STATE OF MICHIGAN
IN THE COURT OF CLAIMS

MACOMB INTERMEDIATE SCHOOL DISTRICT, *et al.*

Plaintiffs,

v

STATE OF MICHIGAN, MICHIGAN DEPARTMENT OF EDUCATION, and STATE SUPERINTENDENT FOR PUBLIC INSTRUCTION, in her official capacity,

Defendants.

COC Case No. 25-000175-MZ

HON. SIMA G. PATEL

STIPULATED ORDER REGARDING DEADLINES FOR OPT IN UNDER MCL 388.1631aa(3) AND RESCISSION

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STIPULATED ORDER REGARDING DEADLINES FOR OPT IN UNDER MCL 388.1631aa(3) AND RESCISSION

Pursuant to Court of Claims Local Rule 2.119(D)(1), the parties, through their respective counsel, stipulate as follows:

1. The deadline for districts, intermediate school districts, the Michigan Schools for the Deaf and Blind, and nonpublic schools ("School(s)") to opt in and agree to receiving funding under MCL 388.1631aa(3) is Thursday, December 4, 2025 at 11:59 p.m. (the "Opt In Deadline").

2. MCL 388.1631aa(9) conditions eligibility for the funding described in section 1 on Schools affirmatively agreeing to "waive any privilege . . . in the event of a mass casualty event" (the "Privilege Waiver") and "comply with a comprehensive investigation" (the "Comprehensive Investigation").

3. The Michigan Department of Education ("MDE") shall allow a School that opts in and agrees to receive funding under MCL 388.1631aa(3) by the Opt In Deadline to rescind the opt in and agreement under the following conditions:

   a. The School notifies MDE of the rescission by no later than December 30, 2025 at 11:59 p.m. (the "Rescission Deadline"), in the form and manner established by MDE and published on its website;

   b. The School agrees that MDE may recoup all funds paid to the School under MCL 388.1631aa(3) by deducting the amount from

future state school aid payments until all funds are fully recouped; and

c. The School agrees to waive all rights to challenge MDE's efforts to recoup funds paid under MCL 388.1631aa(3), including without limitation due process rights and rights to a hearing or appeal in any forum or venue.

4. MDE shall confirm with each School that it has received that School's rescission notification.

5. A School's rescission effectuated in strict compliance with section 3 above renders the School's opt in and agreement, including but not limited to the Comprehensive Investigation and the Privilege Waiver, submitted by the Rescission Deadline void *ab initio*.

6. Where a School's notification of rescission does not strictly comply with section 3 above, MDE will deem the rescission ineffective and will not recoup the funding received by the School under MCL 388.1631aa(3).

7. This matter shall be decided on the merits based on cross-motions for summary disposition under MCR 2.116(C)(10). The following briefing and hearing schedule supersedes that set forth in the Scheduling Order dated November 18, 2025:

- On or before December 1, 2025, the parties shall file a joint set of stipulated facts and their respective opening motions for summary disposition.
- On or before December 8, 2025, the parties shall file their respective briefs in opposition to the motions for summary disposition.

- There shall be no reply briefs filed.
- The Court shall hear in-person oral argument on the parties' cross-motions for summary disposition on December 11, 2025 at 10:00 a.m. at the Detroit Court of Appeals.

8. In light of this stipulation, Plaintiffs' Motion for a Preliminary Injunction is rendered moot.

IT IS SO ORDERED.

Dated: November 21, 2025

Hon. Sima G. Patel
Judge, Court of Claims

STIPULATED AND APPROVED FOR ENTRY BY:

Dated: November 20, 2025

/s/Scott R. Eldridge, with permission
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