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## **MEMORANDUM**

**TO:** State Board of Education Members

**FROM:** Richard Corcoran

**RE:** Orange County Public Schools, Student Opt-Out Requirements

**DATE:** October 4, 2021

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Based upon the following memorandum, I find there is probable cause that Orange County Public Schools (OCPS) acted contrary to the law by requiring students to wear a mask or face covering unless certain exceptions apply, such as a medical certification. Specifically, OCPS' policy violated the provisions of Rule 64DER21-12, Protocols for Controlling COVID-19 in School Settings and continues to violate Rule 64DER21-15, Protocols for Controlling COVID-19 in School Settings.

### **Background Information**

On July 30, 2021, the Governor issued Executive Order Number 21-175, directing the Florida Department of Health (FDOH) and the Florida Department of Education (FDOE) to immediately execute rules and take any additional action necessary to ensure safety protocols for controlling the spread of COVID-19 in schools. The order requires that these protocols be consistent with the Parents' Bill of Rights and directs that action "protect parents' right to make decisions regarding masking of their children in relation to COVID-19." Moreover, the order directs the Commissioner of Education to pursue all legal means available to ensure school districts adhere to the law, including but not limited to withholding funds from noncompliant school boards.

On August 6, 2021, in response to the executive order, and after consultation with FDOE, the State's former Surgeon General, Scott Rivkees, as the head of FDOH, adopted an emergency rule establishing protocols for controlling the spread of COVID-19 in schools. Given the statutory duty of FDOH to implement protocols to prevent or limit the impact or spread of disease, the State's Surgeon General must be a licensed physician with advanced training or extensive experience in public health administration. *See* § 20.43(2), Fla. Stat. The rule provided for general protocols for public schools, protocols specific to symptomatic or COVID-19 positive students, protocols specific to students with exposure to COVID-19 and protocols for students with a prior COVID-19 infection. The portion of the rule addressing masks provided as

follows: **Students may wear masks or facial coverings as a mitigation measure; however, the school must allow for a parent or legal guardian of the student to opt-out the student from wearing a face covering or mask.** See Rule 64DER21-12, Protocols for Controlling COVID-19 in School Settings, Florida Administrative Register, Vol. 47 / No. 153, August 9, 2021 (emphasis supplied).

Citing to the Parents' Bill of Rights, the notice for FDOH's emergency rule provided that "it is necessary to immediately promulgate a rule regarding COVID-19 safety protocols that protects parents' rights and to allow for in-person education for their children."

On September 22, 2021, under the direction of the State's new Surgeon General, Dr. Joseph Ladapo, FDOH issued a revised rule to address controlling the spread of COVID-19 in school settings. Rule 64DER21-15 relaxes the requirements for quarantining asymptomatic students who have been exposed to COVID-19, and further clarifies the parental opt-out provision by providing that a "school must allow for a parent or legal guardian of the student to opt the student out of wearing a face covering or mask at the parent or legal guardian's **sole discretion.**" See Rule 64DER21-15, Florida Administrative Register, Vol. 47 / No. 185, September 23, 2021 (emphasis supplied). See Exhibit A.

The purpose of these changes is explained by FDOH in its notice for the new rule:

The Department [of Health] observed a large number of students have been required to quarantine for long periods of time, resulting in the loss of hundreds of thousands of days of in-person learning. In addition, the Department [of Health] observed no meaningful difference in the number of COVID-19 cases in school-aged children in counties where school districts have imposed mask mandates. It is necessary to minimize the amount of time students are removed from in-person learning based solely on direct contact with an individual that is positive for COVID-19, to ensure parents and legal guardians are allowed the flexibility to control the education and health care decisions of their own children, and to protect the fundamental rights of parents guaranteed under Florida law.

*Id.*

#### Orange County Public Schools

On August 24, 2021, the Orange County School Board directed the superintendent to mandate face masks for students while inside OCPS buildings and buses. This requirement will be in place through October 30, 2021. The district's COVID-19 Health and Safety Manual states:

- Per Board mandate, all students and visitors must wear face masks while inside school board buildings until October 30, 2021.
  - Students are also required to wear masks while in district vehicles including buses.
- Employees must wear face masks while inside school board buildings or vehicles and in the presence of another individual.

- Employees driving in a district vehicle by themselves or working in an office alone are not required to wear a mask.
- Face masks are not required outside of buildings on school board property.
- Students with a note from a medical doctor, nurse practitioner, or physician assistant and employees with a medical exemption are not required to wear a face mask.
  - Employees must submit exemption requests through the district's ADA office.
- Face masks will be made available at district facilities.

*See Exhibit B, page 8.* In sum, the district's policy requires all students and visitors to wear face masks through October 30, 2021, subject only to medical exemptions.

On August 27, 2021, I wrote OCPS' superintendent and school board chair to notify them of my concern with their apparent non-compliance with Rule 64DER21-12 and to afford the district the opportunity to demonstrate compliance. *See Exhibit C.*

On September 1, 2021, OCPS' superintendent and board chair responded to me in writing, asserting that the district's policy is narrowly tailored and necessary to achieve the compelling state interest of protecting students. *See Exhibit D.* The letter did not rescind the requirement for medical documentation in order for a student to opt-out of a mask mandate.

On September 23, 2021, due to the adoption of FDOH's new rule, I advised OCPS' superintendent and school board chair of Rule 64DER21-15, and afforded the district another opportunity to demonstrate compliance. *See Exhibit E.*

On September 24, 2021, OCPS' superintendent and board chair responded, stating that the district's mask policy would continue through October 30. *See Exhibit F.* The letter did not rescind the requirement for medical documentation in order for a student to opt-out of a mask mandate.

In sum, OCPS' policy requires all students, staff and visitors to wear face coverings inside school board buildings. Although the policy appears to provide a number of exceptions, the policy precludes voluntary parental opt-out at the parent's or guardian's sole discretion

#### The State Board of Education's Enforcement Authority

The State Board of Education's enforcement authority is found in section 1008.32, Florida Statutes. The statute provides that "[t]he State Board of Education shall oversee the performance of district school boards [...] in enforcement of all laws and rules." § 1008.32, Fla. Stat.

In enforcing the law, the statutory process prescribed therein requires that I first report my determination of probable cause to the State Board of Education. If the State Board then determines that a district school board is unwilling or unable to comply with either law or rule, the State Board is authorized to impose sanctions in order to secure compliance, including the withholding of funds and reporting to the Legislature.

Any argument that the State Board's authority to enforce these safety protocols interferes with any district school board's authority to operate and control schools should be summarily rejected.

Indeed, the law in Florida is clear that the State Board's supervisory authority acts as a limitation on the operational authority of districts to operate, control and supervise public schools.

