

UTAH EDUCATION POLITICS

Group of parents sues to allow Salt Lake students to return to classrooms

District's 'refusal to open doors' a 'historic deprivation' of students' rights, lawsuit says

By Marjorie Cortez | @DN_Marjorie | Dec 14, 2020, 5:37pm MST



Highland High School in Salt Lake City | Kristin Murphy, Deseret News

SALT LAKE CITY — The Salt Lake City School District’s refusal to open schools, and primarily rely on remote learning has enacted a “historic deprivation of rights,” according to a civil rights lawsuit filed by a dozen parents.

The lawsuit, filed in 3rd District Court Monday, says the decision has stripped “21,000 students of basic right secured by the Utah Constitution.”

Under the Utah Constitution, Utah students are entitled to a free and open public education, the lawsuit states.

This summer, the Salt Lake City Board of Education voted that the school district conduct school solely by remote learning. It was the only school district in Utah to select that option in the face of the COVID-19 pandemic.

“The students of Salt Lake City are required to learn every day in isolation, from computers in their homes, while students throughout the rest of the state are welcomed into their schools, where they benefit from physical facilities, social interaction, and most of all, live, in-person instruction,” the lawsuit states.

With the adoption of “unrealistic metrics” for returning to school, the school district “has abrogated its duty to properly and equitably educate these students. Other state actors, including the State Board of Education, are constitutionally charged with controlling the statewide education system, but have refused to intervene,” the lawsuit alleges.

The school district established a metric that in-person learning would not resume until the proportion of all COVID-19 tests taken in Salt Lake County for a given week fell to “a randomly selected threshold of 5% or below, *and* the number of infected persons within the county fell to 10 per 100,000 individuals,” according to the lawsuit.

When the metrics were announced in late July, the state’s positivity rate was double the target metric — more than 10%, which was approximately the same in Salt Lake County.

“It soon became clear that Salt Lake City School District’s metrics would never be satisfied until some point in the distant future when the pandemic has almost completely abated. Despite this, Salt Lake City School District has never officially renounced these metrics for a return to in-person learning,” the lawsuit says.

The suit names Utah Gov. Gary Herbert, the Utah State Board of Education, the Salt Lake City Board of Education and Interim Salt Lake City School District Superintendent Larry Madden, as defendants.

The State School Board and Salt Lake board declined to comment Monday. A request for comment from the governor’s office was not immediately returned.

The lawsuit notes that recent media reports indicate that “the district’s online education program is failing catastrophically. ... Three hundred sixty-four such students failed every first semester class this year — an increase of 600% over last year.”

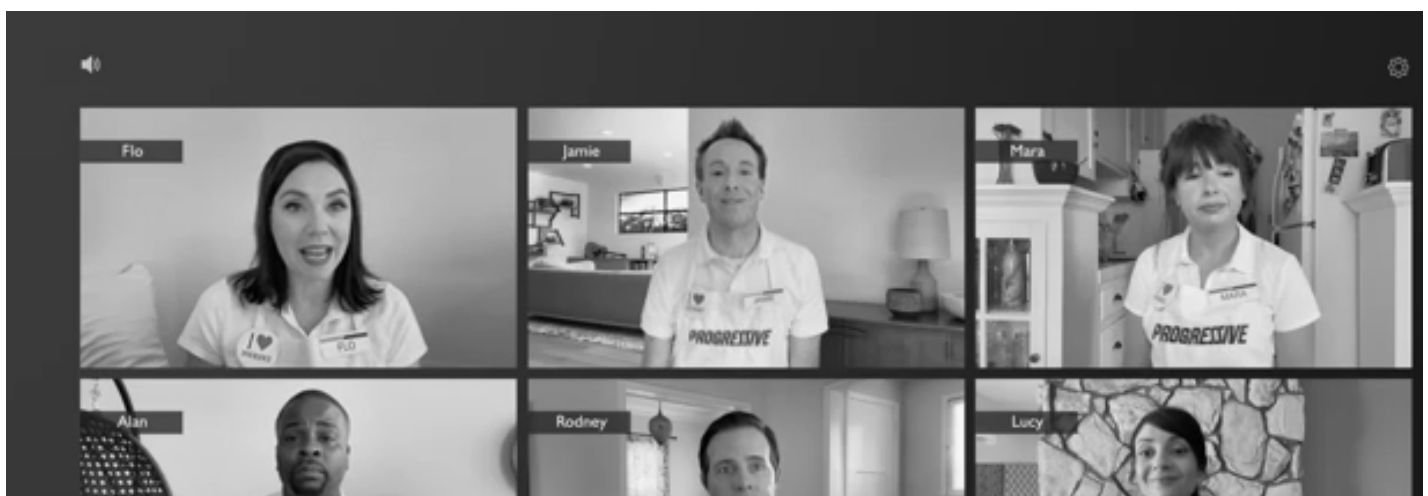
The lawsuit states that most of Salt Lake City’s students are likely to finish the 2020-21 school year “without ever entering their schools, without an in-person conversation with a teacher, a school lunch, a PE class, or a science lab. There is every indication they will continue to fail, absent court intervention.”

