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Attorneys for Defendants VENTURA UNIFIED
SCHOOL DISTRICT and ANTONIO CASTRO

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JANE DOE, on her own behalf and
on behalf of Child 1; WE THE
PATRIOTS USA, INC.,

Plaintiffs,

vs.

VENTURA UNIFIED SCHOOL
DISTRICT; ANTONIO CASTRO, in
his official capacity only; ERIK
NASARENKO, in his official capacity
only; SARA BRUCKER, in her official
capacity only; TONY THURMOND, in
his official capacity only; ERICA PAN,
in her official capacity only,

Defendants.

) 2:25-cv-04659-AB-JC

**DECLARATION OF NEIL K. VIRANI
IN SUPPORT OF DEFENDANTS
VUSD AND CASTRO'S OPPOSITION
TO MOTION FOR TEMPORARY
RESTRAINING ORDER**

I, NEIL K. VIRANI, DECLARE AS FOLLOWS

1. The matters set forth in this Declaration are of my own personal knowledge, except as to the matters which were compiled from available documents, and, as to those matters, I am informed and believe that they are true. If called upon to do so, I could and would competently testify as follows:
2. I am currently employed, and at all times relevant to this litigation was employed, as the Executive Director, Special Education & Pupil Personnel Services for the Ventura Unified School district (VUSD).
3. The California Health and Safety Code and implementing regulations set forth various diseases for which children must be immunized and the time frames by which those immunizations must occur. (Health & Saf. Code, §§ 120325-120380; 17 Cal. Code Regs., § 6000 et. seq.) Health and Safety Code section 120335(b) prohibits school districts from unconditionally admitting students to school who are not fully immunized against those diseases unless a specific exemption applies. Students in a home-based private school or an independent study program who do not receive classroom-based instruction are not subject to immunization requirements.
4. All California schools and childcare facilities, whether public or private, are required to report to the California Department of Public Health and the local health department each year the immunization status of all pupils, without exceptions, admitted at specified ages or grade levels. California Health and Safety Code Section 120375 and 17 CCR § 6075
5. The party identified in Plaintiffs' Complaint as CHILD 1 was a high school student attending VUSD (Foothill Technology High School) in person when VUSD determined in November 2024 that he had not met the California School Immunization requirements under California law.

1 6. On December 12, 2024, VUSD requested that parents of CHILD 1 provide all
2 required documentation to allow his education to progress uninterrupted,
3 including:

- 4 · A valid record from his health provider listing each of the required
5 immunizations your child has received.
- 6 · A medical exemption for immunizations through the California
7 Immunization Registry (CAIR-ME) issued by a physician (MD or DO)
8 licensed in California.

9 7. Ultimately, the parents of CHILD 1 were notified that VUSD would be
10 required by law to exclude CHILD 1 from school instruction should VUSD
11 not receive all the requested records by January 7, 2025.

12 8. Thereafter, the parents of CHILD 1 provided immunization documentation to
13 VUSD. See Exhibit 1.

14 9. VUSD reached out to Ventura County Public Health (VCPH) and the
15 California Department of Public Health (CDPH) Immunization Branch for
16 guidance on the immunization records submitted by the parents of CHILD 1
17 because it appeared that Homeoprophylaxis type vaccines had been provided to
18 CHILD 1. There were also several questionable entries such as the vaccines
19 administered and the “batch/lot numbers.” Other than older entries by a Dr.
20 Hiltner, the newer entries were also missing information such as a legible
21 doctor’s name, license #, or clinic contact information.

22 10. On January 7, 2025, the parents of CHILD 1 were notified that CDPH had
23 indicated that “homeoprophylaxis vaccines do not meet the school
24 immunization requirements and that the WHO record is questionable for many
25 reasons,” and that VCPH indicated that “Dr. Hiltner has a long history of non-
26 compliance with California State requirements,” and that it was “concerned as
27 several of the vaccines have unusual lot numbers.” VCPH requested that
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1 VUSD get “additional validation/confirmation from parent/healthcare
2 provider” to accept the records.

3 11. California Code of Regulations, Title 17, section 6000 (m) provides that only
4 immunizations recommended by the federal Advisory Committee on
5 Immunization Practices meet attendance requirements. Nosodes,
6 homeoprophylaxis vaccines, or homeopathic vaccines do not meet the
7 immunization requirements.

