

RESTORE STATE BOARD OF EDUCATION'S AUTHORITY OVER SPECIAL EDUCATION RULES

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House Bill 5323 (Substitute H-1)

Sponsor: Rep. Fred Miller

Committee: Education

Complete to 6-2-08

A SUMMARY OF HOUSE BILL 5323 (SUBSTITUTE H-1)

House Bill 5323 would amend the Revised School Code to restore the State Board of Education's rulemaking authority and certain administrative powers, duties, and functions related to special education services that had been transferred to the state superintendent of instruction.

The bill specifies, in its enacting section, that it "is intended to transfer back to the State Board of Education certain powers, duties, and functions that were transferred to the superintendent of public instruction by Executive Reorganization Order No. 1996-7, [found in the State School Aid Act at] MCL 388.994." Under the ERO, the State Board retained its policy making authority, but rulemaking authority and certain other powers, duties, and functions were transferred to the state superintendent.

Specifically, House Bill 5323 would amend seven sections of the Revised School Code referred to in the ERO—sections 1701, 1702, 1703, 1711, 1741, 1751, and 1761, all of which deal with special education programs and services. The bill also would make complementary amendments to Section 1704, which was added to the code in 2000 and is known as the Blind Pupil's Braille Literacy Law.

Section 1701 currently requires intermediate school districts to submit a plan for state approval in accordance with special education rules.

Section 1702 addresses the requirement that local school districts provide special education services or explain to the state board their non-compliance if they are financially unable to do so.

Section 1703 deals with the rules governing the qualifications and requirements of special education personnel, as well as those rules governing, among other things, the curriculum, size of classes, quantity and quality of equipment, adequacy of methods of instruction, and the length and content of the school day. Section 1703 also concerns, among other things, rules pertaining to the need to eliminate unnecessary separation and duplication between regular education and special education facilities, staff, programs, services, and students.

Section 1711 deals with administrative rules for special education personnel; the approval of intermediate school district special education plans; the receipt of reports from ISD's of the failure of constituent districts to comply with special education rules; and the approval of ISD special education contracts.

Section 1741 concerns administrative rules for special education membership for State Aid purposes.

Section 1751 addresses rules for the local school district contribution of special education funds.

Section 1761 deals with rules for reimbursement of special education boarding costs.

Further, currently under *Section 1704*, the superintendent of public instruction in the Department of Education has the authority to adopt Braille reading and writing standards for teachers of blind and visually impaired students, and to disseminate those standards to all school districts and to all teacher preparation programs in Michigan. The law also requires that the standards be included in the rules governing special education programs and services, and that when establishing the standards, the Department of Education consider the standards adopted by the National Library Service for the Blind and Physically Handicapped of the U.S. Library of Congress. House Bill 5323 would retain these provisions of the law, but transfer the authority for these functions from the Department of Education to the State Board of Education.

Executive Reorganization Order No. 1996-7: The statutory Executive Reorganization Order in the State School Aid Act is based on Executive Orders 1996-11 and 1996-12. The orders, executed by Governor John Engler in 1996, transferred from the State Board of Education to the state school superintendent all of the administrative and rule-making statutory powers, duties, functions, and responsibilities set forth in over 175 provisions of the Michigan Compiled Laws—nearly all located in the Revised School Code and the State School Aid Act.

MCL 380.1701 et al

FISCAL IMPACT:

The bill would have no fiscal impact.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.