



MSBO

December 18, 2025

Section 31aa Litigation – Status Update

Several school districts, led by Macomb ISD, continue to challenge the Section 31aa language included in the FY 2025–26 School Aid Act in both state and federal court.

Key Concerns:

- Acceptance of 31aa funds requires cooperation with investigations related to a **“mass casualty event,”** which remains undefined in statute.
- District legal counsel has raised concerns regarding:
 - Potential waiver of immunity
 - Expanded liability exposure
 - Obligations extending beyond the FY 2025–26 school year

Current Status & Deadlines:

- The **December 4** opt-in deadline has passed.
- If adverse rulings are issued in both courts on December 19, districts must rescind their opt-in no later than **December 30 at 11:59 p.m.** to preserve legal privilege.
- If rulings are favorable, districts that opted in are expected to retain access to Section 31aa funds.

FY 2024–25 Work Projects – House Appropriations Action:

The House Appropriations Committee voted to reject **\$644.9 million** in previously approved FY 2024–25 work projects, invoking authority under the **Management and Budget Act of 1984**.

Important Context:

- A significant portion of work project funding has **already been spent or contractually obligated**, meaning the actual amount subject to reduction may be lower than cited totals.

- Historically, approved work projects have been allowed to continue to maintain program and funding stability.

Education-Related Projects Impacted Include:

- Talent Together Coalition – **\$12.5M**
- Drinking Water Emergency funding – **\$6.78M**
- Firearm Storage Tip Line – **\$1M**
- MI Creative Potential initiative – **\$2.5M**
- Infrastructure grants – **\$63M**
- MDE programs:
 - Indigenous Tribal History Professional Learning – **\$750,000 GF**
 - Charter School Transparency Database – **\$132,000 GF**

This action raises concerns related to grant reliability, implementation timelines, and long-term fiscal planning for districts.

Committee Activity:

[SB 470 & SB 471](#) (Damoose / Singh)

Would amend the Comprehensive School Safety Plan Act by establishing a **statewide Behavioral Threat Assessment and Management Program** administered by Michigan State Police. The proposal includes standardized student risk-level models and limited data-sharing protocols across districts, ISDs, PSAs, and nonpublic schools.

(No vote taken)

[SB 433](#) (Polehanki)

Requires MDHHS to develop and distribute an annual informational notice on preventing and treating abuse of high-potency THC cannabis and vapor products. Districts would be required to provide this notice to parents beginning in the **2026–27 school year**.

(Advanced unanimously; moves to full Senate)

[HB 5044](#) (Wendzel)

Modifies behavioral health requirements in schools. Concerns remain regarding mandates, liability, and alignment with special education regulations.

(Testimony taken; no vote)

[HB 5154](#) (Smit)

Would require public middle schools and high schools to accept **cash** as a form of payment for admission to interscholastic athletic events.

(Testimony taken)

[HB 4836 / SB 349](#) (Paquette / Polehanki)

Creates an opt-out process for the **ACT WorkKeys assessment** beginning in the 2026–27 school year. The bills passed the House unanimously (101–0) and have been sent back to the Senate for concurrence. *(Passed in the House on December 11, 2025)*

Recently Introduced Legislation:

[SR 88](#) (Albert) – This resolution urges the Governor to opt Michigan into a voluntary federal tax credit scholarship program that would incentivize private donations for K-12 student scholarships, without directly changing state law or school funding. *(Referred to Committee on Government Operations December 9, 2025)*

[HB 5310 – HB 5312](#) (Outman, Liberati, Rigas) – This legislation clarifies how nonresident students may enroll in a district, aligns how those students are counted for state aid purposes, and removes outdated or unclear statutory requirements to improve consistency and reduce compliance risk for districts. *(Referred to Committee on Education and Workforce December 2, 2025)*

[HB 5338](#) (Kunse) – This bill would require the state to create a short, age-appropriate lesson about organ, eye, and tissue donation and the Michigan donor registry. Schools would be encouraged to present this lesson to students by 9th grade, but parents could choose to have their child excused. The bill does not require schools to create their own curriculum and includes an opt-out option for families. *(Referred to Committee on Education and Workforce December 10, 2025)*

[HB 5344](#) (Skaggs) – This bill focuses on transparency and would require schools to collect and share data on how many students are vaccinated, making immunization rates more visible to parents and the public. *(Referred to Committee on Government Operations December 10, 2025)*

[HB 5347 – 5348](#) (Koleszar) – These bills would strengthen how schools track and report student immunizations by requiring districts to regularly report immunization data to local health departments and use standardized state-issued forms for all immunization exemptions. Together, the bills aim to create more consistent reporting and oversight statewide, with potential state school aid penalties (5%) for districts that fail to comply with reporting requirements. House Bill 5348 also focuses on standardization of exemptions and would require the use of official forms created by MDHHS *(Referred to Committee on Government Operations December 10, 2025)*

[HB 5358](#) (Prestin) – This bill would revise Michigan’s teacher certification requirements by clarifying the exams teachers must pass to receive or advance a teaching certificate, including approved alternatives for out-of-state applicants. The bill also requires teachers seeking professional certification to complete coursework focused on identifying and

supporting students with reading disabilities. In addition, it directs the state to use nationally recognized subject-area licensing exams and sets parameters around exam selection and fees, with the goal of creating more consistent and rigorous certification standards statewide. *(Referred to Committee on Education and Workforce December 11, 2025)*