

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

Benjamin Royal; Nicole Conaway; Elizabeth St. Clair individually and as next friend of Jordan St. Clair, India Worthy, and Hunter Thomas; Tracy Brown; Kenshawn Seibert; Famika Edmond individually and as next friend of Autumn Carr; Tiffany Jackson individually and as next friend of Tevares Jenkins; Equal Opportunity Now/By Any Means Necessary (EON/BAMN); and the Coalition to Defend Affirmative Action, Integration, and Immigrant Rights and Fight for Equality By Any Means Necessary (BAMN); all on behalf of themselves and a class of all others similarly situated,

Plaintiffs,

vs.

Detroit Public Schools Community District (DPSCD) and DPSCD Superintendent Nikolai Vitti in his official capacity,

Defendants.

Case No.: 20-Hon.

Case classification  
Code: CZ

**CLASS ACTION COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF AND  
PETITION FOR WRIT OF  
MANDAMUS, FOR VIOLATION  
OF CIVIL RIGHTS**

- **Michigan Constitution, art. I, § 17 (Substantive Due Process – Bodily Integrity)**
- **42 U.S.C. § 1983 (14th Amendment Substantive Due Process – Bodily Integrity)**
- **Michigan Constitution, art. I, § 2 (Equal Protection)**
- **42 U.S.C. § 1983 (14th Amendment Equal Protection)**
- **Michigan Constitution, art. VIII, § 2 (Nondiscrimination in Education)**
- **Elliott-Larsen Civil Rights Act**
- **Michigan Executive Order 2020-142 (COVID-19)**

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- 1 3. DPSCD resumed in-person instruction for Detroit’s children on July 13, 2020, with little  
2 forewarning and without preparation, and with a Preparedness Plan that was released on  
3 July 12, 2020 and had not yet been approved by its board of education. As detailed further  
4 in this Complaint, the putative Preparedness Plan does not conform to guidelines by the  
5 Centers for Disease Control and Prevention (CDC), and Defendants have failed to  
6 implement the measures within it.
- 7 4. DPSCD is doing exactly what Dr. Anthony Fauci, Director of the National Institute of  
8 Allergy and Infectious Diseases, warned would result in disastrous consequences.<sup>1</sup> It has  
9 approached the reopening of Detroit public schools in a completely “cavalier” manner,  
10 acting on the basis of political exigencies and not science and showing no concern for the  
11 lives of the district’s students, teachers and school staff.
- 12 5. At the very moment that school districts in New York, Los Angeles, San Diego and other  
13 large urban centers are refusing to bow to the bullying and threats of the Trump  
14 administration and refusing to comply with his policy of starting in-school face-to-face  
15 classroom education immediately, Michigan’s and Detroit’s political leaders are carrying  
16 out Trump's insane policy of dismissing the recommendations of public health officials and  
17 reopening DPSCD without even minimal safety measures in place.
- 18 6. The district’s decision will refuel the resurgence and spread of the Coronavirus in Detroit  
19 and turn Michigan into another California, where schools were closed but the state was  
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21 <sup>1</sup> “We don’t know everything about this virus and we really better be pretty careful, particularly  
22 when it comes to children... I think we better be careful [that] we are not cavalier in thinking that  
23 children are completely immune from the deleterious effects.” (“Fauci urges caution on schools,  
24 warns against ‘cavalier’ idea that children are immune from COVID-19” Fox6now.com, May 12,  
2020. Available at: <https://fox6now.com/2020/05/12/fauci-urges-caution-on-schools-warns-against-cavalier-idea-that-children-are-immune-from-covid-19/> )

1 reopened too quickly and it is now experiencing a major outbreak of the virus. As things  
2 stand now, DPSCD is consciously creating a cataclysmic man-made health disaster which  
3 DPSCD and Superintendent are allowing to take place.

- 4 7. The May 17, 2020 reopening of schools in Israel has been a disaster. Israel now has a higher  
5 rate of new COVID-19 cases per capita than even the United States. In the first two weeks  
6 of July, 393 kindergartens and schools open for summer programs have been shuttered due  
7 to cases of COVID-19. Udi Kliner, the deputy director of public-health services for Israel's  
8 health ministry, said, "1,400 Israelis were diagnosed with the disease [in June]. Of those,  
9 185 caught it at events such as weddings, 128 in hospitals, 113 in workplaces, 108 in  
10 restaurants, bars, or nightclubs, and 116 in synagogues,... while 657—which is to say 47  
11 percent of the total—were infected by the coronavirus in schools."<sup>2</sup>
- 12 8. Unless this Court intervenes, DPSCD's decision to reopen the district will result in the  
13 needless debilitation and death of thousands of young people and their family members by  
14 COVID-19, and turn Detroit into the epicenter of the virus in Michigan. Detroit has been  
15 forced to suffer enough from years of well-documented racist government policies of benign  
16 neglect. The stakes are way too high this time to allow this to happen one more time.

#### 17 **JURISDICTION AND VENUE**

- 18 9. This Court has subject matter jurisdiction over this action for declaratory and injunctive  
19 relief pursuant to MCL § 600.605, MCR 2.605 and MCR 3.310.
- 20 10. This Court has personal jurisdiction over Defendants named herein because they are located  
21 within the State of Michigan. Superintendent Vitti is sued in his official capacity.

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22 <sup>2</sup> "Israeli Data Show School Openings Were a Disaster That Wiped Out Lockdown Gains," *Daily*  
23 *Beast*, July 14, 2020. Available at: [https://www.thedailybeast.com/israeli-data-show-school-](https://www.thedailybeast.com/israeli-data-show-school-openings-were-a-disaster-that-wiped-out-lockdown-gains)  
24 [openings-were-a-disaster-that-wiped-out-lockdown-gains](https://www.thedailybeast.com/israeli-data-show-school-openings-were-a-disaster-that-wiped-out-lockdown-gains)

1 11. Venue is proper in this Court because the wrongs alleged in this Complaint occurred in  
2 Wayne County.

3 12. This action is timely filed within all applicable statutes of limitation.

4 **PARTIES**

5 13. Plaintiff Benjamin Royal is DPSCD teacher and an elected member of the Executive Board  
6 of the Detroit Federation of Teachers (DFT). He teaches at and is the DFT Union Building  
7 Representative for DPSCD's Maybury Elementary School. He is a member of the Equal  
8 Opportunity Now/By Any Means Necessary Caucus (EON/BAMN) and a member of the  
9 Coalition to Defend Affirmative Action, Integration, and Immigrant Rights and Fight For  
10 Equality By Any Means Necessary (BAMN). He lives in Detroit, Michigan.

11 14. Plaintiff Nicole Conaway is a teacher in DPSCD's Communication and Media Arts High  
12 School. She suffers from asthma and is particularly susceptible to serious illness or death  
13 from COVID-19. She applied to teach virtual summer school in DPSCD out of concern for  
14 exposure to COVID-19. Because of DPSCD's push for in-person summer school her  
15 application was rejected. She lives in Detroit, Michigan.

16 15. Plaintiff Elizabeth St. Clair is the mother of three children who are enrolled in DPSCD:  
17 Plaintiffs Jordan St. Clair, India Worthy, and Hunter Thomas. Jordan is a tenth grader at  
18 DPSCD's Cass Technical High School. During the week preceding July 13, 2020 opening  
19 of summer school, J.S.C. was invited to play baseball in DPSCD, which he and Ms. St. Clair  
20 refused due to fear of contracting and/or transmitting COVID-19. India is a ninth grader  
21 entering DPSCD's Detroit School of Arts (DSA). Hunter is going into kindergarten in Fall  
22 2020. Elizabeth Clair and her three children live in Detroit, Michigan.

1 16. Plaintiff Tracy Brown is a teacher in DPSCD's McKenzie Elementary Middle School. She  
2 has underlying health conditions including high blood pressure and diabetes that make her  
3 particularly susceptible to serious illness and death from COVID-19. She also as a caregiver  
4 for her 82-year-old mother. She applied to teach virtual summer school in DPSCD out of  
5 concern for exposure to COVID-19. Because of DPSCD's push for in-person summer  
6 school her application was rejected. She lives in Roseville, Michigan.

7 17. Plaintiff Kenshawn Seibert is a bus driver at DPSCD who was directed to drive DPSCD  
8 children for in-person summer school beginning July 13, 2020 without being required to  
9 obtain a negative COVID-19 test, and without any training, hand sanitizer, masks, or  
10 instructions to protect the children from COVID-19. He lives in Detroit, Michigan.

11 18. Plaintiff Famika Edmond is the mother of Plaintiff Autumn Carr and lives in Detroit,  
12 Michigan. Autumn is enrolled in DPSCD and just completed first grade. She has a  
13 suppressed immune system and has undergone five surgeries. Autumn's condition makes  
14 her particularly susceptible to serious illness and death from COVID-19. Ms. Edmond  
15 signed up her daughter Autumn for virtual summer school at DPSCD, but instead her  
16 daughter received an in-person summer-school assignment. DPSCD did not inquire as to  
17 Autumn's health risks. She and her daughter were not provided with any safety protocols or  
18 health screening when receiving this assignment. Ms. Edmond has lost family members to  
19 COVID-19. Ms. Edmond made calls to DPSCD's hotline about safety protocols and plans  
20 and accommodations for Autumn and has received no responses. Ms. Edmond and her  
21 daughter in Detroit, Michigan.

22 19. Plaintiff Tiffany Jackson is an employee of DPSCD. She is a Clerical Level 3 at DPSCD's  
23 Communication and Media Arts High School. She is being made to work at DPSCD in-

1 person school sites for summer school starting July 13, 2020. She also is the mother of  
2 Plaintiff Tevares Jenkins, a child with asthma who is particularly susceptible to serious  
3 illness and death from COVID-19. His asthma is severe enough that it causes him  
4 sometimes to miss school. Ms. Jackson also has elderly grandmother who visits her  
5 frequently who is particularly susceptible to serious illness and death from COVID-19. Ms.  
6 Jackson and her son live in Detroit, Michigan.

