

**CONCERNED PARENTS OF BROPHY**  
**brohyparent@alliancepsp.org**

August 13, 2021

Brophy College Preparatory  
c/o Board of Trustees  
4701 North Central Avenue  
Phoenix, Arizona 85012

**Re: Revising the Vaccination Mandate**

Dear Trustees:

We are students and parents, alumni, and supporters of Brophy College Preparatory (“Brophy”). We are writing to request your timely attention on a matter of great importance to us. Our major points, which are developed more fully below, are summarized as follows:

1. We are proud to be affiliated with Brophy. It has been a positive force in our community for many years, helping our sons, grandsons, and friends grow into better men. It is a wonderful institution that has earned our support, affection, and gratitude.
2. We applaud the administration for its attention to student safety, including precautions against COVID-19 infections. Brophy students are cherished members of our families and community, and we are collectively responsible for implementing sensible measures to protect their safety on campus.
3. The administration’s recently announced vaccination mandate should be discussed thoughtfully and, ultimately, revised. In its current form, the school’s new policy is both underinclusive and overinclusive in material ways. Certain revisions discussed below would address these issues while ensuring students’ safety.

**We ask that, by the close of business on August 18, 2021, you either (a) adopt the changes proposed below or (b) schedule an in-person meeting with a quorum of the board of trustees, to be held no later than August 23, 2021, to discuss with parents potential changes to the vaccination mandate.**

**The Testing Requirements Are Underinclusive**

The vaccination mandate requires unvaccinated students to submit the results of a laboratory COVID-19 test twice weekly. Vaccinated students are exempt from this requirement. Under its own reasoning, the vaccination mandate should not exclude vaccinated students from the testing requirement. According to the Centers for Disease Control and Prevention (the “CDC”), vaccination does not reduce viral load or prevent transmission to third parties.<sup>1</sup> Consequently, the policy’s failure to

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<sup>1</sup> Centers for Disease Control and Prevention, MORBIDITY AND MORTALITY WEEKLY REPORT, *Outbreak of SARS-CoV-2 Infections, Including COVID-19 Vaccine Breakthrough Infections, Associated with Large Public Gatherings: Barnstable County, Massachusetts, July 2021* (Aug. 6, 2021) (“[T]here was no significant difference between the [cycle threshold] values of

monitor vaccinated students for asymptomatic infections, which according to the CDC can be transmitted to others, fails to accomplish the policy's professed goal of ensuring the safety of the Brophy community. If the goal is truly to ensure the safety of the entire Brophy community, all students should be monitored for infections that may be transmissible to others.

### **The Quarantine Policy Is Both Underinclusive and Overinclusive**

In the event of exposure, the policy requires unvaccinated students to quarantine for 10 days regardless of test results. Vaccinated students, meanwhile, are not subject to a quarantine requirement after exposure. This approach is both overinclusive and underinclusive. Unvaccinated students who pass a reliable COVID-19 test should not be subjected to a mandatory quarantine because, in those circumstances, there is no evidence of infection or communal risk. Meanwhile, because vaccinated students can carry and transmit COVID-19 with the same viral load as unvaccinated students,<sup>2</sup> it does not make sense to exempt vaccinated students from the mandatory quarantine in the event of exposure. Indeed, the school's unqualified "free pass" for vaccinated students contravenes the current guidance of the Centers for Disease Control and Prevention.<sup>3</sup>

### **The Vaccination Alternative Is Underinclusive**

The vaccination mandate treats twice-weekly laboratory testing as a vaccination alternative for purposes of in-person class attendance—but not for purposes of overnight activities. This limitation on the vaccination alternative is unduly narrow. If COVID-19 tests are a suitable alternative to vaccination for purposes of on-campus activities, there is no reason they should not also be a suitable alternative to vaccination for purposes of overnight activities.

### **The Vaccination Alternative Is Overly Burdensome—Intentionally**

The vaccination mandate nominally permits students to avoid vaccination—but the policy was written to ensure that practical barriers will deter students and parents from availing themselves of that option. Specifically, the vaccination alternative is overly burdensome in the following respects:

1. It does not permit students to participate in overnight activities. As discussed above, if testing is a suitable alternative to vaccination for purposes of on-campus participation, it should also be a suitable alternative for purposes of overnight activities. As you know, overnight activities are an integral part of the educational and communal experience at Brophy, so exclusion from those activities is material. The irony is that Brophy students who participate in out-of-town tournaments over a weekend, for example, will inevitably interact with unvaccinated (and likely

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samples collected from breakthrough cases and the other cases. This might mean that the viral load of vaccinated and unvaccinated persons infected with SARS-CoV-2 is . . . similar.”), available at [https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?cid=mm7031e2\\_w](https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm?cid=mm7031e2_w); Centers for Disease Control and Prevention, *Interim Public Health Recommendations for Fully Vaccinated People* (July 28, 2021) (“Fully vaccinated people who . . . become infected with the Delta variant can transmit it to others.”), available at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>.

