

Motion to Request an Opinion from the MI Attorney General

On July 11, 2023, Governor Whitmer signed Executive Order 2023-6 outlining an executive reorganization and creating the new Michigan Department of Lifelong Education, Advancement and Potential (MiLEAP).

One of the stated purposes of this EO is to build “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” (page 1, paragraph 4).

Further, the EO states that “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” (page 2, sec. (1a)).

Article VIII, Sec. 3 of the 1963 Michigan Constitution states in part that “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, is vested in a state board of education. It shall serve as the general planning and coordinating body for all public education, including higher education, and shall advise the legislature as to the financial requirements in connection therewith.”

As such, there appear now to be potentially two departments with overlapping authority over “all public education,” particularly preschool public education.

THEREFORE, the State Board of Education directs the Superintendent of Public Instruction to request an Opinion from the Michigan Attorney General to provide Constitutional clarity regarding Executive Order 2023-6.

Passed on August 8, 2023 with a unanimous vote of 8-0.