

# WILL: Wisconsin Supreme Court blocks Racine school closure order, grants WILL original action

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The News: The Wisconsin Supreme Court [granted an original action and issued a temporary injunction](#) blocking the City of Racine's school closure order before it could go into effect on November 27. WILL [filed the original action](#) on November 19, on behalf of a group of parents, schools, and membership associations. The case will be held in abeyance pending the Court's decision in [WCRIS v. Heinrich](#), a legal challenge to the Dane County school closure order currently before the Court.

The Quote: WILL President and General Counsel, Rick Esenberg, said, "We are pleased the Court granted this original action and issued an injunction. As in the case against Dane County currently before the Court, this is an important step to underscore that local health officers, however well-intentioned, lack the legal authority to close all schools for in-person learning."

Background: The City of Racine Public Health Department issued an [order](#) on November 12, closing all school buildings in the City of Racine, private and public, from November 27, to January 15, as a means of addressing COVID-19.

The City of Racine's order is similar to [Order #9](#), issued by Public Health Madison & Dane County on August 21. Dane County's order closed all schools, public and private, for in-person learning for grades 3-12 in Dane County effective in August. But WILL, along with two other law firms, filed [original actions](#) to the Wisconsin Supreme Court arguing local public health officers lack the legal authority to close schools to in-person instruction.

The Wisconsin Supreme Court [granted the original actions and issued an injunction](#) on September 10, that allowed Dane County schools to open while the case was under review. The Court concluded that the Petitioners in that case were likely to succeed on the merits of their argument that Dane County's health officer lacked the authority to issue the challenged order.

The Wisconsin Supreme Court will hear oral arguments in [WCRIS v. Heinrich](#) on December 8.

Read More:

- [Wisconsin Supreme Court Order](#), November 25, 2020
- [Cover Letter](#), November 19, 2020
- [Emergency Petition for an Original Action](#), November 19, 2020
- [Emergency Motion for a Temporary Injunction](#), November 19, 2020
- [Memorandum in Support](#), November 19, 2020