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COVID Aftermath: The Impact of the Pandemic on Florida's Public School Students

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Gator TeamChild
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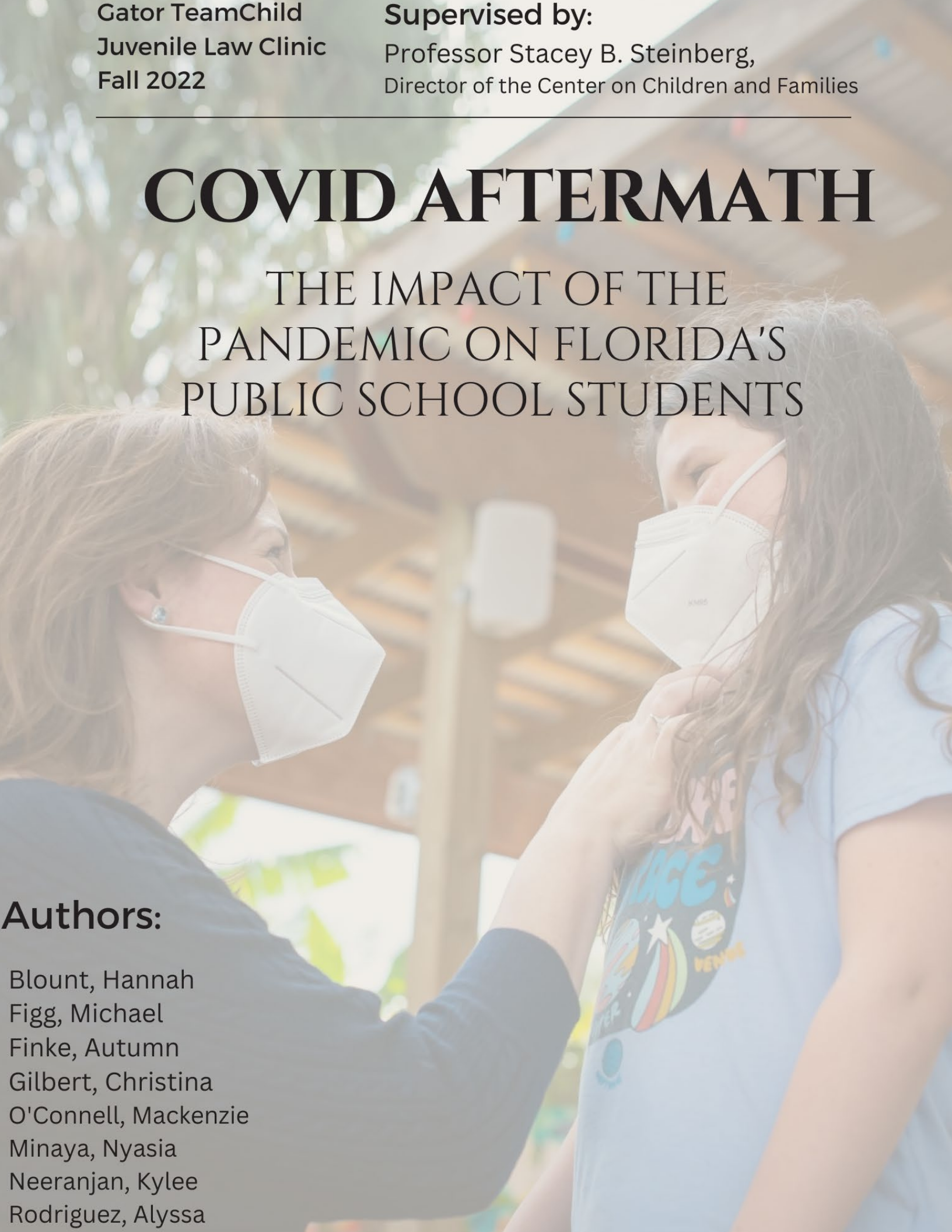
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COVID AFTERMATH

THE IMPACT OF THE PANDEMIC ON FLORIDA'S PUBLIC SCHOOL STUDENTS

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**COVID AFTERMATH:
The Impact of the Pandemic on Florida’s Public School Students.**

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The goal of this White Paper is to provide an overview of the current and future impacts the COVID-19 pandemic (“COVID”) has left on Florida’s public school education system. Additionally, this White Paper review show how public education institutions are still working to address the loss of instructional time and long-term consequences due to pandemic-related school disruptions.

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I. INTRODUCTION

WHITE PAPER EDITED AND COMBINED BY ALYSSA RODRIGUEZ

In the Fall of 2022, students enrolled in the Gator TeamChild Juvenile Law Clinic at the University of Florida Levin College of Law (hereinafter referred to as “Clinic”)¹ individually (“Intern”) explored how the COVID pandemic has altered Florida’s education system and personally impacted student’s academic performance.² Each student in the Clinic has conducted independent research to combine a thorough analysis of how COVID has and will continue to impact Florida’s education system. Through this research interns reviewed COVID’s impact on academic performance and school attendance. Interns analyzed the large impact of what Florida’s education system provides for the public, far beyond just traditional education. Interns analyzed institutions’ technology responses, COVID’s impacts on higher education institutions, how institution closures impacted food insecurity for many students, and how these issues have led to the implementation of current legislation aimed. What follows is a report outlining the Clinic’s findings.³

II. COVID’S IMPACT ON ACADEMIC PERFORMANCE OVERVIEW

SECTION WRITTEN BY MICHAEL FIGG

On a national scale, COVID had a devastating impact on academic performance. The negative impacts of COVID were particularly harmful to K-12 students whose learning was most impacted. Recent studies indicate that on a national level, students in K-12 were on average five months behind in mathematics and four months behind in reading by the end of 2021.⁴ Among those impacted, students from disadvantaged communities were hit the hardest with six months of unfinished learning.⁵ As a result of these setbacks, high schoolers were found to be more likely to drop out of school and less likely to attend postsecondary education.⁶

The impact on academic performance is predicted to have long-term consequences. Without immediate and sustained interventions, a decline in academic performance is expected to reduce lifetime earnings for K-12 students by an average of \$49,000 to \$61,000.⁷ Combined with these lower earnings contribute to lower levels of education, attainment, and less innovation all of which lead to decreased economic productivity.⁸ It is suggested that by 2040, there will be a potential annual gross domestic product loss of \$128 billion to \$188 billion from pandemic-related academic performance decline.⁹ Anya Kamenetz sums up the problem in her book *The Stolen Year: How COVID Changed Children's Lives, and Where We Go Now* when she stated:

¹ Students enrolled in the Gator TeamChild Juvenile Law Clinic provide representation to children in dependency, education, and delinquency related matters as well as work on systemic policy issues affecting children and families.

² Gator TeamChild Juvenile Law Clinic would like to personally thank Anya Kamenetz for coming to speak to our Clinic to further discuss her book *The Stolen Year: How COVID Changed Children's Lives, and Where We Go Now*.

³ Gator TeamChild Juvenile Law Clinic does not certify the work or citations of an intern’s independent study.

⁴ Emma Dorn, *COVID-19 and education: The lingering effects of unfinished learning*, MCKINSEY & COMPANY (July 27, 2021), <https://www.mckinsey.com/industries/education/our-insights/covid-19-and-education-the-lingering-effects-of-unfinished-learning>.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Using Hanushek and Woessmann 2008 methodology to map national per capita growth associated with decrease in academic achievement, then adding additional impact of pandemic dropouts on GDP. For more, see Eric A.

By the fall of 2021, all the evidence we had – standardized test scores, information from learning software programs, attendance data, student grades, graduation rates, opinion polls of parents and teachers – supported the idea that children nationwide had learned less than they normally would have during the pandemic pause. They missed more school hours. They failed more courses. The students who were already behind lost the most. Students who stayed remote the longest, on average, learned the least.¹⁰

With this background in mind, this section of the White Paper attempts to uncover the impact of COVID on academic performance within the state of Florida. This section begins with a background on the importance of education for children in Florida. This section further includes an overview of the state’s caliber set through its Florida's Benchmarks of Excellent Student Thinking ("B.E.S.T.") standards and Florida Assessment of Student Thinking (“FAST”) testing. Next, this section explores the robust online virtual education system that was in place in Florida prior to the start of the pandemic. This section concludes with a prediction about the impact on the future performance of K-12 students in Florida due to the pandemic and ultimately concludes that while there may be some long-term effects on academic performance, the robustness and strength of the Florida online education systems will place children in the state in a better position than children in other states.

A. FLORIDA EDUCATION GOALS, FAST TESTING, AND THE LOOMING PANDEMIC

The Florida Department of Education's ("FDOE") mission is to increase the proficiency of all students within one seamless, efficient system, by allowing them the opportunity to expand their knowledge and skills through learning opportunities and research valued by students, parents, and communities.¹¹ To achieve this mission, FDOE adopted FAST as a progress monitoring assessment for reading and math that is administered to pre-kindergarten students through tenth grade, three times per year, to track student’s progress in reading and mathematics materials within BEST Standards.¹²

In the early months of 2020, the FDOE issued statewide guidance instructing K-12 educators on how to handle COVID in their schools. The FDOE stated their support and compliance with the Centers for Disease Control and Prevention ("CDC") recommendations to close school campuses and limit necessary gatherings to ten or less.¹³ Specifically, and related to academic performance, the FDOE issued statements that current seniors would be evaluated for graduation in accordance with less stringent requirements than imposed on students in the past. One example of such a statement describes that "if a senior is expected to graduate in spring 2020

Hanushek and Ludger Woessmann, *The role of cognitive skills in economic development*, Vol. 46, No. 3 at 607–68, JOURNAL OF ECONOMIC LITERATURE (Sept. 2008).

