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July 17, 2020

Office of Governor Ron DeSantis
State of Florida
The Capitol
400 S. Monroe St.
Tallahassee, FL 32399-0001

Commissioner of Education Richard Corcoran
Florida Department of Education
Turlington Building, Suite 1514
325 W. Gaines Street
Tallahassee, FL 32399

Re: Opening of Schools with Face-to-Face Instruction

Dear Governor DeSantis and Commissioner Corcoran:

The School Board of Orange County is committed to providing a high-quality education for all of our students. We are, however, deeply concerned about reopening schools in Orange County for face-to-face instruction in brick and mortar schools five days a week in August, as mandated in Department of Education Emergency Order 2020-EO-06 ("Emergency Order").

As you are aware, Florida is in the midst of a spike in the number of cases of COVID-19. On June 15, 2020, the State of Florida reported 2,693 positive cases of Covid-19, according to the Florida Department of Health Covid-19 Data and Surveillance Dashboard ("Dashboard"). A month later, on July 14, 2020, the Dashboard reported that there were 10,085 positive cases of Covid-19. That is an increase of positive cases of approximately 275 percent in a one-month period.

The numbers in Orange County tell a similar story. The Dashboard reports that on June 15, 2020, there were 179 positive cases of Covid-19 reported in Orange County. On July 14, 2020, the Dashboard reports there were 526 positive cases reported in Orange County. That is an increase of positive cases of approximately 194 percent in a one-month period.

Clearly, the community spread of the virus has trended in the wrong direction. The Reopening Florida's Schools and the Cares Act presentation issued on June 11, 2020, stated that "Reopening is a locally driven decision." (See PowerPoint slide 37). It was further stated "This document is NOT a set of mandates or final set of considerations. Reopening ultimately must be driven by local data and the goal of restoring optimal conditions for learning." The guidance was presented at a time when both local Orange County data and state data demonstrated lower numbers of positive cases of Covid-19 and lower positivity rates for

Covid-19. On June 11, 2020, when cases were significantly lower, local districts were given the option of reopening based upon local data, yet on July 7, 2020, when cases had increased by a large percentage, that local control of reopening based upon local data was taken away by DOE's Emergency Order.

We fear that a return to face-to-face instruction will not be conducive to the health of our students and employees and, as the third largest employer in Orange County, we further believe that reopening is not conducive to the health of the entire county. We certainly empathize with our parents who need to return to work and cannot stay home indefinitely, but our first commitment to our students and employees under §1001.42(8)(a), Fl. Stat. requires that we protect the health, safety and welfare of our students and employees and, in the event our school board determines it is unsafe to open schools full time to all students, as required in the Emergency Order, we will seek partnerships to assist with the supervision of students whose parents must return to work.

On last Wednesday, Governor DeSantis was quoted as telling reporters "I understand the commissioner has done some stuff on that, and that's fine. But at the end of the day, these school superintendents have unique constituencies and it is going to be a collaborative effort." Governor DeSantis was also quoted as saying "The fate of Miami-Dade County does not rest on the fate of Dixie County, that's just the reality." (news.wgcu.org/2020-07-17/desantis-says-reopening-schools-a-collaborative-effort)

We agree with those sentiments. The needs of the students and employees of Orange County differ from those in other areas of the state. The School Board of Orange County, Florida, consistent with its authority under Article IX, Section 4(b) of the Florida Constitution to operate, control and supervise the schools in its district, must be able to meet the needs of its unique constituency and open schools when medical data demonstrates opening schools is safe.

Therefore, the School Board approved our fully compliant Optional Innovative Reopening Plan which the superintendent is submitting to the Department of Education. The School Board also requests a waiver of the requirement in the Emergency Order to open schools in August for face-to-face instruction five days a week. Instead, the School Board demands, consistent with its powers under Article IX, Section 4(b) of the Florida Constitution, that the School Board be the sole party which determines when to open schools for face-to-face instruction based upon the advice of local medical professionals analyzing local data on the Covid-19 positivity and transmission rates.

We look forward to your reply on our request for the waiver.

Sincerely,



Teresa Jacobs
School Board Chair