

December 9, 2021

PERK

Protection of Educational Rights of Kids

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PUBLIC STATEMENT

On Wednesday December 8, 2021, the PERK and CHD-CA Legal Team overcame the first hurdle yesterday when Judge Beckloff issued a tentative ruling yesterday morning to deny the preliminary injunction before the PERK/CHD-CA vs. LAUSD case was heard in court. The first success yesterday occurred when the judge heard the arguments from our legal team and reconsidered his ruling. The judge decided to take a few more days to deliberate. It was a “win” that the judge did not rule against us yesterday. However, a ***final ruling has NOT been issued on the case.*** The judge wanted more time to reconsider the points heard in court yesterday.

Our Legal Team argued statutory laws, education codes, and health codes. They also argued Federal EUA Law and included vital points on the precedence the judge would set to deny the preliminary injunction. The chaos that would ensue with over 920 school districts in California implementing any policy they wanted is problematic. PERK President Amy Bohn was present in the packed court room. She said, “The judge sincerely listened to our arguments and actually agreed with numerous points in our case. He stated it was a “wrinkle” for LAUSD regarding the laws requiring enrollment into home study program to be “voluntary.” Our Legal Team argued the LAUSD Independent Study Program was a “defacto mandate” and not a voluntary enrollment. Amy Bohn spoke to the media and the crowd outside stating, “PERK will continue to defend and protect all of you and your children.”

The Legal Team continued arguing parents are being coerced under duress to join the home study, which is understaffed, can't handle the influx of 30,000 plus students, and is subpar learning. Our lawyers argued the LAUSD Resolution was in direct conflict with state and federal law, and the intent of the law. PERK/CHD-CA Legal Team also argued the school did not have the authority or jurisdiction delegated to them to add a vaccine to the schedule, but instead that authority has been delegated to the California Department of Public Health. Other arguments included a balance of harms including the Independent Study Program not being equivalent to in person learning. The judge agreed but stated the learning insufficiency may be a different case, to which our lawyers quickly added the complaint will be amended to include this problem. Judge Beckloff also agreed with and stated clearly any additional shot added to the school schedule should include all exemptions: Personal Belief, Religious, and Medical.

LAUSD defending lawyers stated the district was not adding a new vaccine to the schedule, the shot was not a condition for enrollment, the shot was not mandated, that they were NOT relying on the health and safety code, and that this was a “placement policy issue.”

Lastly, our Legal Team effectively and determinedly represented the arguments for the case. The judge wanted more time to reconsider the points heard in court yesterday. We await his final ruling, which is expected in the next few days. Thank you for all who attended the hearing, supported through donations, and prayers.

PERK Team

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