

**OWOSSO PUBLIC SCHOOLS
Board of Education Minutes
Special Regular Board Meeting
December 3, 2025
Report 25-77**

Present: Adam Easlick, Nick Henne, Rick Mowen, Shelly Ochodnicki, John Pappas, Olga Quick, Marlene Webster

Absent: None

President Webster called the Board of Education Meeting to order at 5:30 p.m. The meeting was held at the Washington Campus Gymnasium, 645 Alger St, Owosso, MI 48867.

Pledge of Allegiance

Public Participation

President Webster stated that the Board of Education is a public body and recognizes the value of public comment on education issues. Time has been included in the meeting's agenda for public participation. Members of the audience were reminded they should announce their name and group affiliation when applicable and to limit their participation time to three minutes or less. Comments should be directed to the Board and be relevant to the business of the Board of Education. This is not an opportunity for dialogue with the Board of Education. The rules of common courtesy should also be observed.

The following participants addressed the Board: None

For Action

- Moved by Mowen, supported by Easlick, to adopt Resolution D 31aa Funding. Motion carried unanimously.

Closed Session

Moved by Ochodnicki, supported by Pappas, to enter closed session at 5:36 p.m. for attorney-client privileged communication. Motion carried unanimously.

Moved by Mowen, supported by Quick, to return to open session at 6:41 p.m. Motion carried unanimously.

Adjournment

Moved by Mowen, supported by Quick, to adjourn at 6:41 p.m. Motion carried unanimously.

Minutes recorded by Sara Selleck.

Respectfully submitted,



Nick Henne, Secretary

**Resolution D:
Opt-In Subject to
Rescission**

Owosso Public Schools, Michigan (the "District")

A special meeting of the board of education of the District (the "Board") was held in the Washington Campus Gymnasium, within the boundaries of the District, on the 3rd day of December, 2025, at 5:30 o'clock in the p.m. (the "Meeting")

The Meeting was called to order by Marlene Webster, 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 is currently December 4, 2025, at 11:59 p.m., and it may be subject to further extension (the "Opt-In Deadline"); and

6. The litigation parties have stipulated that a district may later rescind its opt in 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. 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

8. The Board desires to preserve the District's eligibility for 31aa Funding while avoiding any present waiver of privilege and while allowing time for the courts to determine the legality and enforceability of the privilege-waiver requirement.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby authorizes the Superintendent of Schools, or designee, to submit the District's opt-in form to MDE on or before the Opt-In Deadline, solely for the purpose of preserving the District's 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.

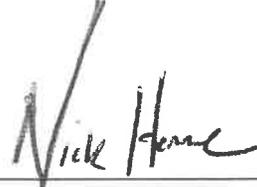
7. This Resolution does not apply to any "mass casualty event" occurring prior to the Opt-In Deadline.

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.



Secretary, Board of Education

The undersigned duly qualified and acting Secretary of the Board of Education of Owosso 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).



Secretary, Board of Education

MDF/keh