

EXECUTIVE REORGANIZATION ORDER (EXCERPT)
E.R.O. No. 2023-2

388.1283 Creation of Michigan department of lifelong education, advancement, and potential (MiLEAP); creation of the office of early childhood education, office of higher education, and office of education partnerships within MiLEAP; transfer of the powers and duties of the Michigan office of great start by type III, and the governor's educator advisory council and the Michigan PreK-12 literacy commission from the department of education to MiLEAP by type II.

Every Michigander deserves a path to prosperity. They deserve to explore, learn, grow, and develop the skills they need to thrive. That's why I am focused on building a bright future for Michigan by making strategic decisions and investments now for the long-term.

For too long, Michigan has fallen behind other states and countries when it comes to student achievement and attainment, impacting the state's workforce and economic growth. We know that today, more than ever, building a skilled workforce is not a matter of a single certificate, course, or credential. It's a generational project that will require a shared vision, effective decision-making, and strategic resource allocation to ensure that each and every person has the best opportunity to thrive.

In other words—we must support lifelong education, achievement, and potential. Consolidating various programs from across state government into a single department will enhance our ability to create a path to prosperity for every Michigander and support the long-term economic health of our state with a coordinated strategy.

Establishing the Michigan Department of Lifelong Education, Advancement, and Potential, or MiLEAP, ensures all available resources, data, and dollars are aligned around a single vision—building an education system from preschool through postsecondary that can support our kids, families, and the economy of the future by ensuring anyone can make it in Michigan. MiLEAP will achieve this goal by establishing clear metrics, collaborating with cross-sector leaders at the local, regional, and state level, and developing a shared action plan for everyone to work toward.

The new department will partner with the Department of Education and the State Board of Education, complementing their existing long-term planning efforts. MiLEAP will also work with the recently launched Growing Michigan Together Council as it looks at ways to strengthen preschool to postsecondary learning while growing the state's economy and population.

With bold goals, a united vision, a shared action plan, the capacity to deliver, and clear metrics, MiLEAP can build a brighter future for Michigan from preschool to postsecondary to paycheck.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 2 of article 5 of the Michigan Constitution of 1963 empowers the governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the governor considers necessary for efficient administration.

Acting pursuant to the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creation of the Michigan Department of Lifelong Education, Advancement, and Potential

(a) The Michigan Department of Lifelong Education, Advancement, and Potential ("MiLEAP") is created as a principal department within the executive branch. MiLEAP will establish and implement a statewide vision for life-long education from preschool to postsecondary. Its responsibilities include expanding equitable access to quality, affordable programs and services and improving outcomes for all Michiganders in early learning and care and higher education. It is also charged with building partnerships beyond the classroom to improve student learning and coordinating among state departments and agencies to achieve the best outcomes for Michiganders.

(b) MiLEAP will be led by a Director ("Director"), who will be appointed by the Governor. The Director will be a member of the Governor's cabinet.

(c) Office of Early Childhood Education

(1) The Office of Early Childhood Education is created within MiLEAP. The Office of Early Childhood Education will lead statewide efforts to ensure that all young children meet their developmental milestones and enter kindergarten with the tools and ability to succeed in school. This includes overseeing programs and policies statewide related to early learning and care, family engagement and education, pre-kindergarten, and child care. The Office will collaborate with the Department of Health and Human Services and the Department of Education to coordinate services and supports for young children and families.

(d) Office of Higher Education

(1) The Office of Higher Education is created within MiLEAP. The Office of Higher Education will lead statewide efforts to ensure that every Michigander has the skill certificate or degree they need to prosper, and employers can hire the talent they need to succeed. The Office will lead administration of state student financial aid to lower the cost of college and assist prospective students in making decisions about postsecondary education. In collaboration with elected and appointed governing boards of higher education, the boards of public community and junior colleges, the boards of private not-for-profit colleges and universities, statewide postsecondary education associations, and other key stakeholders, the Office of Higher Education will work to increase college enrollment, graduation, and attainment rates to put more Michiganders on a path to prosperity. The Office of Higher Education will collaborate with the Department of Labor and Economic Opportunity, the Department of Treasury, and the Michigan Economic Development Corporation to coordinate services and supports for workforce development.

(e) Office of Education Partnerships

(1) The Office of Education Partnerships is created within MiLEAP. The Office of Education Partnerships will lead statewide efforts to build and sustain partnerships that enhance educational opportunities and outcomes throughout the state from preschool through postsecondary education. The Office will lead authentic stakeholder engagement to broaden the perspectives represented in decision-making, including by providing staffing and support to commissions appointed by the Governor. The Office will expand access to programs that extend learning beyond the classroom, including before school, after school, summer programming, and employer-partnerships. The Office of Education Partnerships will collaborate with other departments and entities, as needed, to achieve these goals, including the Department of Education, the Community Service Commission, and the Office of Foundation Liaison.

