

MINUTES

STATE BOARD OF EDUCATION

Virtual Meeting as Allowed by
Executive Directive 2020-2 and Executive Order 2020-75

May 12, 2020
9:30 a.m.

Present: Dr. Michael F. Rice, Chairperson
Dr. Casandra E. Ulbrich, President
Dr. Pamela Pugh, Vice President
Ms. Michelle Fecteau, Secretary
Mr. Tom McMillin, Treasurer
Ms. Tiffany Tilley, NASBE Delegate
Dr. Judith Pritchett, SBE Legislative Committee Co-Chairperson
Ms. Lupe Ramos-Montigny, SBE Legislative Committee Chairperson
Ms. Nikki Snyder, SBE Legislative Committee Member
Ms. Brandy Johnson, representing Governor Gretchen Whitmer, ex officio

Also Present: Ms. Cara Lougheed, 2019-2020 Michigan Teacher of the Year

REGULAR MEETING

I. CALL TO ORDER

Dr. Rice called the meeting to order at 9:43 a.m.

Dr. Rice said due to the COVID-19 national emergency and in accordance with Executive Directive 2020-2 and Executive Order 2020-75, the State Board of Education Regular and Committee of the Whole meeting is being convened with remote access technology.

II. APPROVAL OF AGENDA AND ORDER OF PRIORITY

Dr. Pritchett moved, seconded by Dr. Pugh, that the State Board of Education approve the agenda and order of priority.

A vote was taken on the motion.

The motion carried unanimously.

III. INTRODUCTION OF STATE BOARD OF EDUCATION MEMBERS

Dr. Rice asked that the members of the State Board of Education be introduced. Mrs. Marilyn Schneider, State Board Executive, introduced the members of the State Board of Education.

IV. RECESS

The Board recessed the Regular Meeting at 9:45 a.m. and convened the Committee of the Whole.

COMMITTEE OF THE WHOLE MEETING

V. CALL TO ORDER

Dr. Rice called the Committee of the Whole Meeting to order at 9:46 a.m.

VI. EDUCATIONAL UPDATES RELATED TO COVID-19

Dr. Rice said there are several COVID-19-related presentations on the agenda. He said on March 10, 2020, at the beginning of the State Board of Education meeting there were no known COVID-19 cases in the state, and by the end of the meeting the first two cases had been announced. He said on March 12, with 12 known COVID-19 cases in the state, the governor announced school building closures initially for three weeks, which was later extended to the end of the school year. He said on March 23, the governor issued a stay home stay safe order, and he appreciates her leadership during this time of pandemic.

Dr. Rice said much has changed in the state, nation, and world relative to the pandemic. He said there have been many changes that have taken place in and around Michigan schools, and with regard to the Department's efforts to provide support.

Ms. Alles provided information on continuity of learning plans and twelfth grade. She said Executive Order 2020-65 provides important underlying themes. She said three themes are that students are at the center of instruction, students are not penalized for their inability to fully participate, and educators are to provide alternative modes of instruction.

Ms. Alles said Section 2 provides for continuity of learning plans, which are required for all local districts, public school academies, and intermediate school districts that educate students in kindergarten through twelfth grade. Ms. Alles shared details of the plans and provisions.

Ms. Alles said Section 5 is titled Pupils in Grade 12, and ensures flexibility that districts have to ensure that students are able to graduate. She said this section of the executive order provides districts with options for use without limitation to get seniors to the finish line of graduation. Ms. Alles share details of this section on graduation.

Early Childhood Education

Dr. Scott Koenigsknecht, Deputy Superintendent, P-20 System and Student Transitions, and Mr. Richard Lower, Director, Preschool and Out-of-School Time Learning, presented information on the early childhood programs.

Information was shared via a [PowerPoint presentation](#).

Board member comments included appreciation for the support of four-year-old children, their families, and their unique needs during the pandemic.

Educator Certification

Dr. Venessa Keesler, Director, Educator, Student, and School Supports, and Ms. Leah Breen, Director, Educator Excellence, presented information on educator licensure.

