

AGENDA
SPECIAL MEETING OF THE CAPE CORAL
CHARTER SCHOOL GOVERNING BOARD
Friday, August 27, 2021
City of Cape Coral Charter School-
Council Chambers
5:30 PM

1. CALL TO ORDER:

A. Chairman Dr. Guido Minaya

2. MOMENT OF SILENCE:

A. Chairman Dr. Guido Minaya

3. PLEDGE OF ALLEGIANCE:

A. Chairman Dr. Guido Minaya

4. ROLL CALL:

A. Chairman Dr. Guido Minaya, Vice Chair Dr. Melissa Rodriguez Meehan, Gloria Raso Tate, District 1 - Council Liaison, Michael Campbell, Kristifer Jackson, Susan Mitchell. Parent Representatives: Jennifer Hoagland/ OHS-SAC, Sara Kalbhenn/ OMS, and Tonya Frank/OEN-OES

5. AGENDA ITEMS:

- A. Request for Approval of the Agenda of the Cape Coral Charter School Authority Governing Board Special Meeting dated Friday, August 27, 2021.
- B. Public Comment is limited to three(3) minutes per individual; 45 minutes total comment time. (In lieu of in-person comments, members of the public may submit e-comments using "e-comment" forms found on the City of Cape Coral's City Clerk's Office web page under "Agendas and Videos" at www.capecoral.net. All e-comments must be received no later than 12:00p.m. the day of the meeting.)
- C. Discussion of the Oasis Charter Schools' Mitigation and Quarantine Protocols that Align with Emergency Rule 64DER21-12, Section I "Protocols for Controlling COVID-19 in School Settings," issued August 6, 2021

6. TIME AND DATE OF NEXT MEETING:

A. The Next Regular Governing Board Meeting will be held on Tuesday, September 14, 2021 at 5:30p.m. in Cape Coral City Council Chambers, 1015 Cultural Park Blvd., Cape Coral, FL 33990

7. ADJOURNMENT:

Members of the audience who address the Board/Commission/Committee shall step up to the speaker's lectern and give his/her full name, address and whom he/she represents. Proper decorum shall be maintained at all time. Any audience member who is boisterous or disruptive in any manner to the conduct of this meeting shall be asked to

leave or be escorted from the meeting room.

In accordance with the Americans with Disabilities Act and 286.26, Florida Statutes, persons needing a special accommodation to participate in this proceeding should contact the Human Resources Department whose Office is located at Cape Coral City Hall, telephone 1-239-574-0530 for assistance; if hearing impaired, telephone the Florida Relay Service Numbers, 1-800-955-8771 (TDD) or 1-800-955-8700 (v) for assistance. In accordance with Florida Statute 286.0105: any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based.

Item Number:	1.A.
Meeting Date:	8/27/2021
Item Type:	Call to Order

AGENDA REQUEST FORM
City Of Cape Coral Charter School Authority

TITLE:

Chairman Dr. Guido Minaya

SUMMARY:

ADDITIONAL INFORMATION:

RECOMMENDED ACTION:

Item Number: 2.A.
Meeting Date: 8/27/2021
Item Type: Moment of Silence

AGENDA REQUEST FORM
City Of Cape Coral Charter School Authority

TITLE:

Chairman Dr. Guido Minaya

SUMMARY:

ADDITIONAL INFORMATION:

RECOMMENDED ACTION:

Item Number: 3.A.
Meeting Date: 8/27/2021
Item Type: Pledge of Allegiance

AGENDA REQUEST FORM
City Of Cape Coral Charter School Authority

TITLE:

Chairman Dr. Guido Minaya

SUMMARY:

ADDITIONAL INFORMATION:

RECOMMENDED ACTION:

Item Number:	4.A.
Meeting Date:	8/27/2021
Item Type:	Roll Call

AGENDA REQUEST FORM
City Of Cape Coral Charter School Authority

TITLE:

Chairman Dr. Guido Minaya, Vice Chair Dr. Melissa Rodriguez Meehan, Gloria Raso Tate, District 1 - Council Liaison, Michael Campbell, Kristifer Jackson, Susan Mitchell. Parent Representatives: Jennifer Hoagland/ OHS-SAC, Sara Kalbhenn/ OMS, and Tonya Frank/OEN-OES

SUMMARY:

Received a Request

ADDITIONAL INFORMATION:

RECOMMENDED ACTION:

Item Number:	5.A.
Meeting Date:	8/27/2021
Item Type:	Agenda Items

AGENDA REQUEST FORM
City Of Cape Coral Charter School Authority

TITLE:

Request for Approval of the Agenda of the Cape Coral Charter School Authority Governing Board Special Meeting dated Friday, August 27, 2021.

