

## Michigan Education Association



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October 4, 2004

Thomas D. Watkins, Jr.  
Superintendent of Public Instruction  
Michigan Department of Education  
608 W. Allegan Street  
P.O. Box 30008  
Lansing, MI 48909

Re: Demand to terminate state aid payments to public school academies  
authorized by Bay Mills Community College

Dear Mr. Watkins:

On behalf of the Michigan Education Association, I am requesting that the Michigan Department of Education discontinue all state aid payments to public school academies authorized by Bay Mills Community College (Bay Mills) and prohibit the future authorization of public school academies by Bay Mills, until Bay Mills fully complies with its obligations as an authorizing body under state law.

We are aware that you have previously considered prohibiting Bay Mills from authorizing additional public school academies. On April 11, 2003, you wrote a letter to Patrick Shannon, Director of Charter Schools at Bay Mills, indicating that the Department of Education will not authorize the payment of state aid to Keystone Academy, a school authorized by Bay Mills, based upon the following facts:

- The Commission on Charter Schools Report (McPherson) recommends enhanced accountability and oversight for charter schools and their authorizers.
- The Michigan Department of Education lacks the resources to implement adequate oversight of the public school academies and their authorizers.
- It is not prudent to add more schools to the mix when adequate resources are not available to provide oversight of the existing charter schools.

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Although we are not certain as to the reason, you reversed your position, because since that date, the Department of Education has approved of Bay Mills authorizing many additional new public school academies.

We agree with the position outlined in your April 11, 2003 letter and urge you and the State Board of Education to stand by the position indicated in that letter.

Bay Mills does not have the authority to authorize public school academies throughout the state of Michigan, because of the state law limitation on community colleges only authorizing academies within their geographic areas and the geographic areas of community colleges may not overlap. Furthermore, Bay Mills does not have an elected board of directors, as required by state law; has delegated actual oversight of the public school academies to a private entity, contrary to state law; and does not have a provision in its charter for removal of a board member by the Superintendent of Public Instruction, contrary to law. Since Bay Mills is not in compliance with the law, the academies that are authorized by Bay Mills are not public schools as defined by the Michigan Constitution and are not entitled to state aid.

As the Superintendent of Public Instruction you have a legal duty to ensure that academies are legally authorized and are adequately supervised by a public body. We encourage you to pursue all of your statutory oversight and enforcement authority to ensure that public school academies are legally authorized and adequately supervised by a public body. If you feel you need more statutory authority, and more funding, we will support your efforts to achieve such within the Legislature.

Therefore, we request that all state aid payments to public school academies authorized by Bay Mills be halted until Bay Mills fully complies with its obligations as an authorizing body under state law.

If you have any questions regarding this matter, please feel free to contact me either directly or through legal counsel.

Very truly yours,

  
Arthur R. Przybylowicz  
General Counsel

/dlc

cc: Lu Battaglieri  
Charles S. Anderson