Information was shared via a [PowerPoint presentation](#).

Board member comments included thanks for addressing licensing concerns during the pandemic and walking alongside people.

Child Care

Dr. Scott Koenigsknecht, Deputy Superintendent, P-20 System and Student Transitions, and Ms. Lisa Brewer-Walraven, Director, Child Development and Care, provided information on child care programs.

Information was shared via a [PowerPoint presentation](#).

Board member comments included dissemination of information on child care center openings to hospital lunchrooms and workplaces of essential workers as well as unions, wellness calls to licensed child care providers, availability of child care for manufacturing workers and others who are allowed to return to work, and safety of workers and children in juvenile detention centers.

Special Education

Dr. Scott Koenigsknecht, Deputy Superintendent, P-20 System and Student Transitions, and Ms. Teri Chapman, Director, Office of Special Education, provided information on special education.

Information was shared via a [PowerPoint presentation](#).

Board member comments included a streamlined systematic approach to receiving compensatory services, best practices in other states, and inadequate funding for special education.

Feeding Children

There was board consensus to reorder the agenda.

Mr. Kyle Guarrant, Deputy Superintendent, Finance and Operations, and Dr. Diane Golzynski, Director, Health and Nutrition Services, provided information on food and meal distribution.

Information was shared via [PowerPoint presentation](#).

Board member comments included ensuring immigrant children are included in feeding programs without worrying about immigration status, and appreciation for people working to provide food.

VII. RECESS

The Board recessed the Committee of the Whole Meeting at 11:41 a.m. and reconvened at 12:38 p.m.

VIII. EDUCATIONAL UPDATES RELATED TO COVID-19 (continued)

State and School Budgets

Mr. Kyle Guerrant, Deputy Superintendent, Finance and Operations; and Ms. Joetta Parker, Director, Human Resources; provided an update on state and school budgets.

Information was shared via [PowerPoint presentation](#).

Board member comments included who is authorized to request a waiver for maintenance of effort in the Coronavirus Aid, Relief, and Economic Security Act; thanks to people making sure children are fed, safe, and being educated; areas for savings; areas of increased costs; and requests for state and federal funding.

IX. RECESS

The Board recessed the Committee of the Whole Meeting and reconvened the Regular Meeting at 12:53 p.m.

REGULAR MEETING

X. PUBLIC PARTICIPATION IN STATE BOARD OF EDUCATION MEETING

1. Mr. David Michelson, representing the Michigan Education Association, provided comments and a written statement supporting the proposed Resolution Regarding Funding to Preserve Educational Services for Children.
2. Mr. Ray Telman, Executive Director, Middle Cities Education Association, from Lansing, Michigan, provided comments supporting the proposed Resolution Regarding Funding to Preserve Educational Services for Children. Mr. Telman also provided a video clip of an interview with Edriese Jenkins, Executive Chef, Muskegon Public Schools.
3. Ms. Teri Pettit, Special Education Advisory Committee Facilitator, provided comments on Special Education Advisory Committee vacancies and recruitment.
4. Mr. Paul Sandy, from Farmington Hills, Michigan, provided comments on the closing of Avondale Academy.
5. Ms. Aliya Moore, from Detroit, Michigan, provided comments on emergency management of Detroit Public Schools, missed opportunities for school children, and forgiveness of debt.

6. Dr. Thomas C. Pedroni, Associate Professor, Curriculum Studies, Wayne State University, provided comments supporting the proposed Resolution Establishing the State Board of Education's Position in *Gary B., et al. v. Gretchen Whitmer, et al.*
7. Mr. Chris Wigent, Executive Director, Michigan Association of Superintendents & Administrators, provided comments supporting the Resolution Regarding Funding to Preserve Educational Services for Children.
8. Dr. Kaitlin Popielarz, from Berkley, Michigan, provided comments on the closing of Avondale Academy and support for the Proposed Resolution Establishing the State Board of Education's Position in *Gary B., et al. v. Gretchen Whitmer, et al.*
9. Ms. Lisa Massat, from West Bloomfield, Michigan, provided comments regarding ensuring a rich online learning experience for all students at all levels in all demographics.
10. Mr. Jamarria Hall, from Detroit, Michigan, provided comments on the fundamental right to education for Detroit students.