<sup>2</sup> See *supra* note 1.

<sup>3</sup> Centers for Disease Control and Prevent, *Interim Public Health Recommendations for Fully Vaccinated People* (July 28, 2021) (“If [a vaccinated person comes] into close contact with someone with COVID-19, he or she should] get tested 3-5 days after the date of . . . exposure and wear a mask in public indoor settings for 14 days after exposure or until a negative test result.”), available at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>.

untested) students from other schools. **Interacting with non-Brophy students is therefore acceptable (regardless of vaccination and testing), but interacting with similarly situated Brophy students is unacceptable.** That is facially unreasonable.

2. The vaccination mandate requires testing at a laboratory or pharmacy, regardless of the test quality; at-home and on-campus tests are not accepted, again regardless of the test quality. The ostensible purpose of this requirement is that school administrators cannot know whether at-home tests were, in fact, administered to the student in question on the relevant date. This logic fails, though, when compared to the policy's permissive approach to the documentation of vaccination. Although unscrupulous students or parents could falsify vaccination documents just as easily as test results,<sup>4</sup> the policy erects no artificial barriers to evidence of vaccination; that is a special burden imposed only on those families opting for a vaccination alternative. And by accepting **any** test performed in a laboratory or pharmacy, and prohibiting **any** test performed elsewhere, the policy implicitly admits it is not concerned with the reliability of test results. **On the whole, the requirement of testing in a laboratory or pharmacy seems clearly intended to increase the cost and inconvenience of the vaccination alternative, to deter students and parents from pursuing vaccination alternatives.**
3. The vaccination mandate requires testing to be conducted at least twice a week, regardless of symptoms, activity, and potential exposure. We have been unable to identify **any** private or public organization in Arizona—no corporation, school, or governmental agency—currently requiring more frequent testing. Perhaps this is because **the World Health Organization has publicly and directly eschewed testing plans such as that proposed in the vaccination mandate**; because asymptomatic testing is unnecessary, inconvenient, and wasteful, it is currently recommended only for individuals for whom an asymptomatic infection would be acutely consequential (nursing home workers, for example) or likely (hospital employees, for example).<sup>5</sup> Moreover, while the health risks associated with any individual test appear to be small, there is a small chance of serious injury occurring in the course of testing,<sup>6</sup> and the compounding of these risks over time due to extraordinarily frequent testing is an unnecessary gamble with students' health. We respectfully submit that its status as an extreme outlier in the frequency of mandated testing for asymptomatic students, constitutes exceedingly strong evidence that Brophy's vaccination alternative is overly burdensome and coercive.

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<sup>4</sup> Jaclyn Diaz, *Fake COVID Vaccine Cards Are Being Sold Online. Using One Is a Crime*, NATIONAL PUBLIC RADIO (June 8, 2021), available at <https://www.npr.org/2021/06/08/1004264531/fake-covid-vaccine-cards-keep-getting-sold-online-using-one-is-a-crime>.

<sup>5</sup> World Health Organization, *Recommendations for National SARS-CoV-2 Testing Strategies and Diagnostic Capacities: Interim Guidance* (June 25, 2021) ("Testing of asymptomatic individuals with NAAT or Ag-RDTs is currently recommended only for specific groups including contacts of confirmed or probable COVID-19 cases and frequently exposed groups such as health care workers and long-term care facility workers. Widespread screening of asymptomatic individuals is not a currently recommended strategy due to the significant costs associated with it and the lack of data on its operational effectiveness."), available at <https://apps.who.int/iris/bitstream/handle/10665/342002/WHO-2019-nCoV-lab-testing-2021.1-eng.pdf?sequence=1&isAllowed=y>.

<sup>6</sup> Anni Koskinen, *et al.*, *Complications of COVID-19 Nasopharyngeal Swab Test*, 147 JAMA OTOLARYNGOL HEAD NECK SURG. 672 (2021) ("[S]ingle case reports and clinical observations indicate the possibility of severe complications [from COVID-19 nasopharyngeal swab testing]"), available at <https://jamanetwork.com/journals/jamaotolaryngology/fullarticle/2779393>.

