



CALIFORNIA SCHOOLS AND SCHOOL DISTRICTS CANNOT REQUIRE STUDENT COVID-19 VACCINATION

August 24, 2021

Dear School District Superintendent and Board Members,

This is a follow up to the letter we, A Voice for Choice Advocacy, sent on February 1, 2021, regarding requiring the COVID vaccine for school children in California. This week, Superintendent Quoc Tran of Culver City Unified School District (CCUSD) stated CCUSD will require the COVID-19 vaccines of all students 12 years and older, in order to continue with school in person.

A Voice for Choice Advocacy wrote him a letter sincerely objecting to such a COVID-19 vaccine requirement on a legal, scientific and discriminatory basis, and asked CCUSD to withdraw this policy immediately.

We are sending this letter to you to make you aware that **per California law, California schools and school districts CANNOT require the COVID-19 vaccine**, unless either 1) the legislature passes a law that states it is required for school (per the childhood vaccines requirements for school) or 2) the California Department of Public Health puts out regulations stating such (in which case they would also have to allow a personal belief exemption), neither of which have happened to date. Furthermore, a school or school district cannot change their enrollment/attendance policy without a change in board policy, which would require it to be presented in a public Board of Education meeting and allow for public comment. Most schools and school districts also have a Nondiscrimination/Justice/Equity/Diversity/Inclusion Statement that such a vaccine requirement would go against.

California Statute:

Per Section 120335 and 120338 of the CA Health and Safety Code, schools and school districts do not have the jurisdiction to mandate the COVID-19 vaccine for K-12 students. Section 120335 of the California Health and Safety Code states that only the California Public Health Department (“the Department”) can add another vaccine to the list of vaccines required for enrollment to preschool, and K-12 schools:

120335. (a) As used in this chapter, “governing authority” means the governing board of each school district or the authority of each other private or public institution responsible for the operation and control of the institution or the principal or administrator of each school or institution.

(b) The governing authority shall not unconditionally admit any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless, prior to his or her first admission to that institution, he or she has been fully immunized. The following are the diseases for which immunizations shall be documented:

- (1) Diphtheria.
- (2) Haemophilus influenzae type b.
- (3) Measles.

- (4) Mumps.
- (5) Pertussis (whooping cough).
- (6) Poliomyelitis.
- (7) Rubella.
- (8) Tetanus.
- (9) Hepatitis B.
- (10) Varicella (chickenpox).

(11) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians.

120338. Notwithstanding Sections 120325 and 120335, any immunizations deemed appropriate by the department pursuant to paragraph (11) of subdivision (a) of Section 120325 or paragraph (11) of subdivision (b) of Section 120335, may be mandated before a pupil's first admission to any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, only if exemptions are allowed for both medical reasons and personal beliefs.

School District's Board Policy change:

"Culver City Supt. Quoc Tran said the student vaccine mandate was issued after safety protocol discussions with the school board, teacher and employee unions and parents — who agreed that the requirement would help protect their schools as much as possible." (<https://www.msn.com/en-us/news/us/culver-city-unified-to-require-student-covid-19-vaccinations-in-what-may-be-a-first/ar-AANTlUI>). Discussions are not enough to make a change in enrollment/attendance policy and add a vaccine requirement. The School Board must put a proposal for such a policy change on a Board Meeting agenda and allow for discussion and public comment. If passed, the board must also make the details of such a policy change available on their website and the school district's website.

Nondiscrimination/Justice/Equity/Diversity/Inclusion Statement:

Most schools and school districts have a statement that in essence states the following:

"Our school/school district is committed to providing a safe school environment that allows all students equal access and opportunities in the district's academic, extracurricular, and other educational support programs, services, and activities. Our school/school district prohibits, at any district school or school activity, unlawful discrimination, including discriminatory harassment, intimidation, and bullying targeted at any student by anyone, based on the student's actual or perceived race, color, ancestry, nationality, national origin, immigration status, ethnic group identification, ethnicity, age, religion, political affiliation, marital status, pregnancy, parental status, physical or mental disability, medical condition, sex, sexual orientation, gender, gender identity, gender expression, or genetic information, or association with a person or group with one or more of these actual or perceived characteristics or beliefs."

Students may not be getting this vaccine for religious reasons, because of their disability, because of a medical condition, because of genetic information and possibly protected groups listed above. If a school or school district moves forward with a vaccination requirement policy, it can expect discrimination based complaints and lawsuits to follow.

Emergency Use Authorization and Liability:

Furthermore, the vaccine clinical trials endpoints of all three vaccines were to reduce hospitalization and death. They did not analyze for transmission or prevention of infection. The delta variant is now the dominant variant in California. The CDC has made it clear, in recent weeks, that vaccinated persons can transmit the delta variant, and even have as high viral loads as the unvaccinated. At this point, those who are vaccinated have protected themselves against severe COVID or death. Those who have made the choice not to get vaccinated, are no different from those who are vaccinated other than if they get the disease they risk possibly getting sicker than those who are vaccinated who get COVID. It is a personal choice to get vaccinated or not, but the risk of transmitting it to someone else seems to be similar. Requiring the COVID-19 vaccine, especially among children, to reduce transmission of SARS-COV-2 is not the answer.

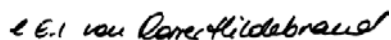
While COVID-19 vaccines have been granted Emergency Use Authorization for those 12-15 years, they are not likely to get fully approved by the FDA until the end of this year. Regardless of approval, these vaccines are still in the experimental phase with no large scale data on the safety and efficacy of either vaccine, due to the clinical trials continuing until the end of 2022. Under the Federal Public Readiness and Emergency Preparedness (PREP) Act, all COVID-19 vaccine makers are provided immunity from liability for their products. However, schools and school districts implementing this requirement open themselves up for lawsuits if a student is injured by a required COVID-19 vaccine.

If your school or school district is considering requiring the COVID-19 vaccine, A Voice for Choice Advocacy asks that instead you:

- **Make the COVID-19 vaccine a recommendation, rather than a requirement**
- **Make personal belief, religious belief, medical and disability exemptions available, without recourse or question**

Thank you for your time and consideration.

Sincerely,



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Giving issues a voice, A Voice for Choice Advocacy advocates for people's rights to be fully informed about the composition, quality, and short- and long-term health effects of all products that go into people's bodies, such as food, water, air, pharmaceuticals and cosmetics.