

FAX

Date: 02/14/2022

Pages including cover sheet: 3

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<i>Fax Phone</i>	(925) 606-3329

From:	Fabian Moreno
<i>Phone</i>	
<i>Fax Phone</i>	

NOTE:

When are you going to stop? Unmask our children now!!! It is no wonder you have so many parents after you Mr. Bueno. Your personal biased opinions don't matter to us. CHOICE DOES!!! BE AMERICAN. The parents are demanding this from you.

PUBLIC NOTICE

Notice to Chris Van Schaack, Kelly Bowers, Melissa Theide, Geoff Warner, Craig Bueno, Yanira Guzman, Emily Prusso, Kristie Wang, and Anne White, District Staff and Members of the Livermore Community

Notice is hereby given that the Livermore School District has officially been served a Notice of Demand regarding failure to comply with the Child Endangerment Law California Penal Code §273a(a)&273d, California Education Code § 49005.8(3), 51101(a)(7), and 66252(a)(c)(d), California Constitution's Declaration of Rights Article 1, SEC. 7(a), the Constitution of the United States 4th, 5th and 14th Amendment, 42 U.S. Code § 3631 and the Nuremberg Code¹.

Of particular importance is the potential breach of the Child Endangerment Law California Penal Code 273a(a) and § 273d that feasibly will harm children at this school. According to the Child Endangerment Law, they will be held personally liable when they willfully subject, permit or cause children to be placed in a situation where their health is endangered, and genetic integrity compromised. This shall be punished as a felony or misdemeanor by imprisonment in a county jail not exceeding one year, or in the state prison for two, four, or six years.

This School board has been served notice and was directed to immediately halt all COVID Vaccine, COVID Vaccines, COVID Vaccinations, COVID Passports, COVID tests, COVID Social Control methods such as masking, lockdowns, quarantines, and/or any surveillance, harassment, detention, detention centers, arrests, forced confinement coercion, forced Independent Study or District Homeschool, or any other measures, henceforth known as "COVID measures" in your jurisdiction. Their failure to exercise statutorily mandated compliance has hereby been served.

We invoke the right to a safe school environment for all students devoid of toxic COVID measures while a child is in school. Actively employing hazardous administrative procedures around the COVID measures include, but are not limited to, COVID Vaccine coercion, incentivized vaccines, acquisition, administration, distribution, insertion or infusion into human bodies, modification, placement, operations, tracking and use, on school properties is in breach of the aforementioned laws.

Please be advised that any and all persons in their jurisdiction are guaranteed Safe Conduct and Health Safety under the protection of the Law. Any attempts by the school board, in contravention of the above incontrovertible mandates of Local, State, Federal and International Law, will be in direct violation of the School Board's statutorily derived authority to regulate public school districts as it pertains to all COVID measures thereby preventing students from exercising their fundamental right to schooling and daily life functions free from control.

California Education Code, Article 1 §201, all pupils have the right to participate fully in the educational process, free from discrimination and harassment on school grounds directed at an individual on the basis of personal characteristics or status that creates a hostile environment and jeopardizes equal educational opportunity as guaranteed by the California Constitution and the United States. In accordance with California Education Code, Article 3 §220 "No person shall be subjected to discrimination as set forth in Penal Code §422.55".

Peer reviewed scientific studies prove harm results due to exposures to all kinds of COVID measures including those used in a school environment. The health of students is a constitutional right and parental rights may not be usurped as per the California Constitution's Declaration of rights Article 1, SEC. 7(a) which states: "maximizing the educational opportunities and protecting the health and safety of all public-school pupils, enhancing the ability of parents to participate in the educational process, preserving harmony and tranquility in this State and its public schools". The presence of the COVID measures in schools, is in direct violation of California Education Code Sec. 51101(a)(7) which mandates that it is a parent's decision as to what is best for their child's school environment. Federal Emergency Use Authorization Law Requires a Right to Refuse EUA Products and Experimental Medical Trials involving Children Require Parental Consent.

If a school, or agent of the school, enforces mask wearing and it adversely impacts a child in any way, including but not limited to psychological damage, physical harm, impeding academic progress, then the school could be civilly liable by law². Schools are not allowed to "use a physical restraint technique that obstructs a pupil's respiratory airway" in the first place by law³.

