

Judge Rules Against San Diego Unified School District's Vaccine Mandate, Los Angeles Unified Delays Its Mandate

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San Diego Superior Court Judge John Meyer ruled against the San Diego Unified School District's (SDUSD) vaccine mandate as it contradicts state law because implementing such mandates without personal belief and religious exemptions can only be imposed by the state legislature. Judge Meyer agreed with legal arguments that school districts do not have authority to mandate vaccines. Plaintiff's counsel said that the ruling applies to statewide and includes other school districts. Countywide, about 75% of youth ages 12 to 19 have gotten vaccinated. Despite the ruling, SDUSD is still promoting vaccines and holding clinics.

The San Diego Unified School District's Board of Education on Tuesday unanimously voted to appeal a decision handed down Monday in a lawsuit against the district and its vaccine mandate. Board members voted unanimously to do so in a special closed session.

San Diego Superior Court Judge John Meyer on Monday said the district's mandate, which does not permit religious or personal belief exemptions, contradicts state law, because implementing such mandates without exemptions can only be imposed by the state legislature.

Meyer also said that while students are required to receive some vaccinations in order to attend in-person school, adding COVID-19 to the list of required vaccinations without allowing personal belief exemptions is another area that lies only with the state.

"We are thrilled that the law is being honored and upheld in our lawsuit against San Diego Unified School District's student vaccine mandate. In his tentative ruling Judge Meyer outlined agreement with the legal arguments we brought that school districts do not have authority to mandate vaccines, and we are confident this will stand as his final ruling. This shows that parents coming together in a grassroots movement to uphold

our children's rights is powerful and effective," founder of Let Them Breathe and Let Them Choose Sharon McKeeman said after the ruling Monday.

Under the district's roadmap, unvaccinated students must take part in remote learning via independent study. By the start of the district's second semester on Jan. 24, unvaccinated students would not be allowed to continue with in-person instruction unless they have an approved medical exemption. San Diego Unified School District had set a key deadline of Dec.20 for thousands of [eligible students 16 and older to get their second dose of the COVID vaccine](#).

Meyer said that attendance in an independent study program must be voluntary, though such a program would be mandatory under the district's roadmap.

Following further arguments Monday by attorneys for the school district and the plaintiffs, Let Them Breathe, Meyer confirmed his tentative ruling. The ruling came on the day district students were required to receive their second vaccine dose in order to be considered fully vaccinated and able to attend in-person instruction by the start of the second semester.

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Three months ago, Los Angeles Unified School District (LAUSD) passed a Covid Vaccine mandate for children 12 and up, with a deadline of December 19, 2020, which has been delayed to the following school year because 30,000 students did not comply with the mandate. An estimated 87% of students were reported to have received the vaccines. LAUSD terminated hundreds of staffers who failed to meet the employee vaccine mandate.

<https://www.youtube.com/watch?v=vB2wnJI0AjU>