**These burdens were not accidental.** Principal Bob Ryan made clear in public statements that the vaccination alternative was intended to be available only nominally, squeezing students and parents with inconveniences and costs until they relented and submit to vaccination. Principal Ryan admitted to a television reporter, “I’ve heard from some of [BCP parents] who’ve said, ‘You know, this [choice between vaccination and twice-a-week laboratory tests] has kind of been the piece that’s pushed us over the line and so we’re now going to get our kid vaccinated’ **and we’re hoping for that actually.**”<sup>7</sup>

By excluding unvaccinated students from full and equal participation on campus and forcing them to clear senselessly inconvenient and expensive hurdles, while simultaneously giving a “free pass” to vaccinated students on testing and quarantine requirements notwithstanding public health guidance to the contrary, **the policy attempts to marginalize a significant number of Brophy families for their medical and religious decisions.** The policy as currently written, and Principal Ryan’s own words, establish that the policy imposes an undue burden on unvaccinated students—and intentionally so.

### **The Vaccination Mandate Is Underinclusive**

The vaccination mandate applies to Brophy “students, faculty, and staff,” but it excludes two groups that are both part of the on-campus community and eligible for vaccination. By excluding from the mandate students from Xavier College Preparatory and sixth graders at Loyola Academy, the policy on its face fails to accomplish its ostensible objective of “hav[ing] a vaccinated community.”

### **The Vaccination Mandate Is Overinclusive**

Although vaccination may be the best option for many if not most Brophy families, it is not the best option for all of them. Reasonable accommodations should be made for certain categories of students, including the following:

1. **Medical Justification.** Due to genetic or pre-existing chronic conditions (autoimmune disorders, allergies, etc.), some students are at an increased risk of suffering severe side effects from vaccination.<sup>8</sup> With sufficient medical documentation, students with such conditions should be exempted from the vaccination requirement.

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<sup>7</sup> See FOX 10 Phoenix, *Brophy College Prep to Mandate Vaccinations, Masks* (Aug. 6, 2021) (emphasis added), available at <https://www.fox10phoenix.com/news/brophy-college-prep-to-mandate-vaccinations-masks>.

<sup>8</sup> See, e.g., Rossella Talotta, *Do COVID-19 RNA-Based Vaccines Put at Risk of Immune-Mediated Diseases? In Reply to “Potential Antigenic Cross-Reactivity Between SARS-CoV-2 and Human Tissue with a Possible Link to an Increase in Autoimmune Diseases”*, 224 *Clinical Immunology* (Jan. 8, 2021) (“Therefore, young and female patients who are already affected or predisposed (e.g. immunological and serological abnormalities in absence of clinical symptoms, familiarity for immune-mediated diseases) to autoimmune or autoinflammatory disorders should be carefully evaluated for the benefits and risks of COVID-19 mRNA vaccination. According to epidemiological data, these subjects may develop the infection asymptotically or pauci-symptomatically and it is worth noting that, in line with the article of Vojdani et al., the presence of autoreactive cells and autoantibodies cross-reacting against SARS-CoV-2 epitopes may even turn naturally protective towards the infection. Until proven otherwise, the administration of a nucleic acid vaccine may instead put these individuals at risk of unwanted immunological side effects by either sensitizing the PRRs or generating cross-reactive cell clones and antibodies. Moreover, COVID-19 mRNA vaccine might differently stimulate myeloid or plasmacytoid dendritic cells (DCs), generating an unbalance in the downstream cytokine pathways that play a crucial role in autoimmunity and autoinflammation.”), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7833091/pdf/main.pdf>; Kimberly G. Blumenthal, et al., *Acute Allergic Reactions to mRNA COVID-19 Vaccines*, 325 *J. AM. MEDICAL ASSOC.* 1562 (2021)

2. Religious Objections. All three COVID-19 vaccinations available in the United States were each developed, to varying degrees, with stem cells derived from aborted fetuses.<sup>9</sup> As you know, many students and parents have religious objections to such methods.<sup>10</sup> Even where a student or parent believes vaccinations may ethically be developed with stem cells under certain circumstances, they may have religious objections to mandating for wide swaths of the public (particularly pediatric patients whose risks are low) vaccinations that were developed with stem cells, because such practices incentivize the expanded reliance on such techniques. **As a matter of human rights, religious liberty, and Catholic doctrine, individual decisions based on conscience should not be coerced or overruled by bureaucratic mandate.**<sup>11</sup>
  
3. Natural Immunity. A significant number of students have gained natural immunity from previous infections. **Natural immunity provides substantial protections against infection and transmission.**<sup>12</sup> The data on this is so clear that, for purposes of entering the country, the United States accepts proof of recovery from infection in lieu of a negative COVID-19 test.<sup>13</sup> Although we appreciate Principal Ryan’s concessions on this issue after receiving early parent feedback, his overdue retreat still limits the natural immunity exception to individuals infected within the most recent 90 days—while medical journals report that the half-life of natural immunity exceeds 200 days.<sup>14</sup> This is noteworthy because early data indicates that individuals who have recovered from a previous infection may have an elevated

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(“Anaphylaxis to the mRNA COVID-19 vaccines is currently estimated to occur in 2.5 to 11.1 cases per 1 million doses, largely in individuals with a history of allergy.”), available at <https://jamanetwork.com/journals/jama/fullarticle/2777417>.

