

Legislative Analysis



SPECIAL EDUCATION ADVISORY COMMITTEE

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Senate Bill 83 as passed by the Senate

Sponsor: Sen. Nancy Cassis

House Committee: Education

Senate Committee: Education

First Analysis (8-8-05)

BRIEF SUMMARY: The bill would increase the maximum number of members on the state's Special Education Advisory Committee by six, from 27 to 33 members.

FISCAL IMPACT: The bill would have indeterminate state fiscal impact. The additional special education advisory committee appointments may result in additional reimbursement costs for the Department of Education. There is no local fiscal impact.

THE APPARENT PROBLEM:

The federal Individuals with Disabilities Education Act (IDEA) requires each state to establish and maintain a state advisory panel on the education of children with disabilities. The act also requires that members of the panel represent certain individuals and groups with an interest in special education issues. In compliance with IDEA, Michigan law requires the Special Education Advisory Committee (SEAC) to advise the State Board of Education in the field of special education. Under the state law, the SEAC must consist of at least nine and not more than 27 members appointed by the board.

Amendments to IDEA in 1997 and 2004 require a majority of a state's advisory panel members to be people with disabilities or the parents of children with disabilities, and also require a state's panel to include members who represent charter schools, private schools, organizations that provide transition services, officials who carry out activities under the federal McKinney-Vento Homeless Assistance Act, as well as a representative from the state's child welfare agency responsible for foster care.

Some people have suggested that, to comply with these requirements, the SEAC's maximum membership should be increased in statute. (Further information on the current SEAC membership and a previous proposal to expand it is contained in [Background Information](#).)

THE CONTENT OF THE BILL:

The bill would amend Public Act 287 of 1965 (MCL 388.1009a) which provides for the functions of the State Board of Education and the state superintendent, to increase the maximum number of members on the Special Education Advisory Committee by six, from 27 to 33 members.

HOUSE COMMITTEE ACTION:

The House Committee on Education reported out the Senate-passed version of the bill without amendments. Information in this analysis is derived from the Senate Fiscal Agency's analysis dated 4-20-05)

BACKGROUND INFORMATION:

SEAC membership. According to the Department of Education, the 2004-05 SEAC consists of 30 positions, including eight at-large members. One position is listed as a "vacant organizational seat" and two positions are listed as "open." The two open positions are designated for the Michigan Association for Children with Emotional Disorders and the Special Education Supervisors of Michigan. Positions on the SEAC designated for nonpublic schools, public school academies, and transition services providers, which are required under the 1997 IDEA amendments, are filled.

2001-02 legislation. House Bill 4990 of the 2001-02 legislative session proposed to increase the maximum membership of the SEAC from 27 to 33. Both chambers of the legislature approved the bill, but then-Governor John Engler vetoed it. In his veto message, Governor Engler expressed his support for special education services, but stated his general opposition to increasing the membership of state advisory boards or committees. He also stated his support for the 1997 IDEA amendments that required representation of transition services providers, charter schools, and private schools on the committee, as well as the requirement that a majority of members be people with disabilities or the parents of children with disabilities. The governor contended, however, that the committee did not need more members to comply with those requirements.

Governor Engler's veto message also pointed out that the State Board of Education had already increased the committee's membership to 29 despite the state law limiting it to 27 members. He suggested that the SBE "could easily rearrange" the SEAC membership by using the eight at-large appointments to meet federal and state requirements.

ARGUMENTS:

For:

By authorizing the State Board of Education to expand the number of SEAC appointments, the bill would allow for better representation of special education interests and facilitate compliance with federal requirements for committee membership.

In addition, four groups currently split two seats on the committee. The Michigan Association of Teachers of Emotionally Disturbed Children shares an appointment with the Michigan Association of Learning Disabilities Educators, and the Michigan Association of School Psychologists shares an appointment with the Michigan Association of School Social Workers. Each of those organizations can provide valuable input to the SEAC's work and should be fully represented. By authorizing the board to expand the committee to 33 members, the bill would give school psychologists, school

social workers, teachers of the emotionally impaired, and teachers of the learning disabled all a seat at the table when the committee meets, and a vote when changes to policy are proposed.

POSITIONS:

The Michigan Department of Education supports the bill. (7-13-05)

The Michigan Association of School Social Workers supports the bill. (7-13-05)

The Michigan Association of School Psychologists supports the bill. (7-13-05)

The Michigan Small and Rural Schools Association supports the bill. (7-13-05)

Oakland Schools supports the bill. (7-13-05)

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