8 12. VUSD requested from the parents of CHILD 1 the following additional
9 information deemed crucial for verification: the medical provider's contact
10 information, license number, and vaccine batch/lot information.

11 13. On January 7, 2025, CHILD 1 was excluded from school.

12 14. On or about February 3, 2025, the parents of CHILD 1 sought a religious
13 exemption from the immunization requirements. That exemption, however,
14 was done away with a few years ago by the California legislature.

15 15. On March 7, 2025, the parents of CHILD 1 provided VUSD with a letter and
16 a document entitled "Healthcare Provider's Declaration of ADA Disability and
17 Request for Permanent Vaccination Waiver" from a Texas organization that
18 was signed by physicians with apparent medical licenses in Texas, Florida,
19 Missouri and Alabama.

20 16. Children in California for whom a “licensed physician” states that the child's
21 physical condition is such, or medical circumstances related to the child are
22 such, that immunization is not considered safe may be granted a "medical
23 exemption." (Health & Saf. Code, § 120370(a).) Beginning January 1, 2021,
24 all new medical exemptions must be issued through the California
25 Immunization Registry ("CAIR"). Medical exemptions can only be issued by
26 medical doctors (M.D.) or doctors of osteopathy (D.O.) licensed in California.
27 (See Health & Saf. Code, § 120372(a)(2)(A).) Medical exemptions must meet
28 applicable Centers for Disease Control and Prevention,

1 17.VUSD could not grant the medical exemption requested by the parents of
2 CHILD 1 because such an exemption needs to be issued through the CAIR
3 state registry and because the sought after exemption was not supported by
4 medical doctors or doctors of osteopathy licensed in California, as required by
5 Health & Saf. Code, § 120372(a)(2)(A).

6 18.VUSD is mandated to ensure compliance with the state-mandated
7 immunizations to protect the health and safety of its students and its entire
8 school community. Based solely on the requirements of the California Health
9 and Safety Code, as well as guidance by the Ventura County Public Health
10 and the California Department of Public Health, VUSD determined that it
11 could not allow CHILD 1 to attend school without valid proof of the required
12 immunizations or a valid exemption. To this day neither has been provided to
13 VUSD by the parents of CHILD 1. As a result, CHILD 1 still has not been
14 readmitted to his high school.

15 19.Child 1's academic performance has resulted in failing grades this semester
16 due primarily to the fact that he has not been attending school.

17 20.The School Attendance Review Board ("SARB") process is initiated when a
18 student exhibits persistent attendance issues, such as chronic absenteeism or
19 truancy, despite prior school interventions. This process includes the issuance
20 of truancy notification letters and a meeting with the student and their parents
21 or guardians prior to the formal SARB Review meeting. The primary goal of
22 SARB is to identify the underlying causes of poor attendance and to
23 collaboratively develop a plan of support and intervention that promotes
24 consistent school attendance and academic success.

25 21.At no point during the SARB process involving CHILD A and his parents did
26 they state an interest in homeschooling their son. They were adamant that he
27 should be reinstated to Foothill Technology High School, and be able to
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1 attend school in person, even though they could not present the required
2 immunization documents.

3 22. Plaintiff's new counsel's characterization of what happened during the first
4 SARB meeting is incorrect. CHILD 1's parents were "not summoned" to a
5 mandatory "School Attendance Review Board" (SARB) meeting on March
6 12, 2025 "under the pretenses" of having a discussion with two VUSD
7 officials on how to move forward. In addition, VSUD did not "surprise[]" Jane
8 Doe and her husband with nine officials, including a county prosecutor."
9 Finally, Defendant Brucker did not "threaten[]" Jane Doe and her husband with
10 criminal prosecution for 'not cooperating' by sending their son to school with
11 the required immunizations."

12 23. Plaintiff's previous counsel's recollection of that SARB meeting, which he
13 discussed in Plaintiff's First Amended Complaint, attached as Exhibit "A,"
14 paints a more accurate picture of what happened:

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16 49. On that same date MC1-Mother received a notice of a "SARB Meeting"
17 from the VUSD informing her that she was required to attend a meeting of the
18 VUSD's School Attendance Review Board on March 12, 2025 to discuss MC1's
19 "habitual truancy."

