



Update on Emergency Rules

August 6, 2021



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Department of Health Emergency Rule

**64DER21-12 Protocols for Controlling COVID-19 in
School Setting**

64DER21-12 Protocols for Controlling COVID-19 in School Settings

- (1) GENERAL PROTOCOLS AND DEFINITION
- (2) PROTOCOLS FOR SYMPTOMATIC OR COVID-19 POSITIVE STUDENTS.
- (3) PROTOCOLS FOR STUDENTS WITH EXPOSURE TO COVID-19.
- (4) PROTOCOL FOR STUDENTS WITH PRIOR COVID-19 INFECTION.
- (5) TESTING.
- (6) NON-DISCRIMINATION.

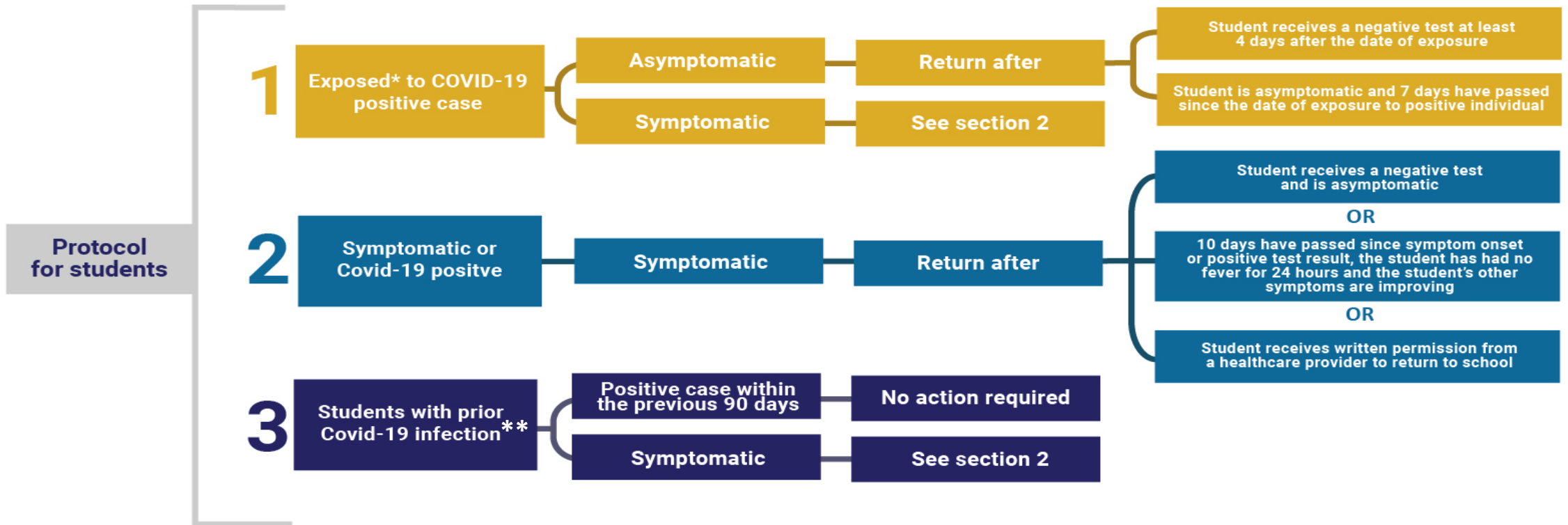
64DER21-12 Protocols for Controlling COVID-19 in School Settings

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

- (a) Schools should encourage routine cleaning of classrooms and high-traffic areas.
- (b) Students should be encouraged to practice routine handwashing throughout the day.
- (c) Students should stay home if they are sick.
- (d) 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.
- (e) For purposes of this rule, "direct contact" means cumulative exposure for at least 15 minutes, within six feet.

2021-22 SCHOOL YEAR

COVID-19 SYMPTOMATIC DECISION TREE



*Per CDC, exposure is close contact of 6 feet or less for 15 minutes or more. Contact at greater than 6 feet or for less than 15 minutes is generally not sufficient to transmit the virus.

