

RE: [REDACTED]

RE: Re-Enrollment Request

From: Mike Musary ([REDACTED]@[REDACTED].[REDACTED])

To: [REDACTED]@[REDACTED].[REDACTED]

Cc: [REDACTED]@[REDACTED].[REDACTED]; [REDACTED]@[REDACTED].[REDACTED];
[REDACTED]@[REDACTED].[REDACTED]; [REDACTED]@[REDACTED].[REDACTED];
[REDACTED]@[REDACTED].[REDACTED]; [REDACTED]@[REDACTED].[REDACTED];
[REDACTED]@[REDACTED].[REDACTED]; [REDACTED]@[REDACTED].[REDACTED];
[REDACTED]@[REDACTED].[REDACTED]; [REDACTED]@[REDACTED].[REDACTED]

Date: Wednesday, August 27, 2025 at 01:58 PM EDT

Mr. [REDACTED]:

I have explained the District's position on this, which is consistent with the law. I do not have the power to deviate from what the law requires. If you would like to continue to engage on this matter, please have your attorney contact our attorney, [REDACTED] at [REDACTED] Thank you.

Mike Musary

From: Andrew [REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>

Sent: Tuesday, August 26, 2025 3:12 PM

To: Mike Musary <[REDACTED]@[REDACTED].[REDACTED]>

Cc: [REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>;
[REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>; [REDACTED]

<[REDACTED]@[REDACTED].[REDACTED]>;

[REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>;

[REDACTED]@[REDACTED].[REDACTED]; [REDACTED]

<[REDACTED]@[REDACTED].[REDACTED]>; [REDACTED]@[REDACTED].[REDACTED];

[REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>; [REDACTED]

<[REDACTED]@[REDACTED].[REDACTED]>;

[REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>;

[REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>;

[illegible]

[illegible]

[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];

Subject: Re: Re-Enrollment Request

Mr. Musary,

The beginning of the school year is an exciting and crucial time for students, staff, and families. The topic of this message is not as well known as I think it should be, so my family has decided to go public with our situation. My intent with this message is to ensure compliance with Michigan law and to protect students' right to attend school. And to raise awareness of what is not only happening here, but across the state. This is a long message and I am asking important questions and making key points. Protecting students from injustice is important, so I ask that you spend time considering each part of this message. Before proceeding, I invite anyone reading this to pause and ask:

Will Armada search for a way to keep my healthy children enrolled, or will Armada's leaders rely on unlawful rules to justify removing them?

As superintendent, you are charged with protecting students' rights. The rules used to justify removing my son from school last year are inconsistent. We submitted our own written exemption, and that satisfies the legal requirement to keep my son enrolled according to both Dr. Nevin and the DePerno Law Office. I continue to dispute your use of R. 325.176 (12) to justify my son's removal which conflicts with R. 325.176 (1) Rule 6 (d) and MCL § 333.9215. And while MDHHS may issue policy and guidance, I question whether that organization has any authority at all to decide whether healthy students can or cannot attend school in the absence of an outbreak or diagnosed infectious condition.

You said the law hasn't changed since my son's removal. However, new analyses, including the DePerno Law letter (8/12/25) and Dr. Remington Nevin's April 2025 memo, clarify the intent of the waiver rules. Both indicate your interpretation that led to my son's removal last year is not only faulty, but removing a student solely for having a written exemption instead of a certified waiver is unlawful. Don't take my word for it, trust those professionals. One of them is an insider at the St. Clair County Health Department. It is not too late to stand with

students and reverse course. Do your duty as a superintendent and defend the rights of your Armada Tigers. I am certain by doing so you would be following the law and our community would breathe a sigh of relief.

When you last consulted with [REDACTED] Law, the Michigan Department of Education, and the Macomb Intermediate School District, did you provide these 2 recent analyses for their review, or did your decision to repeat the removal process this year rely solely on last year's understanding? Did those organizations review this new information before agreeing that the same process must be applied this year? Or did you even contact them again since I appeared and provided these documents at the August 19th board meeting?