XI. RECESS

The Board recessed the Regular Meeting and reconvened the Regular Meeting at 1:32 p.m.

COMMITTEE OF THE WHOLE MEETING

XII. EDUCATIONAL UPDATES RELATED TO COVID-19 (continued)

Coronavirus Aid, Relief, and Economic Security (CARES) Act

Mr. Kyle Guerrant, Deputy Superintendent, Finance and Operations provided an update on the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Information was shared via [PowerPoint presentation](#).

Board member comments included funding to address inequities, and CARES Act funding across all sectors.

XIII. ADJOURNMENT

The Board adjourned the Committee of the Whole Meeting and reconvened the Regular Meeting at 1:40 p.m.

REGULAR MEETING

XIV. APPROVAL OF STATE BOARD OF EDUCATION MINUTES

Approval of Minutes of Regular and Committee of the Whole Meeting of April 14, 2020

Dr. Pritchett moved, seconded by Mr. McMillin, that the State Board of Education approve the Minutes of the Regular and Committee of the Whole Meeting of April 14, 2020.

A roll call vote was taken on the motion.

**Fecteau – Aye
McMillin – Aye
Pritchett – Aye
Pugh – Aye
Ramos-Montigny – Aye
Snyder – Aye
Tilley – Aye
Ulbrich – Aye**

The motion carried unanimously.

XV. REPORT OF THE PRESIDENT

Dr. Ulbrich expressed appreciation of staff for the work they are doing during the pandemic. She congratulated graduating seniors and said they are showing extraordinary resilience. She thanked hardworking teachers and parents who are working to ensure a seamless time for students.

Dr. Ulbrich acknowledged the difficult budget, due to the pandemic, and the board’s advocacy on behalf of schools at the state and federal levels.

XVI. REPORT OF THE STATE SUPERINTENDENT

Report

D. Human Resources Report

Grants

E. Report on Grant Awards

1. 2020-2021 Title I, Part C Migrant Education Programs - Initial; \$1,301,259 (Educational Supports – Paula Daniels)
2. 2020-2021 Title III, Part A Language Instruction 2021 for English Learners - Initial; \$7,018,075 (Educational Supports – Paula Daniels)
3. 2019-2020 Section 99s(2) and (3) – MiSTEM Advisory 2020 Council Grants - Initial; \$3,050,000 (Educational Supports – Paula Daniels)

4. 2019-2020 Library Services and Technology Act (LSTA) Public Library 2020 Services Grant Program – Initial, \$140,721 (Library of Michigan – Randy Riley)

Dr. Rice said he is thankful for Michigan’s teachers, support staff, and administrators who have continued to work hard for children in the midst of a pandemic. He said he is thankful for Michigan Department of Education staff providing support to local educators and districts, and caring State Board of Education members who are thinking through what is necessary for young people, educators, and schools. He said he is thankful for the leadership of the governor, and the partnership with the governor’s office particularly Ms. Brandy Johnson, the governor’s representative on the board. He said he is thankful for the partnerships with other Michigan departments.

XVII. REPORT OF THE MICHIGAN TEACHER OF THE YEAR

Ms. Cara Lougheed, 2019-2020 Michigan Teacher of the Year, provided the Michigan Teacher of the Year Report.

Ms. Lougheed said she has been working on the Supporting Summer Learning document, and participated in student and parent town hall meetings.

Ms. Lougheed said many of the National Teacher of the Year events are cancelled or postponed. She said she participated in the Dear Teachers We’ve Got This video with the state teachers of the year from across the country.

Ms. Lougheed said she did a Google doodle with a superhero theme. She said she continues to her work as a member of the Governor’s Educator Advisory Council. She acknowledged Teacher Appreciation Week.