¹⁰ Anya Kamenetz, *The Stolen Year: How COVID Changed Children's Lives, and Where We Go Now* (2022).

¹¹ See About Us, FLORIDA DEPARTMENT OF EDUCATION (2022), <https://www.fldoe.org/about-us/>.

¹² Florida Assessment of Student Thinking (FAST), PINELLAS COUNTY SCHOOLS (2022), <https://www.pcsb.org/fast#:~:text=The%20new%20Florida%20Assessment%20of,and%20mathematics%20material%20within%20Florida.>

¹³ Richard Corcoran, Florida Department of Education (FDOE) Q&A Guidance, FLORIDA DEPARTMENT OF EDUCATION (2020), <https://www.fldoe.org/core/fileparse.php/19861/urlt/FDOE-COVID-QA1.pdf>.

and has not met the exit criteria for Algebra 1 EOC and/or Grade 10 ELA FSA, or earned a concordant score, this criteria will be waived," among other reductions in requirements.¹⁴

In general, FDOE took immediate action in accordance with CDC recommendations and began reacting to the impending pandemic. On the bright side, prior to the pandemic, there was an extensive online education system in place in Florida administered through Florida Virtual School ("FLVS"). Florida has the most extensive K-12 virtual education system in the country, and since 2011, the Florida education code has required students entering ninth grade to take at least one course online during their time in high school.¹⁵ Florida's extensive experience with virtual education likely presented Florida with an advantage over other states when forced to turn to remote learning.

B. PREDICTING COVID'S IMPACT ON ACADEMIC ACHIEVEMENT IN FLORIDA

Given that the country is still riding the wake of COVID, it is difficult to predict or quantify the long-term impacts the pandemic will have on student's academic performance. As of October 2022, these impacts have likely yet to materialize or have yet to be recorded and publicized. As a result, this section looks at two prior studies that analyzed the impact of online education in Florida and extrapolates the results to apply to the pandemic settings.

One study examining virtual course taking in Florida examined the relationship between enrollment in virtual classes and graduation rates.¹⁶ This study ultimately highlights two key advantages and disadvantages of online education.¹⁷ First, the study showed a difference in graduation rates depending on whether a student was a "first-time" online course taker or a "retaker" of online courses.¹⁸ For "first-time" course takers, virtual instruction was found to result in a 3.3% decline in the likelihood of expected high school graduation.¹⁹ In contrast, the study found that virtual course-taking is positively associated with downstream outcomes for retakers.²⁰ Virtual retakers were 10% more likely to graduate when compared with face-to-face students of the same course.²¹ Extrapolating from these results, one conclusion is that online education can have a positive impact on graduation rates for those students who have already been exposed to some form of online courses.²² This bodes well for Florida students during the pandemic when much learning was shifted online because, as highlighted above, prior to the pandemic all Florida high school students were required to take one online course.²³ Thus, Florida students may fall into the "retaker" category of the study and experience better outcomes from the increased exposure to online courses that the pandemic brought.²⁴

Another study examined whether FLVS students experienced better outcomes in terms of test scores and school attendance during the year they enrolled in an FLVS course relative to non-

¹⁴ *Id.*

¹⁵ Cassandra M. D. Hart, Dan Berger, Brian Jacob, Susanna Loeb, and Michael Hill, *Online Learning, Offline Outcomes: Online Course Taking and High School Student Performance*, SAGE JOURNALS (Feb. 27, 2019), <https://journals.sagepub.com/doi/10.1177/2332858419832852>.

¹⁶ *See supra* note 12.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

FLVS students.²⁵ The results of the study indicated that FLVS students scored modestly higher than non-FLVS students. However, the study indicated that this result does not mean that FLVS participation necessarily caused them to score higher, as these students could have higher levels of unmeasured characteristics positively associated with student achievement growth, such as perseverance and motivation.²⁶ However, despite these concerns in the research, the study concludes that the concerns about the quality of FLVS are not supported by the evidence and in fact, the true FLVS effects may be more positive than negative.²⁷ Similar to the first study, this research minimizes the concern about the quality of online education in Florida, which might indicate that Florida was well-suited for the shift and that the impacts on academic performance for the prospective success of Florida students may be small.

C. LIMITATIONS ON RESEARCH

An important limitation of the conclusions in this section is that the research and data available in this area are limited generally, and even more limited when it comes to state-specific information. For example, as described in the second study mentioned above, there is no existing high-quality research on the impact of fully online high school courses on student achievement in the U.S. The study describes that this is likely due in large part to the fact that measuring the impact of virtual education is rife with methodological challenges.²⁸ Thus, while we have some research into COVID's impact on national academic performance and we have research focusing on online education of Florida children in a pre-pandemic world, there is little to no work that synthesizes the two or looks at academic performance on a state-by-state basis. While we are unsure of how these unprecedented times will impact them in their higher education, in the next section we will focus on how Florida universities have tried to prevent and continue education throughout the pandemic.

III. THE SPREAD OF COVID AND ITS IMPACTS ON ATTENDANCE

SECTION WRITTEN BY KYLEE NEERANJAN

As the previous sections have shown, schools' absence from the community is poignantly felt at all levels of education. All educational institutions made it a priority to continue education in light of COVID. This section analyzes how institutions slowly transitioned to requiring students to return to campus by following step-by-step safety protocols in hopes to further limit COVID's impact by getting students back in the classroom.

On March 9, 2020, Governor Ron DeSantis declared a state of emergency in the state of Florida in Executive Order 20-52.²⁹ At this point, positive cases of COVID were recorded in eight Florida counties, ultimately, posing "a risk to the entire state of Florida."³⁰ By March 20, 2020,

²⁵ *Id.*

²⁶ Matthew M. Chingos and Guido Schwedt, *Virtual Schooling and Student Learning: Evidence from the Florida Virtual School*, HARVARD KENNEDY SCHOOL PROGRAM ON EDUCATION POLICY AND GOVERNANCE WORKING PAPER SERIES at 3, 11, 13 (Sept. 2014), https://www.hks.harvard.edu/sites/default/files/Taubman/PEPG/research/PEPG14_02.pdf.

²⁷ *Id.* at 13.

²⁸ *Id.* at 3.

²⁹ Exec. Order No. 20-52.

³⁰ *Id.*

every school district in Florida had temporarily suspended in-person instruction.³¹ Three days later, the FDOE issued an emergency order “to promote the health and safety of each person connected with Florida’s education system,” recommending that school facilities remain closed until April 15, 2022.³² By April 22, 2022, the FDOE was presenting messages about reopening schools as a way to “reopen Florida’s economy.”³³

On June 11, 2020, Governor Ron DeSantis formally announced recommendations to reopen Florida’s education system.³⁴ Governor DeSantis described Florida’s approach as

[T]aking a smart, safe, step-by-step approach to re-opening, and this extensive data-driven plan will ensure Florida students, educators, and families have the confidence and support needed to get students back to the classroom, which will, in turn, allow parents back into the workforce and allow Florida to hit its economic stride.³⁵

After seeing how Florida’s education system had been impacted by the pandemic’s closure, the approach for reopening K–12 campuses was divided into three distinct steps: (1) in June 2020, campuses would open up for youth activities and summer camps; (2) in July 2020, campus capacities would be expanded further for summer recovery instruction; and (3) in August 2020, campuses would reopen at full capacity for the traditional start of the academic year.³⁶ Reopening schools was a locally-driven decision that sought to provide access to in-person learning, recognized as “the best method of education delivery for students.”³⁷ Most K–12 schools reopened in August, at the start of the 2020-2021 school year, except in Broward and Miami-Dade counties, the two largest counties in the state, delayed in-person instruction until October 9 and November 10, 2020 respectively.³⁸

Upon return, the 2020-2021 school year had 2,809,553 students enrolled.³⁹ In comparison to the total enrollment figure, 63,654 total COVID cases were reported in school-aged children (ages five- seventeen years old) during the first semester back to in-person instruction (from August 10–December 21, 2020).⁴⁰ A case was described as “school-related” when “a student or staff member who had been on campus for class, work, athletics, or other reasons during the 14 days preceding symptom onset or testing, and could reflect cases acquired in the school, home, or community setting.”⁴¹ Of the 63,654 total cases of COVID in school-aged children reported to the Florida Department of Health, 25,094 were school-related— meaning 39.4% of all cases reported

³¹ Timothy Doyle, et al. *COVID-19 in Primary and Secondary School Settings During the First Semester of School Reopening — Florida, August–December 2020*, 70 *MMWR* at 437 (2021).

³² FLDOE Order No. 2020-E0-01 at 1–2.

³³ *Opening Florida’s Schools to Re-Open Florida’s Economy*, FLDOE (April 22, 2020), <https://www.fldoe.org/core/fileparse.php/19861/urlt/FDOE-Opening.pdf>.

³⁴ *Governor Ron DeSantis Announces Recommendations to Safely Reopen Florida’s Education System*, FLDOE, (June 11, 2020), <https://www.fldoe.org/newsroom/latest-news/governor-ron-desantis-announces-recommendations-to-safely-reopen-floridas-education-system.stml>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Doyle, *supra* note 31, at 437.

³⁹ *Id.*

⁴⁰ *Id.* at 438.

