

**PROJECT SAFE**

**LOCAL EDUCATIONAL AGENCY**

**PART A: APPLICATION COVER SHEET**

LEA: The School Board of Broward County, Florida                      CFDA Number: 84.184N  
Legal Name: The School Board of Broward County, Florida      DUNS Number: 0772834710000  
LEA Superintendent or Chief Executive                                      Mailing Address: 600 SE Third Avenue  
Officer (CEO): Dr. Vickie Cartwright                                      Fort Lauderdale, Florida 33301

LEA Contact for Project SAFE: Oleg Gorokhovsky  
Position and Office: Acting Chief Financial Officer  
Mailing Address: 600 SE Third Avenue, Fort Lauderdale, Florida 33301  
Telephone: 754-321-2600  
Email address: [supt\\_cartwright@browardschools.com](mailto:supt_cartwright@browardschools.com)

To the best of my knowledge and belief, all the information and data in this application are true and correct. I acknowledge and agree that the failure to comply with all Assurances and commitments in this application, and any other applicable law or regulation may result in liability under the False Claims Act, 31 U.S.C. 3729, et seq.; OMB Guidelines to Agencies on Government Debarment and Suspension (Non procurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and 18 USC 1001, as appropriate.

LEA Superintendent/Chief Executive Officer (CEO) or Authorized Representative (Typed Name):

Dr. Vickie Cartwright

Telephone: 754-321-2600

Signature of LEA Superintendent or Chief Executive Officer (CEO) or Authorized

Representative:

  
\_\_\_\_\_

Date: 9-20-21

**PART B: REQUIRED DOCUMENTATION AND RELATED ASSURANCES**

The [LEA Superintendent/chief executive officer (CEO) or their authorized representative] assures that it is submitting with this Application an electronic copy of the following documents and certifies that they are accurate and complete:

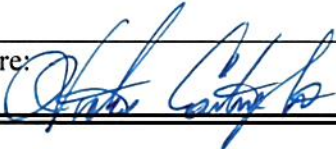
- The enacted LEA policy that demonstrates that the LEA has adopted one or more strategies as recommended in the CDC’s Guidance for COVID-19 Prevention in K-12 Schools, as listed in the eligibility requirements;
- The SEA or other State entity notification of a financial penalty levied due to the LEA’s adoption of such strategy or strategies, which includes the amount and duration of such penalty (to the extent available); and
- Any other documentation necessary to describe the amount of the financial penalty specified in the notification from the SEA or other State entity that has already been levied at the time of the application and the anticipated amount of any future financial penalty that will be levied during the 12-month period beginning on the date of application.

By signing this document, the LEA Superintendent/chief executive officer (CEO) attests that the LEA has implemented such prevention strategy(ies) and that it will continue implementing the prevention strategy(ies) to the extent consistent with CDC guidance for the duration of the 2021-2022 school year.

By signing this document, the LEA superintendent/CEO assures that the LEA will not draw down any Project SAFE grant funds until such time as the LEA incurs the above referenced financial penalty imposed by the State.

By signing this document, the LEA superintendent/CEO assures that the LEA will not provide reimbursement for any individual salary in an amount greater than the reduction to that individual salary.

LEA Superintendent/chief executive officer (CEO) or Authorized Representative (Printed Name):

Signature: 	Date: 9-20-21
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## 2170 FACE COVERINGS

### PURPOSE:

ARTICLE IX, SECTION 1(A) OF THE FLORIDA CONSTITUTION PROVIDES:

#### 1. SECTION 1. PUBLIC EDUCATION.-

(A) THE EDUCATION OF CHILDREN IS A FUNDAMENTAL VALUE OF THE PEOPLE OF THE STATE OF FLORIDA. IT IS, THEREFORE, A PARAMOUNT DUTY OF THE STATE TO MAKE ADEQUATE PROVISION FOR THE EDUCATION OF ALL CHILDREN RESIDING WITHIN ITS BORDERS. ADEQUATE PROVISION SHALL BE MADE BY LAW FOR A UNIFORM, EFFICIENT, SAFE, SECURE, AND HIGH QUALITY SYSTEM OF FREE PUBLIC SCHOOLS THAT ALLOWS STUDENTS TO OBTAIN A HIGH QUALITY EDUCATION ...

