

April 12, 2023

Dr. Christina Grant
State Superintendent of Education
Office of the State Superintendent of Education
1050 First Street NE
Washington, DC 20002

Via U.S. Postal Service and
email to Christina.Grant@dc.gov

RE: 2023-2024 OSSE COVID-19 Vaccine Mandate for School Children

Dear Dr. Grant:

On July 25, 2022, Robert F. Kennedy, Jr. [responded](#) to the Office of the State Superintendent of Education's (OSSE) July 19, 2022 [announcement](#) that the COVID-19 vaccine would be a requirement for Washington, D.C. children age 12 and older to attend school.^{1,2} There are several reasons why your Nov. 10, 2022 announcement that OSSE will require students to receive the vaccine in order to attend the 2023-2024 school year is misguided and must be reconsidered.

[No state legislatures have passed laws mandating COVID-19 vaccines.](#)³ D.C. is the only jurisdiction that intends to require school children to take the vaccine, [which does not prevent infection or transmission.](#)⁴ In addition, on March 28, 2023, the [World Health Organization announced](#) that healthy children between the ages of 6 months and 17 years should be considered a low priority for COVID-19 vaccines.⁵

¹ <https://childrenshealthdefense.org/wp-content/uploads/DC-Letter-7.20.22-v2.pdf>

² <https://osse.dc.gov/release/osse-encourages-families-receive-required-immunizations>

³ <https://www.nvic.org/newsletter/nov-2022/annual-state-vaccine-legislation-report>

⁴

<https://www.cdc.gov/coronavirus/2019-ncov/vaccines/effectiveness/monitoring.html#:~:text=COVID%2D19%20Infection%20after%20Vaccination&text=People%20who%20are%20up%20to,COVID%2D19%20to%20other%20people>

⁵ <https://www.who.int/news/item/28-03-2023-sage-updates-covid-19-vaccination-guidance>

The policy drew criticism from members of [Congress who oppose](#) OSSE expelling students due to their vaccination status.⁶ A [video](#) of Mayor Bowser and Dr. Fauci going door to door to speak with Anacostia residents showed COVID-19 vaccines are not as popular in the community as you may have previously thought.⁷

The current D.C. COVID-19 vaccination [data](#) show the disparity of acceptance based on race. While 77% of White students ages 12-15 and 87% of White students ages 16-17 received the primary booster, only 41% of Black students ages 12-15 and 49% of Black students ages 16-17 received the primary booster.⁸

On Aug. 26, 2022, OSSE [delayed compliance](#) until Jan. 3, 2023.⁹

Then on Nov. 10, 2022, OSSE announced that enforcement of the COVID-19 vaccine for students would again be delayed until the beginning of the [2023-2024 school year](#),¹⁰ which is quickly approaching.

Children’s Health Defense (CHD) is extremely concerned for the welfare of school children considering the [2022-2023 Immunization Attendance Policy](#); specifically:

“If a student’s attendance is **coded as ‘unexcused absence – immunization’** [emphasis added] for a prolonged period of time, the school shall follow its established protocols and interventions for students that are unexcused from school for several school days (e.g., routinely contacting the parent, guardian, or adult student; placing phone calls; sending written notices to the home; referring students to Student Support Teams; **and making referrals to CFSA, the Child Support Services Division, and the Office of the Attorney General, for truancy or educational neglect**).”¹¹ [emphasis added]

It is unclear if the upcoming year's policy will require COVID-19 vaccination and 100% compliance or whether the district will again not offer remote learning options as [previously declared](#), “Students should not be placed into a distance learning posture for purposes of non-compliance for immunizations.”¹²

⁶ <https://oversight.house.gov/release/comer-scalise-jordan-d-c-s-vaccine-mandate-locks-students-out-of-classrooms>

⁷ https://www.youtube.com/watch?v=o85_f_Gem8

⁸ <https://coronavirus.dc.gov/data/vaccination> (Demographics > Race > Primary Series Complete)

⁹

https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/8.26.22_LEA%20Leaders%20Letter_Immunization%20Enforcement%20Policy.pdf

¹⁰ <https://tinyurl.com/muvzk3tz>

¹¹

https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/Final_Immunization%20Attendance%20Policy%20SY22-23_07.21.22_v2.pdf, p. 14.

¹²

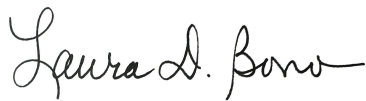
https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/Final_Immunization%20Attendance%20Policy%20SY22-23_07.21.22_v2.pdf, p. 36.

Should OSSE choose to go forward with mandating an unnecessary COVID-19 vaccine that fails to prevent transmission or infection from COVID-19 for children who could experience [side effects](#), injury or death,¹³ be prepared to defend this unconstitutional policy in court. CHD is still in contact with disgruntled parents who are willing to be plaintiffs against the OSSE immediately upon such an announcement.

As you probably know, CHD won a [lawsuit](#)^{14,15} against Mayor Muriel Bowser, Laquandra Nesbitt and Lewis Ferebee in their official capacity as Director of the D.C. Department of Health and Chancellor of D.C. Public Schools after the Court issued a [preliminary injunction in our favor](#) against another [unconstitutional](#) D.C. vaccine program.^{16,17}

I urge you to withdraw OSSE's misconceived policy immediately, or CHD may be forced to bring a lawsuit to block a mandate requiring students to be vaccinated against COVID-19. We reserve our right to seek damages, attorney fees and costs, in addition to all other rights and remedies under the law.

Sincerely,



Laura Bono
Acting President
Children's Health Defense

¹³ <https://www.choa.org/parent-resources/covid-19/myocarditis-in-kids-rare-after-covid-vaccine>.

¹⁴ [Booth v. Bowser D.C. District Court 1:21-cv-01857-TNM](#)

¹⁵ <https://childrenshealthdefense.org/defender/judge-rules-eleven-year-olds-vaccines-parents-consent>

¹⁶ <https://childrenshealthdefense.org/wp-content/uploads/PI-memo-opinion-DC-minor-case.pdf>.

¹⁷ <https://childrenshealthdefense.org/defender/judge-rules-eleven-year-olds-vaccines-parents-consent>.