Your latest email states you "cannot allow [my] children to attend school" after October 31st. In light of Dr. Nevin's memo, DePerno's letter, and my own reading, I am questioning how this decision aligns with the law and the very rules you cite according MDHHS guidance. Please respond to each of my Key Questions below:

Key Questions

Legal Authority and MDHHS Memo

1. Which specific statute, rule, or administrative procedure requires un-enrollment on November 1 for students without certified waivers?
2. Do the rules you cited specifically mention who has the authority to un-enroll a student solely because a parental §9215 exemption was not certified by the health department? Or are you and your legal team relying solely on the 2024 MDHHS memo you cited?
3. In your email response to me on October 24, you said that the "school district has no choice, but to exclude a student for not meeting the vaccination or waiver requirements." Who then, if not the school, had the final authority to make this un-enrollment decision and which specific rules gave them the statutory authority to remove my healthy son?
4. The 95% IP-100 reporting rule exists—wouldn't that indicate an acceptable provision to keep 5% of non-compliant students enrolled?
5. The 2024 MDHHS memo you cited states that students without certified waivers "shall not be admitted or participate in school classes." Under what legal authority can MDHHS require non-admittance or un-enrollment in the absence of an outbreak or diagnosed infectious condition?

6. In the case of removing a currently enrolled student over this issue, who prescribes the specific procedures and deadlines for removal, and did you follow them when removing my son last year?

Health Department and Legal Consultation (IP-100 guidance)

7. You removed my son before he completed his first term despite my October 30th email request to extend the deadline. According to the rules, is November 1 a reporting deadline or a removal deadline? Can you cite the specific rule that defines it as a removal deadline?
8. Last October you said you consulted with the St. Clair County Health Department. Who did you confer with regarding the November 1 deadline?
9. Did those discussions with the St. Clair County Health Department last year draw a distinction between a November 1 reporting deadline according to IP- 100 and a November 1 removal from enrollment?
10. What specific rule was used to define November 1st as an immovable deadline for student removal? Can you provide the guidance or rule you relied upon?
11. When a conflict exists between MDHHS guidance or memos, and the plain statutory language of MCL § 333.9215, which takes precedence? Please clarify whether MDHHS memos or guidance documents carry the force of law, override statutory requirements, and serve as legal justification for un-enrollment decisions.
12. 12. You said students without vaccine records, contraindication forms, or certified waivers “must be excluded.” Are you certain those you conferred with understood “excluded” to mean “removed from the roster”? Or does “excluded” refer to a temporary condition in the case of diagnosed infectious condition or outbreak according to the rules?
13. Did those you conferred with have the legal authority to decide a healthy student could be removed from school? If so, can you provide the specific statute granting them that authority, and whom specifically you conferred with?
14. When consulting [REDACTED], MDE, and the Macomb Intermediate School District:
 - a. Did legal counsel review IP-100 compliance guidelines (90% November, 95% February) and advise whether un-enrollment is required or discretionary?
 - b. Did legal counsel review the definition of “exclusion” as noted in IP-100 reporting and the distinction from being permanently “removed” from the roster?
 - c. Your latest email suggests you conferred with others and they agreed the correct

process was followed last year. Given the DePerno letter and Dr. Nevin memo were both released in 2025, were those two documents provided to all parties for further analysis before those parties agreed that the same student removal process must be followed again this year?

15. What step-by-step process did you follow to unenroll my son last year, including notices, approvals, or documentation required under MDHHS rules or Michigan law?

Consistency and Precedent

16. Did you research how other districts handle such situations? Were there cases where students not fully compliant with immunization reporting remained enrolled while the district met IP-100 thresholds?
17. How is un-enrollment consistent with the rule that schools “shall recognize” a properly submitted §9215 parental exemption, when Rule 6(d) defines the exemption as the “written statement” that in itself “certifies” the exemption, not the Health Department’s certified waiver?

I am raising these questions because the decisions affecting my children—and other students—are being made without clear and specific legal justification. In fact they are based on rules that are inconsistent at best and in the words of Dr. Nevin, “poorly written.” Your decision was to repeat student removal this year despite new analyses calling those rules into question.

Again, I will restate: My intent is to ensure compliance with Michigan law and to protect students’ right to attend school. You do not have to understand or agree with why we have chosen the health decisions we have for my family. You have no idea what led my family to the place and understanding we so firmly hold.

