

**Good Evening,**

**Before getting to the heart of the matter, I think it is very important to express the sadness, pain, and heartache that many of us parents are feeling today. As the 2020 school year was beginning to wrap up a year ago, numerous parents called, emailed, inquiring as to whether or not Chelan schools would return to school in the fall as normal and what type of planning was being done. We were given no answers. Instead, we were forced to wait until the 11th hour, in the middle of August, before being provided a plan. We continued to advocate for our children while remaining patient with the school as we slowly returned in a hybrid capacity even though other schools around us were returning more quickly and more frequently. We continued to advocate for our kids to return Wednesdays, which eventually happened, thank you. And we continued to advocate further... as more than 75% of parents voted YES to return to full time school this Spring, which was loudly shut down by the majority of this school board. Time and time again, the school board as failed to listen to the parents and the community, and instead chosen to side with the teachers unions, and one lone doctor at the CDHD. Unfortunately, we no longer trust this collective board or the superintendent of this district. Then last week, when the Lake Chelan School District decided to host a vaccination clinic at the school, on public taxpayer property and eagerly encouraged our children to participate... When our emails, phone calls, and pleas went unheard or were answered with an aloof, "my hands are tied," we strongly felt that now was the time to further act.**

**A Formal Complaint with over two hundred community members' notarized signatures is being served this evening to the Lake Chelan School District Board and Superintendent. This complaint is directed towards the threatened discrimination and segregation of the children within the school district regarding their families' federally protected private medical information of their choice to vaccinate or not vaccinate their children with the experimental inoculation that may or may not prevent contracting COVID-19 and is also not-fully licensed by the FDA. This complaint lists a number of State and Federal violations of civil and human rights that appear to be of no concern up to this point to the board and superintendent.**

**This complaint is also directed at the persuasive language on the written and signed letter by the superintendent that alluded to the segregation and discrimination of the children whose parents choose not to allow this experimental inoculation to be injected into their children. This letter was sent home with the children just prior to the vaccine clinic held at the public school and noted only the privileges that would be provided to children who were inoculated, not the potential serious risks that accompany any inoculation, let alone one that is solely an EUA product, again not fully-licensed or even tested on children.**

**A number of community members and parents have reached out to Superintendent, Barry DePaoli, and felt as though they're colossal concerns had not been truly heard or considered. A written response from Barry to a community member regarding said segregation was, and I quote, *"there is no issue related to segregation given that the vaccine is being offered to all students."* This statement exposes the idea that segregation is okay, as long as it is on the school district's terms. This not only violates a number of federal laws, but is psychologically damaging to both vaccinated and non-vaccinated children.**

**I've always believed that those who spend their careers working with children and furthermore, working within the administration that plays such a vital role in the decision-making facet of their education as a superintendent does, must truly care for the physical, mental, and emotional health and well-being of every single child. However, if this response is to be understood as it was written, I can't see how that could possibly be the case. I also am highly interested if the rest of the school board is in agreement with Barry's statement regarding**

**segregation. Does the board concur that segregating and discriminating against children based on an experimental inoculation is truly ethical and lawful?**

**I would like to think that the members of the board and our superintendent are all well equipped with compassion, empathy, and non-biased decision making capabilities for all the children attending school within the school district. I would hope that the school board and the superintendent would also be educated enough to know that their hands are not “tied” as so many of us have been told by Barry, by the “guidelines” being *recommended* by the Department of Health as it has absolutely no legal or lawful authority to trump State and Federal Law. As citizens of this nation, we are required to follow the Law, not guidelines, policies, mandates, etc.. By US Constitutional Law, federal and state funded programs such as public schools may not violate any Civil Rights or other State or Federal Laws for the sake of a guideline, suggestion, policy, mandate, or by any other like-term.**