Looking to the Florida Constitution, there is a hierarchy under which a school board has local control, but in which the State Board supervises the system as a whole. This broader supervisory authority may at times infringe on a board's local powers, but such infringement is expressly contemplated and, in fact, encouraged by the very structure set by the Florida Constitution. *See Sch. Bd of Palm Beach Cty. v. Fla. Charter Educ. Found, Inc.*, 213 So. 3d 356, 360 (Fla. 4th DCA 2017) (rejecting school board's argument that the State Board of Education's authority to approve a charter school application on appeal violates article IX, section 4(b)); *see also Sch. Bd of Collier Cty v. Fla. Dep't of Education*, 279 So. 3d 281 (Fla. 1st DCA 2019) (rejecting school board's argument that statute requiring school boards to distribute a portion of capital millage revenue to charter schools violates article IX, section 4(b)).

Accordingly, any argument that the State Board of Education lacks the authority to enforce these school safety protocols should also be rejected. It has long been settled that rules have the force and effect of the law. *State v. Jenkins*, 469 So. 2d 733 (Fla. 1985); *Florida Livestock Board v. W.G. Gladden*, 76 So. 2d 291 (Fla. 1954). Rule 64DER21-15 derives authority from a statute in the educational code—specifically, section 1003.22(3), Florida Statutes—so while FDOH may *also* have enforcement authority, enforcement of school safety protocols falls squarely within the State Board of Education's authority to supervise the state's education system as a whole.

### Conclusion

Every school board member and every school superintendent has a duty to comply with the law, whether they agree with it or not. While the district school board may not agree with the safety protocols set forth by the Surgeon General, the Surgeon General is the person who, under the law, sets protocols to control and mitigate COVID-19 in schools. The Office of the Attorney General relied upon these principles to reject any argument a school board could depart from FDOH's emergency rule based upon a disagreement with the protocols found in the rule. *See* AGO 2021-01, September 1, 2021. Disagreement with the protocols found in 64DER21-15 simply does not provide a school district with a basis to violate the rule, be it through medical requirements, attempts to tie mask requirements to fluctuating positivity rates, or through any other means.

All of this in mind, I hereby recommend that the State Board of Education use its enforcement powers to enforce the health protocols found in Emergency Rule 64DER21-15 and protect the right of parents to make both health and educational decisions on behalf of their children.

Should the State Board adopt my recommendation, I request that it consider the sanction of withholding state funds in an amount equal to 1/12 of all school board members' salaries, as well as withholding state funds in an amount equal to any federal grant funds awarded to OCPS for its noncompliance with Emergency Rule 64DER21-15.

# **EXHIBIT A**

## Notice of Emergency Rule

### DEPARTMENT OF HEALTH

#### Division of Disease Control

RULE NO.:       RULE TITLE:

64DER21-15      Protocols for Controlling COVID-19 in School Settings

**SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE:** Because of an increase in COVID-19 infections, largely due to the spread of the COVID-19 delta variant, prior to the beginning of the 2021-2022 school year, it is imperative that state health and education authorities continue to provide emergency guidance to school districts concerning the governance of COVID-19 protocols in schools. In August 2021, all public schools in Florida began the 2021-2022 school year with in-person learning available for all students. The Department of Health adopted Emergency Rule 64DER21-12 on August 6, 2021. Since that time the Department has conducted a review of data for cases of COVID-19 positive school-aged children and data for school-aged children who have been in direct contact with a COVID-19 positive person. The Department observed a large number of students have been required to quarantine for long periods of time, resulting in the loss of hundreds of thousands of days of in-person learning. In addition, the Department observed no meaningful difference in the number of COVID-19 cases in school-aged children in counties where school districts have imposed mask mandates. It is necessary to minimize the amount of time students are removed from in-person learning based solely on direct contact with an individual that is positive for COVID-19, to ensure parents and legal guardians are allowed the flexibility to control the education and health care decisions of their own children, and to protect the fundamental rights of parents guaranteed under Florida law.

In order to permit students to continue in-person learning, to minimize the detriment to students and school personnel from the added burden of recurrent removal of students, and to benefit the overall welfare of students in Florida, it is necessary to provide updated emergency guidance to school districts concerning the governance of COVID-19 protocols in schools. This emergency rule conforms to Executive Order Number 21-175, which ordered the Florida Department of Health and the Florida Department of Education to ensure safety protocols for controlling the spread of COVID-19 in schools that (1) do not violate Floridians' constitutional freedoms; (2) do not violate parents' rights under Florida law to make health care decisions for their minor children; and (3) protect children with disabilities or health conditions who would be harmed by certain protocols, such as face masking requirements. The order directs that any COVID-19 mitigation actions taken by school districts comply with the Parents' Bill of Rights, and "protect parents' right to make decisions regarding masking of their children in relation to COVID-19."

Because of the importance of in-person learning to educational, social, emotional and mental health, and welfare, removing healthy students from the classroom for lengthy quarantines should be limited. Under Florida law, parents and legal guardians have a fundamental right to direct the upbringing, education, health care, and mental health of their minor children and have the right to make health care decisions for their minor children. HB 241, Ch. 2021-199, Laws of Fla. Parents and legal guardians are uniquely situated to understand the health care, emotional, and educational needs of their minor children. In furtherance of the Florida Department of Health's authority to adopt rules governing the control of preventable communicable diseases—and because students benefit from in-person learning—it is necessary to immediately promulgate a rule regarding COVID-19 safety protocols that protects parents' rights and to maximize the allowance of in-person education for their children. Unnecessarily removing students from in-person learning poses a threat to the welfare of children, including their social, emotional and educational developmental, and is not necessary absent illness.

**REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES:** This emergency rule is necessary in light of the unnecessary exclusion of healthy students from in-person learning and the urgent need to provide updated COVID-19 guidance to school districts. Given the evolving nature of this novel disease and the potential for adverse impacts on school children resulting from the unnecessary exclusion of healthy children from in-person learning, there is a need to issue an immediately effective rule while the department promulgates a permanent rule through the non-emergency process.

SUMMARY: Emergency rule 64DER21-15 sets forth the procedures for controlling COVID-19 in school settings. Emergency rule 64DER21-15 repeals and replaces Emergency rule 64DER21-12 that was adopted on August 6, 2021.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Carina Blackmore, Florida Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1703, (850)245-4732.

THE FULL TEXT OF THE EMERGENCY RULE IS:

64DER21-15 Protocols for Controlling COVID-19 in School Settings

(1) GENERAL PROTOCOLS AND DEFINITION. The following procedures shall be instituted to govern the control of COVID-19 in public schools:

(a) Schools will encourage routine cleaning of classrooms and high-traffic areas.

(b) Students will be encouraged to practice routine handwashing throughout the day.

(c) Students will stay home if they are sick.

(d) Schools may adopt requirements for students to wear masks or facial coverings as a mitigation measure; however, the school must allow for a parent or legal guardian of the student to opt the student out of wearing a face covering or mask at the parent or legal guardian's sole discretion.

(e) For purposes of this rule, "direct contact" means cumulative exposure for at least 15 minutes, within six feet.

