides know they can do their jobs better that way. In fact, that's the role of the police liaison officer stationed at the school.

In this case, Clarke refused to turn over interviews with student witnesses, citing the need to protect the confidentiality of interviews with some students. She explained: "I need to maintain credibility with the students. I tell them that we are going to handle this and they need to know that we will."

That's commendable. Most fights or problems at school are settled short of police action. Administrators generally find they can get to the bottom of things by talking with students and staff in an "off the record" kind of fact-finding session. Kids will talk, school officials say, with the expectation that those talks won't become part of some criminal or civil court case. After that, school officials can mete out their own brand of punishment.

But when a situation becomes a criminal investigation, school officials should be required to do just the opposite of what Clarke did: Turn over the information to the police.

Even if school officials believe they've dealt with the situation properly and they don't want the situation "overblown" into a police

case that could bring the dreaded "bad press" onto the district, our schools shouldn't be in the business of trying to hide information or sources from the police. Let the police, prosecutors and judicial system — not school administrators — decide if what happened is a crime.

Current state law actually forbids administrators and teachers from testifying in court about their confidential talks with students, without student or parental permission. But the fact that the law hasn't been tested much speaks to the real-life urgency that most teachers or administrators have to cooperate with police as much as possible. In more violent school districts, it can be a necessity.

The real issue in Farmington, though, is whether there's an implied promise that teachers or school administrators must keep witness statements from the police if a school situation becomes a criminal one. Nobody would expect principals to ask teachers to give Miranda-style warnings to students: "You have the right to remain silent. Anything you say, can and will be used against you in a court of law." However, they should make kids aware that they can't hide information if police are involved.

The presence of a school liaison officer during these talks makes the most sense, since it would clear up any misconception of confidentiality right off the bat.

That might not be popular with students or administrators. And it will probably make for some awkward situations in solving smaller fights or situations at school. But it will definitely make parents and the community a whole lot more confident that our schools aren't hiding or protecting young criminals.

Schools are supposed to be there for the good of the kids. Sometimes that translates into making them face up to the consequences of the laws of the land, which must apply on school turf as much as anywhere else.

Lawmakers cloud sunshine law

Sometimes state legislators get too attached to a pet project.

Rep. Greg Kaza's House Bill 4849, a monstrous set of amendments to the state Freedom of Information Act, is a case in point. Kaza, R-Rochester Hills, started out with a simple, excellent bill to resolve citizen disputes with public bodies declining to divulge public records. In that form, it passed the House of Representatives early in 1996.

The Senate, however, did enormous harm, casting dark clouds over the "sunshine act."

Kaza repaired some of the damage when the bill got back to the House, but he should have asked Gov. John Engler to veto it. Instead, unwilling to see his pet project die, he let Engler sign it. The governor falsely trumpeted it as a public improvement.

The Senate is the real villain here. Instead of acting promptly on HB 4849 last spring, it dawdled until the closing days of the "lame duck" session when everyone was in a rush. Instead of holding extensive and orderly committee hearings, the Senate amended the bill on the floor, where affected groups couldn't testify.

The Senate relied on Gov. Engler's administrators for ideas that would make their lives easier. The changes will allow local units to misinterpret the new FOIA, raise prices and hide things.

The Farmington area's senator, Willis Bullard Jr., R-Milford, said he was acting at the behest of the administration and wasn't even certain how an amendment changing the entire purpose of the law got in there. Had his Local Government Committee held timely hearings, he couldn't have made such a ghastly mistake — assuming it was an unintended error.

By the time the House got the bill back, it was past midnight on Friday, Dec. 13. The

House removed a few of the worst features and wearily passed it on a 95-1 vote.

The 1976 FOIA said its purpose was to give the public information about "the affairs of government and the official acts" of officials and employees. HB 4849 sharply limited the purpose to "information regarding governmental decision-making," giving officials an alibi for hiding documents.

The 1976 FOIA allowed oral or written requests. The bad new law adds a burdensome requirement for written requests that the public body must keep on file for a year. The file will give officials another excuse to say they are being hassled and that certain people should be prohibited from filing FOIA requests. It has happened in the past.

The 1976 FOIA allowed an agency to make a charge for finding a document equal to the wage of the lowest paid, full-time, permanent clerical employee. The bad new law allows a charge of the wage of the lowest-paid employee "capable of retrieving the information."

As a former township supervisor, Bullard should have known that police departments, in particular, can misuse this provision to charge the pay rate of a lieutenant instead of a clerk. Suburban police departments, in particular, are notorious for overcharging the public for what should be public records.

The 1976 FOIA required a public body to respond to a FOIA request "immediately, but not more than five business days" after receiving the request. The bad new law removes "immediately," giving local officials an alibi for putting off every request for a week.

"Sue us," say many local officials, particularly police, gambling that plain citizens will give up their searches rather than bother hiring a \$125-an-hour lawyer and going to court. The flawed new FOIA is just the kind of cloud over the sunshine law that they crave.

COMMUNITY VOICE

QUESTION:

What do you do to take care of your heart?

We asked this question during February (American Heart Association's Heart Month) at the Farmington Training Center.



'Cardiovascular activities. Eating right. Staying out of drugs and cigarettes.'
Liz Stoler
Farmington Hills



'Doing some running. Eating healthy. Eating foods low in cholesterol.'
Lindsey Vanettis
Farmington



'Doing aerobic activities and eating healthy. Not eating high-fat foods.'
Pamela Ringstrom
Farmington



'Since we have a family of bad hearts, I got my cholesterol taken. So we eat low cholesterol foods.'
Jamie Millitello
Farmington

LETTERS

Bond is reasonable

I am writing in favor of the upcoming millage renewal and bond proposal to be brought before the voters of the Farmington School District on March 25. It will be a two-part ballot: 1) To renew the hold harmless millage (expiring this year) at the current level, and 2) Approval of a \$110 million bond issue.

