

# Let Them Choose Strikes Down San Diego California Student COVID-19 Vaccine Mandate

*Let Them Choose part of Let Them Breathe struck down the student Covid 19 vaccine mandate in the second largest California school district, San Diego Unified*

SAN DIEGO, CALIFORNIA, USA, December 21, 2021 /EINPresswire.com/ -- Let Them Choose an



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*Sharon Mckeeman*

initiative of [Let Them Breathe](#) struck down the student COVID-19 vaccine mandate in the second largest California school district, San Diego Unified. This is the first COVID-19 vaccine mandate in the nation to be struck down in a final ruling.

On behalf of SDUSD parents Let Them Choose represented by Aannestad, Andelin, and Corn sent a demand letter to SDUSD September 23rd in advance of their meeting to

vote on the mandate promising litigation if it was passed. October 12 Let Them Choose sued SDUSD after they unanimously passed a vaccine roadmap plan for students with a deadline of January 24th for exclusion of unvaccinated students. Judge John Meyer granted Let Them Choose's petition for a writ of mandate and agreed with LTC's argument that SDUSD's vaccine mandate contradicts State law and thus is not valid. Precedent was cited showing that vaccination requirements are under the jurisdiction of the State and that school districts cannot coerce or exclude students from the classroom who have fulfilled the requirements of the list of childhood vaccines that have been legislated. The judge found that SDUSD's vaccine roadmap contradicts State guidelines and does not allow for the personal belief exemptions that State law requires for new vaccines outside of the legislated childhood list of vaccines.

SDUSD will be required to allow students who have met the list of State legislated vaccines to enroll and continue attendance and may not exclude them from the classroom. A tentative ruling in favor of Let Them Choose was given at 9am December 20th and after oral arguments the judge made that ruling binding as the final ruling on the same day. The ruling in Let Them Choose versus SDUSD states, "The statutory scheme leaves no room for each of the over 1,000 individual school districts to impose a patchwork of additional vaccine mandates, including those like the Roadmap that lack a personal belief exemption and therefore are even stricter than what the DPH could itself impose upon learned consideration." Founder of Let Them Breathe and Let Them Choose Sharon McKeeman shared, "We are thrilled that the law was upheld in our lawsuit against San Diego Unified School District's student vaccine mandate. Judge Meyer agreed with

our legal arguments that school districts do not have authority to mandate vaccines, they cannot force students into distance learning, and personal belief exemptions for new vaccines are protected under California State law. This decision that school districts do not have authority to require the COVID-19 vaccine echoes statewide, and it shows that parents coming together in a grassroots movement to uphold our children's rights is powerful and effective." Let Them Choose's lawsuit against SDUSD argued that SDUSD's threat to involuntarily enroll students ages 16 and up who have not been fully vaccinated for COVID-19 in independent study on January 24, 2022 violates students' rights to an in-person education and extracurriculars. 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. 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." Let Them Breathe is a group of over 30K families advocating for mask-choice and COVID-19 vaccine choice for students and everyone. 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 been granted a request for reconsideration with a hearing on January 28th. That legal action established that the States asymptomatic testing and close contact quarantine guidance are optional recommendations and that the state guidance does not require unmasked students to be forced into independent study. Let the Choose is an initiative of Let Them Breathe and both have partnered successfully with schools throughout California.

Sharon McKeeman

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