

**STATE OF FLORIDA  
STATE BOARD OF EDUCATION**

DEPT OF EDUCATION  
TALLAHASSEE FLA

IN RE:

DOE No.: 2021-4030

SCHOOL BOARD OF DUVAL COUNTY,  
STUDENT OPT-OUT REQUIREMENTS.

---

**ORDER OF STATE BOARD OF EDUCATION UNDER ITS OVERSIGHT AND  
ENFORCEMENT AUTHORITY**

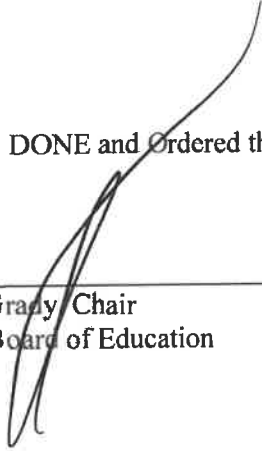
After having considered the determination of probable cause made by the Commissioner of Education, Richard Corcoran, along with an independent review of the documentary support for that determination, as well as public comment and discussions provided at the October 7, 2021, State Board of Education meeting, the State Board of Education implements its oversight authority under section 1008.32, Florida Statutes, as follows:


1. The State Board of Education finds that the School Board of Duval County's masking/face covering policy does not comply with Florida Department of Health Emergency Rule 64DER21-15, Protocols for Controlling COVID-19 in School Settings. That rule requires public schools to "allow for a parent or legal guardian of the student to opt the student out of wearing a face covering or mask at the parent or legal guardian's sole discretion."
2. Based on this finding, it is ordered that the School Board of Duval County must document compliance with Florida Department of Health Emergency Rule 64DER21-15.
3. The School Board of Duval County has 48 hours from receipt of this order to document compliance as set forth in this order. If the School Board of Duval County demonstrates compliance by this deadline, then no further action is needed.
4. If the School Board of Duval County fails to timely document compliance within 48 hours from receipt of this order, the School Board of Duval County must provide to the

Commissioner of Education, no later than 48 hours after receipt of this order, information confirming the current annual compensation provided to all school board members.

5. Upon receipt of the annual compensation information for the School Board of Duval County members mentioned above, and continuing until the School Board of Duval County demonstrates compliance with the law, the Florida Department of Education is directed to begin withholding from state funds, on a monthly basis, an amount equal to 1/12 of the total annual compensation of the school board, as an initial step. Monthly withholding must continue until the School Board of Duval County demonstrates compliance, the State Board of Education withdraws this order, or when the rule expires or is withdrawn. If the School Board of Duval County fails to provide the requested compensation information within the 48 hour period, the Florida Department of Education shall withhold state funds based on the most recent appropriations estimate until the School Board of Duval County provides the current estimate.
6. In complying with this order, the School District of Duval County may not permit the reduction of funds based upon this order to impact student services or teacher pay.
7. The Florida Department of Education is also directed to withhold state funds, until the School Board of Duval County demonstrates compliance with the law, in an amount equal to any federal Project SAFE Grant funds, or successor grants, awarded to the School District of Duval County for its noncompliance with Emergency Rule 64DER21-15.
8. The Commissioner of Education shall monitor and report to the State Board of Education on the School Board of Duval County's compliance with Florida Department of Health Emergency Rule 64DER21-15 and this order, and periodically provide recommendations to the State Board of Education on the matter.

DONE and Ordered this 12<sup>th</sup> day of October, 2021.

  
\_\_\_\_\_  
Tom Grady, Chair  
State Board of Education

  
\_\_\_\_\_  
Ben Gibson, Vice Chair  
State Board of Education

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on October 12, 2021, the foregoing was filed with the Agency Clerk of the Florida Department of Education, and that a true and correct copy of the foregoing has been furnished via email and U.S. Mail to:

Dr. Diana L. Greene, Duval County School Superintendent

[GreeneD@duvalschools.org](mailto:GreeneD@duvalschools.org)

Ms. Elizabeth Andersen, Chair, School Board of Duval County

[lizforduvalschoolboard@gmail.com](mailto:lizforduvalschoolboard@gmail.com)

  
\_\_\_\_\_  
AGENCY CLERK