

# Texas attorney general orders in-person education as state cases top 500,000

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As the coronavirus pandemic continues to spread uncontrolled across the state, Texas Attorney General Ken Paxton issued a memorandum on July 28 forbidding the closure of schools to prevent the spread of COVID-19. The measure is part of a nationwide effort to force a return to work under conditions where that guarantees significant suffering and death.

Since Texas ended its stay-at-home order on April 30 and began reopening businesses, daily new cases and deaths have skyrocketed. Average new cases have risen 10-fold from 863 to 8,151 on August 7 while average daily deaths have surged from 37 to 202. In response to public outrage over government inaction, local health officials and school districts attempted to delay a return to in-person education which would only accelerate the pandemic.

Throughout July school districts in the four most populous areas (Harris, Dallas, Tarrant, and Bexar counties) began issuing a patchwork of local decisions delaying the opening of school campuses. The total number of COVID-19 cases for these four counties (203,122) is more than the total cases in the entire state of Georgia, which has the fifth-highest state total in the entire nation.

In Dallas County, the Health and Human Services department ordered all schools within the district to delay opening until after Labor Day, September 7. The medical directors of Tarrant County, as well as the cities of Arlington and Burleson (Tarrant County), ordered all public and non-religious private schools in their jurisdiction to be fully online for instruction until September 28. Houston ISD (Harris County) moved its first day of school back to September 8, and the first six weeks of schooling would be entirely online for all students. San Antonio ISD (Bexar County) moved its first day of school back to August 17, and classes

would be fully online through Labor Day.

Although Paxton addressed his memo to Mayor Doug Svien of Stephenville, a city ninety minutes west of Dallas with a modest population of 21,000, the clear goal is to make it impossible for the major school districts at the center of the state's outbreak to close down outside of an executive order from the governor.

The memo states: "An area quarantine may not be imposed for purely prophylactic reasons. To the extent a local health authority seeks to employ section 81.085 to order closure of a school, the authority would need to demonstrate reasonable cause to believe the school, or persons within the school, are actually contaminated by or infected with a communicable disease."

The thought that of the 5.5 million students in Texas, none would be infected at the beginning of the school year is absurd. Harris County, which includes the city of Houston and its suburbs, has reported over 10,200 COVID-19 cases for children between 0 and 19 years old. Over the summer, high school athletes have tested positive for COVID-19 on football teams, cross country teams, cheer squads and marching bands.

On Wednesday morning, Dr. David Freeman, the superintendent of the Flour Bluff Independent School District, died after testing positive for COVID-19. Given the low levels of testing and large numbers of asymptomatic carriers among youth, any school where community transmission is recorded has reasonable *certainty* that some of their students will begin the year infected and contagious.

On June 26 Governor Greg Abbott belatedly admitted his mistake of opening bars with a new order closing them. "If I could go back and redo anything," he said, "it probably would have been to slow down the opening of bars, now seeing in the aftermath of how quickly the coronavirus spread in the bar setting."

But he is pressing forward with the reopening of schools with the potential to accelerate infections far more quickly than bars, as highlighted by the recent case of Israel. In that country, the government reopened in-person school instruction on May 17 when daily new cases were down to just two per million. Over the month of June the pandemic spiraled out of control with 42 percent of new cases coming from schools. Now the average daily new cases in Israel are 70 times higher. Texas' current daily infection rate is 273 per million, a staggering 136 times higher than Israel when that country resumed in-person instruction.

To force schools along this homicidal path, Abbott is threatening that schools conducting "remote instruction" will not receive funding through the Texas Education Agency (TEA).

In response to these developments, there has been an explosion of opposition on social media. Three Facebook groups opposed to the unsafe reopening of schools have formed in Texas in the past month, and now have a combined membership of roughly 64,400: "Texas Teachers for Safe Reopening," "Texas Teachers United Against Reopening Schools" and "Texans for Safe Schools."

Tracy S., a local educator in one of the affected school districts in Tarrant County where teachers are already beginning to report, expressed her concern about the sudden reversal: "I just don't think this is going to work, and we're going to end up worse than ever."

Alice, a teacher in Mansfield Independent School District (MISD) who asked not to use her real name to avoid retaliation, was directly impacted by the new policy: "We exhaled a bit following the [Tarrant County] public health order of no in-person instruction until after September 28, but thanks to Paxton and TEA that all changed. My school is quite large at over 1,000 students and already overcrowded. The district spent many weeks in June developing a hybrid plan reducing the numbers of students on campus to comply with TEA guidelines, only to be told AFTER by TEA that hybrid plans would not be funded."

Starting on Monday, Alice and her coworkers began a Kafkaesque virtual training for the new school year. Instead of safely logging in from home, they were ordered to return to campus, then sit alone in their classrooms to attend the online sessions that ended up

demonstrating how dangerous the schools are. "In our district I know of two schools that have already had cases of COVID," Alice said, "one building had it twice and employees were still required to report." The infections will only increase once students are back in the classroom, which led Alice to conclude, "The best way to ensure the safety of all is to offer strictly remote learning."

Teachers across the country are engaging in various expressions of protest against plans that leave workers exposed, vulnerable, and powerless. From San Jose to Salt Lake City, from coffins in New York City to 'die-ins' in Little Rock, teachers are mobilizing toward goals of public safety and personal survival.

In state after state, with the support of the American Federation of Teachers and National Education Association, teachers and school children are being subjected without their consent to an unconscionable "experiment." With the start of school already underway in some districts, teachers and families must prepare for a nationwide strike to enforce a containment of the virus, full funding of public education, and an end to all efforts to sacrifice workers' lives to fund trillions of dollars in corporate bailouts.



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