XVIII. APPROVAL OF AMENDMENT TO THE AGREEMENT BETWEEN THE STATE BOARD OF EDUCATION AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION

Dr. Rice said given the state’s challenging financial picture, a number of top officials and department heads have taken a five percent cut in salary until the end of the fiscal year. He said he cannot simply decrease his pay, because his contract requires action by the State Board of Education.

Dr. Ulbrich said, as Dr. Rice has explained, many state leaders are taking a voluntary reduction in salary during these unprecedented times, and Dr. Rice has generously agreed to do the same. She said discussions with the Attorney General’s office have confirmed that it would require the board to attach an addendum to Dr. Rice’s contract prior to the reduction in salary.

Dr. Ulbrich moved, seconded by Dr. Pritchett, that the State Board of Education authorize President Ulbrich to enter into an Amendment to the employment contract with Dr. Michael Rice to reduce State Superintendent Rice’s salary by five percent for the remainder of the fiscal year.

Ms. Fecteau said she understands the need for the cut, but Superintendent Rice took a significant cut in pay to become the State Superintendent. She said she appreciates his sacrifices, which are more than the current cut being proposed.

Dr. Pugh said Dr. Rice and staff are working harder during the pandemic thinking innovatively, making decisions, and being on telephone calls during all hours, which she appreciates.

Dr. Ulbrich said she agrees with Dr. Pugh. She said work from home, which we are doing right now, does not mean work less, and there is not a five percent reduction in duties. Dr. Ulbrich said thank you.

A roll call vote was taken on the motion.

Fecteau – Aye
McMillin – Aye
Pritchett – Aye
Pugh – Aye
Ramos-Montigny – Aye
Snyder – Aye
Tilley – Aye
Ulbrich – Aye

The motion carried unanimously.

XIX. DISCUSSION/ACTION ON RESOLUTION REGARDING FUNDING TO PRESERVE EDUCATIONAL SERVICES FOR CHILDREN

Dr. Rice asked for a motion on the Resolution Regarding Funding to Preserve Educational Services for Children.

Ms. Ramos-Montigny moved, seconded by Ms. Tilley, that the State Board of Education approve the Resolution Regarding Funding to Preserve Educational Services for Children, as attached to the Superintendent’s memorandum dated May 11, 2020.

Dr. Ulbrich said current revenue estimates indicate there could be a potential cut of about \$685 per student. She said there was a Bridge Magazine article in which Senator Wayne Schmidt said he has instructed school officials to prepare for the worst budget in decades, which could be a potential cut in per pupil foundation grant allowance of up to 20 percent, which amounts to roughly \$2,000. She said the State Board of Education has a constitutional responsibility to advise the legislature as to the financial requirements for public education. She said the resolution encourages work at both the state and federal levels to ensure a fair budget process for schools.

Ms. Snyder said the Coronavirus Aid, Relief, and Economic Security (CARES) Act funding is 390 million dollars. She said written articles can perpetuate fear, and she doesn’t err on the side of needing more. She said she doesn’t think it is a responsible thing to do as an elected official when we are getting extra funding. She said a breakdown of the CARES Act funding was requested during the meeting, and staff will provide it. She said the need must be defined before asking for more.

Ms. Fecteau said state revenues from income and sales taxes will be less. She said CARES Act funding will not be enough, and there is a need for special education funding. She said ways to mitigate the current burden are needed.

Mr. McMillin said when he was a legislator, he fought corporate welfare. He said the amendments he will be proposing result from his desire to make sure tax dollars are spent prudently and not on the backs of the children in schools right now. He said everything should be done to make sure the money that's being spent now is being spent well, so that there's not more debt created.

Dr. Ulbrich read the draft Resolution Regarding Funding to Preserve Educational Services for Children.

Mr. McMillin moved, seconded by Ms. Snyder, that the Resolution Regarding Funding to Preserve Educational Services for Children be amended in the first Resolved paragraph, after "pandemic" to add "as long as State Superintendent Dr. Rice can prove publicly that all Michigan Department of Education employees receiving full time or 95% pay for work done remotely during the Governor's declared state of emergency, has in fact done full time work each day they have been paid."

