

**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-02

DEPT OF EDUCATION
TALLAHASSEE FLA

2020 MAY 13 AM 10:02

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, on March 23, 2020, I issued Department of Education Order 2020-EO-01, waiving strict adherence to specified provisions of the Florida Education Code in order to promote the health and safety of persons connected with our State’s educational system; and,

WHEREAS, due to the increased risk to Floridians throughout the state, the Governor of the State of Florida subsequently issued Executive Order No. 20-91, as amended by Executive Order No. 20-92, directing all persons in Florida to limit their movements and personal interactions

outside of their home to only those necessary to obtain or provide essential services or activities; and,

WHEREAS, due to the continuation of the state of emergency and the direction to limit interactions outside of the home to essential services and activities, I find that it is necessary to suspend additional regulatory statutes and rules that would prevent, hinder, or delay necessary action in coping with the emergency;

NOW THEREFORE, I, Richard Corcoran, Commissioner of the Florida Department of Education, pursuant to the authority granted by Executive Order 20-52, find that it is necessary to suspend the statutes and rules, as set forth below in order to respond to and to mitigate the impacts of the emergency and to promote the health, safety and welfare of persons connected with Florida's educational system.

I. Commission for Independent Education.

- a. Section 1005.31(5), F.S., and Rule 6E-2.002(1)(d), F.A.C., are suspended to extend provisional licenses due to expire or scheduled for Commission action between March 1, 2020 and before July 29, 2020 until July 29, 2020.
- b. Section 1005.31(6), F.S., is suspended to extend licensure delays expiring between March 1, 2020 and before July 29, 2020 until July 29, 2020.
- c. Section 1005.31(7), F.S., and Rule 6E-2.002(2)(b), F.A.C., are suspended to extended annual licenses due to expire or scheduled for Commission action between March 1, 2020 and before July 29, 2020 until July 29, 2020.
- d. Rule 6E-2002(3)(f), F.A.C., is suspended to extend licenses by means of accreditation expiring between March 1, 2020 and before July 29, 2020 until July 29, 2020.

- e. Rule 6E-2.002(4), F.A.C., is suspended to withdraw Commission deadlines for filing licensure applications and extending such deadlines for the Commission's next anticipated meeting of July 29, 2020.
- f. Rules 6E-2.0041 and 6E-2.008, F.A.C., are suspended to waive requirements for licensees to seek approval for distance education and approval of program modifications to facilitate online delivery of didactic hours of an approved program until July 29, 2020, upon review and written authorization of the Executive Director.
- g. Section 120.60(1), F.S. is suspended to extend deadlines applicable to license applications set to expire between March 1, 2020 and before July 29, 2020 until July 29, 2020.

II. Division of Public Schools, Bureau of Exceptional Education and Student Services (BEESS)

- a. Rule 6A-1.09963, F.A.C., is suspended to extend the May 15th decision deadline by a student's Individual Education Plan (IEP) team as to the deferral of the receipt of a high school diploma to no later than the last day of school.
- b. Section 1003.57(1)(f), F.S., is suspended to extend the deadline for the Best Practices in Inclusive Education assessment deadline to no later than the first semester of the 2020-2021 school year.
- c. Rule 6A-6.03028(3)(f), F.A.C., is suspended, subject to federal approval of the flexibility, to extend the annual IEP meeting deadlines for the number of days that spring break was extended due to the emergency or, if the parent objects to

a virtual meeting, to a mutually agreeable time for the parents and IEP team to meet face to face.

- d. Rule 6A-6.0331, F.A.C., is suspended, subject to federal approval of the flexibility, to extend the three-year evaluation deadline for students with disabilities for the number of days that spring break was extended due to the emergency or until portions of the evaluation that require face to face assessment can be completed.
- e. Rule 6A-6.0331, F.A.C., is suspended, subject to federal approval of the flexibility, to extend initial eligibility evaluations of an Exceptional Student Education (ESE) student for the number of days that spring break was extended due to the emergency or until portions of the evaluation that require face to face assessment can be completed.
- f. Rules 6A-6.03028(3)(f) and 6A-6.030191(6)(b), F.A.C., are suspended, subject to federal approval of the flexibility, to extend the Initial IEP/Education Plan (EP) development deadline for the number of days that spring break was extended due to the emergency or, if the parent objects to a virtual meeting, to a mutually agreeable time for the parents and IEP team to meet face to face.

