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Re: Abuse of Charter School by Public School District in Michigan

To Whom It May Concern:

Recently, Michigan State Superintendent Mike Flanagan identified 11 charter school authorizers that are at risk of suspension. There was one more authorizer that should have been on the list: Livonia Public Schools (LPS).

Reason: **The unethical treatment of Hinoki International School, a successful charter school that offered a Japanese-English dual immersion language program. In August 2014, LPS revoked its charter authorization of Hinoki, and started a district-run replica program in the same building.**

A few months before the end of the school year, LPS Superintendent Randy Liepa presented to the Hinoki school board what he called a proposal to convert the charter-school program at Hinoki to a public-school program at Livonia Public Schools (LPS). Hinoki was not necessarily opposed to the idea, and polled its stakeholders. Approximately 80% said “not now, we need more time, maybe next year.” Reflecting the majority position, the Hinoki board rejected the proposal, but informed LPS it would consider conversion in the next school year (2015-16).

Liepa disregarded the decision of the legally appointed charter school board, and immediately proceeded to create a replacement school. He invited union representatives to speak with Hinoki teachers on the Hinoki property, and disseminated the terms of employment under LPS, all without the knowledge or approval of the Hinoki Board. He then solicited enrollment for his school, by handing out flyers and holding information sessions in parts of the Hinoki school building not covered by its lease, including the hallway that Hinoki parents use when collecting their children. These actions clearly demonstrated that Liepa never intended to accept “no” as an answer. He violated his fiduciary responsibility to support the charter school that his district authorized, and conspired with certain employees of Hinoki – particularly the Lead Administrator, Theodore Delphia – to undermine Hinoki for the benefit of LPS.

In a recent Detroit News article¹, Liepa defends his decision by stating, correctly, that Delphia “could no longer handle’ all the administrative duties that came with operating a school.” He did not mention that Delphia’s limitations were exactly what the Hinoki Board was addressing when Liepa made his “proposal.” In fact, the proposal originally came from Delphia – he personally asked Liepa to take over the program – in reaction to what he considered bothersome interference by the Hinoki board. The board had recently hired a second educational service provider, to supplement the first (a one-man shell company run by Delphia), in response to stakeholder concerns about working-level leadership. Meanwhile, Liepa had clearly signaled his intent to hire Delphia to lead the new LPS program. In other words, Delphia, an employee of Hinoki, asked a de facto competitor to supplant Hinoki, and could reasonably expect to be rewarded with the job of principal, without the oversight of a school board that was preparing to delegate some of his authority.

It did not work out that way. Many Hinoki parents vociferously objected to both the takeover and the continued employment of Delphia, with letters, phone calls, and public comments at LPS board meetings. This culminated in an incident on the last day of school, when Hinoki volunteers had gathered to move assets from the school premises just days before the building lease expired. Delphia confronted the volunteers – including board members – and angrily demanded that they vacate the building. He or a subordinate tried to enforce this demand by calling the police. The police informed Delphia that the lease is held by the Hinoki board, that he is an employee of the leaseholder, and that children being noisy (one of his complaints) is not a crime. In the end, LPS selected a different person to lead its new school, and Delphia drives the bus.

In the same Detroit News article, Liepa is quoted as saying: “We want this program to survive and not let it fall apart.” In fact, Hinoki was academically strong, financially solid, and had already enrolled 185 students for the 2014-15 school

year. In contrast, there are about 130 students in the replacement program run by LPS. The loss of 50-plus students closely mirrors forecasts by the Hinoki board, based on surveys prior to the LPS takeover. These results were reported to both Liepa and the LPS Board, and presumably dismissed. Moreover, it was primarily Japanese-heritage students that left, without which a Japanese-English immersion program cannot succeed.

Liepa and LPS claim to be protecting the interests of the children, or the viability of the program, when in fact they are the biggest threat to both. LPS, a district with steadily shrinking enrollment, headhunted filler students by decimating Hinoki, a district with steadily growing enrollment. (Given their respective track records, LPS might have fared better if it were taken over by Hinoki instead.) While this maneuver will bring LPS over \$1,000,000 in additional state funding, dozens of classmates are gone forever – but no doubt to their benefit.

Most disingenuous is how Liepa simultaneously claimed to support Hinoki while making it impossible for Hinoki to continue. Even as he moved forward to create a carbon-copy school, Liepa repeatedly said he would not revoke Hinoki's charter. He then revoked its charter, after precipitating the contract violations used to justify the revocation.

Specifically, Liepa declined to renew Hinoki's building lease. By law, Hinoki must be located within the borders of the district of its charter authorizer. Liepa gave Hinoki only one month to find another building, in a limited geographic area. It had to be available, the proper size, economically feasible, and in compliance with safety codes for use by schoolchildren. Despite recent struggles to lease space in its many defunct schools, LPS said it had no building to offer.

No immediate building meant Hinoki could not commit to enrollment. No enrollment meant no school operation, thereby triggering a contract violation actionable at the discretion of LPS. Legally, LPS could have allowed Hinoki to remain dormant until the natural expiration of its charter in 2015. LPS was not interested in waiting. Why would it encourage the existence of a directly competing school? The former Hinoki school building is now occupied by the LPS facsimile. Needless to say, it is implausible that Liepa was oblivious to these dynamics, or the likely outcome of his actions.

It should be noted that the Hinoki board had contingency plans. It had negotiated an alternative building, had a staffing and management plan, a feasible budget, and all the furniture and equipment to restart elsewhere. However, the location was out of the LPS district, so implementation required a new charter authorizer. Multiple potential authorizers expressed strong interest, and approval is ongoing, but none were ready to proceed in time for the 2014-15 school year. As a result, many Hinoki families reluctantly jumped ship and joined the LPS program, to continue any kind of Japanese education, but with no small measure of resentment.

For these reasons, Liepa and the district he represents are unsuitable to act as the authorizer of future charter schools. The district failed in its duty to serve and protect the school it authorized, despite receiving state funds explicitly for that purpose. To the contrary, LPS actively worked to destabilize Hinoki, and then misappropriated its teachers, program, and students. It has been dismissive of both the regulatory structure in the form of the charter school board, and the wishes and concerns of parents and guardians. LPS says it did this to ensure long-term success, but the facts bely this claim, and suggest wholly different motivations.

I encourage the Michigan Department of Education, the Michigan Legislature, and the regulatory authorities responsible for charter school oversight to consider this cautionary tale, when they formulate educational policy for our state.

Respectfully,

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Father, current 2nd & 3rd grader at LPS Japanese Magnet School (name pending)