7 20. Without relief from this Court, DPSCD plans to conduct the 2020-21 school year with the  
8 same disregard for the health of DPSCD children, teachers, staff, and their families, and  
9 their conduct already is facilitating an outbreak of COVID-19 which will delay further their  
10 ability to attend in-person school safely.

11 21. Plaintiff Coalition to Defend Affirmative Action, Integration and Immigrant Rights and  
12 Fight for Equality By Any Means Necessary (BAMN) is a nonprofit organization comprised  
13 of members who oppose racism and support equality for black, Latina/o, Arab, Asian  
14 American and other minority people, including advocating for equal treatment for the  
15 children of Detroit.

16 22. Plaintiff Equal Opportunity Now/BAMN (EON/BAMN) is a national teachers' union  
17 caucus committed to equality and equal rights for black, Latina/o, Arab, Asian American  
18 and other minority children, including advocating for equal treatment for the children of  
19 Detroit.

20 23. Defendant Detroit Public Schools Community District (DPSCD) is the Michigan school  
21 district responsible for delivering public education to children within the geographic  
22 boundaries of DPSCD. It is reopening 26 of its schools for in-person instruction for summer  
23 school in 2020, as detailed further below.

1 24. Defendant Nikolai Vitti is the Superintendent of DPSCD. He is carrying out the reopening  
2 of 26 of DPSCD’s schools for in-person instruction for summer school in 2020. He is sued  
3 by Plaintiffs and the Class in his official capacity.

4 **STATEMENT OF FACTS**

5 25. On July 16, 2020, the United States reported more than 75,000 new COVID-19 cases,  
6 setting another one-day world record. In Michigan, just weeks after the start of “Phase 4” of  
7 Governor Whitmer’s plan to reopen Michigan safely, the number of new COVID-19  
8 patients and new deaths is on the rise. States that either never really shut down or that  
9 reopened too quickly with no mitigation plans in place, like Texas, provide an example of  
10 the disastrous consequences that occur when government officials refuse to accept the  
11 recommendations of public health officials and re-open all at once.

12 26. Governor Whitmer closed down public education for months. She has issued scores of  
13 Executive Orders to stop local governments from establishing policies that foster the spread  
14 of COVID-19.

15 27. These initial actions lowered the daily rate of COVID-19 infections for Michigan from a  
16 peak in March and April. On June 1, Governor Whitmer issued an executive order partially  
17 reopening the economy in Michigan.

18 28. The executive orders of Whitmer and the plans promulgated by her to gradually reopen the  
19 state, beginning with the May 7, 2020 *Michigan Safe Start Plan*, demarcate six “phases” for  
20 reopening the economy, and dividing Michigan into 8 regions that these phases could be  
21 assigned to. These phases were to be based on the trend of daily COVID-19 infections and  
22 the state of testing, contact-testing, and healthcare infrastructure to control outbreaks. It also  
23

1 allowed for state officials to regress a given region’s phase, to adapt to new outbreaks of  
2 COVID-19.

3 29. In the *Michigan Safe Start Plan* (Exhibit F), Phase 4 (“Improving”) states: “This phase  
4 occurs when the number of new cases and deaths has fallen for a period of time, but overall  
5 case levels are still high. When in the Improving phase, most new outbreaks are quickly  
6 identified, traced, and contained due to robust testing infrastructure and rapid contact  
7 tracing.”

8 30. Beginning in mid-June 2020, the number of daily COVID-19 cases began to rise. This was  
9 inconsistent with both “Phase 3: Flattening” (which requires that “daily new cases and  
10 deaths remain relatively constant over a time period”) and Phase 4. However, the Governor  
11 and her subordinate officials have not designated any region of Michigan, including Region  
12 1 which includes Detroit, as in anything more severe than Phase 4 of the Defendants’ own  
13 *Michigan Safe Start Plan*.

14 31. On June 30, 2020, Governor Whitmer issued Executive Order 2020-142 (“Provision of  
15 preK-12 education for the 2020-2021 school year”) (“hereafter referred to as “Executive  
16 Order 2020-142”), only provides for reopening of schools for the 2020-21 school year and  
17 not for opening summer school in 2020.

18 32. Executive Order 2020-142 mandates Michigan school districts to devise a “Preparedness  
19 Plan” that enacts a list of specific “minimum” measures which includes: closing if the  
20 region they are in is in Phase 1, 2, or 3; if they are in Phase 4, they must enact procedures  
21 that include at minimum: protocols for testing, screening, hygiene, cleaning, athletics,  
22 busing, and student transportation, for face coverings, hand sanitizer, social distancing,  
23

1 cohorting of students to prevent contact between classrooms, and heightened precautions for  
2 school buses. (Exhibit G)

3 33. Under Executive Order 2020-142, each school district must approve this Preparedness Plan  
4 “by August 15, 2020 or seven days before the start of the school year for students,  
5 whichever comes first... *The local school district board...* must approve a district’s  
6 Preparedness Plan.” (emphasis added) Further, Executive Order 2020-142 states: “A district  
7 or nonpublic school without an approved Preparedness Plan is not permitted to open or to  
8 continue in operation for in-person instruction for the 2020-2021 school year.” (Exhibit G)

9 34. Governor Whitmer has been rolling back reopening plans in Michigan. On July 1, 2020,  
10 Governor Whitmer signed Executive Order 2020-143 which closes bars because “[b]ars  
11 have many features that facilitate the spread of COVID-19: they are often crowded, indoors,  
12 and poorly ventilated.”

13 35. On July 17, 2020, Governor Whitmer signed Executive Order 2020-154 to provide  
14 “essential protection to vulnerable Michiganders.” It provides for remote public meetings  
15 and for state government officials to conduct all business remotely.

16 36. The current spike in new COVID-19 cases in Michigan and the nation prompted Governor  
17 Gretchen Whitmer on July 8, 2020 to express “concern” about school resuming in-person  
18 instruction in the Fall.

19 37. Yet Defendants DPSCD and Superintendent Vitti are moving forward with plans to expose  
20 Detroit’s children, and only Detroit’s children, to a full reopening of schools with in-person  
21 classroom instruction which began on July 13, 2020.

22 38. The DPSCD Defendants had not yet approved any Preparedness Plan. The DPSCD Board of  
23 Education approved its Preparedness Plan (Exhibit G) on July 14, 2020, after the schools

1 already had opened and the exposure of DPSCD children, teachers, staff, and their families  
2 already had taken place.

3 39. Since the beginning of the pandemic, it has been clear that racism and the enforced  
4 impoverishment of the city of Detroit have caused it to bear a disproportionate brunt of the  
5 pandemic. While black people comprise 14.1 percent of the people of Michigan, they have  
6 suffered about 40 percent of the deaths from COVID-19 in Michigan.

7 40. There is no other school district in Michigan that is attempting to do a full reopening of its  
8 schools now.

9 41. While Michigan government officials work remotely, they are exposing Detroit's children  
10 and Michigan's most vulnerable to COVID-19.

11 42. The action of DPSCD is equivalent to sending miners into a coal mine even though the  
12 canary sent into the mine to test the air quality came back dead. A report written on July 8,  
13 2020 by the Center for Disease Control and Prevention (CDC), and CDC's current guidance  
14 state that in-person instruction in K-12 schools creates "the highest risk" for the spread of  
15 COVID-19. (Exhibit A, p. 2; Exhibit C)

16 43. DPSCD is opening 26 schools and is busing children from all over the city to those schools.  
17 After the Governor expressed "concern" about the majority of Michiganders returning to  
18 school in the fall, Defendants are using Detroit's black children as guinea pigs for a deadly  
19 experiment for Michigan's white citizens, with predictably fatal consequences for Detroit's  
20 black children, their teachers and school staff, and their families.

21 *The Danger of COVID-19 to Detroit's Children, Teachers, Staff, and Their Families*

22 44. DPSCD claims that it is okay to reopen the schools because children are less likely to  
23 contract COVID 19 and when they do they only suffer from mild symptoms. The primary

1 justification advanced by DPSCD Superintendent Vitti for the sudden reopening of schools  
2 is the claim that parents were begging him to do so. The second justification for reopening  
3 the schools is that the best way to prevent the devastating effects of the virus in the long run  
4 is to use herd immunity to inoculate a majority of Americans and prevent it from continuing  
5 to periodically resurface.

6 45. None of these justifications are backed by science. Dr. Fauci has repeatedly stated that we  
7 know almost nothing about how the virus affects children and it is unsafe to act on largely  
8 anecdotal evidence. (See Footnote 1)

9 46. What is known is that COVID-19 can cause deadly inflammation conditions in children and  
10 can result in lasting neurological and brain damage.<sup>3</sup>

11 47. Florida reports that 31 percent of the state’s children are testing positive for COVID-19. Dr.  
12 Alina Alonso, Palm Beach County’s health department director, warns that much is  
13 unknown about the long-term health consequences for children who catch COVID-19. X-  
14 rays have revealed the virus can cause lung damage in people without severe symptoms. Dr.  
15 Alonso told Florida officials: “They are seeing there is damage to the lungs in these  
16 asymptomatic children... We don’t know how that is going to manifest a year from now or  
17 two years from now,” Alonso said. “Is that child going to have chronic pulmonary problems  
18 or not?”<sup>4</sup>

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20 <sup>3</sup> “Some kids suffer mysterious brain damage from coronavirus, study finds.” *New York Post*,  
21 July 6, 2020. Available at: <https://nypost.com/2020/07/06/some-kids-suffer-mysterious-brain-damage-from-coronavirus-study-finds/>

22 <sup>4</sup> Nearly one-third of children tested for COVID in Florida are positive. Palm Beach County’s  
23 health director warns of risk of long-term damage.” *South Florida Sun Sentinel*, July 14, 2020.  
24 Available at: <https://www.sun-sentinel.com/coronavirus/fl-ne-pbc-health-director-covid-children-20200714-xcdall2tsrd4riim2nwokvmsxm-story.html>

1 48. Detroit’s children do not need to be used in another Tuskegee Experiment. Detroit’s youth  
2 should not be treated as guinea pigs who can demonstrate how COVID-19 affects children  
3 who have intensive and repeated contact with other children affected by the virus.

