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ULTIMATUM RE: YOUR SCHOOL'S COVID-19 POLICIES

Attention Teachers, School Administrators, and Board Members:

Regarding my child's lack of a facemask today, please be advised—in the same vein the American Hero, Rosa Parks—we are peacefully engaged in an act of civil disobedience by exercising our inalienable right to refuse to comply with your institution's unconstitutional COVID-19 policies (this refusal encompasses to masking, testing, and vaccination policies). This refusal is an act of free speech (expressive conduct) secured by the First Amendment of the United States Constitution.

Henceforth, my child will no longer comply with any COVID-19 non-binding recommendations emanating from this public institution or its governing body (*i.e.*, the School Board, the Department of Education, and the State of California). To be clear, my child will comply with any instructions you give regarding disciplinary actions relative to this act of civil disobedience. However, my child will no longer comply with any government recommendations regarding COVID-19. I opt no thank you.

Stated simply, you will neither mask, test, nor inject my scholar with any substance absent my express consent.

This is an ultimatum: abandon your COVID-19 policies—immediately—or take disciplinary action against my child and face litigation. Our Lawyers are prepared to sue you, personally, should you desire the latter option. To be clear, any party that is involved in either promulgating or enforcing these discriminatory policies in violation of Civil Code § § 51-52, Education Code § 201, § 237a, § 48900, § 234.1 and the California Constitution can be named, personally, in litigation. Our Lawyers will seek damages to the fullest extent permissible by law.

Be advised, should you (as an individual acting as an agent of the State of California) discriminate, harass, or endanger my child for my child's refusal to comply with your COVID-19 policies, you—and

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all involved in the adoption or enforcement of such policies—will be named as defendants and subject to personal liability for violating my civil rights pursuant to Title 42 U.S.C. § 1983.

I urge you to consider your options carefully. The California Department of Public Health (CDPH) has bullied you into believing there is a mandate you must follow or face consequences. However, the CDPH has conceded their guidance did not go through statutorily required rule making procedures, so it is only a recommendation. The truth is, if children refuse to wear their masks, the only option this institution has is *leave them alone* and document the peaceful non-compliance. You can recommend. You may suggest. But if they refuse, leave them alone. Any other conduct will subject you to potential civil and criminal penalties and could risk your credential, especially if complaints are filed by parents against credentialed employees for breaking *actual* laws.

It does not matter that you are merely “following orders.” It is not your job, nor do you have the right to “enforce” a public health recommendation. As we observed in Nuremburg many years ago, such is not an excuse for violating basic human rights.

I'll conclude with a hypothetical: *Is it worth your home, car, or pension?*

Cease and desist,

Sign/Date

Print

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