<sup>9</sup> David Prentice, Charlotte Lozier Institute, *Update: COVID-19 Vaccine Candidates and Abortion-Derived Cell Lines* (Sept. 30, 2020), available at <https://lozierinstitute.org/update-covid-19-vaccine-candidates-and-abortion-derived-cell-lines/>; Los Angeles County Department of Public Health, *COVID-19 Vaccines and Fetal Cell Lines* (Apr. 20, 2021) (“In various stages of vaccine development and manufacturing, some of the COVID-19 vaccines used cells originally isolated from fetal tissue (often referred to as fetal cells), some of which were originally derived from an aborted fetus. The use of fetal cell lines is a very sensitive and important topic within some faith communities and among individuals with concerns about the ethics of using materials derived in this way.”), available at [http://publichealth.lacounty.gov/media/Coronavirus/docs/vaccine/VaccineDevelopment\\_FetalCellLines.pdf](http://publichealth.lacounty.gov/media/Coronavirus/docs/vaccine/VaccineDevelopment_FetalCellLines.pdf).

<sup>10</sup> Samuel J. Aquila, *et al.*, *A Letter from the Bishops of Colorado on COVID-19 Vaccine Mandates* (Aug. 6, 2021) (“[S]ome individuals have well-founded convictions that lead them to discern they should not get vaccinated.”), available at <https://denvercatholic.org/a-letter-from-the-bishops-of-colorado-on-covid-19-vaccine-mandates/>.

<sup>11</sup> *Id.* (“We always remain vigilant when any bureaucracy seeks to impose uniform and sweeping requirements on a group of people in areas of personal conscience. . . . The Catholic Church teaches that a person may refuse a medical intervention, including a vaccination, if his or her conscience leads them to that decision.”).

<sup>12</sup> See generally Kristen W. Cohen, *et al.*, *Longitudinal Analysis Shows Durable and Broad Immune Memory After SARS-CoV-2 Infection with Persisting Antibody Responses and Memory B and T Cells*, *CELL REPORTS MEDICINE* (July 2, 2021) (“SARSCoV-2 . . . antibodies exhibit a bi-phasic decay with an extended half-life of >200 days suggesting the generation of longer-lived plasma cells.”), available at <https://www.cell.com/action/showPdf?pii=S2666-3791%2821%2900203-2>; Megan M. Sheehan, *et al.*, *Reinfection Rates Among Patients Who Previously Tested Positive for COVID-19: A Retrospective Cohort Study*, *CLINICAL INFECTIOUS DISEASES* (Mar. 15, 2021) (“Prior infection in patients with COVID-19 was highly protective against reinfection and symptomatic disease. This protection increased over time, suggesting that viral shedding or ongoing immune response may persist beyond 90 days and may not represent true reinfection.”), available at <https://pubmed.ncbi.nlm.nih.gov/33718968/>.

<sup>13</sup> See Centers for Disease Control and Prevention, *Requirement for Proof of Negative COVID-19 Test or Recovery from COVID-19 for All Air Passengers Arriving in the United States* (July 6, 2021), available at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/testing-international-air-travelers.html>.

<sup>14</sup> See *supra* note 11.

risk of negative side effects from a COVID-19 vaccination,<sup>15</sup> so mandated vaccination no more than 90 days after infection needlessly elevates the risk of negative side effects for Brophy students. The school's vaccination mandate should exempt students who can establish a previous infection and recovery and, without data to justify such a restrictive approach, should not limit the natural immunity exception to the 90 days immediately following infection.

4. **Informed Refusal.** Pediatric deaths from COVID-19 are mercifully rare<sup>16</sup>—comparable to the rate of fatal pediatric influenza infections.<sup>17</sup> By contrast, the potential complications from COVID vaccinations are in some cases severe,<sup>18</sup> and at least one life-threatening complication occurs disproportionately in juvenile males (*i.e.*, the student body at Brophy) relative to the rest of the population.<sup>19</sup> Indeed, data from the Centers for Disease Control and Prevention indicate that, for males between the ages of 12 and 17 (*i.e.*, approximating the student body at Brophy), vaccinations are expected to avoid 71 ICU admissions for every 56-69 cases of myocarditis induced;<sup>20</sup> a 71:69 ratio between severe conditions avoided and caused is insufficient to justify a vaccination mandate for the Brophy student population by educational administrators. **Many families have therefore assessed the public health data for juvenile males and concluded that vaccination would risk long-term damage to the health of their sons and grandsons without a compelling benefit.** Because the decision of whether to undergo a pediatric COVID-19 vaccination in these circumstances is rightly made by a student, parent, and family doctor based on individual circumstances, Brophy's vaccination mandate should exempt families that are willing to acknowledge in writing the risks and benefits and assert a rational basis for refusing pediatric vaccination.

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<sup>15</sup> See ZOE COVID Symptom Study, *Vaccine After Effects More Common in Those Who Already Had COVID* (Feb. 4, 2021), available at <https://covid.joinzoe.com/post/vaccine-after-effects-more-common-in-those-who-already-had-covid>.

<sup>16</sup> Centers for Disease Control and Prevention, *Provisional COVID-19 Deaths: Focus on Ages 0-18 Years* (updated Aug. 4, 2021) (reporting a cumulative total of 416 COVID deaths nationally, with an average of 24.5 per month), available at <https://data.cdc.gov/NCHS/Provisional-COVID-19-Deaths-Focus-on-Ages-0-18-Yea/nr4s-juj3/data>; see also Maricopa County, *Epidemic Curve: Age Groups* (checked Aug. 9, 2021) (reporting a cumulative total of 21 COVID deaths in Maricopa County for the 0-19 age range), available at <https://phdata.maricopa.gov/Dashboard/e10a16d8-921f-4aac-b921-26d95e638a45?e=false&vo=viewonly>.

<sup>17</sup> Centers for Disease Control and Prevention, *Influenza-Associated Pediatric Mortality* (checked Aug. 9, 2021) (reporting 199 pediatric influenza deaths in the 2019-2020 flu season, with an average of 16.6 per month (*i.e.*, 7.9 fewer pediatric influenza deaths per month than COVID deaths per month)), available at <https://gis.cdc.gov/grasp/fluview/pedfludeath.html>.

<sup>18</sup> See *supra* note 8; Angela Huynh, *et al.*, *Antibody Epitopes in Vaccine-Induced Immune Thrombotic Thrombocytopenia*, NATURE (July 7, 2021) (“[Vaccine-induced immune thrombotic thrombocytopenia] is a rare but serious adverse effect of adenoviral vector vaccines against SARS-CoV-2.”), available at <https://www.nature.com/articles/s41586-021-03744-4.pdf>.

<sup>19</sup> See Centers for Disease Control and Prevention, *Interim Clinical Considerations for Use of COVID-19 Vaccines Currently Authorized in the United States* (updated Aug. 6, 2021) (“Myocarditis (inflammation of the heart muscle) or pericarditis (inflammation of the lining around the heart) have occurred in some people following receipt of mRNA COVID-19 vaccines . . . . Cases of myocarditis or pericarditis have occurred predominantly in males aged 12-29 years within a few days after receiving the second dose of vaccine.”), available at <https://www.cdc.gov/vaccines/covid-19/clinical-considerations/covid-19-vaccines-us.html>.

<sup>20</sup> See Megan Wallace and Dr. Sara Oliver, Centers for Disease Control and Prevention, Presentation to the Advisory Committee on Immunization Practices, *COVID-19 mRNA Vaccines in Adolescents and Young Adults: Benefit-Risk Discussion* at 32 (June 23, 2021), available at <https://www.cdc.gov/vaccines/acip/meetings/downloads/slides-2021-06/05-COVID-Wallace-508.pdf>.

The absence of reasonable accommodations such as those outlined above has the effect of discriminating disproportionately against students who are disabled by genetic or chronic conditions, religiously observant, Black, Hispanic, or Latino.<sup>21</sup>

### **Recommended Changes in Brophy's Policy**

For the foregoing reasons, we recommend that Brophy's vaccination mandate be modified as follows:

- **Consistent with WHO guidance, the school should not mandate asymptomatic testing.**
- **If asymptomatic testing is mandatory—and again, it should not be—then (a) vaccinated students should not be exempted from the testing requirement and (b) students should have the option of testing on campus at the school's expense.**
- **The vaccination mandate should include exemptions for medical justification, religious objections, natural immunity, and informed refusal. There should be no adverse treatment of families electing one of these options.**
- **Participation in overnight activities should not be subject to greater restrictions than attending in-person classes.**
- **After exposure, quarantine and a negative COVID-19 test should be alternatives to one another, regardless of vaccination status.**

This approach properly balances individual liberties and the safety of our sons, grandsons, and friends at Brophy, and tracks the COVID-19 policies of other high-performing secondary schools.<sup>22</sup>

### **Legal Framework**

At this juncture, our concerns with the vaccination mandate are best viewed as a non-legal matter; we value our relationship with the Brophy community and do not wish to strain it unnecessarily with lawyers, formal demands, etc. At the same time, the vaccination mandate as currently written implicates certain legal rights that are worthy of brief consideration.

