

**MINUTES
STATE BOARD OF EDUCATION
MEETING**

November 16, 2021
Via Conference Call

Chair Tom Grady called the meeting to order at 10:00 a.m. The following members were present: Vice Chair Ben Gibson, Ryan Petty, Andy Tuck, and Joe York.

Welcome

Chair Grady started by thanking those that called in and remarked that the board will be discussing the consideration of the U.S. Department of Education cease and desist complaint against the Florida Department of Education and the Project SAFE grant program.

ACTION ITEM

Consideration of U.S. Department of Education Cease and Desist Complaint against the Florida Department of Education and the Project SAFE Grant Program

Chair Grady recognized Stasi Kamoutsas, General Counsel to provide the board an overview of the process and explain the board's role. Mr. Kamoutsas began by thanking the board and discussed some of the litigation and timeline of how the department got to this point. Starting with Executive Order 21-175, ordering the Department of Health and Department of Education to create rules for controlling the spread of COVID-19 in schools and that the action comply with the parental bill of rights. On October 7 the State Board of Education met and found 8 school districts not in compliance with the emergency order and ordered withholding of funds in an amount equal to 1/12 of the school boards member salary as well as withholding of state funds in an amount equal to Project SAFE grants for Broward and Alachua County. On October 28, the U.S. Department of Education issued a cease and desist complaint against the Florida Department of Education; the complaint seeks to terminate the board's suspension of funds related to Project SAFE for the Alachua and Broward County school districts.

Mr. Kamoutsas then recognized, outside counsel for the department, Steven Engel, Partner, Dechert Law Firm to provide the board with a legal analysis of the cease and desist action. Mr. Engel stated that federal administrative law judge set a hearing for December 10, but in light of Alachua school district's recent compliance and the Broward school district's anticipated compliance, the previously withheld Project SAFE Grant aid is expected to be disbursed, and therefore the administrative law judge deferred issuing a briefing schedule.

Chair Grady then recognized Richard Corcoran, Commissioner, for his recommendation on the U.S. Department of Education Cease and Desist Complaint against the Florida Department of Education and the Project SAFE Grant Program. Commissioner Corcoran recommended the board authorize the Department of Education, in consultation with the department's general counsel and our litigation counsel, to vigorously defend the cease and desist complaint filed by the U.S. DOE, and to protect our sovereignty against the unlawful federal SAFE grant program up to and including providing authorization to file an independent action if necessary. Chair Grady then called for a motion to approve the Commissioners' recommendation. Mr. Tuck made the motion with a second by Vice Chair Gibson. The motion passed unanimously.

ADJOURNMENT

Having no further business, Chair Grady adjourned the meeting of the State Board of Education at 10:27 A.M.

Chris Emerson, Corporate Secretary

Tom Grady, Chair