Mr. McMillin said he thinks that the public should be able to know that people getting paid are doing the work. Mr. McMillin said he doesn't have any reason to believe that it's not being done.

Dr. Pugh said people are working hard in the midst of a pandemic.

Ms. Ramos-Montigny said she will oppose the amendment. She said the pandemic has impacted the budget for years to come. She said we must get our resources together to continue educating children. She said the work of the department has been demonstrated.

Ms. Fecteau said she lives in a house with two educators, and she sees how hard they are working. She said supervision of employees should be left to local communities.

Ms. Snyder apologized to the public for bickering. She said it is okay to suggest amendments, as the board carries out its work with fiscal responsibility and fidelity with and for the public.

A roll call vote was taken on the motion to amend.

**Fecteau – Nay
McMillin – Aye
Pritchett – Nay
Pugh – Nay
Ramos-Montigny – Nay
Snyder – Aye
Tilley – Nay
Ulbrich – Nay**

The motion to amend failed.

Mr. McMillin proposed a second amendment to the resolution.

Mr. McMillin moved, seconded by Ms. Snyder, that the Resolution Regarding Funding to Preserve Educational Services for Children be amended in the first Resolved paragraph, after "pandemic" to add "as long as there exists no opportunity to cut sufficient funds from other departments, including corporate welfare from the MEDC, in the state of Michigan's government to make up for the perceived education funding needed."

Ms. Fecteau said there is always an opportunity to cut funds, and the language is overly broad.

Dr. Ulbrich said the Legislature appropriates funds, and it is beyond the control of the State Board of Education.

Mr. McMillin said he would be willing to change "cut insufficient funds" to "cut less important funds."

Dr. Ulbrich said the language of the resolution is not asking for money. She said it is asking for preservation of educational services to Michigan school children.

Mr. McMillin said the record should show that additional money is not being requested.

A roll call vote was taken on the second motion to amend.

**Fecteau – Nay
McMillin – Aye
Pritchett – Nay
Pugh – Nay
Ramos-Montigny – Nay
Snyder – Aye
Tilley – Nay
Ulbrich – Nay**

The motion to amend failed.

Mr. McMillin proposed a third amendment to the resolution.

Mr. McMillin moved, seconded by Ms. Snyder, that the Resolution Regarding Funding to Preserve Educational Services for Children be amended in the first Resolved paragraph, after "pandemic" to add "as long as the federal government does not lay the additional costs of this funding on the backs of students in the form of additional debt, but rather will cut other government spending equivalent to the perceived education funding needed."

Mr. McMillin said he believes the resolution will be perceived as a request for funding. He said this amendment is saying cut elsewhere, and don't lay additional debt on children.

Ms. Fecteau said there are too many corporate tax credits. She said not having the education to become productive adults is a more immediate concern.

Dr. Pugh said she appreciates the spirit around corporate tax credits. She said kindergarten through 12th grade funding needs to be preserved.

A roll call vote was taken on the third motion to amend.

Fecteau – Nay
McMillin – Aye
Pritchett – Nay
Pugh – Nay
Ramos-Montigny – Nay
Snyder – Aye
Tilley – Nay
Ulbrich – Nay

The motion to amend failed.

Dr. Rice said the resolution seeks to make sure that educational services for children in the state of Michigan do not deteriorate. He said Dr. Pugh referred to persistent underfunding of public schools in the state of Michigan. He said there have been six studies in six years that have said the same thing. He said the resolution is talking about the revenue base not deteriorating further.

Mr. McMillin said all of the amendments he proposed failed. He said the resolution is unclear with regard to funding, and he will be passing on the vote.

Ms. Snyder said to simultaneously say thank you to Congress for CARES Act funding, which we haven't quite figured out the whole breakdown of those dollars, and then Congress please don't cut funding, doesn't make sense. She said Congress is not cutting funding, and they haven't done that. She said the resolution is not clear.

