



Florida Gov. Ron DeSantis hold a roundtable discussion regarding mental health and Covid-19 at the Tampa Bay Crisis Center on July 16. | AP Photo | (Martha Asencio-Rhine/Tampa Bay Times via AP)

# Florida teachers sue as DeSantis distances himself from school openings

By **ANDREW ATTERBURY** | 07/20/2020 03:54 PM EDT

TALLAHASSEE — Florida's largest teacher union sued Gov. Ron DeSantis and Education Commissioner Richard Corcoran to overturn a sweeping emergency order that requires schools to physically open five days a week, saying the policy bypasses local leaders and defies national public health guidelines.

The complaint, filed in circuit court in Miami-Dade County, comes as the Republican governor sought to distance himself from the order, which has been targeted by teachers, parents and school leaders since it was issued July 6.

The order has made Florida a political battleground over schools and the coronavirus outbreak as DeSantis and Corcoran followed the lead of President Donald Trump and Education Secretary Betsy DeVos, who are pressuring states to fill classrooms with students in the fall. DeSantis in recent days has backpedaled, making it clear on Monday that the mandate wasn't his idea and putting his own education secretary on the defensive.

American Federation of Teachers President Randi Weingarten said DeSantis is "in intense denial" over Florida's coronavirus outbreak.

"I don't know if it's Trump that's whispering into his ear, I don't know if it's Betsy DeVos — I don't know who it is," Weingarten told reporters Monday.

DeSantis on Monday put the order squarely at Corcoran's feet and said it was meant to give parents the option of sending their children back to school.

"I didn't give any executive order, that was the Department of Education," DeSantis told reporters.

The Republican governor advocated for students who would benefit from in-person classes, like those with special needs and learning disorders. He repeated his belief that most counties can safely bring students and teachers back to campus.

"We don't want folks to fall behind," DeSantis said at an Orlando event that was interrupted by protestors. "And we really, really want to focus on the best interest of our students and giving parents the maximum amount of choices to be able to make the best decision they can."

Corcoran, who has been lockstep with the governor on education since taking leadership of the agency, has said the move was done in concert with the governor's office. During a town hall meeting Friday, Corcoran said DeSantis allowed the DOE to execute the policy to ensure students will have in-person classes available.

Florida school boards have pushed back against the state mandate, saying that local officials should choose if and when schools welcome students in person during the coronavirus outbreak.

The FEA, along with parents and teachers who signed on as plaintiffs in the lawsuit, wants a judge to rescind the emergency order and ensure schools have enough personal protective equipment and supplies before re-opening campuses.

School districts without approved re-opening plans risk losing state funding under the order.

“Gov. DeSantis needs a reality check, and we are attempting to provide one,” FEA President Fedrick Ingram said in a statement.

The suit, which also names the state Board of Education and Miami-Dade County Mayor Carlos Gimenez as defendants, comes as schools are seeing deaths among teachers and staff members.

In Tallahassee, a 19-year-old elementary school custodian died after a battle with Covid-19, and at least three people at his Leon County school, including the principal, have contracted the virus, the Tallahassee Democrat reported.

One plaintiff in the lawsuit is a Broward County elementary teacher who spent 21 days on a ventilator in a medically induced coma after contracting Covid-19. Another teacher in the case has an autoimmune disease that puts him at greater risk from the virus, according to the filing.

Florida's Department of Health reported 10,347 new Covid-19 cases Monday and 90 additional deaths and is one of the hottest virus spots in the nation. The state has seen 360,394 known cases and 5,072 deaths.

The state Department of Education punched back against the lawsuit, saying that the FEA "hasn't read nor understands" the emergency order.

The order does not issue new directives requiring schools to open, but only reiterates Florida's law calling for campuses to operate 180 days a year, Taryn Fenske, spokesperson for the Department of Education, wrote in a statement.

The order created guaranteed funding for districts and schools to educate in innovative ways, as long as they continue to provide all students, especially at-risk students, with an education regardless of what learning option they choose, she wrote.

"The FEA frequently states that schools are underfunded, and if this frivolous, reckless lawsuit, succeeds it will eliminate these funding guarantees — completely contradicting their normal outcry," Fenske wrote.

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