



Written by [Raven Clabough](#) on December 8, 2020

## Wisconsin Parents Sue Over School Closures in Defiance of State Supreme Court Order

School closures in the city of Racine, Wisconsin, prompted parents to team up with School Choice Wisconsin to sue the city for defying a Wisconsin Supreme Court restraining order that prevented the city from closing the schools, the Daily Wire [reports](#).

Jim Bender, president of School Choice Wisconsin, is accusing city leaders of being “drunk with power.” He told Empower Wisconsin, “I am stunned they were so brazen against a clear order from the Supreme Court, but I guess they don’t think they’ll pay a legal or political price.”



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The situation began when Racine Public Health Administrator Dottie-Kay Bowersox issued a public health order on November 12 that ordered the closure of schools from November 27, 2020 to January 15, 2021, and urging schools to move to virtual learning. Bowersox cited concerns about holiday travel.

Bowersox stated, “We’re concerned that, again, individuals will not be responsible. They will interact with individuals outside their home. They’ll go to gatherings and such. They won’t be masked. They won’t keep social distancing, and they won’t stay home when they’re ill.”

In response to her order, five private schools and two separate groups represented by the Wisconsin Institute for Law and Liberty (WILL) filed a petition with the Wisconsin Supreme Court asking for an injunction against Bowersox’s order.

In an interview with Fox News, Bender said virtual learning is having “economic impacts on the families, time commitments.”

The court sided with the plaintiffs on November 25 and barred the city from closing the schools by issuing a restraining order.

But in an overzealous grab for power, Bowersox responded by sending an e-mail to school administrators in the city that indicated the court’s ruling did not “alter the status” or her ordinance. According to Empower Wisconsin, the city “shoved in some language to its existing Safer Racine ordinance to try to get around the court order.”

As such, the Racine Unified School District now claims the court order does not apply to the ordinance as it is now written.

“We are still closed because the city ordinance (different than the order which was enjoined by the Supreme Court) is still in effect mandating schools closed until Jan. 15,” Stacy Tapp, chief of communications and community engagement for the school district, told Fox News.

Now, School Choice Wisconsin and several parents are suing Racine schools for remaining closed in



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defiance of the Supreme Court's restraining order and are asking the court to hold Bowersox in contempt and fine the city \$2,000 each day it defies the injunction.

"Wisconsin Supreme Court orders are neither optional or advisory. We expect the City of Racine to immediately allow schools to open or face sanctions from the Court," said Rick Esenberg, WILL's president and general counsel, in a statement.

Representative Bryan Steil (R-Wis.), who represents Racine, criticized the city's actions, calling them "unbelievable." He asserts the city should be finding ways to "safely reopen" schools, not close them.

According to Empower Wisconsin, Racine city leaders have garnered a reputation for pushing a liberal agenda to the detriment of Racine citizens. Last year, Mayor Cory Mason was [caught](#) working with local teachers in a smear campaign against the city's successful school voucher program.

Bender contends that the schools should remain open so long as they are creating safe learning environments.

Bender concluded, "Outside of extreme situations, we should be doing everything we can to open the schools. We've got to take COVID seriously, and schools are taking COVID seriously. They have created safe, clean learning environments."

Bender's position is not extraordinary. Even Dr. Anthony Fauci, head of the National Institute for Allergy and Infectious Diseases, has advised districts to "keep the children in school, or get them back to school," though he has [flip-flopped on the issue](#).

The American Academy of Pediatrics has also emphasized the importance of in-school learning, after having spent so many years sounding the alarm on too much "screen time."

In Europe, schools and child-care centers have stayed open even as coronavirus cases were surging. National Public Radio (NPR) [reported](#) last month,

Countries such as France, the United Kingdom, Germany and Italy appear to be following the emerging evidence that schools have not been major centers of transmission of the virus, especially for young children. And experts say these nations are also demonstrating a commitment to avoiding the worst impacts of the pandemic on children.

By comparison, NPR noted that there were "very few places in the U.S. where classrooms have remained full."

And sadly, American students are paying the price. A [study](#) from Fairfax County, Virginia, Public Schools Office of Research and Strategic Improvement, for example, shows middle- and high-school students are struggling with online learning, Fox News reports. The percentage of students with two or more failing grades increased 83 percent in the first quarter of the 2020-2021 school year compared to the same time during the 2019-2020 school year. Non-English speakers and students with disabilities are experiencing even larger increases. Similar results are being reported in California and Texas, Fox News reports.

And as research continues to show that schools are [not the superspreaders](#) fearmongers claimed they would be, angry parents across the country have organized protests to either [reopen](#) schools or [keep them open](#).

"I am no longer content to let four men — Bill de Blasio, Michael Mulgrew, Richard Carranza and



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Andrew Cuomo — decide whether my children can go to school and whether I as a working mother can have a job and a career,” one New York City mother [told](#) the *New York Times* at a protest last month, referring to the New York City mayor, the president of the New York City teachers’ union, the New York City schools chancellor, and the state governor.



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