GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

SECRETARY OF SENATE
2020 MAY 15 PM4:04

EXECUTIVE ORDER

No. 2020-88

COVID-19 Return to School Advisory Council

Executive Office of the Governor

The novel coronavirus (COVID-19) is a respiratory disease that can result in serious illness or death. It is caused by a new strain of coronavirus not previously identified in humans and is easily spread from person to person. There is currently no approved vaccine or antiviral treatment for this disease.

On March 10, 2020, the Department of Health and Human Services identified the first two presumptive-positive cases of COVID-19 in Michigan. On that same day, I issued Executive Order 2020-4, which declared a state of emergency across the state of Michigan.

In the three weeks that followed, the virus spread across Michigan, bringing deaths in the hundreds, confirmed cases in the thousands, and deep disruption to this state's economy, homes, and educational, civic, social, and religious institutions. In response to the widespread and severe health, economic, and social harms posed by the COVID-19 pandemic, I issued Executive Order 2020-33 on April 1, 2020. This order expanded on Executive Order 2020-4 and declared both a state of emergency and a state of disaster across the state of Michigan.

On April 2, 2020, to protect our youngest Michiganders and educators against the spread of COVID-19, and to reduce the risk of asymptomatic spread of the virus, I ordered our public schools closed for the remainder of the school year. Michigan is now less than 100 days from the scheduled reopening of school for the 2020-2021 school year. Returning to school in the face of the COVID-19 pandemic will be a monumental task. On March 3, I announced the creation of the COVID-19 Task Force on Education and tasked it with developing and coordinating the COVID-19 response for our K-12 public schools. As we begin to plan for the K-12 school year ahead, the COVID-19 Task Force on Education should begin to develop a framework to inform K-12 districts as they operationalize plans for the 2020-2021 school year. The formation of an advisory group to identify the critical issues that must be addressed and provide valuable input to inform the process of returning to school is reasonable and necessary to ensure a smooth and safe transition back to school.

Section 1 of article 5 of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the governor.

Section 8 of article 5 of the Michigan Constitution of 1963 places each principal department of state government under the supervision of the governor unless otherwise provided.

Section 8 of article 5 of the Michigan Constitution of 1963 also obligates the governor to take care that the laws be faithfully executed.

Acting under the Michigan Constitution of 1963 and Michigan law, I order the following:

1. Creating the Return to School Advisory Council

(a) The Return to School Advisory Council ("the Council") is created as an advisory body within the Department of Technology, Management, and Budget.

(b) The Council must consist of up to 25 members. These members must be appointed by the governor and reflect the diverse geographic and demographic composition of this state. Membership must include school leaders, educators, individuals with expertise in public health, pediatrics, mental health, epidemiology, or emergency management, and community members (including at least one parent and one student).

(c) A vacancy on the Council must be filled in the same manner as the original appointment.

(d) The Governor must name a chairperson of the Council.

2. Charge to the Council

(a) The Council must act in an advisory capacity to the governor and the COVID-19 Task Force on Education and must do the following:

(1) Develop and submit recommendations to the COVID-19 Task Force on Education regarding the safe, equitable, and efficient K-12 return to school in the Fall.

(2) Assemble critical voices from the education and public health communities to assist in identifying key issues schools must consider before opening in the Fall.

(3) Recommend actions to remove statutory and administrative barriers to delivering education before Phase 6 of the MI Safe Start Plan.

(4) Recommend actions to develop and improve systems for academic support for students who experienced learning loss during the Spring/Summer 2020.

(5) Provide other information or advice or take other actions as requested by the governor and the COVID-19 Task Force on Education.

(b) The Council must report regularly to the COVID-19 Task Force on Education on its activities and make recommendations on an ongoing basis.

(c) The Council will dissolve on December 31, 2020, or such other time as the governor directs.

3. Operations of the Council

(a) The Department of Technology, Management, and Budget, with additional support from the Executive Office of the Governor in coordination with any identified external expertise, must assist the Council in the performance of its duties and provide personnel to staff the Council. The budgeting, procurement, and related management functions of the Council will be performed under the direction and supervision of the Department.

(b) The Council must adopt procedures, consistent with this order and applicable law, governing its organization and operations.

(c) The Council will meet at least monthly.

(d) The Council must comply with the Freedom of Information Act, 1976 PA 442, as amended, MCL 15.231 to 15.246.

(e) The Council may select from among its members a vice chairperson.

(f) The Council may select from among its members a secretary. Council staff must assist the secretary with recordkeeping responsibilities.

(g) The Council must meet at the call of its chairperson and as otherwise provided in the procedures adopted by the Council.

(h) A majority of the members of the Council serving constitutes a quorum for the transaction of the business of the Council. The Council must act by a majority vote of its members.

(i) The Council may establish advisory workgroups composed of individuals or entities participating in Council's activities or other members of the public as deemed necessary by the Council to assist it in performing its duties and responsibilities. The Council may adopt, reject, or modify any recommendations proposed by an advisory workgroup.

(j) The Council may, as appropriate, make inquiries, studies, and investigations, hold hearings, and receive comments from the public. The Council also may consult with outside experts in order to perform its duties, including experts in the private sector, educators, public health experts, community leaders, government agencies, and institutions of higher education.

(k) The Council may hire or retain contractors, sub-contractors, advisors, consultants, and agents, and may make and enter into contracts necessary or incidental to the

exercise of the powers of the Council and the performance of its duties as the Department deems advisable and necessary, consistent with this order and applicable law, rules, and procedures, subject to available funding.

(l) The Council may accept donations of labor, services, or other things of value from any public or private agency or person. Any donations must be received and used in accordance with law.

(m) Members of the Council must not receive additional compensation for participation on the Council. Members of the Council may receive reimbursement for necessary travel and expenses consistent with applicable law, rules, and procedures, subject to available funding.

(n) Members of the Council must refer all legal, legislative, and media contacts to the Executive Office of the Governor.

4. Implementation

(a) All departments, committees, commissioners, or officers of this state must give to the Council, or to any member or representative of the Council, any necessary assistance required by the Council, or any member or representative of the Council, in the performance of the duties of the Council so far as is compatible with their duties and consistent with this order and applicable law. Free access also must be given to any books, records, or documents in their custody relating to matters within the scope of inquiry, study, or review of the Council, consistent with applicable law.

(b) This order is not intended to abate a proceeding commenced by, against, or before an officer or entity affected by this order. A proceeding may be maintained by, against, or before the successor of any officer or entity affected by this order.

(c) Nothing in this order should be construed to change the organization of the executive branch of state government or the assignment of functions among its units, in a manner requiring the force of law.

(d) If any portion of this order is found to be unenforceable, the rest of the order remains in effect.

(e) This order is effective upon filing.

Given under my hand and the Great Seal of the State of Michigan.

Date: May 15, 2020

Time: 3:00 pm

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE