

# ENVISAGE LAW

A PINNA BILLER BURWELL BLACK AND FINCH FIRM

[www.envisage.law](http://www.envisage.law)

Tel: 919-755-1317

[ajbiller@envisage.law](mailto:ajbiller@envisage.law)

2601 Oberlin Rd, Ste 100

Raleigh, NC 27608

February 3, 2020

Hon. Governor Roy Cooper  
20301 Mail Service Center  
Raleigh, NC 27699-0301  
[Roy.Cooper@nc.gov](mailto:Roy.Cooper@nc.gov)

The Honorable Superintendent of Public Instruction Catherine Truitt  
North Carolina Department of Public Instruction  
6301 Mail Service Center  
Raleigh, NC 27699-6301  
[Catherine.truitt@dpi.nc.gov](mailto:Catherine.truitt@dpi.nc.gov)

Hon. Keith Sutton  
Chair, Wake County School Board  
[ksutton@wcpss.net](mailto:ksutton@wcpss.net)

Re: Cooper Executive Orders Closing NC Public-schools

De Facto Quarantine in Violation of North Carolina Law  
Lack of Authority Under the North Carolina Emergency Management Act  
Violation of U.S. Const. Amend. I, XIV  
Violation of N.C. Const. Art. I, §§ 1, 13, 19, 35

Dear Governor Cooper, Superintendent Truitt and Chairman Sutton:

We represent the Wake County Public-school System Concerned Parents (“WCPSS”), an association of parents and teachers of Wake County public-school students. We write on behalf of our clients to implore you to immediately and fully reopen our public-schools to in-person instruction. The status quo of “remote” learning is failing our children, and science does not support this ongoing closure of our cherished public-schools. This failure to provide adequate instruction particularly deprives our most vulnerable children in violation of their fundamental right to a sound education under North Carolina law. Further, your allowing private schools to remain open to in-person instruction while closing public-schools violates my clients’ rights to equal protection under the State and federal constitutions.

As a County and State that prides itself in education innovation, public service and entrepreneurial spirit, my clients are confident we can and must do better and proceed more intelligently for the benefit of our children. Educating North Carolina public-school students and taking reasonable precautions regarding Covid-19 are not mutually exclusive. Indeed, the vast majority of private schools in North Carolina have been able to do both as have the vast majority of public-school districts across our nation.

Wake County and North Carolina must immediately end its regressive closures that particularly prejudice our most vulnerable students.

## **EMERGENCY ORDERS AND REGULATIONS REGARDING PUBLIC-SCHOOLS**

We understand that the current restrictions on public-schools all derive from Governor Cooper's ongoing emergency executive orders, North Carolina Department of Public Instruction ("NCDPI") regulations and Board implementation of the same. On March 14, 2020, Governor Cooper closed public-school buildings for in-person instruction through Executive Order No. 117<sup>1</sup> and extended through the rest of the 2019-2020 school year via Executive Orders Nos. 120 (March 23) and 138 (May 5). On June 8, 2020, NCDHHS released a joint memo with NCDPI announcing requirements and recommendations: StrongSchoolsNC Public Health Toolkit (K-12), updated 6/24, 6/30, 7/14, 7/24, 9/17, 9/20, 10/8, 12/4.<sup>2</sup>

Per the Toolkit, all public-schools are directed to have three plans in place "to ensure continuity of educational services should the state's COVID-19 metrics change significantly requiring additional restrictions to control the spread of the disease." The three required Reopening Plans are: Plan A: Minimal Social Distancing; Plan B: Moderate Social Distancing; Plan C: Remote Learning Only.<sup>3</sup> A review of NCDPI's Plan B "Moderate Social Distancing" makes clear that "moderate" is in the label only – it presents a series of options that range from nearly exclusively to primarily online and video streaming instruction. It is not "moderate social distancing." Plan B should be captioned "Mostly Closed Schoolrooms."

On July 14, 2020,<sup>4</sup> Governor Cooper and NCDHHS Secretary Cohen announced health and safety plans for K-12 public-schools for the new school year. Schools would open for rotating, in-person instruction under an updated Plan B that required face coverings for all K-12 students, fewer children in the classroom, measures to ensure social distancing for everyone in the building, and other safety protocols.