SUMMARY:

BASED ON MEETING ATTENDANCE, the Board may consider the following:
Request for Approval to Modify the Speaking Time in the PUBLIC COMMENT section of the Special Meeting Agenda dated August 27, 2021 to read: "Public Comment is limited to up to three (3) minutes per Individual; 45 minutes total public comment time, unless the number of speakers is greater than 20, in which case each speaker will be allowed up to two(2) minutes of speaking time; unless the number of speakers is greater than 30, in which case each speaker will be allowed to speak up to one(1) minute for a total of 45 minutes of public comment.

ADDITIONAL INFORMATION:

RECOMMENDED ACTION:

Recommended Motion:

Motion to Approve the agenda with the following change:

Item 5. B. PUBLIC COMMENT Approve modification to the Speaking Time as follows: Up to three (3) minutes per Individual; 45 minutes total public comment time, unless the number of speakers is greater than 20, in which case each speaker will be allowed up to two(2) minutes of speaking time; unless the number of speakers is greater than 30, in which case each speaker will be allowed to speak up to one(1) minute for a total of 45 minutes of public comment.

Item Number:	5.B.
Meeting Date:	8/27/2021
Item Type:	Agenda Items

AGENDA REQUEST FORM
City Of Cape Coral Charter School Authority

TITLE:

Public Comment is limited to three(3) minutes per individual; 45 minutes total comment time. (In lieu of in-person comments, members of the public may submit e-comments using "e-comment" forms found on the City of Cape Coral's City Clerk's Office web page under "Agendas and Videos" at www.capecoral.net. All e-comments must be received no later than 12:00p.m. the day of the meeting.)

SUMMARY:

ADDITIONAL INFORMATION:

RECOMMENDED ACTION:

Item Number:	5.C.
Meeting Date:	8/27/2021
Item Type:	Agenda Items

AGENDA REQUEST FORM
City Of Cape Coral Charter School Authority

TITLE:

Discussion of the Oasis Charter Schools' Mitigation and Quarantine Protocols that Align with Emergency Rule 64DER21-12, Section I "Protocols for Controlling COVID-19 in School Settings," issued August 6, 2021

SUMMARY:

- A. SUPERINTENDENT'S REPORT - Jacquelin Collins, Superintendent
- B. STAFF COMMENT - Melanie Klages, R.N., Charter School Authority Nurse
- C. CHAIRMAN'S REPORT - (1) Chair Dr. Guido Minaya; (2) Vice Chair Dr. Melissa Rodriguez Meehan
- D. FINAL BOARD COMMENT AND DISCUSSION

ADDITIONAL INFORMATION:

Some reports are still in progress. They will be added when complete and as necessary.

RECOMMENDED ACTION:

ATTACHMENTS:

Description	Type
EMERGENCY RULE 64DER21-12	Backup Material
HOPE TRANSFER PROCEDURES AND FORM	Backup Material

Notice of Emergency Rule

DEPARTMENT OF HEALTH

Division of Disease Control

RULE NO.: RULE TITLE:

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

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Because a recent increase in COVID-19 infections, largely due to the spread of the COVID-19 delta variant, coincides with the imminent start of the school year, it is imperative that state health and education authorities provide emergency guidance to school districts concerning the governance of COVID-19 protocols in schools. Accordingly, pursuant to its authority to adopt rules governing the control of preventable communicable diseases in public schools, *see* section 1003.22(3), Florida Statutes, the Florida Department of Health, after consultation with the Department of Education, hereby promulgates an emergency rule regarding COVID-19 protocols in public schools to encourage a safe and effective in-person learning environment for Florida's schoolchildren during the upcoming school year; to prevent the unnecessary removal of students from school; and to safeguard the rights of parents and their children.