**In conclusion, I would encourage each of you to put yourselves in the mindset of a young child; what would you do if you thought the only way you could possibly return to any form of childhood and adolescent normalcy was to be inoculated with an experimental drug? Would you find a way to do it even if your parents forbade you in the name of protecting you against a foreign injection that held potential to affect you for the rest of your life? Children are extremely emotional beings and they just want to do what “feels good”. If they think they can be with their friends again, they’ll do whatever it takes to make it happen. Think of when you were a child, did you sneak out? Did you try things that you knew you weren’t supposed to because you’re friends were all doing it? Did you do the things that you thought would make you feel good? It’s time we all start acting like adults, like the American leaders that we are intended to be and stop worrying about what everyone think “feels good”. That’s child’s play. It is time we stand up and start doing what is ethically right and lawful.**

**Thank you for your time and grand efforts in advance to protect the most imperative Laws protecting our community, the families within, the children, and their futures.**

**THE ASK: GIVEN CHILDREN ARE THE LEAST AT RISK FOR COVID RELATED AND THERE IS NO CLEAR EVIDENCE THAT MASKING OF CHILDREN IS EFFECTIVE, THE CONCERNED PARENTS AND COMMUNITY MEMBERS ARE ASKING THE BOARD TO REMOVE THE MASK MANDATE AND TO OFFER ALL STUDENTS THE SAME BENEFITS REGARDLESS OF INOCULATION STATUS.**

May \_\_\_\_, 2021

Parents, Taxpayers et al  
Lake Chelan School District

Subject: Formal Discrimination Complaint

Dear Superintendent Barry DePaoli,

The parents listed with signatures on the attached pages are filing this formal complaint against the Lake Chelan School District by reason of Discriminatory harassment against the children of the Lake Chelan Community. The parents et al have signed this notarized formal complaint in addition to sending in a multitude of emails and placing countless phone calls to the superintendent and school board, expressing their personal feelings and citing unlawful violations being perpetrated upon the children of the Lake Chelan School District. Each individual who has signed this document stands for the Law as it is written within the Constitution of these United States and Claims, Retains, and Reserves all Their God Given Rights, Powers, Privileges, Immunity, Remedies, and Defenses Pursuant to the Original Jurisdiction under their personal Religious and Philosophical Beliefs. These individuals retain their rights to religious and philosophical freedoms provided as above and honored by the Law in the State of Washington, allowing them the choice founded by said freedoms, to either vaccinate or not vaccinate their own children without reprisal.

According to the Washington State Office of Superintendent of Public Instruction (OSPI), Religion and creed are protected classes under Washington law.

“Discriminatory harassment is harassment based on a protected class. It can take many forms, such as *threats*, name-calling, derogatory jokes, physical assault, or other *conduct that is physically threatening, harmful, or humiliating*.” (OSPI)

Threatening the segregation, masking, and exclusion of children based on their parents’ choice to not allow an *experimental* vaccination of their children is physically threatening as it assumes the notion that the Lake Chelan School District is willing to put their students in potential physical harm and/or potential death by coercing a vaccination that, under federal law, cannot be mandated as it is an unlicensed Emergency Use Authorization product. More importantly, this vaccination is not approved by their parents. Additionally, the coercive verbiage of the letter sent home is not only reprehensible as it implies mental and emotional harm by means of exclusion and segregation that will be imposed on those children who do not vaccinate, but it is illegal as it violates **WAC 392-190-005** by discriminating against the non-vaccinated children, whose parents have chosen not to vaccinate them by means of their religious and philosophical beliefs, allowing only those who vaccinate the privileges of participating in public school sports and activities without the same limitations placed on those who are non-vaccinated.

Violations:

According to “chapters 28A.640 and 28A.642 RCW and RCW **28A.710.040**, it is unlawful for any public school district or public charter school to discriminate on the basis of sex, race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual

orientation, gender expression, gender identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal with regard to any program or activity conducted by or on behalf of a school district or public charter school including, but not limited to, recreational and athletic activities, extracurricular activities, preschool, adult education, community education, and vocational-technical program activities.”

“Broad federal regulations implementing Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and Titles VI and VII of the Civil Rights Act of 1964 similarly prohibit discrimination based on sex, race, creed, religion, color, national origin, and disability in federally assisted education programs or activities. As a result, several substantive areas have been similarly identified and addressed by both state and federal enactments.”