⁴¹ *Id.*

among school-aged children were school-related.⁴² Of these student cases, 101 hospitalizations and fortunately no deaths were reported.⁴³

When two or more school-related cases could be epidemiologically linked, there was a “school-based outbreak.”⁴⁴ Of the 67 total school districts, 62 experienced school-based outbreaks—a total of 695 outbreaks accounted for 4,370 total cases.⁴⁵ Epidemiologists analyzed a subset of 562 of those outbreaks to discover that 20% of the COVID outbreaks were associated with activities that took place outside of the classroom setting including sports, non-school-sponsored social gatherings, or transportation to and from school.⁴⁶ Of school-sponsored sports, football, basketball, volleyball, wrestling, dance, cheerleading, and soccer most frequently caused outbreaks.⁴⁷ The largest sports-related outbreaks involved two wrestling events and two football events.⁴⁸

Positive COVID results meant time away from the classroom. Under the CDC’s initial guidance, persons who made close contact with a positive COVID case were to quarantine for 14 days.⁴⁹ This 14-day guideline was selected based on how the virus replicates.⁵⁰ The SARS-CoV-2 virus which causes COVID has a typical incubation period of five days, with most who get infected developing symptoms by day 11 or 12.⁵¹ Accordingly, the 14-day quarantine period was determined to be the “outside ‘safety’ margin.”⁵² On December 27, 2021, the CDC updated the recommended isolation and quarantine period in the wake of the Omicron variant wave and increased vaccinations among the public—the CDC shortened the isolation to five days, followed by five days of mask-wearing when around others.⁵³

The American Institute for Research briefed student attendance and enrollment loss during the 2020-2021 school year.⁵⁴ The research provided insight that the 2020-2021 national attendance rates were generally lower than the national pre-pandemic averages.⁵⁵ Pre-pandemic, elementary schools averaged 95% attendance, while middle and high schools averaged 92% attendance.⁵⁶ During the 2020-2021 school year, elementary schools reported an average of 92% attendance, middle schools reported an average of 90% attendance, and high schools reported an average of 89% attendance.⁵⁷ Overall, those school districts that provided primarily in-person instruction in

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ Lauren Wamsley & Selena Simons-Duffin, *The Science Behind A 14-Day Quarantine After Possible COVID-19 Exposure*, NPR, (April 1, 2020), <https://www.npr.org/sections/health-shots/2020/04/01/824903684/the-science-behind-a-14-day-quarantine-after-possible-covid-19-exposure>.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ *CDC Updates and Shortens Recommended Isolation and Quarantine Period for General Population*, CDC, (December 27, 2021), <https://www.cdc.gov/media/releases/2021/s1227-isolation-quarantine-guidance.html>.

⁵⁴ Joanne Carminucci, et al., *Student Attendance and Enrollment Loss in 2020-21*, AIR, 3 (June 2021), <https://www.air.org/sites/default/files/2021-07/research-brief-covid-survey-student-attendance-june-20210.pdf>.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *Id.*

the fall of 2020 reported higher attendance rates than districts without primarily in-person instruction.⁵⁸

Absenteeism has been recognized as both a leading indicator and a cause of education inequity.⁵⁹ The spread of COVID in schools “deepened the lack of equal educational opportunity” for minority students in low-income communities— students in majority-Black schools ended the 2020-2021 school year six months behind in both math and reading, while students in a predominantly white school were only four months behind in math and three months behind in reading.⁶⁰ Low-poverty school districts and school districts serving mostly white students reported higher attendance rates than high-poverty districts and districts serving mostly students of color.⁶¹ Further advancing the trends of inequity, higher-achieving districts maintained higher daily attendance than those districts with historically lower achievement.⁶² Contracting COVID and being forced to quarantine away from the classroom and peers likely contributed to students’ setbacks in the 2020-2021 school year.

As of January 31, 2022, Orange County, Florida, the ninth largest school district in the country, announced that preventative COVID quarantines would no longer be accepted as an excused absence for students.⁶³ The district cited declining positive COVID cases and the additional burden on teachers when announcing the new policy.⁶⁴ The district also noted that Florida did not extend “the quarantine code to be used in accommodation of absences in [their] attendance records,” meaning students and parents risk truancy classification for non-attendance.⁶⁵

Orange County warned that noncompliance with the new excuse policy could have serious repercussions. If students accumulate “at least five unexcused absences within a month, the student’s teacher can report it to the principal, who will then refer the case, if necessary, to the school’s Child Study Team.⁶⁶” Should the team decide a pattern of absenteeism is present, the team can set up a meeting with the parents/guardians to discuss remedial strategies including alternative education options.⁶⁷ Orange County’s updated attendance policy impacts those students who opt to stay home as a quarantine precaution, not those children who test positive for COVID.⁶⁸ If a student exhibits illness or symptoms of COVID, Orange County maintained that the student should be kept at home.⁶⁹

⁵⁸ *Id.*

⁵⁹ *Attendance Policy During the COVID-19 Pandemic*, ATTENDANCE WORKS, (Nov. 2021), <https://www.attendanceworks.org/policy/>.

⁶⁰ Emma Dorn et al., *COVID-19 and education: The lingering effects of unfinished learning*, MCKINSEY & Co., (July 27, 2021), <https://www.mckinsey.com/industries/education/our-insights/covid-19-and-education-the-lingering-effects-of-unfinished-learning>.

⁶¹ Carminucci *supra* note 54 at 3.

⁶² *Id.*

⁶³ Shirin Ali, *Florida school district banning excused absences for COVID-19 concerns*, THE HILL, (Jan. 27, 2022), <https://thehill.com/changing-america/enrichment/education/591614-florida-school-district-banning-excused-absences-for/>.

⁶⁴ Marlene Lenthang, *Florida district will no longer allow excused absences for kids staying home due to Covid concerns*, NBC, (Jan. 27, 2022), <https://www.nbcnews.com/news/us-news/florida-district-will-no-longer-allow-excused-absences-kids-staying-ho-rcna13747>.

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

IV. TECHNOLOGICAL RESPONSE TO COVID IN SCHOOLS

SECTION WRITTEN BY CHRISTINA GILBERT

As this White Paper has demonstrated, Florida institutions have taken strong measures to continue education in light of the pandemic. This section will cover the role of technology in these measures. Over the past decade, technology has slowly crept its way into Florida classrooms.⁷⁰ As discussed previously even prior to the pandemic, FLVS administered an extensive online education system. But when COVID struck the United States and schools went remote, technology launched into the forefront of public concern.⁷¹ With remote learning becoming the only option during the pandemic, each school had to solve three fundamental challenges: (1) how to provide Internet access to homes without; (2) how to ensure that each student has an Internet-connected device; and (3) how to develop a fully-remote curriculum to engage students. Depending on the school district's response, the pre-existing infrastructure administered by FLVS, and the surrounding community, Florida schools engaged in various methods of addressing these three fundamental challenges. Some schools, like the Pemayetv Emahakv Charter School in Brighton, had well-prepared administration and teachers who were able to transition with little difficulty. Pemayetv ensured that even school life like spirit week continued throughout the pandemic in hopes to boost student morale.⁷² However, not every school in Florida was equipped with the resources to effectively respond to each challenge.

A. INTERNET ACCESS

“[A]ccess to broadband, high-speed Internet proved to be the most significant challenge experienced by administrators, educators, students, and families in the transition to distance learning.”⁷³ The pandemic re-ignited the discussion of ‘digital equity’ for students. Rural schools faced an absence of provider infrastructure in the area.⁷⁴ For example, at the Ahfachkee School in Big Cypress, which could provide computers in some instances, staff still had to resort to mailing paper packets to students located outside of internet providers' zones.⁷⁵ While urban schools did not lack providers, schools still had to find creative solutions to help families afford these services.⁷⁶ For instance, the Orange County School District partnered with national internet providers and cell phone companies to provide reduced-price plans or free hotspot connectivity to students in need.⁷⁷ Moreover, the Miami-Dade County School District in part founded the Miami

⁷⁰ Trudi Gaines & Tiffani Pittman, *Technology Integration in Third, Fourth and Fifth Grade Classrooms in a Florida School District*, Educational Technology Research and Development, vol. 63.4, 539 (2015).

⁷¹ Kevin Bushwelle, *How COVID-19 Is Shaping Tech Use. What That Means When Schools Reopen*, EducationWeek (Jun. 02, 2020), <https://www.edweek.org/technology/how-covid-19-is-shaping-tech-use-what-that-means-when-schools-reopen/2020/06>

⁷² Beverly Bideny & Kevin Johnson, *Schools, Families Adjust to Remote Learning Amid COVID-19*, Seminole Tribune (Apr. 30, 2020), 1A2B.

⁷³ Virtual Listening Tour 2020, University of Florida's Lastinger Center for Learning.

⁷⁴ *Digital Equity in Rural School Districts*, edWeb.net, Mar. 11, 2020, <https://home.edweb.net/digital-equity-in-rural-school-districts/>

⁷⁵ Bidney & Johnson, *supra* note 72.