On September 17, 2020, Governor Cooper announced<sup>5</sup> that the State would allow schools to expand options for in-person instruction to include a Plan A option for all K – 5th grade students, effective October 5, 2020. Effective October 5, 2020, and until further notice: schools could choose to operate in

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<sup>1</sup> Executive Order No. 116 invoked the Emergency Management Act.

<sup>2</sup> The State Board of Education adopted the NCDHHS StrongSchoolsNC Public Health Toolkit initially on July 24, 2020, October 8, 2020 and December 5, 2020.

<https://files.nc.gov/covid/documents/guidance/Strong-Schools-NC-Public-Health-Toolkit.pdf>

<sup>3</sup> *Lighting Our Way Forward: North Carolina's Guidebook for Reopening Public-schools*, NCSBE/DPI at 83 (12.18.20 ver.) (<https://docs.google.com/document/d/1z5Mp2XzOOPkBYN4YvROz4YOyNIF2UoWq9EZfrjvN4x8/edit?ts=5ee0fde2#>)

<sup>4</sup> North Carolina K-12 Public-schools to Require Key Safety Measures to Allow In-person Instruction <https://governor.nc.gov/news/north-carolina-k-12-public-schools-require-key-safety-measures-allow-person-instruction>

<sup>5</sup> <https://governor.nc.gov/news/public-schools-now-able-implement-plan-elementary-schools>

Plan A for all kindergarten – 5th grade students; and schools may choose to operate in Plan B or Plan C only for all 6th – 12th grade students, i.e. primarily closed to in person instruction or entirely closed). School districts may choose to implement a more restrictive plan, but may not choose to implement a less restrictive plan than determined by NCDHHS, NCSBE, NCDPI.

On December 8, 2020, Governor Cooper issued Executive Order 181, a modified stay at home order. Provisions relevant to the schools:

*2.9. Schools. In all public-school units, as defined by N.C. Gen. Stat. § 115C-5(7a), and all nonpublic-schools covered by Article 39 of Chapter 115C of the General Statutes, all workers, teachers, Guests, other adults and children five (5) years or older must wear Face Coverings both:*

- When outdoors and within six (6) feet of another person, unless an exception applies;*
- When indoors, at all times, unless an exception applies.*

*7.2. School and Health Officials to Continue Efforts. NCDHHS, the North Carolina Department of Public Instruction, and the North Carolina State Board of Education are directed to continue to work together during this State of Emergency to maintain and implement measures to provide for the health, nutrition, safety, educational needs, and well-being of children being taught by remote learning.*

January 14, 2021, the Wake County Board, operating pursuant to Governor Cooper and NCDPI's framework decided that all North Carolina public-school students in grades pre-K –12 would remain in remote instruction through mid-February.

There are no restrictions on North Carolina private schools meeting for in person instruction and my clients are informed that the substantial majority of private primary schools are providing in person instruction for their students. Yesterday, Governor Cooper stated, "Now it's time to get our children back into the classroom." My clients could not agree more. We are writing to urge

- Governor Cooper to require school Boards to reopen schools to full-time, in person instruction,
- NCDPI to rescind the aforementioned Options B and C and instead of focusing on safe standards for conducting in person instructions as recommended by the CDC, and
- The Wake County Board to immediately reopen schools to in person instruction and focus efforts on creating options for families who desire to refrain from in person instruction.

### **REMOTE LEARNING FOR PUBLIC-SCHOOL STUDENTS IS INADEQUATE AND HARMFUL**

Computer monitors, smart phones and video cameras are no substitute for the personal, in person instruction of a skilled teacher. As every parent and educator knows, staring at a screen is not social interaction. Remote learning is no substitute for in person classroom instruction. Our public-school

students are falling behind academically, particularly against their private school colleagues and their counterparts in the substantial number of students in other states attending in-person instruction. Our disadvantaged children are particularly vulnerable where they lack the means to “connect” to a virtual school and where IEDs are being rendered meaningless. Further, this compelled isolation of our public-school students produces unhealthy stress and strain on our students.

