

Board Resolution

Whereas, Vicksburg Community Schools has been fully complying with the requirements of the State's Center for Education Performance and Information (CEPI) data documentation requirements over the last several years without receiving reimbursement from State government for the necessary costs of the associated activities and services; and

Whereas, the Michigan Supreme Court ruled in an opinion issued on July 14, 2010 (<http://courts.michigan.gov/supremecourt/Clerk/Opinions-09-2010-term.html>) that CEPI cannot mandate compliance by Michigan school districts with its database requirements without the Legislature appropriating and disbursing funding to reimburse schools for all of the costs of the associated activities and services as required under §29 of the Headlee Amendment to the Michigan Constitution, and

Whereas, the Michigan Legislature adopted a supplemental appropriation that the Governor signed into law on or about December 03, 2010, 2010 PA 217, that purports to fund the costs of CEPI activities and services provided by school districts in Michigan for the 2011 fiscal year end and uses as the revenue necessary to meet its funding obligation under §29 of the Headlee Amendment monies previously appropriated for school districts for unrestricted operating purposes, rather than using the State's general fund or other unrestricted State revenues , and

Whereas, through said 2010 PA 217 the Legislature has appropriated approximately \$25.6 million for the costs of CEPI activities and services provided by schools districts state-wide which is substantially below the costs that the State would incur if it were to provide those activities and services using its own resources rather than those of school districts, and

Whereas, the cost of compliance with CEPI requirements are substantial and the lack of reimbursement for those costs imposes a real financial hardship on this school district.

Resolved that Vicksburg Community Schools shall provide CEPI required activities and services for the present time, under protest, subject to a court of competent jurisdiction deciding whether the Legislature is reimbursing it and other school districts in the State, pursuant to 2010 PA 217, in accordance with the requirements of §29 of the Headlee Amendment to the Michigan Constitution, and

Resolved Further that the School District shall not comply with collecting, maintaining, and reporting any new or additional CEPI database requirements first imposed by CEPI after December 03, 2010, absent an appropriation to properly fund the costs of same, and

Resolved Further that compliance with CEPI requirements will cease for later fiscal years if an appropriation is not made by the Legislature in advance of the commencement of the fiscal year to categorically fund the costs incurred by the School District for those years in accordance with §29 of the Headlee Amendment, and

Resolved Further that the CEPI Department and Michigan Superintendent of Schools be provided notice of this resolution.