4 49. A recent study on herd immunity and COVID-19 published by the Royal College in  
5 England, shows that contracting the virus does not result in immunity from future COVID-  
6 19 infections.<sup>5</sup>

7 50. The people responsible for reopening Detroit public schools should not be allowed to rely  
8 on untested or debunked science to justify institute policies closely related to programs to  
9 reopen DPSCD.

10 51. Children have been hospitalized and placed in intensive care, and have died from COVID-  
11 19. The virus’s impact on children and its ability to pass on to adults via children in  
12 congregate settings is only beginning to be understood. The CDC published a study on April  
13 2, 2020, which stated:

14 Information on hospitalization status was available for 745 (29%) cases in  
15 children aged <18 years and 35,061 (31%) cases in adults aged 18–64 years.  
16 Among children with COVID-19, 147 (estimated range = 5.7%–20%) were  
17 reported to be hospitalized, with 15 (0.58%–2.0%) admitted to an ICU  
18 (Figure 2). Among adults aged 18–64 years, the percentages of patients who  
19 were hospitalized (10%–33%), including those admitted to an ICU (1.4%–  
20 4.5%), were higher. Children aged <1 year accounted for the highest  
21 percentage (15%–62%) of hospitalization among pediatric patients with  
22 COVID-19. Among 95 children aged <1 year with known hospitalization  
23 status, 59 (62%) were hospitalized, including five who were admitted to an  
24 ICU. The percentage of patients hospitalized among those aged 1–17 years

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21 <sup>5</sup> The study from the UK shows that individuals who fight off COVID-19 see their number of  
22 antibodies peak three months after the onset symptoms but then swiftly decline, in some cases  
23 becoming undetectable. (“Immunity to Covid-19 could be lost in months, UK study suggests,”  
24 The Guardian, July 12, 2020 <https://www.theguardian.com/world/2020/jul/12/immunity-to-covid-19-could-be-lost-in-months-uk-study-suggests> )

1 was lower (estimated range = 4.1%–14%), with little variation among age  
2 groups (Figure 2).<sup>6</sup>

3 52. Children in Michigan, Florida, and New York have died from COVID-19.<sup>7</sup>

4 53. Two U.S. research groups have reported finding nearly 300 cases of an alarming apparent  
5 side effect of COVID-19 in children called multisystem inflammation syndrome, or MIS-C,  
6 sometimes between two and four weeks after infection.<sup>8</sup> In one study, MIS-C caused 80% of  
7 children to require intensive care, 20% required mechanical ventilation, and 2% died.<sup>9</sup>

8 54. A Rutgers University study focused on 48 children and young adults (newborns to 21 years  
9 old) in ICUs due to COVID-19 in March and April found that more than 80 percent had  
10 chronic underlying conditions such as immune suppression, obesity, diabetes, seizures, or  
11 chronic lung disease.<sup>10</sup> Children in Detroit disproportionately suffer from these and other  
12 comorbidities.

13 55. In Texas, as of July 3 about 1,335 people had tested positive for COVID-19 in its child care  
14 facilities. 894 of those were staff members and 441 were children.<sup>11</sup>

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16 <sup>6</sup> “Coronavirus Disease 2019 in Children in United States, February 12-April 2, 2020,”  
17 CDC.gov, April 10, 2020 <https://www.cdc.gov/mmwr/volumes/69/wr/mm6914e4.htm>

18 <sup>7</sup> “5-year-old with rare complication becomes first Michigan child to die of COVID-19,” *Detroit*  
19 *News*, April 19, 2020 [https://www.detroitnews.com/story/news/local/detroit-city/2020/04/19/5-](https://www.detroitnews.com/story/news/local/detroit-city/2020/04/19/5-year-old-first-michigan-child-dies-coronavirus/5163094002/)  
20 [year-old-first-michigan-child-dies-coronavirus/5163094002/](https://www.detroitnews.com/story/news/local/detroit-city/2020/04/19/5-year-old-first-michigan-child-dies-coronavirus/5163094002/).

21 <sup>8</sup> “What we know about coronavirus risks to school age children,” CNN.com, July 10, 2020,  
22 <https://www.cnn.com/2020/07/10/health/coronavirus-school-age-children-wellness>

23 <sup>9</sup> “Researchers report nearly 300 cases of inflammatory syndrome tied to Covid-19 in kids,” June  
24 29, 2020, <https://www.statnews.com/2020/06/29/nejm-inflammation-children-covid19-misc/>

<sup>10</sup> “Multisystem Inflammatory Syndrome in U.S. Children and Adolescents,” *New England*  
21 *Journal of Medicine*, June 29, 2020 <https://www.nejm.org/doi/full/10.1056/NEJMoa2021680>

22 <sup>11</sup> “Characteristics and Outcomes of Children With Coronavirus Disease 2019 (COVID-19)  
23 Infection Admitted to US and Canadian Pediatric Intensive Care Units,” *JAMA Pediatrics*, May  
24 11, 2020. <https://jamanetwork.com/journals/jamapediatrics/fullarticle/2766037>

<sup>11</sup> “Texas coronavirus cases top 1,300 from child care facilities alone,” CNN.com, July 6, 2020.  
<https://www.cnn.com/2020/07/06/health/texas-coronavirus-cases-child-care-facilities/index.html>

1 56. A peer-reviewed study that will shortly be released by the CDC reports that younger people  
2 aged 10 to 19 years old are more likely than any other age group to spread COVID-19 in  
3 their household. It states: “We showed that household transmission of SARS-CoV-2 was  
4 high if the index patient was 10–19 years of age,” the study says. “... The role of household  
5 transmission of SARS-CoV-2 amid reopening of schools and loosening of social distancing  
6 underscores the need for a time-sensitive epidemiologic study to guide public health  
7 policy.”<sup>12</sup>

8 57. Schools are the hubs by which Detroit’s families make contact with one another. The  
9 resumption of in-person instruction in DPSCD endangers all of Detroit and threatens a  
10 new outbreak that will affect all of Michigan.

11 *DPSCD is failing to protect children, teachers, and staff from COVID-19*

12 58. Every government plan of action on how to mitigate the spread of COVID 19 begins with  
13 the Centers for Disease Control and Prevention’s (CDC’s) recommendations.

14 59. President Donald Trump, who has made clear that he has no regard for human life and  
15 supports any racist initiatives that specifically aimed at attacking the black, Latina/o Muslim  
16 or immigrant communities, is in a continuous battle with the CDC to change its  
17 recommendations, because he understands how much weight the CDC guidance has in  
18 determining the actions of public officials.

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20 \_\_\_\_\_  
21 <sup>12</sup> Park YJ, Choe YJ, Park O, Park SY, Kim YM, Kim J, et al. Contact tracing during coronavirus  
22 disease outbreak, South Korea, 2020. *Emerg Infect Dis.* 2020 Oct. Available at:  
23 [https://wwwnc.cdc.gov/eid/article/26/10/20-1315\\_article](https://wwwnc.cdc.gov/eid/article/26/10/20-1315_article)  
24 Reported in “Young People Most Likely to Spread Coronavirus At Home, Large Study Finds.”  
*Forbes*, July 18, 2020. Available at:  
[https://www.forbes.com/sites/rachelsandler/2020/07/18/young-people-most-likely-to-spread-](https://www.forbes.com/sites/rachelsandler/2020/07/18/young-people-most-likely-to-spread-coronavirus-at-home-large-study-finds)  
[coronavirus-at-home-large-study-finds](https://www.forbes.com/sites/rachelsandler/2020/07/18/young-people-most-likely-to-spread-coronavirus-at-home-large-study-finds)

1 60. In a confidential report drafted by the CDC on July 8, 2020 and released to the public by the  
2 New York Times on how to safely reopen the schools, the CDC stated that the mass  
3 reopening of K-12 schools and universities would be the highest risk for the spread of the  
4 Coronavirus.

5 61. Trump has tried to bully the CDC into changing its guidelines, but on this one issue the  
6 CDC has refused to bow to Donald Trump's anti-science self serving tirades and  
7 humiliation. Because the lives of children hang in the balance, the CDC has refused to back  
8 down from its advice on school reopenings. But still Superintendent Vitti and the Detroit  
9 School Board are blithely going forward with what is obviously a disaster in the making.  
10 Detroit Mayor Michael E. Duggan has done nothing to stop this from happening.

11 62. The DPSCD reopening plan ignores or bastardizes every CDC recommendation on how to  
12 safely reopen schools. (See Figure A below, comparing the CDC's recommendations to  
13 DPSCD's plan and to DPSCD's implementation.)

14 63. Most of the CDC recommendations are commonsensical. For example, the CDC focuses on  
15 the importance of mass, repeated, and regular testing, in order to minimize the chance that  
16 someone entering a school could unknowingly spread the virus to others. School reopenings  
17 in China and Germany were predicated on the virus being much more contained in the  
18 general community than it is in Michigan now, and their schools conducted mass, regular  
19 COVID-19 testing and screening of both students and staff.