Dr. Rice said the CARES Act funding is just shy of 390 million dollars for prekindergarten through twelfth grade schools in the state of Michigan. He said if there was a 1.4-million-dollar gap in the school aid fund, that would be four times the CARES Act funding. He said the CARES Act funding is appreciated and helpful, but not a safeguard from very profound cuts associated with our young people. He said he believes it will become clear during the mid-May revenue estimating conference.

A roll call vote was taken on the original motion.

Fecteau – Aye
McMillin – Abstain
Pritchett – Aye
Pugh – Aye
Ramos-Montigny – Aye
Snyder – Abstain
Tilley – Aye
Ulbrich – Aye

The motion carried.

The Resolution Regarding Funding to Preserve Educational Services for Children is attached as Exhibit A.

XX. DISCUSSION/ACTION ON RESOLUTION REGARDING GARY B. ET AL. V. GOVERNOR WHITMER ET AL.

Dr. Rice asked Dr. Ulbrich to lead the discussion on the Resolution Establishing the State Board of Education's Position in *Gary B., et al. v. Gretchen Whitmer, et al.*

Dr. Ulbrich moved, seconded by Dr. Pritchett, that the State Board of Education approve the Resolution Establishing the State Board of Education's Position in *Gary B., et al. v. Gretchen Whitmer, et al.*, as attached to the President's memorandum dated May 12, 2020.

Dr. Ulbrich read the Resolution Establishing the State Board of Education's Position in *Gary B., et al. v. Gretchen Whitmer, et al.*

Mr. McMillin said the request for rehearing en banc is asking that all 15 judges make the decision instead of just the delegation of 3 judges. He said the result of the resolution may mean that other districts will lose funding. He said he doesn't want education in Michigan decided by one federal judge.

Ms. Fecteau said she lives in Detroit and has children in Detroit schools, and it is an opportunity to do something about the status quo. She said it is an historic point to ensure that children have the right to literacy.

Ms. Snyder said it is an important case building to a highly controversial conversation. She said all members of the State Board of Education agree that children need to read. She said there are issues with literacy in Michigan and problems that need to be solved. She said she is not willing to take a gamble that public education be turned over to another emergency manager or a federally appointed judge.

Mr. McMillin moved, seconded by Ms. Snyder, that the Resolution Establishing the State Board of Education's Position in *Gary B., et al. v. Gretchen Whitmer, et al.*, be amended to delete the 2nd and 3rd paragraphs under the resolved paragraph.

Dr. Pugh said the second paragraph should stand, because it is factual.

Mr. McMillin said he is open to leaving paragraph 2 and removing paragraph 3.

A roll call vote was taken on the first motion to amend.

Fecteau – Nay
McMillin – Aye
Pritchett – Nay
Pugh – Nay
Ramos-Montigny – Nay
Snyder – Aye
Tilley – Nay
Ulbrich – Nay

The motion to amend failed.

Dr. Pugh offered an amendment to the original motion.

Dr. Pugh moved, seconded by Ms. Ramos-Montigny, that Dr. Pugh’s name be added to the last paragraph.

Dr. Pugh said she has various questions and knowledge of the case, and would like to be a back up with Dr. Ulbrich.

Dr. Pritchett while she appreciates Dr. Pugh’s passion, she would be concerned about adding an additional name, because the president of the board is duly elected by board members as the spokesperson in negotiations and legal matters. She said it has been her experience in school districts and boards of education that it is solely the president. She said Dr. Ulbrich is open and keeps the board well information. She said protocol should be kept to one person.

Ms. Fecteau said she agrees with Dr. Pritchett.

Ms. Ramos-Montigny said Dr. Ulbrich and Dr. Pugh could be a team to move forward and engaged seriously about the issue in different ways. She said combining two makes it stronger.

Dr. Ulbrich said she has no problem bringing others to the table. She said if it is put into the resolution there needs to be some additional material such as what happens if Dr. Pugh and she give the Attorney General’s office different guidance. She said there are other considerations that would need to be part of the conversation.

Mr. McMillin said he has extremely strong respect for Dr. Ulbrich. He said he is not sure one person could make these decisions. He said two or three representatives are better than one, because it is closer to the full board.

