

PRESS RELEASE

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Orange County Board of Education announces plans to file lawsuit against California Governor to reopen schools

Orange County, CA – July 29, 2020: The Board of Education voted 4-0 to file a lawsuit against the California Governor and the California Public Health Officer in order to seek a court order that sets aside the state orders preventing public schools from holding in-person classes and the resumption of services on campus. The vote occurred during closed session on the evening of July 28, 2020.

The California Supreme Court has interpreted the California Constitution to require that California school children have a constitutional right to substantially equal opportunities for learning. The state has a broad responsibility to ensure basic educational equality. The order will unequally burden the most underprivileged families of California.

The Board's attorneys in this case, Tyler & Bursch, LLP, agreed to represent the Board *pro bono* to protect the vulnerable children in California. The lawsuit will also be supported by the nonprofit legal organization, Advocates for Faith & Freedom.

"California children have a constitutional right to both an education and equal protection under the law. The Governor denied them these rights and did so without adequately considering the disparate impact these restrictions would have on the disadvantaged," said attorney Jennifer Bursch, Tyler & Bursch, LLP.

"We brought this lawsuit to protect the single mom and her children, children whose parents do not read or write English, and children with special needs. The Governor's ban on in-person learning will cause tens of thousands of kids to fall through the cracks and, in many cases, will be harmed for life. A statewide school campus shutdown is scientifically unnecessary, and that fact has been established by scientific studies and the CDC," said attorney Robert Tyler, Tyler & Bursch, LLP and General Counsel for Advocates for Faith & Freedom.

OCBE President Dr. Ken Williams stated, "We understand the Governor believes this is a difficult decision. But we reviewed the data and came to the logical conclusion that our schools can reopen with risk mitigating efforts and safeguards provided by the state and local public health agencies. We believe that the benefits of reopening schools outweigh the potential harm of children not being in the classroom."

Mari Barke, Vice-President of the OCBE stated, "The board has heard from the community, reviewed data, and heard from experts in the medical and education fields. As a result, we feel that there is a greater risk to our children in not reopening schools than the risk from reopening them, for most children. Parents are in the best position to make decisions for their children. The Governor's subsequent order is taking that choice away from families who need it most."

Recently elected OCBE member Tim Shaw added, "Many families have been suffering from extreme stress as they attempt to make a living while balancing a new obligation to manage their children's education. Some parents do not speak English, yet they are obligated to help their children using English materials. How is that going to work?"

OCBE board member Dr. Lisa Sparks commented, "We can't forget the mental health of our students. It is our understanding that many students have been harmed by the isolation. With calls to suicide hotlines dramatically increasing during this shutdown, we can't simply go along with statewide plans that we know are harmful to our kids and deprive them of the educational and social benefits they get from attending school."

Additional links:

[Statement of the Board of Education, July 28, 2020](#)

Orange County Board of Education White Paper: [Special Community Forum on "Opening Schools in Orange County"](#)

Tyler & Bursch attorneys are available for additional comments and interviews only by contacting Desaré Ferraro at dferraro@tylerbursch.com, office 951-304-7583 or cell 714-348-0808.

About Tyler & Bursch, LLP: With offices in Murrieta and Anaheim, the lawyers and advisors at Tyler & Bursch, LLP have been serving clients throughout Southern California for over 20 years. **Tyler & Bursch, LLP** (www.tylerbursch.com) provides legal and financial support to the non-profit law firm, **Advocates for Faith & Freedom** (www.faith-freedom.com), in defense of constitutional liberties. Email info@faith-freedom.com to receive future press releases.

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