(Emphasis added.)

THE SCHOOL BOARD'S HIGHEST PRIORITY IS TO ENSURE THE HEALTH AND SAFETY OF ITS COMMUNITY INCLUDING EMPLOYEES, STUDENTS AND THE PUBLIC. THE CENTERS FOR DISEASE CONTROL AND PREVENTION (CDC) AND THE FLORIDA DEPARTMENT OF HEALTH (FDOH) ADVISE THAT ALL PEOPLE PLAY AN IMPORTANT PART IN REDUCING COMMUNITY SPREAD. THE USE OF A FACE COVERING BY EVERYONE CAN LIMIT THE SPREAD OF THE VIRUS AND THE RELEASE OF INFECTED DROPLETS WHEN BREATHING, TALKING, COUGHING, AND/OR SNEEZING.

### I. RULES:

- A. **Subject to the EXCEPTIONS set forth below**, each student, employee, visitor, vendor or other person must properly wear a face covering while at or inside a school campus, district facility, a vehicle owned, leased or operated by The School Board (unless traveling alone) or a school/district sponsored activity. **Proper wearing of an approved face covering, means the face covering should cover both the nose and mouth of the person and should fit snugly against the sides of the person's face with no gaps. This includes:**

**Musical and Theatrical Performances:** A face covering will be required for all individuals while playing a musical instrument (unless said instrument requires the use of the mouth) or rehearsing for a choral or theatrical performance. This includes the singing of the National Anthem, school alma maters, or other songs. Individuals will have the option of removing their face covering during actively performing only.

1. **EXCEPTIONS:** A face covering will not be required in the following instances:

a. **For All (Students, Employees, Vendors and Visitors):**

- i. **Infants:** A face covering shall not be required for persons younger than two (2) years of age;

- ii. **Outdoors with Physical Distancing:** A face covering shall not be required for persons outside of any school district building or vehicle provided that such person maintains physical distancing (minimum of 3 feet when possible) from other persons. However, a face covering shall be worn during change of classes even if it involves use of outside areas; or,
- iii. **Identification:** Administrators, security staff and other appropriate employees may ask someone to *briefly* remove their face covering to verify their identity. Physical distance will be observed during these requests, whenever possible.

**b. For Students:**

- i. **Students with Approval:** A face covering shall not be required for a student if the student's IEP or 504 team, after receiving a certification from a health care provider that the student has a medical, physical or psychological contraindication that prevents the person from being able to safely wear an approved face covering, authorizes the student to remove her/his face covering during an activity provided that the student maintains physical distancing (minimum of 3 feet when possible) from other persons when not wearing a face covering. Face shields should be considered when granting an accommodation for not wearing an approved face covering;
- ii. **Regularly Scheduled Mealtimes:** A face covering shall not be required for any student inside or outside a school district facility or a school/district sponsored activity while student is eating during a planned mealtime provided that the student maintains physical distancing (minimum of 3 feet when possible) from other persons when not wearing a face covering;
- iii. **Strenuous Physical Activity:** A face covering shall not be required for any student outside of any school, district building, or at a school/district sponsored activity while the student is engaged in strenuous physical activity provided that the student maintains physical distancing (minimum of 3 feet when possible) from other persons when not wearing a face covering;
- iv. **Extracurricular Athletic Team Activities:** Students actively participating in indoor or outdoor practice or competition are not required to wear face coverings;

- v. **During Receipt of Health Care:** A face covering shall not be required for any student inside or outside any school district facility or building when removal of the face covering is necessary for the student to receive health care or to undergo a health care examination from authorized health care personnel; or,
- vi. **Demanding Circumstances:** A face covering will not be required if a student is experiencing acute trouble breathing, is unconscious or incapacitated. A staff member may remove the student's mask if the student is unable.