20 64. In contrast, DPSCD has only asked teachers to provide a negative test result before they  
21 begin teaching summer school; meanwhile, students and school staff are not being tested  
22 before they enter the schools, and there is no plan for anyone to be tested after school begins  
23 in order to be ahead of any outbreak.

1 65. COVID-19 is communicated by droplets and possibly is airborne, and it is more able to  
2 spread when people spend hours indoors. This is exacerbated in summer school, when  
3 facilities recirculate the air via air-conditioning systems during hot weather.

4 66. The CDC states that COVID-19 is asymptomatic and can still be transmitted for 2 to 14  
5 days after initial exposure. By the time someone shows symptoms for COVID-19 and gets  
6 tested, which furthermore can take 48 hours to process, that person will have already  
7 exposed countless numbers of people within school buses and the school building over the  
8 previous 14 days.

9 67. DPSCD has no plan to close schools in the event of a positive COVID-19 test; DPSCD's  
10 plan is to "advise" people to "self-quarantine" if they had "close contact" with a person with  
11 a confirmed positive COVID-19 test. DPSCD has expressly told employees that their  
12 voluntary self-quarantine must be counted against their paid sick-leave, even though it is a  
13 communicable disease.

14 68. An essential first measure to be employed to mitigate against the rapid spread of the virus  
15 and to protect students, teachers, and staff from contracting the virus is to conduct mass  
16 testing of students, teachers and staff prior to opening the schools.

17 69. DPSCD's reopening of schools has been carried out with haste, little forewarning and  
18 preparation, and with willful disregard toward the health and safety of Detroit children and  
19 staff. If DPSCD gets away with this atrocity, a month from now, it will be safer to be on a  
20 cruise ship than to be a student in a Detroit school. The decision to reopen Detroit schools  
21 was announced on July 9, 2020, that DPSCD was going to reopen 26 schools and provide  
22 approximately 2,000 students with in-person instruction on July 13. Teachers who had  
23 signed up for summer schools were told on or about the beginning of the week of July 6 that

1 the schools would be reopening. Any reopening plan must educate teachers, students and  
2 staff on the nature of the virus and why basic safety measures such as handwashing and  
3 social distancing can help limit the spread of the virus. DPSCD provided a short PowerPoint  
4 video to “train” the teachers. The short video was nothing more than a cynical charade to  
5 allow the district to say that it had conducted teacher training before the school opened. It  
6 did not provide teachers with guidance on how to explain why students need to wear masks  
7 at all times and maintain a safe distance between themselves and their friends. Elementary  
8 students are going to need lots of monitoring, but there is nothing in the DPS plan that states  
9 how this will be done. As things stand now, teachers are supposed to provide one training on  
10 safety the first day of school. Parents were notified at approximately the same time that the  
11 school would be opening on July 13, and they were told that “corner bus service” would be  
12 provided to take students to school.

13 70. DPSCD claims that students’ temperatures will be taken before students enter the school.  
14 However, no concrete plans exist on how to make this work. At some schools, only one staff  
15 person is assigned to take student temperatures, and no one is assigned to enforce social  
16 distancing of the students who are lining up to get their temperature taken. If the person  
17 charged with taking temperatures encounters a student with a fever and other COVID-19  
18 associated symptoms, all they are told is that the student cannot be allowed into the  
19 classroom. There are no protocols for what teachers are expected to do with the students  
20 who need to go into quarantine, should they get someone to take the student home or do  
21 they place the student in a makeshift isolation room. There is no clear plan of what teachers  
22 or other school staff should do if a child becomes sick during the school day.

71. There is no plan for medical professionals to be at the school sites to screen children and staff for the CDC-recognized symptoms for COVID-19: fever or chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, new loss of taste or smell, sore throat, congestion or runny nose, nausea or vomiting, or diarrhea. Nor can children due to fear and lack of knowledge be trusted to self-report such symptoms without the intervention of pediatric professionals.

**FIGURE A**

Center for Disease Control and Prevention (CDC) Recommendations (See Exhibit B)	DPSCD’s Reopening Plan (July 12, 2020) (See Exhibit D)	DPSCD Implementation on July 13, 2020
<p><b>Safety Protocols for Busing and Student Transportation:</b> Listed at “<i>Required</i>” and “<i>Priority</i>” (Emphasis added)</p> <ol style="list-style-type: none"> <li>Clean, sanitize, and disinfect equipment including items such as car seats, wheelchairs, walkers, and adaptive equipment being transported to schools daily.</li> <li>Clean and disinfect frequently touched surfaces in the vehicle (e.g., surfaces in the driver’s cockpit, hard seats, arm rests, door handles, seat belt buckles, light and air controls, doors and windows, and grab handles) prior to</li> </ol>	<p>All of the areas listed (on the left) for safety protocols for busing and student transportation in the DPSCD’s Reopening Plan are listed as “not addressed” in the documented due to “limited District resources, capacity, etc.” See the DPSCD Reopening Plan, page 29. These requirements and recommendations are included in the Appendix section of the document instead. Id. at 30-31. The following are “notes” listed corresponding to each area of the required guidelines and recommendations.</p> <ol style="list-style-type: none"> <li>Transportation companies will not clean or sanitize personal or school equipment. At best, we can request the cleaning of equipment by bus attendants, but this may require bargaining with the union.</li> <li>District transportation</li> </ol>	<ol style="list-style-type: none"> <li>Cleaning was not done at all. (Declaration of Bus Driver Keyshawn Seibert)</li> <li>Cleaning, sanitizing, and disinfecting were not done during the day of the use of the bus. Drivers were not given disinfectants to clean. Id.</li> <li>Same as No. 2. Id.</li> <li>No plan was created for bus drivers to follow if a student appears to be sick on the bus. Bus drivers were not told what protocol to follow or who to contact</li> </ol>

<p>1 morning routes and prior 2 to afternoon routes.</p> <p>3 3. Clean and disinfect 4 transportation vehicles 5 before and after every 6 transit route. Children 7 must not be present when 8 a vehicle is being cleaned.</p> <p>9 4. Create a plan for 10 getting students home 11 safely if they are not 12 allowed to board the 13 vehicle.</p> <p>14 5. Require the use of 15 hand sanitizer before 16 entering the bus. Hand 17 sanitizer must be supplied 18 on the bus.</p> <p>19 6. If a student becomes 20 sick during the day, they 21 must not use group 22 transportation to return 23 home and must follow 24 protocols outlined above. If a driver becomes sick during the day, they must follow protocols for sick staff outlined above and must not return to drive students.</p> <p>7. Weather permitting, keep doors and windows open when cleaning the vehicle and between trips to let the vehicles thoroughly air out.</p> <p>8. Weather permitting, keep doors and windows open when cleaning the vehicle and between trips to let the vehicles thoroughly air out.</p>	<p>providers will clean and disinfect frequently touched surfaces at minimum twice per day, prior to beginning routes.</p> <p>3. District transportation providers will clean and disinfect frequently touched surfaces at minimum twice per day, prior to beginning routes.</p> <p>4. Every precaution will be taken to transport students to school in a manner that supports the safety and health of the drivers and other students. In the event that a student is visibly ill, the driver will contact dispatch for further directions including contacting the parent or transporting the child to school using social distancing guidelines for quarantine.</p> <p>5. Hand sanitizer will be provided on each yellow bus and District van.</p> <p>6. In the event of a reported illness during the school day, parents will be notified to pick up children from school. Should parent transportation be unavailable, the Office of Student Transportation will work on an individual basis with each family to provide a safe route home.</p> <p>7. To the fullest extent possible, windows will be opened to provide proper ventilation.</p> <p>8. Weather permitting, keep doors and windows open when cleaning the vehicle and between trips to let the vehicles thoroughly air out.</p>	<p>in such an emergency. Bus drivers were not told to keep children to following social distancing guidelines or to keep them in safe distance from each other. Id.</p> <p>5. Hand sanitizers were not given to bus drivers. It was not required to use sanitizer before entering the bus. Id.</p> <p>6. Same as No. 4. Id.</p> <p>7. The Status of ventilation is unknown. Bus drivers were not given any specific instructions or information on this issue.</p> <p>8. Same as No. 7.</p>
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**When a confirmed case has entered a school, regardless of community transmission**

Any school in any community might need to implement short-term closure procedures regardless of community spread if an infected person has been in a school building. If this happens, CDC recommends the following procedures regardless of the level of community spread:

Dismiss students and most staff for 2-5 days. This initial short-term dismissal allows time for the local health officials to gain a better understanding of the COVID-19 situation impacting the school. This allows the local health officials to help the school determine appropriate next steps, including whether an extended dismissal duration is needed to stop or slow further spread of COVID-19.

See CDC Interim Guidance for Administrators of US K-12 Schools and Child Care Programs, April 10, 2020

<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools.html>

In the event of confirmed case, the District may close off portions of an entire office area for a period of 24 hours and allow for additional cleaning/disinfecting before reopening.

