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Governor Whitmer and Plaintiffs Announce Settlement in Landmark Gary B. Literacy Case
Agreement represents first step toward reform

LANSING, Mich – Today, Governor Gretchen Whitmer and plaintiffs in the Gary B. literacy case, initially filed against Governor Rick Snyder, signed a settlement agreement that resolves all of the plaintiffs’ claims against all of the defendants. This settlement marks a first step toward ensuring children in Detroit and all across Michigan – regardless of where they live – have the right to a quality education.

“I have always said that every student, no matter where they come from, has a birthright to a quality public education,” said Governor Whitmer. “Students in Detroit faced obstacles to their education that inhibited their ability to read – obstacles they never should have faced. In the future, I will remain committed to ensuring paths to literacy for children across Michigan. Today’s settlement is a good start, but there’s more work to do to create paths to opportunity for our children. I look forward to working with the legislature to provide funding for Detroit schools and districts across the state to help ensure educators and students have the resources they need for success.”

“Today, I’m overwhelmed with joy for the opportunities this settlement opens up for students in Detroit,” said Jamarria Hall, a 2017 graduate of Osborn High School and part of the class of plaintiffs in Gary B. v. Whitmer. "Starting this journey four years ago parents and students knew we wanted a better education, and now to really be heard for the first time means everything.”

“This is what the force of history looks like. Almost 66 years to the day that Brown v Board of Education was decided, the Detroit community and Governor Whitmer forged an historic settlement recognizing the constitutional right of access to literacy. By accepting the Court’s decision that a minimum basic education is a foundational requirement for full participation in our democracy, Governor Whitmer is acknowledging that no child should be denied his or her right to fully pursue the American Dream based on the color of their skin or their family’s income,” said Mark Rosenbaum, director of Public Counsel Opportunity Under Law. “While there is much work left to be done, today’s settlement paves the way for the State of Michigan to fulfill its moral obligation to provide equal educational opportunities to children that have been denied a fair shake for far too long. This victory is their victory, and in this moment the children
and their families and the teachers of Detroit have taught a nation what it means to fight for justice and win.”

“This case is a huge victory for students and families in Detroit and around the state and sets an important precedent that the right to education and literacy is fundamental and enshrined in the U.S. Constitution,” said David Hecker, president of AFT Michigan and Terrence Martin, president of Detroit Federation of Teachers. “We applaud both the brave students who came forward in 2016 to fight for their rights and Gov. Whitmer for working to settle this case. This decision will benefit students both in Detroit and across the state. Every child has a right to receive a quality public education and every child deserves the opportunity to set themselves up for a bright future.”

“Today’s settlement is a real step forward for Detroit children,” said Detroit Mayor Mike Duggan. “The City of Detroit strongly supported this litigation as an amicus because literacy is a right that every child should have the opportunity to attain. We are very supportive of the Governor’s actions today in committing to ensuring that every child in Detroit has a fair opportunity to learn how to read and write.”

“I am so grateful for the Governor’s leadership to settle this case,” said Tonya Allen, President and CEO of the Skillman Foundation. “This is a fundamental shift of what we hold as possible and imperative for Michigan’s children. This commitment to the right to literacy is akin to the right to prosperity, the right to liberty and the right to justice. It is what every child deserves, every community needs and every citizen is promised under the United States Constitution. This settlement does not provide recompense that balances the scales, rather it does provide a path for the future to ensure every child in Detroit and every child in Michigan is literate; and hopefully it will extend to every child in our country.”

ADDITIONAL INFORMATION ON THE SETTLEMENT AGREEMENT:

- Proposed legislation: The Governor agrees to propose legislation during her first term that would provide Detroit Public School Community District (DPSCD) with at least $94.4m of funding for literacy-related programs and initiatives.
- Financial payment: The state agreed today to provide $280,000 to be shared among the seven individual student-plaintiffs to access a high-quality literacy program or otherwise further their education. These funds will be held in trust by the Detroit Public Schools Foundation for the student-plaintiffs. The state also agrees to provide $2.72m to be paid to DPSCD to fund various literacy-related supports.
- Guidance on evidence-based literacy strategies: The Governor will request the Michigan Department of Education to advise school districts throughout the state as to how they might use evidence-based literacy strategies, initiatives, and programs to improve access to literacy and literacy proficiency, with special attention to reducing class, racial, and ethnic disparities.
- Recommendations from task forces: The governor will receive recommendations from two Detroit-based tasks forces that will be created to help ensure a quality education for students:
- The Detroit Literacy Equity Task Force will be created outside of state government to conduct yearly evaluations around literacy in Detroit and will provide state-level policy recommendations to the governor. This task force will include students, parents, literacy experts, teachers, a paraprofessional, and other community members.

- The Detroit Educational Policy Committee will focus on the stability and quality of the overall educational ecosystem in Detroit; the accessibility of a quality school to all children in Detroit; and school improvement, facilities, teaching, and educational materials. The governor will either create this advisory body or recognize an already existing body to perform this function.

ADDITIONAL STATEMENTS ON THE SETTLEMENT:

"Today’s settlement takes a first and crucial step toward transforming the constitutional principles that the court recognized in Gary B. v. Whitmer into real and measurable improvements in the quality of education available to the children of Detroit," said Mark Haddad, Lecturer in Law, University of Southern California Gould School of Law. "A nation cannot achieve the goal of government of, by, and for the people, if it denies its people an opportunity to achieve literacy. Everyone who cares about children, and who believes that democracy has a future in this country, should cheer this milestone in self-governance."

"This profoundly important settlement, which follows from the Sixth Circuit’s landmark holding that all schoolchildren have a fundamental right of access to literacy under the Fourteenth Amendment to the United States Constitution, is an important step in the right direction to provide Detroit children with the opportunity to learn on a par with all other children in Michigan," said Carter Phillips, Executive Committee Chair Emeritus of Sidley Austin. "Sidley Austin was proud to partner with Public Counsel and our other colleagues in creating new hope for Detroit children and their parents for the future."

"The Sixth Circuit’s decision is groundbreaking, being the first to recognize a right of access to literacy," said Evan Caminker, Co-counsel for the case, Professor of Law and former Dean at University of Michigan Law School. "Hopefully this decision and settlement will help shine a light on the horrible conditions to which schoolchildren are subject on a daily basis."

The Gary B et al. v. Whitmer, et al., Case Nos 18-1855/1871 was initially filed against Governor Rick Snyder in 2016. Other defendants besides the governor include the Michigan Department of Education; Superintendent of Public Instruction; the State Board of Education (SBE); individual SBE members; and the Michigan Department of Technology, Management, and Budget. This settlement is between the plaintiffs and the governor. The other defendants do not sign the agreement. However, part of the settlement is an agreement by the plaintiffs to release all claims against all defendants.

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