c. **For Employees:**

- i. **Employees with Approval:** An employee may request a reasonable accommodation under the Americans with Disabilities Act (ADA) and other statutes, through the Office of Equal Educational Opportunities, if the employee has a medical, physical or psychological contraindication that prevents the person from being able to wear an approved face covering. Face shields should be considered when granting an accommodation for not wearing an approved face covering. A face covering may not be required when the school district official supervising an employee authorizes the employee to remove her/his face covering when wearing a face covering would create a safety risk to the person as determined by local, state, or federal regulators or workplace safety guidelines. If this occurs, the employee must maintain physical distancing (minimum of 3 feet when possible) from other persons;
- ii. **Regularly Scheduled Mealtimes:** A face covering shall not be required for any employee inside or outside a school district facility or at a school/district sponsored activity while the employee is eating during a planned mealtime provided that the employee maintains physical distancing (minimum of 3 feet when possible) from other persons when not wearing a face covering;
- iii. **Strenuous Physical Activity:** A face covering shall not be required for any employee outside of any school, district building or school/district sponsored activity while such employee is engaged in strenuous physical activity provided that the employee maintains physical distancing (minimum of 3 feet when possible) from other persons when not wearing a face covering;
- iv. **Extracurricular Athletic Team Activities:** Employees participating in indoor or outdoor practice or competition (coaching)

are required to wear face coverings at all times, unless participating in strenuous physical activity as described in c.iii. above; or,

- v. **Demanding Circumstances:** A face covering will not be required if a person is experiencing acute trouble breathing, is unconscious or incapacitated. A staff member may remove the employee's mask if the employee is unable.

**d. Visitors and Vendors:**

- i. **Outdoors with Physical Distancing:** A face covering shall not be required for persons outside of any school district building or vehicle provided that such person maintains physical distancing (minimum of 3 feet when possible) from other persons;
- ii. **Regularly Scheduled Mealtimes:** A face covering shall not be required for any person inside or outside a school district facility while such person is eating during a planned mealtime;
- iii. **Strenuous Physical Activity:** A face covering shall not be required for any person outside of any school, district building or at a school/district sponsored activity while such person is engaged in strenuous physical activity. Visitors participating in indoor physical activities are required to wear a face covering; or,
- iv. **Extracurricular Athletic Team Activities:** Visitors participating in indoor or outdoor practice or competition are required to wear face coverings at all times; or,
- v. **Demanding Circumstances:** A face covering will not be required if a person is experiencing acute trouble breathing, is unconscious or incapacitated. A staff member may remove a visitor's mask if the visitor is unable.

**2. FACE COVERING TYPES (Students, Vendors and Visitors):** All students, visitors and vendors must supply and wear their own face coverings while at or inside a school district campus/facility or inside a school district vehicle. All students, visitors and vendors must properly maintain their face covering. The following face covering types are approved for compliance with this policy by persons other than school district employees:

- a. Commercially Produced Surgical Masks:
- b. Cloth Face Masks: That have two or more layers of washable, breathable fabric. The U.S. Center for Disease Control has issued instructions on how to make a cloth face covering at:

<https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-to-make-cloth-face-covering.html>

3. **FACE COVERING TYPES (Employees):** The School District will have face coverings available at all district facilities and in all vehicles, including school buses. All school district employees must wear face coverings while in a school district campus/facility or inside a school district vehicle, unless covered by 1.c. above.
4. **FACE COVERINGS NOT IN COMPLIANCE: (Students, Employees, Vendors and Visitors):** Students, employees, visitors or vendors who wear one of the following type of face coverings **will not** be in compliance with this policy:
  - a. Face masks that are made of fabric that makes it hard to breathe, for example vinyl;
  - b. Face masks that have inhale/exhalation valves or vents; or,
  - c. Gaiters.
5. **LIMITED FACE SHIELD USE:** Face shields are less effective than commercial and cloth face coverings and may not be used by any persons to comply with this policy except under the following limited circumstances:
  - a. **In Addition to a Face Covering:** When used in addition to an approved face covering to protect eyes, as well;
  - b. **Medical Certification:** A face shield may be worn in lieu of other approved face coverings by students and/or employees who are observing physical distancing (preferably 6 feet minimum)\_and the need for such an accommodation is provided through the process described in paragraphs I. A. 1. b. i. or I. A. 1. c. i.; or,
  - c. **Instruction:** Face shields may be used by school district employees in situations where physical distancing (preferably 6 feet minimum)\_is observed and it is important for students to see how the instructor pronounces words (e.g., English Learners, early childhood instruction, speech therapy, foreign language, etc.) and/or an instructor may wear a clear mask when it is important for a student to observe the instructors mouth.