In its current form, the vaccination mandate implicates a number of federal and state civil rights laws. **First**, the Americans with Disabilities Act prohibits discrimination on the basis of disability in places of public accommodation.<sup>23</sup> Private elementary and secondary schools are definitionally places of public accommodation.<sup>24</sup> Discrimination includes any “failure to make reasonable modifications in

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<sup>21</sup> Maricopa County Department of Public Health, *Number and Percent of Maricopa County Residents (10+) Vaccinated with  $\geq 1$  Dose of COVID-19 Vaccine by Race and Ethnicity* (updated Aug. 3, 2021) (showing vaccination rates for Black or African American, Hispanic or Latino, Non-Hispanic or Latino, and White populations in Maricopa County), available at <https://www.maricopa.gov/5671/Public-Vaccine-Data#charts>.

<sup>22</sup> See, e.g., Great Hearts Academies, *Mitigation Return Plan* (rev. July 29, 2021), available at <https://www.greatheartssamerica.org/wp-content/uploads/2021/07/Updated-Mitigation-Plan-7.20.21.pdf>; Great Hearts Academies, *Frequently Asked Questions re: the Safe Return Plan* (checked Aug. 10, 2021), available at <https://www.greatheartssamerica.org/safereturn/az/faq/>.

<sup>23</sup> See 42 U.S.C. § 12182(a).

<sup>24</sup> See 42 U.S.C. § 12181(7). Although the Americans with Disabilities Act does not apply to “religious organizations or entities controlled by religious organizations,” it appears Brophy would not fit within that exception because it is not owned or controlled by a religious order; it is not formally affiliated with the Catholic diocese; its curriculum and activities are not specific to a religious order; its students, faculty, and (with modest exceptions) staff are not drawn from a religious

policies, practices, or procedures” when necessary to ensure equal access for disabled students.<sup>25</sup> This provision appears to require an exception in the vaccination mandate for students based on their unique genetic or medical conditions.

**Second**, Arizona has adopted substantively identical laws. These provisions may be enforced by the Arizona Attorney General.<sup>26</sup>

**Third**, the Arizona State Legislature has passed, and Governor Ducey has signed, a statute prohibiting COVID-19 vaccination as a condition of school attendance.<sup>27</sup> That provision applies to public, private, and parochial schools through twelfth grade.<sup>28</sup> The statute will become effective September 29, 2021. Although school administrators may respond that their policy does not violate the new statute because it provides a vaccination alternative, the alternative is inadequate because, as discussed above, it is unduly burdensome.<sup>29</sup> This statute will prohibit application of the vaccination mandate after September 29, 2021—a little more than two weeks after the school’s mandate becomes effective.

**Fourth**, the Arizona Consumer Fraud Act prohibits “any . . . deceptive or unfair act or practice, fraud, false pretense, false promise, misrepresentation, or concealment, suppression or omission of any material fact with intent that others rely on such concealment, suppression or omission, in connection with the sale or advertisement of any merchandise.”<sup>30</sup> For purposes of this prohibition, services, such as the educational services sold by Brophy, are “merchandise” within the meaning of the Consumer Fraud Act.<sup>31</sup> Brophy’s material alteration of the terms on which it sells its service, made at the last minute before classes begin and without adequate opportunity for families to make alternative arrangements (notwithstanding roughly 18 months of advance notice of the issue), may be an unfair act or practice and, as such, a potential violation of the Consumer Fraud Act. Violations are enforceable privately or by the Arizona Attorney General, and can result in disgorgement of ill-gotten gains plus \$10,000 per violation.<sup>32</sup>

**Fifth**, state and municipal civil rights laws prohibit discrimination in places of public accommodation on the basis of “religion . . . or disability.”<sup>33</sup> For purposes of these anti-discrimination statutes, places

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order; and it does not mandate adherence to religious rites, practices, or doctrines. *See generally Doe v. Abington Friends Sch.*, 480 F.3d 252, 254 (3d Cir. 2007) (holding that the application of the ADA’s religious exemption to an ostensibly religious school is a fact-intensive inquiry that could not be resolved without adequate discovery); *Doe ex rel. Doe v. Abington Friends Sch.*, No. CIV A 04-4647, 2007 WL 1489498, at \*2 (E.D. Pa. May 15, 2007) (permitting discovery into the ownership; control; religious curriculum and activities; religious affiliation of the student body, faculty, staff and School Committee; and religious adherence requirements of a school claiming a religious exemption to the ADA); *Bethany Powers Sloan v. Cmty. Christian Day Sch., LLC*, No. 3-15-0551, 2015 WL 10437824, at \*3 (M.D. Tenn. Dec. 11, 2015) (rejecting a school’s claim of religious exemption).