I have enclosed several letters from parents and teachers explaining the numerous failures and shortcomings of closing our public-schools to in person instruction. One WCPSS parent, Jennifer Birch, summarizes the problems succinctly:

**Extending remote learning will adversely impact the mental health and well-being of:**

- **Adolescents and teenagers socially isolated and self-harming**
- **Children with an IEP that cannot be met**
- **Neurodiverse children who cannot successfully function in this remote environment**
- **Children with learning disabilities who are even more discouraged due to remote learning**
- **Children on the brink of failing who were counting the days to be learn face to face**
- **Adolescents who have difficulty focusing on the screen and have learned very little since March 2020**
- **Children who are not participating in the remote learning format**

Ms. Birch is also a licensed clinical mental health counselor, registered play therapist, and national certified counselor, with a degree in psychology and masters and specialist degrees. Another parent explicates at least one reason her child is “not participating” in remote learning – they do not have the resources to connect to the classroom.

Another parent’s enclosed letter explains that her child’s condition prevents the child from sitting and staring at a monitor for extended periods. Her child “does not have the cognitive ability to navigate Google Classroom, the internet, and the myriad of other programs students in virtual learning are expected to use.” Several of the enclosed letters express exasperation regarding failed or nonexistent IEP plans for students with additional learning needs.

The enclosed letters from Wake County public-school teachers convey anecdotes of students crying in their virtual classes because they do not understand what is being taught and do not know how to get the help they would typically get in the classroom. One teacher explains how a student was utterly failing during remote learning, but for the few weeks he was allowed to return to class last fall, he again blossomed as a learner. The teacher explains, “He is one example of *thousands* of students who are struggling and falling behind. Who are we putting first? It isn’t our students.”

These WCPSS parent and teacher observations are not isolated anecdotal observations. They represent a large cross section of our students and families. Indeed, the News & Observer’s Sunday, January 31, 2021, front page story details the failures of “remote learning” and the particular hardships its imposes upon special needs students:



This front page story is in fact part of an entire series of articles, under the title *The Lost Year*, detailing how the pandemic is adversely affecting the education of our students. The feature of Sunday's story is six-year-old Jaiden Rogers, whom his mother reports is *regressing* while confined to virtual classrooms. As the article notes, Jaiden's experience is not unique.

Observations nationwide consistently conclude that online learning is insufficient for primary school students. "A report on student grades from one of the nation's largest school districts offers some of the first concrete evidence that online learning is forcing a striking drop in students' academic performance, and that the most vulnerable students — children with disabilities and English-language learners — are suffering the most."<sup>6</sup> The Brookings Institute conducted an in-depth study of whether and to what extent remote learning adversely affected our children's education. They concluded, "The results are deeply concerning. ... These preliminary COVID Slide estimates suggest students could begin fall 2020 with roughly 70% of the learning gains in reading from the prior year relative to a typical school year. In mathematics, students may show even smaller learning gains from the previous year, returning with less than 50% of the gains."<sup>7</sup> Sadly, this study was concluded in May 2020 and presumed students would return to in person instruction during the 2020-2021 school year. The adverse impact on our public-school students in North Carolina has only put us further behind – behind where our children could be, behind their private school counterparts, and behind hundreds of thousands of students in other states who have been and are benefitting from in-person instruction.

<sup>6</sup> Hannah Natanson, *Failing grades spike in Virginia's largest school system as online learning gap emerges nationwide*, The Washington Post

<sup>7</sup> Jim Soland, et al., *The impact of COVID-19 on student achievement and what it may mean for educators*, Brown Center Chalkboard, Brookings (May 27, 2020) (<https://www.brookings.edu/blog/brown-center-chalkboard/2020/05/27/the-impact-of-covid-19-on-student-achievement-and-what-it-may-mean-for-educators/>)

As most teachers have learned, cheating and “ghosting” from online classes is far too commonplace. In the typical in-person classroom, students are instructed to put their screens away. In the virtual class, they are compelled to stay on their screens. Too many do not resist the temptation to “browse” to other available screen options such as gaming and social media while their classroom sessions play in the background. “The issue of cheating is the most pronounced problem in the era of online education. According to a leading non-profit newsroom, the instances of cheating in examinations have increased exponentially during COVID-19. The Hechinger Report published this news on August 7, 2020.”<sup>8</sup>

Authorities also understand that forced isolation of school aged children not only damages their academic progression, it also contributes to mental health problems.

