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**An 'A-rated' District**

*Mission Statement. We are committed to the success of every student!*

August 10, 2021

Commissioner Corcoran,

This letter is our response to your letter sent yesterday, August 9, 2021. Like you, we are gravely concerned with the current situation. Our concern is with the threat that COVID-19, particularly the highly-contagious Delta variant, poses to the students and staff in Alachua County Public School.

Like the rest of the state, our local community has seen an unprecedented surge in COVID-19 infections over the past several weeks. Since the beginning of June, local cases have increased nearly twenty-fold. Our hospitalization rates are 36% higher than their previous peak in January of this year. Our local emergency response teams have been stretched thin. Medical procedures are being delayed. Previously healthy children are being hospitalized, including some who require intensive care.

These alarming trends have been shared with the district and the community by local experts in pediatrics, immunology, virology, epidemiology, emergency medicine, and public health. Several represent UF Health Shands Children's Hospital, Florida's highest-ranked children's hospital, and the University of Florida, our state's flagship academic institution. These dedicated medical experts are former colleagues of Surgeon General Dr. Scott Rivkees. Like the teachers and staff serving students in our public schools, they have been on the front lines of this pandemic, working heroically to preserve public health.

Throughout the pandemic, these experts have also provided guidance and recommended specific steps that the district can take to slow the spread of this virus--including universal masking in our schools.

We are very concerned about the impact of the recent surge on our schools. As we are sure you recognize, keeping schools open becomes more difficult when employees are sick or are in quarantine due to COVID exposure. Unfortunately, we've seen a dramatic spike in the number of employees testing positive for COVID - more in the last two weeks than in the previous five months combined. Two of our custodians died of COVID-related complications just over a week ago.

The Notice of Emergency Rule for 64DER21-12 includes the following language: "This emergency rule is necessary in light of the recent rise in COVID-19 cases in Florida and the urgent need to provide COVID-19 guidance to school districts before the upcoming school year commences." This argument for the emergency rule contradicts the rule itself. If the intent of the

emergency rule is to address the recent rise in COVID-19 cases, the Department of Health should be recommending protocols and procedures that reduce transmission rather than preventing school districts from implementing them.

Section 1103.22(3), Florida Statutes, states, "The Department of Health, after consultation with the Department of Education, shall adopt rules governing the immunization of children against, the testing for, and the control of preventable communicable diseases." Again, Emergency Rule 64DER21-12 appears to be in direct violation of the statutory mandate requiring the Department of Health establish prevention protocols and procedures.

Furthermore, the Notice of Emergency Rule 64DER21-12 states the Florida Department of Health and the Florida Department of Education are "to ensure safety protocols for controlling the spread of covid-19 in schools that (1) do not violate Floridians' constitutional freedoms; (2) do not violate parents' rights under Florida law to make health care decisions for their minor children; and **(3) protect children with disabilities or health conditions who would be harmed by certain protocols, such as face masking requirements.**" The failure to use all of the mitigation strategies available, including masks, will inevitably mean that some of our students will have to receive their education outside of the school setting. We share the Governor's view that this is not the desired outcome.

For example, we have students who face a significant risk to health and life due to a compromised immune system and/or other medical issues. The death or serious illness of a child as a result of COVID-19 exposure is a far more serious injury than any discomfort that may be experienced due the universal masking.

This point is emphasized in the Complaint for Injunctive Relief filed on August 6, 2021 against yourself, Governor Ron Desantis and eight Florida school districts, including Alachua County Public Schools. As you know, the Plaintiffs are asking for Injunctive Relief in the form of mask mandates. The Plaintiffs argue that the current policies violate school districts' obligations under the Individuals with Disabilities Education Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act.

Essentially, it appears that the Commissioner of Education is forcing the School Board of Alachua County into a troubling legal position. Section 1108.32, 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." Requiring the school district to operate in a way that potentially violates the Individuals with Disabilities Education Act, the Americans with Disabilities Act, and Section 504 of the Rehabilitation Act is an extremely inappropriate use of state authority.

Additionally, the Notice of Emergency Rule for 64DER21-12 includes the following language: "Because of the importance of in-person learning to educational, social, emotional and mental well-being, removing healthy students from the classroom for lengthy quarantines should be limited at all costs." Based on CDC guidelines, the addition of masks as a protective device to reduce transmission will reduce the spread of COVID, as will scientifically-based quarantine protocols.

We appreciate the Department of Education's clarification that the Hope Scholarship Voucher can be used as a means of preserving parents' rights and providing them an avenue for 'opting

out' of our district's mask policy. We are also grateful for the opportunity it provides to students who would like to attend schools that provide universal mask mandates. However, we must say that we object to the use of a legal term such as "Harassment" to describe a mask requirement.

We ask that you seriously consider the appropriateness of withholding funds in an amount equal to the Superintendent's salary and the combined salaries of the members of the School Board. Neither the Florida Department of Education nor the Board of Education control the payroll distribution of school districts.

Your action would, however, remove funding from our district's general fund and would be a reduction of allocation.

Our schools need to be open to provide instructional hours. Due to the highly-contagious nature of this virus, there is a high risk that more students and staff will have to be sent home due to illness or exposure. Like you, we are obligated to provide a safe and secure public education to all students. Universally masking is the most effective strategy we currently have, besides vaccination, to meet this obligation.

Sincerely,



Carlee Simon, Ph.D.  
Superintendent  
Alachua County Public Schools



Leanetta McNealy, Ph.D.  
School Board Chair  
Alachua County Public Schools