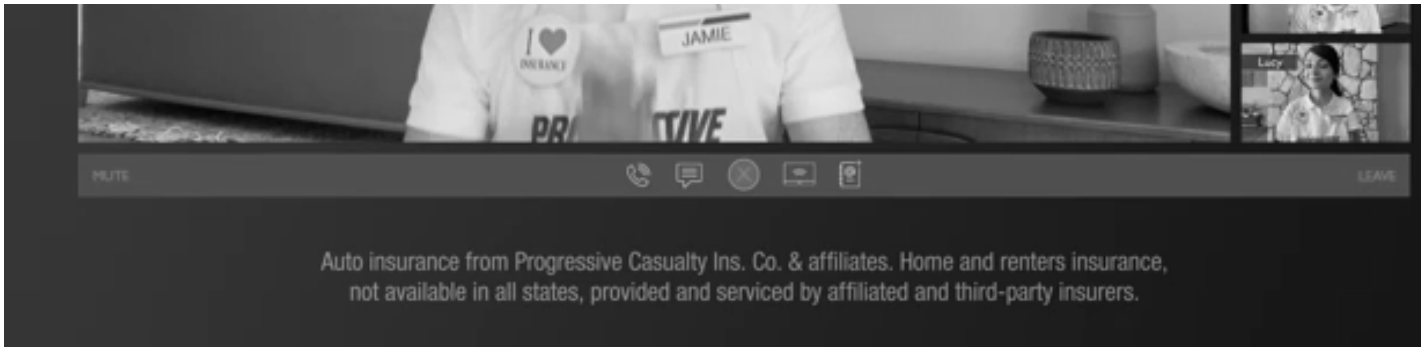
The school district’s failure to provide these learning opportunities while other school districts are doing so “is a clear constitutional violation, and should promptly be remedied by this court,” the lawsuit states.

The school district has provided some in-person educational services for some students who receive special education services, are English language learners or are significantly behind academically.

The lawsuit notes there is no current plan to return middle school or high school students to in-person learning this school year. The school board recently voted to return elementary school students to in-person learning in phases, starting in January.

However, the lawsuit states: “One member of the Salt Lake City School District Board has told members of the public that she plans to seek to overturn the plan for elementary schools to return to in-person learning once the newly elected board is constituted in January.”





The image shows a Zoom meeting interface. At the top, a video thumbnail shows a person wearing a white t-shirt with a name tag that says "JAMIE" and a logo that says "I ❤️ INSURANCE". Below the video is a control bar with icons for mute, chat, video off, screen share, and a "LEAVE" button. A large black advertisement overlay is positioned in the center of the screen, containing the text: "Auto insurance from Progressive Casualty Ins. Co. & affiliates. Home and renters insurance, not available in all states, provided and serviced by affiliated and third-party insurers." In the top right corner of the Zoom window, there is a small thumbnail of another participant named "Lucy".

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