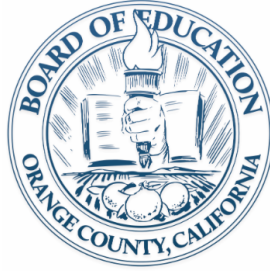


# Orange County Board of Education



**July 28, 2020**

## **Statement of the Orange County Board of Education**

In closed session, 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.

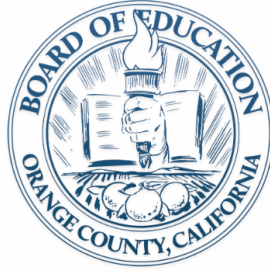
The California Supreme Court has interpreted the California Constitution to require that California school children have a constitutional right to substantially equal opportunities for learning. The state has a broad responsibility to ensure basic educational equality.

However, on July 17, 2020, Governor Gavin Newsom ordered all public-school districts located within the 32 counties on the state's coronavirus watch list to shut down in-person learning, until their county has been off the monitoring list for 14 consecutive days. We empathize with the difficult decisions required to be made by the Governor and appreciate the efforts made to serve our state.

However, the July 17, 2020 order does not adequately ensure that children of working single parents are adequately educated through distance learning. The order does not ensure that children born to immigrant parents, who don't read and write English, are provided sufficient instruction and supervision. Further, the state has failed to address how high-risk students and those without adequate parental support will navigate the coming weeks and months through distance learning. Therefore, we believe that the July 17 order violates the constitutional rights of our students.

On June 24, 2019, we held a community public forum and extensive study session on reopening schools in Orange County. The purpose of the forum was to provide families an opportunity to hear from a panel of experts on approaches to reopening the schools as safely as possible with age appropriate expectations and adaptations across grade levels. We heard from experts on COVID-19, and thereafter prepared a subsequent white paper summarizing the experts' testimony on the best and most efficacious ways to consider as we move toward reopening schools. The white paper supported safe approaches to reopening schools, while understanding that mandating masks and social distancing while preferred, may not be realistic for younger children. Further, parents should make informed choices to send their children to school in a traditional classroom environment or distance learning based on their own family circumstances and level of comfort with the potential risk of their child contracting COVID at school. The white paper guidelines were based on CDC recommendations, American Academy of Pediatrics, American Enterprise Institute guidelines; and PubMed research articles including relevant epidemiological science and data.

# Orange County Board of Education



Therefore, we have made the decision to put the needs of our students first by filing this lawsuit. We recognize that many school districts in Orange County have put in a tremendous amount of work to prepare for the school year by giving families and students options during this unprecedented and uncertain time. While some families have the technology, equipment, and ability to begin the school year with an entirely virtual distant learning model, many families will suffer greatly and experience many unknown unintended consequences if the schools remain closed. We believe that students and their families must have the option of in-person learning.

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.