EDUCATION - CALIFORNIA

Let Them Choose v. San Diego Unified School District

Court of Appeal, Fourth District, Division 1, California - November 22, 2022 - Cal.Rptr.3d - 2022 WL 17101508

Nonprofit public benefit corporation representing students' parents and student's parents filed actions and petitions for writ of mandate challenging school district's requirement that students ages 16 or older be vaccinated for COVID-19 in order to attend in-person classes and participate in sports and other extracurricular activities.

After cases were consolidated for trial, the Superior Court entered judgment in plaintiffs' favor, and district appealed.

The Court of Appeal held that:

- District's vaccine mandate conflicted with, and thus was preempted by, state statute;
- Legislature fully occupied field of compulsory student vaccination; and
- Education Code provision requiring school districts to cooperate with local health officers in preventing communicable diseases did not authorize vaccination mandate.

School district's requirement that students ages 16 or older be vaccinated for COVID-19 in order to attend in-person classes and participate in sports and other extracurricular activities conflicted with, and thus was preempted by, state statute prohibiting school districts from unconditionally admitting students unless they were fully immunized against enumerated diseases.

Legislature fully occupied field of compulsory student vaccination, thus preempting school district's requirement that students ages 16 or older be vaccinated for COVID-19 in order to attend in-person classes and participate in sports and other extracurricular activities; legislature historically regulated student vaccination, legislature had covered matter fully and completely, defining the who, what, when, and where of compulsory student vaccination, legislature contemplated new vaccine mandates in future without further legislative action—but assigned that responsibility not to school authorities, but rather to Department of Public Health (DPH), and local authorities had no decision-making authority regarding who could administer vaccines.

Education Code provision requiring school districts to cooperate with local health officers in preventing communicable diseases and to use its funds and personnel "to administer an immunizing agent to a pupil" whose parent had consented did not authorize local school district to mandate that students ages 16 or older be vaccinated for COVID-19 in order to attend in-person classes and participate in sports and other extracurricular activities.

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