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DETROIT PUBLIC SCHOOL STUDENTS SUE THE STATE OF MICHIGAN FOR VIOLATING THEIR CONSTITUTIONAL RIGHT TO LITERACY

DETROIT, September 13, 2016 – Detroit public school students filed a class action lawsuit today in federal court against Governor Richard Snyder and state education officials charging that the State of Michigan denies children their constitutional right to literacy. The filing in the U.S. District Court for the Eastern District of Michigan is the first of its kind in the nation and seeks to vindicate the rights of Detroit students who are functionally excluded from Michigan’s statewide system of education.

The lawsuit states: “Decades of State disinvestment in and deliberate indifference to the Detroit schools have denied Plaintiff schoolchildren access to the most basic building block of education: literacy. Literacy is fundamental to participation in public and private life and is the core component in the American tradition of education. But by its actions and inactions, the State of Michigan’s systemic, persistent, and deliberate failure to deliver instruction and tools essential for access to literacy in Plaintiffs’ schools, which serve almost exclusively low-income children of color, deprives students of even a fighting chance.”

“I have friends who can’t read, but it’s not because they aren’t smart, it’s because the State has failed them,” said Jamarria Hall, a student at Osborn Evergreen Academy of Design and Alternative Energy. “I feel like Governor Snyder doesn’t care about me or my friends. We stood up for ourselves and wrote letters asking him to fix our school. But he never gave us a response.”

The plaintiffs are students at five of Detroit’s lowest performing schools: Hamilton Academy, Experiencia Preparatory Academy, Medicine and Community Health Academy at Cody, Osborn Academy of Mathematics, and Osborn Evergreen Academy of Design and Alternative Energy. The student proficiency rates in these schools hover near zero in core subject areas. At Hamilton, for example, 100% of the 6th graders scored below proficiency in both reading and math.

“Literacy is the cornerstone of all education; it is the cornerstone of our democracy. Absent literacy, a child has no way to obtain knowledge, communicate with the world, or participate in the institutions and activities of citizenship,” said Mark Rosenbaum, Director of Public Counsel’s Opportunity Under Law project. “This suit is the next great step on the historic ‘Walk to Freedom’ begun by Rev. Franklin and Dr. King over a half century ago, and carried on for

generations by Detroit students, families, teachers, and community members. Would Governor Snyder send his children to these schools?"

"Instead of providing students with a meaningful education and literacy, the State simply provides buildings—many in serious disrepair—in which students pass days and then years with no opportunity to learn to read, write, or comprehend," the complaint states. The lawsuit documents pervasive, shock-the-conscience conditions that deny children the opportunity to attain literacy, including lack of books, classrooms without teachers, insufficient desks, buildings plagued by vermin, unsafe facilities, and extreme temperatures. One seventh and eighth grade classroom was taught for a month by an eighth grade student.

Sharlonda Buckman, CEO of the Detroit Parent Network commented "Detroit Parent Network's involvement in this lawsuit is driven by our many parents who have intimately felt the disinvestment in their children and have been denied a high quality education. We expect that we will continue to organize around this issue until the education rights of our children are respected and honored."

Carter Phillips, the chairman of Sidley Austin's Executive Committee, said, "We are honored to assist Public Counsel in this important and innovative effort. A right of access to literacy is well-grounded upon existing Supreme Court precedent construing the Fourteenth Amendment. We are confident that this case will have broad impact upon public education for children in Detroit and throughout our nation."

The plaintiffs ask the Court to order the State to provide relief that includes appropriate, evidence-based literacy instruction at all grade levels and to address physical school conditions that impair access to literacy.

The students are represented by Public Counsel, the largest pro bono law firm in the nation, the international business law firm Sidley Austin LLP, which is handling the case pro bono, Michigan law firm Miller Cohen PLC, University of Michigan Law School Professor Evan Caminker, and University of California, Irvine School of Law Dean Erwin Chemerinsky.

For more information on the case and to view the legal documents, visit www.detroit-accesstoliteracy.org.

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