Resolution A:
Opt-In and Waiver

East Lansing Public Schools, Michigan (the "District")

A regular meeting of the board of education of the District (the "Board") was held in the Board of Education Room at 6160 Towar Ave., East Lansing, MI 48823, within the boundaries of the District, on the 26th day of October, 2026, at 7:00 o'clock in the p.m. (the "Meeting")

The Meeting was called to order by _____, President.

Present: Members

Absent: Members

The following preamble and resolution were offered by Member _____ and supported by Member _____:

WHEREAS:

1. Public Act 25 of 2026 amends State School Aid Act Section 31aa, MCL 388.1631aa, to allocate for fiscal year 2026/27: (1) up to $73.53 per pupil to improve student mental health ("31aa Mental Health Funding") and (2) up to $147.06 per pupil to improve student safety ("31aa Student Safety Funding") (collectively, the "31aa Funding"); and

2. To receive either or both components of the 31aa Funding, the District must agree to receive the funding in the form and manner established by the Michigan Department of Education ("MDE"); and

3. As a condition of receiving the 31aa Student Safety Funding, the District must agree in advance that, in the event of a "mass casualty event," as defined in MCL 388.1631aa: (1) the District will be subject to and comply with a comprehensive investigation following such an event, and (2) the District will waive any privilege that may otherwise protect related information from disclosure; and

4. The Board has been advised of and fully informed regarding the potential legal and practical implications of this waiver requirement, including that it may affect the confidentiality of communications otherwise protected by the attorney-client privilege or other applicable privileges related to a "mass casualty event"; and

5. The Board acknowledges the concerns and implications of the 31aa Student Safety Funding waiver requirements and has determined that it is in the District's best interest to make an informed election regarding whether to accept or decline the 31aa Student Safety Funding; and

6. The Board desires to authorize and direct Dori Leyko, Superintendent of Schools (the "Superintendent"), or designee, to complete any documentation necessary to implement the Board's election below.

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NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby resolves to opt in and accept the Section 31aa Mental Health Funding for fiscal year 2026/27.

2. The Board hereby resolves to opt in and accept the Section 31aa Student Safety Funding for fiscal year 2026/27, subject to the conditions provided in MCL 388.1631aa. The Board acknowledges and affirms that it has been advised of the potential risks and consequences associated with waiving the attorney-client or other applicable privileges related to a "mass casualty event". Subject to Paragraph 3 below, the Board affirmatively waives any privilege that may otherwise protect information from disclosure in the event of a "mass casualty event" and consents to be subject to and comply with a comprehensive investigation following such an event, as described in MCL 388.1631aa, but only to the minimal extent legally required to obtain such funding.

3. To the extent allowed by law, any waiver or consent authorized by Paragraph 2 above shall: (a) be limited in time to State fiscal year 2026/27 or any shorter duration consistent with applicable law, and (b) not be effective unless or until a "mass casualty event" as described in MCL 388.1631aa occurs, and (c) apply only to information related to that "mass casualty event."

4. This Board authorizes and directs the Superintendent, or designee, to notify MDE as necessary of the District's elections consistent with this resolution and to take any actions necessary to effectuate the Board's decision, including the preparation and submission of any opt-in forms required by MDE.

5. Nothing within this resolution, nor by the District's participation in or acceptance of any funding under MCL 388.1631aa, shall be construed as a waiver or relinquishment of the Board's or the District's rights to question, dispute, or challenge the validity, legality, or enforceability of any condition, requirement, or limitation imposed by that section or related administrative guidance or the breadth and validity of the related waiver referenced in Paragraph 2 above.

6. In the event the MCL 388.1631aa requirement to waive privilege is modified or removed by the Legislature, or if a court of competent jurisdiction determines that such a requirement is unlawful, it is the Board's intent that the waiver contained in this resolution will, without action by the Board, be immediately rescinded and no longer have any legal effect.

7. This resolution and waiver stated in Paragraph 2 do not apply to any "mass casualty event" occurring before the date of this resolution.

8. The Board reserves the right to rescind or modify this resolution prior to a "mass casualty event" to conform to any subsequent change in law or interpretation by a court of competent jurisdiction or MDE.

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9. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.

Ayes: Members

Nays: Members

Resolution declared adopted.

Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of the District, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of a resolution adopted by the Board at the Meeting, the original of which is part of the Board's minutes. The undersigned further certifies that notice of the Meeting was given to the public pursuant to the provisions of the "Open Meetings Act" (Act 267, Public Acts of Michigan, 1976, as amended).

Secretary, Board of Education

MDF/keh

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