See DPSCD Reopening Plan, page 9

<p><b>Cloth Face Coverings</b> Teach and reinforce use of cloth face coverings. Face coverings may be challenging for students (especially younger students) to wear in all-day settings such as school. Face coverings should be worn by staff and students (particularly older students) as feasible, and are most essential in times when physical distancing is difficult. Individuals should be frequently reminded not to touch the face covering and to wash their hands frequently. Information should be provided to staff, students, and students’ families on proper use, removal, and washing of cloth face coverings.</p> <p>Note: Cloth face coverings should not be placed on: Children younger than 2 years old</p> <ul style="list-style-type: none"> <li>• Anyone who has trouble breathing or is unconscious</li> <li>• Anyone who is incapacitated or otherwise unable to remove the cloth face covering without assistance</li> </ul> <p>Cloth face coverings are meant to protect other people in case the wearer is unknowingly infected but does not have symptoms. Cloth face coverings are not surgical masks, respirators, or</p>	<p><b>Personal Protective Equipment (PPE)</b></p> <p>In addition to following guidance around regular hand washing, hand sanitizing, daily cleaning and disinfecting of high-touch surfaces, and encouraging social distancing, the District plans to procure and distribute personal protective equipment for students and staff to use when in buildings. This equipment will include reusable masks for all students and staff, reusable face shields for instructional staff to use while teaching, KN95 masks for first responders, gloves and face shields for specific specialized staff groups, and additional items like gowns for nursing and health team members. Guidance will be provided to staff regarding the specific PPE that is expected for them based on their role and responsibilities. All PPE will be purchased centrally and delivered to locations before students and staff return to school and work. The District also plans to purchase a limited supply of back-up materials; however, it is the expectation that any visitors or volunteers provide their own masks if/when they are in buildings and that students and staff wash and reuse any purchased cloth masks.</p> <p>In addition to PPE, the District will purchase a supply of disinfectant wipes, and set up portable hand sanitizer dispensers for use in classrooms and high traffic areas. In addition, the Operations team will install plexiglass barriers at reception</p>	<p>PPE were not “centrally purchased and delivered to locations before students and staff return to school and work.” Students were not given masks. Students wore masks they brought from home. (Declaration of Brian Peck) Mr. Peck himself was not provided with masks, nor any disinfectant wipes or hand sanitizers. Id. There was also no hand-washing or sanitizing station near the entrance of the school. Id.</p> <p>No information was provided to staff, students, and students’ families on proper use, removal, and washing of cloth face coverings.</p> <p>An account from a teacher at Mumford High School stated that a student asked the administration for an inhaler from the nurse because he had severe asthma. The administrator told the student that the clinic was closed and that he should email her so she could help him inquire for help. (See</p>
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<p>1 other medical personal 2 protective equipment.</p> <p>3 <i>See</i> CDC recommendations on 4 Considerations for Schools, 5 May 19, 2020 6 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html</a></p>	<p>desks.</p> <p><i>See</i> the DPSCD Reopening Plan, page 4</p>	<p>Declaration of Brian Peck) In this case, the school did not have a medical staff stationed at the school in case of medical emergency and/or suspected cases of COVID-19.</p> <p>Plexiglass barriers were also not installed in the school. <i>Id.</i></p>
<p>9 <b>Adequate Supplies</b></p> <p>10 Support healthy hygiene 11 behaviors by providing 12 adequate supplies, including 13 soap, hand sanitizer with at 14 least 60 percent alcohol (for 15 staff and older children who 16 can safely use hand sanitizer), 17 paper towels, tissues, 18 disinfectant wipes, cloth face 19 coverings (as feasible) and no- 20 touch/foot-pedal trash cans.</p> <p>21 <i>See</i> CDC recommendations on 22 Considerations for Schools, 23 May 19, 2020 24 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html</a></p>	<p>In addition to PPE, the District will purchase a supply of disinfectant wipes, and set up portable hand sanitizer dispensers for use in classrooms and high traffic areas. In addition, the Operations team will install plexiglass barriers at reception desks. <i>See</i> DPSCD Reopening Plan, page 4</p> <p>The District is committed to providing supplies of personal protective equipment to students and staff members...Additional items such as hand sanitizer and disinfectant wipes will be provided to each classroom on a regular basis throughout the year...The District will monitor the usage of these materials and make decisions about additional purchases should the need arise. <i>Id.</i> at 21</p>	<p>A teacher from Mumford made an account that he was not given masks, disinfectant wipes, and sanitizers. Hand sanitizers are also not readily available at high traffic areas like the school entrance. (See Declaration of Brian Peck)</p>

<p>1 <b>Staggered Scheduling</b></p> <p>2 Stagger arrival and drop-off</p> <p>3 times or locations by cohort or</p> <p>4 put in place other protocols to</p> <p>5 limit contact between cohorts</p> <p>6 and direct contact with parents</p> <p>7 as much as possible.</p> <p>8</p> <p>9 When possible, use flexible</p> <p>10 worksites (e.g., telework) and</p> <p>11 flexible work hours (e.g.,</p> <p>12 staggered shifts) to help</p> <p>13 establish policies and</p> <p>14 practices for social distancing</p> <p>15 (maintaining distance of</p> <p>approximately 6 feet) between</p> <p>employees and others,</p> <p>especially if social distancing</p> <p>is recommended by state and</p> <p>local health authorities.</p> <p>See CDC recommendations on</p> <p>Considerations for Schools,</p> <p>May 19, 2020</p> <p><a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html</a></p>	<p>No Staggered Scheduling. Same</p> <p>schedule for K-12 across board</p> <p>Teachers: 8:30am – 1:00pm</p> <p>Students 8:30am – 12:30pm</p> <p>See the DPSCD Reopening Plan,</p> <p>page 12</p>	<p>No Staggered</p> <p>Scheduling. Same</p> <p>schedule for K-12</p> <p>across board</p> <p>Teachers: 8:30am –</p> <p>1:00pm</p> <p>Students 8:30am –</p> <p>12:30pm</p> <p>See the DPSCD</p> <p>Reopening Plan, page</p> <p>12</p>
<p>16 <b>Water Systems</b></p> <p>17 To minimize the risk of</p> <p>18 Legionnaire’s disease and</p> <p>19 other diseases associated with</p> <p>20 water, take steps to ensure that</p> <p>21 all water systems and features</p> <p>22 (e.g., sink faucets, drinking</p> <p>23 fountains, decorative</p> <p>fountains) are safe to use after</p> <p>a prolonged facility shutdown.</p> <p>Drinking fountains should be</p> <p>cleaned and sanitized, but</p> <p>encourage staff and students</p> <p>to bring their own water to</p> <p>minimize use and touching of</p>	<p>No mention of water systems check</p> <p>or status of its safety and functioning</p> <p>standards</p>	<p>Status unknown</p>

<p>1 water fountains.</p> <p>2 <i>See</i> CDC recommendations on</p> <p>3 Considerations for Schools,</p> <p>4 May 19, 2020</p> <p>5 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">https://www.cdc.gov/coronavi-</a></p> <p>6 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">rus/2019-</a></p> <p>7 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">ncov/community/schools-</a></p> <p>8 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">childcare/schools.html</a></p>		
<p>6 <b>Physical Barriers and</b></p> <p>7 <b>Guides</b></p> <ul style="list-style-type: none"> <li>8 • Install physical</li> <li>9 barriers, such as</li> <li>10 sneeze guards and</li> <li>11 partitions, particularly</li> <li>12 in areas where it is</li> <li>13 difficult for individuals</li> <li>14 to remain at least 6</li> <li>15 feet apart (e.g.,</li> <li>16 reception desks).</li> <li>17 • Provide physical</li> <li>18 guides, such as tape on</li> <li>19 floors or sidewalks and</li> <li>20 signs on walls, to</li> <li>21 ensure that staff and</li> <li>22 children remain at</li> <li>23 least 6 feet apart in</li> <li>24 lines and at other times</li> <li>(e.g. guides for</li> <li>creating “one way</li> <li>routes” in hallways).</li> </ul>	<p>Markings and signage on floors and walls ensuring that staff maintain distance when waiting to enter the building.</p> <p><i>See</i> DPSCD Reopening Plan, page 10</p> <p>Multiple entry and exit points may be established at larger schools to allow for social distancing during arrival and dismissal. Signage will also reiterate the need to stay six feet apart while waiting to enter the building.</p> <p><i>Id.</i> at 24</p>	<p>Accounts from teacher Brian Peck that at Mumford High School, there is no signage, no marking on the floor. There are no physical barriers or plexiglass set up. There is no tape or marking on the ground for social distancing at the entrance to keep students and staff six feet apart while waiting to enter the building (See Declaration of Brian Peck)</p>