⁷⁶ Alina Machado, *Many in South Florida Lack Access to Broadband Internet*, NBC 6 (Mar. 25, 2020), <https://www.nbcmiami.com/responds/many-in-south-florida-lack-access-to-broadband-internet/2210935/>

⁷⁷ Orange County Public Schools, *Student Hot Spots*, https://www.ocps.net/departments/curriculum_and_digital_learning/digital_learning/student_hot_spots

Connected partnership, a philanthropic organization focused on getting internet access to households and technology literacy classes to the public.⁷⁸

Institutions and counties were forced to get creative with their responses. Responses like converting school buses into hotspots and providing personal hotspot devices were invaluable emergency responses,⁷⁹ but these solutions require additional funding and support that struggling schools may not be equipped to provide as long-term services to students. While the pandemic brought digital equity for students and their families to the forefront of public concern, digital equity remains an ongoing challenge for rural and low-income urban communities.⁸⁰ At the same time, while these issues have not been entirely resolved, some Florida school districts were offering free or low-cost internet access as part of their need-based support services. For example, Orange County evaluates internet applications on the existing free or reduced lunch system as well as certain internet-specific criteria, such as having no outstanding internet bills or pending application for internet services with a provider in the last 90 days.⁸¹ Moreover, the Federal Communications Commission (“FCC”) introduced partnerships with large internet providers to reduce costs in low-income communities across the nation, including cities in Florida, ranging from Micanopy to Tampa.⁸²

B. INTERNET-CONNECTED DEVICES

Regardless of local internet access, students need the means to access it. For some schools, like community schools in Tampa, pre-pandemic funding for foundational ‘wraparound’ services provided much-needed technology to struggling families at the onset of school closures.⁸³ Further, other schools in Pinellas county received federal funding to provide not just a laptop, but also new and updated devices for every student in the county.⁸⁴ For others who lacked the infrastructure or whose federal emergency funds went to fulfilling other needs, the FDOE’s promises of laptop and tablet donations were vital to their response.⁸⁵ Although some school districts could only loan devices to students and planned to have all devices returned by the end of the school year posed a daunting administrative task.⁸⁶

C. FLEXIBLE REMOTE LEARNING

After all physical needs were met, schools then addressed online education. Some schools, like the Ahfachkee School in Big Cypress, took a flexible approach to daily assignment completion, keeping in mind that some families must share devices among several students.⁸⁷ For those schools that had a virtual component already integrated into their infrastructure, the pandemic merely increased interest in a pre-existing curriculum.⁸⁸ For others, third-party curriculum developers like Florida Virtual School™ had been an option for several years.⁸⁹

D. FUTURE CONSIDERATIONS FOR TECHNOLOGICAL RESPONSES

The pandemic emphasized the fact that schools are vital for children. As discussed previously in this White Paper, a school’s absence from the community is poignantly felt. While school districts are confident that online education is here to stay,⁹⁰ continued development is necessary to ensure that online education is comparable to physically sitting in a classroom. Schools must consider how to address the learning gaps presented by remote classwork.⁹¹ Schools across the nation have seen historic drops in test scores during and after the pandemic.⁹² Even the federal government is developing new, creative ways to increase student engagement in online learning.⁹³

Moreover, schools are more than places of study for students. Students rely on the school to develop social relationships and skills. With the emergence of the COVID pandemic in the U.S., teens have reported an increase in depression and anxiety.⁹⁴ Schools are also invaluable resources for students to stay connected and driven. Since the beginning of the COVID shutdowns, teens with ADHD have reported exacerbated symptoms, difficulties with motivation and engagement with online learning, and social isolation.⁹⁵ COVID's effect on student mental

⁷⁸ Nancy Dahlberg, *100,000 Students and Their Families Will Get Free Internet and Training, Thanks to Miami Connected Partnership*, Miami Refresh (Mar. 15, 2021), <https://refreshmiami.com/100000-students-and-their-families-will-get-free-internet-and-training-thanks-to-miami-connected-partnership/>

⁷⁹ Anna Ceballos, *Pandemic Adds to Challenges for Panhandle Schools*, WJHG (Apr. 22, 2020), <https://www.wjhg.com/content/news/Pandemic-adds-to-challenges-for-Panhandle-schools-569856231.html>

⁸⁰ Nick Fouriez, *'Internet for All' ... Except Rural Students?*, The Daily Yonder (Jun. 7, 2022), <https://dailyyonder.com/internet-for-all-except-rural-schools-and-students/2022/06/07/>.

⁸¹ Orange County Public Schools, *supra* note 77.

⁸² Alexa Herrera, *Micanopy Receives \$3 Million to Improve Internet Connection for Low- to Moderate-income Residents*, The Alligator (Aug. 29, 2022), <https://www.alligator.org/article/2022/08/micanopy-grant>; Sam Sachs, *Free Internet Available for Low-income Households in Florida*, WFLA (Feb. 8, 2022), <https://www.wfla.com/news/florida/free-internet-available-for-low-income-households-in-florida/>

⁸³ Cindy Long, *How Community Schools Were Better Prepared for COVID-19 Crisis*, Nat'l Edu. Ass'n (Aug. 27, 2020), <https://www.nea.org/advocating-for-change/new-from-nea/how-community-schools-were-better-prepared-covid-19-crisis>.

⁸⁴ *Pinellas Schools to Get 42,000 Laptops for Students to Take Home*, Tampa Bay Times (Jun. 23, 2020), <https://www.tampabay.com/news/health/2020/06/23/pinellas-schools-to-get-42000-laptops-for-students-to-take-home/>.

⁸⁵ Ceballos, *supra* note 79.

⁸⁶ Jon Jankowski, *Central Florida Schools Issue Dates for Students to Return Laptops*, ClickOrlando.com (May 13, 2020), <https://www.clickorlando.com/news/local/2020/05/14/central-florida-schools-issue-dates-for-students-to-return-laptops/>

⁸⁷ Bideny, *supra* note 72.

⁸⁸ Nancy Kennedy, *Citrus eSchool Informational Open House April 26 and 28*, Citrus County Chronicle (Apr. 25, 2022), https://www.chronicleonline.com/news/local/citrus-eschool-informational-open-house-april-26-and-28/article_d8a00de1-3ff7-5f27-87a2-fe1549f313d9.html.

⁸⁹ Florida Virtual School™, <https://www.flvs.net>.

⁹⁰ Stassy Olmos, *Record Enrollment Continues in Florida Virtual Schools for 2021-22 School Year*, WFTS Tampa Bay (Aug. 5, 2021), <https://www.abcactionnews.com/news/in-depth/record-enrollment-continues-in-florida-virtual-schools-for-2021-22-school-year>

⁹¹ Emma Dorn, Bryan Hancock, Jimmy Sarakatsannis, & Ellen Viruleg, *COVID-19 and Education: An Emerging K-Shaped Recovery*, McKinsey & Company (Dec. 14, 2021), <https://www.mckinsey.com/industries/education/our-insights/covid-19-and-education-an-emerging-k-shaped-recovery>

⁹² *'Nation's Report Card' Shows Historic Drops in Math, Reading*, Orlando Sentinel (Oct. 24, 2022), <https://www.orlandosentinel.com/news/education/os-ne-national-report-card-schools-florida-20221024-td4kn4my25ewzhls3akwx5f3yq-story.html>

⁹³ Anna Merod, *Research-based Video Game Aims to Engage Students in Science Curriculum*, K12Dive (Mar. 9, 2022), <https://www.k12dive.com/news/research-based-video-game-aims-to-engage-students-in-science-curriculum/620091/#:~:text=The%20U.S.%20Department%20of%20Education,eight%20class%20periods%20to%20complete>

⁹⁴ Greg Hajcak, Mariah Hawes, Daniel Klein, Brady Nelson, & Aline Szenczy, *Increases in Depression and Anxiety Symptoms in Adolescents and Young Adults During the COVID-19 Pandemic*, Psychological Medicine, 2021, p.1-9, <https://doi.org/10.1017/S0033291720005358>

⁹⁵ Dana Alexander, Larissa Gaias, Paulo Graziano, Mahima Joshi, Mercedes Ortiz, Rosemary Reyes, Margaret Sibley, *Top Problems of Adolescents and Young Adults with ADHD During the COVID-19 Pandemic*, Journal of Psychiatric Research, 2021, Vol.136, p.190-197

health can also be felt by schools as school resources are experiencing increased demand.⁹⁶ This loss of social engagement and motivation has severely hampered school attendance, and school districts across the country are trying to incentivize students to maintain attendance and involvement.⁹⁷ While online learning has a place in society, schools must continue to develop their platforms to encourage student academic and social engagement.

V. SPECIAL EDUCATION AND COVID

SECTION WRITTEN BY AUTUMN FINKE

To continue to the large overarching theme of this White Paper that attendance has played a large impact on every student pursuing their education, this impact was especially detrimental to those students who needed extra assistance in the classroom. When COVID hit the U.S., and school campuses closed their doors, all students faced a wide variety of unique and difficult challenges. However, in many cases, Florida’s children with disabilities were disproportionately affected by school closures and distance learning.

