

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2007-1

388.998 Transfer of powers and duties of state administrative board to administer Perkins act to state board of education; transfer of powers and duties of department of labor and economic growth regarding administration of Perkins act for secondary students to department of education by type II transfer.

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, to ensure that our students have the skills and knowledge needed for the jobs of the 21st Century global economy, Michigan recently enacted the Michigan Merit Curriculum, a rigorous new set of statewide graduation requirements for high school students;

WHEREAS, the Department of Education is creating content guidelines for the courses required by the Michigan Merit Curriculum to provide all educators and students with a common understanding of what high school students should know and be able to do at the completion of each required course;

WHEREAS, under Section 1278b of the Revised School Code, 1976 PA 451, MCL 380.1278b, students can meet the Michigan Merit Curriculum requirements by completing "career or technical education courses, industrial technology courses, or vocational education";

WHEREAS, Section 1278b of the Revised School Code, 1976 PA 451, MCL 380.1278b, requires the Department of Education to "[d]evelop and make available material to assist school districts and public school academies" to implement the requirements of the Michigan Merit Curriculum, including developing guidelines for career or technical education courses, industrial technology courses, or vocational education;

WHEREAS, career and technical education programs in secondary schools in Michigan are currently under the administrative oversight of the Office of Career and Technical Preparation within the Department of Labor and Economic Growth and the State Administrative Board;

WHEREAS, transferring the responsibilities of administrative oversight of secondary career and technical education programs to the Department of Education will lead to greater efficiency and accountability, foster greater coordination of educational functions, and result in more consistent programs and policies regarding career and technical training programs in secondary schools;

WHEREAS, federal law requires the State of Michigan to designate a single state board to be responsible for the administration and supervision of career and technical education in Michigan;

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of state government;

NOW, THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in me by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

A. As used in this Order:

1. "Department of Education" means the principal department of state government created under Section 300 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.400.

2. "Department of Labor and Economic Growth" means the principal department of state government created as the Department of Commerce under Section 225 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.325, renamed the Department of Consumer and Industry Services under Executive Order No. 1996-2, MCL 445.2001, and renamed the Department of Labor and Economic Growth under Executive Order No. 2003-18, MCL 445.2011.

3. "Perkins Act" means the Carl D. Perkins Vocational and Technical Education Act of 1998, as amended by the Carl D. Perkins Career and Technical Education Improvement Act of 2006, Public Law 109-270, 20 USC 2301 to 2414.

4. "State Board of Education" means the board created under Section 3 of Article VIII of the Michigan Constitution of 1963.

5. "Superintendent of Public Instruction" means the principal executive officer of the Department of Education

required under Section 3 of Article VIII of the Michigan Constitution of 1963.

6. "Type II transfer" means that type of transfer as defined in Section 3 of the Executive Organization Act of 1965, 1965 PA 380, MCL 16.103.

II. ESTABLISHMENT OF THE STATE BOARD OF EDUCATION AS THE ELIGIBLE AGENCY UNDER THE PERKINS ACT

A. All of the administrative authority, powers, duties, functions, responsibilities, and rule-making authority of the State Administrative Board to administer the Perkins Act previously transferred from the Department of Career Development to the State Administrative Board by Executive Order No. 2000-12, MCL 17.61, are transferred to the State Board of Education.

B. The State Board of Education is designated the "eligible agency" for the supervision and administration of the responsibilities of career and technical education pursuant to the Perkins Act. The State Board of Education is the sole state agency responsible for the administration of career and technical education in Michigan.

C. The responsibilities of the State Board of Education shall include all of the following:

1. Coordination of the development, submission, and implementation of the state plan required by the Perkins Act, and the evaluation of the program, services, and activities assisted under the Perkins Act, including preparation for non-traditional fields.

2. Consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, teacher and faculty preparation programs, representatives of businesses (including small businesses), labor organizations, eligible recipients, state and local officials, and local program administrators, involved in the planning, administration, evaluation, and coordination of programs funded under the Perkins Act.

3. Convening and meeting at such time as the State Board of Education determines necessary to carry out its responsibilities under the Perkins Act, but not less than four times annually.

4. The adoption of such procedures as the State Board of Education considers necessary to do any of the following:

a. Implement state level coordination with the activities undertaken by the State of Michigan under Section 121 of the federal Workforce Investment Act of 1998, Public Law 105-228, as amended, 29 USC 2841.

b. Make available to the service delivery system under 29 USC 2841 within Michigan a listing of all school dropout, postsecondary education, and adult programs assisted under this subchapter.

