

EXECUTIVE REORGANIZATION ORDER

E.R.O. No. 2017-2

388.1282 Transfer of state school reform/redesign office from department of technology, management, and budget to department of education; transfer of certain powers and duties transferred from superintendent of public instruction to state school reform/redesign office under Executive Reorganization Order No. 2015-2, MCL 18.445, to superintendent of public instruction.

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

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 he considers necessary for efficient administration; and

WHEREAS, Section 8 of Article V of the Michigan Constitution of 1963 provides that each principal department shall be under the supervision of the Governor unless otherwise provided by the Constitution; and

WHEREAS, Section 1 of Article VIII of the Michigan Constitution of 1963 provides in part that schools and the means of education shall forever be encouraged; and

WHEREAS, Section 2 of Article VIII of the Michigan Constitution of 1963 provides in part that the legislature shall maintain and support a system of free public elementary and secondary schools as defined by law; and

WHEREAS, Section 3 of Article VIII of the Michigan Constitution of 1963 vests 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, in the State Board of Education; and

WHEREAS, there is a continued need to reorganize functions among state departments to ensure efficient administration; and

WHEREAS, the economic success of our state is dependent on having an educated and skilled citizenry that begins with every student having a quality education that prepares them for career and college readiness and success; and

WHEREAS, the State School Reform/Redesign Officer position and the State School Reform/Redesign School District were created by statute to advance improvement in Michigan's lowest achieving public schools, as defined under state law; and

WHEREAS, on March 12, 2015, by Executive Order 2015-9, the State School Reform/Redesign Office was created as an autonomous entity within the Department of Technology, Management and Budget; and

WHEREAS, on March 12, 2015, by Executive Order 2015-9, the State School Reform/Redesign School District was transferred from the Department of Education to the State School Reform/Redesign Office; and

WHEREAS, on March 12, 2015, by Executive Order 2015-9, the State School Reform/Redesign Officer was transferred from the Department of Education to the State School Reform/Redesign Office; and

WHEREAS, the Superintendent of Public Instruction and the State School Reform/Redesign Officer have been working closely together in partnership to identify and improve the performance of low achieving schools designated in 2017 for possible closure; and

WHEREAS, transferring the State School Reform/Redesign Office to the Department of Education will ensure the efficient continuation of the work by the Superintendent of Public Instruction in conjunction with the State School Reform/Redesign Office.

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. DEFINITIONS

As used in this Order:

A. "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.

B. "Department of Technology, Management and Budget" means the principal department of state government created by Section 121 of the Management and Budget Act, 1984 PA 431, MCL 18.1121, and renamed the Department of Technology, Management and Budget under Executive Order 2009-55, MCL 18.441.

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

D. "State Budget Director" means the individual appointed by the Governor pursuant to Section 321 of the Management and Budget Act, 1984 PA 431, MCL 18.1321, and Executive Order 2009-55, MCL 18.441.

E. "State School Reform/Redesign School District" means the school district created under Section 1280c(6) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

F. "State School Reform/Redesign Office" means the office created within the Department of Technology, Management and Budget under Executive Order 2015-9.

G. "State School Reform/Redesign Officer" means the officer described in Section 1280c(9) of the Revised School Code, 1976 PA 451, MCL 380.1280c, and authorized to act as the superintendent of the State School Reform/Redesign District under Section 1280c(6)(b) of the Revised School Code, 1976 PA 451, MCL 380.1280c.

H. "Superintendent of Public Instruction" means the principal executive officer of the Department of Education required under Section 3, Article VIII, of the Michigan Constitution of 1963.

II. TRANSFER OF THE STATE SCHOOL REFORM/REDESIGN OFFICE

A. The State School Reform/Redesign Office, including but not limited to the State School Reform/Redesign School District and the State School Reform/Redesign Officer, is transferred from the Department of Technology, Management and Budget to the Department of Education.

