



Special Board
Meeting
Monday, December 1, 2025 6:30 PM Eastern

Michelle Craig: Present

Glenn Fox: Present

Nicolia Heineman: Present

Erin Hunt-Carter: Absent

Heidi Reyst: Present

Sara Tracy: Present

Eric Wilkinson: Present

Present: 6, Absent: 1.

1. Call to order and Pledge of Allegiance

Motion to accept the agenda. This motion, made by Michelle Craig and seconded by Sara Tracy, Passed.

Erin Hunt-Carter: Absent, Michelle Craig: Yea, Glenn Fox: Yea, Nicolia Heineman: Yea, Heidi Reyst: Yea, Sara Tracy: Yea, Eric Wilkinson: Yea

Yea: 6, Nay: 0, Absent: 1

Meeting was called to order at 6:30pm by Vice President Glenn Fox.

2. Public Input

None

3. Information & Discussion

Superintendent Kapolka updated the Board on the latest news regarding Section 31aa funding.

- Since the November 17, 2025 regular Board meeting, there was legal guidance issued on November 25, 2025, giving districts flexibility as they wait for a legal remedy. The agreed upon changes from the MDE and plaintiff districts:
 - The deadline to opt in for Section 31aa funding has been extended to Dec 4th at 11:59pm.
 - Districts may rescind their opt-in, with no penalty or questions asked, until Dec 30th at 11:59am.
 - Courts have committed to issuing decisions on the merits of the cases by Dec 19, 2025.
- To be considered for 31aa funding, district must opt in by December 4th.
- If the courts determine that the privilege waiver is unconstitutional, district that opted in will receive funding and retain full legal privilege protections.
- If both courts rule against the districts, we would need to rescind our opt-in by December 30, 2025 to preserve district privilege protections.

- This temporary agreement gives schools a narrow but important window to protect their ability to receive funding if the lawsuits are successful while also protecting privilege if they are not.

Discussion ensued.

It was decided to change the order of the Action Items, so as to vote on Action Item 34-35-36 (Resolution D) before voting on Action Item 33-25-26 (to rescind the previous resolution).

4. Individual Action Items

4.b. Action Item: 34-25-26 Superintendent Kapolka recommends the Board approve 31aa Resolution D, which authorizes the district to opt in to Section 31aa funding with the ability to rescind by December 30.

Superintendent Kapolka summarized that Resolution D does the following:

- Authorizes the district to opt in to Section 31aa funding by the December 4th deadline
- Clarifies that the district does not waive privilege unless required by final court action
- Preserves the district's ability to rescind the opt-in before December 30th, if needed
- Aligns the district with the legal guidance issued by MASA and counsel

Motion to approve 31aa Resolution D. This motion, made by Michelle Craig and seconded by Nicolia Heineman, Passed.

Erin Hunt-Carter: Absent, Michelle Craig: Yea, Glenn Fox: Yea, Nicolia Heineman: Yea,

Heidi Reyst: Yea, Sara Tracy: Yea, Eric Wilkinson: Yea

Yea: 6, Nay: 0, Absent: 1

4.a. Action Item: 33-25-26 Superintendent Kapolka recommends the Board rescind the 31aa resolution declining the funding as presented at the November 17, 2025 regular Board meeting.

Motion to rescind the 31aa resolution declining the funding as presented at the November 17, 2025 regular Board meeting. This motion, made by Eric Wilkinson and seconded by Sara Tracy, Passed.

Erin Hunt-Carter: Absent, Michelle Craig: Yea, Glenn Fox: Yea, Nicolia Heineman: Yea, Heidi Reyst: Yea, Sara Tracy: Yea, Eric Wilkinson: Yea

Yea: 6, Nay: 0, Absent: 1

5. Adjournment

The meeting was adjourned at 7:14pm.

Respectfully Submitted,

Sara Tracy
Board Secretary