

Judge strikes down paused LAUSD student vaccine mandate



A student is vaccinated at Eagle Rock High School. (Allen J. Schaben / Los Angeles Times)

A Los Angeles County Superior Court judge on Tuesday struck down L.A. Unified's student COVID-19 vaccine mandate, ruling that the school district exceeded its authority and that the power to require children to be vaccinated to attend school lies with the state.

The ruling, however, has no immediate effect within the L.A. Unified School District, because the district in May postponed its mandate until at least July 2023 — a move that aligned with the [state decision to pause](#) its own school vaccine requirement until then. LAUSD was the first of the nation's largest school systems to institute a COVID-19 vaccination requirement for students, and despite the delay, school board members were resolute in defending it against lawsuits.

In a statement Wednesday morning, the school district did not directly address the litigation, but a spokesperson said students have been able to enroll in school and attend in-person classes because L.A. Unified aligned with the state on the timing of any enforcement of a vaccine mandate. The district did not indicate whether it would appeal the decision.

The ruling by Judge Mitchell L. Beckloff represented a significant win for Let Them Breathe, a California-based group that has opposed vaccine and mask mandates.

“Judge Beckloff’s ruling confirms that individual school districts do not have the authority to impose local vaccination requirements in excess of statewide requirements,” said Arie L. Spangler, a member of the legal team that pursued the case. “We are very pleased with the ruling, as it ensures that no child will be forced out of the classroom due to their COVID-19 vaccination status.”

The ruling — and the litigation — did not address the issue of employee vaccine mandates, and the district’s enforcement of that requirement remains in effect.

Beckloff wrote he had earlier thought that the school district’s student vaccine resolution fell short of a mandate because it affected only the manner of instruction and not the content. Unvaccinated students would have been transferred to online instruction under the policy. But in his ruling, Beckloff said the evidence presented persuaded him otherwise.

The judge cited the example of D.F., a student who would have been forced to move from a magnet program that specialized in science to an online study program.

“Thus, while the Resolution is a campus community health and safety measure, it also dictates who may be enrolled and continue to attend particular schools within the district,” the judge wrote in his nine-page decision.

“If D.F. remains unvaccinated, he will be required to leave his current school with its curriculum and programs to be enrolled in a new school within the district ... where it appears his curriculum would be very different than at his current school. Thus, the Resolution is not merely about how education is delivered or who may be physically present on campus as the court previously viewed it. Instead, the Resolution dictates which school the student may attend, and the curriculum he may continue to receive.”

This important choice is something that parents of other children would continue to have, the judge said.

The judge also agreed with the plaintiffs that the state is in charge of vaccination policy and has shown “intent to fully occupy the area of vaccines required for enrollment and continued attendance in school.”

In addition to passing legislation, the state set up a process that allows the California Department of Public Health to add additional vaccines after “taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United State Dept. of Health and Human Services, the American Academy of Pediatrics and the American Academy of Family Physicians,” Beckloff wrote.

The court also noted that the state’s administrative process for adding a vaccine is “subject to a personal belief exemption.” The L.A. Unified mandate for students did not include a personal belief exemption.

California law does not allow personal belief exemptions for 10 student vaccines specifically mandated by the Legislature. Only rare medical exemptions are allowed. The state law currently does not extend to the COVID-19 vaccine, but that could change in the future.

Using substantially similar reasoning, a San Diego County Superior Court judge in December struck down a student COVID-19 vaccine mandate that had been imposed by the San Diego Unified School District.

These judicial interpretations are at odds with those of Gov. Gavin Newsom and officials in his administration, who have contended that L.A. Unified had the legal authority to impose its own stricter vaccine mandate.

In its counterarguments, L.A. Unified asserted that if it lost, the ruling should apply only to the student on whose behalf the case was brought.

The judge disagreed, writing, “The court finds no justification for such a limitation given the ... lack of authority to adopt the Resolution.”

Regardless of the litigation, L.A. Unified Supt. Alberto Carvalho [had requested a delay](#) of the mandate based on the school system's current vaccination rate among older students and what he described as the low transmission rates in schools. Carvalho said he also consulted with experts who have been working with the nation's second-largest school system.

As of mid-May, about 78% of Los Angeles Unified students ages 12 and older had received two doses of the vaccine. About 84% of students ages 12 and older had at least one dose.

The school system is moving forward with its online academy option for the fall. Enrollment in the [online academies](#) would potentially include families uncomfortable with the mandate's postponement as well as others who continue to have concerns about health risks associated with COVID-19.

All employees working at school sites have been fully vaccinated. Some former staff members lost their jobs because they refused to be immunized and did not receive both an exemption and an alternative assignment.

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