This emergency rule conforms to Executive Order Number 21-175, which ordered the Florida Department of Health and the Florida Department of Education to ensure safety protocols for controlling the spread of COVID-19 in schools that (1) do not violate Floridians' constitutional freedoms; (2) do not violate parents' rights under Florida law to make health care decisions for their minor children; and (3) protect children with disabilities or health conditions who would be harmed by certain protocols, such as face masking requirements. The order, which is incorporated by reference, directs that any COVID-19 mitigation actions taken by school districts comply with the Parents' Bill of Rights, and "protect parents' right to make decisions regarding masking of their children in relation to COVID-19."

Because of the importance of in-person learning to educational, social, emotional and mental well-being, removing healthy students from the classroom for lengthy quarantines should be limited at all costs. Under Florida law, parents have a fundamental right to direct the upbringing, education, health care, and mental health of their minor children and have the right to make health care decisions for their minor children. HB 241, Ch. 2021-199, Laws of Fla. In furtherance of the Florida Department of Health's authority to adopt rules governing the control of preventable communicable diseases—and because students benefit from in-person learning—it is necessary to immediately promulgate a rule regarding COVID-19 safety protocols that protects parents' rights and to allow for in-person education for their children. Removing children from school poses a threat to developmental upbringing and should not occur absent a heightened showing of illness or risk of illness to other students.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: This emergency rule is necessary in light of the recent rise in COVID-19 cases in Florida and the urgent need to provide COVID-19 guidance to school districts before the upcoming school year commences. Given that a majority of schools will resume in-person learning for the 2021-2022 school year within the next four weeks, there is insufficient time to adopt the rule through non-emergency process.

SUMMARY: Emergency rule 64DER21-12 sets forth the procedures for controlling COVID-19 in school settings. **THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS:** Carina Blackmore, Florida Department of Health, 4052 Bald Cypress Way, Tallahassee, Florida 32399-1703, (850)245-4732.

THE FULL TEXT OF THE EMERGENCY RULE IS:

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.
- (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.
- (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.
- (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 parents 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.

Rulemaking Authority 1003.22(3) FS. Law Implemented 1003.22(3) FS. History—New.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.
EFFECTIVE DATE:



