

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: REQUEST FOR AUTHORIZATION TO ENGAGE THE SERVICES OF THE LAW FIRM OF LEIBOWITZ AND ASSOCIATES, P.A. TO REPRESENT THE BOARD IN MATTERS INVOLVING COMPLIANCE WITH FEDERAL COMMUNICATIONS RULES RELATING TO MIAMI-DADE COUNTY PUBLIC SCHOOLS' E-RATE PROGRAM

On December 6, 2004, the Administration received a compliance letter from Universal Service Administrative Company (USAC) Schools and Libraries Division, raising compliance issues that affect Miami-Dade County Public Schools' (M-DCPS) administration of its participation in the federal E-rate Program. USAC has advised that the Schools and Libraries Division is withholding action on pending and future reimbursements of E-rate funds for M-DCPS until USAC determines that M-DCPS has reasonably complied with certain program requirements. Staff has provided the Board with supplemental information regarding this matter under separate cover.

In order to comply with USAC's request for information and documentation, and to ensure that all legal matters are resolved for M-DCPS to receive the E-rate telecommunications' refund commitments for the 2003-2004 year, as well as funds accruing this E-rate school year, the Board Attorney and administration would like to engage the services of Leibowitz and Associates, P.A., the Board's FCC counsel. Leibowitz and Associates, P.A. is currently under contract with the Board to handle legal matters for WLRN Public Television and Radio before the Federal Communications Commission. Mr. Leibowitz will assist staff in responding to the request for information and documentation and presenting it to USAC, which may involve appeals that could result in a hearing before the Federal Communications Commission.

This item does not appear in the regular published agenda. There is good cause to vary from the agenda because time is of the essence in responding within the 6-month time frame established by USAC in order to avoid any denial of pending applications for E-rate disbursements.

- RECOMMENDED:** That The School Board of Miami-Dade County, Florida authorize:
- 1) the Board Attorney to engage the services of Leibowitz and Associates, P.A. to represent the Board and administration in connection with compliance requirements requested by USAC to ensure that M-DCPS receive funding commitments and disbursements under the federal E-rate program;
 - 2) payment to Leibowitz and Associates, P.A., according to the current discounted rates as set forth in the Contract for partners at \$400 per hour and for associates rates from \$300-\$150 per hour;
 - 3) the administration to establish a budget for this engagement and report it to the Board at the January 19, 2005 meeting, together with an update on the status of E-rate compliance.

**GOOD CAUSE
F-5**