<sup>25</sup> See 42 U.S.C. § 12182(b)(2)(A).

<sup>26</sup> See generally Ariz. Rev. Stat. § 41-1492, *et seq.*

<sup>27</sup> See 2021 Ariz. Legis. Serv. Ch. 409 (S.B. 1824) (West) (amending Ariz. Rev. Stat. § 36-672(C)).

<sup>28</sup> See Ariz. Rev. Stat. § 36-671(12).

<sup>29</sup> See generally *Arizona Free Enter. Club’s Freedom Club PAC v. Bennett*, 564 U.S. 721, 736 (2011) (finding an undue burden when an individual is forced to “shoulder a special and potentially significant burden” in exercising a fundamental right); *Sbofstall v. Hollins*, 110 Ariz. 88, 90, 515 P.2d 590, 592 (1973) (finding that education is “a fundamental right of pupils between the ages of six and twenty-one years”).

<sup>30</sup> See Ariz. Rev. Stat. § 44-1522.

<sup>31</sup> See Ariz. Rev. Stat. § 44-1541(5).

<sup>32</sup> See Ariz. Rev. Stat. §§ 44-1524, -1528, -1531(A); *Sellinger v. Freeway Mobile Home Sales, Inc.*, 110 Ariz. 573, 575-76, 521 P.2d 1119, 1121-22 (1974).

<sup>33</sup> See Ariz. Rev. Stat. § 41-1442(A) (religion); Phoenix City Code § 18-1 (religion or disability).

of public accommodation include “all establishments offering their services, facilities or goods to or soliciting patronage from the members of the general public.”<sup>34</sup> As you know, Brophy offers certain services and facilities to, and solicits patronage from, the general public including at, for example, sporting events and performances. The mixing of private and public events can bring an organization that would otherwise be private into the category of places of public accommodation.<sup>35</sup> That may be particularly true for Brophy, because many of the facilities and services it offers to the general public (sporting events and performances, for example) involve Brophy students and are therefore inextricably intertwined with its discrimination against classes of students on campus. The statewide and municipal anti-discrimination laws therefore require Brophy’s vaccine mandate to include exceptions for medical cause and religious objections.

**Sixth**, like an employer that mandates vaccinations for its employees, Brophy may be liable in tort for the adverse health effects and other consequences suffered by students as a result of the vaccination mandate.

To be clear, we do not believe our concerns are properly viewed primarily as a legal matter at this juncture and we do not wish to escalate tensions unnecessarily but, as part of this discussion, we believe it is helpful for all parties to consider the underlying legal framework.

### **Conclusion**

We ask that, by the close of business on **August 18, 2021**, you either (a) adopt the changes proposed above or (b) schedule an in-person meeting with a quorum of the board of trustees, to be held no later than August 23, 2021, to discuss with parents potential changes to the vaccination mandate. If you deny reasonable accommodations and continue on the current course of discrimination, certain of the undersigned families are committed to defending their rights while remaining part of the Brophy community, but the families of at least 100 students are actively considering withdrawing from Brophy over these serious issues, and we are aware of several other students who have already withdrawn.

Finally, because many of the signatories of this letter are concerned about attempted reprisals from school administration and faculty, we respectfully remind you that it would be at best unethical, and likely unlawful, for the school to take any adverse action against a student or his family (unfavorable grading, assignments, and opportunities for participation, for example) for voicing their concerns in this matter. We trust you will explicitly prohibit all school administrators from engaging in retaliatory conduct.

We look forward to your prompt response.

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<sup>34</sup> See Ariz. Rev. Stat. § 41-1441(2); Phoenix City Code § 18-3.

<sup>35</sup> See *Fraternal Ord. of Eagles, Inc., Tucson Aerie No. 180 v. City of Tucson*, 168 Ariz. 598, 600, 816 P.2d 255, 257 (App. 1991).