(2) PROTOCOLS FOR SYMPTOMATIC OR COVID-19 POSITIVE STUDENTS. Schools will ensure students experiencing any symptoms consistent with COVID-19 or who have received a positive diagnostic test for COVID-19 shall not attend school, school-sponsored activities, or be on school property until:

(a) The student receives a negative diagnostic COVID-19 test and is asymptomatic; or

(b) Ten days have passed since the onset of symptoms or positive test result, the student has had no fever for 24 hours and the student's other symptoms are improving; or

(c) The student receives written permission to return to school from a medical doctor licensed under chapter 458, an osteopathic physician licensed under chapter 459, or an advanced registered nurse practitioner licensed under chapter 464.

(3) PROTOCOLS FOR STUDENTS WITH EXPOSURE TO COVID-19. Schools shall allow parents or legal guardians the authority to choose how their child receives education after having direct contact with an individual that is positive for COVID-19:

(a) Parents or legal guardians of students who are known to have been in direct contact with an individual who received a positive diagnostic test for COVID-19 may choose one of the following options:

1. Allow the student to attend school, school-sponsored activities, or be on school property, without restrictions or disparate treatment, so long as the student remains asymptomatic; or

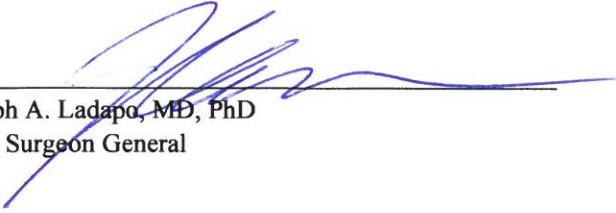
2. Quarantine the student for a period of time not to exceed seven days from the date of last direct contact with an individual that is positive for COVID-19.

(b) If a student becomes symptomatic following direct contact with an individual that has tested positive for COVID-19, or tests positive for COVID-19, the procedures set forth in subsection (2), above shall apply.

Rulemaking Authority 1003.22(3) FS. Law Implemented 1003.22(3) FS. History—New.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE:

  
\_\_\_\_\_  
Joseph A. Ladapo, MD, PhD  
State Surgeon General

9/22/21  
\_\_\_\_\_  
Date

# **EXHIBIT B**





**COVID-19**  
**HEALTH AND SAFETY**  
**PROCEDURES GUIDE**

2021-22 School Year



Orange County  
Public Schools

August 27, 2021

# Disclaimer

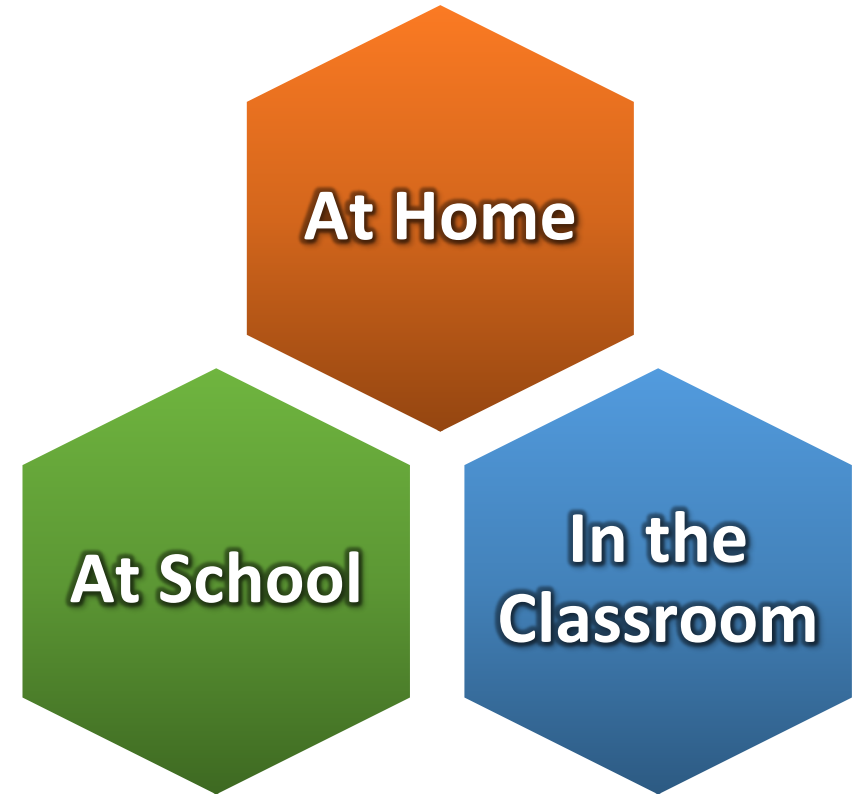
This manual contains general guidance to assist school and administrative sites in navigating health and safety considerations during the COVID-19 pandemic. It is intended for the use of district staff, rather than the public at-large. This manual is a supplement to the Injury/Illness section of the Emergency Procedures Manual for Schools and the Medical Emergencies section of the Emergency Procedures Manual for Administrative Sites.



**Promoting risk reduction through a great culture of teaching.**



**Promoting a Healthy and Safe Learning Environment**



To minimize the risk of exposure to COVID-19 for students, staff, and families across the school district, Orange County Public Schools (OCPS) encourages following appropriate health guidance.

# 2021-2022 Guidance Overview



- This manual contains standard COVID-19 safety-related procedures and protocols.
- Additional procedures and protocols may be in place based on programs and facility layouts.
- Staff are expected to follow best practices to reduce the spread of COVID-19 in their work areas.
- District administration will continue to monitor federal, state and local public health communication about COVID-19, coordinate with local health officials, and modify guidance as needed.

# Record of Changes



Changes from Previous Version	Date	Page
Updated information on page to comply with the Board universal mask mandate issued 8/24	8/25/21	8

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# **Section 1: General Preventative Measures**

# Personal Protective Equipment (PPE)

*Help Protect Yourself  
and Others*

Reference [School Board Policy EBBA Disease Prevention; Face Coverings for additional information regarding masks.](#)



- Per Board mandate, all students and visitors must wear face masks while inside school board buildings until October 30, 2021.
  - Students are also required to wear masks while in district vehicles including buses
- Employees must wear face masks while inside school board buildings or vehicles and in the presence of another individual.
  - Employees driving in a district vehicle by themselves or working in an office alone are not required to wear a mask
- Face masks are not required outside of buildings on school board property.
- Students with a note from a medical doctor, nurse practitioner, or physician assistant and employees with a medical exemption are not required to wear a face mask.
  - Employees must submit exemption requests through the district's ADA office
- Face masks will be made available at district facilities.
- Individuals may choose to wear any of the following types of face masks:
  - Commercially produced, disposable masks
  - Reusable, cloth masks
  - Masks with clear panels
- Face masks must cover both the nose and mouth.
- Face masks with exhalation valves, neck gaiters, and neck buffs are not permitted.
- Face shields may be worn in conjunction with a face mask but cannot be used in lieu of a mask.
- Masks must comply with the dress code (cannot contain questionable language or symbols).
- Individuals should be reminded not to touch their masks and to wash their hands frequently.
- Individuals opting to wear reusable, cloth masks should ensure they are cleaned regularly.
- Disposable gloves should be replaced with handwashing or hand sanitizer unless required to perform job duties.



