

Steps for Families/Parents Pushing Back on Illegal Mandates in Middle/High Schools

Hello Concerned School Families:

We are happy that you found us. **Right now, we must all join *together* in pushing back and asserting our rights, and the rights of our children, to make our own medical choices.**

Below are suggested steps for standing up to your child's school's illegal mandates, and protecting your child from further harm:

1. **If your school has not yet mandated the vaccine**, but is considering taking this action, act now to let them know they have no legal authority to mandate and that you will not comply! Send out your version of the CHD-CA Letter Opposing School Board Resolutions on Vaccine Mandates: <https://ca.childrenshealthdefense.org/wp-content/uploads/LAUSD-Opposition-Ltr-re-vax-Mandates-v2final-1.pdf>. **Please note that this original letter was written for LAUSD families and to the LAUSD Board. You will need to modify this letter so that it addresses the specific decision-makers in your own school or school district.** Send this out via email, U.S. mail, and/or use it as your talking points memo if you call the decision-makers and/or if you appear to speak at the board hearing. Take this step only if your school or district has not yet announced a vaccine mandate.
2. **If your school or district has already announced a vaccine mandate**, send out the CHD-CA Letter from Parents Opposing the Vaccine Mandates (by mail, email, or both) to the Superintendent, Board member, and your school's principal: <https://ca.childrenshealthdefense.org/wp-content/uploads/LAUSD-Parent-Ltr-refusing-vax-mandate-LAUSD-v3.pdf>. **Please note that this original letter was written for LAUSD families. If your child is not within the LAUSD, you will need to modify this letter so that it addresses the school decision-makers in your own school or school district.** This step immediately puts the school on notice that you know that it does not have the legal authority to mandate a new vaccine, and that your child will not be complying with any illegal vaccine mandate in order to attend school. Share this letter with others – get it out there and make it spread like wildfire! The more opposition letters the decision-makers receive, the more they will understand that parents know their legal rights, are uniting over these illegal mandates, and will not consent!
3. At the same time as you send the letter from either Step 1 or Step 2, send a copy (mail, email, or both) of **CHD-CA's Cease and Desist Letter to LAUSD** to your school's principal: <https://ca.childrenshealthdefense.org/wp-content/uploads/LAUSD-001-CD-FINAL.pdf>. This puts your individual principal on notice that a cease and desist has been sent regarding the illegal vaccine mandates, and that attorneys are already pushing back against the unlawful attempt to mandate.
4. At any time, if the school asks you about your child's CV-19 vaccination status, **do not respond**. It is private medical information and none of their business. Do not join any sort of tracking program either.

5. If the issue you are facing with your child is masking or the testing, send a note to your school's principal, nurse, and child's teachers that you do not consent to these masking and/or testing measures for your child. Both are emergency use authorized and require informed consent under federal law. Here is a letter that you can also send to your school/educator on the basic law. <https://www.californiaparentsunited.org/support-us>
Remember, educators have zero legal grounds to refuse to give your child in person instruction if you decide not to consent to the masks, the testing, or the injections *unless your child presents, based on facts, a "clear and present danger"* (Education Code §§48213, 48900). A healthy smiling child does not meet that clear and present danger standard, and the law states that you cannot quarantine healthy people. (See 42 U.S.C. § 264, 42 C.F.R. §§ 70, 71; *In re Application of Arata* (Cal. App. Apr. 29, 1921), 52 Cal. App. 380).
6. If the school does not respond to your opposition/refusal letters and/or otherwise informs you that your child must submit to a Covid-19 vaccine to attend school, you have two options:
 - a. Send the **Letter from Parents Opposing the Vaccine Mandate** in Step 1, again, and affirm that your child will not be submitting to the unlawful mandate; OR
 - b. Submit a **Medical Exemption or Personal Belief Exemption**.
 - i. Note: due to threats against medical professionals and the limited types of pre-existing medical issues that the school will recognize in order to grant an exemption, getting a medical exemption is exceedingly rare.
 - ii. Note: although the Covid-19 shots have not been added to the mandatory shot schedule by the California Department of Public Health as is required by California Health & Safety Code Section 120335, we believe a solid argument can be made that LAUSD must recognize a Personal Belief Exemption as is required by Section 120338. A Personal Belief Exemption would typically consist of a letter or affidavit stating that the required immunization is contrary to your/your child's personal beliefs.
 - iii. Note: by asking for an exemption, you are asking for permission to be exempted from a mandate that is not legal in the first place! Decide if this is really what you want to do. **Also, make sure you review the school's proposed "accommodations" for children "exempted" from vaccination to ensure that you are comfortable with your child partaking in them if granted.** If you are not, there is no point in seeking this "exemption." Be prepared for your school to implement burdensome, uncomfortable "accommodations" that will likely wear your child down (presumably intentionally with the ultimate goal of coercing vaccination).
7. If your school insists that your child must be vaccinated in order to enjoy in-person instruction and/or refuses to honor your medical and/or personal belief exemption request, **it is likely time to retain legal counsel to sue your school, whether individually or with like-minded families within your school or school district.**