But you have a duty to follow the law and protect student rights to attend public school. Before proceeding, I invite anyone reading this to pause and ask:

Will Armada search for a way to keep my healthy children enrolled, or will Armada’s leaders rely on unlawful rules to justify removing them?

According to Dr. Nevin, Medical Director of the St. Clair County Health Department, a parent’s written statement “perfects” the exemption and the certified waiver is not to be used for enrollment decisions (it is solely for the Health Department’s internal administrative procedures). According to DePerno Law, requiring parents to go to the Health Department and not accepting the parent’s own written statement is unlawful. You must follow the law when the rule itself is inconsistent or contradicts statutory authority.

For the superintendent to do otherwise is to be derelict in his duty to protect the rights of students in Armada's care.

Mr. Musary: this has become everyone's business because your second attempt to remove students unnecessarily and unlawfully affects the entire community. I understand you already spent time to do your due diligence in seeking legal advice. Given the new information I provided at the school board meeting, I urge you to consider not only your duty to follow the law but also your responsibility to protect the rights of your students. It is not too late to do the right thing this year and defend Armada's community against this grave injustice of an improperly written and unlawfully enforced policy. Keep all of your healthy Armada Tigers enrolled! PEOPLE over POLICY, LAW over UNLAWFUL MANDATES.

Regards,

Andrew [REDACTED], MEd., NBCT

On Wednesday, August 20, 2025 at 12:42:02 PM EDT, Mike Musary

<[REDACTED]@[REDACTED].[REDACTED]> wrote:

Mr. [REDACTED],

The state law on immunization requirements have not changed since last school year. Current Michigan law requires nonmedical vaccine exemptions to be obtained through county health department education and certification processes. I have discussed your request with our legal counsel ([REDACTED]), the Macomb Intermediate School District, and the Michigan Department of Education. All three parties agreed that the district handled the situation correctly last school year and we must follow the same process now too. We can accept your current school of choice applications for your two high school children for this fall, but you are still required to provide a county health department waiver form(s) by October 31, 2025. After that date, we cannot allow your children to attend school until a waiver is received.

The bottom line is our school district is required to comply with state and county rules, so we cannot meet your requests.

Mike Musary

From: Mike Musary ([REDACTED]@[REDACTED].[REDACTED])

To: [REDACTED]@[REDACTED].[REDACTED]

Cc: [REDACTED]@[REDACTED].[REDACTED]; [REDACTED]@[REDACTED].[REDACTED];
[REDACTED]@[REDACTED].[REDACTED]; [REDACTED]@[REDACTED].[REDACTED];
[REDACTED]@[REDACTED].[REDACTED]; [REDACTED]@[REDACTED].[REDACTED];

[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
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[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
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[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]

Date: Thursday, October 31, 2024 at 11:08 AM EDT

Mr. [REDACTED],

I am following the law, so my position on the matter will not change. Unfortunately, we are going to have to agree to disagree on this issue. I answered your questions below in red.

Mike Musary

From: Andrew [REDACTED] <[REDACTED]@ [REDACTED]. [REDACTED]>

Sent: Wednesday, October 30, 2024 10:47 AM

To: Mike Musary <[REDACTED]@ [REDACTED]. [REDACTED]>

Cc: Kastl, Andy <[REDACTED]@ [REDACTED]. [REDACTED]>;

[REDACTED]@ [REDACTED]. [REDACTED];

[REDACTED] <[REDACTED]@ [REDACTED]. [REDACTED]>;

[REDACTED] <[REDACTED]@ [REDACTED]. [REDACTED]>;

[REDACTED]v<[REDACTED]@ [REDACTED]. [REDACTED]>; [REDACTED]@ [REDACTED]. [REDACTED];

[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];

[REDACTED]@ [REDACTED]. [REDACTED];

[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];

[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];

[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];

[REDACTED]@ [REDACTED]. [REDACTED];

[REDACTED] <[REDACTED]@ [REDACTED]. [REDACTED]>;

[REDACTED]@ [REDACTED]. [REDACTED];

[REDACTED] <[REDACTED]@ [REDACTED]. [REDACTED]>;

