

Let Them Breathe Puts California Department of Public Health on legal notice in Violation of Department of Education

California schools are in a Catch 22 based on the Department of Education by laws by adhering to the unlawful mask mandate in an overreach by the CDPH

LOS ANGELES, CA, USA, August 30, 2021 /EINPresswire.com/ -- [Let Them Breathe](#) published a

“

Until CDPH withdraws its mask mandate or court declares it unlawful, masks are required in schools. As long as the mandate exists schools may not enforce it by excluding children from the classroom.”

*Aannestad, Andelin and Corn
Legal*

letter addressed to all K–12 students, parents, educators, and concerned citizens in response to California Department of Public Health’s threat letter posted August 23rd to all school leaders.

School districts and staff have been placed in a catch 22 by CDPH’s facial covering guidance, because although they must enforce the mandate most enforcement measures would violate the state’s own education code.

Let Them Breathe has already filed a lawsuit with Reopen California Schools contesting California’s unlawful and unscientific masking, asymptomatic testing, and close

contact quarantine guidance and these issues will ultimately be decided by a judge. In the meantime their attorneys have written a legal response to CDPH’s threat letter in order to educate schools, teachers, parents, and students on their rights and to warn any schools that are violating student’s rights by enforcing in a way that is dangerous, harassing, or discriminatory.

“As counsel for Let Them Breathe, we are disturbed by 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. We are disseminating this letter as a clarion call for all members of the public—students, parents, teachers, school board members, government officials, and others who want our schools to be governed by the rule of law, sound public policy based on objective data, and the principle of self-determination,” states the letter from Let Them Breathe’s attorneys Aannestad, Andelin, and Corn.

The letter asserts that:

- Forcible removal of students from classrooms violates California law.

- Children cannot be forced to enroll in an independent study program.
- The state's emergency powers do not allow children to be excluded from school for refusing to wear a mask.
- Schools must issue exemptions for children who for medical reasons should not wear a mask.

Each assertion is backed up with citations from the CA Education Code and the CA Constitution.

This letter from Aannestad, Andelin, and Corn on behalf of Let Them Breathe concludes that, "Until such time as CDPH withdraws its mask mandate or a court declares it unlawful, masks are required in schools in indoor settings. But, for as long as the mandate exists, schools may not enforce it by excluding children from classrooms, whether by means of expulsion, suspension, or forced enrollment in an independent study program. Schools must exempt students from mask requirements as provided in the CDPH guidance, without an onerous application process, and all exempt students should be free from all forms of harassment, discrimination, and retaliation."

The letter also calls on anyone who would like assistance in protecting the rights of schoolchildren and fighting back against government overreach to contact Let Them Breathe at www.letthembreathe.net.

To illustrate the damages being done to many students Let Them Breathe has posted one example on their Instagram – a video of a sheriff deputy at a student's home enforcing masking on-campus. On camera the officer confirms that Alta Loma school district is not allowing the student, Jameson, on campus without a mask AND he is not allowed on campus with a mask since he has a medical exemption. Although he is not expelled or suspended Vineyard Junior High will not allow Jameson to return to campus until the family signs an agreement that would waive his right under CA Ed Code 48900 as an 8th grader to not be suspended or expelled for peacefully unmasking. The school is now threatening that if he returns to campus without signing the document, he will be charged with trespassing. The video has already received over 30K views in the first 24 hours after it was posted to @let_them_breathe_. Let Them Breathe's legal team is giving assistance to this student and others whose rights are being violated.

Let Them Breathe founder Sharon McKeeman says, "California legislature has confirmed the priority of in-person education for all students. Denying medical exemptions is unlawful ableism, and saying that a student is a health threat when there is no evidence that they are infected with COVID-19 is discriminatory and unlawful. California Education Code Section 48900 protects students from being suspended or expelled for rule breaking except for very specific acts and peacefully unmasking is not one of those criteria. I hope that all school districts and teachers that are trying to support our students during this difficult time utilize this letter to empower their right actions. Let Them Breathe calls on parents, students, or school staff that are witnessing injustices to send our legal letter as a clarification and warning to school districts that are enforcing the mask mandate in a dangerous, discriminatory, harassing or unlawful manner."

Let Them Breathe is an advocacy organization based in the state of California, comprised of over

20,000 individuals who reside throughout the state and nation. Many members of LTB are parents of California TK-12 schoolchildren. Let Them Breathe was founded to end arbitrary, harmful mask mandates that keep children from an effective education and to advocate for choice in academic communities. You can access more information at www.letthembreathe.net

Sharon McKeeman

Let Them Breathe

+1 310-770-8871

[email us here](#)

Visit us on social media:

[Facebook](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/550127259>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2021 IPD Group, Inc. All Right Reserved.