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## **Let Them Choose Lawsuit Against SDUSD Establishes That Possible Enforcement of Student Vaccine Mandate Won't Occur Before Jan 24. Full Hearing on Permanent Ruling Against Mandate Set for Dec 20**

**December 2, 2021** – [Let Them Choose](#), an initiative of [Let Them Breathe](#), filed a [lawsuit](#) against San Diego Unified School District in San Diego Superior Court opposing their COVID-19 Student Vaccine Mandate Plan. Today a hearing for emergency relief was held since SDUSD has informed families they must get students the first shot by Nov 30 and the second by Dec 20. Judge John Meyer did not feel it was necessary to grant emergency relief since SDUSD repeatedly confirmed in court today that there is no possibility of excluding unvaccinated students from in-person education before January 24, 2022.

Instead the judge moved past temporary injunctions and set a date for a full hearing on a writ of mandate against the SDUSD vaccine mandate on December 20<sup>th</sup>. If a writ of mandate is granted in response to the December 20<sup>th</sup> Let Them Choose hearing that would permanently invalidate the SDUSD student vaccine mandate.

The SDUSD attorney tried to delay that hearing until next year, but the Let Them Choose attorneys argued the urgency of students needing to know the decision before the holiday break and the next academic semester. The judge agreed and set the hearing for Dec 20.

“While we recognize a deep sense of urgency on behalf of the families who are feeling coerced by SDUSD into getting the COVID19 vaccine, the Let Them Choose community is happy that we put SDUSD on record in court today stating that there are no repercussions for unvaccinated students before January 24. It is also an important success that the judge has moved our case past temporary injunctions and will be holding a hearing for a writ of mandate which if granted would be a permanent halt to the SDUSD mandate. The judge acknowledged that the legal issues at stake are weighty and is allowing time to fully review them before our hearing December 20<sup>th</sup>,” stated Sharon McKeeman Founder of Let Them Choose

Sunday in a separate lawsuit brought by a Scripps Ranch student a conditional injunction was granted by the 9<sup>th</sup> Circuit Court, but the decision stated it would only be in place until SDUSD lifted the vaccine deferral for pregnant students. Mark Bresee, legal counsel for SDUSD, reiterated in court today the statement SDUSD had already released to the press which is that SDUSD has removed the deferral for pregnant students and so that injunction against the mandate is expected to be lifted. SDUSD also acknowledged today that the Let Them Choose complaint is much different than the lawsuit on behalf of the Scripps student which is focused on religious exemptions. Let Them Choose is arguing that as an individual school district SDUSD does not have the legal authority to implement this vaccine mandate and that personal belief exemptions which are broader than religious exemptions are protected under CA state law for all students.

The complaint asserts that “SDUSD’s mandate conflicts with state law, which does not permit local school boards to promulgate new vaccination requirements in addition to those already required by state law.”

SDUSD has stated that they intend to enroll students in independent study who are not fully vaccinated by December 20<sup>th</sup>, and they will not honor personal belief exemptions for students. Let Them Choose argues this violates student rights to in-person education and extra-curriculars since schools are required by California law to unconditionally admit or allow continued attendance to any student who has provided proof of immunization, for the 10 vaccines required by state law. Any additional vaccinations that are added by the California Department of Public Health must allow for students to be unconditionally admitted to school with a personal belief or medical exemption for that new vaccine.

**Let Them Choose will hold a press conference next week on the progress of this case.**

Parent group Let Them Breathe is a mask-choice advocacy organization based in California with over 30K families involved nationwide. In addition to litigation against the SDUSD student vaccine mandate they are in litigation against California’s K-12 mask mandate with Reopen California Schools where they have filed a request for reconsideration. That legal action established that the State’s asymptomatic testing and close contact quarantine guidance are optional recommendations and that state guidance does not require unmasked students to be forced into independent study. Let Them Choose is an initiative of Let Them Breathe which advocates for choice in regards to the COVID19 vaccine. Both have partnered successfully with schools throughout California, and more info can be found at <https://www.letthembreathe.net/let-them-choose>

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