Update on Emergency Rules

August 6, 2021
Department of Health
Emergency Rule

64DER21-12 Protocols for Controlling COVID-19 in School Setting
64DER21-12 Protocols for Controlling COVID-19 in School Settings

(1) GENERAL PROTOCOLS AND DEFINITION
(2) PROTOCOLS FOR SYMPTOMATIC OR COVID-19 POSITIVE STUDENTS.
(3) PROTOCOLS FOR STUDENTS WITH EXPOSURE TO COVID-19.
(4) PROTOCOL FOR STUDENTS WITH PRIOR COVID-19 INFECTION.
(5) TESTING.
(6) NON-DISCRIMINATION.
64DER21-12 Protocols for Controlling COVID-19 in School Settings

(1) GENERAL PROTOCOLS AND DEFINITION. The following procedures should be instituted to govern the control of COVID-19 in public schools:

(a) Schools should encourage routine cleaning of classrooms and high-traffic areas.

(b) Students should be encouraged to practice routine handwashing throughout the day.

(c) Students should stay home if they are sick.

(d) Students may wear masks or facial coverings as a mitigation measure; however, the school must allow for a parent or legal guardian of the student to opt-out the student from wearing a face covering or mask.

(e) For purposes of this rule, "direct contact" means cumulative exposure for at least 15 minutes, within six feet.
**Per DOH 64DER21-12 this subsection applies equally to students that are fully vaccinated for COVID-19.**

*Per CDC, exposure is close contact of 6 feet or less for 15 minutes or more. Contact at greater than 6 feet or for less than 15 minutes is generally not sufficient to transmit the virus.*

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**2021-22 SCHOOL YEAR**

**COVID-19 SYMPTOMATIC DECISION TREE**

**Protocol for students**

1. Exposed* to COVID-19 positive case
   - Asymptomatic
     - Return after
     - Student receives a negative test at least 4 days after the date of exposure
   - Symptomatic
     - See section 2
     - Student is asymptomatic and 7 days have passed since the date of exposure to positive individual

2. Symptomatic or Covid-19 positive
   - Symptomatic
     - Return after
     - Student receives a negative test and is asymptomatic
     - OR
     - 10 days have passed since symptom onset or positive test result, the student has had no fever for 24 hours and the student’s other symptoms are improving
     - OR
     - Student receives written permission from a healthcare provider to return to school

3. Students with prior Covid-19 infection**
   - Positive case within the previous 90 days
     - No action required
   - Symptomatic
     - See section 2
(2) PROTOCOLS FOR SYMPTOMATIC OR COVID-19 POSITIVE STUDENTS. Students experiencing any symptoms consistent with COVID-19 or who have received a positive diagnostic test for COVID-19 should not attend school, school-sponsored activities, or be on school property until:

(a) The student receives a negative diagnostic COVID-19 test and is asymptomatic; or
(b) Ten days have passed since the onset of symptoms or positive test result, the student has had no fever for 24 hours and the student's other symptoms are improving; or
(c) The student receives written permission to return to school from a medical doctor licensed under chapter 458, an osteopathic physician licensed under chapter 459, or an advanced registered nurse practitioner licensed under chapter 464.
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(3) PROTOCOLS FOR STUDENTS WITH EXPOSURE TO COVID-19. Students who are known to have been in direct contact with an individual who received a positive diagnostic test for COVID-19 should not attend school, school-sponsored activities, or be on school property until:

(a) The student is asymptomatic and receives a negative diagnostic COVID-19 test after four days from the date of last exposure to the COVID-19 positive individual; or
(b) The student is asymptomatic and seven days have passed since the date of last exposure to the COVID-19 positive individual.
(c) If a student becomes symptomatic following exposure to an individual that has tested positive for COVID-19, the student should follow the procedures set forth in subsection (2), above.
(4) PROTOCOL FOR STUDENTS WITH PRIOR COVID-19 INFECTION. A student who has received a positive diagnostic test for COVID-19 in the previous 90 days and who is known to have been in direct contact with an individual who has received a positive diagnostic test for COVID-19 is not subject to the protocols set forth in subsection (3), so long as the student remains asymptomatic. If a student with a previous COVID-19 infection becomes symptomatic, the student should follow the procedures set forth in subsection (2), above. This subsection applies equally to students that are fully vaccinated for COVID-19.
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(5) TESTING. Any COVID-19 testing of minors at school requires informed written consent from a parent or legal guardian.

(6) NON-DISCRIMINATION. Students whose parent or legal guardian have opted them out of a mask or face covering requirement shall not be subject to any harassment or discriminatory treatment, including but not limited to:

(a) Relegation to certain physical locations;
(b) Isolation during school activities; or
(c) Exclusion from any school-sponsored events or activities.
Department of Education Emergency Rule 6AER21-01 Pupil Attendance Records for COVID-19
What does it do?

☑ Helps districts focus on providing students with a world-class education.

