

[No. 2000-8]

17.61 Transfer of powers and duties of department of career development to administer Carl D. Perkins vocational and technical education act to the state administrative board by Type II transfer.

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

WHEREAS, Executive Order No. 1999-12 transferred the day-to-day administrative powers, duties, functions, and responsibilities under the Perkins Act to the Department of Career Development; and

WHEREAS, the purpose of the Carl D. Perkins Vocational and Technical Education Act of 1998, 20 USC 2301 et seq., as amended, ("Perkins Act") is to provide federal funds to fully develop the academic, vocational, and technical skills of secondary students and post-secondary students who elect to enroll in vocational and technical education programs; and

WHEREAS, although the 1998 amendments to the federal Perkins Act intended to provide states more flexibility in assigning Perkins-related administration to an eligible state entity, the United States Department of Education still adheres to the policy that oversight responsibility must be administered by a board; and

WHEREAS, the State Administrative Board was created by Act No. 2 of the Public Acts of 1921, as amended, being Sections 17.1 et seq. of the Michigan Compiled Laws, and is composed of the Governor, Lieutenant Governor, Attorney General, Secretary of State, Superintendent of Public Instruction, and State Treasurer; and

WHEREAS, the State Administrative Board exercises general supervisory control over the functions and activities of all administrative departments, boards, commissioners and officers of the state and its institutions.

NOW, THEREFORE, I, John Engler, Governor of the state of Michigan, pursuant to the powers vested in me by the Constitution of the state of Michigan of 1963 and the laws of the state of Michigan, do hereby order the following:

I. TRANSFER OF FUNCTIONS

All of the administrative statutory powers, duties, functions and responsibilities of the Department of Career Development to administer the Carl D. Perkins Vocational and Technical Education Act, 20 USC 2301 et seq., as amended, are hereby transferred to the State Administrative Board by a Type II transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, being Section 16.103 of the Michigan Compiled Laws.

II. RESPONSIBILITIES

A. The State Administrative Board is hereby designated as the state "eligible agency" for the supervision of the administration of the responsibilities of vocational and technical education pursuant to the Perkins Act.

B. The responsibilities of the State Administrative Board shall include:

1. Coordination of the development, submission, and implementation of the Perkins state plan, and the evaluation of the program, services, and activities assisted under Perkins, including preparation for nontraditional training and employment; and
2. Consultation with the Governor and appropriate agencies, groups, and individuals including parents, students, teachers, representatives of 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 Perkins; and

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3. Convening and meeting at such times as the Board determines necessary to carry out the Board's responsibilities under Perkins, but not less than four times annually; and

4. The adoption of such procedures as the Board considers necessary to:

(a) implement state level coordination with the activities undertaken by the State Board of Education under Section 111 of Public Law 105-220; and

(b) make available to the service delivery system under Section 121 of Public Law 105-220 within the state a listing of all school dropout, postsecondary, and adult programs assisted under Perkins.

C. The Department of Career Development shall retain all other permissible administrative matters of vocational and technical education pursuant to state law and the Perkins Act.

III. IMPLEMENTATION OF THE EXECUTIVE ORDER

A. Nothing in this Executive Order should 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, and its authority to serve as the general planning and coordinating body for all public education including higher education, and to advise the legislature as to the financial requirements in connection therewith.

B. The Director of the Department of Career Development and the Chairperson of the State Administrative Board shall provide executive direction and supervision for the implementation of the transferred functions 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.

C. All records, personnel, property and funds used, held, employed or to be made available to the Department of Career Development for the activities transferred herein are hereby transferred to the State Administrative Board.

D. 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 for the remainder of the fiscal year.

E. 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 in effect until revised, amended, or rescinded.

F. 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.

G. If a court or other entity with proper jurisdiction finds any portion of this Order to be invalid, such invalidity shall not affect the remaining portions of the Order that can be given effect without the invalid portion. Any portions found invalid shall be severable from the remaining portions of this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective sixty days (60) from the filing of this Order.