

Class action lawsuit details destruction of Detroit Public Schools

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The debate on the restructuring of the public schools in Detroit, the poorest big city in America, resumed this week in the Michigan state legislature. No final deal has been reached to determine the organization of the new district, the extent of school privatization involved and the role, if any, of an elected school board.

Underscoring the deplorable conditions in the cash-starved schools, it was announced Monday, April 11 that 12 Detroit Public Schools (DPS) schools were found to have lead or copper contamination. Bow Elementary has now shut down its water fountains and begun supplying bottled water.

Indicative of the tension surrounding the DPS legislation, the *Detroit News* ran a commentary over the weekend by State Representative Tim Kelly, Republican-Saginaw Township, who chairs the House Appropriations Subcommittee on School Aid, claiming the state “would be better off if DPS simply went away.”

As part of this intense political jockeying, last Thursday the DPS school board—whose powers have been taken over by the state-appointed emergency manager—filed a class action civil rights lawsuit. The suit demands “compensatory and punitive damages” for the state’s failure to provide a “minimally adequate” education as required by the Michigan and US Constitutions.

It named as defendants Michigan Governor Rick Snyder, two Republican state legislators, three former DPS emergency managers (EMs), as well as a series of principals and vendors recently indicted on kickback and bribery charges. Plaintiffs are the publicly elected school board, several DPS students and their representatives. They seek to represent all 58,000 students in the DPS and the state-run Educational Achievement Authority (EAA) in Detroit.

With the lawsuit, the Democrats on the school board are posturing as defenders of the city’s school children and hope to pressure state legislators to restore their powers in the new school district. This has nothing to do with “restoring democracy” or protecting the rights of city residents.

Long before the Republican governor usurped elected school boards in order to accelerate the attack on public

education, Democratic-controlled school boards backed budget cuts, teacher layoffs and the funneling of contracts to politically connected contractors.

Announcing the suit, attorney Tom Bleakley told a press conference last week that he agreed to represent “children in Detroit schools” *pro bono*, comparing the educational crisis in Detroit to Flint’s water crisis “on steroids.” Snyder and former DPS emergency manager Darnell Earley were, just one day prior, also named in a Flint lead poisoning class-action suit under federal racketeering statutes.

Although the political motives of the legal action by the school board “in exile” are self-serving, the lengthy brief provides a graphic picture of the wrecking operation directed by a series of state-imposed emergency managers.

The suit begins by tracing the “precipitous falloff” that has taken place in DPS student performance under emergency management since 2011, charging that typical students in Detroit face overcrowded classrooms, are exposed to non-certified teachers, are not college- or career-ready at graduation, do not read at grade level at any point in their K-12 experience, do not learn basic numeracy and are overall seriously undereducated.

Additionally it cites the now well-documented fact that “the physical facilities and buildings of the DPS are in a widespread state of degradation, filth, and unsanitary conditions placing the health of DPS children at high risk.” It concludes, “All defendants caused permanent injury to Detroit’s children by creating and pursuing policies that drove down academic performances such that the children are permanently damaged in their abilities to pursue a successful adulthood.”

In particular, the suit highlights the role of emergency managers in the destruction of Detroit’s facilities for special education over the course of the last five years. Nearly 20 percent of the district’s school population are special needs students. This is in large part due to the toxic urban environment created by the auto and related businesses over decades.

Two out of three of the city’s centralized locations for

disabled student-parent activities were closed under defendant EM Roy Roberts. In 2013 Oakman Elementary/Orthopedic School was closed as part of his “community schools” initiative. The suit states that, “Oakman was in the 90th percentile of capacity. The school had all of the required ADA accommodations for students and special accommodations unique to the school. Oakman allowed siblings of disabled students to attend together creating a vibrant community. It had received multiple awards.”

One of the lawsuit’s plaintiffs is Jason Pauling, whose school, the Detroit Day School for the Deaf, was also closed by EM Roy Roberts. The school, opened in 1893, provided classes from pre-K through Grade 8 in American Sign Language. Not only was Pauling moved from school to school, but as a result of the closure, Pauling ended up at the Michigan School for the Deaf in Flint and now is undergoing testing for lead exposure.

Throughout Detroit, special education students are being forced into charter schools, often lacking qualified staff to meet their special needs, the brief states.

Also during Roberts’ tenure, the award-winning DPS school for pregnant girls and young mothers, Catherine Ferguson Academy, was shut down. The facility was handed over to a for-profit charter company run by Democratic Party crony Blair Evans, the brother of Warren Evans, presently the Wayne County Executive. The event was celebrated at the time by entire Democratic Party establishment. The school was closed for good in 2014.

As these school closures and budget cuts were implemented, the brief points out, there was a growth of outsourcing resulting in millions of dollars changing hands, often with very little oversight.

The suit traces the state of Michigan’s use of emergency manager laws to violate both the civil rights of students and to “degrade the electorate’s right to vote.” It details the state conspiracy to impose emergency manager law Public Act 436, after Michigan voters defeated the near-identical Public Act 4 by a margin of 53–47 percent just weeks before, calling the maneuver “stunning in its evisceration of voting rights.”

At the same time as it makes these points, the school board gives Democrats who imposed these laws a complete pass, despite the fact that the conspiracy to impose emergency managers on school districts and cities in Michigan couldn’t have taken the first step without a widespread bipartisan conspiracy.

For example, the suit fails to name Robert Bobb, the DPS’s first emergency manager (2009-11) appointed by Democrat Jennifer Granholm, as a defendant. Bobb was responsible for draconian cuts to school workers’ jobs and

benefits and the shuttering of dozens of schools. Nor does the suit indict Democratic State Treasurer Andrew Dillon, who played a major role in drafting PA 4.

Moreover, the lawsuit seeks to conceal the class character of the attack on public education in Detroit by claiming it is driven by racism. This is aimed at boosting the call for the return to “local control” to local Detroit Democrats and presenting the conflict as one of “white Republicans” usurping the democratic rights of a majority African American city.

School board member Elena Herrada—who has long been associated with various pseudo-left organizations that promote identity politics—declared at the press conference “This would never happen in a white district.” Such claims, which are patently untrue, are aimed at dividing the working class and preventing a common struggle against the attack on democratic rights.

Moreover, they are designed to politically subordinate workers in Detroit to the black officials who make up the majority of the city’s long-reigning Democratic Party political establishment. Far from defending education, various African American Democrats—from the emergency managers themselves to former mayors, city council members and school board officials—have attacked public education for decades, while reaping the benefits of kickbacks and other business opportunities.

In an effort to conceal their plans to further destroy public education, Governor Snyder, Detroit Mayor Michael Duggan, “transition manager” Steven Rhodes, and the trade unions, including the Detroit Federation of Teachers, are planning to restore an elected school board. That such a move will mean a “restoration of democracy” is belied by the fact that the school board’s decisions would be overseen by an unelected Financial Review Commission made of up the direct representatives of the banks and major corporations.



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