

**Prepared Testimony of Prof. William Wagner and Katherine Bussard
Before the Michigan State Board of Education
Tuesday, September 9, 2025**

Introduction

My name is William Wagner and I hold the academic rank of Distinguished Professor Emeritus (Law). I served on the faculty at the University of Florida and Western Michigan University Cooley Law School, where I taught Constitutional Law and Ethics. I currently hold the Faith and Freedom Center Distinguished Chair at Spring Arbor University. Before joining academia, I served as a federal judge in the United States Courts, as Senior Assistant United States Attorney in the Department of Justice, and as a Legal Counsel in the United States Senate.

My name is Katherine Bussard, Executive Director & C.O.O. of Salt & Light Global, a faith-based non-profit founded in Michigan that works to protect religious liberty and promote education freedom the world through the advancement of good governance. I also serve as a trustee on my local public school's Board of Education.

Today, we testify in our personal capacities in hopes of contributing to this deliberative policy-making process.

We wish to address two agenda items:

Concerns with Proposed Health Standards

First, we strongly oppose the proposed "MI Health Education Standards Framework".

The proposal circumvents MCL 380.1507 and brings teaching about sex and sexuality into health classes, where curriculum is NOT guided by a sex ed advisory committee. Instead, transparency is lost, and radical ideas are taught to children in a class required for graduation.

Specific areas of concern include, but are not limited to:

Safety 8.4. SAF, which embodies components of critical theory, sowing unhealthy seeds of division | and teaching children to treat people differently because of external appearance

Sexual Health 8.2.SH points 1,2,3 – which fundamentally teach children values that are radically different than many families believe, are not supported by science, promote dangerous and unhealthy behavior, and compel teachers (especially those of Abrahamic

faiths) to speak against their sincerely held religious beliefs or become unable to perform the criteria of their job.

Sexual Health 8.3.SH refers to the assessing “validity” and what is “credible” sexual information, without articulating a standard for those words. Contextually, it seems likely that this standard would again undermine the values of individuals of Abrahamic faiths and deny the science of biology.

Sexual Health 12.6.SH and Community and Environmental health 12.6.CEH which train children to become activists and advocates for radical gender theory and the societal normalization of sexual perversion.

This body should recall the words of Justice Alito in the majority opinion in *Mahmoud v. Taylor*,

[Citing Kennedy, 597 U. S., at 524] , “At its heart, the Free Exercise Clause of the [First Amendment](#) protects “the ability of those who hold religious beliefs of all kinds to live out their faiths in daily life through the performance of ” religious acts.”

And that:

“A government burdens the religious exercise of parents when it requires them to submit their children to instruction that poses “a very real threat of undermining” the religious beliefs and practices that the parents wish to instill.” [Citing Wisconsin v. Yoder, [406 U. S. 205](#), 218 (1972)]

And that:

“The Board may not insulate itself from [First Amendment](#) liability by “weav[ing]” religiously offensive material throughout its curriculum and thereby significantly increase the difficulty and complexity of remedying parents’ constitutional injuries.”

We urge that this Framework be rejected and redrafted in a manner that respects the First Amendment, MCL 380.10, and MCL 380.1507.

Concerns with the Immunization Resolution

Second, we wish to express my strong opposition to the proposed resolution “Affirming Michigan’s School Immunization Documentation Requirements, Lawful Exemptions, and Family Communication Standards”

MCL 333.9215 is CLEAR: “(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.” No other criteria follows.

The statute does not impose an added burden on parents with religious objections, requiring them to submit to a government re-education program on the merits of vaccines when it opposes their sincerely held religious views. Your resolution does. Imposing a special burden could cause inherent conflict with the First Amendment.

With *Miller V. McDonald*, No. 24-681 docketed before the US Supreme Court and lower court cases involving this Michigan law currently pending, it would be far more prudent for this body to let the judiciary weigh in and clarify the matter.

We urge the board to reject both of these proposals.
Thank you