

**STATE OF FLORIDA
DEPARTMENT OF EDUCATION**

IN RE: WAIVING STRICT
ADHERENCE TO THE FLORIDA
EDUCATION CODE, AS SPECIFIED
HEREIN, PURSUANT TO
EXECUTIVE ORDER NUMBER 20-
52, MADE NECESSARY BY THE
COVID-19 PUBLIC HEALTH
EMERGENCY

DOE ORDER NO. 2020-EO-01

DEPT OF EDUCATION
TALLAHASSEE FLA

2020 MAR 23 AM 11:07

FILED AGENCY CLERK

EMERGENCY ORDER

WHEREAS, the Governor of the State of Florida issued Executive Order No. 20-52, declaring a state of emergency in response to the COVID-19 Public Health Emergency; and,

WHEREAS, COVID-19 poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities and general welfare of this state; and,

WHEREAS, Executive Order 20-52, Section 4, paragraph B authorizes State agencies to “suspend the provisions of any regulatory statute prescribing the conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and,

WHEREAS, promoting the health and safety of each person connected with our state’s education system is of paramount importance; and,

NOW THEREFORE, I direct that the following actions be taken to promote the health and safety of each person connected with Florida’s education system. I find that in order to respond to the COVID-19 emergency, it is necessary to waive strict adherence to the Florida Education Code to the extent necessary to carry out the directives of this Order.

Section 1. School District Closures and the Suspension of Related Activities

Strict compliance with Chapter 1003, Florida Statutes, and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to carry out the following directives:

- A. All school districts are recommended to keep their facilities closed except to staff and teachers, per CDC guidance, through April 15, 2020.
- B. In keeping with their district continuity plan, each district must deliver educational services to students while they remain at home. School districts are strongly encouraged to build out and operationalize their instructional continuity plans to deliver educational services through non-classroom based methods. All school districts shall deliver educational services upon returning from their spring break.
- C. Each school district where a Department of Juvenile Justice education program is operated will work with their local program to ensure the implementation of an instructional continuity plan, which may include options for virtual learning, blended learning or in-person direct instruction, while also adhering to the guidance from the CDC regarding group sizes of no more than 10 people.

Section 2. Florida College System Institutions

Strict compliance with Chapter 1004, part III, Florida Statutes, and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to carry out the following directives:

All Florida College System institutions are strongly recommended to deploy all available resources to operate virtually or through other remote means for the remainder of the 2020 spring

semester. Campuses are recommended to be closed to regular activities, and institutions should adhere to the CDC's guidelines.

Section 3. Funding and Compensation

Strict compliance with Chapter 1011, Chapter 1004, parts I, III-IV, and Chapter 1002, parts III-VI, Florida Statutes, and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to fully fund all school readiness, voluntary prekindergarten, public K-12, private scholarship programs, career and technical centers and state college programs as though there was no disruption.

Section 4. Assessments, Accountability and Promotion

Strict compliance with Chapters 1003 and 1008, and section 1012.34, Florida Statutes, and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to carry out the following directives:

A. Assessments K-12:

1. All remaining state assessments for K-12 are cancelled for the 2019-2020 school year. School districts and other educational entities are authorized to evaluate students for promotion, graduation and final course grades for the 2019-2020 school year based on guidance from the Department.
2. Students who are in the 2019-2020 high school graduating class are exempt from being required to use assessments to earn a standard high school diploma pursuant to s. 1003.4282, Florida Statutes, and to earn standard high school diploma designations pursuant to s. 1003.4285, Florida Statutes.

B. Accountability K-12: Accountability measures reliant on data from statewide, standardized assessments which have been cancelled, including K-12 school grades, school improvement ratings for alternative schools, and value-added model (VAM) scores for educators, will not be calculated for the 2019-2020 school year. Schools in turnaround pursuant to section 1008.33, Florida Statutes, shall continue in their current turnaround status, subject to all other requirements of section 1008.33, Florida Statutes, and Rule 6A-1.099811, Florida Administrative Code.

Section 5. Private Schools that Accept Scholarship Students

Strict compliance with Chapter 1002, parts III and IV, Florida Statutes, and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to carry out the following:

- A. The requirement for each student to maintain direct student contact with teachers in order for a private school to participate in the state's choice scholarship programs under s. 1002.421, Fla. Stat., is waived through April 15, 2020. During this period, such schools are recommended to keep their facilities closed except to staff and teachers, as per CDC guidance. To the extent possible these schools are directed to provide instruction virtually and by all other available means that do not involve direct instruction to scholarship students. Instruction provided in non-classroom settings, shall count toward "actual school instruction days" for purposes of satisfying the 170 days of required instruction for students participating in scholarship programs.
- B. The requirement for private schools with scholarship students participating in the Florida Tax Credit, Family Empowerment, Hope and Gardner Scholarship programs to administer or cooperate in the administration of K-12 state assessments, and the

requirement that the students participate in a norm-referenced assessment, is waived for the remainder of the 2019-2020 school year. The requirement to report the results of these cancelled or waived assessments to a state university under section 1002.395(8)(b), Florida Statutes, is also necessarily waived.

Section 6. Reallocation of Funding to Support Student Learning

Strict compliance with Chapter 1011, part II, Florida Statutes, and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to carry out the following:

- A. School districts, in coordination with the Department, are permitted to redirect unspent 2019-2020 funds from Reading Scholarship Accounts, the Reading Instruction Allocation, the Digital Classroom Allocation and the Teachers Classroom Supply Assistance Program to help low-income students purchase digital devices and establish Internet services. The Department is directed to provide further detail to school district superintendents on this process.
- B. In order to facilitate the remote connection between teachers and students, K-12 school districts, in coordination with the Department, are further permitted to redirect unspent Title II funds upon transferring funds to Title IV to help low-income students obtain digital devices and establish Internet services. The Department is directed to provide further detail to school district superintendents on this process.
- C. K-12 school districts, in coordination with the Department, are permitted to redirect unspent 2019-2020 funds from the Safe Schools and Mental Health allocations to virtual and telephonic mental health counseling services for students who need emotional support

due to COVID-19. The Department is directed to provide further detail to school district superintendents on this process.