Just as many adults have been feeling isolated and stressed due to the lack of socialization from COVID, children are just as capable of feeling the negative mental health effects of solitary life in quarantine. It was already found prior to quarantine that social isolation can cause or exacerbate mental health conditions in children, and that loneliness in childhood can cause mental health problems up to almost a decade later.<sup>9</sup>

Not only have these public-school closures harmed our public-school students, they have harmed the institution of public-schooling itself. Some of the enclosed letters reference parents removing their children from virtual public-school instruction and enrolling them in in-person private schools. That is consistent with data collected from other jurisdictions. For example, in one Northern Virginia school district, nearly 50% of public-school parents reported considering enrolling their children in private schools, homeschooling them, or both.<sup>10</sup> “Ongoing and renewed shutdowns of public-schools across the country due to the COVID-19 pandemic have resulted in astonishing public-school enrollment drops. ... Families are increasingly turning away from public-schooling and toward private education options during the pandemic ... .”<sup>11</sup>

These are substantial shortcomings and failures of prolonged remote learning. Further, these are irreplaceable years for school aged children. For many of our students, these are the most formative years of their lives. Your closure of our public-schools are permanently prejudicing, and in many cases actually harming our children and damaging our public-school systems. These very high burdens are not, however, justified. As realized by our North Carolina private schools and by the significant majority of school districts nationwide, there is not a sound basis in science for imposing these burdens on our public-school children.

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<sup>8</sup> Anmol Kumar, *Remote Learning and How It is Causing An Uptick In Online Cheating*, eLearning Industry.com December 16, 2020 (<https://elearningindustry.com/how-remote-learning-causing-uptick-in-online-cheating>).

<sup>9</sup> Zoe King, *Virtual Learning: Its Impact on Students' Mental Health*, NAMI Wake Blog <https://nami-wake.org/virtual-learning-its-impacts-on-students-mental-health-mental-health-resources-below/> (accessed February 1, 2021) (citing J Am Acad Child Adolesc Psychiatry. 2020 Nov; 59(11): 1218–1239.e3. Published online 2020 Jun 3 and available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7267797/#:~:text=This%20rapid%20systematic%20review%20of,strongest%20association%20was%20with%20depression> ).

<sup>10</sup> *Survey finds Northern Virginia parents generally comfortable with return to school*, InsideNoVa.com (June 24, 2020) ([https://www.insidenova.com/headlines/survey-finds-northern-virginia-parents-generally-comfortable-with-return-to-school/article\\_ba255b9a-b632-11ea-a060-3bb976632fbf.html](https://www.insidenova.com/headlines/survey-finds-northern-virginia-parents-generally-comfortable-with-return-to-school/article_ba255b9a-b632-11ea-a060-3bb976632fbf.html) ) (accessed February 1, 2021)).

<sup>11</sup> Kerry McDonald, *Public-school Enrollment Plummets as Private Schools See Gains*, FEE.org (Nov. 9, 2020) (<https://fee.org/articles/public-school-enrollment-plummets-as-private-schools-see-gains/> ).



## **COMPELLED REMOTE LEARNING FOR PUBLIC-SCHOOL STUDENTS IS UNWARRANTED**

“Data accumulated globally has shown that infections did not surge when schools reopened. Even when community transmission was high, coronavirus outbreaks in schools were still uncommon especially if precautions were in place, according to [the periodical] *Nature*. Infectious disease expert Dr. Anthony Fauci has also recommended that schools should reopen and bars close as part of an effort to slow the spread of coronavirus while mitigating the impact of keeping children from the classroom.”<sup>12</sup> “‘The preponderance of available evidence from the fall school semester has been reassuring,’ wrote three CDC researchers in a viewpoint piece published online [January 26, 2021] in the *Journal of the American Medical Association*. ‘There has been little evidence that schools have contributed meaningfully to increased community transmission.’”<sup>13</sup> Consistent with these reports, despite private schools predominantly maintaining in-person instructions throughout North Carolina, my clients are unaware of a single instance of student-to-teacher transmission of Covid.

