Secretary of the Senate
2021, February 4th
1:15 p.m.

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

EXECUTIVE ORDER

No. 2021-2

COVID-19 Student Recovery 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. COVID-19 has already taken the lives of more than 14,000 Michiganders and fundamentally disrupted our way of life. Education is no exception.

Michigan's educators have worked tirelessly to teach our children during this pandemic under the most stressful conditions, and we owe them our most sincere gratitude. Despite these heroic efforts, we know that many students have struggled with remote learning, resulting in significant learning loss. Schools also provide other services that students need to thrive including reliable access to the internet, nutritious meals, and mental health supports. COVID-19 has exacerbated inequities in our education system, and we know more work is needed to address the significant impact COVID-19 has had on our children.

On June 12, 2020, I launched the Return to School Advisory Council which developed a framework to inform K-12 districts planning for the 2020-2021 school year. On December 11, 2020, the U.S. Food and Drug Administration issued an emergency use authorization for the first COVID-19 vaccine and on January 11, 2021 the Michigan Department of Health and Human Services prioritized educators for vaccine distribution in Michigan. With a return to normal in sight, we must plan for recovery.

Building on the success of the Return to School Advisory Council, the formation of an advisory group focused on student recovery will provide valuable guidance and recommendations and ensure Michigan has the tools and resources to get students back on track.

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 Student Recovery Advisory Council

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

(b) The Council must consist of 29 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, 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 must do the following:

(1) Develop and submit recommendations to the governor, state superintendent, and state budget director regarding student recovery.

(2) Recommend actions to develop and improve systems for academic support for students who experienced learning loss due to COVID-19.

(3) Recommend actions to develop and improve systems for mental and physical health for students impacted by COVID-19.

(4) Recommend actions to develop and improve systems to support high school students transitioning into postsecondary education.

(5) Recommend actions to develop and improve out-of-school time supports, including, but not limited to, summer school, before and after school programs, and extended school years.

(6) Assemble critical voices from the education and public health communities to assist in identifying key challenges students face due to the pandemic.

(7) Provide other information or advice or take other actions as requested by the governor.

(b) The Council must report regularly to the governor on its activities and make ongoing recommendations.

(c) The Council will dissolve on December 31, 2021, or such other time as the governor directs.

3. Operations of the Council

(a) The Department 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 must 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 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: February 4, 2021

Time: 10:45 am

GRETCHEN WHITMER
GOVERNOR

By the Governor:

SECRETARY OF STATE

FILED WITH SECRETARY OF STATE
ON 2/4/2021 AT 12:45pm