2. Transfers from the Department of Education

(a) Michigan Office of Great Start

(1) The Michigan Office of Great Start, created by Executive Order 2011-8, MCL 388.1281, within the Michigan Department of Education, is transferred to MiLEAP by Type III transfer. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Office of Great Start, except any policy-making authority retained by the State Board of Education.

(2) All the authorities, powers, duties, functions, and responsibilities vested in the Michigan Office of Great Start, created by Executive Order 2011-8, MCL 388.1281, are transferred by Type III transfer to MiLEAP. This transfer includes the Child Development and Care Program, the Head Start State Collaboration Office, and Early Intervention & Early Childhood Special Education, transferred from the Department of Human Services to the Michigan Department of Education under Executive Order 2011-8, as well as the Great Start Readiness Program, the Great Start Collaboratives and Parent Coalitions & Home Visitation, Out of School Time & Summer Learning programs, and the Preschool Development Grant Birth through Five.

(b) Governor's Educator Advisory Council

(1) The Governor's Educator Advisory Council, created by Executive Order 2019-9 within the Michigan Department of Education, is transferred to MiLEAP by Type II transfer.

(c) Michigan PreK-12 Literacy Commission

(1) The Michigan PreK-12 Literacy Commission, created by Executive Order 2016-18 within the Michigan Department of Education, is transferred to MiLEAP by Type II transfer.

3. Transfers from the Department of Labor and Economic Opportunity

(a) Office of Sixty by 30

(1) Responsibility for Michigan's Sixty by 30 initiative is hereby transferred to MiLEAP. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Sixty by 30 initiative.

(2) Responsibility for the Michigan Reconnect program is hereby transferred to MiLEAP. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Michigan Reconnect program.

(3) Responsibility for the Future for Frontliners program is hereby transferred to MiLEAP. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Future for Frontliners program.

(b) Tri-Share Child Care Program

(1) All authority, powers, duties, functions, and responsibilities related to the administration of the child care facilitator pilot project, also known as the Tri-Share Child Care Program, established pursuant to 2020 PA 166, are hereby transferred to MiLEAP.

4. Transfers from the Department of Licensing and Regulatory Affairs

(a) Child Care Licensing Bureau and Bureau of Community and Health Systems

(1) All authority, powers, duties, functions, and responsibilities of the Department of Licensing and Regulatory Affairs related to child care, including those outlined in XIII(A) of Executive Order 2015-01, MCL 400.227, are hereby transferred to MiLEAP. This transfer includes licensing and regulation of children's camps, child care centers, day care centers, family child care homes, and group child care homes under 1973 PA 116, MCL 722.111 et seq. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds.

(2) The transfer does not include any authority, powers, duties, functions, and responsibilities related to foster care, including children's therapeutic group homes, foster family homes, and foster family group homes, as defined in under MCL 722.111, the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737, and the Social Welfare Act, 1939 PA 280, MCL 400.1 to 400.122.

5. Transfers from the Department of Treasury

(a) Scholarship Administration

(1) Responsibility for administration of all scholarships located within the Office of Postsecondary Financial Planning, also known as MI Student Aid, and all the authority, powers, duties, functions, and responsibilities of the Office of Postsecondary Financial Planning related to the scholarships are hereby transferred from the Department of Treasury to the Director of MiLEAP. This transfer includes responsibility for the following:

- i. Public Act 208 of 1964, MCL 390.971 to 390.981 (State Competitive Scholarships);
- ii. Public Act 313 of 1966, MCL 390.991 to 390.999 (Tuition Grants);
- iii. Public Act 591 of 2002, MCL 390.1181 to 390.1189 (Michigan Nursing Scholarship);
- iv. Public Act 195 of 1996, MCL 390.1241 to 390.1246 (Police Officer's and Fire Fighter's Survivor Tuition Grant);
- v. Public Act 541 of 1998, MCL 390.1261 to 390.1266 (Correction Officer's Survivor Tuition Grant);
- vi. Public Act 105 of 1978, MCL 390.1271 to 390.1278 (Tuition Differential Grants);
- vii. Public Act 102 of 1986, MCL 390.1281 to 390.1288 (Part-Time, Independent Student Grants);
- viii. Public Act 228 of 1976, MCL 390.1301 to 390.1307 (Legislative Merit Awards);
- ix. Public Act 303 of 1986, MCL 390.1321 to 390.1332 (Michigan Work-Study Program),
- x. Public Act 248 of 2005, MCL 390.1341 to 390.1346 (Children of Veterans Tuition Grant);
- xi. Public Act 479 of 2006, MCL 390.1621 to 390.1628 (Michigan Promise Grant);
- xii. Public Act 288 of 1986, MCL 390.1371 to 390.1382 (Michigan Work-Study Program for Graduate and Professional Schools);
- xiii. Public Act 273 of 1986, MCL 390.1401 to 390.1409 (Michigan Educational Opportunity Grant Program); and
- xiv. 20 USC 1070d-31 to 1070d-41 (Robert C. Byrd Honors Scholarship Program).