Under the Individuals with Disabilities Education Act (“IDEA”), states are required to provide all children with disabilities, ages three to twenty-one, with the right to a free and appropriate public education (“FAPE”) in the least restrictive environment.⁹⁸ A FAPE must include access to special education and related services, like occupational, physical, and/or speech therapies, in accordance with each child’s individual education plan (“IEP”).⁹⁹ In 2020–2021, 7.2 million children, fifteen percent of all public-school students, received special education services under IDEA.¹⁰⁰

In addition, in a nationwide survey of 1,594 parents, parents whose children qualified for IEPs were twice as likely to report doing little or no remote learning (35% compared to 17%), twice as likely to say that distance learning was going poorly (40% compared to 19%), and almost twice as concerned about their child’s mental health (40% compared to 23%).¹⁰¹ Despite school closures, students with disabilities retained a right to FAPE, including special education programs required by student IEPs.¹⁰² Yet, with school classrooms closed, teachers and families were forced to quickly adapt to provide the necessary resources and instruction to students with disabilities. Research in this area in Florida is sparse and ongoing, but this section aims to identify difficulties

⁹⁶ Christine Vestal, *COVID Harmed Kids’ Mental Health—And Schools Are Feeling It*, PEW Charitable Trust (Nov. 8, 2021), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/11/08/covid-harmed-kids-mental-health-and-schools-are-feeling-it>; see also Lauren Mascarenhas & Ada Wood, *Virtual School Can Be Damaging to Children’s Mental Health, CDC Study Says*, CNN (Mar. 26, 2021), <https://www.cnn.com/2021/03/26/health/cdc-remote-learning-kids-mental-health-wellness/index.html>

⁹⁷ Jacey Fortin, *More Pandemic Fallout: The Chronically Absent Student*, NY Times (Jul. 18, 2022), <https://www.nytimes.com/2022/04/20/us/school-absence-attendance-rate-covid.html>

⁹⁸ Individuals with Disabilities Education Act, 20 U.S.C. §1412.

⁹⁹ Individuals with Disabilities Education Act, 20 U.S.C. §§ 1412, 1414.

¹⁰⁰ NATIONAL CENTER FOR EDUCATION STATISTICS, *Students with Disabilities*, in THE CONDITION OF EDUCATION (2022), https://nces.ed.gov/programs/coe/pdf/2022/cgg_508.pdf.

¹⁰¹ ParentsTogether Action, *ParentsTogether Survey Reveals Remote Learning is Failing Our Most Vulnerable Students* (2020), <https://parentstogetheraction.org/2020/05/27/parentstogether-survey-reveals-remote-learning-is-failing-our-most-vulnerable-students/>.

¹⁰² U.S. Dep’t of Educ., *Providing Students with Disabilities Free Appropriate Public Education During the COVID-19 Pandemic and Addressing the Need for Compensatory Services Under Section 504* (2022), <https://www2.ed.gov/about/offices/list/ocr/docs/fape-in-covid-19.pdf>.

with online learning and challenges faced by students with disabilities, their teachers, and their caregivers resulting from the COVID pandemic.

A. SPECIAL EDUCATION CLASSROOMS

As previously discussed in this White Paper, similar to traditional classrooms and higher education institutions, special education classrooms were forced to move online when campuses closed their doors. Teachers were forced to adapt quickly to accommodate the specific needs of their students and continue their curriculum. Barbara Jones, the exceptional student education director of Bradford County, compared this adaptation to building an airplane mid-flight.¹⁰³

In Florida during the pandemic, special education students received instructions through online video platforms, like ZOOM and Microsoft Teams; recorded video lessons; and paper packets.¹⁰⁴ However, the abrupt transition to distance learning went far outside the typical use of technology as teachers were not able to support and engage students as they typically would through the use of technology.¹⁰⁵ Further, parents and guardians were forced to become caregivers, teachers, and service providers all in one. Unfortunately, most parents were not prepared to give instruction using evidence-based practices, and teachers were not trained in coaching parents on these strategies, especially remotely.¹⁰⁶

As such, while this White Paper has discussed how remote learning posed unique challenges for students, there was especially an impact on special education students and their ability to participate remotely with their teachers. For example, class engagement was one area where many students with special needs struggled. Some students, especially those whose caregivers assisted with the technology for classes, were able to engage in their classes more effectively.¹⁰⁷ However, some students with disabilities were limited in their ability to participate in classes. More specifically, some students could not unmute themselves without a caregiver present to assist them.¹⁰⁸ Many students faced struggles with focusing on class lectures due to their external environments. Students struggled with distractions and difficulties like siblings doing their own remote learning, family members watching television during class, and even other adults in the house working from home.¹⁰⁹

Communication between students and their teachers through remote learning posed a unique challenge. Students that needed extensive support, like those with autism, intellectual disabilities, or multiple disabilities, often have complex communication needs.¹¹⁰ Some of these students are not able to talk, and their teachers rely on visual supports and providing choices for responding, which is difficult to replicate in an online format.¹¹¹ The lack of face-to-face

¹⁰³ Cassidy Hopson, *North Central Florida Adapts to Remote Learning for Students with Disabilities Amid Pandemic* WUFT (April 9, 2020), <https://www.wufl.org/news/2020/04/09/north-central-florida-adapts-to-remote-learning-for-students-with-disabilities-amid-pandemic/>.

¹⁰⁴ *Id.*

¹⁰⁵ Josh Duke, *Addressing Challenges in Online Special Education*, FSU, <https://education.fsu.edu/addressing-challenges-online-special-education> (last visited Nov. 21, 2022).

¹⁰⁶ *Id.*

¹⁰⁷ Telephone Interview with Jeanne Finke, Profound Varying Exceptionalities Teacher, Pinellas Cnty. Schs. (Nov. 21, 2022).

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ Josh Duke, *Addressing Challenges in Online Special Education*, FSU, <https://education.fsu.edu/addressing-challenges-online-special-education> (last visited Nov. 21, 2022).

¹¹¹ *Id.*

interaction put some students back both academically and socially.¹¹² Students with disabilities need to learn from interacting with other students, not just with their parents.¹¹³ Once students were permitted to safely return to school, many struggled to communicate past their wants and needs.¹¹⁴ The lack of opportunities for exchanges among peers posed setbacks for many students with disabilities, leaving them to play catch-up when in-person learning returned.¹¹⁵

B. SUPPORT SERVICES

Many of Florida’s children with disabilities receive occupational, physical, behavioral, and/or speech therapies as a part of their IEPs. When campuses closed during COVID, providing these individualized services was yet another challenge. Some therapies, like speech therapy, could be administered virtually.¹¹⁶ However, physical and behavioral therapies were difficult, if not “impossible”, to administer remotely.¹¹⁷ In some rare cases, children were able to receive their therapies in person at home.¹¹⁸ But unfortunately, many children with disabilities went without in-person care.¹¹⁹ In early 2020, the spokesman for Marion County said that there was no way for the school system to provide physical therapy at that time because many of the students were immunocompromised and the employees were not going to private homes.¹²⁰

Throughout the school closures, some students, especially those who were able to receive their IEP services at home, were able to maintain their skills.¹²¹ Unfortunately, many students, especially those who were not able to receive their designated services, regressed in progression and skills.¹²² This regression could set some children with disabilities back to the point where recoupment could take much longer than the average student.¹²³ Fortunately, with schools open, and students back to in-person learning, many children with disabilities are back to receiving services in accordance with their IEPs, but the impact of months if not years without proper therapy remains unknown.

Those students that missed special education services as a result of school closures, inadequate distance learning, or other special circumstances may be entitled to “compensatory

¹¹² Robbie Gaffney, *For Special Education Students, a Potential Side-Effect of Covid-19 School Closures: Struggling to Communicate*, CLASS OF COVID-19 (Feb. 8, 2021), <https://classofcovid.org/story-for-special-education-students-a-potential-effect-of-covid-19>.

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ Robbie Gaffney, *Distance Learning for Students with Disabilities*, WFSU (March 27, 2020), <https://news.wfsu.org/state-news/2020-03-27/distance-learning-for-students-with-disabilities>.

¹¹⁷ Robbie Gaffney, *For Special Education Students, a Potential Side-Effect of Covid-19 School Closures: Struggling to Communicate*, CLASS OF COVID-19 (Feb. 8, 2021), <https://classofcovid.org/story-for-special-education-students-a-potential-effect-of-covid-19>.

¹¹⁸ *Id.*

¹¹⁹ Cassidy Hopson, *North Central Florida Adapts to Remote Learning For Students with Disabilities Amid Pandemic* WUFT (April 9, 2020), <https://www.wuft.org/news/2020/04/09/north-central-florida-adapts-to-remote-learning-for-students-with-disabilities-amid-pandemic/>.

¹²⁰ *Id.*

¹²¹ Gaffney, *supra* note 116.

¹²² Gaffney, *supra* note 116.

¹²³ Robbie Gaffney, *Distance Learning for Students with Disabilities*, WFSU (March 27, 2020), <https://news.wfsu.org/state-news/2020-03-27/distance-learning-for-students-with-disabilities>.

education.”¹²⁴ Compensatory education services are educational services designed to remedy any educational or other deficits that result from the student with a disability not receiving the evaluations or services in their IEPs.¹²⁵ More specifically, these services are “designed to put a student in the place they would have been had the student not been deprived of their special education and related services.”¹²⁶ Awards of compensatory education are not automatic, but rather evaluated on an individual student basis.¹²⁷ Some factors considered for compensatory awards included the frequency and duration of missed instruction and related services, previous rates of progress, and a student’s present level of performance.¹²⁸

C. FUTURE CONSIDERATIONS FOR SPECIAL EDUCATION

In many cases, students with disabilities are one of the most vulnerable populations in Florida public schools. Many are immunocompromised, making them especially susceptible to illnesses. In addition, many students with disabilities require and are entitled to, additional support and educational services in accordance with their IEPs. As a result of what we have learned and the long-term consequences we may anticipate, Florida schools need to be better prepared for possible future school shutdowns. In addition, steps need to be taken to ensure that children with disabilities can receive the support they need, whether virtually or in person. To reiterate, attendance has played a large impact on every student pursuing their education. Preventing school closures by taking appropriate precautions nationwide could potentially prevent devastating learning outcomes for children of all ages and abilities.