D. The responsibilities of the Department of Labor and Economic Growth under Section 511 of 2006 PA 341 that are required to be vested in the state's "eligible agency" by Section 121 of the Perkins Act, 20 USC 2341, are transferred to the State Board of Education.

III. ADMINISTRATIVE OVERSIGHT OF POSTSECONDARY CAREER AND TECHNICAL EDUCATION

A. The State Board of Education shall delegate to the Department of Labor and Economic Growth all responsibilities regarding postsecondary career and technical education that may be delegated under Section 121(b) of the Perkins Act, 20 USC 2341.

B. Except as provided in Section II, the Department of Labor and Economic Growth shall retain all other administrative authority, powers, duties, functions, responsibilities, and rule-making authority relating to postsecondary career and technical education under state law and federal law.

IV. ADMINISTRATIVE OVERSIGHT OF SECONDARY CAREER AND TECHNICAL EDUCATION

A. All of the authority, powers, duties, functions, responsibilities, and rule-making authority of the Department of Labor and Economic Growth regarding the administration of the state's Career and Technical Education Program for secondary students are transferred by Type II transfer to the Department of Education, including but not limited to the following:

1. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the administration of the Perkins Act for secondary students that were delegated to the Department of Labor and Economic Growth by the State Administrative Board or otherwise remained in the Department of Career Development or the Department of Labor and Economic Growth subsequent to Executive Order 2000-12, MCL 17.61, and Executive Order 2003-18, MCL 445.2011.

2. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1919 PA 149, MCL 395.1 to 395.10.

3. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under Section 5 of 1942 (1st Ex Sess) PA 16, MCL 388.805.

4. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1964 PA 28, MCL 395.21.

5. Any remaining authority, powers, duties, functions, responsibilities, and rule-making authority regarding career and technical education for secondary students under 1964 PA 44, MCL 395.31 to 395.34.

6. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of service area boundaries for area vocational-technical programs under Section 3 of 1976 PA 451, MCL 380.3.

7. All of the authority, powers, duties, functions, responsibilities, and rule-making authority under the Career and Technical Preparation Act, 2000 PA 258, MCL 388.1901 to 388.1913.

8. All of the authority, powers, duties, functions, responsibilities, and rule-making authority under Section 61a of the School Aid Act of 1979, 1979 PA 94, MCL 388.1661a.

9. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of territory outside of a community college district to become part of an area vocational-technical education program under Section 105(a) of the Community Colleges Act of 1996, 1996 PA 331, MCL 389.105(a).

10. All of the authority, powers, duties, functions, responsibilities, and rule-making authority regarding the designation of vocational schools eligible to receive student loans under Section 2(d) of the Higher Education Loan Authority Act, 1975 PA 222, MCL 390.1152(d).

V. IMPLEMENTATION

A. Nothing in this Order shall be construed to diminish the constitutional authority of the State Board of Education to provide leadership and general supervision over all public education, including adult education and instructional programs in state institutions, except as to institutions of higher education granting baccalaureate degrees, to serve as the general planning and coordinating body for all public education, or to advise the Legislature as to the financial requirements in connection therewith.

B. The Superintendent of Public Instruction, in consultation with the Director of the Department of Labor and Economic Growth, shall provide executive direction and supervision for the implementation of all transfers under this Order.

C. All records, personnel, property, and funds used, held, employed, available or to be made available to the Department of Labor and Economic Growth or the State Administrative Board for the activities transferred to the Department of Education or the State Board of Education under this Order are transferred to the Department of Education.

D. The Superintendent of Public Instruction shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.

E. The Superintendent of Public Instruction may by written instrument delegate a duty or power conferred by law or this Order and the person to whom the duty or power is delegated may perform the duty or exercise the power at the time and to the extent the duty or power is delegated by the Superintendent.

VI. MISCELLANEOUS

A. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system necessary to implement this Order.

B. All rules, orders, contracts, and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or repealed.

C. Any suit, action, or other proceeding lawfully commenced by, against, or before any entity affected by this Order, shall not abate by reason of the taking effect of this Order. Any suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

D. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

E. In fulfillment of the requirements under Article V, Section 2, of the Michigan Constitution of 1963, the provisions of this Executive Order are effective July 1, 2007 at 12:01 a.m.

History: 2007, E.R.O. No. 2007-1, Eff. July 1, 2007