# Hygiene Protocols

## Hand Hygiene

Handwashing is one of the best ways to protect yourself and your family from getting sick.

After you have been in a public place and touched an item or surface that may be frequently touched by other people, such as door handles, tables, counter tops, chairs, sinks, shared pens, elevator buttons, and microphones, sanitize your hands before touching your eyes, nose, or mouth because that's how germs enter our bodies.



- You can help yourself and others stay safe, especially during these key times when you are likely to get and spread germs:
  - After entering a building or school
  - Before, during, and after eating food
  - Before and after handling papers that are not your own
  - Before and after treating a cut or wound
  - Before taking medication
  - After using the restroom
  - After blowing your nose, coughing, or sneezing
  - After handling your cellphone that has been placed on a table or other area that is not your own
  - After touching a recycling or garbage receptacle
- Steps to Wash Your Hands the Right Way:
  1. **Wet** your hands with clean, running water (warm or cold), turn off the tap, and apply soap.
  2. **Lather** your hands by rubbing them together with the soap. Lather the backs of your hands, between your fingers, and under your nails.
  3. **Scrub** your hands for at least 20 seconds. Need a timer? Hum the “Happy Birthday” song from beginning to end twice.
  4. **Rinse** your hands well under clean, running water.
- If soap and water are not readily available, district approved hand sanitizer that contains at least 60% alcohol can be used (for staff and older children who can safely use hand sanitizer).
- Contact your Custodial Services Area Manager to acquire additional handwashing supplies.



# Health Monitoring

*Recognizing the  
Signs and Symptoms*

Health monitoring and recognizing the signs and symptoms are crucial to help reduce the risk of spreading COVID-19.



- Encourage staff, students, volunteers and visitors planning to enter the school or facility to self-screen for symptoms of COVID-19 prior to coming onsite.
- Refrain from entering the school or facility if any of the following are present:
  - Symptoms of COVID-19
  - A temperature of 100.4° F or higher
  - Under evaluation for COVID-19 (for example, waiting for the results of a viral test to confirm infection)
  - Diagnosed with COVID-19 and not yet cleared to discontinue isolation

# Absenteeism and Academic Continuity

*Monitor and Plan  
for Absenteeism*

**Monitor absenteeism of students and employees, cross-train staff, and create a roster of trained back-up staff to use in case of excessive employee absences due to illness.**



- Review the usual absenteeism patterns at your school among both students and staff.
- School administrators should alert Professional Standards and local health officials about large increases in student and staff absenteeism, particularly if absences appear due to respiratory illnesses (like the common cold or the flu, which have symptoms similar to COVID-19).
- Review attendance and sick leave policies. Encourage students and staff to stay home when sick, even without documentation from a doctor.
- Identify critical job functions and positions, and plan for alternative coverage by cross-training staff within job description or classification.
- The district will provide further direction in the event a school or classroom needs to pivot to digital learning in order to support academic continuity.
- For individual students who may need to isolate or quarantine, schools will follow normal procedures for sick students.



# **Section 2: Operational Guidance**

# Operational Guidance - Schools

*Promote Safety and Preventative Measures*

**Continue encouraging measures to reduce the transmission of infectious diseases.**



- **Buses**
  - Buses will be cleaned or disinfected as needed.
  - Bus windows should be lowered to improve air circulation.
  - If a student becomes ill during the day, he/she must not use group transportation to return home.
  - Contact your Transportation Area Manager for additional transportation guidance or resources.
- **Classrooms**
  - Classrooms will be cleaned or disinfected as needed.
  - Hand sanitizer is available as individuals enter the classroom.
  - Shared object use is discouraged without proper hand hygiene.
- **Common Areas**
  - Common areas will be cleaned or disinfected as needed.
  - Ensure bathrooms are stocked with proper handwashing products.
  - Existing plexiglass may remain in place.
- **Visitors and Volunteers**
  - Visitors and volunteers are allowed on campus; encourage visitors to self-screen for COVID-19 symptoms prior to coming onsite.
- **Meetings**
  - Virtual meetings are permitted when requested by parents or guardians.
  - In-person meetings require documentation indicating attendance and seating locations (seating charts).

# Operational Guidance - Schools

*Promote Safety and Preventative Measures*

Continue encouraging measures to reduce the transmission of infectious diseases.



- School Clinics
  - Staff and students with COVID-19 symptoms will immediately be taken to the Sick Room.
  - Encourage staff and students planning to enter the school environment to self-screen prior to coming onsite. Do not attempt to enter the school if any of the following are present:
    - Symptoms of COVID-19
    - A temperature of 100.4° F or higher
    - Under evaluation for COVID-19 (for example, waiting for the results of a viral test to confirm infection)
    - Diagnosed with COVID-19 and not yet cleared to discontinue isolation

# Operational Guidance – Administrative Sites

*Promote Safety and  
Preventative Measures*

Sick employees should follow CDC-recommended steps. Employees should not return to work until the criteria to discontinue home isolation are met, in consultation with healthcare providers.



- **Offices**
  - Reinforce guidance that sick employees stay home.
  - Maintain a clean and sanitary workspace.
  - Practice good hand hygiene throughout the workday.
- **Vehicles**
  - Regularly clean and disinfect high touch surfaces in the vehicle.
- **Shared Equipment**
  - Equipment (copiers, microwaves, phones tools, etc.) should be cleaned and disinfected regularly.
- **Common Areas**
  - Common areas will be cleaned or disinfected as needed.
  - Bathrooms should be stocked with proper handwashing products.
  - Provide hand sanitizer in strategic locations.
  - Existing plexiglass may remain in place.
- **Visitors and Volunteers**
  - Visitors are allowed at facilities; encourage visitors to self-screen for COVID-19 symptoms prior to coming onsite.
- **Meetings**
  - Virtual meetings are allowed when possible.
  - In-person meetings require documentation indicating attendance and seating locations (seating charts).