(2) For any of the above scholarships for which the Department of Treasury holds or invests funds pursuant to statutory authorization, the Treasurer shall retain the authority to hold and invest funds. This includes authority granted under MCL 722.1023(3).

(3) Maintenance of the "Paying for College in Michigan" website and all associated authority, powers, duties, functions, and responsibilities under MCL 388.1860 is hereby transferred to MiLEAP.

(4) The above transfers include the civil service personnel and the records, property, and allocations or other funds associated with the transferred functions.

(b) Michigan Student Scholarship and Grants

(1) Responsibility for the Michigan Student Scholarship and Grants portal ("MiSSG"), located within the Office of Postsecondary Financial Planning, also known as MI Student Aid, and all the authority, powers, duties, functions, and responsibilities of the Office related to MiSSG are hereby transferred from the Department of Treasury to the Director of MiLEAP. The transfer includes the civil service personnel and the records, property, and allocations or other funds associated with scholarship administration.

6. Transfers from the Department of Agriculture and Rural Development

(a) Office of Rural Development

(1) The Michigan Office of Rural Development, created by Executive Directive 2022- 1, within the Michigan Department of Agriculture and Rural Development, is transferred to the Department of Labor and Economic Opportunity by Type II transfer. The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the Office.

(2) The Michigan Office of Rural Development shall be renamed the Michigan Office of Rural Prosperity.

7. Transfers from the Department of Natural Resources

(a) State Archives of Michigan

(1) All of the authority, powers, duties, functions, responsibilities, personnel, equipment, and budgetary

resources of the state archives program, vested in the Department of Natural Resources by Executive Order 2009-36, MCL 399.752, are transferred by Type II transfer to the Department of Technology, Management & Budget, including, but not limited to, any authority, powers, duties, functions, and responsibilities for state archives under the following statutes:

- i. Sections 288 and 289 of The Management and Budget Act, Public Act 431 of 1984, MCL 18.1288 and 18.1289.
- ii. The Michigan Historical Commission Act, Public Act 271 of 1913, MCL 399.1 to 399.10.
- iii. The Michigan History Center Act, Public Act 470 of 2016, MCL 399.801 to 399.812.
- iv. Section 2137 of the Revised Judicature Act of 1961, Public Act 236 of 1961, MCL 600.2137.
- v. Section 2 of Public Act 8 of 1897, MCL 35.232.
- vi. Section 1 of Public Act 54 of 1927, MCL 399.51.
- vii. Section 1 of Public Act 55 of 1927, MCL 399.61.
- viii. Section 491 of the Michigan Penal Code, Public Act 328 of 1931, MCL 750.491.

(2) The transfer includes the civil service personnel and the programs, records, property, and allocations or other funds of the state archives program.

8. Coordination with the Department of Technology, Management, and Budget

(a) Consistent with applicable laws, regulations, and directives, MiLEAP will coordinate with the Department of Technology, Management, and Budget to use data from ongoing programs to increase efficiency and improve outcomes. This includes data held by the Michigan Center for Data and Analytics and the Center for Educational Performance and Information.

9. Reserved Authority

(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) Nothing in this Executive Order should be construed to diminish the constitutional authority of the boards of institutions of higher education to supervise their respective institutions and control and direct the expenditure of the institutions' funds.

10. Implementation of Transfers

(a) The Director shall provide executive direction and supervision for the implementation of all transfers of authority under this Order.

(b) The Director 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.

(c) The Director and the directors of all other state departments and agencies having authority transferred under this Order shall immediately initiate coordination to facilitate the transfers and develop memoranda of record identifying any pending settlements, issues of compliance with applicable federal and state laws and regulations, or other obligations to be resolved related to the authority to be transferred.

(d) All records, property, and unexpended balances of appropriations, allocations, or other funds used, held, employed, available to be made for activities, powers, duties, functions, and responsibilities transferred to MiLEAP under this Order are hereby transferred to MiLEAP.

(e) The Director of MiLEAP may delegate a duty or power conferred by law or this Order and the person to whom such duty or power is delegated may perform such duty or exercise such power at the time and to the extent that such duty or power is delegated by the Director of MiLEAP.

(f) All rules, orders, contracts, and agreements related to the functions transferred to MiLEAP by this Order lawfully adopted prior to the effective date of this Order by the responsible state agency shall continue to be effective until revised, amended, or rescinded.

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

(h) If any portion of this order is found to be unenforceable, the unenforceable provision should be disregarded, and the rest of the order should remain in effect as issued.

(i) Consistent with section 2 of article 5 of the Michigan Constitution of 1963, this order is effective December 1, 2023, at 12:01 a.m.

History: 2023, E.R.O. No. 2023-2, Eff. Dec. 1, 2023.

Compiler's note: Executive Reorganization Order No. 2023-2 was promulgated July 12, 2023, as Executive Order No. 2023-6, Eff. Dec. 1, 2023.

For transfer of the growing Michigan together council to the department of labor and economic opportunity by type III transfer, and the abolishment of the council, see E.R.O. No. 2024-2, compiled at MCL 16.735.