Scott A. Rivkees, MD
State Surgeon General

8/6/21

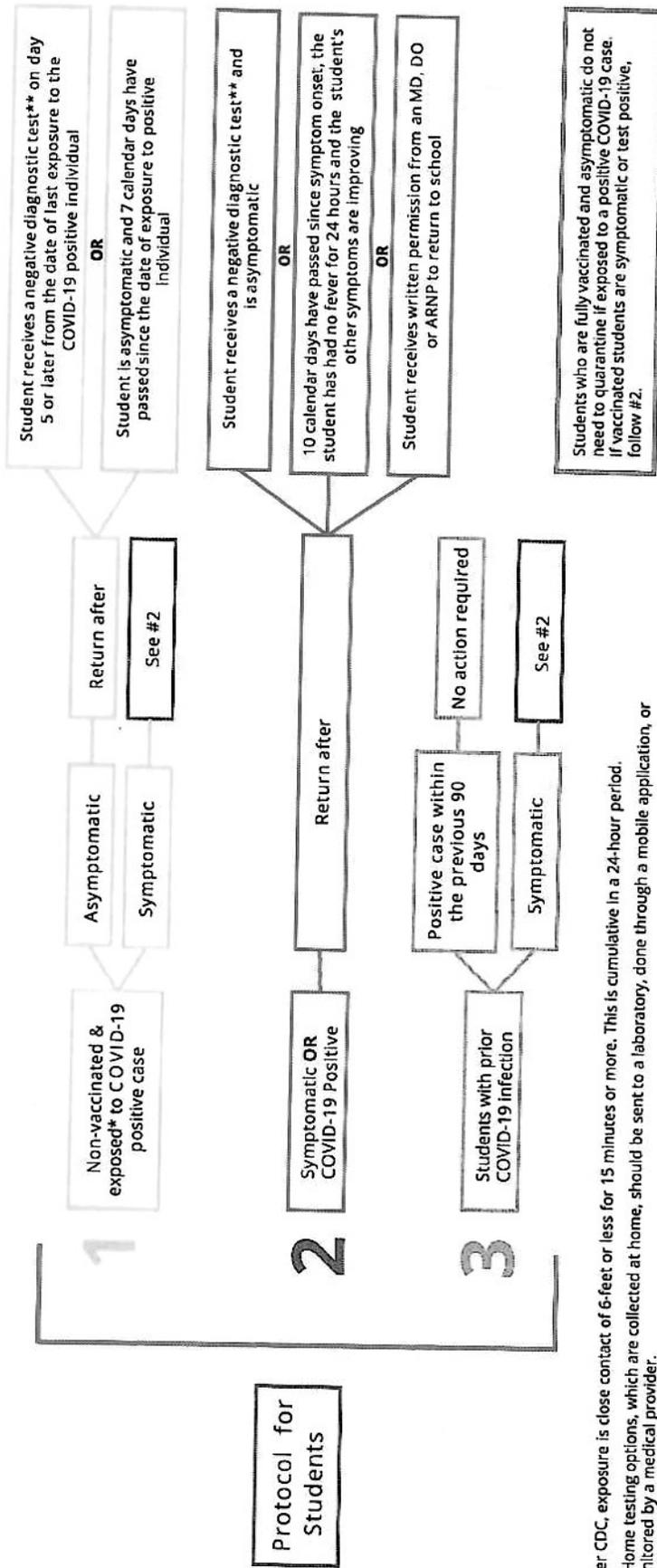
Date



PERSONAL | PASSIONATE
PROGRESSIVE

2021-22 SCHOOL YEAR

PROTOCOLS FOR CONTROLLING COVID-19



Protocol for Students

* Per CDC, exposure is close contact of 6-feet or less for 15 minutes or more. This is cumulative in a 24-hour period.
** Home testing options, which are collected at home, should be sent to a laboratory, done through a mobile application, or monitored by a medical provider.

NOTICE OF EMERGENCY RULE

DEPARTMENT OF EDUCATION

STATE BOARD OF EDUCATION

RULE No.: 6AER21-02

RULE TITLE: COVID-19 Hope Scholarship Transfer Procedures.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: Given the recent rise in COVID-19 infections, largely driven by the spread of the delta variant, and the impending start to the 2021-2022 school year, the Florida Department of Education has been working to assist the Florida Department of Health in the development of minimum protocols governing the control of COVID-19 in public schools. As public school districts seek to impose new COVID-19 restrictions on students, emergency rulemaking is necessary here to protect the rights of students and their parents or guardians.

This rule conforms to Executive Order Number 21-175, which ordered the Florida Department of Health and the Florida Department of Education to immediately execute rules and to take any additional agency action as necessary, using all legal means available, to ensure safety protocols for controlling the spread of COVID-19 in schools that (1) do not violate Floridians' constitutional freedoms; (2) do not violate parents' rights under Florida law to make health care decisions for their minor children; and (3) protect children with disabilities or health conditions who would be harmed by certain protocols, such as face masking requirements. The Order, which is incorporated by reference, directs that any actions taken by school districts comply with the Parents' Bill of Rights, codified in Sections 1014.02 – 1014.06, Fla. Stat., and "protect parents' right to make decisions regarding masking of their children in relation to COVID-19." Parental rights include the right to make health care decisions for minor children, unless prohibited by law, and the right to direct the education and care of minor children. See, Section 1014.04, Fla. Stat. In order to ensure compliance with the law and state board rule, under Section 1008.32, Fla. Stat., the State Board of Education has authority to withhold from school districts state funds, discretionary grant funds, discretionary lottery funds or any other funds specified as eligible for this purpose by the legislature, until the district comes into compliance.

Because of the importance of in-person learning to educational, social, emotional and mental well-being, it is important to protect parents' right to make health care decisions for their minor children at school and provide in-person education for their children. Unnecessarily isolating, quarantining, or subjecting children to physical COVID-19 constraints in schools poses a threat to developmental upbringing and should not occur absent a heightened showing of actual illness or serious risk of illness to other students.

The Hope Scholarship Program provides funding for a K-12 public school student to transfer to a private school or to another district in the state if the student has been subjected to harassment or other qualifying adverse, intimidating treatment at school. Applying the Hope Scholarship Program to instances where a child has been subjected to COVID-19 harassment will provide parents another means to protect the health and education of their child by moving their child to another school.

In light of the recent increase in COVID-19 infections, school districts throughout the state are contemplating adoption of additional COVID-19 restrictions. Given that public schools throughout the state open in August and some open in less than one week, there is not sufficient time to proceed through normal rulemaking procedures before school starts. Accordingly, the Department finds that there is an immediate danger to the health, safety and welfare of students that requires emergency action by the department.