- a. Unless you can afford legal counsel on your own, it is time for you to join forces with other like-minded families in your district. If the main issue in your particular school lawsuit is the vaccine mandate, and your legal counsel has not already sent out a cease and desist about this illegal vaccine mandate, the first step may be for your retained counsel to send out an official cease and desist letter on firm letterhead informing the school of your retention of legal counsel and a demand that they cease and desist the implementation of their illegal vaccine mandate. **If this step has already occurred with no response from the school or district, it is time to proceed to the filing of the Complaint in Step 8.**
- b. If your specific lawsuit includes other illegal actions directed particularly against your child, your counsel may also decide that your case requires the writing of an **individualized cease and desist letter** about your child's particular situation, asking the school or district to reconsider the denial of your request that your child be exempted from the policy, or any denial of a medical or personal belief exemption request(s), *or otherwise be sued*. Please note that while sending certain individualized cease and desist letters from counsel are sometimes effective, we cannot guarantee how the school will respond, if at all, in this current climate. It may back off and grant a previously denied exemption request, or it may simply ignore the letter altogether, betting on the possibility that you will give up, or not be able to back up your threat with real action. For this reason, we do not recommend individualized cease and desist letters unless you are already committed to litigate. Sending demand letters "without teeth" may weaken your own child's position and may also harm others similarly-situated.

These steps should be considered in addition to, and concurrently with, any and all other peaceful, non-compliance measures that you as parents may decide to do with other like-minded families. However, do not wait to take action in some form now.

8. **If the school does not respond to any of the letters listed, above, file suit against it, and any other defendants for violating your child's rights.** This will begin an entirely new process of fighting for your children via the court system.
 - a. If you choose to litigate with us, preparing and filing a lawsuit against the school, district, board, and any other "bad" actors will require a \$20,000.00 retainer, which we will bill against or "run down" until a new retainer is required. With multiple families involved, the cost can be divided. *Plaintiffs are responsible for determining how the total retainer is collected from all plaintiff families as well as all future cost sharing proportions.*
 - b. Note: the attorneys listed below are all affiliated with CHD-CA and donate significant volunteer time to the organization and Tracy Henderson is the Founder of California Parents United which is devoted to a parent's right to choose, but also operate as independently retained counsel through the Facts Law Truth Justice law firm, located at <https://fltjllp.com>. Both California Parent's United and Children's Health Defense, California Chapter ("CHD-CA") are donation-

based, largely volunteer-staffed advocacy organizations focused on protecting children's health. Neither are a law firm and do not have the ability to fund lawsuits on behalf of members of the public and, instead, provides significant self-help legal resources and participates in selective strategic, litigation. See <https://ca.childrenshealthdefense.org/resources>. **However, CHD-CA strongly supports this cause and has indicated that it will assist with some fund raising for school mandate lawsuits. The funding CHD-CA will be able to raise and contribute towards these lawsuits is still TBD.** Therefore, families should plan on raising the full funds for the initial retainers themselves.

As protective parents ourselves, we all share your outrage at what is happening to our children under guise of a public health response, and we will do everything in our own power to push back against the unconstitutional, illegal, and unethical CV-19 mandates and policies. We are committed to helping parents push back against these illegal school mandates; however, you are under no obligation to engage us as counsel.

If you are part of a school district that has already had a Zoom presentation with us about these next steps, please contact your parent representative (announced during the presentation) if you have taken all the steps suggested above and are now ready to join a lawsuit. If we have not yet given a Zoom presentation to concerned families within your school district and you would like us to do so, please contact one of the attorneys listed below to request a presentation.

If you have already determined that you are ready and would like to pursue litigation with us, we ask that you first gather all like-minded families within your school community who wish to join your lawsuit, agree amongst yourselves how you will pay litigation costs, and contact us for further discussion and formal engagement.

Either way, we hope these suggested steps are useful in helping you push back against your school, district, teachers, and anyone else threatening the health and safety of your children.

Sincerely,

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FACTS

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