

## RESOLUTION OF THE KENT ISD SCHOOL BOARD

AUTHORIZING PARTICIPATION IN LITIGATION CHALLENGING SECTION 31aa(9) OF THE STATE SCHOOL AID ACT\*\*

**WHEREAS**, Kent Intermediate School District (“Kent ISD”) is committed to ensuring the safety, well-being, and mental health of all students, and relies on state funding to provide essential services, personnel, and supports; and

**WHEREAS**, Section 31aa of the State School Aid Act (2025 PA 15) allocates substantial funding for school safety and mental-health initiatives for the 2025–2026 fiscal year; and

**WHEREAS**, Section 31aa(9) conditions the receipt of these critical funds on school districts’ agreement to a broad and undefined prospective waiver of “any privilege” in the event of a “mass casualty event,” including legal, statutory, and constitutional privileges; and

**WHEREAS**, this Privilege Waiver is vague, overbroad, and coercive, exposing Kent ISD and its officials to significant legal uncertainty and potential criminal penalties under MCL 388.1761 for unknowingly failing to comply with unclear statutory requirements; and

**WHEREAS**, this statutory condition risks forcing Kent ISD to choose between protecting its constitutional rights and accessing funding essential for student mental health and school safety; and

**WHEREAS**, the Verified Complaint filed on November 13, 2025 in the Michigan Court of Claims outlines multiple independent constitutional concerns with Section 31aa(9), including:

- Violations of substantive due process under Article 1, §17 of the Michigan Constitution;
  - Unconstitutional conditions placed upon essential public funding;
  - Violations of Article 4, §24 (Title-Object, Single-Object, and Change-of-Purpose Clauses); and
  - Impermissible encroachment on the judiciary’s authority in violation of Article 3, §2 and Article 6, §5 of the Michigan Constitution;
- Verified Complaint for Declarat...

**WHEREAS**, Kent ISD, along with other intermediate school districts and public school districts across Michigan, has been named as a plaintiff in litigation seeking declaratory and injunctive relief to prevent enforcement of this unconstitutional funding condition; and

**WHEREAS**, participation in this litigation is necessary to safeguard the rights of Kent ISD, its board members, administrators, and the students and communities it serves;

**NOW, THEREFORE, BE IT RESOLVED**, that the Kent ISD School Board hereby authorizes Kent ISD to participate as a plaintiff in litigation challenging Section 31aa(9) of the State School Aid Act;

**BE IT FURTHER RESOLVED**, that the Board authorizes the Superintendent, or designee, to execute all documents necessary to support Kent ISD's participation, including but not limited to retention agreements, affidavits, declarations, and related legal filings;

**BE IT FURTHER RESOLVED**, that the Board authorizes legal counsel, including Miller Canfield Paddock & Stone, PLC, to represent Kent ISD in this matter;

**BE IT FURTHER RESOLVED**, that the Board affirms its commitment to securing constitutionally sound access to school safety and mental-health funding necessary for the protection and support of students throughout Kent County.

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Andrea Haidle, Board President

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David Drake, Board Secretary

November 17, 2025