

# Unmasking Protocol

1. Forward this to everyone you know and have them join your efforts to give all children confidence in peaceful non-compliance with their friends.
2. Go to school without a mask
3. If offered a mask your child says *"no thank you"*
4. If the teacher sends your child to the office for refusal to put on a mask, and they threaten to call you (parent), simply have your child say - *"ok, feel free to call."*
5. School calls you (parent) and says something like: *"Your child needs to wear a mask at school and is refusing"*, simply say – *"ok thanks, please send my child back to class per Education Code 201, Civil Code 51 and Civil Code 52. Thank you"*. Nothing more, and then hang up.
6. Send child next day without a mask.
7. If the principal should attempt to escalate the issue and calls you (parent) in to sign the independent study agreement because your child refuses to wear a mask, simply say to the principal, "no thank you, I'm not required by law to sign an Independent Study Agreement."
  - a. Remember: contracts need to be entered into voluntarily, without duress. Schools only get paid their allocated educational money if you sign it.
  - b. You do not have to agree to independent study. Your Superintendent or principal cannot by law make your child go home because they have the right to participate fully in the educational process, free from discrimination and harassment. *Per Education Code 201 and 51749.6 (a)(6)*
8. *Note:* Your child can only be suspended or expelled if there is a clear and present danger. This type of danger is violent paraphernalia, drugs, etc. So there is no legal authority for them to send a healthy, happy child home per *Education Code 48900 and 4900.5*
9. Continue this cycle and remember these laws.

Additionally, take these items (personalize with your info) to your principal and superintendent and say the judge ruled on November 12<sup>th</sup> that the CDPH guidance is just a "recommendation" and I therefore opt NO THANK YOU.

[Letter to Educators](#)

[Do Not Consent Form](#)

[Court Ruling – Let Them Breathe](#)

[Covid Release of Liability](#)

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## LEGAL

### Right to School Education Code, § 201

1.
  - a. All pupils have the right to participate fully in the educational process, free from discrimination and harassment.
  - b. California's public schools have an affirmative obligation to combat racism, sexism, and other forms of bias, and a responsibility to provide equal educational opportunity.
  - c. Harassment on school grounds directed at an individual on the basis of personal characteristics or status creates a hostile environment and jeopardizes equal educational opportunity as guaranteed by the California Constitution and the United States Constitution.
  - d. There is an urgent need to prevent and respond to acts of hate violence and bias-related incidents that are occurring at an increasing rate in California's public schools.
  - e. There is an urgent need to teach and inform pupils in the public schools about their rights, as guaranteed by the federal and state constitutions, in order to increase pupils' awareness and understanding of their rights and the rights of others, with the intention of promoting tolerance and sensitivity in public schools and in society as a means of responding to potential harassment and hate violence.
  - f. It is the intent of the Legislature that each public school undertake educational activities to counter discriminatory incidents on school grounds and, within constitutional bounds, to minimize and eliminate a hostile environment on school grounds that impairs the access of pupils to equal educational opportunity.
  - g. It is the intent of the Legislature that this chapter shall be interpreted as consistent with Article 9.5 (commencing with Section 11135) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, Title VI of the federal Civil Rights Act of 1964 (42 U.S.C. Sec. 1981, et seq.), Title IX of the Education Amendments of 1972 (20 U.S.C. Sec. 1681, et seq.), Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794(a)), the federal Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400 et seq.), the federal Equal Educational Opportunities Act (20 U.S.C. Sec. 1701, et seq.), the Unruh Civil Rights Act (Secs. 51 to 53, incl., Civ. C.), and the Fair Employment and Housing Act (Pt. 2.8 (commencing with Sec. 12900), Div. 3, Gov. C.), except where this chapter may grant more protections or impose additional obligations, and that the remedies provided herein shall not be the exclusive remedies, but may be combined with remedies that may be provided by the above statutes
2. California Constitution § 5, AIX: SEC. 5. "The Legislature shall provide for a system of common schools by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established."

### Right to Be On Campus

3. Civil Code, § 51: All persons within the state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever. Private right of action, including up no less than \$4,000.00 in damages and up to triple damages for each denial of access, as well as punitive damages for intentional rights violations, and attorneys' fees.
  - a. Applies to private schools.
  - b. Courts split on public schools.
4. Civil Code, § 52: private right of action against any person acting under the color of law (school, district) who interferes in any way with the exercise of statutory or constitutional rights (California and Federal / U.S.), with civil penalty up to \$25,000.00 against each person found to have violated section.

### Independent Study Ed Code 51749.6(a)(6)

(a) Before enrolling a pupil in a course authorized by Section 51749.5, each local educational agency shall provide the pupil and, if the pupil is less than 18 years of age, the pupil's parent or legal guardian, with a written learning agreement that includes all of the following:

- (1) A summary of the policies and procedures adopted by the governing board or body of the local educational agency pursuant to Section 51749.5, as applicable.
- (2) The duration of the enrolled course or courses, the duration of the learning agreement, and the number of course credits for each enrolled course consistent with the certifications adopted by the governing board or body of the local educational agency pursuant to Section 51749.5. The duration of a learning agreement shall not exceed a school year or span multiple school years.
- (3) The learning objectives and expectations for each course, including, but not limited to, a description of how satisfactory educational progress is measured and when a pupil evaluation is required to determine whether the pupil should remain in the course or be referred to an alternative program, which may include, but is not limited to, a regular school program.
- (4) The specific resources, including materials and personnel, that will be made available to the pupil. These resources shall include confirming or providing access to all pupils to the connectivity and devices adequate to participate in the educational program and complete assigned work.
- (5) A statement detailing the academic and other supports that will be provided to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, individuals with exceptional needs in order to be consistent with the pupil's individualized education program or plan pursuant to Section 504 of the federal Rehabilitation Act of 1973 (29 U.S.C. Sec. 794), pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.
- (6) A statement that enrollment in a course authorized pursuant to Section 51749.5 is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through course-based independent study only if the pupil is offered the alternative of classroom instruction.

Participation in independent study must always be the choice of the pupil, parent, guardian, or caregiver. LEAs shall not require or otherwise obligate the pupil's participation in an independent study program.

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