

# Court rules against Florida governor but schools to remain open

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On Monday, a Florida judge issued a temporary injunction against an order by the state mandating that schools provide full in-person instruction by the end of August or risk losing state funding. Within hours, the state filed an appeal, placing a stay on the preliminary injunction and effectively reinstating the criminal state order.

The Florida Education Association (FEA), which filed the initial lawsuit, said it will file a motion to reinstate the judge's ruling. Whether this is granted or not, the final outcome for educators, parents and students will only be slightly altered.

While the unions and the media presented the judge's ruling as a major victory for teachers, the reality is the school districts such as Duval County that have already opened will likely stay open. Meanwhile, educators in other districts will be herded back into unsafe classrooms, albeit under plans outlined by local district officials working with the unions, not under the timetables and rules set by Governor Ron DeSantis and his state education officials.

In early July, the FEA filed the lawsuit against DeSantis, the Department of Education, and Education Commissioner Richard Corcoran, asserting that the state's edict violates the state constitution's guarantee of "safe and secure" public education.

Leon County Circuit Judge Charles Dodson ruled in favor of the FEA, arguing that local school boards should be able to "make safety determinations for the reopening of schools without financial penalty." Dodson's decision also concluded that the state order overrode the constitutional authority of local school boards to operate their own school systems and delay the resumption of in-person instruction.

Dodson made reference to the Hillsborough County school board decision in early August to delay

reopening of its classrooms by four weeks, before being warned by Corcoran and other state officials they stood to lose up to \$23 million a month. Bending to this pressure, the district later advanced its reopening date to August 31.

Outgoing NEA President Lily Eskelsen García hailed the court decision as "a victory for students and educators from being forced into unsafe school buildings." AFT President Randi Weingarten declared, "The judge ruled that decisions about reopening should be made locally, not dictated by the state, either directly or through funding decisions."

In reality, the ruling will not ensure public health or prevent the reopening of schools and simply shifts responsibility to the local level. If the stay remains in effect, as an overturn is far from a guarantee, it will be as if the judge's order doesn't exist. The DeSantis administration would then be able to revert back to their original July order and compel school districts to fully reopen schools or risk losing funding.

Dodson's ruling also maintained that DeSantis and Corcoran's order would become "constitutional" if the "unconstitutional" portions were deleted. This included removing language relating to required dates to begin in-person classes, mandatory reopening plans, and funding waivers. Therefore, language such as saying all schools "must open" was struck and instead replaced with language saying those decisions must be made by local district officials, such as the superintendent, school boards, and local unions.

Having set a precedent of mass openings, few districts will now voluntarily return to online learning without immense pressure from educators, parents and students. If the stay is overturned, local officials may utilize the considerable difficulties accompanying the establishment of distance learning--the lack of reliable

high-speed internet in low-income and rural communities, challenges for non-English speakers and homeless minors, as a pretext to resume in-person learning.

Facebook groups opposed to the Republican governor's reopening of schools have formed across Florida, attracting thousands of members and serving as a means to organize protests. Last Thursday, roughly 80 teachers in Duval County (Jacksonville) organized a wildcat "sickout" strike on the first day of in-person learning. More than 1,200 Jacksonville school bus drivers and aides are conducting a strike vote. In addition, hundreds of teachers across the district and thousands statewide have resigned out of fear of returning to unsafe conditions.

Faced with this revolt, the FEA filed the lawsuit to try to corral the opposition and contain it behind appeals to the courts and local school officials to work with the unions to open the schools. The FEA and its parent unions, the National Education Association (NEA) and American Federation of Teachers (AFT), have adamantly opposed any mobilization of the union's 150,000 members in any form of statewide protest or strike action.

Instead, numerous districts have been allowed to reopen across the state, producing at least 626 confirmed COVID-19 infections among students and staff, the largest confirmed total of any state.

Dodson's ruling is a highly calculated political decision. Given the popular opposition to the unsafe openings, the judge is trying to bolster the illusion that schools can be opened safely not only in Florida but across the country as long as decisions are made jointly by local authorities and the unions.

In several states and major cities overseen by the Democratic Party, including Chicago and Los Angeles, the reopenings are being carried out in a more calibrated fashion, combining online and in-person learning. The result is the same, however, because both parties support the back-to-school drive, which is critical to getting workers back into factories and other workplaces to resume the flow of corporate profits.

Educators, parents and students must not be fooled by Monday's judicial decision or harbor any illusions that the corporate-controlled legal system will defend their rights and safety. The chief task is to form an interconnected network of rank-and-file safety

committees, independent of the unions and both big business parties, to prepare for a nationwide general strike to halt the reopening of schools and stop the spread of the pandemic.

There is tremendous support for such a struggle within the working class, but what is required is organization and leadership. The Educators Rank-and-File Safety Committee was formed to help guide this work, and we urge all those who agree with the need for a broader struggle to contact us today, join our Facebook group and make plans to attend our next online call-in meeting Saturday, August 29. Register today and share the event widely with your coworkers!



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