

# Schools fear Engler bid to weaken board

BY TIM RICHARD  
STAFF WRITER

## ANALYSIS

The public school lobby is nervously awaiting Gov. John Engler's threatened executive order to clarify the role of the state Board of Education.

They fear Engler will try to weaken public education by mauling the elected state board. Engler has given them reasons to be nervous.

First, Engler enjoys carrying out the mandate of the 1963 Michigan Constitution which says, "The head of each principal department shall be a single executive unless otherwise provided in this constitution." The governor already has made a list of enemies by reducing the roles of citizen commissions in the Department of Natural Resources.

"Some governors have let their authority lie fallow," Engler said.

Second, Engler visited the Dec. 12 meeting of the state Board of Education to say he would discuss his changes with the board before they are implemented, but not before he issues it. No

advance consultation for him.

Third, Engler's timing raised suspicion — a month after the election in which two Republican state board incumbents were defeated. For the past two years, the GOP had a 6-2 majority.

"The governor was perfectly happy with the state board until this November's election produced a 4-4 split between Democrats and Republicans," said state Rep. James Agee, D-Muskegon, a former school superintendent and once a finalist to become superintendent of public instruction. "The voters of Michigan sent a clear message that they wanted the board to move toward the center, and away from far right conservatism."

On paper, there will be a 4-4 party split in 1997-8. In actuality, the split is five friends of public schools and three friends of private and charter schools. Republican Dorothy Beardmore, with experience on Rochester and Oakland school boards, wasn't afraid to cross swords with board President Clark Durant, a private school operator.

### There are limits

What can a governor actually

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change? He can't change the Michigan Constitution (Art. VIII sec. 3), which gives the state board.

• "Leadership and general supervision over all public education, including adult education and instructional programs in state institutions," but not higher education.

• "General planning and coordinating" power for all public education, including higher education.

• A duty to "advise the legislature as to the financial requirements."

• Power to "appoint a superintendent of public instruction" and set his term of office.

The constitution says the superintendent "shall be the principal executive officer of a

state department of education" charged with carrying out state board policies. The superintendent also chairs the board, but without a vote.

Since 1965, the state board has operated under an executive order issued by Republican moderate William G. Milliken. Heurtenant and acting governor when George Romney was out of the state. At that time, the constitution abolished the superintendent of public instruction as an elective office.

Milliken's order created the Department of Education, set up the state board as head of the department, made the superintendent the "principal executive officer" and made paper transfers of power. That was all.

### Possibilities

What could Engler change, 31 years later, through a new executive order?

"I respect the constitutional role of the board on which I serve," said Engler, the first governor to actually visit a state board meeting in many years, even though the governor is an ex officio member.

"I respect the constitutional role of the board," he continued. "I want to delineate the role of the board and the department. . . I want to get managers managing and decision makers deciding."

In fact, the state board does have lengthy agendas — usually four, single-spaced pages. Its meetings run all day and often start one evening and run through the entire next day.

Half of the agenda material is acceptance and awarding of federal grant money and routine reports. The board deals with these without discussion — called the "consent agenda" — and approves them in a single motion.

Engler could hand the consent agenda items over to the superintendent.

The board also rules on requests from rural homeowners

to transfer their property from one school district to another. A Department of Education hearing officer acts as a judge, listens to the families and school officials, and writes a report with a recommendation to the state board.

Nine times out of 10 or more, the board rubberstamps the recommendation. Engler could hand this function to the superintendent.

State Board member Kathleen Straus, D-Detroit, talked of seeking an attorney general ruling or a court ruling if Engler's order goes too far.

But who knows what Engler actually intends to do?

He talked of making Michigan schools "best in the world" but plans to send the triplets to parochial schools. He never mentioned general assistance welfare in his 1990 campaign, but abolished it once in office. He never mentioned reorganizing the Department of Natural Resources, but did it. He campaigned against "picking winners and losers" in the tax code, then set up MEGA, a growth authority that gives tax breaks to certain businesses.

Meanwhile, the public school lobby waits nervously.

# Jamian pleased with health bills as he leaves House

BY TIM RICHARD  
STAFF WRITER

A compromise package of health insurance bills provided "a positive note" for state Rep. John Jamian as he closed five years in the Michigan Legislature.

"I left tonight knowing that we restored the people's rights regarding health care and insurance providers," said Jamian, R-Bloomfield Township, as the lame-duck Legislature shut down. Jamian, 42, didn't seek re-election.

The Health Insurance Association of America (HIAA), at blistering odds with Jamian for months over the package, praised Senate efforts to reach a compromise that wouldn't drive up individual health insurance contract prices.

According to HIAA, the bill now avoids the significant rate hikes the House-passed legislation may have caused.

Democratic Reps. Sharon Gire of Macomb County and Laura Baird of Okemos called "this bipartisan and historic legislation a win-win situation." Senate majority leader Dick Posthumus, R-Alto, praised it as pro-consumer legislation.

The House on Dec. 11 concurred in Senate amendments to the five bills by overwhelming votes ranging from 101-0 to 96-5.

Voting no most often was Rep. David Gubow, D-Huntington Woods.

Jamian's first goal was to require insurers to cover "preexisting conditions" of an individual under a group policy. "Preexisting conditions" include such ailments as diabetes, hypertension and heart problems.

His second goal was to allow insurers to exclude an individual buyer from coverage of a preexisting condition for six months.

Critics of health insurers, such as Sen. John Schwarz, R-Battle Creek, accused them of "cherry picking" good risks on which they could make money.

Small business critics of the bills said uninsured people often demanded coverage the day before they were due for an organ transplant.

Jamian said the package, as passed, still calls for full disclosure of information by insurance companies "in plain English" and permits denial of coverage for preexisting conditions only in limited instances.

"The main focus of the legislation is intact," said Jamian, chair of the House Health Policy Committee. "Patients now will have everything they need to make informed decisions about which insurance plans are best for them

and their families."

The Michigan Health and Hospital Association gave this outline of the package:

• HB 5572 permits third-party insurers with group policies of more than 50 members to deny coverage for persons with preexisting conditions for six months if the person had been diagnosed or treated in the previous six months.

• For individual or small group (2-50 members), coverage could be denied for 12 months if treatment for the condition had been received six months before assuming the policy.

• HB 5571 and 5573 prohibit the Blues and health maintenance organizations (HMOs) from excluding coverage for preexisting conditions for persons covered under group policies, but they allow a six-month exclusion for non-group policies if treatment was received six months prior to enrollment.

Health insurers said they have long practiced "guaranteed renewability" of health policies, "and this provision will put that practice into law."

Insurers said the bills "shorten the time insurers can look back in determining preexisting conditions that can be excluded from



Rep. John Jamian

coverage as well as the time that conditions can be excluded after a policy is in force. Insurers predicted the limit on excluding preexisting conditions "may require some insurers to raise rates."

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