[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED]; [REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED]@ [REDACTED]. [REDACTED];
[REDACTED] < [REDACTED]@ [REDACTED]. [REDACTED] >;
[REDACTED]@ [REDACTED]. [REDACTED]

Subject: Re: [REDACTED]

Mr. Musary,

My son [REDACTED] is an A/B student, has honorably represented the cross-country team this year, is 2nd chair trombone in the Symphonic Band, and constantly tells everyone he's proud to be an Armada Tiger. He raves about the staff and students, and we've really enjoyed watching him grow and hearing his stories. We're proud of him—he is an innocent and kind young man.

We've appealed to you as the lead educator in Armada and have kept the specifics of this situation between the board and our family until now. But I question if you truly understand the impact your decision to remove my son will have on the district and the community you serve?

You said my son will be removed from enrollment after October 31st unless I take action that violates our conscience. We disagree with this decision. [REDACTED] is devastated! You are charged with protecting your students and their rights. Yet, you still haven't answered my questions:

- Will Armada receive the count money tied to my son's enrollment, obligating you to keep him enrolled? **The district will receive a prorated share based on the days [REDACTED] was in Armada.**
- Since he is already enrolled, would removing him place the district in violation of other laws? **No.**
- Since he is already enrolled, why not allow him to stay through the term at the very least? Aren't you the one that sets that deadline? **The district does not set the November 1 deadline.**
- As Superintendent, don't you have a duty to protect a student's right to an education, or are you merely "following orders" when, in fact, you are the one with the authority to decide? **I am not above the law.**

You've stated my son "cannot attend" because enrollment requirements haven't been met. Yet, he has been attending since August so is already enrolled and already

attending. The question now is whether he can or should be removed. You said the Health Department and your legal counsel directed you to exclude him, but “exclude” in this context refers to actions taken in an outbreak. And we’re not in an outbreak, so **there is no reason to “exclude” him.**

I find nothing in the rules that prescribes procedures or deadlines for removal of a student in this case. Those procedures, deadlines, and the decision to act at all fall to you. **If you follow through with what I believe is overreach, you are complicit in the Health Department’s abuse of authority and potentially in violation of other laws or rules.** To remove my son in this manner needlessly injures an Armada Tiger that you are responsible for protecting, and brings shame to the district and community.

You may think I’m at fault for my son’s removal for not “following the rules,” even though I complied with the law that has stood since the late 1970s. I’ll remind you that **I’m not the one removing him.** The Health Department’s directive that you needlessly remove him fully justifies my decision to exclude them from the enrollment process from the beginning. Again, there is no removal process spelled out anywhere in their rules, and I do not believe they even have the authority to enforce one. The fact they are trying to get you to remove students shows they have no stake or care in educating children, and is **why I have elected to keep them out of my family’s business.**

Let me be clear: I do not believe a quality Superintendent would err on the side of “following orders” to needlessly allow his own students to be removed from enrollment. To do so **neglects his duty to protect them and possibly puts the district at risk of violating other laws.**

We no longer feel welcome at Armada, and that grieves us. We chose this district for our son after weeks of research and other visits. We are grateful for the kindness we’ve received from people in the district—it has left us better off. Each morning I encourage [REDACTED] **to treat today as a gift,** as we don’t know how many days any of us has left on Earth, let alone at school. I’ve also encouraged him to say goodbye to his teachers, classmates, teammates, and coaches. He will be at school tomorrow as well.

I still hope you come around and realize that removing your own students in these circumstances is a violation of your duty to protect and serve them. And I hope that as you work with the Health Department, you remember their role is to protect public health—not to force families to involve them as an uninvited 3rd party in the enrollment process. Or to needlessly remove students.

Thankful and hopeful,

Andrew

On Thursday, October 24, 2024 at 11:32:24 AM EDT, Mike Musary

<[REDACTED]@[REDACTED].[REDACTED]> wrote:

Hi Mr. [REDACTED],

I have run your concerns by our legal counsel. First, to be clear, [REDACTED] would not be “expelled.” The definition of “expel” under state law is a disciplinary removal for 60 or more school days. [REDACTED] will not be allowed in school on November 1st because you didn’t meet the enrollment requirements. It will not be reflected as an expulsion on his record if you choose not to attend at meeting at the St. Clair Health Department and sign a waiver. I called the St. Clair Health Department (I did not give your name) and they confirmed the school district has no choice, but to exclude a student for not meeting the vaccination or waiver requirements. Also, the schools of choice law are not applicable to this situation.