VI. FLORIDA HIGHER EDUCATION’S RESPONSE TO COVID

SECTION WRITTEN BY MACKENZIE O’CONNELL

As previously discussed, COVID had a devastating impact on academic performance on all levels. More specifically, academic setbacks impacted students at postsecondary institutions. This section more specifically analyzes Florida’s higher education institutions efforts to promote students to continue their education, deliver a more complex education through remote learning, and how to keep students safe throughout the interim.

¹²⁴ Karem Castane-Blanco, *Compensatory Education and Back to School after COVID-19*, DISABILITY RTS. FLA., (Aug. 11,2021)

https://disabilityrightsflorida.org/blog/entry/compensatory_education_and_back_to_school_after_covid_19.

¹²⁵ U.S. Dep’t of Educ., *Providing Students with Disabilities Free Appropriate Public Education During the COVID-19 Pandemic and Addressing the Need for Compensatory Services Under Section 504* (2022), <https://www2.ed.gov/about/offices/list/ocr/docs/fape-in-covid-19.pdf>.

¹²⁶ Karem Castane-Blanco, *Compensatory Education and Back to School after COVID-19*, DISABILITY RTS. FLA., (Aug. 11,2021)

https://disabilityrightsflorida.org/blog/entry/compensatory_education_and_back_to_school_after_covid_19.

¹²⁷ *Id.*

¹²⁸ U.S. Dep’t of Educ., *Providing Students with Disabilities Free Appropriate Public Education During the COVID-19 Pandemic and Addressing the Need for Compensatory Services Under Section 504* (2022), <https://www2.ed.gov/about/offices/list/ocr/docs/fape-in-covid-19.pdf>.

Notably, the reopening of colleges in 2020 correlated with overall surges in COVID cases, with adults ages eighteen to twenty-five “driving the trend.”¹²⁹ Various measures, such as social distancing, COVID testing mandates, mask mandates, vaccine mandates, quarantining, and softer versions of these policies were adopted and enforced by universities across the state depending on the state of the COVID pandemic.¹³⁰

A. FALL 2020 AND SPRING 2021 SEMESTERS

In the Fall of 2020 and Spring of 2021, many universities restricted class sizes and altered their traditional teaching formats.¹³¹ For example, at the University of Florida, 35% of classes were held in face-to-face or hybrid modes, while an additional 35% of classes were completely remote.¹³² At the University of Central Florida, classes with over one hundred students were moved to a remote setting.¹³³ Some universities moved all classes online after the 2020 Thanksgiving break to avoid students returning to campus after traveling over the break.¹³⁴ Rollins College requested that students remain on campus or at their off-campus residences for the Thanksgiving break and encouraged students to have their families come to them to spend time together off campus.¹³⁵ Students who did travel for Thanksgiving were required to finish the semester remotely.¹³⁶

Additionally, at some universities, like the University of Florida, students were required to fill out a COVID symptom questionnaire and receive a COVID saliva test bi-weekly.¹³⁷ All universities enforced mask mandates (both indoors and outdoors when around others), limited capacity in communal spaces, and social distancing in classrooms and communal spaces.¹³⁸

¹²⁹ Jayme Fraser, et al., *Florida schools reopened en masse, but a surge in coronavirus didn't follow*, USA TODAY analysis finds, USA TODAY, (Sep. 29, 2020)

<https://www.usatoday.com/story/news/investigations/2020/09/28/florida-schools-reopened-en-mass-feared-covid-surge-hasnt-followed/3557417001/>.

¹³⁰ See e.g., Adrienne Cutway, *Here's how UCF plans to bring students back to campus come fall*, WKMP NEWS 6, (June 22, 2020), <https://www.clickorlando.com/news/local/2020/06/10/heres-how-ucf-plans-to-bring-students-back-to-campus-come-fall/>.

¹³¹ *Id.*; Joe Clover, et al., *Reopening Plan for Fall 2020*, UNIVERSITY OF FLORIDA, (July 10, 2020),

<https://coronavirus.ufl.edu/university-updates/july-10-reopening-plan-for-fall-2020.html#:~:text=All%20students%20are%20required%20to,Screen%2C%20Test%20%26%20Protect%20website>

<https://coronavirus.ufl.edu/university-updates/july-10-reopening-plan-for-fall-2020.html#:~:text=All%20students%20are%20required%20to,Screen%2C%20Test%20%26%20Protect%20website>

¹³² See Clover, *supra* note 131.

¹³³ See Cutway, *supra* note 130.

¹³⁴ See Cutway, *supra* note 130.

¹³⁵ Grant Cornwell, *Coronavirus Update to the 2020-21 Academic Year*, ROLLINS COLLEGE, (last visited Nov. 26, 2022), <https://www.rollins.edu/covid/updates/update-to-2020-21.html#:~:text=Comply%20with%20the%20personal%20protective,water%20or%20using%20hand%20sanitizer>.

¹³⁶ *Id.*

¹³⁷ 10 Tampa Bay, *UF requiring students to take saliva COVID-19 tests during the spring semester*, (Nov. 19, 2020), <https://www.wtsp.com/article/news/health/coronavirus/uf-students-must-take-saliva-coronavirus-tests-in-spring-semester/67-3c53f95d-78ae-49b6-aca3-9699f29c1b5c>.

¹³⁸ See Clover, *supra* note 131; University of Florida, *UF Masking and Physical Distancing Policy Update*, (Sep. 16, 2022), <https://coronavirus.ufl.edu/university-updates/september-16-uf-masking-and-physical-distancing-policy-update.html#:~:text=All%20visitors%2C%20faculty%2C%20staff%2C%20students%2C%20patients%2C%20volunteers%20and,must%20wear%20a%20mask%20or%20cloth%20face%20covering>; Student News Daily, *FSU no longer requiring face masks indoors*, (May 14, 2021), <https://www.studentnewsdaily.com/daily-news-article/fsu-no-longer-requiring-face-masks-indoors/>; Cornwell, *supra* note 135; Florida Atlantic University, *Reopening Plan*, (last visited Nov. 25, 2022), https://www.fau.edu/ufsgov/Files/2019_2020/May_2020/THE%20PLAN.pdf.

B. FALL 2021 THROUGH SPRING 2023 SEMESTERS

Similar to the outside of the educational sphere, COVID-related policies have become less stringent, enforced, and numerous since COVID's beginning in 2020.¹³⁹ By the Spring semester of 2022, when the Omicron variant of COVID began to rapidly spread, many Florida universities were no longer enforcing COVID policies, but rather encouraging students to follow them.^{140 141}

One of the biggest changes in COVID policies was the removal of mask mandates at all universities across the state.¹⁴² Another impactful alteration was the removal of the previous requirement that universities provide quarantine housing for students who tested positive for COVID but lived with a roommate.¹⁴³ As a result, many universities did not require quarantining outside of shared living quarters.¹⁴⁴

At the start of the Fall 2021 semester, and into the Spring 2022 semester, policies varied from university to university, but some of the most common were: “expecting” or “encouraging” mask-wearing indoors, but not requiring it, voluntary weekly screening questionnaires to monitor COVID symptoms, free COVID testing, incentives for testing, free vaccinations and boosters, and limiting student's required attendance within the first weeks of classes.¹⁴⁵ As of November 18, 2021, educational institutions were no longer required to receive the COVID vaccination.¹⁴⁶

As of the Fall 2022 semester, many universities have removed most COVID policies.¹⁴⁷ Rather than individual public universities handling responses to and reporting of students who test positive for COVID, the Florida Department of Health took over this duty.¹⁴⁸ This shift in reporting procedure resulted in many Florida universities shutting down their COVID testing and reporting portals.¹⁴⁹ However, universities have continued to update students on the status of COVID and other spreadable viruses, especially around the time of university scheduled breaks when students are traveling home.¹⁵⁰

¹³⁹ Compare *supra* Section E with *supra* Section D.

¹⁴⁰ Danielle Ivanov, *Here is what three Florida universities are doing to limit COVID-19 spread this spring*, THE GAINESVILLE SUN, (Jan. 7, 2022), <https://www.gainesville.com/story/news/education/campus/2022/01/07/check-out-these-florida-university-covid-19-omicron-policies-spring/9114783002/>.

¹⁴¹ See *id.*

¹⁴² <https://www.fldoe.org/core/fileparse.php/19861/urlt/OptFacemaskPolicyMemo.pdf>

¹⁴³ See Ivanov, *supra* note 140.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*; Florida State University, *Fall Semester Policies*, (Aug. 9, 2021), <https://news.fsu.edu/announcements/covid-19/2021/07/28/fall-semester-policies-and-expectations/>; Beacon College, *COVID-19 Information Center*, (last visited Nov. 12, 2022), <https://www.beaconcollege.edu/covid-19-information-center/#:~:text=Community%20Well%2Dbeing%20Updates&text=Our%20new%20mask%20policy%20will,and%20encouraged%20to%20do%20so.>

¹⁴⁶ See Ivanov, *supra* note 140.

¹⁴⁷ See generally Elizabeth Redden, *Discontinuing the COVID Dashboard*, INSIDE HIGHER ED (Jan. 26, 2022), <https://www.insidehighered.com/news/2022/01/26/u-florida-ends-its-covid-dashboard-will-others-follow>.

¹⁴⁸ University of South Florida, *Spring 2022 COVID-19 Protocols*, (last visited Nov. 12, 2022), <https://www.usf.edu/coronavirus/updates/spring-2022-covid-protocols.aspx>.

¹⁴⁹ *Id.*

¹⁵⁰ Joe Glover et al., *November 18: The Campus Brief*, UNIVERSITY OF FLORIDA, (Nov. 18, 2022), <https://coronavirus.ufl.edu/university-updates/november-18-campus-brief.html>.