**Per DOH 64DER21-12 this subsection applies equally to students that are fully vaccinated for COVID-19.

64DER21-12 Protocols for Controlling COVID-19 in School Settings

(2) PROTOCOLS FOR SYMPTOMATIC OR COVID-19 POSITIVE STUDENTS. Students experiencing any symptoms consistent with COVID- 19 or who have received a positive diagnostic test for COVID- 19 should 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 chanter 459. or an advanced registered nurse practitioner licensed under chapter 464.

64DER21-12 Protocols for Controlling COVID-19 in School Settings

(3) PROTOCOLS FOR STUDENTS WITH EXPOSURE TO COVID-19. Students who are known to have been in direct contact with an individual who received a positive diagnostic test for COVID-19 should not attend school, school-sponsored activities, or be on school property until:

- (a) The student is asymptomatic and receives a negative diagnostic COVID-19 test after four days from the date of last exposure to the COVID-19 positive individual; or
- (b) The student is asymptomatic and seven days have passed since the date of last exposure to the COVID-19 positive individual.
- (c) If a student becomes symptomatic following exposure to an individual that has tested positive for COVID-19, the student should follow the procedures set forth in subsection (2), above.

64DER21-12 Protocols for Controlling COVID-19 in School Settings

(4) PROTOCOL FOR STUDENTS WITH PRIOR COVID-19 INFECTION. A student who has received a positive diagnostic test for COVID-19 in the previous 90 days and who is known to have been in direct contact with an individual who has received a positive diagnostic test for COVID-19 is not subject to the protocols set forth in subsection (3), so long as the student remains asymptomatic. If a student with a previous COVID-19 infection becomes symptomatic, the student should follow the procedures set forth in subsection (2), above. This subsection applies equally to students that are fully vaccinated for COVID-19.

64DER21-12 Protocols for Controlling COVID-19 in School Settings

(5) TESTING. Any COVID- 19 testing of minors at school requires informed written consent from a parent or legal guardian.

(6) NON-DISCRIMINATION. Students whose parent or legal guardian have opted them out of a mask or face covering requirement shall not be subject to any harassment or discriminatory treatment, including but not limited to:

- (a) Relegation to certain physical locations;
- (b) Isolation during school activities; or
- (c) Exclusion from any school-sponsored events or activities.



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**Department of Education Emergency
Rule 6AER21-01 Pupil Attendance
Records for COVID-19**



EMERGENCY RULE - 6AER21-01

STUDENT ATTENDANCE RECORDS FOR COVID-19



What does it do?

- ✓ Helps districts focus on providing students with a **world-class education**.
- ✓ Ensures that students in quarantine continue to receive **high-quality educational instruction** to avoid learning loss.
- ✓ Counts student **days in quarantine as an educational activity** for the purpose of pupil attendance.
- ✓ Guarantees students **have access to instructional materials** and that instructional personnel is **available to assist the student with assignments** and curriculum while in quarantine.

Rule 6AER21-01: Pupil Attendance Records for COVID-19

(1) Definitions. “Stay-home” directive means a public K-12 student who is under a quarantine order or is not physically present in school due to contact with, or the asymptomatic contraction of, COVID-19.

(2) In accordance with Rule 6A-1.044, Pupil Attendance Records, Fla. Admin. Code, a pupil shall be deemed to be in attendance if actually present at school, or away from school on a school day and engaged in an educational activity which constitutes a part of the school-approved instructional program for that pupil.

Rule 6AER21-01: Pupil Attendance Records for COVID-19

(3) Where an asymptomatic student is under a stay-home directive, the student may only be considered in attendance if the following criteria are met:

- (a) The district has adopted procedures to continue the education of the student during the stay-home directive;
- (b) These procedures rely upon continuing the student's access to assignments and curriculum he would be receiving were he physically present in school; and
- (c) Instructional personnel or administrative personnel, as defined in 1012.01, F.S. must be available to assist the student with assignments and curriculum during the stay-home directive.

