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STATE SUPERINTENDENT APPOINTED BY GOVERNOR

House Joint Resolution V (Substitute H-1) First Analysis (2-12-04)

Sponsor: Rep. John Moolenaar
Committee: Education

THE APPARENT PROBLEM:

When the U. S. Congress re-authorized the Elementary and Secondary Education Act—commonly referred to as No Child Left Behind—in 2001, the legislation set new and higher standards for teaching and learning, and also called for new and higher levels of accountability.

The two-way accountability made explicit in the ESEA operates both externally and internally in school communities. That is to say, school officials and their stakeholders looking from inside to outside the schools are accountable to each other; and also, policy-makers and practitioners looking from the outside to the inside of schools are accountable to each other. The two-way lines of accountability operate at each of four levels within the educational system: within the community; the school district; the school building; and the classroom. The system of accountability is multi-layered, because the optimal growth and educational development of every young child is possible only if every adult with whom the child comes into contact enhances his or her learning in appropriate ways.

These extraordinarily complex accountability relationships are designed for all school officials, community stakeholders, policy-makers, and practitioners in order to provide the adults in children's lives with many opportunities to communicate about teaching and learning. Ideally, the adults' communication centers on tough academic standards for students—the mastery of key ideas in each learning discipline or disciplinary domain—and the annual assessments (both standardized and classroom-based) that tell the students, and others, what they know and are able to do, as well as what more must be known.

For many adults and students in school communities, this new emphasis on serious intellectual work in schools creates significant challenges. As many commentators have noted, No Child Left Behind is an often unwieldy nationwide experiment to re-

culture schools—to change the work of both the students and adults within them, and to demand more intellectual work of students. If the experiment is to succeed, nearly every adult in a student's life will be required to improve his or her relationship with that student, reminding each and every student that ninety-nine percent of academic success is hard work, not 'natural ability.'

The twin demands of accountability and academic achievement diffuse the responsibility for educational success—making apparent the important roles played by many adults who are necessary to ensure learning. Further, the nature of that adult work has a decidedly human scale —mostly quiet and steady acts of encouragement for students offered at home and school, rather than stunning acts that are known by all in the community.

Some have argued that the diffusion of adult responsibility for student learning has led to utter accountability confusion. No one knows who is 'in charge', so no one person can be held responsible for educational success or educational failure. If no one person is 'in charge,' then the rallying cry of the accountability movement is 'The buck can never stop here'. Some people believe that, given the growing complication of education policy initiatives, and the need to respond in a timely manner to a proliferation of federal mandates (many of which carry financial rewards or penalties), Michigan should have one policymaker who is responsible for educational success or failure. They say that policymaker should be the governor, an officeholder who is visible and well known to citizens across the state.

Currently, many locate responsibility for a state's overall educational policy direction in the office of the state superintendent of public instruction. In Michigan, that official is selected by a nine-member state board of education—eight members elected statewide to eight-year terms (two elected every two years, nominated as candidates by the Republican

and Democratic parties), and the governor (or an appointed designee) serving as an *ex officio* non-voting member. The state superintendent is hired by the state board, chairs the state board of education when it convenes each month, and is an active but non-voting member during its policy discussions.

Some have argued that educational policy would gain greater visibility among the citizens, if the governor appointed the state superintendent of public instruction, instead of the state board. Since the current selection process is a part of the Michigan Constitution in Article VIII, Section 3, the change that has been proposed would require the citizens to adopt an amendment to the Constitution. Such an amendment has been proposed, and if it were approved by two-thirds of both chambers of the legislature, it would be placed before the citizens on the next general election ballot.

THE CONTENT OF THE RESOLUTION:

The joint resolution, if approved by the legislature and the voters, would amend the state constitution (Article VIII, Section 3) to provide for gubernatorial appointment of the superintendent of public instruction, by and with the advice and consent of the senate. The resolution specifies that the governor would make the appointment and would also set the superintendent's term of office.

Currently the state board of education appoints the superintendent of public instruction and determines his or her term of office.

Under the constitution, the state superintendent of public instruction serves as the chairperson of the state board of education (without the right to vote), and is responsible for the execution of the board's policies. Further, the superintendent is the principal executive officer of the state Department of Education. House Joint Resolution V would retain these provisions.

The joint resolution would be placed before the voters at the next general election.