VII. FOOD INSECURITY DUE TO SCHOOL CLOSURES

SECTION WRITTEN BY NYASIA MINAYA

While this White Paper has put forth independent research regarding COVID school closures and its impacts on students' education, this section focuses primarily on how students in Florida often rely on their academic institutions for necessities far beyond education. This section will analyze how institutional closure impacted students' basic necessities.

For background, the United States Department of Agriculture makes a distinction between food insecurity and hunger. Food insecurity refers to limited or uncertain access to adequate food.¹⁵¹ Hunger, on the other hand, is the physiological condition that results from food insecurity.¹⁵²

A. RELIEF AND ASSISTANCE

When the COVID pandemic interrupted school programming throughout the state, many students lost access to meals they ordinarily received while at school. In response, the state and school districts arranged for students to be able to pick up meals while keeping safety in mind. At one point, Hamilton County arranged for the delivery of about 1,700 meals a day for students who were unable to go to pick-up sites.¹⁵³ Orange County Public Schools operated 55 feeding sites throughout Orange County, providing about 38,500 meals per day.¹⁵⁴ Other counties, including Osceola County and Leon County, used funds for food and protective equipment to serve more children.¹⁵⁵ Programs like Summer BreakSpot also offered families alternative access to nutritious meals during the summer.¹⁵⁶ Summer BreakSpot was put into effect in March 2020 and was made available for children under the age of 18 to pick up free breakfasts, lunches, and dinners at 934 public sites throughout Florida.¹⁵⁷

At the beginning of the pandemic, the U.S. Department of Agriculture granted public schools the flexibility needed to provide students with free meals.¹⁵⁸ While waivers for free lunch granted by the Department of Agriculture have since expired, the Community Eligibility Provision has permitted eligible schools predominantly serving children of low-income households to provide students with free meals.¹⁵⁹ For the 2022-2023 school year, the department advised that

¹⁵¹ *Definitions of Food*, ECONOMIC RESEARCH SERVICE U.S. DEPARTMENT OF AGRICULTURE, <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-security-in-the-u-s/definitions-of-food-security/#:~:text=Food%20insecurity%E2%80%94the%20condition%20assessed,may%20result%20from%20food%20insecurity.> (last visited Oct. 27, 2022).

¹⁵² *Id.*

¹⁵³ *COVID-19, NO KID HUNGRY FLORIDA*, <https://state.nokidhungry.org/florida/covid-19/> (last visited Jan. 20, 2023).

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Florida Activates Website For Free Student Meals During School Closure*, FOX 13 TAMPA BAY, <https://www.fox13news.com/news/florida-activates-website-for-free-student-meals-during-school-closure> (last visited Jan. 20, 2023).

¹⁵⁷ *Id.*

¹⁵⁸ *School Meal Changes are Coming in the 2022-23 School Year*, FOOD AND NUTRITION SERVICE U.S. DEPARTMENT OF AGRICULTURE, <https://www.fns.usda.gov/cn/2022-23-parent-faqs> (last visited Jan. 20, 2023).

¹⁵⁹ *Community Eligibility Provision*, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, <https://www.fdacs.gov/Food-Nutrition/Nutrition-Programs/National-School-Lunch-Program/Community-Eligibility-Provision> (last visited Jan. 20, 2023).

families would need to apply for free or reduced lunch and provide income information to qualify.¹⁶⁰

B. SCHOOL-AGED CHILDREN

More specifically, the Florida Department of Agriculture and Consumer Services reported that children in Florida were significantly impacted by increased food insecurity resulting from the COVID pandemic.¹⁶¹ In 2018, the department reported that about 760,470 children in Florida experienced food insecurity, while in 2020, 1 million children in the state experienced food insecurity. In 2018, 1 in 5 children faced food insecurity, while in 2020, food insecurity impacted 1 in 4 children in Florida.¹⁶²

Poor nutrition and hunger can have lasting effects on a child's development. Feeding America reports that children experiencing food insecurity are at higher risk of being hospitalized and experiencing problems in educational and social settings.¹⁶³ Children who experience food insecurity are generally more likely to repeat a grade in elementary school, experience developmental issues, and experience behavioral difficulties.¹⁶⁴

C. COLLEGE STUDENTS

Prior to the pandemic, food and housing insecurity had already been considered two of the most common barriers for college students who failed to complete their degrees.¹⁶⁵ After colleges and universities shut down, food and housing insecurity increased when students were forced to leave campuses.¹⁶⁶ Minority students were disproportionately affected during the pandemic and these students experienced food insecurity at a much higher rate than their white peers, half of which experienced basic needs insecurity.¹⁶⁷ The CDC reported that overall, the pandemic caused a “disproportionate burden of illness and death among racial and ethnic minority groups.”¹⁶⁸

D. DRIVING FACTORS

A family's ability to access food can be impacted by multiple overlapping factors. This may include changes in household income, unexpected expenses, and even a lack of transportation.¹⁶⁹

¹⁶⁰ *School Meal Changes are Coming in the 2022-23 School Year*, FOOD AND NUTRITION SERVICE U.S. DEPARTMENT OF AGRICULTURE, <https://www.fns.usda.gov/cn/2022-23-parent-faqs> (last visited Jan. 20, 2023).

¹⁶¹ *COVID-19: Unveiling Its Impact on Food Insecurity in Florida*, FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES, <https://www.fdacs.gov/content/download/94403/file/COVID-FoodInsecurityImpact-Infographic.pdf>

¹⁶² *Id.*

¹⁶³ *Facts About Child Hunger in America*, FEEDING AMERICA, <https://www.feedingamerica.org/hunger-in-america/child-hunger-facts>

¹⁶⁴ *Id.*

¹⁶⁵ *Nearly 3 In 5 College Students Struggle with Food, Housing Insecurity Due to Covid-19*, FLORIDA COLLEGE ACCESS NETWORK, <https://floridacollegeaccess.org/research-and-data/nearly-3-in-5-college-students-struggle-with-food-housing-insecurity-due-to-covid-19/> (last visited Oct. 27, 2022).

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ *Where Do We Go from Here? Identifying the Leading Causes of Food Insecurity and Helping Where We Can*, FEEDING FLORIDA, <https://www.feedingflorida.org/staying-informed/news/2022-02-10-where-do-we-go-from-here-identifying-the-leading-causes-of-food-insecurity-and-helping-where-we-can> (last visited Oct. 27, 2022).

The COVID pandemic caused many Floridians to experience sudden unemployment and thus a sudden change in financial circumstances.¹⁷⁰ Sudden changes in financial circumstances may force a household to make difficult tradeoffs as to how they will prioritize expenses and spend their income.

E. SNAP AND P-EBT

The Supplemental Nutrition Assistance Program (“SNAP”) is a federal program that provides low-income families with assistance to meet nutritional needs.¹⁷¹ The Pandemic Electronic Benefits Transfer (“P-EBT”) was announced in March 2020 and served to further assist SNAP households, along with non-SNAP households, that included school-aged children who were eligible for free and reduced school lunches. P-EBT provided temporary assistance for the purchase of food to eligible students who 1) attended a school participating in the National School Lunch Program that operated with reduced attendance for at least 5 consecutive days due to COVID, 2) missed out on free-or-reduced price meals due to COVID-related school absence, and 3) received SNAP, Temporary Assistance for Needy Families (“TANF”), or Medicaid benefits; or attended a Community Eligibility Provision school or Provision 2 school.¹⁷²

F. COVID AID, RELIEF, AND ECONOMIC SECURITY ACT

The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) was passed by Congress and signed into law in March 2020 to provide families, workers, small businesses, and industries with economic assistance and relief in light of the pandemic.¹⁷³ The CARES Act provided for \$2 trillion in relief, with \$30 billion in funding being allocated to education.¹⁷⁴ In addition to funding, the CARES Act also provided for the suspension of federal student loan payments.¹⁷⁵

Florida, more specifically, received \$770 million in Elementary and Secondary School Emergency Relief and an additional \$173 million in Governor’s Emergency Education Relief.¹⁷⁶ These funds served to counter the impacts the pandemic had on elementary and secondary schools.¹⁷⁷ In January 2022, the U.S. Department of Education approved Florida’s American Rescue Plan

¹⁷⁰ *Id.*

¹⁷¹ *Supplemental Nutrition Assistance Program (SNAP)*, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES, <https://www.myflfamilies.com/service-programs/access/snap/> (last visited Oct. 27, 2022).

¹⁷² Cindy Huddleston, *P-EBT for Florida’s School Children for School Year 2021-22: Who’s Eligible and What You Need to Know About Applying*, FLORIDA POLICY INSTITUTE (June 30, 2022), <https://www.floridapolicy.org/posts/pandemic-electronic-benefit-transfer-program-p-ebt-for-floridas-school-children-for-school-year-2021-22-whos-eligible-and-what-you-need-to-know-about-applying>

¹⁷³ *About the CARES Act and the Consolidated Appropriations Act*, U.S. DEPARTMENT OF THE TREASURY, <https://home.treasury.gov/policy-issues/coronavirus/about-the-caresact#:~:text=The%20Consolidated%20Appropriations%20Act%20continued,law%20on%20March%2027%2C%202020> (last visited Oct. 27, 2022).