# **Section 3: COVID-19 Case Management**



# Return Recommendations for District Staff and CTE Students

*Reviewed and Revised  
in Accordance with FDOH-Orange*

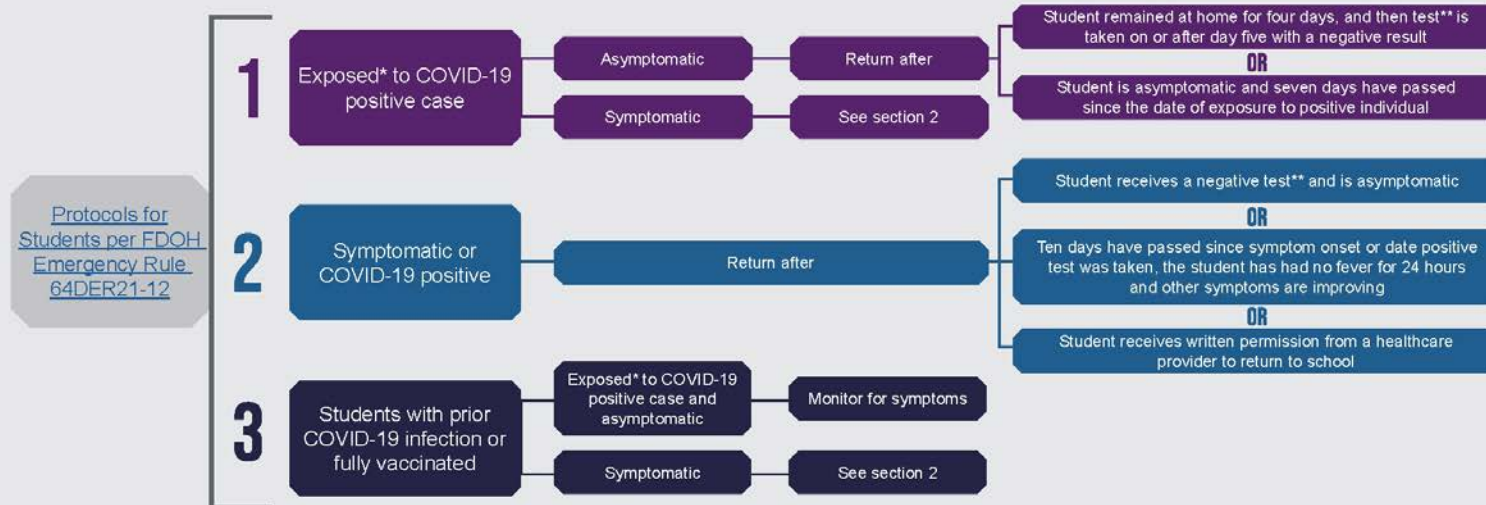
Case Type	Response
<b>Confirmed Positive</b> <ul style="list-style-type: none"><li>Received a test stating that the individual has tested positive</li></ul>	<ul style="list-style-type: none"><li>The individual will self-isolate for 10 days from start of symptoms or after receiving a positive test (whichever comes first).</li><li>After the isolation period is over the individual must be symptom and fever free for 24 hours without the aid of medication prior to returning.</li><li>Test-based strategies for returning are not implemented because individuals can test positive for the virus for up to 6 months after infection while the individual is not infectious.</li></ul>
<b>Symptomatic (with no known exposure)</b> <ul style="list-style-type: none"><li>The individual is experiencing COVID-19 like symptoms and has not been known to be exposed to someone who has COVID-19</li></ul>	<ul style="list-style-type: none"><li>If the individual takes a COVID test and the test is negative, the individual can return as soon as they feel better.</li><li>If the individual does not take a COVID test, or the individual takes a COVID test and it is positive, they must self-isolate for 10 days from the start of symptoms. After the 10-day self-isolation period is over, the individual must be symptom and fever-free for 24 hours without the aid of medication prior to returning.</li><li>The return recommendations for symptomatic individuals (with no known exposure) will be followed even if the individual is fully vaccinated (2 weeks after last dose).</li></ul>
<b>Exposed Close Contact (secondary exposure)</b> <ul style="list-style-type: none"><li>Must be within 6 feet for 15 minutes (cumulative within a 24-hour period, with or without a mask) and deemed potentially exposed by the Florida Department of Health (FDOH)</li></ul>	<ul style="list-style-type: none"><li>If the individual is considered exposed by FDOH-Orange they can return after a 10-day quarantine and being symptom and fever free for 24 hours without the aid of medication.</li><li>If the individual was diagnosed with COVID-19 within the previous 90 days of exposure they do not need to quarantine.</li><li>If symptoms develop during quarantine, the individual must wait 10 days after the onset of symptoms and be symptom and fever free for 24 hours without the aid of medication prior to returning.</li><li>FDOH-Orange recommends that the individual get a test, but an individual who is an exposed close contact cannot test out of a 10-day quarantine.</li><li>If a vaccinated individual is an exposed close contact then the current guidance produced by public health officials will be followed.</li></ul>

# Return Recommendations for Pre-K - 12 Students

*Reviewed and Revised in Accordance with FDOH-Orange*

## PROTOCOLS FOR CONTROLLING COVID-19 2021-22 SCHOOL YEAR

### STUDENTS



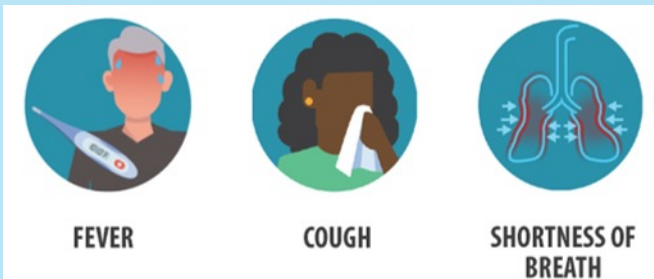
[Protocols for Students per FDOH Emergency Rule 64DER21-12](#)

\*Per CDC, exposure is close contact of six feet or less for 15 minutes or more.

\*\*The test must be a SARS-COV-2 Viral Test (PCR or rapid antigen test).

# Reporting COVID-19 Cases

*Developed and Reviewed in Accordance with FDOH-Orange*



- If a student/visitor tests positive for COVID-19 or an employee tests positive, shows symptoms, or has been in close contact with COVID-19 (even if they are vaccinated) the following shall be completed:
  - The supervisor/administrator will complete the COVID-19 Case Management Intake Form.
  - The OCPS COVID-19 Task force will coordinate with FDOH-Orange to ensure the proper actions are taken.
- If any individual tests positive, or comes in close contact, or shows symptoms of COVID-19 the supervisor/administrator should coordinate with Custodial Services to disinfect areas in need.

# Information to Support FDOH Contact Tracing

## What is Investigative Case Support?

FDOH uses contact tracing to track COVID-19 exposures. Contact tracing is a highly scientific process, requiring specialized training. To assist FDOH contact tracing, OCPS will use investigative case support.



- Professional Standards and/or Health Services may request certain documents and information to support the FDOH contact tracing investigations.
- Information required to confirm a positive case:
  - Individual's Name
  - Date of Birth
  - Hard or electronic copy of COVID-19 testing results, if possible, or name and address of agency that conducted the testing
- Information to assist in tracing close contacts:
  - Classroom/lunchroom seating charts or workspace details
  - Individual class or work schedules
  - List of individuals who were within 6-feet for 15-minutes or more of the affected individual (consider cafeteria, after care, activities, sports, meetings, etc.)
  - Bus information

# COVID-19 Vaccine and Testing

*Information for Students and Staff*

For current information on vaccines and testing, please visit:

[www.floridahealth.gov](http://www.floridahealth.gov)

[www.ocfl.net/vaccine](http://www.ocfl.net/vaccine)

[www.ocps.net](http://www.ocps.net)

- COVID-19 testing and vaccines are readily available to the public.
- Eligibility for the vaccine continues to be updated regularly by the CDC and other public health organizations.
- OCPS, in conjunction with FDOH-Orange, is opening up campuses to host vaccine events.
- Individuals who receive the COVID-19 vaccine **may** have a different quarantine length if they have come in close contact with COVID-19.
  - Individuals should contact FDOH to determine their level of exposure and vaccination which will dictate the need to quarantine.





