
From: Gabrielle Ingram
Sent: Wednesday, December 15, 2021 12:30 PM
To: SCUSD Public Comment
Subject: Public Comment Matter 8.2 for meeting 12.16.2021
Attachments: 2021 11 19 Letter re Ruling on Masks Testing and Quarantine.pdf

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Dear Board,

There are 2 lawsuits that you need to look up regarding mandates. You have a rare opportunity to fix the mistake you made in mandating the covid19 injection for our children before a lawsuit is filed (assuming one has not been already). You have an opportunity to stop using independent study as a weapon against non-compliance. Please review the Press Release ([Press+Release+on+LAUSD+hearing+CHD-FLTJ+12-15-21-2.pdf \(squarespace.com\)](#)) on the **Los Angeles Unified School District hearing from Facts Law Truth Justice** to see what I am referring to. You'll notice that though LAUSD walked back the date for their mandate to Fall 2022, the lawsuit filed by FLTJ, CHD-CA and PERK against LAUSD will proceed as other aspects of LAUSD's current policy remain contested. Unvaccinated students will still be prohibited from participating in extracurricular activities, such as science clubs, drill and athletics. They will also continue to have COVID testing requirements and mask mandates.

Enter the second legal item you need to read up on: **The San Diego Superior Court issued a ruling regarding quarantining and testing of children** on November 12, 2021. The lawsuit was filed by Let Them Breathe versus Newsom. Case No. 37-2021-00031385- CU-WM-N. It is posted on their website: [Lawsuit — home \(letthembreathe.net\)](#) Additionally a letter to School Boards from Let Them Breathe is attached to this email that explains the decision. In summary: The Order states that the California Department of Public Health (CDPH) "guidance" on COVID-19 quarantine and testing protocols are recommendations only, not mandates. This means that schools are not required to follow the CDPH protocols for quarantining healthy students who are identified as having been exposed at school to individuals who test positive for COVID-19. If a child was forced to stay home as a result of being exposed to someone who tested positive for COVID-19, then the school district has set themselves up as public health officials enforcing a rule that has no standard of law behind it, no science behind it, and certainly should be challenged in court. There is NO LAW in California stating that healthy children must stay home from school. Additionally, the state does not require schools to provide or perform routine COVID-19 testing of students. Therefore your school district doesn't have to do it. It is not a law. Schools that implement broad quarantine and testing protocols – such as those recommended by the state – may be subjecting themselves to liability for unnecessarily and unreasonably excluding healthy students from school. The San Diego Superior Court thinks that the state's position that all individuals should be required to wear a mask or face covering WHILE INDOORS at a K-12 school in California is OK but enforcement of the state's mask mandate is left up to each school. That means that nothing in the CDPH guidance requires schools to exclude students who refuse to wear a mask. Children should not be excluded if they don't wear a mask. California confirmed to the court, "nothing in the challenged mask guidance purports to direct or authorize schools to force students into this independent study program." (Defendants' Memorandum of Points

& Authorities in Support of Demurrer, at 15:14-16.) Finally, the state confirmed that its guidance reiterates the requirement that school districts provide all students with the option to enroll in independent study for the 2021-22 academic year. It is doubtful that the school districts have the manpower to run huge independent study programs. For example, 69% of Sacramento City Unified School District (SCUSD) students have not presented documentation of vaccination. The threat was independent study. Is SCUSD going to put 20,000 to 30,000 people into independent study? Not likely. Especially since being placed in independent study is voluntary. California law could not be clearer that enrollment in any such program must be voluntary: "independent study is an optional educational alternative in which no pupil may be required to participate." (Educ. Code, § 51747, subd. (f)(8)).

Enrollment can occur only if there is a "pupil-parent-educator conference" to determine whether enrollment in independent study is in the best interest of the child (Educ. Code, § 51747, subd. (h)(2)) and "a signed written agreement for independent study from the pupil, or the pupil's parent or legal guardian if the pupil is less than 18 years of age" (Educ. Code, § 51747, subd. (f)(9)(F)).

Importantly, a child enrolled in an independent study program always retains the option to return to his or her regular classroom for in-person instruction within 5 days.

The school is required to "transition pupils whose families wish to return to in-person instruction from independent study expeditiously, and, in no case, later than five instructional days." (Educ. Code, § 51747, subd. (f) [emphasis added].)

This recent Court Order makes it clear that schools are not required to remove students from campus and deprive them of in-person learning opportunities. However, local school districts are violating this court order by forcing healthy students to stay home after contact with someone who might have had a cold or the flu.

In addition, there continue to be disturbing reports that some state, county, and school district actors are employing scare tactics, aggressive enforcement policies, and misinformation to achieve compliance with CDPH's K-12 mask mandate.

This Court Order serves as a reminder that school officials may be placing their own district at risk of liability when they implement such unreasonable and extreme measures to enforce the state mask mandate among students.

Be advised that parents are not going to put up with mandates. The actions SCUSD has taken, preempt state law and they will not be ignored. I urge you to quickly adjust the resolution and mandate this Board put forth and save us all as taxpayers, the time and expense to go after this legally.

Thank you,

Gabrielle



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Coastal Property Rights, Land Use & Litigation

November 19, 2021

POSTED TO THE LET THEM BREATHE WEBSITE (<https://www.letthembreathe.net/>)

Re: Enforcement of K–12 Mask Mandate

To All K–12 Students, Parents, Educators, Administrators, School Board Members and Concerned Citizens:

As counsel for Let Them Breathe, we are writing this open letter to explain a recent ruling issued in the matter of *Let Them Breathe v. Newsom*, San Diego Super. Ct., Case No. 37-2021-00031385-CU-WM-NC. Let Them Breathe and Reopen California Schools filed this lawsuit against the state to challenge the legality of the CDPH mask mandate in K-12 schools throughout California. The lawsuit also challenged the legality of the CDPH COVID-19 quarantine and testing recommendations for K-12 schools.