The Center for Disease Control recently reported:

The coronavirus disease 2019 (COVID-19) pandemic has disrupted in-person learning in the United States, with approximately one half of all students receiving online-only instruction since March 2020. Discontinuation of in-person schooling can result in many hardships and disproportionately affects families of lower socioeconomic status. Current evidence suggests that transmission of SARS-CoV-2, the virus that causes COVID-19, in kindergarten through grade 12 (K–12) schools might not significantly contribute to COVID-19 spread nationwide.<sup>14</sup>

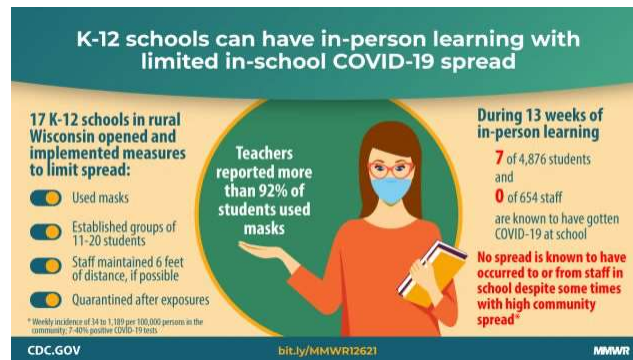
The CDC includes this summary graphic:

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<sup>12</sup> Marlo Safi, *Unions Move the Goalposts On School Reopenings to the Detriment of Children*, Daily Caller (January 26, 2021) (<https://dailycaller.com/2021/01/26/teachers-union-move-goalsposts-school-reopening-students-vaccines/>); see also Lin T Brandal, et al., *Minimal transmission of SARS-CoV-2 from paediatric COVID-19 cases in primary schools, Norway, August to November 2020*, *Eurosurveillance* 26:1 (Jan. 7, 2021) (“This prospective study shows that transmission of SARS-CoV-2 from children under 14 years of age was minimal in primary schools in Oslo and Viken, the two Norwegian counties with the highest COVID-19 incidence and in which 35% of the Norwegian population resides.”) (<https://www.eurosurveillance.org/content/10.2807/1560-7917.ES.2020.26.1.2002011> )

<sup>13</sup> Laura Meckler, *CDC finds scant spread of coronavirus in schools with precautions in place*, *Washington Post* (online) (January 26, 2021) ([https://www.washingtonpost.com/education/cdc-school-virus-spread/2021/01/26/bf949222-5fe6-11eb-9061-07abcc1f9229\\_story.html?no\\_nav=true](https://www.washingtonpost.com/education/cdc-school-virus-spread/2021/01/26/bf949222-5fe6-11eb-9061-07abcc1f9229_story.html?no_nav=true) ).

<sup>14</sup> Amy Falk, MD, et al., *Morbidity and Mortality Weekly Report*, Weekly / January 29, 2021 / 70(4);136–140 ([https://www.cdc.gov/mmwr/volumes/70/wr/mm7004e3.htm?s\\_cid=mm7004e3\\_w](https://www.cdc.gov/mmwr/volumes/70/wr/mm7004e3.htm?s_cid=mm7004e3_w) ).



In its guidelines for operating in-person schools during COVID-19, the CDC reminds us “Opening schools for in-person learning as safely and quickly as possible, and keeping them open, is important given the many known and established benefits of in-person learning.”<sup>15</sup>

### COMPELLED REMOTE LEARNING FOR PUBLIC-SCHOOL STUDENTS IS ILLEGAL

If you continue to closing our public-schools to in person instruction, whether in whole or in part, my clients may feel compelled to ask a court of law to protect their children’s rights. The executive orders and implementing decisions and regulatory guidelines thereunder contain numerous legal defects, to include violations of fundamental and long-established constitutional rights. The below is an overview of our client’s potential claims and is not intended to be exhaustive.

