



# AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

**MEETING DATE** 2020-07-21 10:05 - Regular School Board Meeting

**AGENDA ITEM** ITEMS

**CATEGORY** HH. OFFICE OF THE GENERAL COUNSEL

**DEPARTMENT** Office of the General Counsel

**Special Order Request**  
 Yes  No

**Time**

**Open Agenda**  
 Yes  No

**ITEM No.:**  
 HH-1

**TITLE:**  
 Litigation Challenging U.S. Department of Education Interim Final Rule, Providing Equitable Services to Students and Teachers in Non-public Schools

**REQUESTED ACTION:**  
 Authorize the Superintendent and the General Counsel to enter into an Agreement with the litigation group of Munger, Tolles & Olson LLP ("MTO"), Sothern Poverty Law Center, ("SPLC"), and Education Law Center ("ELC") to represent The School Board of Broward County, Florida in litigation against U.S. Department of Education and Secretary Betsy De Vos related to the July 1, 2020 Interim Final Rule on Equitable Services and the CARES Act.

**SUMMARY EXPLANATION AND BACKGROUND:**  
 On July 1, 2020, the US Department of Education issued an interim final rule (IFR) authorizing and in certain circumstances directing Local Education Authorities to use an alternate method to determine proportional share based on total enrollment in private schools, reasoning that the CARES Act did not mandate a "a rigid application of Section 117 of the Elementary and Secondary Education Act of 1965 (ESEA).  
 See supporting docs for continuation of Summary Explanation and Background.

**SCHOOL BOARD GOALS:**  
 Goal 1: High Quality Instruction  Goal 2: Safe & Supportive Environment  Goal 3: Effective Communication

**FINANCIAL IMPACT:**  
 Representation will be provided on a Pro Bono basis and as such, there is no financial impact to the District.

**EXHIBITS: (List)**  
 (1) Summary Explanation and Background

**BOARD ACTION:**  
 (For Official School Board Records Office Only)

**SOURCE OF ADDITIONAL INFORMATION:**

Name: Barbara J. Myrick, Esq.	Phone: 754-321-2050
Name:	Phone:

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**  
 Senior Leader & Title

Barbara J. Myrick - General Counsel

Signature

Approved In Open Board Meeting On: \_\_\_\_\_

By: \_\_\_\_\_  
 School Board Chair