# **Section 4: Additional Resources**

# Additional Resources

*References*

The following includes resources where additional information on COVID-19 can be referenced.



- [Orange County Public Schools COVID-19 Vaccine Information](#)
- [Florida Department of Education-Emergency Response](#)
- [Florida Department of Health in Orange County](#)
- [Centers for Disease Control](#)

# Additional Resources

*District Contact Information*

For any additional guidance and resources, please contact the appropriate district office. If you are unsure who to contact, call the district's main telephone line at 407-317-3200 or email [questions@ocps.net](mailto:questions@ocps.net).



- District Main Line: 407.317.3200
- Employee Hotline: 407.250.6269
- General Inquiries: [questions@ocps.net](mailto:questions@ocps.net)
- District Website: [www.ocps.net](http://www.ocps.net)



# **EXHIBIT C**



Tom Grady, *Chair*  
Ben Gibson, *Vice Chair*  
*Members*  
Monesia Brown  
Marva Johnson  
Ryan Petty  
Andy Tuck  
Joe York

August 27, 2021

Dr. Barbara Jenkins  
Superintendent  
Orange County Public Schools  
445 West Amelia Street  
Orlando, FL 32801

Ms. Teresa Jacobs  
School Board Chair  
Orange County Public Schools  
445 West Amelia Street  
Orlando, FL 32801

Dear Superintendent Jenkins and Chair Jacobs:

This letter is sent to express my grave concern regarding your district's response to the recently adopted Emergency Rule 64DER21-12 from the Florida Department of Health. This rule, issued on August 6, 2021, by the Florida Surgeon General, Dr. Scott Rivkees, explicitly requires that any mandated mask policy imposed by a district or school "must allow for a parent or legal guardian of the student to opt-out the student from wearing a face covering or mask." The emergency rule does not require parents to submit medical documentation in order to opt-out.

Executive Order 21-175 directed the Florida Department of Health and the Florida Department of Education to execute rules to ensure safety protocols for controlling the spread of COVID-19 in schools. The Order directs further that any such action must "at minimum be in accordance with Florida's Parents' Bill of Rights and protect parents' right to make decisions regarding masking of their children in relation to COVID-19." Because the Florida Department of Health, under section 1003.22(3), Florida Statutes, is the agency authorized to adopt rules governing the control of communicable diseases, the Florida Department of Health adopted an emergency rule establishing protocols for controlling COVID-19 in public schools. The rule provides, in part, as follows:

Students may wear masks or facial coverings as a mitigation measure; however, the school must allow for a parent or legal guardian of the student to opt-out the student from wearing a face covering or mask.

Rule 64DER21-12(1)(d), Florida Administrative Register, Vol. 47/No. 153, August 9, 2021.

Recent reports in the media indicate that the Orange School Board has taken action inconsistent with the emergency rule by limiting or conditioning the parental ability to opt-out of a face covering or mask mandate. Section 1008.32, Florida Statutes, states, "The State Board of

Education shall oversee the performance of district school boards and the Florida College System institution board of trustees in enforcement of all laws and rules.” Further, section 1008.32(2)(a), Florida Statutes, states that the “Commissioner of Education may investigate allegations of noncompliance with law or state board rule and determine probable cause.”

Based on this authority, I am immediately initiating an investigation of non-compliance with the rule adopted by the Florida Department of Health on August 6, 2021. In commencing this investigation, I am demanding that you provide a written response by 5:00 p.m. on Wednesday, September 1, 2021, documenting how your district is complying with Florida Department of Health Emergency Rule 64DER21-12. Should you fail to document full compliance with this rule, in accordance with section 1008.32, Florida Statutes, I intend to recommend to the State Board of Education that the Department withhold funds in an amount equal to the salaries for all the members of the School Board, as well as other sanctions authorized by law, until the district comes into compliance.

Parents have a fundamental right to direct the upbringing, education and care of their minor children. The Department of Education will protect that right.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Corcoran", with a long horizontal flourish extending to the right.

Richard Corcoran  
Commissioner

# **EXHIBIT D**

CHAIR

Teresa Jacobs

VICE CHAIRMAN

Pam Gould (4)

MEMBERS

Angie Gallo (1)

Johanna López (2)

Linda Kobert (3)

Vicki-Elaine Felder (5)

Dr. Karen Castor Dentel (6)

Melissa Byrd (7)

SUPERINTENDENT

Dr. Barbara M. Jenkins

September 1, 2021

***Via Email [Richard.Corcoran@fldoe.org](mailto:Richard.Corcoran@fldoe.org)  
and U.S. First Class Mail***

The Honorable Commissioner Richard Corcoran  
Florida Department of Education  
325 W. Gaines St.  
Tallahassee, FL 32399-0400

**Re: Your letter dated August 27, 2021**

Dear Commissioner Corcoran:

We are in receipt of your letter dated August 27, 2021, regarding the School Board of Orange County, Florida's ("School Board") direction to Superintendent Barbara M. Jenkins on August 24, 2021, to require masks in its schools, and only allowing those students with a medical note to opt out of wearing a mask. The School Board feels this action was necessary in order to protect the health, safety and welfare of its students, employees and visitors and for continuity of instruction.

The School Board had three primary tools by which to control the spread of the Covid-19 virus:

1. **Social distancing:** The Centers for Disease Control and Prevention ("CDC") recommends at least three feet of social distancing between students within the classroom to reduce transmission risk.

"In addition to universal indoor masking, CDC recommends schools maintain at least 3 feet of physical distance between students within classrooms to reduce transmission risk. When it is not possible to maintain a physical distance of at least 3 feet, such as when schools cannot fully re-open while maintaining these distances, it is especially important to layer multiple other prevention strategies, such as screening testing." [Guidance for COVID-19 Prevention in K-12 Schools | CDC](#)

As the State recognized in the June 11, 2020 document titled "Reopening Florida's Schools and the CARES Act", "Schools are designed to bring people together, creating shared learning spaces, enabling teachers to connect with students in-person, empowering students to collaborate and maximizing the value of a shared educational journey." [See Page 36 of the linked document.](#) Also, last year the

Department of Education (“DOE”) allowed Districts to have an innovative plan by allowing Districts to be fully compensated for teaching students online, thereby reducing the crowding in school buildings. This year, since all students are back on campus and no innovative option has been approved by DOE, the School Board cannot socially distance students to control the spread of Covid-19, thereby losing this crucial layer of prevention.

