

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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RESA HEAD START EDUCATIONAL  
ASSOCIATION, MEA/NEA,

UNPUBLISHED  
April 23, 2002

Plaintiff-Appellant,

v

No. 230624  
Wayne Circuit Court  
LC No. 99-924712-CZ

WAYNE COUNTY REGIONAL  
EDUCATIONAL SERVICE AGENCY, BOARD  
OF EDUCATION OF THE WAYNE COUNTY  
REGIONAL EDUCATIONAL SERVICE  
AGENCY, WAYNE COUNTY, and WAYNE  
COUNTY BOARD OF COMMISSIONERS,

Defendants-Appellees.

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Before: White, P.J., and Murphy and Fitzgerald, JJ.

PER CURIAM.

Plaintiff appeals as of right the order granting defendants' motions for summary disposition pursuant to MCR 2.116(C)(10). We affirm.

Head Start is a federal program designed to give economically disadvantaged children a boost by providing them with nutritional, educational, and other services at an early age. 42 USC 9831, *et seq.* The program is regulated and administered by the Department of Health and Human Services. See 42 USC 9836, 9836a. The Secretary of Health and Human Services is authorized to designate local public or private nonprofit agencies as Head Start agencies. 42 USC 9836(a).

Plaintiff is a union representing approximately 240 employees who worked in a Head Start program operated by defendant RESA.<sup>1</sup> After operating a Head Start program for many years, RESA informed the federal government that it would not apply for a Head Start grant to continue running the program after August 31, 1999. The federal government then advertised in

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<sup>1</sup> For ease of reference, we refer to defendants Wayne County Regional Educational Service Agency and Board of Education of the Wayne County Regional Educational Service Agency collectively as "RESA," and defendants Wayne County and Wayne County Board of Commissioners collectively as "Wayne County."

the Michigan Chronicle to solicit applications from other public or private non-profit entities interested in taking over the program. Wayne County applied for, and was awarded, the federal Head Start grant for the geographic area and clientele formerly served by RESA.

Plaintiff asserts that this situation is within the ambit of the Intergovernmental Transfer of Functions and Responsibilities Act (ITFRA), MCL 124.531 *et seq.*, and therefore, its members are entitled to the job and benefits protections provided by the Act. Questions of statutory interpretation and the grant of a motion for summary disposition pursuant to MCR 2.116(C)(10) are both reviewed de novo by this Court. *Oade v Jackson National Life Ins Co of Michigan*, 465 Mich 244, 250-251; 632 NW2d 126 (2001).

Section 124.532 of the ITFRA states that: “[t]wo or more political subdivisions are authorized to enter into a contract with each other providing for the transfer of functions or responsibilities to one another or any combination thereof upon the consent of each political subdivision involved.” Therefore, we must analyze whether this situation was a “transfer” of a “function” between “political subdivisions” and, if so, whether defendants “consented” to the transfer.

“The primary goal of statutory interpretation is to give effect to the intent of the Legislature.” *In re MCI Telecommunications Complaint*, 460 Mich 396, 411; 596 NW2d 164 (1999), citing *Farrington v Total Petroleum, Inc*, 442 Mich 201, 212; 501 NW2d 76 (1993). The first step in that determination is a review of the language of the statute itself. *In re MCI, supra* at 411, citing *House Speaker v State Administrative Bd*, 441 Mich 547, 567; 495 NW2d 539 (1993). If the plain language of the statute is unambiguous, “the Legislature will be presumed to have intended the meaning expressed, and judicial construction is neither required nor permissible.” *In re MCI, supra* at 411, citing *Lorencz v Ford Motor Co*, 439 Mich 370, 376; 483 NW2d 844 (1992). If the statutory language is ambiguous, however, so that reasonable minds could differ with respect to its meaning, judicial construction is appropriate. *In re MCI, supra* at 411, citing *Sam v Balardo*, 411 Mich 405, 418; 308 NW2d 142 (1981).

Neither the term “transfer” nor the term “consent” is defined by the ITFRA. However, “[t]he meaning of statutory language, plain or not, depends on context.” *People v Vasquez*, 465 Mich 83, 89; 631 NW2d 711 (2001), quoting *King v St Vincent’s Hosp*, 502 US 215, 221; 112 S Ct 570; 116 L Ed 2d 578 (1991). To determine the meaning of the terms, this Court should look to the “fair and natural import of the terms employed, in view of the subject matter of the law . . .” *People v Morey*, 461 Mich 325, 330; 603 NW2d 250 (1999). Moreover, this Court may also examine dictionary definitions as an interpretive aid if the statute does not expressly define its terms. *Consumers Power Co v Public Service Comm*, 460 Mich 148, 163 n 10; 596 NW2d 126 (1999).

We conclude that the plain meaning of MCL 124.532 is unambiguous and, therefore, judicial construction is not required. The plain meaning of “transfer,” in the context of this statute, is that one political subdivision conveys a function or responsibility to another political subdivision, and the second subdivision then provides that service. MCL 124.532. Black’s Law Dictionary, 7<sup>th</sup> Ed, p 1504, defines “transfer” as “[t]o convey or remove from one place or one person to another; to pass or hand over from one to another, esp. to change over the possession or control of.” Webster’s New Twentieth Century Dictionary Unabridged (2<sup>nd</sup> Ed) p 1938, defines “transfer” as “to convey, carry, remove, or send from one person, place, or position to another.”

In this case, no “transfer” took place as required by the ITFRA because RESA did not have the authority to convey the “function” or “responsibility” – the Head Start program – to Wayne County. Instead, the Secretary of Health and Human Services chose an eligible applicant to implement and operate the federal program. See 42 USC 9836 (authorizing the Secretary of Health and Human Services to designate Head Start agencies); 45 CFR 1302.10 (regulations concerning the basis of selection among applicants proposing to operate a Head Start program). The federal government, not the former program grantee, designates the new program operator and awards the federal grant to the new grantee. 42 USC 9836; 45 CFR 1302.10, 1302.11. Therefore, the only potential “transfer” of the function was from the federal government to Wayne County, and the federal government is not a “political subdivision” as defined by the ITFRA. MCL 124.531. Therefore, we find no “transfer” of a “function” or “responsibility” between “political subdivisions.” MCL 124.532. Because we find no “transfer,” it is unnecessary to determine whether defendants “consented” to a transfer. The trial court properly granted defendants’ motions for summary disposition.

Affirmed.

/s/ Helene N. White  
/s/ William B. Murphy  
/s/ E. Thomas Fitzgerald