On November 12, 2021, a San Diego Superior Court judge issued an Order in favor of the defendants in this case. While we are disappointed with the outcome, the Order does provide some clarity in regard to the state’s official position and the scope of CDPH’s mask mandate and COVID-19 quarantine and testing recommendations for K-12 schools.

First, the Order confirms that the portions of CDPH guidance applicable to COVID-19 quarantine and testing protocols are *recommendations only*, not mandates, as follows:

“When the issue of recommendation versus mandate was addressed at the hearing, Plaintiffs requested that, to the extent that the Defendants are conceding that the testing strategies and the quarantine protocols are recommendations, the Court issue an order clarifying that the testing strategies and quarantine protocols were recommendations that school districts were free to disregard. In response to the Court’s effort to confirm Defendants’ position, Defendants’ counsel reiterated the Defendants’ position that the testing strategies and quarantine protocols are recommendations only. This, coupled with the plain language of the Guidance, further resolves the issue for the Court that the testing strategies and the quarantine protocols are recommendations, not mandates.”
(Order at Fn. 3.)

Thus, schools are not *required* to follow the CDPH protocols for quarantining healthy students who are identified as having been exposed at school to individuals who test positive for COVID-19. Additionally, the state does not require schools to provide or perform routine COVID-19 testing of students. Because this challenged CDPH guidance is only a recommendation, boards and administrators need not implement it in their schools. However, our clients do find the quarantining and routine testing of healthy students unreasonable and problematic because it causes healthy students to miss multiple days of in-person education and does not provide any proven community benefit. Schools that implement broad quarantine and testing protocols – such as those recommended by the state, or worse – may be subjecting themselves to liability for unnecessarily and unreasonably excluding healthy students from school for prolonged periods of time.

Second, the Order confirms the state’s position that all individuals are required to wear a mask or face covering while indoors at a K-12 school in California. However, enforcement of the state’s mask mandate is left up to each school. Nothing in the CDPH guidance requires schools to exclude students who refuse to wear a mask. As the state confirmed to the court, “nothing in the challenged mask guidance purports to direct or authorize schools to force students into this independent study program.” (Defendants’ Memorandum of Points & Authorities in Support of Demurrer, at 15:14-16.)

Finally, the state confirmed that its guidance reiterates the requirement that school districts provide all students with the option to enroll in independent study for the 2021-22 academic year. However, California law could not be clearer that enrollment in any such program must be voluntary: “independent study is an *optional educational alternative* in which *no pupil may be required to participate*.” (Educ. Code, § 51747, subd. (f)(8) [emphasis added].) Thus, enrollment can occur only if there is a “pupil-parent-educator conference” to determine whether enrollment in independent study is in the best interest of the child (Educ. Code, § 51747, subd. (h)(2)) and “a signed written agreement for independent study from the pupil, or the pupil’s parent or legal guardian if the pupil is less than 18 years of age” (Educ. Code, § 51747, subd. (f)(9)(F)).

Additionally, and importantly, a child enrolled in an independent study program always retains the option to return to his or her regular classroom for in-person instruction. The school is required to “*transition pupils whose families wish to return to in-person instruction* from independent study *expeditiously*, and, in no case, later than five instructional days.” (Educ. Code, § 51747, subd. (f) [emphasis added].)

Even though this recent Order makes clear that schools are not required to remove students from campus and deprive them of in person learning opportunities, we continue to receive disturbing reports that some state, county, and school district actors are employing scare tactics, aggressive enforcement policies, and misinformation to achieve compliance with CDPH’s K–12 mask mandate. Please allow this correspondence to serve as a reminder that school officials may be placing their own district at risk of liability when they implement such unreasonable and extreme measures to enforce the state mask mandate among students.

November 19, 2021

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If you would like assistance in protecting the rights of schoolchildren and fighting back against government overreach, please visit Let Them Breathe at <https://www.letthembreathe.net/>.

Very truly yours,

AANNESTAD ANDELIN & CORN LLP

A handwritten signature in black ink, appearing to read "Arie L. Spangler". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Arie L. Spangler

From: Blanca Hurtado < >
Sent: Wednesday, December 15, 2021 3:51 PM
To: SCUSD Public Comment
Subject: Public comment for Item 8.2, 12/16/2021

Warning! This message originates from OUTSIDE the District's email system. Please verify the sender and contents before opening attachments or clicking any links. Contact the Technology Services Help Desk at 916-643-9445 with any questions.

Hello,

This message is for the board and more importantly to the public who is listening/reading. In our county, Sac county, there have been zero deaths related to covid between the ages of ages 0-19. Why do they need to be vaccinated? Please listen/read without thinking about what you will respond with. Please, don't take my word, look this up for yourself. The clinical trials of covid 19 injections for kids will not be completed until 2024. If your child has had covid, there are at least 100 studies that have shown natural immunity is robust and long-lasting. According to the cdc, covid19 is noticeably milder than influenza for kids. There has been no long-term safety testing of these injections for kids. Kids have a 99.997% survival rate from covid19. Less than 1% of kids with covid require hospitalization. CDC says that heart inflammation, blood clots, and guillain barre syndrome are known risks of these injections. The makers/producers of the injections and the cdc say the experimental injections do not prevent infection or transmission. Getting your child injected does not protect others. All injections have an insert, however, these injections do not have an insert because they are still under emergency use authorization. Thank you for reading and please verify this information yourself, don't take my word for it.

Warmly,
Blanca H.