Both legal counsel and the St. Clair Health Department informed me that we cannot extend the November 1st timeline. The district is obligated to follow state and county rules, so we cannot meet your requests.

Mike Musary

From: Andrew [REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>

Sent: Wednesday, October 23, 2024 11:11 PM

To: Mike Musary <[REDACTED]@[REDACTED].[REDACTED]>

Cc: Kastl, Andy <[REDACTED]@[REDACTED].[REDACTED]>;

[REDACTED]@[REDACTED].[REDACTED];

[REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>;

[REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>; [REDACTED]

<[REDACTED]@[REDACTED].[REDACTED]>; [REDACTED]@[REDACTED].[REDACTED];

[REDACTED]@[REDACTED].[REDACTED]; [REDACTED]@[REDACTED].[REDACTED];

[REDACTED]@[REDACTED].[REDACTED]; [REDACTED]@[REDACTED].[REDACTED];

[REDACTED]@[REDACTED].[REDACTED]

Subject: Re: [REDACTED]

Dear Mr. Musary,

Thank you for your continued engagement in this matter. I am willing to continue this conversation to find a solution that prevents injury to [REDACTED], the district, and the community. I believe the best way forward is for Armada to take NO action towards removing my son from enrollment. If action is taken against my son in this matter, the

district and everyone involved loses something. **My requests are at the end of this message.**

You said that accepting an uncertified waiver would put you at risk of a misdemeanor. That may be true if you intend to knowingly misrepresent the waiver as certified in order to report 100% compliance. But accepting an uncertified waiver is not what we're asking you to do at this point. Do not consider him in the "Waivered" category. Instead, place him in the "Incomplete" category.

We're asking you to work with us, follow the rules, and do not hand out extreme consequences which could possibly break other rules in regards to his enrollment. And all the information I've read in rules or otherwise make no mention of a protocol for removing a currently enrolled student that does not meet the reporting requirements.

You said your law firms have confirmed that students that do not comply with vaccine reporting requirements are to be "excluded" from school. That does not mean "expelled." It means temporarily excluded in the case of an outbreak or if they themselves are found to be infectious. That is the entire reason for the vaccine reporting process: how to stop the spread of infectious disease, not remove children from their educational institutions.

I have attached the School Protocol for the IP-100 Immunization Reporting Process 2024-2025 with my own highlights and comments in red. I hope after reviewing this that you and your legal team will see Armada has room for a small percentage of students that do not comply with vaccine reporting requirements. The rules themselves say for districts to "work with" students while giving no deadline requirements or directives to expel. The rules say to bring the district into 90% (November) and 95% (February) of the reported student population into compliance and then the report is closed. It also says that all students enrolled from January 1 - September 30 need to be counted on the report. That means even if my son is removed, he would need to be counted and Armada already needs to have less than 100% of students in compliance on this year's report.

You said you thought the rules may allow for less than 100% of students in compliance because of "inadvertent mistakes" or to allow a "grace period". There was no mention of mistakes or grace period (implied or otherwise) anywhere in the attached protocol or any statute or rule that I recall reading. If all schools must have 100% of their students vaccine-documented beyond a grace period, wouldn't a large number of schools in Macomb county fall short? How many vaccine-undocumented students in the county ARE and WILL CONTINUE attending schools without removal?

Reports can easily be found online. Many schools reported less than 100% of students through February of last year and it seems they were not forced to remove students at all or

honor a grace period. And those schools were not in violation of any rules or laws for which I am aware. I would wager that schools across the county rightly do not exclude their own students in order to boost their numbers to 100% and that they kept all vaccine-undocumented students enrolled. Have you asked other districts how they handle students that do not submit vaccine documentation? Before taking the extreme measure of expelling my son, I ask you to do so.

