

MICHIGAN COURT OF APPEALS

Macomb Intermediate School District v. State of Michigan

Macomb ISD · No. 378748 · Decided April 10, 2026

SUMMARY

The Michigan Court of Appeals affirmed the Court of Claims' grant of summary disposition to the State of Michigan, the Michigan Department of Education, and the State Superintendent for Public Instruction. The court held that a statutory condition requiring schools receiving school safety and mental-health funding to waive applicable privileges during a mass-casualty investigation was not unconstitutionally vague or coercive and did not violate the Michigan Constitution's title-object clause or separation-of-powers doctrine. The excerpt addresses the meaning and scope of the privilege waiver and the statutory definition of a mass-casualty event.

CASE DETAILS

COURT	Michigan Court of Appeals
WRITING FOR THE COURT	Adrienne N. Young; Daniel S. Korobkin; Mariam S. Bazzi
JURISDICTION	Michigan Court of Appeals
DECIDED	April 10, 2026
DOCKET	378748
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiffs appealed as of right from the Court of Claims' order granting defendants summary disposition in a constitutional challenge to MCL 388.1631aa(9).
STANDARD OF REVIEW	Constitutional questions and statutory interpretation are reviewed de novo. The opinion also addressed summary disposition under MCR 2.116(C)(10).
PRECEDENTIAL VALUE	published
PARTIES	Macomb Intermediate School District, Algonac Community Schools, Bay Arenac ISD, Birch Run Area Schools, Eastern Upper Peninsula Intermediate School District, Garden City Public Schools, Genesee Intermediate School District, Gratiot-Isabella RESD, Huron Intermediate School District, Huron Valley Schools, Ingham Intermediate School District, Kalamazoo RESA, Kent Intermediate School District, Lakeview Public Schools, Lincoln Park Public

Schools, Livonia Public Schools, Marquette-Alger RESA, Marquette Area Public Schools, Midland County ESA, Monroe County Intermediate School District, Monroe Public Schools, Northwest Education Services, Oakland Schools, Romeo Community Schools, Romulus Community Schools, Roseville Community Schools, Saginaw Intermediate School District, St. Clair County RESA, Traverse City Area Public Schools, Trenton Public Schools, Utica Community Schools, Van Buren Public Schools, Warren Consolidated Schools, Wayne RESA, Woodhaven-Brownstown School District, Michael Bayer, John Bernia, Mark Blaszkowski, Andrew Brodie, Joseph Candela, Daveda Colbert, Terry Dangerfield, Michael DeVault, Daniel Dombrowski, Shelly Ducharme, Benjamin Edmondson, Derek Fisher, Mark Greathead, Kenneth Gutman, Scott Hardy, Paul Hungerford, Peter Kudlak, Tara Mager, Robbyn Martin, Dedrick Martin, Diane Martindale, Angie McArthur, Jason Mellema, Douglas Mentzer, Stephen McNew, Robert Monroe, Gregory Nyen, Andrea Oquist, Karl Paulson, Todd Robinson, Paul Salah, John Searles, Zack Sedgewick, Andrew Shaw, Brenda Tenniswood, John Van Wagoner II v. State of Michigan, Michigan Department of Education, State Superintendent for Public Instruction

TOPICS

void for vagueness statutory interpretation constitutional law federal spending appellate procedure

PRACTICE AREAS

constitutional law education law state appropriations statutory interpretation appellate procedure

QUESTIONS PRESENTED

1. Whether MCL 388.1631aa(9)'s privilege-waiver condition is unconstitutionally vague.
2. Whether conditioning school-safety and mental-health funding on the privilege waiver violates the unconstitutional-conditions doctrine.
3. Whether the privilege-waiver provision violates the Michigan Constitution's title-object, multiple-object, or change-of-purpose requirements.
4. Whether the provision violates separation of powers by intruding on the judiciary's authority over legal privileges.

HOLDINGS

1. The privilege-waiver provision is not unconstitutionally vague. Read in context, 'any privilege' refers to privileges held by the school or district receiving funds and to information related to the particular mass-casualty event under investigation; the waiver lasts only during the comprehensive investigation.

2. The privilege-waiver condition is not unconstitutionally coercive because plaintiffs identified no constitutional right held by the schools or districts that they were required to waive, and individual employees' privileges are not waived by the statute.
3. MCL 388.1631aa(9) does not violate Const. 1963, art. 4, § 24 under the title-body, multiple-object, or change-of-purpose tests.
4. MCL 388.1631aa does not violate separation of powers.

KEY QUOTATIONS

“In short, when read carefully, the amendments are not unconstitutionally vague, the scope of the waiver is not unlimited, and plaintiffs need not fear criminal sanctions for invoking a privilege in good faith.” (10)

“Finding no constitutional infirmity with the privilege waiver, we affirm the Court of Claims opinion and order granting defendants’ motion for summary disposition and denying plaintiffs’ motion for summary disposition.” (14)

FACTUAL BACKGROUND

Michigan's School Aid Act appropriated funds for school safety and student mental-health programs. A 2025 amendment conditioned receipt of those funds on a district or school agreeing to a comprehensive investigation and affirmatively waiving any privilege that might otherwise protect information from disclosure if a mass-casualty event occurred. The plaintiff schools and officials contended that the condition was vague, coercive, violated Michigan's title-object clause, and infringed separation of powers.