It has come to our attention that mandated reporters at this institution have been engaging in severe or pervasive physical and/or verbal acts or conduct directed towards pupils that has or can be reasonably predicted to have the effect of one or more of the following:

- (A) Placing pupils in fear of harm to their person or property.
- (B) Causing pupils to experience a substantially detrimental effect on their physical or mental health.
- (C) Causing pupils to experience substantial interference with their academic performance.
- (D) Causing pupils to experience substantial interference with their ability to participate in or benefit from the services, activities, or privileges provided by a school.

This is defined as "bullying" by Section 40000(r)(1) of the Education Code and will not be tolerated, especially by those charged by the law to report these incidents to the appropriate local law enforcement for investigation. The willful harrasing or injuring of a child or the endangering of the person or health of a child and unlawful corporal punishment or injury by mandated reporters as defined within the Child Abuse and Neglect Reporting Act shall be investigated by the appropriate local law enforcement agency as specified in Section 11165.9 against a school employee or other person and shall transmit a substantiated report, as defined in Section 11165.12, of that investigation to the governing board of the appropriate school district or county office of education. A substantiated report received by a governing board of a school district may, at the option of such school board, be subject to the provisions of Section 40000 of the Education Code.

You should also be aware that Cal Ed Code § 66252(a)(c)(d) state "(a) All students have the right to participate fully in the educational process, free from discrimination and harassment. (c) Harassment on school grounds directed at an individual on the basis of personal characteristics or status creates a hostile environment and jeopardizes equal educational opportunity as guaranteed by the California Constitution and the United States Constitution. (d) There is an urgent need to prevent and respond to acts of hate violence and bias-related incidents that are occurring at an increasing rate in California's public schools". The November 8, 2021 ruling on the lawsuit brought by Let Them Breathe and Reason California Schools against the California Department of Public Health and Governor Newsom over California's masking, quarantining and testing protocols sheds light on this subject. San Diego Superior Court Judge Cynthia Freeland's ruling states, "There simply is no language in the Guidance, however, that requires, directs, or otherwise authorizes schools to force students into an independent study program." Judge Freeland also stated that quarantine and testing guidance for students was only a recommendation which school districts remain free to implement or not.

In summary, the school district is now in breach of the Child Endangerment Law California Penal Code § 273a(a) and § 273d, California Education Code § 49005.8(3), 51101(a)(7), and § 66252(a)(c)(d), California Constitution's Declaration of Rights Article 1, SEC. 7(a), the Constitution of the United States 4th, 5th, and 14th Amendment, 42 U.S. Code § 3631, and the Nuremberg Code⁴. The District Administration and Board Members are personally liable under the Law and must commit the school district to compliance to International, Federal, State and Local law and prove procedural compliance for any past, current and future COVID Vaccine deployment of all kinds. Any administrative procedures related to the COVID measures on school facilities will be immediately considered Child Endangerment and an infringement on parental rights, and contravention of Federal and state law, as set forth herein.

Livermore School District has had all the legal capabilities to make lawful and legal decisions to eliminate COVID mandates from the schools in its jurisdiction⁵. Its inaction to eliminate this offending toxin is deemed to be complicit in illegal activities subject to assault and Child Endangerment. I accept their oath of office to protect the children. Livermore Union School District is in default and has been put on notice⁶.

¹ <https://history.nih.gov/display/history/Nuremberg+Code>

² Shannon v. Central-Gaithe Union School Dist., 133 Cal. App. 124, 129, 23 P.2d 769, 771 ("The question of the negligence of the defendants (School District) in the present case should therefore be determined with due regard to all the surrounding circumstances including the age, mentality and childish impulses of the injured boy.")

³ Cal Ed Code § 49005.8(3)

⁴ <https://history.nih.gov/display/history/Nuremberg+Code>

⁵ Cal Ed Code § 35160 – 35160.2, American Civil Rights Foundation v. Berkeley Unified School Dist., 172 Cal. App. 4th 207, 216

⁶ For more information please go to www.wow33.org

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This is defined as "bullying" by Section 48900(r)(1) of the Education Code and will not be tolerated; especially by those charged by the law to report these incidents to the appropriate local law enforcement for investigation. The willful harming or injuring of a child or the endangering of the person or health of a child and unlawful corporal punishment or injury by mandated reporters as defined within the Child Abuse and Neglect Reporting Act shall be investigated by the appropriate local law enforcement agency as specified in Section 11165.9 against a school employee or other person and shall transmit a substantiated report, as defined in Section 11165.12, of that investigation to the governing board of the appropriate school district or county office of education. A substantiated report received by a governing board of a school district or county office of education shall be subject to the provisions of Section 44031 of the Education Code.

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