If Armada expels my son when the protocol itself doesn't require it, you may be in violation of other statutes. My son was enrolled under School of Choice. MCL-388.1705c subsections (10) and (11) says, "(10) If a district has counted a pupil in membership on either the pupil membership count day or the supplemental count day, the district shall not refuse to enroll or refuse to continue to enroll that pupil for a reason specified in subsection (9). This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

(11) A district shall continue to allow a pupil who was enrolled in and attended the district under this section in the school year or semester or trimester immediately preceding the school year or semester or trimester in question to enroll in the district until the pupil graduates from high school. This subsection does not prohibit a district from expelling a pupil described in this subsection for disciplinary reasons.

My son was present on count day. Will the district be receiving money attached to his enrollment? I believe my son needs to stay enrolled unless he is guilty of a disciplinary infraction.

In a previous email, you quoted Michigan Admin Code Rule 325.176(12) and emphasized the word "shall." But even all that I have read in those rules, there is nothing anywhere that prescribes what happens if a student doesn't comply. The only thing that comes close is MCL-333.9209: (4) A child who enters school in September and who has not completed the immunizations required under section 9227 and has not filed an exemption under section 9215 before February 1 shall be excluded from school attendance.

"Excluded" meaning temporarily if they are infectious or if there is an outbreak. But this references section 9215 (with relevant section provided):

(2) A child is exempt from this part if a parent, guardian, or person in loco parentis of the child presents a written statement to the administrator of the child's school or operator of the group program to the effect that the requirements of this part cannot be met because of religious convictions or other objection to immunization.

Note that both of these statutes were written in the 1970's. Neither says anything about attending education sessions at the Health Department or anything about the written

statement provided by the parent to be “certified.” The written statement I provided at the beginning of the school year fulfilled 9215 subsection (2) as written under the law. It would have been acceptable until 2015 when the Health Department added rules that I believe are in conflict with the statute and improperly took away parental rights. Since we’re not lawyers, which do we follow? If we are going to use the original 1970’s language as our guide, then what I provided should suffice according to MCL-333.9209 and 9215. But that conflicts with rules elsewhere. If we’re going by the new rules provided in the protocol, we need to follow the guidelines detailed in the document, which does not direct schools to remove students at all. Either way, I believe there is room for my son to stay at Armada. We don’t need to analyze if he meets enrollment requirements. He is ALREADY enrolled. We need to analyze whether it is acceptable to REMOVE him from enrollment. I found no rules anywhere yet that suggest expulsion for lack of vaccine documentation.

Please know that I would never ask you or anyone in the district to misrepresent facts, do anything unethical, or do anything that could result in a misdemeanor. I have very much appreciated how seriously you and the board have been taking this matter to make sure it’s done correctly. And I believe removing [REDACTED] from school WOULD be unethical if there is flexibility within the rules to keep him. I believe there is flexibility. Keeping him enrolled is a win for everyone. Expel him for fear of breaking rules that are not clearly specified and everyone loses. And you may be in violation of other rules elsewhere, some of which I am aware and did not specify in this message.

Again, my requests are simple:

1. That Armada takes NO action to remove and injure my son and then reports the situation honestly.
2. Before expelling my son, ask your legal department to review this message, the school of choice code, and my commented protocol document. Ask them if my son could stay enrolled until he graduates or at least through the end of the school year.
3. Before expelling my son, ask other districts in the county how they are handling those students that do not meet vaccine reporting requirements. Ask how they go about expelling those not in compliance.
4. If my son must be expelled, at the very least re-examine the November 1st deadline. If you are receiving count money, at least allow him to come to a good breaking point (end of school year if possible).

I trust that you will share this communication with your legal advisors. We have a lot at stake to get this right, not just in my family’s situation but with the community and other families that you may encounter in similar circumstances.

Thank you again for your time and consideration.

Sincerely,

Andrew [REDACTED]

(803) 207-5612

On Friday, October 18, 2024 at 03:29:41 PM EDT, Mike Musary

<[REDACTED]@[REDACTED].[REDACTED]> wrote:

Dear Mr. [REDACTED]:

All of your concerns, including today's follow-up, have been communicated to our legal counsel. We recognize that the state aid penalty is only imposed when the District falls below 95%. I do not know why the penalty is not imposed below 100%, but I suspect it is to protect against inadvertent mistakes.