#### A. Cooper’s Executive Orders Wrongfully Deprive Public-school Students of their fundamental right to Equal Protection under the Law and their right a sound education.

In words echoing the Declaration of Independence, the North Carolina Constitution says “[w]e hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.” N.C. Const. art. I, § 1. Further to these purposes, our “people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.” N.C. Const. art. I, § 15. As a unanimous North Carolina Supreme Court recently observed, “[t]he very purpose of the Declaration of Rights is to ensure that the violation of these rights is never permitted by anyone who might be invested with the powers of the State.” *Tully v. City of Wilmington*, 810 S.E.2d 208, 213-14 (N.C. 2018) (quoting *Corum v. University of North Carolina*, 330 N.C. 761, 782-83 413 S.E.2d 276, 289-90 (N.C. 1992)).

There can be no reasonable doubt that the ordering public-schools closed while allowing private schools to remain open denies my clients of equal protection under the law. There is no rational basis for restricting public-school children in one set of schools while allowing private school children in the same neighborhood to enjoy the benefits of in person instruction. Such policy making is arbitrary and

<sup>15</sup> Operating Schools, CDC (updated Feb. 1, 2021) (<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html>).



capricious. Such discrimination is particularly troubling considering that public-schools educate a higher percentage of socio-economically disadvantaged students, learning impaired students, and minority and ESL students.

“[T]he right to education provided in the state constitution is a right to a sound basic education. An education that does not serve the purpose of preparing students to participate and compete in the society in which they live and work is devoid of substance and is constitutionally inadequate.” *Leandro v. State*, 346 N.C. 336, 346, 488 S.E.2d 249, 254 (1997). It is the express public policy of this State “[t]o insure a quality education for every child in North Carolina, and to assure that the necessary resources are provided . . . .” N.C. Gen. Stat. § 115C-408. The State of North Carolina through the actions of Governor Cooper is failing to provide its public-school students with a sound basic understanding, particularly those students with learning impediments and/or lacking the means to “connect” to virtual environments. The risks posed by Covid-19 within schools do not necessitate prohibiting all in-person instruction of students. Having failed to provide a basic education for these students and lacking a compelling government interest for such failure, your actions violate the constitutional rights of our public-school children.

The scientific data does not support the ongoing discrimination against public-school students. Such discrimination also violates the Emergency Management Act which requires “[s]tate and local governmental bodies and other organizations and personnel who carry out emergency management functions under the provisions of this Article . . . to do so in an equitable and impartial manner.” N.C. Gen. Stat. § 166A-19.74(a). Regardless of the level of scrutiny applied, these executive orders fail constitutional scrutiny.

**B. These Executive Orders constitute executive rule making but fail to comply with the requirements of the North Carolina APA.**

The North Carolina Administrative Procedures Act (“NCAPA”) defines the Governor as an “agency.” See N.C.G.S. § 150B-2(1a) (defining “agency” in relevant part as including “the Governor’s Office”). The Governor’s executive orders are therefore governed by the NCAPA and related jurisprudence. Under the NCAPA, your executive orders constitute rules because they are an “agency regulation, standard, or statement of general applicability that implements or interprets an enactment of the General Assembly . . . .” *Id.* at § 150B-2(8a). Because the Governor is an agency engaged in emergency rulemaking, your office should have complied with NCAPA § 150B-21.1A, but you did not. The laws are therefore invalid. *See, e.g., Duke Univ. Med. Ctr. v. Bruton*, 516 S.E.2d 633 (N.C. Ct. App. 1999) (“An administrative agency may not act outside the mandates of the NCAPA, G.S. §§ 150B et seq.; specifically, ‘a rule is not valid unless it is adopted in substantial compliance with this Article.’ N.C. Gen. Stat. § 150B-18 (1995).”) Your orders promulgated in derogation of NCAPA requirements are void and unenforceable.

