

SUPPLEMENTAL ORDER
(Hurricane Wilma)

In accordance with the authority vested in me as State Coordinating Officer under Executive Order 05-219, to enable school districts to provide services in the aftermath of Hurricane Wilma, for those districts which have been declared a federal disaster area, only to the extent necessitated by Hurricane Wilma's destruction and for the purpose of enabling educational services expeditiously to resume, I authorize the following:

1. The requirements of Section 1003.03, Florida Statutes, pertaining to district requirements as to class size, are waived. To the extent a district is unable to comply with class size requirements for the 2005-06 fiscal year, and only to the extent that its lack of compliance is a result of Hurricane Wilma, such district shall not be considered in non-compliance.
2. The requirement of Section 1011.60, Florida Statutes, that a school year shall be no less than 180 days, is waived to the extent districts were unable to open on their normal schedule or lost school days as a result of Hurricane Wilma and do not have extra days in the schedule that could constitute make-up days. Each potentially affected district shall be required to support the extent of the requested waiver to the Commissioner of Education prior to the waiver being granted.
3. The requirements of Section 1003.22, Florida Statutes, requiring school entry health examinations and requirements for immunization, are suspended for a period of thirty (30) days for students in the declared disaster districts to the extent a student's failure to comply is attributable to Hurricane Wilma, unless there is an individual determination that admitting a student under this waiver would constitute a clear-and-present medical danger.
4. The requirements of Sections 1002.39, 1003.38 and 220.187, Florida Statutes, are waived to the extent they could cause students using a McKay Scholarship, Opportunity Scholarship or Corporate Tax Credit Scholarship to become ineligible if the students re-enroll in a public school because of Hurricane Wilma's impact on the private school in which the student was enrolled.
5. The requirements of Chapter 447, Florida Statutes, that districts follow the collective bargaining agreements reached with employees under Chapter 447, Florida Statutes, are waived to the extent these requirements hinder a district in dealing with Hurricane Wilma's impact. The district shall notify the union in writing to the extent the district has waived requirements of the collective bargaining agreement.
6. The requirements of Chapter 1013, Florida Statutes, relating to educational facilities, are waived to the extent needed to deal with the impact of Hurricane Wilma if a superintendent makes a determination that using a facility temporarily to deal with the results of Hurricane Wilma does not present a clear-and-

present danger to students or staff. The facilities staff in the Department of Education shall be notified when a superintendent makes such a determination.

To the extent that there are federal statutes, rules or regulations from which it may be necessary to seek waiver, I ask the Department of Education to coordinate with the local education authorities to make the necessary requests. To the extent that timelines have been established by the Department of Education, in the context of reports, applications, contracts, or grants, I ask the Department expeditiously to review all such requirements and take steps to, as needed, waive such requirements for individuals or entities located in disaster areas, taking care that any such waivers should not unnecessarily slow down the processing of competitive grant applications for the rest of the State.

Knowing that recovery after a hurricane is an evolving process, and that there may be a need to make further waivers and adjustments to statutes and rules during the course of recovery operations, I ask all the educational entities in the declared disaster areas to coordinate closely with the Department of Education and the State Coordinating Officer to seek such adjustments.

Except as set forth above, this waiver shall be in effect for the duration of Executive Order 05-219 and any extensions or modifications thereof.


November 1, 2005



State Coordinating Officer

for





Legal Counsel

Tracker No. _____