**B. LIMITATIONS/ENFORCEMENT:**

1. **NO STUDENT or EMPLOYEE:** shall wear a face covering that has markings that are suggestive, revealing, indecent<sup>1</sup>, associated with gangs or cults, encourage

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<sup>1</sup> Indecent, suggestive, and revealing refer to exposure of private body parts and/or pictures or words with a sexual connotation.

the use of drugs, alcohol, or violence, or support discrimination on the basis of age, color, ethnicity, gender, gender identity, gender expression, linguistic differences, marital status, national origin, race, religion, socioeconomic background, sexual orientation, physical appearance, or any other basis while on a school campus district building or a school/district sponsored activity.

2. **EMPLOYEES:** All employees are expected to comply with the face covering requirements above for the health and safety of themselves, their colleagues, students and others. Employees who do not comply should be reminded of the policy. If they refuse to comply, after being reminded the employee may be disciplined according to their respective Collective Bargaining Agreement or other School Board Policies for insubordination. Additionally, face coverings shall not be worn that promote a political party, political ideas, and/or an individual seeking elected office.
3. **STUDENTS:** All students are expected to follow face covering requirements while in school or school sponsor activities/events for the health and safety of themselves, school staff, and others. Students who do not comply should be reminded of the policy and the student's parent will be called. If a student blatantly disregards the health and safety of others and/or refuses to comply with wearing a face covering, discipline will be in accordance with the Code of Student Conduct. Additionally, face coverings may be worn to promote an individual seeking elected office, to support political ideas, as long as they do not cause a substantial disruption to the educational environment.
4. **VISITORS:** Members of the public and visitors will be reminded that face coverings are required while at or inside a District school/facility. A visitor will not be admitted to a District school/facility without wearing a face covering. If a visitor blatantly disregards the health and safety of others and/or refuses to wear a face covering, they will be asked to leave the school facility.

## **II. DELEGATION OF AUTHORITY:**

In consultation with and guidance from public health officials, the Superintendent has the authority to determine when the Face Covering Policy will be implemented and when it will no longer be required. Further, as new face coverings are developed and produced the Superintendent is authorized to change the types of face coverings that would be both in compliance and not in compliance with this policy.

**SPECIFIC AUTHORITY:** Section 1001.41(1), (2) and (3), Florida Statutes.

**LAW IMPLEMENTED:** Sections 1001.42(4) and (8), 1003.31, 1012.23 and 1012.27(1) and (7), Florida Statutes.

Policy Adopted as Emergency Policy: August 19, 2020

Policy Adopted: December 15, 2020



Policy Revised as Emergency Policy: August 17, 2021

STATE OF FLORIDA  
STATE BOARD OF EDUCATION

IN RE:

DOE No.: 2021-4024

BROWARD COUNTY SCHOOL BOARD,  
STUDENT OPT-OUT REQUIREMENTS.

DEPT OF EDUCATION  
TALLAHASSEE FLA

2021 AUG 20 AM 9:35

FILED AGENCY CLERK

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**ORDER OF STATE BOARD OF EDUCATION UNDER ITS OVERSIGHT AND  
ENFORCEMENT AUTHORITY**

After having considered the determination of probable cause made by the Commissioner of Education, Richard Corcoran, along with an independent review of the documentary support for that determination, as well as public comment and discussions provided at the August 17, 2021, State Board of Education meeting, the State Board of Education implements its oversight authority under section 1008.32, Florida Statutes, as follows:

1. The State Board of Education authorized the Commissioner of Education to further investigate this matter and to take any and all action necessary to ensure that the State Board of Education satisfies its enforcement and other obligations under, among other things, chapters 1001 and 1008, Florida Statutes. These laws prevent the State Board of Education from ignoring intentional violations of state law or rules and compel action to enforce such violations.
2. As an initial finding, the State Board of Education finds that the School Board of Broward County's Face Coverings Policy 2170-E does not comply with Florida Department of Health Emergency Rule 64DER21-12, Protocols for Controlling COVID-19 in School Settings. That rule requires public schools to "allow for a parent or legal guardian of the student to opt-out the student from wearing a face covering or mask."