III. Division of Public Schools, Just Read, Florida! Office (JRF)

- a. Sections 1008.25(7)(b)3., 1011.62(9)(c)5., and 1011.62(9)(d)1., F.S., and Rule 6A-6.6053(9)(c)5., F.A.C., are suspended to allow teachers who are not certified or endorsed in reading to provide intensive reading interventions out-of-field until December 31, 2020.

- b. Section 1011.62, F.S., is suspended to extend the deadline for submission of Reading Plan Templates to June 30, 2020.
- c. Section 1012.586(1)(b), F.S., and Rule 6A-4.0163, F.A.C., are suspended to extend the deadline for the Just Read, Florida! Office, to review and approve resubmissions of Reading Add-on Plans until July 31, 2020.

IV. Division of Public Schools, Bureau of Standards and Instructional Support (BSIS)

- a. Section 1006.283(1), (4), F.S., is suspended to extend the deadline for a school district superintendent to certify that all instructional materials for core courses are aligned with state standards to June 1, 2020.
- b. Section 1003.4996, F.S., is suspended to extend the deadline for the Competency-based Education Pilot Program Report to July 1, 2020.

V. Division of Public Schools, Bureau of Educator Recruitment, Development and Retention (BERDR)

- a. Rule 6A-5.066(3)(c)3., F.A.C., is suspended to extend the deadline to approve or deny an application for a teacher preparation program to 180 days.
- b. Rule 6A-5.066(8)(a), F.A.C., is suspended to extend the deadline to submit an improvement plan to FDOE following site visit and final report to 90 days.
- c. Rule 6A-5.066(8)(b), F.A.C., is suspended to extend the deadline for Programs that had site visits in Fall 2019 to submit a Continued Approval Process Report to September 1, 2020.
- d. The requirement to conduct annual evaluations for teachers and administrators under section 1012.34, F.S., is suspended for the 2019-2020 school year.

- e. Section 1012.22(1)(c)5.b., F.S., is suspended to allow for districts to determine at the local level how to meet differentiated pay requirements for teachers who are on the performance salary schedule.

VI. Division of Public Schools, Bureau of Student Achievement through Language Acquisition (SALA)

- a. Rule 6A-6.0902, F.A.C., is suspended, subject to federal approval of the flexibility, to extend the required time limit for an English Language Learner (ELL) student to be placed into the English Speakers of Other Languages (ESOL) program consistent with the federal flexibility.
- b. The requirement in Rule 6A-6.09022, F.A.C., that the assessment occur and ELL Committee meet within 30 days of the anniversary of the Date Entered a U.S. School (DEUSS) for an ELL student to receive an ESOL services extension is suspended. Until such time as school facilities are open for traditional face to face instruction, no assessment or meeting will be required to extend ELL services.

VII. Division of Public Schools, Bureau of Educator Certification (BEC)

- a. Section 1012.56(7), F.S., is suspended to extend Professional and Temporary Educator Certificates expiring June 30, 2020 to December 31, 2020. This extended period of validity is not intended to interfere or impede any discipline taken against a certificate.

VIII. The Florida College System (FCS)

- a. Section 1009.25(2), F.S., is suspended to allow colleges to exceed the 1 percent cap to allow for additional flexibility through the Spring 2021 semester.

- b. Rule 6A-14.0715, F.A.C., is suspended in part, to allow funds to be returned to fund 1 in order to respond to the emergency. The prohibition on the transfer of PECO and debt service funds from fund 7 to fund 1 is not suspended.
- c. The requirement in sections 1013.841(2)(b), and (3)(b), F.S., for colleges to submit a spending plan to their college boards of trustees and the State Board of Education for all fund balances over five or seven percent targets is suspended for Fiscal Year 2019-2020.
- d. The testing requirement for student eligibility for initial enrollment in college credit dual enrollment courses taken through December 31, 2020 provided in section 1007.271(3), is suspended.
- e. The requirement in section 1007.263(1), F.S., to use a placement test to demonstrate achievement of college-level communication and computation skills is suspended through the fall semester of 2020. In addition to or in lieu of tests, college credit programs are permitted to use alternative methods selected by the college for placement into developmental education, where applicable.
- f. The 45-day requirement in section 1004.085(5), F.S., is suspended for Florida College System institutions for course sections that were modified to virtual or remote delivery modalities for 2020 summer terms that result in changes to textbooks or instructional materials.

IX. Vocational Rehabilitation (VR)

- a. Rule 6A-025.004(2), F.A.C., and VR Policy Chapter 4.04, are suspended to allow the Division to accept an electronic signature on its application,

acknowledgement for the handbook of services and other required documents for all applications processed by the Division through June 30, 2020.

