

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

SANDY BRICK, et. al.,

Plaintiffs,

v.

JOSEPH R. BIDEN, *in his official  
capacity as President of the United  
States*, et. al.

Defendants.

No. 2:21-cv-04386-JDC-KK

**Declaration of Plaintiff Sandy Brick**

Pursuant to 28 U.S.C. § 1746, Sandy Brick declares as follows:

1. I am over 18 years old and have personal knowledge of the facts described herein.
2. I am the plaintiff in the above cited case.
3. I started working as a teacher at Allen Action Agency Inc.'s Head Start Center ("employer") in Kinder, Louisiana, in 2012 and I am still working there today.
4. Around December 12, 2021, my employer sent me a memo. It referenced "Head Start" and stated that staff would have to get vaccinated by January 31, 2022, or apply for a medical or religious exemption. The memo said that "staff" was defined in accordance with "45 C.F.R. 1305.2[staff]." It also stated that those who are granted an exemption must undergo weekly testing. And it stated that refusing to get vaccinated or tested weekly would mean the employee is "subject to termination" as

of January 31, 2022. The memo stated that staff must wear a mask during all indoor activities and unvaccinated staff must wear a mask during outdoor activities while supervising children. A true and correct copy of the memo is attached hereto as **Exhibit A.**

5. I have not taken any vaccines related to COVID-19 and do not wish to do so. I do not have religious beliefs preventing me from taking the COVID-19 vaccine. While I may have a medical condition that counsels against taking the vaccine, having a medical exemption approved is not guaranteed. It also requires me to disclose my private medical information to my employer and that is not something that I wish to do. Additionally, the Head Start vaccine mandate is illegal regardless of whether I could obtain a medical exemption or not.

6. On December 22, 2021, I filed this lawsuit to protect my job.

7. Around the beginning of this year (2022), my employer informed me that the vaccination policy was not being enforced because a court had blocked the federal Head Start vaccine mandate from going into effect. Indeed, my employer has chosen not to require vaccination or masks on its own volition. Since the beginning of this year, my employer also has not required staff to wear masks.

8. Thus, without an injunction from this Court against the federal Head Start vaccine mandate, I will be forced to choose between continuing to serve preschool students and their families as a teacher, or taking the vaccine. I believe that the COVID vaccine is a personal medical decision and that I should not be forced to take it under the duress of losing my livelihood.

**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on August 5, 2022.

Sandy Brick  
Sandy Brick

# EXHIBIT A

## **AAA Head Start Mask Policy and Procedure**

### **Policy**

All staff, consultants, vendors and volunteers follow appropriate practices to keep children safe during all activities at a minimum requirement listed in 45 CFRS 1302.47(b)(5)

### **Procedure**

1. Staff are required to wear a mask during all indoor activities at the center. Staff who are **not** fully vaccinated, must wear a mask during outdoor activities while supervising children.
2. Children are required to wear a mask on the bus and in the center. Masks will be provided, if needed.
3. Masks will be provided, if needed, to staff, consultants, vendors and volunteers before entering the center.

### **Exemptions**

- ❖ Children and adults when eating or drinking
- ❖ Children napping
- ❖ Individuals who cannot safely wear a mask because of a disability as defined by the ADA and consistent with the CDC guidance on disability exemptions.
- ❖ When a child's healthcare provider advises an alternative face covering to accommodate the child's healthcare needs. A written note from a medical professional would be required

### **AAA Head Start Plan for Unvaccinated Staff**

Staff who are not vaccinated and are granted an exemption **must** test weekly.

L & K Mobile Lab will provide free testing at the sites, at this time. If for whatever reason this service is no longer available:

1. Staff will be responsible for testing weekly and providing documentation of the test results from a medical provider to the agency. All cost incurred from weekly COVID testing will be the responsibility of the staff.
2. If a staff miss testing on the scheduled date, then the staff must schedule their own test and cannot return to work until they have acquired a negative test from an accepted facility and/or medical professional.
3. Staff will have to use personal days if they miss the scheduled testing date. If he/she does not have accumulated personal days, they will have to be docked for the missed days.
4. Subs who have to be tested weekly if they have plans to work that week. If they chose not to work a particular week, they do not have to be tested.
5. Any staff who refuses to be vaccinated and/or tested weekly are subject to termination as of January 31, 2022.



### **AAA Head Start Vaccination Policy**

Full vaccination against COVID 19 is required for all staff (as defined in Terms 45 CFR 1305.2[staff]), contractors whose activities involve contact with or providing direct services to children and families, and volunteers who are in classrooms or working directly with children other than their own.

People are considered fully vaccinated:

1. 14 days after their 2<sup>nd</sup> dose in a two-dose series, such as the Pfizer or Moderna vaccines
2. 14 days after a single dose vaccine, such as Johnson & Johnson Janssen vaccine.

Staff, certain contractors, and volunteers must have their second dose in a two-dose series or first in a single dose by January 31, 2022.

### **Exemptions**

Exemptions **may be** granted for people who request and receive an exemption from vaccination because of a:

- ❖ Medical condition as documented by a licensed medical practitioner
- ❖ Sincerely held religious belief, practice or observance

Staff who are granted an exemption for one of the reasons listed above **must** undergo weekly testing.

**ALLEN ACTION AGENCY HEAD START  
MEDICAL EXEMPTION FROM COVID 19 VACCINATION FORM  
\*\*TO BE COMPLETED BY A PHYSICIAN/NURSE PRACTITIONER\*\***

PATIENT NAME \_\_\_\_\_

BIRTHDATE \_\_\_\_\_

**\*\*TO BE COMPLETED BY PHYSICIAN/NURSE PRACTITIONER ONLY\*\***

PHYSICIAN  
NAME \_\_\_\_\_

PHYSICIAN  
ADDRESS \_\_\_\_\_

PHYSICIAN PH.# \_\_\_\_\_

Reason for Medical Exemption from COVID 19 vaccination. Please explain:

\_\_\_\_\_  
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\_\_\_\_\_  
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\_\_\_\_\_  
Patient Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Physician Signature

\_\_\_\_\_  
Date



**ALLEN ACTION AGENCY HEAD START  
RELIGIOUS EXEMPTION FROM COVID 19 VACCINATION FORM**

STAFF NAME \_\_\_\_\_

BIRTHDATE \_\_\_\_\_

Reason for Religious Exemption from COVID 19 vaccination. Please explain:

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\_\_\_\_\_  
Staff Signature

\_\_\_\_\_  
Date