

Florida court set to rule on lawsuit challenging in-person schooling

Alex Johnson, Matthew MacEgan
24 August 2020

This week, a Florida court will decide on a lawsuit filed by the Florida Education Association (FEA), which aims to block the state's order that all public schools must be open five days a week by August 31. Leon County Circuit Judge Charles Dobson will rule on the imposition of in-person instruction across all of the state's 67 counties.

In early July, the union filed a lawsuit against Republican Governor Ron DeSantis, the Department of Education, and Education Commissioner Richard Corcoran after the state passed a legal mandate requiring all brick-and-mortar schools host in-person instruction by the end of August. This edict, in line with the demands of the Trump administration, deliberately ignored warnings by infectious disease experts and scientists of the dangers posed to a premature reopening with the pandemic raging across the Sunshine State.

The FEA and its umbrella of local unions argue that Corcoran's edict violates the state constitution's guarantee of "safe and secure public education." The lawsuit also opposes the earlier intimidation tactics used by DeSantis to coerce school districts into reopening, including the risk of losing state funding if they did not comply with Corcoran's order. The attorneys describe this behavior in the lawsuit as "financial bullying."

In the face of teacher demonstrations across the state, the union has launched its lawsuit as a fig leaf, which the state and national teacher unions oppose any collective struggle to stop the homicidal return to school. But even in the highly unlikely case that the suit is decided in favor of the FEA, it merely vacates the state edict that schools must open and "allows local districts to make the best and safest decisions on reopening physical campuses, without the threat of

funds being withheld by the state." In other words, it does not mean schools will be compelled to switch to remote-only learning, only that district authorities have *the right* to close face-to-face learning.

For their part, DeSantis, Corcoran and state education officials hypocritically claim they are upholding Florida's constitutional requirement to provide "high-quality education" to schoolchildren. Judge Dobson heard closing arguments from both sides on Friday and is moving quickly to issue a ruling before the month ends since some school districts have already opened. Students have already returned to classrooms in Duval County (Jacksonville), the sixth-largest district in the state and 29 additional districts are planning to physically reopen over the next two weeks.

Lawyers for the state argued during the hearings that school districts still have the option to keep students enrolled in virtual learning programs and that health officials can make recommendations for schools to close. The same attorneys also claimed that if conditions within schools become unsafe for the health of educators, they can simply take medical leave under the Family and Medical Leave Act (FMLA).

A biology teacher testified Friday that the medical leave given under the FMLA is unpaid, forcing him to continue working. David Wells, attorney for the state confirmed with Judge Dobson that such medical leave would be unpaid, which means that Florida educators, some of the lowest paid educators in the nation, could go weeks without receiving income should they take leave to protect their health.

Developments in recent weeks point to a disaster that is already unfolding because of the state's homicidal back-to-school policy. Since the beginning of August, there have been more than 8,300 COVID-19 cases in children under 18 and 100 of those required

hospitalization.

On Friday, when the circuit court was hearing closing arguments from both sides, the Department of Health reported an hour before the proceedings that a 6-year-old girl from Hillsborough County had died from complications resulting from COVID-19. She is the eighth child to die from the virus in the state, and the third to die in less than a month.

The FEA lawsuit, like the mass demonstration called in Tallahassee in January, is aimed at boosting illusions in the courts, which are not neutral arbiters but ultimately serve, like every other institution of the capitalist state, the most powerful corporate and financial interests. The reopening of the schools is of primary concern to both political parties because it is crucial to get children out of the homes so their parents can return to largely unsafe workplaces and resume producing profits.

The unions are opposed to any serious struggle because this would lead to a direct confrontation not only with Trump and his acolytes like DeSantis but the union-aligned Democratic Party. But nothing has ever been achieved without mass struggle. This includes the heroic 1968 strike by 27,000 Florida teachers, which forced the State Board of Education to increase funds for public education.

But the FEA has long repudiated any such struggles. In 2020, the FEA and its two parent organizations—the National Education Association (NEA) and the American Federation of Teachers (AFT)—have worked diligently to prevent the opposition of Florida teachers from coalescing into a statewide and national strike. In the meantime, they have told teachers to place their faith in Judge Dobson along with Joe Biden and the Democrats, even though the Obama-Biden administration oversaw some of the greatest attacks on teachers and public education.

Two weeks ago, parents and teachers gathered at the governor's mansion to demand that schools stay online during the fall. A little over a week ago, a group of teachers demonstrated in Santa Rosa County against a massive layoff of over 80 teachers. It is clear that educators and parents in Florida want to fight for their safety and in general for high-quality education.

For educators to defend their lives and those of their students, they take matters into their own hands. The Socialist Equality Party calls on educators and parents

to build rank-and-file safety committees, independent of the unions, in every school and neighborhood to save lives and fight for what teachers, students, and parents truly need, not what politicians claim is affordable. These committees must appeal to and unite with every section of workers—manufacturing, logistics, food processing, health care, public and private sector—to prepare a general strike.

The Educators Rank-and-File Safety Committee will serve as a national coordinating body for this work, and all those seeking to carry out a genuine struggle should contact the committee today.



To contact the WSWS and the
Socialist Equality Party visit:

wsws.org/contact