



**BREAKING NEWS from
LIBERTY JUSTICE CENTER**

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VIRGINIA TEACHER SUES TO STOP FEDERAL VACCINE MANDATE *Preschool teacher faces termination over Head Start “jab-or-job” mandate*

ALEXANDRIA, Va. (Feb. 25, 2022) — A Virginia preschool teacher is suing the federal government to keep her job and block a federal vaccine mandate for federally funded preschool programs. Elizabeth Etherton is a veteran teacher at Fairfax County Public Schools, serving preschool students for over 15 years. She has been told she will be fired on Feb. 28 for not taking the COVID-19 vaccine. This ultimatum is the result of a federal vaccination requirement for Head Start programs. Head Start programs are local, largely nonprofit, or governmental providers, like public school districts, that receive federal funding to provide early education services for children two through five years old from low-income families.

Preschool teacher Elizabeth Etherton is represented by national, nonprofit law firm **Liberty Justice Center**. In the lawsuit, attorneys argue that the federal government cannot mandate the vaccine for Americans simply because they are employed by an educational program receiving federal funding. This mandate goes beyond the power provided by either Congress or the U.S. Constitution to the Department of Health and Human Services, the federal department that manages Head Start.

This is the second lawsuit the Liberty Justice Center has filed challenging the federal Head Start mandate. The attorneys also represent Head Start teachers in Louisiana and Ohio. Additionally, in December 2021, the Liberty Justice Center secured a court order blocking the federal government’s vaccine-or-test mandate for private businesses nationwide prior to the U.S. Supreme Court’s ruling ending the requirement.

“Even as life returns to normal in most of the country, the federal government continues to dig in on illegal mandates to exert control over large groups of Americans,” said **Daniel Suhr, managing attorney at the Liberty Justice Center**. “Elizabeth and every other educator in America should not be forced to take a vaccine against their will just because their school receives funding from the federal government. It is time that choice is returned to American citizens. Courts must do their job and check yet another illegal power grab by the Biden Administration.”

Head Start providers received the new mandate on Nov. 30, 2021, when the Office of Head Start under the Department of Health and Human Services published an “interim final rule” demanding that 280,000 Americans employed by Head Start agencies as teachers, staff and volunteers be “fully vaccinated” by Jan. 31, 2022. Federal courts currently block the Head Start mandate in 24 states but not yet in Virginia.

Elizabeth previously received a medical exemption from a vaccination requirement for Fairfax County employees and was given until Feb. 28 to submit additional documentation for the federal requirement.

However, the school district demanded she further substantiate her need for an exemption and report her private, personal views and private medical history to the government.

“I love my job and it breaks my heart to think I may lose the opportunity to work with my students over this federal mandate,” said **Elizabeth Etherton, preschool teacher and plaintiff**. “I did everything I could to adapt to challenges over the last two years. I taught from home. I stayed late to clean my classroom. I followed the procedures, participated in weekly testing, and submitted a medical exemption saying I could not receive this vaccine. But that wasn’t enough. So many teachers are in this position and this lawsuit is my last resort to protect myself and others like me.”

Etherton v. Biden was filed Feb. 23, 2022, in the U.S. District Court for the Eastern District of Virginia. Case filings are available here: <https://libertyjusticecenter.org/media/virginia-head-start-mandate>

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The Liberty Justice Center is a nonprofit, public-interest litigation center that fights to protect Americans’ fundamental constitutional rights. Its team of expert constitutional attorneys fight to protect workers’ rights and free speech, combat cancel culture and government overreach and improve the lives of everyday Americans. The Liberty Justice Center is best known for its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](https://libertyjusticecenter.org).