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# AN ANALYSIS of the PROPOSED CONSTITUTION

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### EDUCATION - ARTICLE VIII

The education article of the proposed constitution represents a substantial revision of the present constitution in this area. The constitutional framework of general responsibility for elementary and secondary education has been altered substantially. Changes were also made with respect to the boards controlling institutions of higher education.

#### Major Changes

1. Discrimination in public schools is prohibited.
2. The following changes affect the state board of education:
  - a) membership increased from four to eight;
  - b) to have "general supervision" of public education except for four-year state universities and colleges; to appoint a superintendent of public instruction who would be "principal executive officer" of a state department of education;
  - c) to be the "general planning and coordinating" agency for all public education including higher education;
  - d) to appoint an advisory state board for public community and junior colleges.
3. The following changes have been made with respect to higher education:
  - a) Michigan State and Wayne State Universities to have boards of control similar in composition and authority to the present board of the Uni-

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versity of Michigan; these three university boards remain elective;

- b) other four-year state institutions of higher education to have appointed boards of control similar in authority to the boards of the three larger universities;
- c) each state institution of higher education is required to give the legislature an annual accounting of all income and expenditure; formal sessions of each institution's governing board are to be open to the public.

### **Encouragement of Education**

The proposed constitution retains unchanged the present provision on the encouragement of education taken from the Northwest Ordinance of 1787:

Religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.

### **General Provision on Public Schools**

The provision of the proposed constitution relating to the public schools is as follows:

The legislature shall maintain and support a system of free public elementary and secondary schools as defined by law. Every school district shall provide for the education of its pupils without discrimination as to religion, creed, race, color or national origin.

The language forbidding discrimination in public schools is new, as is the reference to secondary schools. The words "maintain and support" are used in place of "continue." The present requirement that all instruction be conducted in the English language was eliminated. Details relating to the distribution of the primary school interest fund were also eliminated, thereby allowing the legislature wider discretion with respect to "school aid."

### **The State Board of Education**

Under the proposed constitution, the state board of education would have eight members nominated by party convention and elected at large for eight-year staggered terms. The governor would fill board vacancies by appointment for the unexpired term and be an ex-officio, non-voting member of the board. Under the present constitution the state board of education has four members—three elected for six-year terms and the superintendent of public instruction with a two-year term. Important changes have been made in the board's powers.

1. The state board of education would have “general supervision over all public education” except for four-year state colleges and universities. Adult education and “instructional programs” in state institutions are also placed under the board’s supervision. The board is charged to provide “leadership” in all these areas of public education. Under the present constitution the elective office of superintendent of public instruction is vested with “general supervision of public instruction” and the present board of education has only limited statutory authority in this area.
2. The state board of education would appoint a superintendent of public instruction and determine his term of office. The superintendent would serve as non-voting chairman of the board, and be responsible for carrying out the board’s policies in his capacity as “principal executive officer” of a state department of education “which shall have powers and duties provided by law.”
3. The state board of education would be required to “serve as the general planning and coordinating body for all public education, including higher education.” The board would also be required to “advise the legislature as to the financial requirements” for all public education including higher education. The state board of education would not continue to serve as the board of control for Eastern, Central, Western and Northern Michigan Universities.
4. The state board of education would be required to appoint a “state board for public community and junior colleges” composed of eight members with eight-year staggered terms. The superintendent of public instruction would be an ex-officio non-voting member of this board. This board (to be provided for by law) is required to “advise the state board of education concerning general supervision and planning for” public community and junior colleges and “requests for annual appropriations for their support.”

### **Higher Education**

Under the proposed constitution the Michigan State University Board of Trustees and the Wayne State University Board of Governors would become similar in composition and authority to the University of Michigan Board of Regents which remains unchanged. The three universities and one college presently under the supervision of the of the state board of education and other four-year state colleges would each have an appointed board of control.

The legislature would be required to “appropriate moneys to maintain” ten specified state universities and colleges and any others that may be established by law. Each institution would be required to give the legislature “an annual accounting of all income and expenditures.”<sup>1</sup> Each institution would have an eight-member governing board whose formal sessions must be “open to the public.”

