

Schools seek rehearing on 'Robin Hood' aid

By Brian Lysaght
staff writer

An attorney representing dozens of Michigan school districts challenging this year's Robin Hood school aid cuts is seeking a rehearing after the state Court of Appeals dismissed the lawsuit in a surprise move Nov. 9.

Birmingham attorney Dennis Pollard said the court, in its dismissal order of the suit filed Sept. 13, made a clerical error and confused two sections of state statute.

"It's obvious they confused two sections (of law) and will have to clarify that," said Pollard, who expressed frustration over the situation.

In the lawsuit, Pollard represents 56 Michigan school districts suing the state for massive funding cuts

enacted this year. The state recaptured \$72 million worth of categorical aid. In part, paid for state-mandated programs.

THE CUTS AFFECTED only out-of-formula, or property wealthy school districts, among them Birmingham, Bloomfield Hills, West Bloomfield, Troy, Rochester, Farmington and Southfield.

"It's really that simple. They blew it," Pollard said of the court decision. Pollard got word of the dismissal last Monday and filed a motion for rehearing the same day.

He said he expected a decision on the most recent motion in a week or two. The dismissal was all the more unusual because five days earlier the same Court of Appeals handed down a ruling in another Pollard-handled case that appeared to strengthen the

recapture lawsuit.

The Michigan Court of Appeals decided Nov. 5 in a 10-year-old case involving Macomb County's Fitzgerald school district that the state cannot reduce aid for state-mandated programs.

In the 3-0 decision, the appeals court said the "state is required to maintain the level of funding of categorical aid for the necessary costs of program required" by law.

THE COURT ALSO ruled that the court improperly reduced to below 1978-79 levels funding for mandated programs.

The two cases share the same major issues, and Pollard said portions of legal briefs in the two cases are nearly identical.

"The (Fitzgerald) ruling supports directly our position" in the recapture

case, Pollard said earlier.

"The court ruled that mechanism the legislature used to reduce payment to school districts is inappropriate," Pollard said.

The money cut from wealthy school districts this year was to be redistributed to poorer school districts in state Legislature-backed effort to equalize pupil spending across the state.

Out-of-formula districts harshly criticized the move, then many filed suit against the state Department of Education.

The aid cuts amounted to \$2.6 million in Birmingham, \$2.1 million in Bloomfield Hills and \$5.8 million in Farmington. School districts were forced to make major changes in their budgets. Districts like Southfield and Bloomfield Hills hiked property taxes as a result.

THE COURT OF APPEALS ruling in the Fitzgerald case backed recommendations of Macomb Circuit Judge George Deneweth, fact finder in the case. Deneweth determined that Department of Education's "Robin Hood approach" — taking from rich schools and giving to poor ones — was illegal.

Pollard had originally sought Deneweth to hear the recapture case, but Deneweth died two weeks ago.

In a related move, parent representatives of 26 school districts met in Lansing Thursday to discuss their lobbying effort to dissuade legislators from further funding cuts to out-of-formula school districts.

The parents were to discuss goals for their group, Coalition of Michigan Parents. Among COMP's efforts will be to provide sample letters that parents can mail to legislators urging an end to recapture, which school officials say could hit wealthy school districts even harder next year.

THE GROUP was formed after a suggestion by Bloomfield Hills parent Jan Furman in a P.T.O. meeting with Superintendent W. Robert Docking, said district spokeswoman Penny Gambier.

Bloomfield Hills is coordinating the parent effort, but declined to sign on to the recapture lawsuit.



Tim Nowicki

Naturalist, city win awards

Tim Nowicki, an Oakland County naturalist, and the city of Southfield will receive the Michigan Wildlife Habitat Foundation Bengal Habitat Awards for 1990.

They will be honored in the individual and organization/government categories at the Foundation's "Habitat '90" program Dec. 1 in Lansing. Nowicki, a Livonia resident, is a naturalist at Independence Oaks Nature Center, an Oakland County park, where he helps people learn about their natural resources. He writes the column "Nature" for the

Observer & Eccentric Newspapers and is heard weekly on radio station WJL.

Southfield is recognized as a leader in urban fish and wildlife conservation. Despite the challenges brought by commercial development, Southfield maintains 700 acres of park lands with about 250 acres set aside for fish and wildlife.

The city is purchasing a 13-acre wetland isolated by the I-696 expressway. Once restored, it will demonstrate how wetland habitats

can be maintained in an urban setting.

The Bengal Habitat Awards are given annually in memory of Russell H. Bengal, a well-known conservationist and founder of the Michigan Wildlife Habitat Foundation. The Dec. 1 awards program is open to the public. Reservations are \$30 and can be made by calling (517) 882-3110.

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