Attendance Reporting Information

- FDOE is updating the Attendance Reporting documents and process to include a *new* code to report students under the Rule 6AER21-01 FAC.
- A student who is reported pursuant to Rule 6AER21-01 FAC shall be considered in attendance, for the purpose of meeting the attendance requirement for reporting FTE for Florida Education Finance Program funding.
 - This means there must be procedures in place to continue education throughout a "stay-home" directive; and
 - The student must have access to all assignments, curriculum, and instructional or administrative personnel throughout a "stay-home" directive.
- A student should be reported absent if they are sick or unable to continue education during the "stay-home" directive.



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**Department of Education Emergency
Rule 6AER21-02 COVID-19 Hope
Scholarship Transfer Procedures**



EMERGENCY RULE - 6AER21-02

COVID-19 HOPE SCHOLARSHIP TRANSFER PROCEDURES



What does it do?

- ✔ **Protects students and families** from forms of harassment as a result of personal health care decisions made by families.
- ✔ Students suffering from any form of harassment will be **eligible to seek a Hope Scholarship** to change schools or school districts.
- ✔ **Empowers parents** to make educational and health care decisions for their minor child.
- ✔ **Clearly outlines** the process a parent must follow to apply for a Hope Scholarship.

Rule 6AER21-02: COVID-19 Hope Scholarship Transfer Procedures

(1) Definitions. “COVID-19 harassment” means any threatening, discriminatory, insulting, or dehumanizing verbal, written or physical conduct an individual student suffers in relation to, or as a result of, school district protocols for COVID-19, including masking requirements, the separation or isolation of students, or COVID-19 testing requirements, that have the effect of substantially interfering with a student’s educational performance, opportunities or benefits.

(2) A student who is subject to COVID-19 harassment is eligible for a Hope Scholarship under Rule 6A-6.0951, The Hope Scholarship Program, Fla. Admin. Code R.

Rule 6AER21-02: COVID-19 Hope Scholarship Transfer Procedures

(3) School District Parent Notification Requirements. Pursuant to the requirements of Section 1002.40(6), a school district must timely notify a parent of the Hope Scholarship program and provide the parent with a completed Hope Scholarship Notification Form, (Form IEPC-HS1), as provided in Rule 6A-6.0951, when a parent reports COVID-19 Harassment. A parent whose child has, in the view of the parent, experienced COVID-19 Harassment, may submit Form IEPC-HS1 without regard to district notification.

Rule 6AER21-02: COVID-19 Hope Scholarship Transfer Procedures

(4) Hope Scholarship Application Procedure. To receive a Hope Scholarship, a parent must:

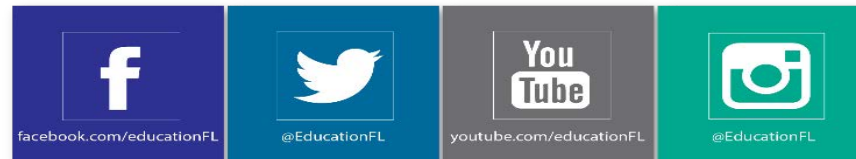
- (a) Follow the procedures set forth in subsection (4) of Rule 6A-6.0951 FAC.;
- (b) Designate the Incident Type as “Harassment” on Form IEPC-HS1; and
- (c) Write COVID-19 next to the Incident Type on the form.

(5) The nonprofit scholarship-funding organization shall confirm eligibility for each student and award all scholarships consistent with the requirements of section 1002.40, F.S., Rule 6A-6.0951 FAC., and this rule.

Hope Scholarship Procedures

- The [Hope Scholarship Program](#) was established in the 2018 legislative session to provide the parent of a K-12 public school student, who was subjected to an incident of bullying, harassment, or violence an opportunity to **transfer to another public school**, or request a scholarship for the student to enroll in and **attend a participating private school**.
- Pursuant to section 1002.40(6), Florida Statutes, school district personnel in Florida have a responsibility to notify families of the Hope Scholarship Program.
- Additionally, Section 1006.09(6), Florida Statutes, requires that principals submit accurate School Environmental Safety Incident Reporting (SESIR) system and discipline data to the state using the Automated Student Information System.
 - FDOE will follow-up with any reporting updates if needed.

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