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*Great Public Schools for Every Student*

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## Florida educators file lawsuit to protect health and well-being of students, educators and communities

TALLAHASSEE — Along with educators and parents, the Florida Education Association (FEA) filed suit Monday against Gov. Ron DeSantis, Commissioner Richard Corcoran, the Florida Department of Education, the Florida State Board of Education and Miami-Dade County Mayor Carlos Gimenez to safeguard the health and welfare of public school students, educators and the community at large. The lawsuit intends to stop the reckless and unsafe reopening of public school campuses as coronavirus infections surge statewide.

“Gov. DeSantis needs a reality check, and we are attempting to provide one,” said FEA President Fedrick Ingram. “The governor needs to accept the reality of the situation here in Florida, where the virus is surging out of control. He needs to accept the evolving science. It now appears that kids 10 and older may pass along the coronavirus as easily as adults. Everyone wants schools to reopen, but we don’t want to begin in-person teaching, face an explosion of cases and sickness, then be forced to return to distance learning. Florida’s Constitution demands that public schools be safe. Teachers and parents want our schools to meet that basic standard.”

A virtual news conference discussing the lawsuit will be held 1 p.m. EDT today, details below. Find the lawsuit online here: <https://feaweb.org/wp-content/uploads/2020/07/Complaint-FINAL.pdf>

### EVENT DETAILS

**What:** FEA news conference

**When:** 1 p.m. EDT today, July 20

**Where:** FEA will livestream the press conference on their Facebook page:  
<https://www.facebook.com/floridaea/>

**Who:** Speakers will include FEA President Fedrick Ingram, American Federation of Teachers President Randi Weingarten, National Education Association President Lily Eskelsen García, and teachers and parents joining the suit

The leaders of FEA’s national affiliates are fully in support of the suit.

### American Federation of Teachers President Randi Weingarten:

“The push to physically reopen schools full time without any precautions or new resources, and, most importantly, amid a skyrocketing COVID-19 surge, ignores science, safety and basic humanity. Gov. Ron DeSantis’ order, as carried out by others, puts an entire generation of kids — as well as their families and their educators — at risk. As educators, we know in-person learning is what’s best for students. And

while educators want to be back in the classroom, it is not possible when the state or a local region can't ensure that schools won't become hot spots for virus spread. That is why across this country, from red states like Texas to blue states like California, where cases are surging, elected officials are putting a pause on in-person reopening. They are leaving it to local control, which has previously been a celebrated, time-honored tradition in Florida.

"Further complicating getting our schools physically open again is the abject failure to date of both the president and the Senate to follow the House of Representatives' lead to provide schools with the resources they need to fund safe reopening plans. Here in Florida, the governor has a constitutional obligation to make schools safe, and he's failed. If he won't look out for students' and teachers' best interests, we will."

**National Education Association President Lily Eskelsen García:**

"No one wants to be back in the classroom with students more than educators, but we must do so only if we can ensure it is done in a safe way. Unfortunately, Gov. Ron DeSantis, like Donald Trump and Betsy DeVos, has no plan to solve the real issues facing public schools during a pandemic, and that's a major concern to students, educators and parents. He needs to listen to health experts and educators to do this right — and not pressure school districts to rush to reopen putting students, educators and communities at risk. The coronavirus pandemic has exposed and exacerbated the inequities facing our most vulnerable students — particularly for Black, brown and students living in poverty. We must address these inequities now — not push for school reopenings that will harm those students the most — and that requires equitable tools and resources from the federal government, which has failed to act. Whether school buildings are open or not, educators are preparing to ensure all students have the best possible learning, and the Senate needs to do its job by passing the HEROES Act."

**About the lawsuit:**

The FEA lawsuit has been filed in state circuit court in Miami, in the Eleventh Judicial Circuit of Florida. FEA is joined in the litigation by Broward teacher Stephanie Beth Miller; Ladera Royal, an educator in Orange County; and Mindy Festge, a teacher and parent in Miami-Dade County,

The lawsuit contends that ordering an unsafe return to onsite instruction at public schools is a violation of Florida's Constitution, which requires the provision of a "safe" and "secure" schools, and requests a declaration that the state defendants' actions and inactions are unconstitutional. In a second count, the suit seeks a declaration from the court that the state defendants are putting arbitrary and capricious demands on public schools through the education commissioner's unfunded emergency order.

A third count in the suit seeks an order enjoining the state defendants, along with Mayor Gimenez, from forcing millions of students and educators to report to unsafe schools that should remain physically closed during the spike of the pandemic; ordering defendants to implement a meaningful online instruction plan with accessible internet connectivity and computers; ordering that before schools reopen they must have adequate personal protective equipment (PPE) and other supplies, reduced class sizes, social distancing, staffing, and school clinic capabilities in compliance with CDC guidelines and other health authorities.

Florida's push to return students to classrooms comes as evidence grows that reopening while case numbers and test positivity rates remain high could lead to dire results — worsening the spread of the virus while endangering the lives of children, educators and communities at large.

Our state currently has more than 350,000 diagnosed cases of coronavirus and has been adding to that total by more than 10,000 cases per day, with test positivity rates averaging above 12 percent. Hospitals in areas such as Miami-Dade are overloaded with patients suffering from Covid-19. More than 5,000 deaths have been recorded statewide.

It is notable that countries that have successfully reopened schools without igniting an increase in cases, have done so after case levels were pushed to near zero and transmission rates were low. That is clearly

not the case in the Sunshine State. Our situation might be better compared to that of Israel, where reopening saw cases resurge.

Meanwhile, the jury is out on the risk of long-term damage to children who contract the virus. Evidence mounts, however, that older students can spread the disease. A large new study from South Korea finds that kids between the ages of 10 and 19 can spread the virus at least as well as adults do.

Educators want to return to our schools and be with their students. Distance learning is not the preferred solution for our kids, but protecting the safety and well-being of students, educators and communities must be paramount to other concerns. Keeping kids and adults healthy should be our first goal.

Whether school buildings are open or not this fall, we need to ensure that we're preparing to provide students with the best possible learning experience — meaning all students, whether they are Black, brown or white, have the tools and resources necessary to succeed.

And when students return, we must ensure they have better conditions for learning. The COVID-19 pandemic has exposed and exacerbated the inequities facing our most vulnerable students, in particular students of color and children living in poverty, and we must address these inequities now.

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*The Florida Education Association is the state's largest association of professional employees, with 150,000 members. FEA represents PreK-12 teachers, higher education faculty, educational staff professionals, students at our colleges and universities preparing to become teachers and retired education employees.*

*The American Federation of Teachers represents 1.7 million PreK-12 teachers; paraprofessionals and other school-related personnel; higher education faculty and professional staff; federal, state and local government employees; nurses and healthcare workers; and early childhood educators.*

*The National Education Association is the nation's largest professional employee organization, representing more than 3 million elementary and secondary teachers, higher education faculty, education support professionals, school administrators, retired educators, students preparing to become teachers, healthcare workers, and public employees.*