

**Resolution B:
Partially Decline Opt-
In**

New Buffalo Area Schools, Michigan (the “District”)

A _____ meeting of the board of education of the District (the “Board”) was held in the _____, within the boundaries of the District, on the _____ day of _____, 20____, at _____ o’clock in the ____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 legal and practical implications of this waiver requirement, including that it may affect the confidentiality of communications otherwise protected by the attorney-client privilege and other applicable privileges related to a “mass casualty event”; and

5. The Board recognizes that the waiver requirement may expose the District to legal, reputational, and operational risks and that the decision to accept or decline funding carries significant implications for the District’s ability to manage sensitive information responsibly; and

6. After careful deliberation, the Board has determined that, while it fully supports initiatives to enhance school safety, it is in the District’s best interest to preserve its legal privileges and make a deliberate, informed election about participation in 31aa Student Safety Funding.

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. The Board shall use such funds solely for purposes permitted under MCL 388.1631aa and applicable MDE guidance and authorizes and directs Adam Bowen, Superintendent of Schools, or designee, to notify MDE as necessary of the District's election 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 form required by MDE.

2. The Board's acceptance of the Section 31aa Mental Health Funding ***does not*** constitute acceptance of, agreement to, or compliance with any conditions applicable solely to the Section 31aa Student Safety Funding, including any requirement relating to a comprehensive investigation or waiver of attorney-client privilege or any other applicable privilege.

3. The Board hereby resolves to ***decline*** Section 31aa Student Safety Funding in order to preserve attorney-client or other applicable privileges that would otherwise be subject to waiver under the conditions imposed by MCL 388.1631aa. This decision reflects the Board's commitment to responsible governance and the protection of sensitive information, while continuing to prioritize student safety through existing programs and initiatives.

4. This decision represents the Board's careful and deliberate exercise of its discretion, balancing the statutory conditions of 31aa Student Safety Funding with the District's responsibility to maintain operational and legal safeguards.

5. 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