<p>1 <b>Protections for Staff and</b></p> <p>2 <b>Children at Higher Risk for</b></p> <p>3 <b>Severe Illness from COVID-</b></p> <p>4 <b>19</b></p> <p>5 Offer options for staff at</p> <p>6 higher risk for severe illness</p> <p>7 that limit their exposure risk</p> <p>8 (e.g., telework, modified job</p> <p>9 responsibilities).</p> <p>10 Offer options for students at</p> <p>11 higher risk of severe illness</p> <p>12 that limit their exposure risk</p> <p>13 (e.g., virtual learning</p> <p>14 opportunities).</p> <p>15 <i>See</i> CDC recommendations on</p> <p>16 Considerations for Schools,</p> <p>17 May 19, 2020</p> <p>18 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">https://www.cdc.gov/coronavirus/2019-</a></p> <p>19 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">ncov/community/schools-</a></p> <p>20 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">childcare/schools.html</a></p>	<p>20 We hope all staff feels safe and</p> <p>21 comfortable enough to return and</p> <p>22 will assess these circumstances on an</p> <p>23 individual basis. The expectation is</p> <p>24 for all staff to return to work in the</p> <p>fall, however if individuals have</p> <p>underlying health conditions or are</p> <p>otherwise at risk, we encourage them</p> <p>to reach out to Employee Health</p> <p>Services at <a href="mailto:dps.ehs@detroitk12.org">dps.ehs@detroitk12.org</a>.</p> <p><i>see</i> DPSCD Reopening Plan, page 25</p> <p><b>Safety Protocols:Medically</b></p> <p><b>Vulnerable Students and Staff</b></p> <p>Create a process for students/families</p> <p>and staff to self-identify as high risk</p> <p>for severe illness due to COVID-19</p> <p>and have a plan in place to address</p> <p>requests for alternative learning</p> <p>arrangements or work reassignments.</p> <p>(Strongly Recommended)</p> <p>Note: The District plans to empower</p> <p>parents to decide if they would like</p> <p>their student to have face to face or</p> <p>online learning instruction. Each</p> <p>student will be engaged to determine</p> <p>if special needs must be addressed</p> <p>due to COVID-19 related home</p> <p>challenges.</p> <p><i>See</i> DPSCD Reopening Plan, page</p> <p>38</p>	<p>20 When DPSCD sent out</p> <p>21 notification to teachers,</p> <p>22 it does not have any</p> <p>23 plans to identify</p> <p>24 individuals at high</p> <p>risks. (<i>See</i> Exhibit E,</p> <p>email notification from</p> <p>Superintendent Nikolai</p> <p>Vitti)</p> <p>Students were not</p> <p>asked about their</p> <p>health conditions. A</p> <p>parent signed up for</p> <p>virtual summer school</p> <p>for her daughter.</p> <p>Instead of getting</p> <p>offered virtual classes,</p> <p>her daughter was</p> <p>placed in face-to-face</p> <p>summer school. She</p> <p>did not send her</p> <p>daughter to school on</p> <p>July 13 because her</p> <p>daughter had</p> <p>suppressed immune</p> <p>system and had</p> <p>undergone five</p> <p>surgeries. When She</p> <p>made inquiries to the</p> <p>school district about</p> <p>her daughter's</p> <p>situation, she never got</p> <p>a response or any</p> <p>accommodations from</p> <p>the school district.</p> <p>(Declaration of Famika</p> <p>Edmond and</p> <p>Declaration of Autumn</p> <p>Carr; <i>also see</i> Exhibit</p> <p>to Edmond</p> <p>Declaration,</p> <p>Assignment Letter to</p> <p>Autumn Carr)</p>
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<p>1 <b>Designated COVID-19 Point</b>  2 <b>of Contact</b>  3 Designate a staff person to be  4 responsible for responding to  5 COVID-19 concerns (e.g.,  6 school nurse). All school staff  7 and families should know who  8 this person is and how to  9 contact them.</p> <p>10  11  12  13  14  15  16  17  18  19  20  21  22  23</p> <p>24 <i>See CDC recommendations on</i>  <i>Considerations for Schools,</i>  <i>May 19, 2020</i>  <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">https://www.cdc.gov/coronavi</a>  <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">rus/2019-</a>  <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">ncov/community/schools-</a>  <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">childcare/schools.html</a></p>	<p>An “isolation area” will be  designated at all school buildings and  open offices so that anyone who  experiences COVID- 19 symptoms  or feels unwell, can be isolated from  others while additional steps are  taken to seek care. <i>See DPSCD</i>  <i>Reopening Plan, page 15</i></p> <p>Monitoring and Accountability</p> <p>As the District establishes safety  guidelines for practices such as  COVID-19 testing, temperature  checks, social distancing, mask  wearing, regular disinfecting, and  limiting group gatherings, we will  create ways for students, staff, and  families to share feedback and report  issues that may be unsafe Concerns  about reopening can be shared via a  dedicated inbox  info.reopen@detroitk12.org. In  addition, any questions or concerns  related to Operations (especially  cleanliness, bathroom supplies, etc.)  can be submitted via phone at 313-  578-7018. Any concerns shared will  be responded to within 24 hours by  the appropriate department/team and  a weekly status report of issues will  be provided to the School Board for  review.</p> <p>Id. at page 3</p>	<p>The DPSCD Reopening  Plan does not include a  designated staff person  who is responsible for  responding to COVID-  19 concerns. At  Mumford, an  administrator in charge  told a student that there  was no nurse in  summer school and the  clinic was closed when  the student asked for  help for his asthma.  (See Declaration of  Brian Peck) Parents,  teachers, bus drivers,  and students were not  provided with the  information as to who  is responsible for  attending to COVID-  19 concerns.</p> <p>A parent of a student  who has suppressed his  immune system signed  up for virtual summer  class to catch up with  school work. Instead,  she received in-person  classes. When she  reached out to DPSCD  for inquiry, she was  never given a response  or accommodation.  (See Declaration of  Famika Edmond and  Declaration of Autumn  Carr)</p>
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<p>1 <b>Leave (Time Off) Policies</b></p> <p>2 <b>and Excused Absence</b></p> <p>3 <b>Policies</b></p> <p>4 Implement flexible sick leave</p> <p>5 policies and practices that</p> <p>6 enable staff to stay home</p> <p>7 when they are sick, have been</p> <p>8 exposed, or caring for</p> <p>9 someone who is sick.</p> <p>10 ○ Examine and</p> <p>11 revise policies for leave,</p> <p>12 telework, and employee</p> <p>13 compensation.</p> <p>14 ○ Leave policies</p> <p>15 should be flexible and not</p> <p>16 punish people for taking</p> <p>17 time off, and should</p> <p>18 allow sick employees to</p> <p>19 stay home and away from</p> <p>20 co-workers. Leave</p> <p>21 policies should also</p> <p>22 account for employees</p> <p>23 who need to stay home</p> <p>with their children if</p> <p>there are school or</p> <p>childcare closures, or to</p> <p>care for sick family</p> <p>members.</p> <p>Develop policies for return-to-</p> <p>school after COVID-19</p> <p>illness. CDC’s criteria to</p> <p>discontinue home isolation</p> <p>and quarantine can inform</p> <p>these policies.</p> <p>See CDC recommendations on</p> <p>Considerations for Schools,</p> <p>May 19, 2020</p> <p><a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html</a></p>	<p>Will COVID-19 be considered a</p> <p>communicable disease so that staff</p> <p>who test positive will not have to use</p> <p>personal illness days if they must</p> <p>self-quarantine?</p> <p>Answer: No, currently that is not the</p> <p>case.</p> <p>Question: What is the process when</p> <p>an employee is exposed to COVID-</p> <p>19 and must quarantine, but the</p> <p>employee does not have enough sick</p> <p>days, will the employee continue to</p> <p>receive pay?</p> <p>Answer: Each individual situation</p> <p>regarding potential leave related to</p> <p>COVID-19 is unique. Any employee</p> <p>who may need to not attend work and</p> <p>is unable to telecommute based on</p> <p>their role should reach out to</p> <p>Employee Health Services to discuss</p> <p>their options at</p> <p><a href="mailto:dps.ehs@detroitk12.org">dps.ehs@detroitk12.org</a></p> <p>See DPSCD Reopening Plan, page</p> <p>26</p>	<p>Will not have sick</p> <p>leave accommodation</p> <p>based on COVID-19.</p> <p>A bus driver’s account</p> <p>stated that he received</p> <p>information that</p> <p>DPSCD is hiring for</p> <p>bus drivers and if he</p> <p>did not accept the</p> <p>work, his</p> <p>unemployment benefits</p> <p>could be forfeited. (See</p> <p>Declaration of</p> <p>Keyshawn Seibert)</p> <p>In the assignment letter</p> <p>sent to the student</p> <p>Autumn Carr,</p> <p>attendance policy is</p> <p>“Students will be</p> <p>required to be in</p> <p>attendance, face to</p> <p>face, if assigned to face</p> <p>to face or virtually, if</p> <p>assigned to</p> <p>remote/virtual. If</p> <p>students are absent</p> <p>more than 3 days of</p> <p>summer school, they</p> <p>will be withdrawn for</p> <p>the remainder of the</p> <p>summer.” See Exhibit</p> <p>to Edmond</p> <p>Declaration,</p> <p>Assignment Letter to</p> <p>Autumn Carr</p>
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<p>1 <b>Staff Training</b></p> <p>2 Train staff on all safety</p> <p>3 protocols.</p> <p>4 Conduct training virtually or</p> <p>5 ensure that social distancing is</p> <p>6 maintained during training.</p> <p>7 See CDC recommendations on</p> <p>8 Considerations for Schools,</p> <p>9 May 19, 2020</p> <p>10 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">https://www.cdc.gov/coronavirus/2019-</a></p> <p>11 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">ncov/community/schools-</a></p> <p>12 <a href="https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html">childcare/schools.html</a></p>	<p>1 <b>Phase 2 (June 22nd – July 6th)</b></p> <p>2 Much of the work essential for the</p> <p>3 District to prepare for summer school</p> <p>4 and the 2020-2021 school year is in-</p> <p>5 person work that cannot efficiently or</p> <p>6 effectively be done remotely. As</p> <p>7 such, the District reopens for in-</p> <p>8 person work in central offices and for</p> <p>9 12-month employees. COVID-19</p> <p>10 testing is required before employees</p> <p>11 come to work initially and all</p> <p>12 employees will participate in training</p> <p>13 on COVID-19 risk factors, mitigation</p> <p>14 measures, and District-specific</p> <p>15 protocols for how to stay safe. This</p> <p>16 training will be expanded in future</p> <p>17 phases and will be required for</p> <p>18 students. The training will be</p> <p>19 expanded to parents through the</p> <p>20 Parent Academy. In alignment with</p> <p>21 the most recent CDC guidance on</p> <p>22 school reopening, training topics will</p> <p>23 include (but are not limited to):</p> <p>24 Healthy hygiene practices including:</p> <ul style="list-style-type: none"> <li>-hand washing throughout the day</li> <li>-how to responsibly wear face coverings</li> <li>-Maintaining clean workspaces through cleaning, disinfecting, and proper ventilation</li> <li>-Social distancing best practices</li> <li>-Limiting the sharing of materials</li> </ul> <p>See DPSCD Reopening Plan, page 10</p>	<p>1 Did not provide any</p> <p>2 meaningful training to</p> <p>3 the teachers that could</p> <p>4 be passed on to</p> <p>5 students. Teachers</p> <p>6 were only sent a 20</p> <p>7 minute powerpoint</p> <p>8 video prior to their</p> <p>9 returning to in-person</p> <p>10 instructions. (See email</p> <p>11 from Superintendent</p> <p>12 Nikolai Vitti)</p>
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**CLASS ALLEGATIONS**

72. This action is properly brought as a class action pursuant to MCR 3.501.

73. The named Plaintiffs seek to represent a proposed Class defined as follows: all students enrolled in DPSCD summer school, parents of such students, teachers who are teaching in-person instruction at DPSCD summer school, and DPSCD staff who have contact with students at DPSCD summer school (“the Class”). The Class seeks injunctive and declaratory relief.