2. **Covid-19 vaccines:** According to the CDC, vaccines help control the spread of the virus and help prevent severe outcomes from the virus: “COVID-19 vaccines are effective at protecting you from COVID-19, especially severe illness and death. COVID-19 vaccines reduce the risk of people spreading the virus that causes COVID-19” [See this link](#). However, students under the age of 12 are not currently eligible for the vaccine, meaning control of the virus is especially difficult in elementary schools. Additionally, Districts are prohibited from requiring students to be vaccinated for Covid-19 for enrollment or attendance, or to gain access to, entry upon or service from such educational institution:

“An educational institution as defined in s. 768.38 may not require students or residents to provide any documentation certifying COVID-19 vaccination or post-infection recovery for attendance or enrollment, or to gain access to, entry upon, or service from such educational institution in this state. This subsection does not otherwise restrict educational institutions from instituting screening protocols consistent with authoritative or controlling government-issued guidance to protect public health.” Section 381.00316(3), Florida Statutes.

Further, unlike the original variant of the virus in 2020, this year’s Delta variant has broken through the existing vaccines, making control of the virus more difficult. Therefore, the second layer of protection is non-existent for approximately 52 percent of our student population and not fully effective for our entire student population.

3. **Masks:** The School Board is relying upon the August 5, 2021 guidance of the CDC: “Due to the circulating and highly contagious Delta variant, CDC recommends universal indoor masking by all students (age 2 and older), staff, teachers, and visitors to K-12 schools, regardless of vaccination status.” [See the CDC mask guidance here](#). The CDC was held by Judge John Cooper in the case of McCarthy v. DeSantis, Case No. 2021-CA-1382 to be the preeminent disease control organization in the United States and that reliance upon the CDC’s recommendations regarding mask wearing by School Boards is reasonable. The School Board, based upon the CDC guidance, determined mandatory masking for all persons except for those with medical exemptions was the best way for controlling the spread of Covid-19 in schools, especially in light of the highly contagious Delta variant. This is especially so when the other two tools to control the spread of the virus (social distancing and vaccines) have been rendered unavailable to the School Board by State actions and by the lack of an approved vaccine for students under 12 years of age.

The state of Florida and Orange County, Florida in particular are suffering from negative affects based upon the Delta variant. The School Board began the 2021-2022 school year on August 10, 2021. Initially, it allowed parents to opt out of wearing masks. After two weeks of reviewing Covid-19 positivity data, on August 24, 2021, the School Board directed the Superintendent to

require masks of all students and only allow parents to opt their students out of wearing masks based upon medical documentation.

As of August 26, 2021, the positivity rate in Orange County is 17.6 percent, with 9048 cases in the last week, and the number of new cases per 100,000 residents is 620.8. Additionally, in the 2020-2021 school year, Orange County Public Schools had 7,397 total positive cases for students, employees and vendors. As of September 1, 2021, Orange County Public Schools has 3,909 positive cases for students, employees, and vendors. This means Orange County Public Schools exceeded 52.8 percent of its total cases from 2020-2021 school year in the first 17 out of 180 days in the 2021-2022 school year. A link to the dashboard may be found [here](#).

Moreover, on August 23, 2021, the day before the School Board directed the Superintendent to change the mask mandate to only allow opt outs with medical documentation, the Florida Department of Health in Orange County reported that children ages 5 to 14 made up roughly 20% of all new Covid-19 cases in Orange County. [See the news report confirming these facts here](#).

The School Board determined, based on the prevalence of cases in the first 17 days of school, that it has a compelling interest in protecting the health, safety and welfare of students based upon the highly contagious Delta variant. See also, Section 1001.42(8), Florida Statutes, where the School Board is authorized to, “in accordance with the provisions of chapters 1003 and 1006, provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students.”

This response also relies upon the ruling of Judge Cooper in the case of [McCarthy v. DeSantis](#), from Friday, August 27, 2021, for its mask requirement. Judge Cooper ruled that, based upon Section 1014.03, Florida Statutes, the School Board is entitled to enact regulations, including mask mandates when “such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means.” Judge Cooper determined that DOE could not enforce Department of Health Emergency Rule 64DER21-12(1)(d) cited in your letter, nor could the Department of Education penalize School Boards for not following the Rule because the Rule violated the above statute.

The School Board’s action is narrowly tailored because it protects the students with health conditions making it difficult or impossible to wear a mask by allowing them to opt out, while requiring those who can wear the mask safely to do so in order to slow down the community spread of Covid-19. The policy is also narrowly tailored because it is limited in duration through October 30, 2021, at which time the School Board hopes that community transmission has decreased to the point where the School Board could safely allow mask wearing to be optional again.

The School Board did not provide its direction on August 24, 2021 lightly – it did so in light of the uncontrolled community spread of Covid-19 in Orange County. The School Board shares the goals of DOE to have students attend school in person as much as possible. Given the community spread at this time, mandatory masking is the only remaining tool for the School Board to ensure students stay in school as much as possible. Without such mitigations, an escalation of quarantines will be likely, and school closures inevitable, detracting from student learning time.

Please do not hesitate to contact us should you have any further questions or concerns.

Sincerely,

  
Teresa Jacobs, Chair  
School Board of Orange County, Florida

  
Barbara M. Jenkins, Ed. D.  
Superintendent



# **EXHIBIT E**



Tom Grady, *Chair*  
Ben Gibson, *Vice Chair*  
*Members*  
Monesia Brown  
Marva Johnson  
Ryan Petty  
Andy Tuck  
Joe York

September 23, 2021

Dr. Barbara Jenkins  
Superintendent  
Orange County Public Schools  
445 West Amelia Street  
Orlando, FL 32801

Ms. Teresa Jacobs  
School Board Chair  
Orange County Public Schools  
445 West Amelia Street  
Orlando, FL 32801

Dear Superintendent Jenkins and Chair Jacobs:

This letter is to advise you of the Department of Health's new emergency rule revising the "Protocols for Controlling COVID-19 in School Settings" and to provide you one more opportunity to come into compliance with the requirements established by the Department of Health.

A copy of the Department of Health's new rule, 64DER21-15, is attached. It revises the requirements for quarantining asymptomatic students who have been exposed to COVID-19 and further clarifies the parental opt-out provision to foreclose the erroneous interpretation that the parental opt-out permits a medical-only opt-out. That provision now provides that ". . . the school must allow for a parent or legal guardian of the student to opt the student out of wearing a face covering or mask at the parent or legal guardian's **sole discretion.**" See, [Rule 64DER21-15\(1\)\(d\), Florida Administrative Register, Vol. 43 / No. 185](#), September 23, 2021 (emphasis supplied). The purpose of these changes is explained by the Department of Health in its notice for the new rule.

The Department [of Health] observed a large number of students have been required to quarantine for long periods of time, resulting in the loss of hundreds of thousands of days of in-person learning. In addition, the Department [of Health] observed no meaningful difference in the number of COVID-19 cases in school-aged children in counties where school districts have imposed mask mandates. It is necessary to minimize the amount of time students are removed from in-person learning based solely on direct contact with an individual that is positive for COVID-19, to ensure parents and legal guardians are allowed the flexibility to control the education and health care decisions of their own children, and to protect the fundamental rights of parents guaranteed under Florida law.