☑ Ensures that students in quarantine continue to receive high-quality educational instruction to avoid learning loss.

☑ Counts student days in quarantine as an educational activity for the purpose of pupil attendance.

☑ Guarantees students have access to instructional materials and that instructional personnel is available to assist the student with assignments and curriculum while in quarantine.
Rule 6AER21-01: Pupil Attendance Records for COVID-19

(1) Definitions. “Stay-home” directive means a public K-12 student who is under a quarantine order or is not physically present in school due to contact with, or the asymptomatic contraction of, COVID-19.

(2) In accordance with Rule 6A-1.044, Pupil Attendance Records, Fla. Admin. Code, a pupil shall be deemed to be in attendance if actually present at school, or away from school on a school day and engaged in an educational activity which constitutes a part of the school-approved instructional program for that pupil.
Rule 6AER21-01: Pupil Attendance Records for COVID-19

(3) Where an asymptomatic student is under a stay-home directive, the student may only be considered in attendance if the following criteria are met:

(a) The district has adopted procedures to continue the education of the student during the stay-home directive;
(b) These procedures rely upon continuing the student’s access to assignments and curriculum he would be receiving were he physically present in school; and
(c) Instructional personnel or administrative personnel, as defined in 1012.01, F.S. must be available to assist the student with assignments and curriculum during the stay-home directive.
Attendance Reporting Information

• FDOE is updating the Attendance Reporting documents and process to include a *new* code to report students under the Rule 6AER21-01 FAC.

• A student who is reported pursuant to Rule 6AER21-01 FAC shall be considered in attendance, for the purpose of meeting the attendance requirement for reporting FTE for Florida Education Finance Program funding.
  • This means there must be procedures in place to continue education throughout a "stay-home" directive; and
  • The student must have access to all assignments, curriculum, and instructional or administrative personnel throughout a "stay-home" directive.

• A student should be reported absent if they are sick or unable to continue education during the "stay-home" directive.
Department of Education Emergency Rule 6AER21-02 COVID-19 Hope Scholarship Transfer Procedures
What does it do?

- **Protects students and families** from forms of harassment as a result of personal health care decisions made by families.
- Students suffering from any form of harassment will be **eligible to seek a Hope Scholarship** to change schools or school districts.
- **Empowers parents** to make educational and health care decisions for their minor child.
- **Clearly outlines** the process a parent must follow to apply for a Hope Scholarship.
Rule 6AER21-02: COVID-19 Hope Scholarship Transfer Procedures

(1) Definitions. “COVID-19 harassment” means any threatening, discriminatory, insulting, or dehumanizing verbal, written or physical conduct an individual student suffers in relation to, or as a result of, school district protocols for COVID-19, including masking requirements, the separation or isolation of students, or COVID-19 testing requirements, that have the effect of substantially interfering with a student’s educational performance, opportunities or benefits.

(2) A student who is subject to COVID-19 harassment is eligible for a Hope Scholarship under Rule 6A-6.0951, The Hope Scholarship Program, Fla. Admin. Code R.
Rule 6AER21-02: COVID-19 Hope Scholarship Transfer Procedures

(3) School District Parent Notification Requirements. Pursuant to the requirements of Section 1002.40(6), a school district must timely notify a parent of the Hope Scholarship program and provide the parent with a completed Hope Scholarship Notification Form, (Form IEPC-HS1), as provided in Rule 6A-6.0951, when a parent reports COVID-19 Harassment. A parent whose child has, in the view of the parent, experienced COVID-19 Harassment, may submit Form IEPC-HS1 without regard to district notification.
Rule 6AER21-02: COVID-19 Hope Scholarship Transfer Procedures

(4) Hope Scholarship Application Procedure. To receive a Hope Scholarship, a parent must:
   (a) Follow the procedures set forth in subsection (4) of Rule 6A-6.0951 FAC.;
   (b) Designate the Incident Type as “Harassment” on Form IEPC-HS1; and
   (c) Write COVID-19 next to the Incident Type on the form.

(5) The nonprofit scholarship-funding organization shall confirm eligibility for each student and award all scholarships consistent with the requirements of section 1002.40, F.S., Rule 6A-6.0951 FAC., and this rule.
Hope Scholarship Procedures

• The Hope Scholarship Program was established in the 2018 legislative session to provide the parent of a K-12 public school student, who was subjected to an incident of bullying, harassment, or violence an opportunity to transfer to another public school, or request a scholarship for the student to enroll in and attend a participating private school.

• Pursuant to section 1002.40(6), Florida Statutes, school district personnel in Florida have a responsibility to notify families of the Hope Scholarship Program.

• Additionally, Section 1006.09(6), Florida Statutes, requires that principals submit accurate School Environmental Safety Incident Reporting (SESIR) system and discipline data to the state using the Automated Student Information System.
  • FDOE will follow-up with any reporting updates if needed.