Student(s) are sometimes enrolled so that they can start school while finishing vaccines or obtaining the proper paperwork. A "grace period" is allowed. After the grace period lapses, students who do not meet the requirements cannot attend. That is why we're allowing you until October 31 to obtain the health department waiver.

Michigan Admin Code Rule 325.176(12) states, in relevant part: "**Each nonmedical exemption filed at the child's school or group program of a child entering a program after December 31, 2014 shall be certified by the local health department that the individual received education on the risks of not receiving the vaccines being waived and the benefits of vaccination to the individual and the community. All waivers shall be submitted using the waiver form prescribed by the department.**"

Under MCL 333.9229, "A person who violates this part or ***a rule promulgated under this part is guilty of a misdemeanor.***" The District (or myself) would therefore be guilty of a misdemeanor if we knowingly allowed a waiver that did not comply with the rules. I appreciate your understanding on this matter. I know this is a difficult issue for your family.

Mike Musary

From: Andrew [REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>

Sent: Friday, October 18, 2024 2:38 PM

To: Mike Musary <[REDACTED]@[REDACTED].[REDACTED]>

Cc: Kastl, Andy <[REDACTED]@[REDACTED].[REDACTED]>;
[REDACTED]@[REDACTED].[REDACTED];

[REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>;
[REDACTED] <[REDACTED]@[REDACTED].[REDACTED]>; [REDACTED]
<[REDACTED]@[REDACTED].[REDACTED]>

Subject: Re: [REDACTED]

Thank you again Mr. Musary for your diligence in this matter. Because so much is at stake for me and my family and the Armada district and community, I want to be 100% clear that the right questions are posed to legal counsel and that I understand precisely what it is that you are saying. Please know I am not trying to be argumentative. I'm trying to have 100% clarity in the hopes that my son can still stay enrolled at Armada.

I have some follow-up questions I would appreciate if you were to share them with your legal counsel as I am mine.

Can Armada be in 100% compliance with the rules and follow what is laid out in MCL – 388.1767?

Under subsection (2) it says:

... If a district or intermediate district does not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177, for at least 90% of the district's or intermediate district's entering pupils, as recorded in the November 1 reports required under this subsection, the district or intermediate district is subject to subsection (4) until the district or intermediate district has such an immunization record for at least 90% of its pupils who enrolled in the district or intermediate district for the first time.

These are the rules as I understand them. Doesn't requiring 100% of students to be in compliance when it comes to waivers remove flexibility that school districts have available to keep students enrolled? You state that your legal counsel said that students must be 100% in compliance? The statute clearly says 90%? <PAGE 7>As I understand it, it's not about whether a district is 100% in compliance with the rules. It is whether the district has received 100% of students with waivers. If it must be 100% of waivers, why would the statute make room for 90%? An in subsection 3 says it must be 95% by February. What I was asking is can the district exercise this rule to keep [REDACTED] enrolled and still be in compliance with everything they need to be?

I would not ask the district to break any rules to keep my son enrolled. Will the district possibly be infringing on my son's right to free access to an education by removing him at this point? The certified waiver was required to enroll him. He is already enrolled. Now the question is about removing him.

Why does the district need to wait until November 1 to remove [REDACTED]? To be in 100% compliance with the rules as you described, [REDACTED] should never have been allowed to start at Armada in the first place. And yet he is currently enrolled. Doesn't that put the district out of compliance already if the district cannot receive less than 100% of students with a certified waiver? Given that other districts are reporting less than 100% with waivers, I question that 100% waivers is actually a requirement. Armada would have flexibility to keep [REDACTED] enrolled. If not, he should be expelled immediately.

If the district has a grace period until November 1, wasn't that derived from the statute that I copied above? Which also mentions 90% of students in compliance, not 100%. If we are clear on the right questions to ask legal counsel, I am interested in knowing their response to these specific questions I posted in this email.

We all have a lot of stake to get this 100% right. I see you as my partner in figuring this out. Thank you again for your diligence and I look forward to hearing back from you.

