

Okemos Public Schools, Michigan (the “District”)

A special meeting of the board of education of the District (the “Board”) was held in the boardroom, within the boundaries of the District, on the 16th day of December, 2025, at 6 o’clock in the p.m. (the “Meeting”)

The Meeting was called to order by Tom Buffett, President.

Present: Members

Absent: Members

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

WHEREAS:

1. Public Act 15 of 2025 amends State School Aid Act Section 31aa, MCL 388.1631aa, to allocate funding for fiscal year 2025/2026 to support school safety and student mental health initiatives, as well as to provide certain competitive grant funding (“31aa Funding”); and

2. To receive 31aa Funding, the District must agree to receive the funding in the form and manner established by the Michigan Department of Education (“MDE”) and either formally opt in or seek a competitive grant; and

3. As a condition of receiving either type of 31aa 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. Litigation challenging the legality and enforceability of the privilege-waiver requirement is currently pending; and

5. The opt-in deadline for 31aa Funding was on or around December 4, 2025, at 11:59 p.m. (the “Opt-In Deadline”), and failing to opt in by the Opt-In Deadline would have caused the District to lose eligibility for 31aa Funding; and

6. The respective courts have ordered that school districts that opt in by the Opt-In Deadline have the right to rescind their respective opt ins by providing notice to MDE no later than December 30, 2025, at 11:59 p.m., as may be subject to further extension (the “Rescission Deadline”), in the form and manner established by MDE; and

7. John Hood, Superintendent, (“Authorized Official”) submitted the District’s opt-in form to MDE by the Opt-In Deadline to preserve eligibility for 31aa Funding; and

8. The Board has been fully advised of the legal and practical implications of the privilege-waiver requirement, including its potential effect on attorney-client privilege and other applicable privileges; and

9. The Board desires to ratify the Authorized Official's submission of the opt-in form and to preserve the District's ability to rescind if the privilege-waiver requirement remains in effect.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby ratifies the Authorized Official's submission of the District's opt-in form to MDE by the Opt-In Deadline solely for the purpose of preserving eligibility for 31aa Funding and only on a conditional basis, as provided in this Resolution. Submission of the opt-in form shall not constitute a present waiver of the attorney-client privilege or any other privilege.

2. The District's conditional opt in shall be automatically rescinded without further action of the Board, unless, on or before the Rescission Deadline: (a) the Legislature removes, substantively amends, or otherwise eliminates the privilege-waiver requirement such that acceptance of 31aa Funding would not require waiver of attorney-client privilege or any other applicable privilege; or (b) a court of competent jurisdiction rules that the privilege-waiver requirement is unlawful, unenforceable, or otherwise not applicable to the District. If neither (a) nor (b) occurs by the Rescission Deadline, the Superintendent of Schools, or designee, shall notify MDE, in the form and manner required by MDE and no later than the Rescission Deadline, that the District's opt in is rescinded.

3. If the privilege-waiver requirement remains in effect and enforceable as of the Rescission Deadline, the Superintendent of Schools, or designee, shall have no authority or obligation to accept 31aa Funding.

4. Nothing in this Resolution shall be construed as a waiver of attorney-client privilege or any other applicable privilege.

5. The District's participation in the opt-in or rescission process shall not be construed as a waiver of the Board's or District's right to challenge the legality or enforceability of any condition imposed by MCL 388.1631aa or related administrative guidance.

6. If, after the Rescission Deadline, the privilege-waiver requirement is removed, amended, or invalidated, the Board may take further action as it deems appropriate to pursue 31aa Funding consistent with applicable law.

7. This Resolution does not apply to any "mass casualty event" occurring prior to the Opt-In Deadline.

8. 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.

President & Acting Secretary, Board of Education

The undersigned duly qualified and Acting Secretary of the Board of Education of Okemos Public Schools, 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).

President & Acting Secretary, Board of Education

MDF/keh