

# HOUSE JOINT RESOLUTION M

April 19, 2017, Introduced by Reps. Kelly, Garcia, Crawford, Graves, Hornberger, Runestad, Webber, Afendoulis, VerHeulen and Canfield and referred to the Committee on Education Reform.

A joint resolution proposing an amendment to the state constitution of 1963, amending sections 3 and 7 of article VIII, to eliminate the state board of education, superintendent of public instruction, and state board for public community and junior colleges.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to eliminate the state board of education, superintendent of public instruction, and state board for public community and junior colleges, is proposed, agreed to, and submitted to the people of the state:

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## ARTICLE VIII

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Sec. 3. ~~Leadership and general supervision over all public~~

1 ~~education, including adult education and instructional programs in~~  
2 ~~state institutions, except as to institutions of higher education~~  
3 ~~granting baccalaureate degrees, is vested in a state board of~~  
4 ~~education. It shall serve as the general planning and coordinating~~  
5 ~~body for all public education, including higher education, and~~  
6 ~~shall advise the legislature as to the financial requirements in~~  
7 ~~connection therewith.~~

8       ~~The state board of education~~ **GOVERNOR** shall appoint a  
9 ~~superintendent of public instruction whose term of office shall be~~  
10 ~~determined by the board. He shall be the chairman of the board~~  
11 ~~without the right to vote, and shall be responsible for the~~  
12 ~~execution of its policies. He~~ **DIRECTOR OF A STATE DEPARTMENT OF**  
13 **EDUCATION. THE DIRECTOR** shall be the principal executive officer of  
14 ~~a~~ **THE** state department of education, which shall have powers and  
15 duties provided by law.

16 ~~— The state board of education shall consist of eight members~~  
17 ~~who shall be nominated by party conventions and elected at large~~  
18 ~~for terms of eight years as prescribed by law. The governor shall~~  
19 ~~fill any vacancy by appointment for the unexpired term. The~~  
20 ~~governor shall be ex-officio a member of the state board of~~  
21 ~~education without the right to vote.~~

22       The power of the boards of institutions of higher education  
23 provided in this constitution to supervise their respective  
24 institutions and control and direct the expenditure of the  
25 institutions' funds ~~shall not be~~ **IS NOT** limited by this section.

26       Sec. 7. The legislature shall provide by law for the  
27 establishment and financial support of public community and junior

1 colleges which shall be supervised and controlled by locally  
2 elected boards. ~~The legislature shall provide by law for a state~~  
3 ~~board for public community and junior colleges which shall advise~~  
4 ~~the state board of education concerning general supervision and~~  
5 ~~planning for such colleges and requests for annual appropriations~~  
6 ~~for their support. The board shall consist of eight members who~~  
7 ~~shall hold office for terms of eight years, not more than two of~~  
8 ~~which shall expire in the same year, and who shall be appointed by~~  
9 ~~the state board of education. Vacancies shall be filled in like~~  
10 ~~manner. The superintendent of public instruction shall be ex-~~  
11 ~~officio a member of this board without the right to vote.~~

12       Resolved further, That the foregoing amendment shall be  
13 submitted to the people of the state at the next general election  
14 in the manner provided by law.

## ELIMINATING SUPERINTENDENT OF PUBLIC INSTRUCTION AND STATE BOARDS

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

House Joint Resolution M as reported from committee

Sponsor: Rep. Tim Kelly

Committee: Education Reform

Complete to 11-21-17

Analysis available at  
<http://www.legislature.mi.gov>

### ***BRIEF SUMMARY:***

House Joint Resolution M would eliminate the State Board of Education (SBE) and the Board-appointed Superintendent of Public Instruction and State Board for Public Community and Junior Colleges. It would replace those entities with a Director of the Michigan Department of Education (MDE), who would be appointed by the governor.

### ***FISCAL IMPACT:***

The resolution would reduce costs marginally for the state and have no fiscal impact for local units of government.

The resolution, by eliminating the SBE, would result in the elimination of SBE per diem payments, which are currently appropriated at \$24,400. There would be no direct fiscal impact to MDE operations, as staffing costs are not likely to change under the proposed director as compared to under the Superintendent. The State Board for Public Community and Junior Colleges no longer exists, so there would be no fiscal impact from its elimination.

