

# WhitbeckBennett Sues Arlington Schools Over Lack of In-Person Learning

*Case alleges decreasing quality of education and claims the school district violated Virginia State Constitution by not providing in-person learning options.*



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WASHINGTON, DC, UNITED STATES, January 14, 2021 /EINPresswire.com/ -- [WhitbeckBennett](#), a national family law firm specializing in family, special

[education](#), and mental health law, announced today that they have filed a lawsuit against the [Arlington](#) School Board and Superintendent Francisco Durán in his official capacity, on behalf of Mr. Russell Laird's child, claiming that the school district is violating the Virginia State Constitution by not providing in-person learning options.

The complaint argues that the Arlington School Board and Superintendent Durán have willfully violated the Virginia State Constitution, which requires "a system of free public elementary and secondary schools for all children of school age throughout the Commonwealth" and that "an educational program of high quality [be] established and continually maintained."

"It goes without saying that the COVID-19 pandemic has negatively impacted everyone across all walks of life. Some of the hardest hit in Virginia, however, are K-12 public school students, many of whom have stayed in virtual/online learning only since the start of the pandemic. As a lawyer who works on a lot of family law matters, I am always sensitive to issues that negatively affect children," stated Jouya Rastegar, Partner at WhitbeckBennett. Rastegar further states, "[i]n addition to that, I was especially drawn to this case because of my background and education in public health prior to law school. Virtual/online only education is a public health crisis and not a political issue. The negative, harmful effects arising from students receiving their education only online will likely live on long after this pandemic is behind us."

Mr. Laird has petitioned the Court to declare that the decisions of the Arlington School Board and Superintendent Durán have failed to uphold, among other things, Article VIII, Section 1 of the Virginia Constitution requiring that a free "educational program of high quality [be] established and continually maintained" as well as Va. Code §§ 22.1-79(1), (2) which generally require the local school board to execute the laws, powers, and duties as set forth in Virginia law.

David Mendes, Partner at WhitbeckBennett, stated, “[i]n today’s highly politicized and charged climate, it is incumbent on all of us that we master our fears and look to the sound science and public health data when making decisions about our children's futures. APS’s policy of full-time virtual distance learning does more harm than good. As our understanding of Covid-19 has evolved, the most current science shows that community spread is not tied to in-person learning.” Mendes expands, “[t]his lawsuit is not about a particular set of politics; it is about making APS align its school closure policies with the current science that shows in-person education can be done safely and should be offered. Parents should have the choice to balance the risks of Covid-19 against the clear negative impact of long-term distance learning on their children. We aim to give our client and every other parent in Arlington that choice.”

The complaint references several academic studies and reports from governmental health organizations to back up its claims. Notably, it refers to the January 13, 2021, CDC study entitled COVID-19 Trends Among Persons Aged 0–24 Years — United States, March 1–December 12, 2020, in which the CDC demonstrates that recent infection rates in school districts that have online/virtual-only public schools were similar to—if not a little higher than—the infection rates in school districts that offer in-person instruction.

For additional information about WhitbeckBennett, please visit them online at [www.wblaws.com](http://www.wblaws.com).

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#### About WhitbeckBennett

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