



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

GRETCHEN WHITMER
GOVERNOR

MICHAEL F. RICE, Ph.D.
STATE SUPERINTENDENT

MEMORANDUM

DATE: October 9, 2020

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Michael F. Rice, Ph.D., State Superintendent 

SUBJECT: Virtual Public Meetings – MEMO #COVID-19-125

The October 13, 2020 monthly meeting of the State Board of Education is being postponed until November due to a lack of clarity about whether public bodies continue to be allowed to hold virtual meetings.

A Michigan Supreme Court decision last week determined that Governor Gretchen Whitmer did not have the authority to continue declaring states of emergency and nullified her executive orders therewith, including an order allowing public bodies to meet virtually.

Governor Whitmer has asked the court to clarify whether its ruling took effect immediately, or as she contends at the end of October. The Supreme Court has yet to respond to the governor's request.

The Michigan Department of Education has been in touch with the Michigan Attorney General's office on this issue, as well as Governor Whitmer's office of legal counsel. We are working on this issue on a daily basis. The State Senate approved [Senate Bill 1108](#) this week to permit virtual meetings and the House of Representatives is expected to take this bill up next week. For the moment, however, we are in legal limbo.

Since there is still a lack of clarity about whether virtual meetings are allowed at this time, the October meeting of the state board is being postponed for the time being.

In the interest of public health and safety, an [emergency epidemic order](#) was issued by the Michigan Department of Health and Human Services (DHHS) and puts limits on the number of people in indoor gatherings. These limits call into question the ability to hold a public meeting in the board room in Lansing.

STATE BOARD OF EDUCATION

CASANDRA E. ULBRICH – PRESIDENT • PAMELA PUGH – VICE PRESIDENT
MICHELLE FECTEAU – SECRETARY • TOM MCMILLIN – TREASURER
TIFFANY D. TILLEY – NASBE DELEGATE • JUDITH PRITCHETT
LUPE RAMOS-MONTIGNY • NIKKI SNYDER

Page 2
October 9, 2020

Please consult with your district legal counsel regarding the holding of school board meetings until either state Supreme Court clarification or state legislative action takes place.

cc: Michigan Education Alliance
Confederation of Michigan Tribal Education Directors