20 50. That letter went on to inform her that:

21 Without your cooperation the only other alternative will be to refer this matter
22 to the District Attorney's Office for prosecution pursuant to CA Penal Codes
23 §270.1(a) and/or §272(a)(1), Education Code Section 48293 and/or Education
24 Code Section 48454.

25 51. That letter also included a boxed warning stating that:

26 CALIFORNIA COMPULSORY EDUCATION CODE §48200

27 Each person between the ages of 6 and 18 years not exempted under the
28 provisions of this chapter or Chapter 3 (commencing with Section 48400) –
subject to compulsory full-time education. Each person subject to compulsory
full-time education and each person subject to compulsory continuing education

1 not exempted under the provisions of Chapter 3 (commencing with Section
2 48400) shall attend the public full-time day school of continuation school or
3 classes and for the full time designated as the length of the school day by the
4 governing board of the school district in which the residency of either the parent
5 or legal guardian is located and each parent, guardian, or other person having
6 control or charge of the pupil shall send the pupil to the public full-time day
7 school or continuation school or classes and for the full time designated as the
8 length of the school day by the governing board of the school district in which
9 the residence of either the parent or legal...

10 52. On March 10, 2025, MC1, his mother, his father, and a family friend, M.H.,
11 presented themselves to principal Johnson at the administrative offices of
12 MC1's high school and MC1-Mother informed principal Johnson that her son
13 was there to attend school that day.

14 53. However, MC1 was refused admission to school that day by principal
15 Johnson, ostensibly because he had not met the school's immunization polices.

16 54. During that meeting with principal Johnson, MC1-Mother informed
17 principal Johnson that her attorney wished to speak with the legal counsel for
18 the VUSD regarding the attendance issue and gave principal Johnson the
19 contact information for her attorney.

20 55. An email from Mr. Virani to MC1-Mother later that day informed her that
21 the school would review the materials that she had provided to the school that
22 morning but that MC1 would continue to be excluded until that review was
23 complete.

24 56. On March 11, 2025 the undersigned plaintiffs' counsel sent an email to
25 counsel for the VUSD, Anthony Ramos, informing him that: (1) MC1 and
26 MC1-Mother were represented by counsel and (2) that, since both were
27 members of the Free Now Foundation, the interests of both would be
28 represented in a federal court case involving mandatory school immunizations
in the Eastern District of California by the Free Now Foundation in a case
wherein the lead defendant was Tomas Aragon, head of the California
Department of Public Health, represented by the Attorney General's office, case
number 2:24-cv-03523-DJC-SCR.

57. Plaintiff's counsel then suggested that MC1 be allowed to continue to attend
his school during the period required to get a ruling on a preliminary injunction

1 in that federal case that would allow MC1 to continue to attend his school
2 during the pendency of that litigation.

3 58. Plaintiff's counsel also noted to counsel Ramos the disciplinary hearing set
4 for the next day and asked that it be held in abeyance pending a ruling on
5 plaintiff's forthcoming Motion for Preliminary Injunction in that federal case so
6 as to allow MC1 to continue in school during that federal proceeding.

7 59. Plaintiff's counsel also noted that counsel for the office of the District
8 Attorney for Ventura County was on the list of attendees for the SARB meeting
9 the next day and asked counsel Ramos to forward plaintiff's counsel's requests
10 to her as well.

11 ***

12 62. The SARB meeting went ahead on the afternoon of March 12, 2025. About
13 a dozen persons were in attendance for VUSD. Among them was an attorney
14 from the Ventura County District Attorney's office and two truancy officers.
15 MC1-Mother, MC 1-Father, and a family friend, M.H. were present.

16 63. The head of the SARB informed MC1-Mother and MC1-Father of the
17 charges of truancy that were being brought against them.

18 64. At that point M.B. stepped out of the meeting and called her counsel for
19 advice

20 65. Counsel for Member Family 1 advised MC1-Mother to return to the
21 meeting with her cell phone on speaker whereupon her counsel advised counsel
22 for the District Attorney's office that MC1-Mother was a represented party and
23 could not be interviewed by counsel for the District Attorney in a potential
24 criminal matter without her counsel being present.


25 66. That concluded that meeting and MC1-Mother, MC1-Father, and M.H. left.”

26 I declare under penalty of perjury under the laws of the State of California that

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1 the foregoing is true and correct.

2 Executed this 28th day of May, 2025, in Ventura, California.

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6 Neil K. Virani
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