



MICHIGAN CIVIL RIGHTS COMMISSION

RESOLUTION

A SAFE LEARNING ENVIRONMENT IS A CIVIL RIGHT

WHEREAS, COVID-19 is a deadly virus with no available vaccine for students under age 12; and

WHEREAS, Michigan has the fifth highest number of cumulative COVID-19 cases among children: 166,715 according to data reported by the American Academy of Pediatrics; and

WHEREAS, there were 344 new outbreaks and 548 ongoing outbreaks reported on September 14, 2021; and

WHEREAS, the Michigan Department of Health and Human Services says: “Whenever children are brought into group settings, there is a chance for diseases to spread. Students must follow state vaccine laws in order to attend school. These laws are the minimum standard to help prevent disease outbreaks in school settings.”; and

WHEREAS, students with disabilities may be more likely to contract COVID-19 due to underlying medical conditions, inadequate health care, and systemic social inequities; and

WHEREAS, the Michigan Constitution Article 4, Section 51 states, “The public health and general welfare of the people of the state are hereby declared to be matters of primary public concern. The legislature shall pass suitable laws for the protection and promotion of the public health.”; and

WHEREAS, pursuant to Section 51 of Article 51 of the State Constitution of 1963, the Department of Community Health shall continually and diligently endeavor to prevent disease, prolong life, and promote the public health through organized programs, including...prevention and control of diseases...”; and

WHEREAS, no constitutional rights are violated by public school efforts to prevent and control diseases as the Supreme Court of the United States opined in *Jacobson v. Massachusetts*, “Even liberty itself, the greatest of all rights is not unrestricted license to act according to one’s own will.

It is only freedom from restraint under conditions essential to the equal enjoyment of the same right by others. It is, then, liberty regulated by law;” and

WHEREAS, the justices in *Jacobson* further opined, ...[I]n every well-ordered society charged with the duty of conserving the safety of its members the rights of the individual in respect of his liberty may at times, under the pressure of great dangers, be subjected to such restraint, to be enforced by reasonable regulations, as the safety of the general public may demand...”; and

WHEREAS, the Revised School Code Act 451 of 1976 gives Michigan schools a duty to protect students from exposure to COVID-19, including those with underlying medical conditions related to their disability.

THEREFORE, BE IT RESOLVED, that the Michigan Civil Rights Commission supports best practices for the prevention of COVID-19 in Michigan public schools, and that students must be provided with an educational environment that is safe and welcoming regardless of the students’ race, ethnicity, color, national origin, religion, age, gender, gender identity, gender expression, sexual orientation, genetic information, disability, or immigration status; and

BE IT FURTHER RESOLVED, that that the Michigan Civil Rights Commission calls upon the State Board of Education, the Department of Education, the Michigan Education Association, and officials at every level of state government to join voices with the many organizations and individuals concerned about protecting Michigan students, and together we call upon all Michiganders to stand in support of all students’ civil rights and COVID-19 prevention in Michigan public schools; and

BE IT FINALLY RESOLVED, that copies of this resolution be sent to the Honorable Governor Gretchen Whitmer, State Health and Human Services Director Elizabeth Hertel, and Interim Chief Medical Executive Dr. Natasha Bagdasarian.



Passed unanimously on the 27th day of September 2021, by the
MICHIGAN CIVIL RIGHTS COMMISSION

Stacie Clayton, Chair
Ira Combs, Secretary
Richard Corriveau

Regina Gasco-Bentley
Anupama Kosaraju
Gloria E. Lara