## **Elective Boards Retained for the Major Universities**

The University of Michigan would continue to have a governing board of eight members elected for eight-year terms. The Michigan State University<sup>2</sup> and Wayne State University boards would also have eight members elected for eight-year terms rather than six members elected for six-year terms as at present. Vacancies in any of these three boards would be filled by appointment of the governor. The present method of staggering university board terms—two members of each board elected every two years—or some other method, may be prescribed by law.

Each major university's governing board would continue to be a "body corporate" and to have "general supervision" of its institution. All three major university boards would have equal authority based upon the powers presently granted to the University of Michigan Board of Regents:

1. The Wayne State board would be granted the "control and direction" of all university expenditures. This authority is continued for the other two major university boards.
2. The Michigan State and Wayne State boards would no longer be required to perform duties prescribed by law.
3. Selection of a university president would continue to be a function of each university's board. Each university president would continue to be "principal executive officer" of the institution and to preside at board meetings as an ex-officio, non-voting member. The superintendent of public instruction would no longer be an ex-officio, non-voting member of the University of Michigan and Wayne State University boards.

## **Appointive Boards for Other Four-Year Institutions**

Under the proposed constitution, seven other specified state universities and colleges (and any others established by law) would each have an appointed eight-member board of control. The seven institutions specified are:

1. Eastern Michigan University
2. Central Michigan University
3. Western Michigan University
4. Northern Michigan University  
(presently Northern Michigan College)

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<sup>1</sup> This is presently required of Wayne State University.

<sup>2</sup> The words "of agriculture and applied science" would be eliminated from The University's title.

5. Michigan College of Science and Technology  
(presently Michigan College of Mining and Technology)
6. Ferris Institute
7. Grand Valley State College

The first four institutions listed are referred to in the present constitution as “the state normal college and the state normal schools,” and are under the “general supervision” of the state board of education. The fifth institution listed is referred to in the present constitution as “the college of mines.” The last two institutions listed have indirect reference in the present constitution as “other educational institutions as may be established by law.” At present each of the last three institutions listed has a board of control by statutory authority.

The members of each of these boards would be appointed by the governor, subject to the disapproval of the senate within 60 days, for eight-year staggered terms. Appointments to vacancies in any of these boards would be subject to senate disapproval within 60 days.

1. Each of these appointive boards of control would be a “body corporate,” with the same authority with respect to its institution as each of the three elective university boards would have.
2. The provision relating to the president of each of these institutions is the same as for the larger universities except that each appointive board may designate the president or one of its members to preside at meetings’.

### **Public Community and Junior Colleges**

The legislature is required to provide by law for the “establishment and financial support” of public community and junior colleges. Colleges of this type “shall be supervised and controlled by locally elected boards.” The state board of education would be responsible for “general supervision and planning” for such colleges and “requests” for their annual appropriations. A state board required to be appointed by the state board of education and advisory to it on matters relative to this type of college is discussed above in connection with the powers of the state board of education. There is no specific provision in the present constitution relating to this type of college and those presently established operate under statutory authority.

### **Institutions for the Handicapped**

The proposed constitution provides as follows with respect to the handicapped:

Institutions, programs and services for the care, treatment, education or rehabilitation of those inhabitants who are physically, mentally or otherwise seriously handicapped shall always be fostered and supported.

This phraseology is more comprehensive and euphemistic than that of the present provision which requires institutions for those inhabitants who are “deaf, dumb, blind, feeble-minded or insane” to be fostered and supported.

### **Public Libraries**

The legislature is required to provide by law for the “establishment and support” of public libraries. These libraries are newly required to be “available to all residents of the state under regulations adopted by the governing bodies thereof.” All fines assessed and collected in counties, townships and cities for any breach of the state penal laws would continue to be assigned to public libraries—the words “and county law libraries as provided by law” were added in order to encompass present practice.

The present constitution requires the legislature to provide by law for the “establishment” of at least one library in each township and city. This requirement was not continued in the proposed constitution.