Dr. Ulbrich said during the A through F accountability system conversations, the board gave her authority to talk to the Attorney General's office.

Ms. Fecteau asked if there is a way to phrase the amendment to say the leadership of the President who will be assisted by the Vice President. She said that would make it clear that Dr. Ulbrich is the lead.

Dr. Rice asked Dr. Pugh to comment on Ms. Fecteau's friendly amendment.

Dr. Pugh said she will take the friendly amendment, but she doesn't need it to make sure that she follows the protocol set by Casandra being President. Dr. Pugh said this is an unprecedented time, and when it comes to black and brown communities, she may hear, listen, filter, and interpret differently the information provided by the Attorney General's office. She said she will not make decisions on her own, and the friendly amendment is amenable to her.

Ms. Ramos-Montingy, who seconded the motion, agreed to the friendly amendment.

Discussion followed.

Dr. Pritchett said she is still concerned that it must be just one individual authorized by the board to make decisions, and it is precedent setting. She said the board voted for Dr. Ulbrich as President.

Dr. Ulbrich said anyone can talk to the Attorney General's office. She said the language makes her question her role as President. She said it is precedent setting regarding who has the authority to be the go between person for the board as a whole. She said she will vote no.

Dr. Pugh said this is an unprecedented case with equity issues of black and brown children and she has something to offer. She said she is not confused in her role, and she has never side-stepped Dr. Ulbrich.

Ms. Ramos-Montigny said Dr. Pugh and she are part of the black and brown communities, which is an area of expertise and experience. She said she will be voting yes.

Ms. Tilley asked for clarity on how communications will occur, as she has not been informed until recently.

Dr. Pugh said her expectation is that Dr. Ulbrich will be the spokesperson to update the board.

Discussion followed.

Mrs. Schneider read the friendly amendment, (3) designates President Casandra Ulbrich WITH ASSISTANCE OF VICE PRESIDENT PAMELA PUGH to discuss the *Gary B., et al. v. Gretchen Whitmer, et al. case with the Michigan Department of Attorney General.*

A roll call vote was taken on the second motion to amend, including the friendly amendment.

Fecteau – Aye
McMillin – Aye
Pritchett – Nay
Pugh – Aye
Ramos-Montigny – Aye
Snyder – Nay
Tilley – Aye
Ulbrich – Nay

The motion to amend carried.

A roll call vote was taken on the original motion, as amended.

Fecteau – Aye
McMillin – Nay
Pritchett – Aye
Pugh – Aye
Ramos-Montigny – Aye
Snyder – Nay
Tilley – Aye
Ulbrich – Aye

The motion carried.

The Resolution Establishing the State Board of Education’s Position in *Gary B., et al. v. Gretchen Whitmer, et al.* is attached as Exhibit B.

XXI. COMMENTS BY STATE BOARD OF EDUCATION MEMBERS

Ms. Fecteau said she would like more information on a Michigan Alliance for Families survey.

Dr. Pugh said there was lively debate during the meeting, and she has the utmost respect for her colleagues and appreciates the spirit of working together for children.

Ms. Tilley said many people have lost people close to them during the pandemic, and her thoughts are with them.

Ms. Tilley said Detroit students were left to figure things out on their own regarding the right to literacy. She said the case set precedence to ensure literacy, and Detroit is a leader for all kids in all zip codes. She said it is a duty to uphold the right to literacy.

Ms. Ramos-Montigny said it was a very good meeting, and she thanked her colleagues and the presenters.

XXII. FUTURE MEETING DATES

- A. Wednesday, May 20, 2020 State Board of Education Work Session at 9:30 a.m.
- B. Tuesday, June 9, 2020 Regular Meeting at 9:30 a.m.
- C. Tuesday August 11, 2020 Regular Meeting at 9:30 a.m.

XXIII. TENTATIVE AGENDA FOR NEXT MEETING

Dr. Rice asked Board members if there are additional agenda topics they would like to be considered for future meeting agendas. He said they may contact Mrs. Schneider or himself to offer topics.

