



Tom Grady, *Chair*
Ben Gibson, *Vice Chair*
Members
Monesia Brown
Marva Johnson
Ryan Petty
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August 9, 2021

Ms. Carlee Simon
Superintendent
Alachua County Schools
620 East University Avenue
Gainesville, Florida 32601

Ms. Leanetta McNealy
School Board Chair
Alachua County Schools
620 East University Avenue
Gainesville, FL 32601

Dear Superintendent Simon and Chair McNealy:

This letter is sent to express my grave concern regarding your district's significant neglect in response to the recently adopted Emergency Rule 64DER21-12 from the Florida Department of Health (FDOH). This order, issued on August 6, 2021, by the Florida Surgeon General, Dr. Scott Rivkees, is explicit in its expectations for ensuring that any mandated mask policies 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 from a physician or a nurse practitioner in order to opt out and any such requirement is inconsistent with the emergency rule. Your district's response, as noted in our conversation, and in recent letters sent to parents/guardians, as well as public statements made during press events this week indicate that you have no current intentions of complying with this order, which is intended to guarantee choice options to parents/guardians regarding their child while also protecting families and students federal and state protected rights to privacy.

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 established in law, I am immediately initiating an investigation of non-compliance with rules adopted by the Florida Department of Health and the Florida State Board of Education on August 6, 2021. In commencing this investigation, I am demanding that you provide a written response by 5:00 p.m. on Tuesday, August 10, 2021, documenting how your district is complying with FDOH rule 64DER21-12. Any failure to adequately document and substantiate full compliance with this rule will result in sanctions permitted under law in section 1008.32(4)(b), Florida Statutes.

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Depending on the facts presented, I may recommend to the State Board of Education that the Department withhold funds in an amount equal to the salaries for the Superintendent and all the members of the School Board.

There is no room for error or leniency when it comes to ensuring compliance with policies that allow parents and guardians to make health and educational choices for their children. Therefore, it is imperative that you work together as the Superintendent and the School Board to remedy this glaring non-compliance and report the resolution to the Florida Department of Education by 5:00 p.m. on Tuesday, August 10, 2021.

Again, if this matter is not addressed by submitting the documentation establishing compliance with the law, the maximum accountability measures provided for under the law will be imposed.

Sincerely,

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

Richard Corcoran
Commissioner