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TO: Charter School Governing Boards, Administrators, and Leaders

FROM: Dakeyan C. Graham, Ph.D.
Executive Director, Office of Independent Education and Parental Choice

DATE: August 13, 2021

SUBJECT: Charter School Compliance with Florida Department of Health Rule 64DER21-12

This letter serves as clarification that all public charters are to operate in compliance with Executive Order 21-175 and the Florida Department of Health's (FDOH) Emergency Order 64DER21-12, which ensures that masks for students in schools are optional, as established by a student's parent or guardian. The FDOH rule, issued on August 6, 2021, by Florida Surgeon General, Dr. Scott Rivkees, is explicit in its expectations for ensuring that any mandated mask policies imposed by a district or school "must allow for a parent or legal guardian of the student to opt-out the student from wearing a face covering or mask." It is important to note that the emergency rule does not require parents to submit medical documentation from a physician or a nurse practitioner in order to opt out and any such requirement is inconsistent with the emergency rule.

FDOH emergency rule 64DER21-12 is consistent with Executive Order 21-175, issued on July 30, 2021, which requires FDOH and the Florida Department of Education (FDOE) to immediately work together to execute rules pursuant to section 120.54, Florida Statutes (F.S.). In addition, section (s.) 1002.33(1), F.S. clearly states that "All charter schools in Florida are public schools and shall be part of the state's program of public education." Furthermore, subsections (9) and (16) of s. 1002.33, F.S. emphasize that charter schools are subject to all laws and rules (and, moreover, emergency rule) that relate to the health, safety and welfare of students.

Again, it is imperative that all charter schools ensure compliance with Executive Order 21-175 and the corresponding FDOH emergency rule 64DER21-12. Please know that our team is here to provide any additional clarification that you or your team may need as you ensure this compliance.

Sincerely,

Dakeyan C. Graham
Executive Director, Office of Independent Education and Parental Choice

Dakeyan Graham, Ph.D., Executive Director
Office of Independent Education & Parental Choice