74. The number of class members is sufficiently numerous so as to make joinder impractical. There are approximately 2,000 students assigned to in-person instruction for DPSCD summer school at present.

75. There are questions of law and fact raised by the named Plaintiffs’ claims are common to, and typical of, those raised by the Class they seek to represent. Such common questions predominate over questions affecting only individual members of the Class. The conduct by DPSCD Defendants affects all members of the proposed Class, and the CDC guidelines Defendants are violating apply to all members of the proposed Class. Each named representative of the Class is being harmed or threatened with harm by the same course of conduct as the rest of the Class, and each seeks similar relief as the rest of the Class.

76. Plaintiffs, as Class representatives, will fairly and adequately protect the interests of the Plaintiffs. Plaintiffs’ counsel know of no conflicts of interest between the Class representatives and absent Class members with respect to the matters at issue in this litigation; the Class representatives will vigorously prosecute the suit on behalf of the Class; and the Class representatives are represented by experienced counsel. Plaintiffs are

1 represented by attorneys with substantial experience and expertise in complex constitutional  
2 litigation with multiple plaintiffs.

3 77. Plaintiffs’ attorneys have identified and thoroughly investigated all claims in this action, and  
4 have committed sufficient resources to represent the Class.

5 78. The maintenance of this action as a class action will be superior to other available methods  
6 of adjudication and will promote the convenient administration of justice.

7 79. This action will be manageable as a class action.

8 80. In view of the expense of litigating separate claims for each member of the Class, it is  
9 unlikely that the individual members of the Class would be able to pursue these claims  
10 individually as separate actions.

11 **COUNT I:**  
12 **Petition for a Writ of Mandamus under Governor Whitmer’s Executive Order 2020-142**  
13 **All Defendants**

14 81. Plaintiffs hereby reallege and incorporate by reference the above paragraphs.

15 82. Governor Whitmer’s Executive Order 2020-142 orders that school districts remain closed  
16 due to the COVID-19 crisis.

17 83. Governor Whitmer’s Executive Order 2020-142 mandates: “A district or nonpublic school  
18 without an approved Preparedness Plan is not permitted to open or to continue in operation  
19 for in-person instruction for the 2020-2021 school year.” (Exhibit G)

20 84. Michigan school districts must devise a “Preparedness Plan” that enacts a list of specific  
21 “minimum” measures which includes: closing if the region they are in is in Phase 1, 2, or 3;  
22 if they are in Phase 4, they must enact procedures that include at minimum: protocols for  
23 testing, screening, hygiene, cleaning, athletics, busing, and student transportation, for face

1 coverings, hand sanitizer, social distancing, cohorting of students to prevent contact between  
2 classrooms, and heightened precautions for school buses. (Exhibit G)

3 85. Under Executive Order 2020-142, each school district must approve this Preparedness Plan  
4 “by August 15, 2020 or seven days before the start of the school year for students,  
5 whichever comes first... *The local school district board...* must approve a district’s  
6 Preparedness Plan.” (emphasis added) Further, Executive Order 2020-142 states: “A district  
7 or nonpublic school without an approved Preparedness Plan is not permitted to open or to  
8 continue in operation for in-person instruction for the 2020-2021 school year.” (Exhibit G)

9 86. The current spike in new COVID-19 cases in Michigan and the nation prompted Governor  
10 Gretchen Whitmer on July 8, 2020 to express “concern” about school resuming in-person  
11 instruction in the Fall.

12 87. Defendants have not complied with Executive Order 2020-142. The DPSCD Defendants  
13 had not yet approved any Preparedness Plan. The DPSCD Board of Education approved its  
14 Preparedness Plan (Exhibit C) on July 14, 2020, after the schools already had opened and  
15 the exposure of DPSCD children, teachers, staff, and their families already had taken place.

16 88. Defendants are moving forward with plans to expose Detroit’s children, and only Detroit’s  
17 children, to a full reopening of schools with in-person classroom instruction which began on  
18 July 13, 2020 in violation of Executive Order 2020-142.

19 89. Plaintiffs have a clear legal right to the benefits of Executive Order 2020-142.

20 90. The obligations imposed by Executive Order 2020-142 are ministerial in nature. It imposes  
21 duties that are clearly defined by law with precision and certainty, and it imposes an  
22 unqualified duty on Defendants.

**COUNT II:**  
**Michigan Constitution, Article I § 17**  
**Substantive Due Process - Bodily Integrity**  
**All Defendants**

- 1
- 2
- 3
- 4 91. Plaintiffs hereby reallege and incorporate by reference the above paragraphs.
- 5 92. The Due Process clause of Art I, § 17 of the Michigan Constitution provides that the state
- 6 may not deprive a person of life, liberty or property without due process of law.
- 7 93. "The due process guarantee of the Michigan Constitution is coextensive with its federal
- 8 counterpart." *Grimes v. Van Hook-Williams*, 302 Mich. App. 521, 530, 839 N.W.2d 237
- 9 (2013). The Fourteenth Amendment's Due Process Clause protects citizens from
- 10 government violation of their substantive due process right to bodily integrity. "In a long
- 11 line of cases, we have held that, in addition to the specific freedoms protected by the Bill of
- 12 Rights, the 'liberty' specially protected by the Due Process Clause includes the right[ ] ... to
- 13 bodily integrity....". *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997).
- 14 94. The Sixth Circuit Court of Appeals has recognized a liberty interest in bodily integrity in
- 15 circumstances where state action exposed residents of Flint, Michigan to unsafe drinking
- 16 water. *Guertin v. Michigan*, 912 F.3d 907 (6th Cir. 2019).
- 17 95. With regard to the Flint Water Crisis, the Michigan Court of Appeals stated: "We agree with
- 18 the Court of Claims' conclusion that '[s]uch conduct on the part of the state actors, and
- 19 especially the allegedly intentional poisoning of the water users of Flint, if true, may be
- 20 fairly characterized as being so outrageous as to be 'truly conscience shocking.' ... [V]arious
- 21 state actors intentionally concealed scientific data and made false assurances to the public
- 22 regarding the safety of the Flint River water even after they had received information
- 23

1 suggesting that the water supply directed to plaintiffs’ homes was contaminated...“ *Mays v.*  
2 *Snyder*, 323 Mich. App. 1, ,61 (Mich. Ct. App. 2018).

3 96. Defendants are being deliberately indifferent toward the bodily integrity of Plaintiffs by  
4 reopening the schools during a new rise in daily new cases of COVID-19. The science and  
5 the CDC guidelines are clear about the danger of in-person instruction to spreading COVID-  
6 19. DPSCD is proceeding without plans that protect children, teachers, staff, and their  
7 families from exposure to COVID-19 in accord with prevailing public-health guidelines.  
8 Defendants are failing to implement the plans that do exist. The Defendants are violating  
9 Governor Whitmer’s orders prohibiting the opening of schools without preparing for such  
10 reopening in accord with the Governor’s plan.

11 97. While much remains unknown about COVID-19, what is known is that it is a global  
12 pandemic that can lead to serious illness and death and is easily transmitted. It attacks major  
13 body systems, and can cause debilitating lifelong conditions among those who survive.  
14 There is no vaccine or cure. Science and public-health guidelines require mass testing,  
15 social distancing, strict adherence to wearing masks, hygiene, and repeated testing and  
16 aggressive contact-tracing to identify and contain the epidemic. There must be adequate  
17 supplies, preparation, and training to enact these measures.

18 98. Governor Whitmer’s Executive Order 2020-142 only provides for the opening of school for  
19 the 2020-21 school year, and not summer school. It also orders that no school district may  
20 reopen without its board approving a Preparedness Plan that complies with the multiple  
21 “minimum” requirements of Executive Order 2020-142.

22 99. DPSCD and Superintendent Vitti reopened schools on July 13, 2020 with no Preparedness  
23 Plan in place and with no adequate preparation, notifying students, teachers, and staff only

1 days in advance. DPSCD notified parents such as Plaintiff Famika Edmond that her child,  
2 whom she had requested virtual summer school, must attend in-person summer school or be  
3 disenrolled from the program.

4 100. Nor does DPSCD's July 14 "DPSCD Reopening Plan" reopen schools with an adequate  
5 testing infrastructure. Executive Order 2020-142 prevents the reopening of schools until  
6 Michigan gets out of Phase 3 of Michigan's "Safe Start Plan." Moving beyond Phase 3  
7 according to the Plan means: "[T]he number of new cases and deaths has fallen for a period  
8 of time, but overall case levels are still high. When in the Improving [Phase 4] phase, most  
9 new outbreaks are quickly identified, traced and contained *due to robust testing*  
10 *infrastructure and rapid contact tracing.*" (Exhibit F, Michigan's "Safe Start Plan," p. 11)  
11 (emphasis added).

