

# LegislativeUpdate

Michigan Association of Superintendents & Administrators | October 19, 2018



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### **ICYMI - Court of Appeals Decision on Parochiaid**

This week the Michigan Court of Appeals ordered the Court of Claims to undergo an item-by-item analysis to determine what public dollar expenditures are and are not constitutionally reimbursable to non-public schools. In doing so, the Court of Appeals directed the Court of Claims to employ a new three-part test never before used in Michigan. Here is an executive summary on the findings and next steps:

- All three Court of Appeals judges – Judge William Murphy, Judge Anica Letica and Judge Elizabeth Gleicher – agreed that we have standing to assert our claims and challenge the constitutionality of the reimbursements.
- While the legal process continues to unfold (a process that will continue to take time, perhaps a year or more), the injunction prohibiting expenditure of the appropriation remains fully intact.
- The opinion was written by Judge Murphy, with Judge Letica joining.
- Judge Gleicher wrote a dissenting opinion stating that the entire appropriation is unconstitutional, thus avoiding the need for an item-by-item analysis. In her words, the “majority’s novel test ... is divorced from the text of art 8, § 2” of the Michigan Constitution. Judge Gleicher affirmed the Court of Claims’ previous ruling that the reimbursements at issue are “constitutionally prohibited,” in part because the “public money directly and indirectly assists nonpublic schools in keeping their doors open and meeting their payroll.”
- All parties will be consulting with legal counsel individually and collectively about the options based on this decision, including seeking an appeal with the Michigan Supreme Court – something that we would file in the next 39 days.

### Candidate Forum Recording Now Available

MASA and MASB partnered to host a State Board of Education Candidate Forum on Oct. 17. [A video recording of the forum is now available to view.](#)

[Also available, is an audio-only mp3 version of the forum.](#)

This forum featured four candidates from the state's major parties: Tami Carlone, Judy Pritchett, Tiffany Tilley, and Richard Zeile.

Think about this ... would you hire someone for a job in your district without interviewing them and gathering all the facts available to you? For those interested in the 2018 candidates for the State Board of Education, taking the time to watch or listen to this candidate forum will let you do just that.