Section 7. Serving Students with an IEP or 504 Plan during the Emergency

Strict compliance with Chapter 1003, part V, Florida Statutes, and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to carry out the following directives:

- A. Each student with an IEP, or 504 plan, should be included in the school district's instructional continuity plan to the same extent as all other students. This plan may include virtual instruction, as well as virtual specialized instruction and related services to the extent practicable. All areas of the students IEP or 504 must be considered.
- B. Any and all required evaluations may also be held virtually to the extent practical. If there is any type of delay, the nature and extent of the delay and a plan to move as quickly as possible to prevent further delay should be documented. IEP and 504 teams should monitor each student's progress and determine what, if any, remediation may be needed upon return to the student's placement.
- C. This guidance applies equally to students in nonprofit private schools receiving district services via a Services Plan.
- D. School districts are directed to follow guidance provided by the United States Department of Education for addressing the educational needs of students with disabilities during the COVID-19 emergency, including the following:

<https://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/qa-covid-19-03-12-2020.pdf>

Section 8. Teacher Certification Requirements

Strict compliance with Chapter 1012, part III, Florida Statutes, and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to carry out the following:

- A. Temporary and professional Florida Educator's Certificates scheduled to expire on June 30, 2020, are extended and remain valid until July 31, 2020. This extended period of validity due to the COVID-19 emergency is not intended to interfere or impede any discipline taken against the certificate by the Education Practices Commission.
- B. Registration fees for Florida Teacher Certification Examinations, provided for in Rule 6A-4.0021, Florida Administrative Code, are waived until July 31, 2020, unless already paid.

Section 9. Career, Technical, and Adult Education

Strict compliance with Chapter 1003, part IV; Chapter 1004, parts III and IV; Chapter 1008, part II; Chapter 1011, parts III and IV; and section 1007.233(1), Florida Statutes, and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to carry out the following directives:

- A. All career, technical, and adult education services and course instruction shall be provided through virtual and online methods to the extent possible. The Department will work with appropriate state and federal authorities and accrediting bodies to make online instruction possible.
- B. The adult education performance reconciliation requirement and other career, technical, and adult education testing and reporting requirements that may act as a barrier to online instruction are waived. The Division of Career and Adult Education

will work with the appropriate federal agencies regarding waivers and extensions related to federal spending.

Section 10. Vocational Rehabilitation and Blind Services Offices

Strict compliance with Chapter 413, parts I and II, Florida Statutes, and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to carry out the following directives:

- A. All services provided by the divisions of Vocational Rehabilitation and Blind Services to clients shall be provided through virtual and telephonic methods to the extent possible. The Department will work with appropriate federal authorities to seek waivers for any federal requirements that may be impacted.
- B. It is strongly recommended Vocational Rehabilitation and the Division of Blind Services, and any contractors providing services through these divisions, adhere to the CDC's guidance for higher-risk populations by limiting students and employees to no more than 10 people convening in a single occupied space, therefore breaking students into groups as necessary, maintaining social distancing best practices.

Section 11. School Readiness and VPK

Strict compliance with Chapter 1002, parts V and VI, and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to carry out the following directives:

- A. All remaining child screenings and assessments for School Readiness and Voluntary Prekindergarten programs are cancelled for the 2019-2020 school year.

- B. All remaining program assessments for School Readiness are cancelled for the 2019-2020 school year.
- C. Provider accountability implications for the 2020 administration of the kindergarten readiness assessment are waived for voluntary prekindergarten providers.
- D. It is strongly recommended that school readiness and voluntary prekindergarten programs adhere to the CDC's guidance by limiting groups of students and employees to no more than 10 people convening in a single occupied space, therefore breaking students into groups as necessary, maintaining social distancing best practices and proper hygiene. Further, all such institutions are directed to continuously monitor CDC guidance and to fully comply with all directives.

Section 12. Guidance Regarding School Readiness and VPK

Strict compliance with Chapter 1002, parts V and VI, Florida and any regulations promulgated thereunder, is hereby waived to the extent that such waiver is required to carry out the following:

A. Early Learning Coalitions are authorized to mitigate financial impact to providers by:

1. Paying for additional child absences while providers are open.
2. Reimbursing providers during temporary closures related to the COVID-19 emergency.
3. Extending timelines for provider improvement plans, reports, and VPK instructional calendars.

B. Early Learning Coalitions and providers are authorized to mitigate financial impact on families by:

1. Suspending termination of School Readiness eligibility.
2. Extending the timelines required for redetermination of School Readiness eligibility, including any required documentation from parents.
3. Waiving parent copays/fees for School Readiness families with incomes above 100% of the poverty level.
4. Waiving required documentation for School Readiness child absences.

Section 13. Conclusion

The educational entities and institutions impacted by this Order are directed to faithfully implement its directives.

The effective date of this Order shall correspond with the effective dates of Executive Order No. 20-52.

DONE AND ORDERED THIS 23 day of March, 2020, in Tallahassee, Florida.



Richard Corcoran
Commissioner of Education

I HEREBY CERTIFY that the above EMERGENCY ORDER has been filed with the Agency Clerk of the Department of Education on this 23 day of March, 2020.



Agency Clerk