



North Carolina General Assembly
Senate

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August 16, 2021

To the Orange County Board of Education:

Three days ago, the Orange County School Board informed parents of an emergency vote to mandate that all school system coaches and students in sports and extracurricular activities take a COVID-19 vaccine, authorized for emergency use by the FDA. Interestingly, at the same time it is seeking to mandate the vaccine for coaches, employees, and students involved with extracurricular activities such as sports teams, chorus, and marching band, the Board is considering a vaccine mandate for teachers *after* the FDA fully approves the use of the vaccines. Rightly, many parents are outraged at this blatant, and seemingly unlawful overreach.

North Carolina law sets out certain diseases against which every child must be immunized (N.C. Gen. Stat. § 130A-152). The COVID-19 vaccine is not among them. The Commission for Public Health, not a local board of education, is the only entity authorized by state law to mandate additional immunizations for children in this state. The UNC System recognized this fact months ago when it concluded that the System did not have the legal authority to unilaterally mandate additional immunizations for students. Without any authority to substitute its own judgment for that of the Commission for Public Health, the Orange County School Board seems to be stepping out of its legal lane and is now dictating personal medical decisions to students, parents, and coaches.

We all agree that COVID-19 is an ongoing – and serious – public health problem, and I have no doubt that this emergency vote comes from good intentions. Good intentions, however, cannot justify acting outside of your authority. I urge you to consider this unlawful path.

Very truly yours,



Jim Perry