Andrew

On Oct 18, 2024, at 9:05 AM, Mike Musary <[REDACTED]@[REDACTED].[REDACTED]> wrote:

Mr. [REDACTED],

We have discussed your request to allow your son [REDACTED] to continue as a student in Armada without a county health department waiver with our legal firm ([REDACTED]) and the legal counsel of Michigan Association of School Boards. Both legal counsels have confirmed that students who do not comply with submitting proper forms are to be excluded from school. School districts must be 100% compliant with the waiver rules.

As you know, the Michigan Admin Code Rule 325.176(12) states: "When presented with a medical exemption, religious or other exemption, the administrator of a child's school or operator of a child's group program **shall** recognize the exemption status of the child. Each nonmedical exemption filed at the child's school or group program of a child entering a program after December 31, 2014 **shall** be certified by the local health department that the individual received education on the risks of not receiving the vaccines being waived and the benefits of vaccination to the individual and the community. All waivers **shall** be submitted using the waiver form prescribed by the department."

Our staff has enjoyed having [REDACTED] as a student, but if we do not have a county health department waiver form on file by October 31, 2024, we are required to drop [REDACTED] as a student from Armada Area Schools.

Mike Musary

Superintendent

Andrew [REDACTED]

Date: Tuesday, October 15, 2024 at 4:39PM EDT

From: Andrew [REDACTED] ([REDACTED]@[REDACTED].[REDACTED])

To: [REDACTED]@[REDACTED].[REDACTED]

Mr. Musary.,

Thank you for response and continued attention to my son in this situation. I do look forward to speaking with you this evening. I hope that we can find a workable solution together as a community.

At this point it is not about the waiver. It is about exploring the district's ability to accept 5% of their reporting students without a waiver and still be in compliance with the law and rules. I trust you and the board to look at this thoroughly before November 1 and do what is fair either way.

Andrew

> On Oct 15, 2024, at 4:32 PM, Mike Musary <[REDACTED]> wrote:

>

> Hi Mr. [REDACTED],

>

> I can't speak on what the school board would do, but I doubt they would go
> against our attorney's recommendation. Michigan Admin Code Rule 325.176(12)
> states: "When presented with a medical exemption, religious or other
> exemption, the administrator of a child's school or operator of a child's
> group program shall recognize the exemption status of the child. Each
> nonmedical exemption filed at the child's school or group program of a child
> entering a program after December 31, 2014 shall be certified by the local
> health department that the individual received education on the risks of not
> receiving the vaccines being waived and the benefits of vaccination to the
> individual and the community. All waivers shall be submitted using the
> waiver form prescribed by the department." The word "SHALL" doesn't leave
> any room to make any exception. I look forward to talking to you this
> evening. Thank you.

>

> Mike

Armada Area Schools Re: Waiver

From: Andrew [REDACTED] ([REDACTED]@[REDACTED].[REDACTED])

To: [REDACTED]@[REDACTED].[REDACTED]

Date: Tuesday, October 15, 2024 at 10:11 AM EDT

Mr. Musary,

Thank you for looking into this for me. I am aware of the FAQ document that was released last month. But after speaking with my attorney and Representative Jamie Green's Legislative Director, I question whether this FAQ document showing guidelines has the force of law. It should not be acceptable to justify denying a student of his right to an education based off these unfair guidelines that were forced upon the school and community. I view your office and district as partners with us through this challenge and appreciate all that you have already done.

I look forward to the opportunity tonight to peacefully and professionally present my case to the school board. One question I hope to pose is what is the purpose of 95% reporting if essentially the school is being held to a 100% standard? And would the board be willing to make an exception in this case?

Andrew

On Oct 15, 2024, at 8:45 AM, Mike Musary <[REDACTED]@[REDACTED].[REDACTED]> wrote:

Hi Mr. [REDACTED],

I was able to discuss your concern with our legal counsel. Per our legal counsel, the school district cannot provide a waiver for your son. There is no option for a school district to make an exception for any student.

Our only option is to follow state and county mandates. Only the county health department can provide a waiver for you. I have attached the Q & A

from the Michigan Department of Health & Human Services which was updated on September 9, 2024.

Mike Musary