

North County parents sue state to overturn school reopening rules



Parents hold signs urging schools to reopen at a protest last September in front of the Carlsbad School district headquarters. (Bill Wechter/for The San Diego Union-Tribune)

Multiple parents said their children wanted to kill themselves, overwhelmed by isolation and hopelessness due to school closures

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A group of North County public school parents sued Gov. Gavin Newsom and other state leaders, saying the state's reopening rules are unfairly preventing their districts from bringing students back for in-person learning and that their children are suffering because of it.

Parents from five North County districts — Carlsbad Unified, San Dieguito Union High, Poway Unified, Oceanside Unified and San Marcos Unified — are trying to overturn [state rules issued last month that are preventing some districts from reopening](#) their middle and high schools until San Diego County gets out of the most-restrictive, purple tier.

The Parent Association of North County San Diego also is trying to overturn rules that require a minimum of four-foot distance between students in classrooms and that require students learn in stable groups rather than change classes, which they say is difficult for middle and high schools.

The rules make it nearly impossible for some schools to offer in-person learning five days a week, said Scott Davison, co-director of Families for Opening Carlsbad Schools and a member of the North County association that filed the lawsuit.

Experts say physical distancing, along with other safety measures such as universal mask-wearing, is important for preventing COVID spread in schools. They also recommend schools keep students in the same small groups all day.

But Davison said he and other North County parents believe the state's rules are arbitrary and overly restrictive, considering many other public and private schools in the county have appeared to operate safely in person since September, months before the state issued its new rules.

Also named as defendants in the suit are State Health Secretary Dr. Mark Ghaly, State Schools for All Team Lead Dr. Naomi Bardach, State Health Officer Dr. Tomás Aragón, and the five North County districts whose parents make up the association. Davison said the lawsuit is primarily focused on the state officers, not the districts because the districts have to follow state rules.

In an email, the state public health department said it cannot comment on the specifics of the lawsuit because it hasn't seen or been served the complaint.

"A top priority for Governor Newsom is getting students back at school for in-person instruction as safely and quickly as possible," the department said. "The Governor

released a plan to do so in December, and the Administration is continuing discussions on the pace of reopening of schools with the legislature.”

Self-harm, failing grades

The plaintiffs in the [lawsuit](#) are 11 parents who shared harrowing stories of how their children have suffered psychologically and academically during school closures.

Four plaintiffs said their children devised detailed plans to kill themselves or have tried to kill themselves.

One student tried to jump out of a moving car that was driving on the freeway. Another student slit her wrists. Another student planned to die by electrocution. Another planned to die by drinking poison.

One student who used to be a social and competitive athlete now suffers from recurring panic and anxiety attacks, has urges to hurt herself and was admitted to an eating disorder unit at Rady Children’s Hospital, the lawsuit said.

The plaintiffs, identified by initials in the lawsuit, said their children are suffering from depression, anxiety, loneliness and feelings of helplessness caused by the isolation of school closures and by difficulty engaging with online learning.

Several students who used to enjoy school and spending time with friends now have lost focus on school and have resorted to mostly playing video games, watching television, or crying while curled up in bed, the lawsuit said. Several parents said their children are not completing many of their assignments because they have lost motivation or they feel overwhelmed by isolation.

One student who used to consistently get A’s and B’s in his classes finished last semester with all failing grades, because he struggled with distance learning, was marked absent despite logging in to class, and his classes were shortened to as few as 15 or 20 minutes during distance learning. Now that student is missing 25 credits he needs to graduate, the lawsuit said.

To help their kids, some of the parents in the lawsuit have tried hiring tutors, moving their children to private schools that are open for in-person instruction, taking their children to see therapists or admitting their children to Rady Children's Hospital for mental health treatment.

The lawsuit did not specify damages beyond attorney and court costs.

Reopening rules

Many schools in California are prohibited from reopening while their county is in the most-restrictive, purple tier, indicating high COVID case rates.

San Diego County recently reached a case rate threshold that allows its elementary schools to [open via an application process](#), but its middle and high schools are still barred from reopening until the county exits the purple tier — which may happen soon, considering San Diego's continuously falling case rate.

Meanwhile, schools that reopened before the county fell to the purple tier have been able to stay open and to expand reopening. Some North County districts were planning to open their middle and high schools last month, because they believed their schools had already reopened when they brought back some groups of students to campus.

But those districts were [forced to cancel their plans](#) because the state clarified its definition of a reopened school to be more specific — only schools that had invited back all students in at least one grade level were considered reopened.

Two weeks ago, the state, in an indirect acknowledgement that some districts were abruptly forced to cancel their plans, [established a way](#) for certain school districts, including some North County districts, to reopen despite its new rules.

Those schools and districts can now apply for an exemption and reopen if they believe they qualified as reopened under the state's old rules.

Carlsbad, Poway, San Dieguito and San Marcos have applied for the exemption to reopen schools and will learn in the coming days whether their application was approved.

If you or someone you know is experiencing a mental health crisis or thoughts of suicide, experts ask that you call the local Access and Crisis Line at (888) 724-7240. There is also the National Suicide Prevention Lifeline at (800) 273-8255.

— *Kristen Taketa is a reporter for The San Diego Union-Tribune*