

MEMORANDUM IN SUPPORT OF DECLARATION OF EMERGENCY

WHEREAS, on March 1, 2020, the Surgeon General of the State of Florida declared a Public Health Emergency to exist in the State of Florida due to the outbreak and spread of COVID-19, and

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order 52, in which he declared a state of emergency to exist in the State of Florida due to the outbreak and spread of COVID-19, and

WHEREAS, the state of emergency declared in Executive Order 52 was extended by Executive Order 114 on May 8, 2020, and

WHEREAS, the declaration of emergency resulted in the closing of the District schools and limited education to distance learning, and

WHEREAS, on July 6, 2020, the Commissioner of Education, Richard Corcoran, issued DOE Order No. 2020-EO-06, an Emergency Order, the purpose of which was to accomplish the goals of reopening all K-12 schools within the State of Florida, including charter schools, with an offering of full services, suspending reopening requirements as necessary to ensure financial continuity of the educational process, retaining high quality school choices for Florida students and families, and maintaining all services that are legally required for all students, and

WHEREAS, The Emergency Order set forth the requirements which must be met in reopening the schools, the required services to be offered and the means to determine the progress of students, and

WHEREAS, in order to receive the benefits of flexibility and financial continuity, each school district was tasked with drafting a comprehensive reopening plan which must be submitted to the Florida Department of Education by July 31, 2020, and

WHEREAS, because the Districts Reopening Plan meets the definition of a "Rule," it must be approved by the School Board prior to implementation and submission to the FDOE for approval and must comply with the adoption process prescribed in Sec. 120.54, *Fla. Stat.*, and

WHEREAS, there is insufficient time between July 6 and July 31, 2020 to comply with the full adoption process required by Sec. 120.54, *Fla. Stat.*, and

WHEREAS, failure to comply with the Commissioner's Emergency Order will likely result in significant loss of funding to the District for the 2020-2021 school year, which loss will profoundly affect the 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.

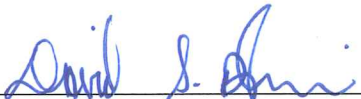
2. School Board policy, in the form of The 2020-2021 Clay County District Schools Smart Restart School Reopening Plan, must be adopted in order to comply with the requirements of the Commissioner's Emergency Order and to further protect the public, students, and employees of the district from partial loss of funding of the District schools.

3. Emergency adoption of The 2020-2021 Clay County District Schools Smart Restart School Reopening Plan 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 The 2020-2021 Clay County District Schools Smart Restart School Reopening Plan so that it can be submitted to the Florida Department of Education for consideration and approval.

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

7/23/20
Date

Reviewed for Legal Sufficiency



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

July 23, 2020
Date