

HARPER CREEK COMMUNITY SCHOOLS

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BOARD OF EDUCATION MINUTES

Monday, November 24, 2025

5:00 PM Special Meeting

Harper Creek Administration Building

7454 B Drive North, Battle Creek, MI 49014

- I. Call to Order: The Meeting was called to order at 5:00 PM.
- II. Pledge of Allegiance: President Bess led the Pledge of Allegiance and a moment of silence.
- III. Roll Call: Present members – Mrs. Allwardt, Mr. Bess, Mrs. Risner, Mr. Smith, Mrs. Wallace, Mrs. Waterson. Absent members – Mr. Halverson.
- IV. Review and Approval of Agenda: There were no modifications to the agenda.
- V. Closed session 8(h) of the Open Meetings Act, MCL 15.268 – The Board went into closed session at 5:02 p.m.
Motion by Mrs. Wallace, supported by Mr. Smith,
That the Harper Creek Board of Education meets in closed session under section 8(h) of the Open Meetings Act, MCL 15.268(b), attorney-client privilege.
Roll Call Vote: Mr. Smith Y, Mr. Bess Y, Mrs. Risner Y, Mrs. Waterson Y, Mr. Halverson Absent, Mrs. Allwardt Y, Mrs. Wallace Y.
Motion Carried: 6-0
A. Discussion: Closed Session
- VI. Motion to resume in open session – The meeting resumes in open session at 5:37 p.m.
Motion by Mr. Smith, supported by Mrs. Risner,
That the Harper Creek Board of Education resume in open session.
Roll Call Vote: Mr. Bess Y, Mr. Smith Y, Mrs. Wallace Y, Mrs. Risner Y, Mrs. Allwardt Y, Mr. Halverson Absent, Mrs. Waterson Y.
Motion Carried: 6-0.
- VII. Action
A. 31aa Grant Money
Harper Creek Community Schools, Michigan (the “District”)
A special meeting of the board of education of the District (the “Board”) was held in the Harper Creek Administration Building, within the boundaries of the District, on the 24th day of November, 2025, at 5 o’clock in the p.m. (the “Meeting”)
The meeting was called to order by Beau Bess, President.
Present: Members – Mrs. Risner, Mrs. Waterson, Mrs. Allwardt, Mrs. Wallace, Mr. Smith, Mr. Bess.
Absent: Members – Mr. Halverson
The following preamble and resolution were offered by Member Mrs. Wallace and supported by Member Mr. Smith:
WHEREAS:
 1. Public Act 15 of 2025 amends State School Aid Section 31aa, MCL 388.1631aa, to allocate funding for fiscal year 2025/2026 to support school

- safety and student mental health initiatives, as well as to provide certain competitive grant funding (“31aa Funding”); and
2. To receive 31aa Funding, the District must agree to receive the funding in the form and manner established by the Michigan Department of Education (“MDE”) and either formally opt in or seek a competitive grant; and
 3. As a condition of receiving either type of 31aa 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 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. Litigation challenging the legality and enforceability of the privilege-waiver requirement is currently pending; and
 5. The opt-in deadline for 31aa Funding is currently December 4, 2025, at 11:59 p.m., and it may be subject to further extension (the “Opt-In Deadline”); and
 6. The litigation parties have stipulated that a district may later rescind its opt-in by providing notice to MDE no later than December 30, 2025, at 11:59 p.m., as may be subject to further extension (the “Rescission Deadline”), in the form and manner established by MDE; and
 7. The Board has been fully advised of the legal and practical implications of the privilege-waiver requirement, including its potential effect on attorney-client privilege and other applicable privileges; and
 8. The Board desires to preserve the District’s eligibility for 31aa Funding while avoiding any present waiver of privilege and while allowing a time for the courts to determine the legality and enforceability of the privilege-waiver requirement.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board hereby authorizes the Superintendent of Schools, or designee, to submit the District’s opt-in form to MDE on or before the Opt-In Deadline, solely for the purpose of preserving the District’s eligibility for 31aa Funding, and only on a conditional basis, as provided in this Resolution. Submission of the opt-in form shall not constitute a present waiver of the attorney-client privilege or any other privilege.
2. The District’s conditional opt-in shall be automatically rescinded without further action of the Board, unless, on or before the Rescission Deadline: (a) the Legislature removes, substantively amends, or otherwise eliminates the privilege-waiver requirement such that acceptance of 31aa Funding would not require waiver of attorney-client privilege or any other privilege; or (2) a court of competent jurisdiction rules that the privilege-waiver requirement is unlawful, unenforceable, or otherwise not applicable to the District. If neither (a) nor (b) occurs by the Rescission Deadline, the Superintendent of Schools, or designee, shall notify MDE, in the form and manner required by MDE and no later than the Rescission Deadline, that the District’s opt-in is rescinded.
3. If the privilege-waiver requirement remains in effect and enforceable as of the Rescission Deadline, the Superintendent of Schools, or designee, shall have no authority or obligation to accept 31aa Funding.

4. Nothing in this Resolution shall be construed as a waiver of attorney-client privilege or any other privilege.
5. The District's participation in the opt-in or rescission process shall not be construed as a waiver of the Board's or District's right to challenge the legality or enforceability of any condition imposed by MCL 388.1631aa or related administrative guidance.
6. If, after the Rescission Deadline, the privilege-waiver requirement is removed, amended, or invalidated, the Board may take further action as it deems appropriate to pursue 31aa Funding consistent with applicable law.
7. This Resolution does not apply to any "mass casualty event" occurring prior to the Opt-In Deadline.
8. 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 Mrs. Risner, Mrs. Waterson, Mrs. Allwardt, Mrs. Wallace, Mr. Smith, Mr. Bess

Nays: Members None

Resolution declared adopted.

The undersigned duly qualified and acting Secretary of the Board of Education of Harper Creek Community School, Michigan, hereby certifies that the foregoing constitutes a true and complete copy of the 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.

VIII. Comments from the Audience: There were no comments from the audience.

IX. Adjournment: The meeting was adjourned at 5:45 p.m.

This meeting is a meeting of the Board of Education in public for the purpose of conducting the School District's business and is not to be considered a public community meeting. There is a time for public participation during the meeting as indicated on the agenda.