



PERK
Protection of the Educational Rights of Kids

THE CALIFORNIA CONSTITUTION: EDUCATION IS A RIGHT

One of the great pillars of the California Constitution is all children have a fundamental right to a free and public education. It is unethical to remove educational resources and access based on fear of contagion. Education is a fundamental right in California. There are no conditions that deny a child a free public education in the California State Constitution. There are no exceptions, no preliminary qualifications, no requirements for PCR testing or covid vaccines, and no clauses (such as “everyone except”). Education in California is a guarantee. If children opt out of testing and vaccination, it would be unconstitutional to deny some students the basic educational necessities provided to other students.

STATE CONSTITUTION

“A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement.” Ca. Const., art. IX, § 1.

“The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established.” Ca. Const., art. IX, § 5.

The methods for funding the State’s school system are set forth in detail in Article IX, § 6 of the constitution, which has evolved through California’s initiative and referendum process.

FREEDOM FROM DISCRIMINATION: “EQUAL PROTECTION CLAUSE.”

In addition, discrimination against families who opt out of testing or vaccination creates intentional and unintentional disparities in opportunity and resources for education, employment, health care, and justice.

The Equal Protection Clause of the 14th Amendment to the United States Constitution and the California State Constitution offers protection to ALL.

Cal. Educ. Code § 220 protects families from discrimination stating that “no person shall be subjected to discrimination on the basis of disability, gender, nationality, race or ethnicity, religion, sexual orientation ... in any program or activity conducted by an educational institution that receives, or benefits from, state financial assistance or enrolls pupils who receive state student financial aid.”

The equal protection clauses of the California Constitution, Article I, Section 7(a) and Article IV, Section 16(a), bar the State from maintaining the public-school system in a manner or way that denies some students the basic educational necessities provided to other students. Educational equality is a pillar of the California constitution.

EXTRA CURRICULAR ARE INCLUDED

Cal. Educ. Code § 49010 (a) The Education Code has defined an “educational activity” as “an activity offered by a school, school district, charter school, or county office of education that constitutes an integral fundamental part of elementary and secondary education, including, but not limited to, curricular and extracurricular activities.”

PROTECTION UNDER THE CALIFORNIA HEALTH AND SAFETY CODE

With the understanding that the EUA deems these products experimental, the California Health and Safety code offers substantial protection to students, staff, and families. Codifying both the Nuremberg Code and The Declaration of Helsinki, the California legislative body declared “that medical experimentation on human subjects is vital for the benefit of mankind, however such experimentation shall be undertaken with due respect to the preciousness of human life and the right of individuals to determine what is done to their own bodies.” Without consent or willful failure to obtain consent; damages and penalties, fines, and imprisonment, will follow.

Californians are protected through a “bill of rights” and must be given the opportunity to decide to consent or not to consent to a medical experiment without the intervention of any element of force, fraud, deceit, duress, coercion, or undue influence on the subject’s decision. (Cal & Health Saf Code § 24176, 24171, 24172, 24174)

With new mRNA technology, not fully tested for safety or efficacy, without FDA approval, cannot mandate this new untested vaccine on children. Clear communication on opt out options must be given for children and staff, without retaliation. Religious exemptions for staff and disability laws protect individuals from discrimination. In compliance with state and federal law, communities are protected to make their own informed decision with informed consent on the risks of these medical procedures.