




Michigan Association of Superintendents & Administrators

MASA Legislative Update

Brought to you by: 

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Summary

The budget was signed last week...yes, just one week ago. A lot has happened in that week; we'll try to summarize here.

On Monday, the Governor and MDHHS director Robert Gordon filed a motion with the Michigan Supreme Court requesting they **clarify that the Court's October 2 ruling does not take effect until Friday, October 30**. This request comes from an argument that a 28-day transition period is needed after last week's decision regarding the Governor's authority on executive orders. **Monday's filing is different from the executive office's statements on Friday that the order does not take effect for 21 days. Both of these timelines may be moot given that further health orders have already been issued.**

Also on Monday, as you know, under the director's authority in the Public Health Code, MDHHS issued an Epidemic Public Health Order that **requires Michiganders to wear masks at indoor and outdoor gatherings**. This includes

the **wearing of masks at school for all grades, but does not include MERC Region 6**. This order was **effective immediately and runs through October 30**. Officials in the Whitmer administration have stated that this deadline will be extended if necessary, as it's not likely we'll see a mask mandate work its way through the legislature.

On Tuesday, another order was issued from MDHHS **requiring school districts to report COVID-19 cases publicly**. This order requires that **within 24 hours of being notified by a local health department of a School Associated Case(s), the school must provide public notice to the school community in a highly visible location on the school's website** that covers the impacted building or location. We included more details on this in our communications earlier this week, and you can also find that below. As a reminder, **all of our COVID-19 related information can be found on the MASA website at www.gomasa.org/covid-19**.

Yesterday afternoon the news broke that the U.S. Attorney General's office and Michigan Attorney General Dana Nessel announced charges in an alleged plot to kidnap Governor Whitmer.

Finally, late this afternoon, MDHHS Director Robert Gordon issued **another Emergency Order to clarify some of the information in Monday's order related to occupancy, gatherings, and masks**. Please see the [press release](#) from the State Emergency Operations Center for more details.

We wish you all a restful and relaxing weekend and as always, please [contact MASA](#) with any questions or concerns.

Senate Acts on Open Meetings Act Fix for Virtual Meetings

This week the Senate reported out a bill that **amends the Open Meetings Act to make necessary changes to allow for virtual meetings**.

Under the current law, board meetings are required to be held in person with an exception allowing active military members to attend virtually. As you know, during this COVID-19 pandemic, the Governor issued executive order 2020-154 that suspended this in-person requirement temporarily. **The Michigan Supreme Court**

ruling complicates what is permitted, and legislation is necessary to remedy this issue.

SB 1108, sponsored by Sen. Lana Theis (R-Brighton), **allows a meeting of a public body to be held electronically under certain circumstances** and specifies that a meeting held in that manner would be subject to the same requirements as an in-person meeting. Some of the details require that **those attending remotely must be publicly announced** prior to the start of the meeting so that it is reflected in the minutes, and if a public body directly or indirectly maintains an official internet presence, they would be required to include public notice on their website that describes the reason for doing so. The bill also details what would be required for notice that an upcoming meeting will be held virtually.

This revision that allows virtual meetings would expire on March 1, 2021.

The Senate reported the bill out 36 to 2. We have been pushing this actively with our partners at MASB and MAISA, and hope to have it through the House next week. **In the meantime, be sure to work with your district legal counsel to determine the best way forward for your board meetings until we have a change signed into law.**

ICYMI: MDHHS Order on COVID Reporting

Michigan Department of Health and Human Services (MDHHS) Director Robert Gordon this week issued an Emergency Order under MCL 333.2253, **requiring that school districts report COVID-19 cases publicly and on a more regular basis** than the state was already reporting. Under a now voided Executive Order, this reporting requirement was supposed to be issued Monday. In the wake of the Michigan Supreme Court ruling invalidating the Executive Order, this reporting requirement has been issued under the Public Health Code.

What's Required?

Upon learning that a probable or confirmed case of COVID-19 is a School Associated Case, **the local health department must, within 24 hours, notify the school to which the School Associated Case(s) relate**, including the affected

building or location and other information that may assist the school with carrying out its duties under this order.

Within 24 hours of being notified by a local health department of School Associated Case(s), **the school must provide Public Notice to the School Community in a highly visible location on the school's website** that covers the impacted building or location. Schools are encouraged to provide information about measures in place at the school to prevent transmission of COVID-19, as well as measures that individuals can take to prevent transmission.

Public Notice does not replace the need for direct notification to persons who were, or are suspected to have been, a Close Contact of School Associated Case(s); such notice is the responsibility of the local health department.

The reporting requirements of this order begin at 8 a.m. on October 12, 2020. MASA has been working closely with both MDHHS and the Governor's Office to ensure that districts had time to implement this reporting requirement.

While we would have preferred that the order define specifically what a "probable" case of COVID-19 is, it appears that determination will be made by health departments and is not in your hands as educators.

For purposes of this order, the following definitions apply:

- "School" means public and nonpublic schools.
- "Close Contact" means any individual who was within 6 feet of a COVID-19 infected person for at least 15 minutes starting from two days before illness onset (or, for asymptomatic patients, two days prior to positive specimen collection).
- "School Associated Case" means a case of probable or confirmed COVID-19 amongst students, teachers, staff members, coaches, volunteers, or any other person who was present on school property or at a school function under circumstances that may result in the transmission or contraction of COVID-19 during their infectious period.
- "School Community" means the set of persons who are affiliated with the school. This set may include but is not limited to, parents, guardians, students, teachers, staff members, coaches, and volunteers.
- "Public Notice" means providing the new and cumulative counts of School Associated Case(s) of COVID-19, including the date on which the school was notified of the new School Associated Case(s).

ICYMI: MDE Updates

MEMO #092-20

Library Resources Available to Schools

Michigan eLibrary (MeL) resources are provided to all schools and libraries across Michigan. MeL offers reading and research materials for students who are either at school or learning at a distance. Whether the focus is on content-specific curriculum, essential instructional practices in literacy, or Michigan Integrated Technology Competencies for Students (MITECS), there are eResources that support teaching and learning at every grade level. [Read the full memo.](#)

REMINDER: OK2SAY Contact Information

[Public Act 670 of 2018](#) requires every public and nonpublic school to provide the Michigan State Police at least one school official's emergency contact information twice a year. Ideally, each school should register the school's contact information by June 1 and September 1. This emergency after-hours contact information will allow OK2SAY technicians to efficiently communicate with school personnel about potential harm or criminal activities directed at school students, school employees, and schools. The contact information is kept confidential and only is accessed if there is an after-hours emergency involving imminent danger to the safety or well-being of a student. For more information on how to provide emergency contact information for your schools,

visit: www.michigan.gov/documents/mde/September_Letter_PA_670_666017_7.pdf