PROCEDURAL HISTORY

Plaintiffs challenged the constitutionality of a statutory condition requiring schools receiving school-safety and mental-health funding to agree to waive privileges and submit to a comprehensive investigation after a mass-casualty event. The parties stipulated that the issues were questions of law. The Court of Claims denied plaintiffs' motion for summary disposition, granted defendants' motion, and denied plaintiffs' request to extend the rescission deadline. The Michigan Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- South Dearborn Environmental Improvement Ass'n, Inc. v. Dep't of Environmental Quality, 502 Mich. 349, 360-361; 917 N.W.2d 603 (2018)
- Honigman Miller Schwartz and Cohn LLP v. Detroit, 505 Mich. 284, 294; 952 N.W.2d 358 (2020)
- State Farm Mutual Automobile Insurance Co. v. Estate of Fortin, 350 Mich. App. 21, 31; 29 N.W.2d 665 (2024)
- Raska v. Farm Bureau Mutual Insurance Co. of Michigan, 412 Mich. 355, 362; 314 N.W.2d 440 (1982)
- Warren v. McLaren Flint, ___ Mich. App. ___; ___ N.W.3d ___ (2024) (Docket No. 366226), slip op. at 11

- People v. Miller, 326 Mich. App. 719, 738; 929 N.W.2d 821 (2019)
- Janetsky v. County of Saginaw, ___ Mich. ___; ___ N.W.3d ___ (2025) (Docket Nos. 166477 and 166478), slip op. at 8
- In re Guardianship of Malloy, 513 Mich. 148, 170; 15 N.W.3d 142 (2024)
- Woodman ex rel. Woodman v. Kera, LLC, 486 Mich. 228, 243; 785 N.W.2d 1 (2010)
- People v. Bragg, 296 Mich. App. 433, 465-467; 824 N.W.2d 170 (2012)
- McMaster v. DTE Energy Co., 509 Mich. 423, 434; 984 N.W.2d 91 (2022)
- People v. Tadgerson, ___ Mich. ___; ___ N.W.3d ___ (2025) (Docket No. 165678), slip op. at 5-18
- Medley v. Canady, 126 Mich. App. 739, 747-748; 337 N.W.2d 909 (1983)
- Macbeth Evans Glass Co. v. Gumbinsky, 201 Mich. 18, 21, 25-26; 166 N.W. 936 (1918)
- Coville v. Bentley, 76 Mich. 248, 250; 42 N.W. 1116 (1889)
- Powers v. Fisher, 279 Mich. 442, 452; 272 N.W. 737 (1937)
- Rutherford v. Chrysler Motors Corp., 60 Mich. App. 392, 398; 231 N.W.2d 413 (1975)
- People v. Eichler, ___ Mich. App. ___; ___ N.W.3d ___ (2025) (Docket No. 371360), slip op. at 5-6
- Koontz v. Ameritech Services, Inc., 466 Mich. 304, 318; 645 N.W.2d 34 (2002)
- Allison v. Southfield, 172 Mich. App. 592, 596; 432 N.W.2d 369 (1988)
- US Fidelity & Guaranty Co. v. Michigan Catastrophic Claims Ass'n (On Rehearing), 484 Mich. 1, 14; 795 N.W.2d 101 (2009)
- Miller v. Department of Corrections, 513 Mich. 125, 146; 15 N.W.3d 129 (2024)
- Agency for International Development v. Alliance for Open Society International, Inc., 570 U.S. 205, 214; 133 S. Ct. 2321; 186 L. Ed. 2d 398 (2013)
- Matal v. Tam, 582 U.S. 218, 239-240; 137 S. Ct. 1744; 198 L. Ed. 2d 366 (2017)
- Enbridge Energy, LP v. Michigan, 332 Mich. App. 540, 545-546; 957 N.W.2d 53 (2020)
- People v. Kevorkian, 447 Mich. 436, 453, 456 n. 20, 458-459, 461; 527 N.W.2d 714 (1994)
- Pohutski v. City of Allen Park, 465 Mich. 675, 691-692; 641 N.W.2d 219 (2002)
- Lewis v. Michigan, 352 Mich. 422, 430; 90 N.W.2d 856 (1958)
- Holland-West Ottawa-Saugatuck Consortium v. Holland Education Ass'n, 199 Mich. App. 245, 249, 251; 501 N.W.2d 261 (1993)
- People v. Carey, 382 Mich. 285, 295-297; 170 N.W.2d 145 (1969)
- In re Advisory Opinion on Constitutionality of 1975 PA 227 (Question 1), 396 Mich. 123, 126-133; 240 N.W.2d 193 (1976), supplemented on other grounds, 396 Mich. 465 (1976)
- Hildebrand v. Revco Discount Drug Centers, 137 Mich. App. 1, 10-12; 137 N.W.2d 778 (1984)
- Anderson v. Oakland County Clerk, 419 Mich. 313, 319-322, 329-331; 353 N.W.2d 448 (1984)