3. The State Board of Education finds that the School Board of Broward County's noncompliance and knowing failure to follow the law unlawfully denies Broward County parents and legal guardians of their right to make fundamental health and educational decisions for their children by choosing whether their children should be masked in public schools.
4. Based on these findings, it is hereby ordered that the School Board of Broward County must document compliance with Florida Department of Health Emergency Rule 64DER21-12 by allowing a parent or legal guardian of a student to opt-out the student from wearing a face covering or mask, without requiring a medical reason, approval from a medical professional or any additional requirement to support the request.
5. The School Board of Broward County has 48 hours from receipt of this order to document compliance as set forth in this order. If the School Board of Broward County demonstrates compliance by this deadline, then no further action is needed.
6. If the School Board of Broward County fails to timely document compliance within 48 hours from receipt of this order, the School Board of Broward County must provide to the Commissioner of Education, no later than 48 hours after receipt of this order, information confirming the current annual compensation provided to all school board members.
7. Upon receipt of the annual compensation information for the school board members mentioned above, and continuing until the School Board of Broward County demonstrates compliance with the law, the Florida Department of Education is directed to begin withholding from state funds, on a monthly basis, an amount equal to 1/12 of the total annual compensation of the school board, as an initial step. Monthly withholding must continue until the School Board of Broward County demonstrates compliance, the State Board of Education withdraws this order, or when the emergency rule expires or is

withdrawn. If the School Board of Broward County fails to provide the requested compensation information within the 48 hour period, the Florida Department of Education shall withhold state funds based on the most recent appropriations estimate until the school board provides the current estimate. The School Board of Broward County members who voted to impose the unlawful mask mandate are:

Dr. Rosalind Osgood

Laurie Rich Levinson

Donna P. Korn

Debra Hixon

Ann Murray

Patricia Good

Sarah Leonardi

Nora Rupert

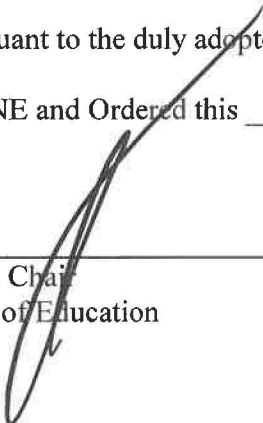
8. In complying with this order, the School District of Broward County may not reduce any expenditures other than those related to compensation for school board members. Further, the School District of Broward County may not permit the reduction of funds based upon this order to impact student services or teacher pay.
9. Upon the School Board of Broward County's failure to timely document compliance within 48 hours of receipt of this order, the Broward County School Superintendent shall certify, upon request of the Commissioner of Education, an updated report documenting any instance of the School District of Broward County's enforcement of the unlawful face covering mandate policy against a student, including, but not limited to, instances of a student being sent home, reassigned, disciplined, suspended, isolated, stigmatized, warned or harassed because of the student's failure to comply with the School Board of Broward


County's unlawful face covering mandate policy. Such report shall include the student's name and grade, parent's name(s) and home address. If the School District of Broward County does not have any instances of enforcement to report, the Broward County School Superintendent shall submit a certified report asserting such fact. This request from the Commissioner of Education shall be continuous in nature until the Broward County School Superintendent can certify and establish full compliance.

10. Upon the School Board of Broward County's failure to timely document compliance within 48 hours of receipt of this order, the Commissioner of Education shall monitor and report at each subsequent meeting of the State Board of Education as to the School Board of Broward County's compliance with Florida Department of Health Emergency Rule 64DER21-12 and this order, and provide recommendations to the State Board of Education as necessary to mandate further reporting related to noncompliance or further withholding of state funds due to continued noncompliance, pursuant to the State Board of Education's oversight and enforcement authority within section 1008.32, Florida Statutes.

11. The State Board of Education may continue to review findings of the Commissioner of Education as he continues his investigation, and retains the right and duty to impose additional sanctions and take additional enforcement action, as necessary, to bring the School Board of Broward County into compliance and better serve Florida's families pursuant to the duly adopted resolutions of that date.

DONE and Ordered this 20<sup>th</sup> day of August 2021.