XXIV. ADJOURNMENT

The meeting adjourned at 3:52 p.m.

The video archive of the meeting is available on Michigan's State Board of Education website (www.michigan.gov/sbe).

Respectfully submitted,

Michelle Fecteau
Secretary

RESOLUTION REGARDING FUNDING TO PRESERVE EDUCATIONAL SERVICES FOR CHILDREN

WHEREAS the COVID-19 pandemic has resulted in 4,081,970 confirmed cases and 281,399 deaths worldwide, as of Sunday, May 10;

WHEREAS the pandemic has resulted in 1,323,028 confirmed cases and 79,124 deaths nationwide, as of Sunday, May 10;

WHEREAS the pandemic has resulted in 47,138 confirmed cases and 4,551 deaths in Michigan, as of Sunday, May 10;

WHEREAS Michigan's first positive COVID-19 cases were on March 10, 2020;

WHEREAS, in response, the governor announced school closures two days later on March 12, and a stay home, stay safe order on March 23, among many other efforts to address this public health emergency;

WHEREAS the public health emergency has had adverse economic and educational impacts on states across the country and on countries across the world, especially on those states and countries with significant numbers of individuals who have gotten sick from and/or died from the virus;

WHEREAS no state with significant numbers of individuals who have gotten sick from and/or died from the virus can address the attendant effects without federal support;

WHEREAS Congress has acknowledged this fact with the passage of coronavirus relief bills in the last two months;

WHEREAS these bills, now law, while helpful and appreciated, are insufficient to shield our children and families from profound harm;

AND WHEREAS no child asked to grow up in a pandemic and to the absolute extent possible no child should be harmed in his or her education by the fact that he or she did grow up in part during a pandemic;

NOW THEREFORE BE IT RESOLVED that the State Board of Education does hereby urge the Michigan State Legislature and the Michigan Congressional delegation to support—actively, individually, and collectively—a bill to preserve educational services to Michigan school children that have been threatened as a result of this pandemic; and

BE IT FURTHER RESOLVED that the State Board of Education urges members of the state education community to share their related thoughts with members of the Michigan State Legislature and with members of the Michigan Congressional delegation and to urge their national associations to share similarly with members of Congress.

RESOLUTION ESTABLISHING THE STATE BOARD OF EDUCATION'S
POSITION IN *GARY B., et al. v. GRETCHEN WHITMER, et al.*

WHEREAS, on April 23, 2020, the United States Court of Appeals for the Sixth Circuit issued an opinion in *Gary B., et al. v. Gretchen Whitmer, et al.*, No. 18-1855, in which the panel majority held that the United States Constitution provides a fundamental right to a basic minimum education; and

WHEREAS, on May 6, 2020, without an affirmative vote by the majority of the members of the State Board of Education authorizing their action, Board Members Tom McMillin and Nikki Snyder, sued in their official capacity as Board Members in *Gary B.*, filed a petition for rehearing en banc in *Gary B.*, asking the full Sixth Circuit Court of Appeals to rehear the case and reject the panel majority's conclusion finding a fundamental right to a basic minimum education; and

WHEREAS, pursuant to MCL § 388.1004, the Board speaks with one voice and transacts its business through affirmative votes by a majority of the members serving on the Board.

NOW, THEREFORE BE IT RESOLVED, that the State Board of Education:

(1) supports the Sixth Circuit Court of Appeals panel majority's conclusion that the United States Constitution provides a fundamental right to a basic minimum education;

(2) does not support or authorize the filing of a petition for en banc rehearing of the panel majority's April 23, 2020 decision; and

(3) designates President Casandra Ulbrich with assistance of Vice President Pamela Pugh to discuss the *Gary B., et al. v. Gretchen Whitmer, et al.* case with the Michigan Department of Attorney General; authorizes President Casandra Ulbrich to request, on behalf of the Board, guidance and advice from the Attorney General's office relating to the *Gary B.* case; and designates President Casandra Ulbrich to authorize filings by the Attorney General's office on behalf of the Board consistent with supporting a fundamental right to a basic minimum education.