REASONS FOR CONCLUDING THAT PROCEDURE USED IS FAIR UNDER THE CIRCUMSTANCES: First, as noted above, because the recent increase in COVID-19 cases has prompted school districts to consider imposing additional COVID-19-related requirements on students and because school begins in August, there is not sufficient time to adopt a rule through non-emergency means before the start of the 2021-22 school year. Second, the agency has received multiple inquiries about school district COVID-19 protocols, which currently vary from district to district and even from school to school. Third, the emergency rule relies upon an Order of the Governor, which is public, and the rule was published on the Department's website to reach interested persons prior to consideration by the State Board of Education. Finally, because the Department is headed by a board, rather than an individual, the rule will be considered at a public meeting before the State Board of Education, with the opportunity for public input prior to final adoption. While this period is an abbreviated one, given the need to act quickly, the Department concludes that the procedure utilized is fair to interested and affected persons.

SUMMARY OF THE RULE: The emergency rule provides a mechanism to transfer a child to a private school or another school district under a Hope Scholarship when a student is subjected to harassment in response to a school district's COVID-19 mitigation protocols.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Dr. Dakeyan C. Graham, Executive Director, Office of Independent Education and Parental Education.

THE FULL TEXT OF THE EMERGENCY RULE IS:

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.

(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, , Fla. Admin. Code R., 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.

(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, Fla. Admin. Code R;

(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, Fla. Admin. Code R., and this rule.

Rulemaking Authority 1001.02(2)(n), 1002.40(16) FS. Law Implemented 1002.40 FS. History –

New

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF
STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE:

Hope Scholarship Notification Form

Pursuant to section 1002.40, Florida Statutes, the Hope Scholarship Program provides a public school student who was subjected to a qualifying incident with the opportunity to transfer to another public school with capacity (within the school district or another school district) or request a scholarship to attend an eligible private school. Upon receipt of a report of an incident, the school principal (or designee), is required to notify the parents of the reported incident and to investigate the incident to determine if it must be reported in SESIR, as required by s. 1006.09(6), F.S. After the investigation is completed, or within 15 days after the incident was reported to the principal, whichever comes first, the school district must notify the parent of opportunity to transfer to another school under the Hope Scholarship Program.

By completing and signing this form, the principal is confirming that the parent was provided the form within the required timeframe and was notified of the educational opportunities under the Hope Scholarship Program. The school should retain a copy and provide original document to the parent.

Student Information

Student Name: _____ Date of Birth: _____
FLEID: _____ Grade Level: _____
School of Enrollment and MSID: _____ School District: _____

Incident Information

Date and Time of Incident: _____

Date Incident Reported: _____

Incident Location:

- School Grounds/On Campus
- School-Sponsored Activity/Off Campus
- School-Sponsored Transportation (Including Bus Stops)
- Other School Location (please specify):

Incident Type as defined in Rule 6A-1.0017 SESIR*:

- Aggravated Battery
- Harassment
- Hazing
- Bullying
- Kidnapping
- Physical Attack
- Robbery
- Sexual Assault
- Sexual Battery
- Sexual Harassment
- Sexual Offenses-Other
- Threat or Intimidation
- Fighting

*Includes substantiated and unsubstantiated incidents

Confirmation of Hope Scholarship Notification and Reporting

Principal or Designee Signature: _____ Date: _____
Email Address: _____ Phone Number: _____

Schools: Please report the number of Hope Scholarship Notification Forms provided to parents for substantiated and unsubstantiated incidents in your Student Information System.

Parents: To transfer your student to another public school please contact your school district office. For more information on how to apply for the private school option, please visit www.floridaschoolchoice.org. The maximum amount awarded to a student enrolled in a public school located outside of the district the student resides shall be \$750. Parents are required to inform the school district when the parent withdraws a student to attend a private school under this program.

Item Number:	6.A.
Meeting Date:	8/27/2021
Item Type:	Date and Time of Next Meeting:

AGENDA REQUEST FORM
City Of Cape Coral Charter School
Authority

TITLE:
The Next Regular Governing Board Meeting will be held on Tuesday, September 14, 2021 at 5:30p.m. in Cape Coral City Council Chambers, 1015 Cultural Park Blvd., Cape Coral, FL 33990

SUMMARY:

ADDITIONAL INFORMATION:

RECOMMENDED ACTION: