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BILL ANALYSIS

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Senate Bill 83 (as enrolled)  
Sponsor: Senator Nancy Cassis  
Committee: Education

Date Completed: 4-20-05

### **RATIONALE**

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 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, and a representative from the state's child welfare agency responsible for foster care. To comply with these requirements, it has been suggested that the SEAC's maximum membership should be increased in statute. (Please see **BACKGROUND** for further information on the current SEAC membership and an earlier proposal to expand it.)

### **CONTENT**

The bill would amend Public Act 287 of 1965, 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.

MCL 388.1009a

### **BACKGROUND**

#### SEAC Membership

According to information provided by 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 and charter and private schools on the Committee as well as the requirement that a majority of its 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.

bill would have no fiscal impact on local government.

Fiscal Analyst: Kathryn Summers-Coty

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

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

By authorizing the Board 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.

Legislative Analyst: Patrick Affholter

## **FISCAL IMPACT**

The Department of Education would likely face slightly higher costs associated with this legislation. Higher costs would result from reimbursing expenses incurred by a larger number of advisory committee members than are appointed under current law. The

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.