As a result of Proposal A, our district has had its revenues reduced. The renewal of the expiring millage is a must if we want our kids to have the same education they are currently receiving. It will cover basic operating costs necessary for daily operation.

Then there is the question of how we get technology into our schools, and how we upgrade our facilities to meet the needs of a changing population and curriculum. After extensive research to address this issue, the board has accepted the recommendations of the Blue Ribbon Financial Committee. They are asking voters to approve a \$110 million bond issue.

Approximately \$92 million would be provided for building renovation and improvement over the next 4 1/2 years. The average age of FPS buildings is 35 years old. The last election for improvements to our facilities was in 1970. Many necessary basic improvements will be addressed such as replacing old boilers, inefficient windows, removing asbestos materials, etc. Other improvements will include upgrading science labs, media centers, gym and cafeteria facilities, reconfiguring some spaces to allow for large, flexible presentation rooms, and eliminating portable classrooms. These improvements will bring our facilities up to modern standards and provide space for the projected 600 new enrollees over the next four years.

The other \$18 million would be devoted to retrofitting each of our 30 buildings for new technology and computer hardware. Providing our kids with hands-on computer experience will prepare them more appropriately for their futures. Providing our staff with the means of modern record keeping will make them more efficient. New technology curriculums will also be incorporated into our schools' programs.

It comes down to a cost of about \$150 per year for the average household. I think it is a reasonable cost to protect our community's investment and our property values. It will also provide our students and staff with the tools and facilities they will need to succeed! I urge all residents to become more informed and actively support our schools by voting "Yes!" in the March 25 election.

Janet Rose
A concerned parent of a Beechview second grader

Rich, reasonable music

The Observer & Eccentric Newspapers and Christina Fuoco are to be congratulated for

a recent article about the Raven Gallery in Northville, one of the finest venues for live acoustic music around.

Tom Rice has invested a lifetime to developing local music. He deserves recognition for carrying on the legend and tradition of the Raven, especially in making available to the public the rich supply of local musical talent.

The vast population of west side Detroit, including all of the Observer and Eccentric's readership, needs to know that Rice is providing wonderful evenings of entertainment in nearby downtown Northville for very reasonable prices.

Thomas Hunter
Bloomfield Hills

FOIA vital

Thank you for the recent article by Tim Richard on the changes to the Michigan Freedom of Information Act. I'm not sure how many citizens realize the importance of being able to access governmental information. Without this crucial insight about the actions of our elected officials, their appointed decision-makers and all of the various agencies, true public oversight becomes impossible to obtain.

As a citizen who has used the Freedom of Information Act to acquire information from local, state and federal governments, I support easier access, not stricter access. I support reduced fees, not increased fees. I support more complete disclosure, not more restricted disclosure.

Tim Richard does a tremendous value to your readers when he reports back on important legislative issues, like FOIA, taking place in Lansing. Most especially those "between-the-line" issues, such as was described in the FOIA story. (The last-minute, late-night passage of "amended" bills involving serious citizens' rights without committee work or PUBLIC HEARINGS.) I know from experience that it is not uncommon for similar "reorganization" and "suspect" passage of bills to occur around the holidays when the public is busy with other activities. I commend him for his continued reporting.

Cheryl Graustad
Westland

Opinions are to be shared: We welcome your ideas, as do your neighbors. That's why we offer this space on a weekly basis for opinions in your own words.

We will help by editing for clarity. To assure authenticity, we ask that you sign your letter and provide a contact telephone number.

Letters should be mailed to: Editor, The Farmington Observer, 33411 Grand River, Farmington Michigan 48335. Or they can be faxed to (810) 477-9722.

TURNING BACK THE PAGES

This week in history as reported in past editions of the Farmington Observer and the Farmington Enterprise.

40 YEARS AGO — FEB. 7, 1957 (ENTERPRISE)
A record number (182) tickets were given out in January for making left turns at the intersection of Farmington and Grand River, despite posted "No Left Turn" signs. A whopping 96 percent of the violators didn't live in the town.

25 YEARS AGO — FEB. 5, 1972

The Farmington school board approved 5 percent retroactive pay hikes for its

principals, assistant principals and administrative assistants. High school principals at maximum would be paid \$24,224 a year, the highest in the category.

2 YEARS AGO — FEB. 6, 1995

Filings with the Oakland County Election Commission showed that the Voters' Voice! recall effort against six council members cost that organization \$2,625. The Say No to Recall group raised just under \$3,000 and spent \$1,311. The failed recall try was based on council members' approval of a new development called Timbercrest.

Farmington Observer

DAVE VARGA, COMMUNITY EDITOR, 810-477-5450
TOM BYRD, PUBLISHER, 810-901-2537
BOB SKLAR, MANAGING EDITOR, 810-901-2563
PHILIP SHERMAN, ASSISTANT MANAGING EDITOR, 810-901-2575
MARY SCOTT, MANAGER OF CIRCULATION, 810-901-2548
STEVEN K. POPE, GENERAL MANAGER, 810-901-2595

SUBURBAN COMMUNICATIONS CORPORATION

PHILIP POWER, CHAIRMAN OF THE BOARD JOHN REDDY, VICE PRESIDENT/EDITORIAL RICHARD AGNIN, PRESIDENT

OUR MISSION: "Because we publish community newspapers, we think about community journalism in a fundamentally different way than our bigger competition. They consider themselves to be independent from the stories and communities they cover, swooping in to write the unusual or sensational and then dashing off to cover something else. We regard ourselves as both accurate journalists and as caring citizens of the communities where we work."

— Philip Power