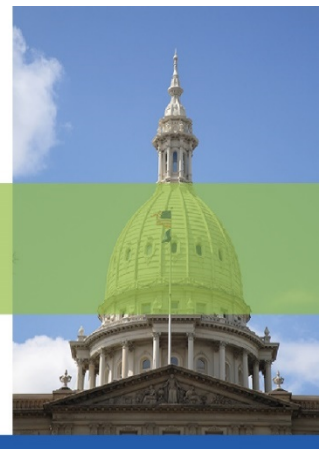




Policy Brief



Date: Dec. 3, 2020

OPEN MEETINGS ACT—VIRTUAL MEETINGS

Bill Number(s): House Bill 6207

Status: House Floor

MASB Position: Support

Background: This spring, Gov. Gretchen Whitmer signed an Executive Order that waived the monthly school board meeting requirement, as well as allowed public boards to meet virtually. The meeting had to allow two-way public interaction and follow all of the other requirements under the Open Meetings Act.

In October, the Michigan Supreme Court ruled that the Governor did not have the authority to issue executive orders after April 30, 2020. This invalidated the order allowing districts to hold virtual school board meetings, creating legal uncertainty for meetings held since then and putting districts back in the position of having to hold in-person meetings during a pandemic. The Legislature quickly passed, and the Governor signed into law, Senate Bill 1108 (Public Act 228 of 2020) to address those concerns and allow for public boards to be able to meet virtually without limitation until the end of this year. The law is retroactive to March 2020, so all decisions made by public boards under the previous executive orders are still valid. [House Bill 6207](#) will extend the end date to March 31, 2021.

Impact on School Districts: While passage of SB 1108 bought districts some time, the end date should be extended. Beginning Jan. 1, 2021, a member may only participate in a meeting remotely if s/he is deployed in the military, has a medical condition, or there is a declared local or state of emergency. Without it, boards will have to meet face to face beginning in January, except for the very narrow exceptions noted above. Schools do not have the luxury of delaying a meeting; law requires not only a monthly meeting, but also now requires a monthly vote on Return to Learn Plans.

MASB's Position: We support [HB 6207](#) as a top priority. If the allowance expires in December, boards will have to meet and vote in person for at least the month of January because the Legislature will not be officially sworn in until the second week and work does not really begin until February at the earliest. However, we would like to see the end date extended to the end of the school year to avoid having to go back to the Legislature for another law change if the pandemic persists and a vaccine is not widely available by March.

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