¹⁷⁴ *How the Cares Act Can Help Florida College Students and Education Institutions*, FLORIDA COLLEGE ACCESS NETWORK, <https://floridacollegeaccess.org/news/how-the-cares-act-can-help-florida-college-students-and-education-institutions/> (last visited Oct. 27, 2022).

¹⁷⁵ *Id.*

¹⁷⁶ *Coronavirus Aid, Relief & Economic Security (Cares) Act*, FLORIDA DEPARTMENT OF EDUCATION, <https://www.fldoe.org/covid-19/funding/cares.stml> (last visited Jan. 20, 2023).

¹⁷⁷ *Elementary and Secondary School Emergency Relief Fund*, OFFICE OF ELEMENTARY & SECONDARY EDUCATION, <https://oese.ed.gov/offices/education-stabilization-fund/elementary-secondary-school-emergency-relief-fund/> (last visited Jan. 20, 2023).

Elementary and Secondary School Emergency Relief (ARP ESSER), which resulted in about 96% of Florida schools being open for in-person instruction at that time.¹⁷⁸

G. THE CURRENT STATE OF FOOD INSECURITY

Impactful relief for families struggling with hunger and food insecurity requires assistance from both charitable organizations and government programs.¹⁷⁹ The Florida Food Policy Council offers an extensive list of Florida Food Action Organizations serving different regions throughout the state and welcoming volunteers who are interested in volunteering time and donations to alleviate the issue of hunger throughout Florida.¹⁸⁰

VIII. LEGISLATIVE RESPONSES TO THE PANDEMIC, CHILDREN, AND PARENTAL RIGHTS SECTION WRITTEN BY HANNAH BLOUNT

As discussed continuously throughout this White Paper states across the country have reacted differently to the COVID pandemic in their efforts to conditioning education, remote learning tools, all the way to ensuring their students were adequately fed throughout closure. More specifically, states varied in enforcing curfews, lockdowns, and mask mandates.¹⁸¹ Many states passed reactive legislation or emergency orders in response to the pandemic. Some states passed emergency COVID supplemental appropriations and balanced the risk of legislative sessions with the health of the public.¹⁸² For example, the Alabama legislature and governor signed a \$5 million emergency appropriation for COVID response efforts.¹⁸³ Another popular topic spurring reactive legislation was mask mandates, which invoked a serious question concerning constitutional rights and public health.

The Parents' Bill of Rights ("HB 241" or "Chapter 2021-199"), which enumerates the rights of parents with respect to their minor children, was passed during the throes of the COVID pandemic. Governor Ron DeSantis signed the measure into law on June 29, 2021.¹⁸⁴ According to the bill's summary analysis, it was created to prevent "the state, its political subdivisions, any other governmental entities, and any other institutions from infringing upon the fundamental right of a parent to direct the upbringing, education, health care and mental health of his or her minor child without demonstrating a compelling state interest for such actions."¹⁸⁵

¹⁷⁸ U.S. Department of Education Approves Florida's Plan for Use of American Rescue Plan Funds to Support K-12 Schools and Students, Distributes Remaining \$2.3 Billion to State, U.S. DEPARTMENT OF EDUCATION, <https://www.ed.gov/news/press-releases/us-department-education-approves-floridas-plan-use-american-rescue-plan-funds-support-k-12-schools-and-students-distributes-remaining-23-billion-state> (last visited Jan. 20, 2023).

¹⁷⁹ *Id.*

¹⁸⁰ Florida Food Policy Council, *Florida Food Action Organizations*, FLORIDA FOOD POLICY COUNCIL, <https://flfpc.org/page-18096> (last visited Nov. 21, 2022).

¹⁸¹ See State Action on Coronavirus (COVID-19), NATIONAL CONFERENCE OF STATE LEGISLATURES, <https://www.ncsl.org/research/health/state-action-on-coronavirus-covid-19.aspx>.

¹⁸² Tracking State Legislative Responses to COVID-19, TAX FOUNDATION (April 30, 2020), <https://taxfoundation.org/state-tax-coronavirus-covid19/>.

¹⁸³ *Id.* The Florida Legislature extended its 60-day session in order to finalize its budget. The Georgia Legislature suspended its session indefinitely after signing a mid-year fiscal year 2020 state budget. *Id.*

¹⁸⁴ Parents' Bill of Rights, HB 241, 117th Cong. (2021).

¹⁸⁵ *Id.*

HB 241 is now Chapter 1014 in Florida Statutes. Section 1014.04, F.S. enumerates the following parental rights:¹⁸⁶

- The right to direct the education and care of his or her minor child.
- The right to direct the upbringing and the moral or religious training of the minor child.
- The right, pursuant to s. 1002.20(2)(b) and (6), F.S., to apply to enroll his or her child in a public school or, as an alternative to public education, a private school, religious school, a home education program, or other available options, as authorized by law.
- The right, pursuant to s. 1002.20(13), F.S., to access and review all school records relating to the minor child.
- The right to make health care decisions for his or her minor child, unless otherwise prohibited by law.
- The right to access and review all medical records of the minor child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the minor child, and a law enforcement agency or official requests that the information not be released.
- The right to consent in writing before a biometric scan of the minor child is made, shared, or stored.
- The right to consent in writing before any record of his or her minor child's blood or deoxyribonucleic acid (DNA) is created, stored, or shared, except as required by general law or authorized pursuant to a court order.
- The right to consent in writing before the state or any of its political subdivisions makes a video or voice recording of his or her minor child, with limited exceptions.
- The right to be notified promptly if an employee of the state, any of its political subdivisions, any other governmental entity, or any other institution suspects that a criminal offense has been committed against his or her minor child.

The law was vaulted to the center of discussions about school mask mandates when Governor DeSantis implemented HB 241 as a basis for a July executive order that attempted to prohibit student mask requirements that several school districts attempted to put in place prior to the return of students in the Fall of 2021. The emergency order was titled “Ensuring Parents’ Freedom to Choose – Masks in Schools.”¹⁸⁷ Governor DeSantis argued that parents should be free to opt-out of student mask requirements if they so choose.¹⁸⁸ The order directed the Florida Department of Health and the Florida Department of Education to execute rules to ensure safety protocols for controlling the spread of COVID in schools that “do not violate Floridians’ constitutional freedoms; do not violate parents’ rights under Florida law to make health care decisions for their minor children, and protect children with disabilities or health conditions who

¹⁸⁶ Section 1014.04, Florida Statutes (2022).

¹⁸⁷ Ensuring Parents’ Freedom to Choose – Masks in Schools, Executive Order Number 21-175 (hereinafter “DeSantis EO 21-175”).

¹⁸⁸ See Florida is Blocking Money from 2 School Districts Over Mask Mandates, Defying a Judge, <https://www.npr.org/sections/back-to-school-live-updates/2021/08/31/1033067718/florida-schools-mask-mandates-desantis> (September 16, 2021); DeSantis Ban on School Mask Mandates Back in Force, <https://apnews.com/article/health-education-floridacoronaviruspandemic-tallahassee-78a7d4b5117369eb37e8cb19c5ead0b2> (September 16, 2021).

would be harmed by certain protocols such as face masking requirements.”¹⁸⁹ Further, it was advised that “any action taken...shall at minimum be in accordance with Florida’s ‘Parents’ Bill of Rights’ and protect parents’ rights to make decisions regarding masking of their children concerning COVID-19.”¹⁹⁰ Florida Commissioner of Education was also authorized to use all legal means available to ensure school district compliance, including withholding state funds from noncompliant schools.¹⁹¹

The Florida Department of Health published emergency rules to govern the control of COVID in schools.¹⁹² The rules were issued “in recognition that because of the importance of in-person learning to educational, social, emotional and mental wellbeing, removing health students from the classroom should be limited at all costs.”¹⁹³ The rules also required compliance with the Parents’ Bill of Rights, which was strengthened again in 2022 when the Florida Legislature passed HB 1557 (Chapter 2022-22). The bill required school boards to adopt procedures for notifying parents of any changes in their child’s services and procedures to reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children.¹⁹⁴

VIII. CONCLUSION

The Gator TeamChild Juvenile Law Clinic acts as a full-service law firm, providing free legal services to children. While advocating for children through various types of proceedings, like delinquency and dependency, this Fall our Interns specifically focused on ensuring our clients were catching up academically from the aftermaths of COVID through a variety of resources offered from the State. Amongst these efforts, our Interns took the initiative to further study COVID’s short- and long-term impacts on Florida’s education system by partnering with guardian ad litems, school personnel, public defenders, foster parents, and state agency case workers. This White Paper provides an overview of the current and future impacts COVID has left on Florida’s public school education system and shows how public education institutions are still working to address the loss of instructional time and long-term consequences due to pandemic-related school disruptions.

As this White Paper has shown, education and programs offered by public institutions are key elements to a child’s well-being and ability to succeed. We hope this White Paper can provide insight on how the State can continue to provide effective educational and wrap-around services to help students succeed.

¹⁸⁹ DeSantis EO 21-175.

¹⁹⁰ *Id.*

¹⁹¹ Fla. Exec. Order. No. 21-175 (July 30, 2021).

¹⁹² Fla. Admin. Code. R. 64DER21-12 (Protocols for Controlling COVID-19 in School Settings).

¹⁹³ Florida Department of Health and Florida Department of Education Publish Rules to Protect Parents’ Rights, Ron DeSantis News Release (August 6, 2021), <https://www.flgov.com/2021/08/06/florida-department-of-health-and-florida-department-of-education-publish-rules-to-protect-parents-rights/>.

¹⁹⁴ Parental Rights in Education, HB 1557, 117th Cong. (2022).