B. All authority, powers, duties, functions, and responsibilities under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c, that were transferred from the Department of Education to the State School Reform/Redesign Office by Executive Order 2015-9, are transferred back to the Department of Education with the transfer of the State School Reform/Redesign Office from the Department of Technology, Management and Budget to the Department of Education.

C. All authority, powers, duties, functions, and responsibilities under Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c, and Section 15(6) of 1947 PA 336, MCL 423.215, that were transferred from the Superintendent of Public Instruction to the State School Reform/Redesign Office by Executive Order 2015-9, are transferred back to the Superintendent of Public Instruction with the transfer of the State School Reform/Redesign Office from the Department of Technology, Management and Budget to the Department of Education.

D. All of the following authority, powers, duties, functions, and responsibilities that were transferred from the Superintendent of Public Instruction to the State School Reform/Redesign Office by Executive Order 2015-9 are transferred back to the Superintendent of Public Instruction with the transfer of the State School Reform/Redesign Office from the Department of Technology, Management and Budget to the Department of Education:

1. Determining that a public school academy that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 507 of the Revised School Code, 1976 PA 451, MCL 380.507, and notifying the public school academy's authorizing body under Section 507(5) of the Revised School Code, 1976 PA 451, MCL 380.507, of that determination.

2. Determining that an urban high school academy that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 528 of the Revised School Code, 1976 PA 451, MCL 380.528, and notifying the urban high school academy's authorizing body under Section 528(5) of the Revised School Code, 1976 PA 451, MCL 380.528, of that determination.

3. Determining that a school of excellence serving a special student population that has been operating for at least 4 years is among the lowest achieving 5% of all public schools in this state, as defined for the purposes of the federal incentive grant program created under sections 14005 and 14006 of title XIV of the American Recovery and Reinvestment Act of 2009, Public Law 111-5, is in year 2 of restructuring sanctions under the No Child Left Behind Act of 2001, Public Law 107-110, not to include the individualized education plan subgroup, and is not currently undergoing reconstitution under Section 561 of the Revised School Code, 1976 PA 451, MCL 380.561, and notifying the school of excellence's authorizing body under Section 561 of the Revised School Code, 1976 PA 451, MCL 380.561, of that determination.

E. Paragraph III.B of Executive Order 2015-9 is rescinded. The State School Reform/Redesign Officer transferred back to the Department of Education with the transfer of the State School Reform/Redesign Office from the Department of Technology, Management and Budget to the Department of Education shall have the status, powers, and responsibilities set forth in Section 1280c of the Revised School Code, 1976 PA 451, MCL 380.1280c.

III. IMPLEMENTATION

A. Any records, personnel, property, unexpended balances of appropriations, allocations, or other funds used, held, employed, available, or to be made available to the State School Reform/Redesign Office for the authority,

powers, duties, functions, and responsibilities transferred under this Order are transferred with the Office to the Department of Education.

B. The Superintendent of Public Instruction, after consultation with the Director of the Department of Technology, Management and Budget, shall provide executive direction and supervision for the implementation of the transfers under this Order. The assigned functions shall be administered under the direction and supervision of the Superintendent of Public Instruction. The Superintendent of Public Instruction shall make internal organizational changes as may be administratively necessary to complete the realignment of functions and responsibilities by this Order pursuant to MCL 16.107.

C. The Director of the Department of Technology, Management and Budget and the Superintendent of Public Instruction shall immediately initiate coordination to facilitate the transfers under this Order and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved.

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

IV. MISCELLANEOUS

A. All rules, orders, contracts, plans, and agreements relating to the functions and responsibilities transferred by this Order lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended, or rescinded.

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

C. 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.

In fulfillment of the requirements of Section 2 of Article V of the Michigan Constitution of 1963, this Order shall be effective on 60 days after the filing of this Order.

History: 2017, E.R.O. No. 2017-2, Eff. Aug. 30, 2017

Compiler's Notes: Executive Reorganization Order No. 2017-2 was promulgated June 30, 2017, as Executive Order No. 2017-5, Eff. Aug. 30, 2017.