

My name is Rolf Hazlehurst. I am the Senior Staff Attorney for Children's Health Defense, a non-profit organization devoted to children's health. I commend Councilmember Henderson and Chairman Mendelson for introducing Bill 25-278 – School Student Vaccination Amendment Act to remove the requirement that eligible students in the District of Columbia receive a vaccination against COVID-19.<sup>1</sup>

Children's Health Defense supports the termination of this misguided policy that requires DC children to receive the COVID-19 vaccine, which does not prevent infection nor transmission,<sup>2</sup> to attend school. CHD however remains deeply concerned about the DC Council and DC health administrators' blatant disregard for parental rights and the use of fear and intimidation of parents who seek a religious exemption for mandated vaccines on behalf of their minor children.

DC Health's newly revised Religious Exemption form is intentionally misleading parents and guardians as to the legal requirements to obtain a religious exemption for mandated vaccines on behalf of their minor children.<sup>3</sup>

Parents or guardians are instructed to request or download the updated form and return it directly to DC Health/Immunization Division after carefully reading and completing it in its entirety, warning that "incomplete or non-compliant forms will be returned before being sent for review."

The updated document contains at least 2 subsections that are unlawful as written and applied. In the first part of Section 2, parents or guardians are required to initial and acknowledge that by not vaccinating their child for one or more of the listed vaccinations, they are placing their child at "increased risk," thus implying that they are unfit parents or guardians.

There is no legal basis or requirement for a parent or guardian to use this form or make this written statement.

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<sup>1</sup> B25-0278 - School Student Vaccination Amendment Act of 2023, <https://lims.dccouncil.gov/legislation/B25-0278>

<sup>2</sup> <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>

The second part of Section 2 requires each parent or guardian to:

*Please provide a written statement on a) why you do not get vaccinations based on your sincerely held religious beliefs, b) the religious principles that guide your decision not to get vaccinated, c) whether you are opposed to all vaccinations, and if not, d) the religious beliefs you follow that will not allow you to get the COVID-19 vaccination.*

There is no legal basis or requirement for a parent or guardian to use this form or explain their religious beliefs.

The aforementioned language used on the DC Health website intentionally misleads those parents or guardians seeking religious exemptions into believing that they must comply with these instructions or that they will be denied their request. Nothing could be further from the truth.

According to the law, Code of District of Columbia §38-506, entitled “Exemption from Certification,” states:

*No certification of immunization shall be required for the admission to a school of a student: (1) For whom the responsible person objects in good faith and in writing, to the chief official of the school, that immunization would violate his or her religious beliefs.<sup>4</sup>*

*In other words, parents or guardians are NOT required to complete the updated DC Health Religious Exemption form listed on its website but instead may simply write a letter to the chief official of the child’s school certifying that in accordance with the Code of the District Columbia section 38-506, that parent or guardian of said child, objects in good faith that immunization(s) violate his or her sincerely held religious beliefs.*

Additionally, DC Health’s 2022-2023 Immunization Attendance Policy raises concerns for the welfare of school children. DC’s heavy-handed treatment of students who might be seeking a religious exemption is intimidating; 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**

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<sup>4</sup> [§ 38–506. Exemption from certification. | D.C. Law Library \(dccouncil.gov\)](#)

**making referrals to CFSA, the Child Support Services Division, and the Office of the Attorney General, for truancy or educational neglect).”<sup>5</sup> [emphasis added]**

Children’s Health Defense respectfully requests that the current intentionally misleading religious exemption form be removed immediately from its website and not pushed on parents. We also ask that the process to approve Bill 25-278 – School Student Vaccination Amendment Act be expedited to avoid parents unnecessarily getting their children the COVID-19 vaccine in order to attend school.

Children’s Health Defense recently represented a group of parents challenging a law, the District of Columbia Minor Consent for Vaccination Act, in *Booth v. Bowser* 597 F.Supp.3d 1 (2022). I have included the order<sup>6</sup> and opinion<sup>7</sup> for your review. In that case, CHD sought, and a Federal District Court issued a preliminary injunction prohibiting enforcement of the law and the District of Columbia was forced to repeal it. As stated by U. S. District Court Judge Trevor N. McFadden, in the conclusion of his opinion in *Booth v. Bowser*, “States and the District are free to encourage individuals- including children to get vaccines. But they cannot transgress on the Program Congress created. And they cannot trample the Constitution.”

Thank you for your time and consideration.

Rolf Hazlehurst

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[https://osse.dc.gov/sites/default/files/dc/sites/osse/page\\_content/attachments/Final\\_Immunization%20Attendance%20Policy%20SY22-23\\_07.21.22\\_v2.pdf](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.

<sup>6</sup> <https://childrenshealthdefense.org/wp-content/uploads/Booth-Preliminary-Injunction-Order.pdf>

<sup>7</sup> <https://childrenshealthdefense.org/wp-content/uploads/PI-memo-opinion-DC-minor-case.pdf>