12 101. DPSCD's plan states that testing will be inadequate to track the virus into the fall: "The  
13 capacity for COVID-19 testing is improving by the week and can likely support all students  
14 and staff being tested by September, but it is unclear how frequently re-testing can occur, or  
15 when anti-body tests will be available at scale." (Exhibit D, DPSCD Plan, p. 3) The plan  
16 refrains from requiring COVID-19 testing of students before reentering school until testing  
17 is more available: "Students are not required to be tested for COVID-19. Student testing  
18 may be reconsidered if tests are developed that provide a rapid response and are widely  
19 available." (p. 10)

20 102. This knowing and deliberate exposure of children, teachers, staff, and their parents to a fatal  
21 disease and violation of guidelines to prevent such exposure shocks the conscience and  
22 violates the Plaintiffs' Due Process right to bodily integrity under the Fourteenth  
23 Amendment to the U.S. Constitution.

1 103. Without injunctive relief, the Plaintiffs will suffer serious, irreparable injury to the health  
2 and lives of themselves and their loved ones as a direct and proximate result of Defendants'  
3 acts and omissions.

4 **COUNT III:**  
5 **U.S. Constitution, Fourteenth Amendment**  
6 **Substantive Due Process - Bodily Integrity**  
7 **All Defendants**

8 104. Plaintiffs hereby reallege and incorporate by reference the above paragraphs.

9 105. The Due Process clause of Art I, § 17 of the Michigan Constitution provides that the state  
10 may not deprive a person of life, liberty or property without due process of law.

11 106. The Fourteenth Amendment's Due Process Clause protects citizens from government  
12 violation of their substantive due process right to bodily integrity. "In a long line of cases,  
13 we have held that, in addition to the specific freedoms protected by the Bill of Rights, the  
14 'liberty' specially protected by the Due Process Clause includes the right[ ] ... to bodily  
15 integrity...."). *Washington v. Glucksberg*, 521 U.S. 702, 720 (1997).

16 107. The Sixth Circuit Court of Appeals has recognized a liberty interest in bodily integrity in  
17 circumstances where state action exposed residents of Flint, Michigan to unsafe drinking  
18 water. *Guertin v. Michigan*, 912 F.3d 907 (6th Cir. 2019).

19 108. This deliberate exposure of children, teachers, staff, and their parents to a fatal disease with  
20 the knowledge of exposure and violation of guidelines to prevent such exposure shocks the  
21 conscience and violates the Plaintiffs' Due Process right to bodily integrity under Art I, § 17  
22 of the Michigan Constitution.  
23



1 114. Beginning in late June 2020 in response to the current spike in COVID-19 infections in  
2 Michigan, Governor Whitmer has reimposed shutdowns to prevent COVID-19 transmission  
3 and has mandated that all state officials including public bodies conduct their business  
4 online. Whitmer expressed “concern” about reopening schools statewide for the Fall. She  
5 has issued guidance for reopening schools for the 2020-21 school year only, and even then  
6 only pursuant to the minimum safety requirements in her Executive Order 2020-142.  
7 Defendants are moving forward anyway by fully reopening school buildings before the  
8 2020-21 school year in Detroit, and only in Detroit.

9 115. Detroit is being used as an experimenting ground to see what the effects of COVID-19 will  
10 be on Detroit’s children and the city’s general population before conducting a broader  
11 reopening for Michigan’s children. This experiment is deadly and unnecessary: Michigan is  
12 violating the CDC’s guidelines and ignoring what other countries have done, who brought  
13 delayed reopening schools until their overall infection rates under control and reopened  
14 gradually while conducting mass, regular testing and aggressive contact tracing.

15 116. The Defendants’ decision to choose Detroit, a majority-black city, as an experiment for  
16 Michigan to reopen its school sites for in-person instruction for summer school deliberately  
17 exposes Detroit children, teachers, staff, and their parents to potential serious illness or  
18 death with the knowledge of exposure and violation of guidelines to prevent such exposure,  
19 violates their right to equal protection under the U.S. Constitution.



1 **COUNT VII:**  
2 **The Michigan Elliott-Larsen Civil Rights Act (Mich. Comp. Laws § 37.2101, *et seq.*)**  
3 **All Defendants**

4 124. Plaintiffs hereby reallege and incorporate by reference the above paragraphs.

5 125. The Elliott-Larsen Civil Rights Act provides: “An educational institution shall not...  
6 [d]iscriminate against an individual in the full utilization of or benefit from the instutiotn, or  
7 the services, activities, or programs provided by the institution because of religion, race,  
8 color, national origin, or sex.” MCL § 37.2402(a). Nor may the educational institution  
9 “discriminate against an individual... enrolled as a student in the terms, conditions, or  
10 privileges of the institution, because of religion, race, color, national origin, or sex.” MCL §  
11 37.2402(a).

12 126. Defendants’ conduct discriminates against the majority-black city of Detroit, its children,  
13 teachers, school staff, and families, as described above.

14 **PRAYER FOR RELIEF**

15 WHEREFORE, Plaintiffs respectfully request that this Court:

- 16 a. Certify this case as a class action pursuant to MCR 3.501 on behalf of the proposed  
17 Plaintiff Class and designate the named Plaintiffs as representatives of the Classes  
18 and their counsels of record as Class Counsel;
- 19 b. Issue a writ of mandate ordering Defendants not to conduct in-person instruction in  
20 accord with Executive Order 2020-142;
- 21 c. Grant injunctive relief ordering Defendants and not to conduct in-person instruction,  
22 and not to do so until Defendants demonstrate that they have developed and are  
23 implementing a plan consistent with Plaintiffs’ constitutional Due Process and Equal  
24 Protection rights and civil rights, and with science;

- 1 d. Enter a judgment declaring the conduct of Defendants as described herein to be in  
2 violation of law;
- 3 e. Temporary restraining order directing Defendants to send a letter out to all DPSCD  
4 families and staff explaining the importance for DPSCD students to get tested for  
5 COVID-19, given scientific evidence that 31 percent of Florida's children are testing  
6 positive, there is growing evidence of complications and long-term delibitation even  
7 among asymptomatic children, and young people aged 10 to 19 are the most effective  
8 spreaders of COVID-19. Any school opening plan must have, as a prerequisite,  
9 knowledge of the extent to which COVID-19 has spread among DPSCD children,  
10 teachers, and staff;
- 11 f. Order an award of reasonable attorney fees and litigation expenses;
- 12 g. Order all such other relief the Court deems equitable.

13  
14 By Plaintiffs' Attorneys,  
15 UNITED FOR EQUALITY AND AFFIRMATIVE  
16 ACTION LEGAL DEFENSE FUND (UEAALDF)

17 BY: /s/ Shanta Driver  
18 Shanta Driver (Michigan P65007)  
19 Driver, Schon & Associates PLC  
20 19526-B Cranbrook Dr.  
21 Detroit, MI 48221  
22 Telephone: (313) 683-0942  
23 shanta.driver@ueaa.net  
24 Counsel for Plaintiffs

Dated: July 20, 2020

1 **INDEX OF ATTACHMENTS**

2  
3 **DECLARATIONS**

4 Declaration of Keyshawn Siebert

5 Declaration of Brian Peck

6 Declaration of Nicole Conaway

7 Declaration of Tiffany Jackson

8 Declaration of Tevares Jenkins

9 Declaration of Famika Edmond

10 Declaration of Autumn Carr

11 Declaration of Justin Cheong

12 **EXHIBITS**

13 A. Community Interventions and Critical Populations Task Force CDC COVID-19

14 Emergency Response: “CRAFT Schools Briefing Packet” (July 8, 2019).

15 Available at: [https://int.nyt.com/data/documenthelper/7072-school-](https://int.nyt.com/data/documenthelper/7072-school-reopening-packet/b70172f2cc13c9cf0e6a/optimized/full.pdf)  
16 [reopening-packet/b70172f2cc13c9cf0e6a/optimized/full.pdf](https://int.nyt.com/data/documenthelper/7072-school-reopening-packet/b70172f2cc13c9cf0e6a/optimized/full.pdf)

17 B. CDC’S “Interim Guidance for Administrators of US K-12 Schools and Child Care

18 Programs” (April 10, 2020). Available at:

19 [https://www.cdc.gov/coronavirus/2019-ncov/community/schools-](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools-h.pdf)  
20 [childcare/guidance-for-schools-h.pdf](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-schools-h.pdf)

21 C. CDC Considerations for School, May 19, 2020. Available at:

22 [https://www.cdc.gov/coronavirus/2019-ncov/community/schools-](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html)  
23 [childcare/schools.html](https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html)

1 D. DPSCD Reopening Plan July, 2020. Released July 12, 2020 for the DPSCD  
2 Board of Education’s July 14, 2020 meeting. Available at:  
3 [https://www.detroitk12.org/cms/lib/MI50000060/Centricity/Domain/4/20.  
4 07.12%20DPSCD%20Covid-  
5 19%20Reopening%20Plan%20for%20July%20Board%20Meeting.pdf](https://www.detroitk12.org/cms/lib/MI50000060/Centricity/Domain/4/20.07.12%20DPSCD%20Covid-19%20Reopening%20Plan%20for%20July%20Board%20Meeting.pdf)

6 E. Email from Nikolai Vitti to DPSCD staff on July 9, 2020.

7 F. “MI Safe Start: A plan to re-engage Michigan’s economy”. Available at:  
8 [https://www.michigan.gov/documents/whitmer/MI\\_SAFE\\_START\\_PLA  
10 N\\_689875\\_7.pdf](https://www.michigan.gov/documents/whitmer/MI_SAFE_START_PLA<br/>9 N_689875_7.pdf)

11 G. Governor’s Executive Order No. 2020-142. Available at:  
12 [https://www.michigan.gov/whitmer/0,9309,7-387-90499\\_90705-533311--  
14 ,00.html](https://www.michigan.gov/whitmer/0,9309,7-387-90499_90705-533311--<br/>13 ,00.html)

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