BACKGROUND INFORMATION:

Former Republican governor George Romney (1963-69) was vice-president of the Constitutional Convention (1961-1962), and chaired the subcommittee that drafted the education provisions. In the convention proceedings, he noted *"It was the decision of the education committee to make the*

board of education completely independent of the governor by their separate election and, also, to make the superintendent of public instruction completely independent of the Governor by permitting the board of education to appoint the superintendent of public instruction." The responsibilities of the state board, Romney explained, "include the appointment of the superintendent of public instruction. You cannot disassociate the two. They are interwoven and intertwined." Romney went on to discuss the reasoning for this decision: *We have purposely given the board of education the right to determine the term of office of the superintendent so that we can get a superintendent of public instruction that is removed, as nearly as you can remove and should remove, because you shouldn't remove completely from political considerations. But removing the superintendent, as nearly as possible, from capricious or individual political considerations.* [Official record, Constitutional Convention 1961. page 1207]

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, this bill would have no state or local fiscal impact. (2-13-04)

ARGUMENTS:

For:

The diffusion of adult responsibility for student learning throughout many layers of the education policy system—in communities, school districts, schools, and classrooms, and among school officials, stakeholders, policy-makers, and practitioners—has led to utter accountability confusion. No one knows for sure who is 'in charge', so no one person can be held responsible for educational success or educational failure. If no one person is 'in charge' of Michigan's educational success, then the rallying cry of the accountability movement can never be 'The buck stops here'. Instead, those who should be held responsible will be free to point fingers of blame at others, meanwhile absolving themselves from responsibility that is rightfully theirs.

Given the growing complication of federal education policy initiatives such as No Child Left Behind, and the need to respond in a timely manner to a proliferation of federal mandates (many of which carry financial rewards or penalties), Michigan should have one policymaker who is clearly responsible for our school system's educational success or failure. That policymaker should be the governor, an officeholder who is visible and well

known to citizens across the state. The governor could heighten the importance of educational policy by appointing the superintendent and including that officer in the governor's cabinet.

The governors in 10 other states appoint their state superintendents of public instruction. The citizens of Michigan should join Pennsylvania, Texas, Delaware, Iowa, Maine, Minnesota, New Jersey, South Dakota, Tennessee, and Virginia, and amend Constitution to allow the governor to appoint the state superintendent.

Against:

According to the State Board of Education, the Michigan Constitution, as approved by the citizens of the state in 1963, viewed education and educational policy as so important to the state that it provided for an elected state board of education. The board is elected by the people for eight-year terms (two are elected every two years), in order to raise education policy above shorter-term political considerations. The longer terms afford the board members the opportunity to thoughtfully, and in a bipartisan manner, implement the educational policy, through the state superintendent, that would best serve the needs of Michigan's children. For example, beginning 30 years ago, and working in a non-partisan manner, the board led the nation in setting academic standards for math, science, English language arts, and social studies, and also created a statewide criterion-referenced test—the Michigan Educational Assessment Program, or MEAP—to evaluate the results. It has continued to update and improve those academic standards and assessments for more than three decades.

The board's focus is improving education for all children and citizens. With its independence, long-term view, and thoughtful bi-partisan approach, the board provides a unique forum and policy-setting area to ensure the focus stays on the goal. Further, its bipartisan and long-term approach is apparent in the following ways: its leadership team and agenda-setting committees are bipartisan; the governor is an *ex-officio* member, and has a significant influence on educational policy; the state board always appoints a superintendent with the involvement and concurrence of the governor (regardless of political party); and the board selects the superintendent in an open meeting process, with input from the public and stakeholders in education.

The state board of education should be insulated from the day-to-day political winds that blow in state government, with the independence to focus on

educational processes and outcomes. If a governor were to appoint a superintendent at the beginning of each four-year term of office, there would be a disturbing lack of continuity in the implementation and ongoing improvement of educational policy. As the framers of the Michigan Constitution recognized at the constitutional convention in 1961-62, "It was the decision of the education committee to make the board of education completely independent of the governor by their separate election and, also, to make the superintendent of public instruction completely independent of the Governor by permitting the board of education to appoint the superintendent of public instruction." That way, the framers reasoned, the superintendent was removed "as nearly as possible, from capricious or individual political considerations." [Official record, Constitutional Convention 1961. page 1207]

POSITIONS:

The State Board of Education opposes the resolution. (2-12-04)

Analyst: J. Hunault

■ 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.