  
\_\_\_\_\_  
Tom Grady, Chair  
State Board of Education

  
\_\_\_\_\_  
Ben Gibson, Vice Chair  
State Board of Education

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on August 20, 2021, the foregoing was filed with the Agency Clerk of the Florida Department of Education, and that a true and correct copy of the foregoing has been furnished via email and U.S. Mail to:

Dr. Vickie Cartwright, Interim Broward County School Superintendent  
Vc@browardschools.com  
600 SE Third Avenue  
Ft. Lauderdale, Florida 33301

Dr. Rosalind Osgood, Chair, School Board of Broward County  
dr.rosalind.osgood@browardschools.com  
600 SE Third Avenue  
Ft. Lauderdale, Florida 33301

  
AGENCY CLERK

## PART C: BUDGET

1. The amount of the financial penalty the LEA has already incurred at the time of the application.

Salaries \$35,080

**Already Incurred \$35,080**

2. The anticipated amount of the financial penalty the LEA will incur within the 12-month period **following** the date of the application.

Salaries \$385,877

**Will Incur \$385,877**

3. A brief description of the documentation the LEA has submitted, as required in Part B of the application, to describe the amount of the financial penalty.

- **The State of Florida Department of Education Order #2021-4024 penalizes the salaries of the 9 school board members of The School Board of Broward County, Florida @ \$46,773 each, totaling \$420,957 over a 12-month period (the amount does not include fringe benefits).**

4. The total amount requested by the LEA, which must not exceed the sum of (1) and (2) above.

Salaries \$420,957

**Amount Requested \$420,957**

5. The proposed project budget addresses the absolute priority.

**The proposed project budget of \$420,957 covers the financial penalty incurred and to be incurred as a result of Florida Department of Education Order #2021-4024, thereby supporting the School Board of Broward County, Florida, in maintaining District and School stability necessary for maintaining students and educators' safety and well-being.**

The School Board of Broward County, Florida  
 DOE Order No: 2021-4024  
 Broard Member Salaries

<b>Board Members</b>			
	<b>Names</b>	<b>Salary</b>	
	Board Member #1	\$46,773	
	Board Member #2	\$46,773	
	Board Member #3	\$46,773	
	Board Member #4	\$46,773	
	Board Member #5	\$46,773	
	Board Member #6	\$46,773	
	Board Member #7	\$46,773	
	Board Member #8	\$46,773	
	Board Member #9	\$46,773	
	<b>Penalty incurred within 12 months:</b>	<b>\$420,957</b>	
	<b>Penalty incurred at the time of application:</b>	<b>\$35,080</b>	

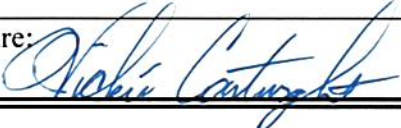


**PART D: OTHER ASSURANCES AND CERTIFICATIONS**

The [LEA Superintendent/chief executive officer (CEO) or their authorized representative] assures or certifies the following:

1. The LEA will comply with all applicable assurances in OMB Standard Forms 424B (Assurances for Non-Construction Programs), including the assurances relating to the legal authority to apply for assistance; access to records; conflict of interest; merit systems; nondiscrimination; Hatch Act provisions; labor standards; flood hazards; historic preservation; protection of human subjects; animal welfare; lead-based paint; Single Audit Act; and the general agreement to comply with all applicable Federal laws, executive orders and regulations.
2. With respect to the certification regarding lobbying in Department Form 80-0013, no Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making or renewal of Federal grants under this program; the LEA will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," when required (34 C.F.R. Part 82, Appendix B).
3. The LEA will comply with the *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance) requirements in Subpart D—PostFederal Award Requirements (2 CFR §§200.300-345) and Subpart E—Cost Principles (2 CFR §§200.400-475).
4. The LEA will comply with the provisions of all applicable acts, regulations and assurances; the following provisions of Education Department General Administrative Regulations (EDGAR) 34 CFR parts 75, 77, 81, 82, 84, 97, 98, and 99; the OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; and the Uniform Guidance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474.

LEA Superintendent/chief executive officer (CEO) or Authorized Representative (Printed Name):

Signature: 	Date: 4-20-21
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