### ***THE APPARENT PROBLEM:***

This resolution is a variation of a recommendation from the 21<sup>st</sup> Century Michigan Education Commission's report,<sup>1</sup> issued in February 2017. In that report, the commission found that the various education-related functions performed by the governor, legislature, MDE, and SBE have resulted in a fragmented approach to education in Michigan. To combat this, Governor Snyder and previous governors have tried to assume supervision of tasks, by delegating them to the Departments of Licensing and Regulatory Affairs; Technology, Management, and Budget; and Treasury (which report directly to the governor). As part of Recommendation 9: Update K-12 Governance,<sup>2</sup> the commission suggested instead that voters be asked "how best to align state educational policy with accountability through the Governor" by amending the Constitution in one of the following ways:

- Allow the governor to appoint the members of the SBE;
- Allow the governor to appoint the state superintendent directly, and then abolish the SBE; or

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<sup>1</sup> <http://mieducationcommission.com/document/final-report-best-education-system-michigans-success#overlay-context=document/investment-our-future> (p. 112)

<sup>2</sup> <http://mieducationcommission.com/document/framework-success-commissions-recommendations#overlay-context=document/investment-our-future> (p. 10)

- Expand the membership of the SBE and change the election process to include gubernatorial appointments.

Essentially, HJR M proposes the second option, while renaming the superintendent as the “director” of the MDE, and also eliminating the State Board for Public Community and Junior Colleges.

#### ***THE CONTENT OF THE JOINT RESOLUTION:***

HJR M would replace the SBE and Superintendent of Public Instruction with a gubernatorially appointed Director of the MDE.

Currently, Section 3 of Article VIII of the Michigan Constitution of 1963 provides that the eight-member ***State Board of Education*** be nominated by party conventions and elected to eight-year terms, with the governor appointing members to complete unexpired terms (the governor is also an ex officio nonvoting member of the Board). The board has responsibility for the following:

- Providing leadership and general supervision over all public education, including adult education and instructional programs in state institutions (except institutions of higher education granting baccalaureate degrees).
- Serving as the general planning and coordinating body for all public education, including higher education, and advising the legislature on the financial responsibilities in connection with those functions.
- Appointing the ***Superintendent of Public Instruction*** and determining his or her term of office. The superintendent serves as the nonvoting chair of the board and is responsible for the execution of its policies.

Likewise, Section 7 of Article VIII of the Constitution currently provides that the ***State Board for Public Community and Junior Colleges*** consists of eight members appointed to eight-year terms by the SBE, with vacancies also filled by the SBE. The State Board for Public Community and Junior Colleges advises the SBE concerning general supervision and planning for such colleges and requests for annual appropriations for their support. The Superintendent of Public Instruction is an ex officio nonvoting member of the board.

In order to amend the Constitution, a joint resolution must be passed by a 2/3 majority of both houses of the legislature, and then approved by the electorate at the next general election after the adoption of the resolution. General elections are held in November of even-numbered years. (Joint resolutions are not considered by the governor.)

#### ***ARGUMENTS:***

##### ***For:***

Supporters of the resolution pointed to the Board and the Superintendent as much of the reason standardized test scores and the overall education outlook in Michigan have waned in recent years. Essentially, they argued that anything would be better for Michigan children than the

status quo—why not give the governor and his or her handpicked appointee the opportunity to reimagine the state’s education system? Moreover, they argued, there is no better time to dissolve the Board than currently, when it is evenly split between Democrats and Republicans.

**Response:**

Some replied that Executive Order 11 of 1996<sup>3</sup> greatly diminished the powers of the Board and transferred much of its authority to the Superintendent of Public Instruction. With such limited powers to effect change, they say, can we really blame education failures on the Board?

**Against:**

Primarily, opponents argued that the resolution would replace a board of eight, democratically elected by the public, with a single appointed official. Some stated that their opposition to the resolution was not a defense of the Board but, rather, a defense of the importance of elections as a way for voters to choose their representation. Additionally, some pointed out that a single appointed official would centralize power and further politicize the educational framework.

**Response:**

Supporters replied that the MDE director would be appointed by the governor, who is elected by all electors in the state—who better to determine the qualifications of an MDE director and to ensure that the director represents the concerns of Michiganders regarding education? They argued further that the heads of the other departments are appointed by the governor, which only makes sense, as the departments fall within the executive branch. The resolution would ensure that all heads of departments are held accountable for their decisions.

**POSITIONS:**

Representatives of Grand Valley State University and the Center for Michigan testified in support of the resolution. (10-12-17)

The Great Lakes Education Project supports the resolution. (10-12-17)

The following organizations oppose the resolution (10-12-17):

- Michigan NAACP
- Michigan Association of Intermediate School Administrators
- Michigan Association of School Boards
- Wayne RESA
- American Federation of Teachers
- Michigan Association of School Administrators

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

<sup>3</sup> <http://www.legislature.mi.gov/documents/1995-1996/executiveorder/htm/1996-EO-11.htm>