



April 3, 2023

**Granada Hills Board Members**

Jody Dunlap  
Jim Salin  
Supriya Chakravarty  
Lorene Dixon  
Christine Hutton  
Joan Lewis  
Richard Nolan  
Luis Cervantes  
Maribel Ramirez

**Granada Hills Executive Staff**

Brian Bauer

**RE: *Illegal Covid Vaccination Policy***

Granada Hills Charter School Board Members and Staff,

Our organization, Protection of the Educational Rights of Kids, PERK, has been notified by parents of Granada Hills Charter School. It has been brought to our attention that your student vaccination policy is in violation of the law and is illegal. We have been informed that your school is currently excluding seniors from Prom, based on their vaccination status for Covid 19. We have also been informed that students, including seniors, are being excluded from in person learning based on their vaccination status for Covid 19. Granada Hills Charter School has implemented ***illegal vaccination policies*** on three points.

**Granada Hills Charter School has no authority to enact its Covid-19 vaccine policy.**

California courts have ruled clearly that no school has the authority or jurisdiction to add a new vaccine to the schedule or requirement for school. Los Angeles Unified School District, San Diego Unified School District, and Piedmont Unified School District, all had lawsuits brought against their districts because of their illegal vaccination policy. All had final rulings determining schools and school districts did not have authority to add the Covid-19 vaccine to the school schedule. Subsequently, your Board Members and Executive Staff, never had the authority to add the Covid 19 Vaccine as a requirement to attend your school and are currently violating the law.

**PERK/CHD-CA Piedmont School District Lawsuit**

Piedmont School District had no authority to enact its vaccine policy, which forced children into independent study. In January, [we completely struck down Piedmont Unified School District's illegal mandate](#) on children *5 and up* in a final ruling (no appeal) that caused Oakland Unified to also withdraw its mandate, and likely inspired hundreds of other school districts to do the same.

**PERK/CHD-CA vs. LAUSD Lawsuit and GF vs. LAUSD Lawsuit**



**LAUSD delayed, rescinded, and eventually dropped their illegal mandate.** LAUSD was not authorized to enact a COVID-19 vaccination mandate for its students. This authority is reserved for the legislature or the Department of Public Health (CDPH) pursuant to Health and Safety Code section 120370 and 120335. LAUSD could not forcibly transfer or require students lacking the COVID 19 vaccine into LAUSD's independent study program. This violated Education Code section 51747, subdivisions (f)(8) and California Code of Regulations, Title 5, Section 11700.

### **ICAN Funded Lawsuit Against San Diego Unified School District**

In the case of San Diego Unified School District, on November 22, 2022, ICAN, (Informed Action Consent Network) [won in the Court of Appeal](#), the Court agreed that the district's Covid-19 vaccination mandate was illegal. "The decision's reasoning effectively made any local (school district, county, etc.) vaccine mandate, for any vaccine, illegal. The Court of Appeal certified their decision for publication, ***making it legal precedent*** and free to be cited by other courts in future lawsuits!"

### **Granada Hills Charter School cannot *require* students to participate in independent study programs.**

Students cannot be ***required*** to participate in independent study programs. It is illegal to force children out of in person learning. According to California Education Codes and statutory laws, independent study can only be voluntary. Granada Hills Charter School is violating these laws by forcing children into independent study conditioned upon their Covid-19 vaccination status.

1. The option to take courses via independent study ***must be continuously voluntary***. EC Section 51747(c)(7); 5 CCR 11700(d)(2)(A) Schools may not assign suspended students to take courses via independent study. 5 CCR Section 11700(d)(2)]
2. Not more than 10 percent of the students participating in a continuation high school or opportunity school are eligible for apportionment credit for independent study. EC Section 51745(b)
3. Students in independent study need to have ***the ability to work independently*** and ***schools must assess an applicant's likelihood of success*** in independent study. EC Section 51746(b)(1); 5 CCR 11700(d)(1)(B)
4. Independent Study is to be equivalent in quality and quantity to in person instruction. 5 CCR 11701.5
5. Independent study shall not be offered as an alternative curriculum. EC Section 51745(a)(3)
6. The only mandated independent study is in the case of expulsion. Vaccination status for Covid 19 cannot be a prerequisite to mandate independent study, whether expressed as a mandate or a de-facto mandate. "At the time an expulsion of a pupil is ordered, the governing board of the school district shall ensure that an educational program is provided



to the pupil who is subject to the expulsion order for the period of the expulsion.” EC Section 48916.1(a)

**It's illegal to bar students from extracurricular activities such as sports and prom.**

As Board Members and stewards of school policies, Board Members may be held personally accountable and sued when violating the law. Your school policy is illegal. You may not request proof of the student’s vaccination, require the covid vaccine, nor prohibit them from attending prom or in-person learning at school. We are giving you notice and request you change your policy immediately by:

- 1) Immediately allow all seniors to purchase senior prom tickets and alert families who were denied the opportunity to do so.
- 2) Alert all independent study students, their study is voluntary, and they may return to in-person learning, at any point, regardless of their covid vaccination status.
- 3) No longer enact a Covid-19 vaccination mandate policy.

Should you decide to continue with your atrocious policy’s, we will be forced to again take legal action against your school and alert the media of your illegal policies.

Amy Bohn

President of PERK

Protection of the Educational Rights of Kids

CC Attorney John Howard

CC Attorney Scott Street

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[https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=48915&lawCode=EDC](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=48915&lawCode=EDC)

ARTICLE 1. Suspension or Expulsion [48900 - 48927] Violence, Expulsion, reasons to expel students and move them into home study if the option exists.

<https://www.cde.ca.gov/sp/eo/is/quickguideistudy.asp>

<https://ccis.org/wp-app/wp-content/uploads/2017/11/Frequently-Asked-Questions.pdf>

<https://icandecide.org/press-release/ican-funded-lawsuit-prohibiting-any-local-vaccine-mandates-wins-final-battle-sets-california-precedent/>

<https://icandecide.org/press-release/ican-funded-lawsuit-strikes-down-covid-19-vaccine-mandate-for-san-diego-schools/>

<https://www.perk-group.com/school-lawsuits>

<https://fltjllp.com/wp-content/uploads/2022/01/CHD-PERK-Ex-Parte-App-Order-1.13.22.pdf>

<https://fltjllp.com/wp-content/uploads/2022/07/GF-v.-LAUSD-Writ-Petition-Ruling-GRANTING-Writ-7.5.22.pdf>