

August 5, 2020

Statement of the PVPUSD Board of Education on Brach vs Newsom

The Board of Education of the Palos Verdes Peninsula Unified School District is not a party to, nor does it support, the Brach vs Newsom lawsuit that was filed in US District Court on July 21, 2020. This lawsuit seeks to overturn Governor Newsom's July 17, 2020 order mandating schools in counties on the State's Coronavirus Monitoring List to remain physically closed and operate in distance learning mode. As a non-partisan elected body, the Board is committed to policy making and actions that further the interests of all PVPUSD students irrespective of anyone's politics. The Board expects all of its Members to act in a non-partisan manner, while advocating for the best interests of the District's students. Unfortunately this lawsuit has partisan underpinnings. The lead attorney for the plaintiff is a former Vice Chairperson of a major political party in the State, and the Defendant in the lawsuit is a member of the opposite political party. The non-profit that is funding the lawsuit is headed by that same attorney. Donations to fund the lawsuit through the non-profit are essentially donations to the law firm pursuing the lawsuit.

One of the principles that the Board has fought for and endorses is Local Control. While the lawsuit was purportedly filed in part to ensure Local Control, the lawsuit ironically requests a Federal Court to intervene in what is clearly a state and local matter. Even if the lawsuit is successful, PVPUSD will still be required to follow the Public Health Orders of the L.A. County Department of Public Health, whose orders have been more restrictive than the State of California at almost every point during the pandemic. The end result is that students in PVPUSD will be unlikely to return to campus any sooner.

Furthermore, by the time the lawsuit is finally adjudicated, the current COVID crisis will have passed or almost certainly be of much lower magnitude. The chances of obtaining a Temporary Restraining Order are also remote given the complicated issues raised and the difficulty in meeting the high bar required to prevail on such an order.

The Board views this lawsuit as a waste of taxpayer funds to defend it, as well as a waste of our local donors' funds who have been led to believe that it will provide near-term benefits to the students of PVPUSD.

The Board will continue to work in, and advocate for, the best interests of all of the students in PVPUSD in the non-partisan manner that it cherishes.