**C. Executive Order Nos. 141 et. seq. do not satisfy the requirements of N.C. Gen. Stat. § 166A-19.30(c).**

Governor Cooper's orders purport to rely on § 166A-19.30(c) for the unilateral, unprecedented authority to close all North Carolina public-schools, in whole or in part for now nearly a year. That section of the Emergency Management Act allows the Governor to exercise *emergency* powers provided certain conditions are met. First, there must be an emergency that prevents timely operation of normal lawmaking, such as when the state legislature and local governments are not capable of convening or acting timely. Second, for statewide authority under § 166a-19.30(c), there must be a clear showing of a statewide emergency. Third, the governor's law making must not be in direct contravention of the will of the legislature or the North Carolina or federal constitutions. At a minimum, each of these three prongs must be satisfied. They are not. Without a sufficient basis, the assertions of executive power lack adequate support under the Emergency Management Act and are *ultra vires*.

**D. N.C. Gen. Stat. § 166A-19.30(c) is unconstitutional as presently applied.**

Covid19 was first diagnosed in the United States a year ago. Even if Governor Cooper's actions had sufficient evidentiary basis under § 166A-19.30(c), the statute is unconstitutional as being presently applied. Legislative power in this State resides in the General Assembly. N.C. Const. art. II, § 1. This State's governor is powerless to make law, though his executive orders purport to do so under the invocation of a state of emergency for nearly a year. Further, the executive and legislative branches' conflicting legislation has created a constitutional separation of powers crisis in North Carolina as Governor Cooper continues to legislate in place of the General Assembly and repeatedly vetoed their efforts to perform their constitutional function. The governor of North Carolina is not authorized or otherwise empowered by our Constitution to promulgate the health care laws nor the education laws of this State, let alone do so in a manner flagrantly in opposition to the General Assembly's efforts to do so.

## **CONCLUSION**

My clients are passionate for their children's learning. They also believe they have a right for their children to receive a quality education. Their children are being denied that opportunity. These years of their primary education cannot be replaced. The mental hardship you are causing to our youth is real. The gaps your policies are creating between our public-school and private school children are also real and enduring, as is achievement the gap you are creating between our North Carolina public-school children and children from other states.

We understand that there may be some families that do not want their children to return to in-person classrooms. Schools should accommodate those requests while accommodating the desire of families who want their children to enjoy the multiple and undeniable benefits of in-person instructions from their public-school teachers. One WCPSS parent observes in her enclosed letter, **"Everyone should have a choice. A mandated punitive one-dimensional approach is not appropriate."**

We request you to immediately drop the prohibitions against in-person instruction for public-school K – 12 classes and allow our public-school children to return to class. We request the courtesy of your response to this request within two weeks of the date of this letter. Please do not hesitate to contact us should you have any questions or desire to discuss these issues or if I may be of service.

Sincerely,

Anthony J. Biller

Encls. Letters from WCPS parents and teachers

Cc: Mr. William C. McKinney  
General Counsel  
North Carolina Office of the Governor  
[William.McKinney@nc.gov](mailto:William.McKinney@nc.gov)

Ms. Heather Scott  
[hscott@wcpss.net](mailto:hscott@wcpss.net)

Ms. Monika Johnson-Hostler  
[mjohnsonhostler@wcpss.net](mailto:mjohnsonhostler@wcpss.net)

Ms. Roxie Cash  
[rcash@wcpss.net](mailto:rcash@wcpss.net)

Dr. Jim Martin  
[jmartin4@wcpss.net](mailto:jmartin4@wcpss.net)

Mrs. Christine Kushner  
[ckushner@wcpss.net](mailto:ckushner@wcpss.net)

Mr. Chris Heagarty  
[jheagarty@wcpss.net](mailto:jheagarty@wcpss.net)

Ms. Lindsay Mahaffey, Vice-Chair  
[lmahaffey@wcpss.net](mailto:lmahaffey@wcpss.net)

Ms. Karen Carter  
[kcarter3@wcpss.net](mailto:kcarter3@wcpss.net)