

MEMORANDUM IN SUPPORT OF DECLARATION OF EMERGENCY

WHEREAS, on March 10, 2022, the legislature of the State of Florida passed House Bill 7, which Bill drastically alters the School board's action requirements with regards to defining District Employment Practices and delineating both prohibited and required student instruction., and

WHEREAS, on April 22, 2022, the Governor of the State of Florida signed the above referenced House Bill, making it law, and

WHEREAS, the laws created by said House Bill take effect on July 1, 2022, and

WHEREAS, there was an expectation that the Florida Department of Education would provide detailed guidance as to how to draft required School Board Policy and implement the requirements of the legislation, and

WHEREAS, the Florida Department of Education has provided no guidance as to how to implement the law, how to define the terms set forth in the law and what school board policy should contain, and

WHEREAS, it is incumbent upon the District School Board's to craft Policy which will serve to give notice to the public of the prohibited acts and required student instruction established by the legislation, the obligations vis a vis the legislated rights and the valid expectations of the public in relation to those requirements set forth in this legislation, and

WHEREAS, there is insufficient time between April 22, 2022 (date signed by the Governor) and July 1, 2022 to comply with the full adoption process required by Sec. 120.54, *Fla. Stat.*, and

WHEREAS, failure to comply with the requirements of the law will likely subject the District to sanctions which are as of yet undetermined and will profoundly affect the parents, students and employees of the District as well as the citizens of Clay County generally,

NOW, THEREFORE, in consideration of the foregoing, the undersigned states:

1. Conditions set forth above create an immediate danger to the public health, safety and welfare and require immediate emergency action by the School Board and the district to confront and control the danger.

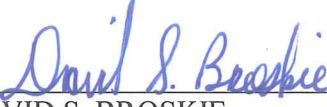
2. School Board policy, in the form of the attached School Board Policies 2.02E "Unlawful Employment Practices" and 4.66, "Prohibition Against Discrimination; Required Instruction" must be adopted in order to comply with the requirements of the newly passed law and to further inform and protect the public, parents, students, and employees of the district from damages, injury and liability exposure for possible violation of citizen's rights and unintentional failure to protect the welfare of students.

3. Emergency adoption of School Board Policies 2.02E and 4.66 is needed as there is insufficient time to adopt policy through the normal statutory process.

4. The School Board is asked only to take the action necessary to protect the public by adopting School Board Policies 2.02E and 4.66.

5. Procedural safeguards are provided by timely publication of intent to take emergency action, right of the public to be heard concerning this matter, limitation of the School Board's action to only those matters necessary to stem the immediate danger and limitation of the length of time that this emergency action will be effective to no more than ninety (90) days during which time formal adoption of the Reopening Plan pursuant to Sec. 120.54, *Fla. Stat.*, will be pursued.


Respectfully Submitted,



DAVID S. BROSKIE
Superintendent of Schools

6/28/22
Date

Reviewed for Legal Sufficiency



J. BRUCE BICKNER
Attorney for the School Board of Clay County

6/28/22
Date