

## Reform Governmental Immunity when Serious Injury or Death Occurs at Michigan Schools

Whereas, due to governmental immunity, the high threshold of gross negligence must be proved, for someone whose son or daughter died in a school shooting to successfully sue a Michigan school district;

Whereas, in all private and public sectors responsible for providing safety, individuals are accountable for the negligence thereof. School employees are no different. Without appropriate consequence for negligence, schools may be unmotivated to make the changes necessary to keep kids safe and our judicial branch does not have the legal foundation to hold school employees accountable to their actions or inaction. School officials in Oxford were not only not held accountable for their negligence that resulted in the death of 4 students, they were transferred to other districts in Michigan without consequence and remain employed.

Whereas in July 2024, the Michigan legislature, led by Democrat legislators, voted to remove governmental immunity from civil cases involving public schools and colleges that fail to address sexual violence.

Therefore, Be It Resolved, that the State Board of Education urges the Michigan legislature to pass legislation to address the following, when someone has been seriously injured or killed at a public school or school function:

1. Amend current law on governmental immunity to be provided only if proper implementation of the adopted and available-to-parents Emergency Operations Plan (EOP) is carried out and only when individuals involved in carrying out the EOP are not found negligent of proper implementation of the EOP; and
2. Amend current law to define gross negligence as failing to implement a properly created, updated and approved EOP as defined by state EOP laws. In addition, failure to create or properly update a reasonable EOP, that is in compliance with state EOP laws, would also be understood as exhibiting gross negligence by a school or school district.