Dr. Jenkins, Ms. Jacobs  
September 23, 2021  
Page Two

I am continuing the investigation of your district's mask mandate that I notified you by letter of August 27, 2021. Based upon the authority provided to me under s. 1008.32(2)(a), Florida Statutes, I request that you provide a written response by 5:00 p.m. on September 24, 2021, documenting how your district is complying with that portion of the Department of Health's Emergency Rule 64DER21-15, that continues to give parents or legal guardians the sole discretion to opt a student out from a mask or face covering mandate.

As I have done before, if you fail to document full compliance, I intend to recommend to the State Board of Education that the Department of Education withhold funds in an amount equal to the salaries for all members of the School Board, as well as other sanctions authorized by law, for the period during which the district has been out of compliance.

Thank you for your prompt attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Corcoran", with a long horizontal flourish extending to the right.

Richard Corcoran  
Commissioner

# **EXHIBIT F**

**CHAIR**

Teresa Jacobs

**VICE CHAIRMAN**

Pam Gould (4)

**MEMBERS**

Angie Gallo (1)

Johanna López (2)

Linda Kobert (3)

Vicki-Elaine Felder (5)

Dr. Karen Castor Dentel (6)

Melissa Byrd (7)

**SUPERINTENDENT**

Dr. Barbara M. Jenkins

September 24, 2021

***Via Email [Richard.Corcoran@fldoe.org](mailto:Richard.Corcoran@fldoe.org)  
and U.S. First Class Mail***

The Honorable Commissioner Richard Corcoran  
Florida Department of Education  
325 W. Gaines St.  
Tallahassee, FL 32399-0400

**Re: Your letter dated September 23, 2021**

Dear Commissioner Corcoran:

We are in receipt of your letter dated September 23, 2021, and appreciate the opportunity to respond.

Regarding the School Board of Orange County, Florida's ("School Board") direction to Superintendent Barbara M. Jenkins to require masks in its schools, and only allow those students with a medical note to opt out of wearing a mask beginning August 31, 2021 and continuing to October 30, 2021, our School Board did not provide its direction to the superintendent lightly. It did so in light of the uncontrolled community spread of COVID-19 in Orange County and the concerns of many of our parents, particularly parents of students with special needs and students with autoimmune deficiencies. The School Board believed then, and still believes, this action is necessary for continuity of instruction and to protect the health, safety, and welfare of its students, employees, and visitors. The School Board also believes its action is a lawful exercise of the authority granted to it in §1014.03, Florida Statutes.

With respect to your statement in your September 23, 2021 letter, that the District has "one more opportunity to come into compliance with the requirements established by the Department of Health," this statement implies the District was found to have violated Florida Department of Health's ("FDOH") Emergency Rule 64DER21-12, signed by former Surgeon General Dr. Scott Rivkees on August 6, 2021 (hereinafter "August 6 Emergency Rule"). Such finding was never made.

You sent the District a letter on August 27, 2021, alleging the District was in violation of the August 6 Emergency Rule. The District responded that it did not believe it was in violation of the August 6 Emergency Rule based upon §1014.03,

Florida Statutes, and outlined the basis for its belief that the action taken was reasonable and necessary to achieve a compelling state interest and was narrowly tailored and could not be served by less restrictive means. The State Board of Education never entered a Final Order finding the School Board in violation of the August 6 Emergency Rule, which was repealed on September 22, 2021.

Regarding the substance of the FDOH's September 22, 2021 Emergency Rule 65DER21-15 (hereinafter "September 22 Emergency Rule"), the opt out at the parent's sole discretion conflicts with §1014.03, Florida Statutes, which allows school boards to pass regulations which may infringe on parental rights if the school boards demonstrate "that such action is reasonable and necessary to achieve a compelling state interest and that such action is narrowly tailored and is not otherwise served by a less restrictive means." Based on our understanding of chapter 120, neither the FDOH nor the Florida Department of Education ("FDOE") has rule-making authority regarding the interpretation, implementation, or enforcement of chapter 1014, also known as the Parents' Bill of Rights. Therefore, our Board has relied on the plain language of §1014.03, Florida Statutes, in directing the superintendent to require temporary masks with a medical opt out.

As of the latest data from the FDOH, Orange County still has a positivity rate of 10.5 percent with 318.9 positive cases for 100,000 residents. The FDOH weekly report is [here](#). As a reminder, the Centers for Disease Control and Prevention ("CDC") considers any community with a positive rate above ten percent (10%) with more than 100 positive cases per 100,000 residents for a period of fourteen (14) days to be high community transmission. A copy of the CDC's Indicators and Thresholds for Community Transmission of Covid-19 is [here](#).

Further, the September 22 Emergency Rule cites §1003.22(3), Florida Statutes, as its rule-making authority. That provision of law allows the FDOH, after consultation with the FDOE, to adopt rules governing "the control of preventable communicable diseases." Masks have been identified by the CDC as a tool to help control the spread of COVID-19 in schools: "Due to the circulating and highly contagious Delta variant, CDC recommends universal indoor masking by all students (age 2 and older), staff, teachers, and visitors to K-12 schools, regardless of vaccination status." If masks are not worn in schools, especially in those schools with students too young to be vaccinated, then the spread of the virus will increase – it will not be controlled as required under §1003.22(3), Florida Statutes. Therefore, a provision allowing parents to opt their children out of wearing a mask does **not** control preventable communicable diseases. Additionally, while we view the August 6 Emergency Rule to be void based upon its withdrawal, the mitigation strategies outlined in our August 27, 2021 letter to you remain viable. We incorporate that letter by reference.

Moreover, we never contemplated that the FDOH would issue a new rule allowing students who have been in direct contact with individuals who are positive for COVID-19 to opt out of quarantining if they are asymptomatic. (See Section (3)(a)(1) of the September 22 Emergency Rule which allows parents to choose to allow students to attend school, school sponsored

activities, or be on school property, without restriction or disparate treatment, “so long as the student remains asymptomatic.”) As the CDC recognizes, symptoms do not appear for at least two (2) days after exposure and an infected individual does not have to be symptomatic to be infectious. Therefore, providing parents an opt out of quarantining their students who are known to be exposed and potentially infected with the virus, results in further spread of COVID-19. Reducing the effectiveness of the quarantine process, by allowing them to be optional, places a higher need to utilize available mitigation strategies such as universal masking.

As of the date of this response, the School Board intends to continue with its mask requirement through October 30, 2021, as a mitigation measure to prevent the spread of transmission of COVID-19 in the schools.

The School Board continues to share the goals of the FDOE to have students attend school in person as much as possible. We believe the School Board’s mask requirement has reduced the number of positive cases in our schools. The rate of community transmission in Orange County is still high under CDC standards. Universal masking is still necessary to ensure students stay in school as much as possible. Without such mitigations, an escalation of ill children will be likely, and school closures inevitable, detracting from student learning time.

Sincerely,



Teresa Jacobs, Chair  
School Board of Orange County, Florida



Barbara M. Jenkins, Ed. D.  
Superintendent