- b. Subject to federal approval for flexibility, the requirement in Rule 6A-025.005(4), F.A.C., and VR Policy Chapter 4.07, that the assessment for determining eligibility and priority for services must be conducted in the most integrated setting possible is suspended to authorize the completion of this assessment remotely using telephonic communication and document review through June 30, 2020.
- c. Rule 6A-025.005(3), F.A.C., and VR Policy Chapter 6.04, is suspended to permit the use of medical documentation from the prior two years for the purposes of determining eligibility and the assessment for required services through June 30, 2020.

X. Division of Blind Services (DBS)

- a. The mandatory set aside payments required under section 413.011 (3), F.S., and Rule 6A-18.044(6) & (7), F.A.C., are suspended for the months of April, May and June 2020.

XI. Career and Adult Education (CAE)

- a. The testing administration waiting period requirements set forth in Rule 6A-6.0573(13)(c)5., F.A.C., are suspended for students enrolled in 2019-2020 and earning industry certifications.
- b. Rule 6A-6.0571(2), F.A.C., requiring approval by the Commissioner for career and technical education frameworks is suspended in order to provide districts and colleges the flexibility to locally waive certain requirements in the

frameworks such as required work/field experiences for unregulated training programs. The remaining provisions of the rule shall remain in place.

XII. Office of Early Learning (OEL), Voluntary Pre-Kindergarten (VPK) and School Readiness (SR) Programs

- a. Section 1002.71(4), F.S., and Rule 6M-8.210, F.A.C., requirements are suspended to allow students who have completed 70 percent or more of their VPK program to transfer to another VPK provider that is open through the end of the 2019-2020 school year.
- b. Sections 1002.55(3)(f), 1002.61(7) and 1002.63(7), F.S., requirements are suspended to allow public and private providers to have less than four children enrolled in their program through the end of the 2020 Summer VPK Program.
- c. Sections 1002.81 and 1002.82(2)(f), F.S., and Rules 6M-4.200(1)(h) and (3)(a)4, 6M-4.208(4)(f)3, 6M-4.300, F.A.C., are suspended to allow job search as a purpose for care to establish eligibility for the SR program through August 1, 2020.
- d. Section 1002.81(16), F.S., and Rules 6M-4.200(1)(h) & (3)(a)4, 6M-4.208(4)(f)3, and 6M-4.300, F.A.C., are suspended to allow job search as a purpose for care for families applying to the waiting list through August 1, 2020.
- e. The 30-day deadline for parents who are on the waiting list and who have received a notice of funding to submit the required documentation to establish eligibility provided under section 1002.82(2)(f), F.S., and Rules 6M-4.208(4) and 6M-4.300, F.A.C., is extended to 60 days through September 30, 2020.

- f. The 20 hours per week work/education requirements for families for initial eligibility provided in sections 1002.81(16) and 1002.82(2)(f), F.S., and Rules 6M-4.200(1)(h) & (3)(a)4, 6M-4.208(4)(f)3 and 6M-4.300, F.A.C., are suspended. In addition, parents are authorized to validate their hours prior to March 1, 2020, and if full time status is demonstrated, then allow enrollment for services. This validation may be accomplished with an employment verification form or a review of four weeks of paystubs prior to March 1, 2020, through August 1, 2020.
- g. Rule 6M-4.710, F.A.C., is suspended to extend the deadline to implement new SR program curriculum to September 30, 2020.
- h. Programmatic monitoring of VPK providers by coalitions and sub recipients required by Rule 6M-8.301, F.A.C., and the 2019-2020 Outreach, Awareness, and Monitoring Initiative Grant Agreement is suspended through June 30, 2020.
- i. The requirements that SR Programs use no more than 5 percent for administrative costs and a total of 22 percent for a combination of administrative, quality and non-direct services in Section 1002.89(6), F.S., are suspended as long as the funds are used for purposes of emergency recovery and direct support to providers through June 30, 2020.
- j. The requirement for coalitions to monitor sub recipients in section 1002.84(14), F.S., is suspended through June 30, 2020.
- k. Contract monitoring of SR providers by coalitions and sub recipients required by sections 1002.82(2)(q), 1002.84(15), 1002.85(2)(h), and 1002.89(6)(a), F.S., and Rule 6M-4.630, F.A.C., is suspended through June 30, 2020.

The effective date of this Order shall correspond with the effective dates of Executive Order No. 20-52. However, except where a date is specifically provided, these waivers automatically terminate in 120 days unless extended by a subsequent order.

DONE AND ORDERED this 13th day of May, 2020, in Tallahassee, Leon County, 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 13th day of May, 2020.



Agency Clerk