Segregating the vaccinated and non-vaccinated children and excluding the non-vaccinated children is also a violation of FERPA laws. “FERPA (20 U.S.C. § 1232g; 34 CFR Part 99) is a Federal law that protects the privacy of student education records. The law applies to all educational agencies and institutions that receive funds under any program administered by the Secretary of Education (“Department”). Student immunization records are considered educational records under FERPA and are legally protected.” Vaccinated records are part of a child’s educational record. “Family Educational Rights and Privacy Act (FERPA) prohibits schools from disclosing personally identifiable information from students’ education records without the consent of a parent or eligible student, unless an exception to FERPA’s general consent rule applies.” The children who will not be vaccinated have not consented, nor have their parents, to disclose any personally identifiable information of said students.

Looking ahead, Lake Chelan School District may attempt to claim the COVID-19 vaccination shareable as part of the emergency provision allowance under FERPA. However, this provision solely allows the information to be shared with the Health Department, not the school as a whole (staff, volunteers, classmates, parents, et al). By imposition of segregation and exclusion of the non-vaccinated children, Lake Chelan School District is forcing the disclosure of a child’s vaccination record by requiring them to visibly identify themselves as non-vaccinated by means of segregating, masking, and exclusion.

Furthermore, threatening segregation, masking, and exclusion of children revokes their rights to general physical activity with their peers which is physically harmful and humiliating to any child. It is harmful to not only their physical well being but their mental and emotional state as it is a gross violation of the children’s basic human rights. “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.” See *“other status” as vaccinated or non-vaccinated. See violations listed below:*

### **Human Rights Violations**

Article 3

Everyone has the right to life, liberty and security of person.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 30

*Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.*

These vaccines are not fully licensed by the FDA. These vaccines are neither 100% effective nor 100% safe. These vaccines are also not a part of the WA state Department of Health exemption list, making them absolutely **illegal** to impose on children as is the threat the segregate them, exclude them from public (taxpayer) school activities/events, and imposing masks for non-vaccinated children only.

Lastly, by threatening any imposition on any of these children to vaccinate puts them in a position where they may be strongly tempted to comply without parental consent. Mothers are inherently and irrevocably the supreme law-makers for their children as they carried them in their womb and shed their very blood for them with their physical mortal bodies. No government entity can lawfully proclaim to have done so and therefore holds no authority to make medical, educational, religious, inter alia choices for their children.

Lastly, I find it imperative to make point of the Lake Chelan School District Policy as it is written in the Student/Parent Handbook:

“The Lake Chelan School Board is committed to a safe and civil education environment for all students, employees, parents/guardians, volunteers and community members that is free from harassment, intimidation, or bullying. “Harassment, intimidation, or bullying” *means any intentionally written message or image – including those that are electronically transmitted – verbal, or physical act, **including but not limited to** one shown to be motivated by race, color, **religion**, ancestry, national origin, gender, sexual orientation including gender expression or identity, **mental health** or **physical disability** or other **distinguishing characteristics**, when an act:*

- A. physically harms a student or damages the student’s property;
- B. has the effect of substantially interfering with a student’s education;
- C. Is so severe, persistent or pervasive that it creates an intimidating or threatening educational environment; or
- D. Has the effect of substantially disrupting the orderly operation of the school.

Harassment, intimidation, and bullying can take many forms including slurs, rumors, jokes, innuendos, demeaning comments, drawings, cartoons, pranks, gestures, physical attacks, threats or other written oral or physical actions. “Intentional acts” refers to the individual’s choice to engage in the act rather than the ultimate impact of the action(s). Please notify the school administration of any acts of harassment, intimidation, or bullying, and either the informal or formal complaint process will be explained to you. Action will be taken immediately to stop the undesired behavior.

***The Lake Chelan School District does not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal and provides equal access to the Boy Scouts and other designated youth groups.***

Respectfully, Mr DePaoli and LCSD Board Members, a mandate, guideline, suggestion, or any terminology is not law except law. We follow law.

Respectfully,