## Brophy Current Families

Stephanie Adams, Parent  
Angela Anderon, Parent  
Lucie Anderson, Brophy Family  
Ryan Anderson, Parent  
Taber Anderson, Alumni Parent  
Dr. Ann Andonyan, M.D., Parent  
Josiah Andrews, Parent  
Travis Angry, Parent  
John J. Asher, Parent  
Marcia R. Asher, Parent  
Monique Ashton, Parent & Alumni Family  
Brian Backlund, Brophy Family  
Kari Backlund, Brophy Family  
Rosie Bardakejian, Parent  
Margy Beake, Grandparent  
Robert Beake, Grandparent  
Marzanna Bednarz, Parent  
Alka Bennion, Parent  
Lisa Bennion, Brophy Family  
Phillip Bennion, Parent  
Stephen J. Bennion, Grandparent & Alumni Parent  
Susan W. Bennion, Grandparent & Alumni Parent  
Jean Blackburn, Grandparent  
Robert Blackburn, Grandparent  
Jennifer Blake, Parent  
Thomas Blake, Parent  
Casey Blim, Parent  
Jennifer Bobis, Parent  
Wyron Bobis, Parent  
Michael Bonchard, Uncle  
Susan Bonham, Brophy Family  
Bruce Braaten, Family of Student  
Deanna Braaten, Family of Student  
Franc Brodar, Parent  
Jennifer Brodar, Parent  
Name Withheld Brophy Scholarship Recipient,  
Amy Brown, Parent  
Catherine Brown, Parent of Student  
Jaclynn Brown, Parent  
John Brown, Parent  
Kyle Brown, Parent  
Patricia Brown, Grandmother  
Shane Brown, Parent  
Deb Budnick, Parent  
Teresa Burch, Parent  
Catherine Butler, Parent  
Ron Butler, Parent  
Charlie Cafazza, Parent  
Mary Cafazza, Parent  
Bob Calvan, Grandparent  
Hollie Campbell, Parent  
Hollie Campbell, Parent  
Elisa Cannizzo, Parent  
Gayle Cassidy, Parent  
Rick Cassidy, Parent  
Kate Chester, Parent  
Todd Chester, Parent and Alum  
Stephanie Christopher, Parent  
Heather Christy, Parent  
Andre Colantuono, BCP Family  
Joy M Collier, Brophy Family  
Jennifer Copeland, Parent  
Robert J. Copeland Jr., Parent  
Gregory Coy, Parent  
John Cummuta, Grandfather  
Lois Cummuta, Grandmother  
Brandon E. Dale, Parent  
Lisa Dale, Mom & Xavier Alumna  
David De Spong, Parent  
Jordon De Spong, Brother  
Lisa DeBiase, Parent  
Steven DeBiase, Parent  
Alison DeSpring, Parent  
Jennifer DeStefano, Parent  
Marjorie DeStefano, Aunt  
Wayne DeStefano, Parent  
Ted Donley, Parishoner  
Tracey Dryer, Parent  
Alfred C. Duffy, CEO, Managing Partner,  
Alliancemed & Parent  
Shana Duffy, Parent  
Claudia E, Parent  
Jessica Ederer, Parent  
Kurt Ederer, Parent  
Debbie Ellis, Alumni Parent  
Janeen Fenton, Grandparent  
Jeff Fenton, Grandparent  
Kathleen Fenton, Aunt & Prospective Parent  
Shelley Fitzgerald, Parent  
Adia Flamino, Parent  
Louis Flamino, Parent  
James T. Footit, Parent  
Teresa Footit, Brophy Family  
McKelle France, Brophy Mom

Josh French, Parent and Alum  
Julie Furey, Parent  
Christine Gabuzzi, Parent  
Lori Garcia, Parent  
Arturo Garcia, Jr., Parent  
Stacy Gibson, Parent  
Matthew Gorden, Family of Student  
Cory Graham, Parent  
Jan Graham, Grandparent  
Joe Graham, Grandparent  
Cheryl Granoff, Parent  
Abbie Gullickson, Step Parent  
Denise Gullickson, Grandparent  
Lisa M. Harris, Parent  
Margaret Harris, Parent  
Randy Harris, Parent  
Kalani Hernandez, Sibling  
Malia Hernandez, Sibling  
Nicole Hernandez, Parent  
Richard Hernandez, Parent  
Dr. Christopher Hiler, Parent  
Monika Hiler, Parent  
Joshua Hong, Parent  
Becky Hopkins, Aunt & Alumni Family  
Michael Horne, Parent  
Tatiana Horne, Parent  
Jerrod Hughes, Parent  
Isabell Hunton, Brophy Family  
Timothy Hunton, Brophy Family  
Justin Iannocone, Parent  
Kelly Iannocone, Parent  
Aerin Jacob, Parent of Student  
Jeannine Jacob, Parent of Student  
Jerome Jacobs, Parent & Alumni  
Karen Jacobs, Alumni Mom  
Maria Jacobs, Parent  
Mary Jacobs, Grandparent & Alumni Family  
Reena Jain, Parent  
Sneh Jain, Parent  
Dr. Suneil Jaino, N.M.D., Parent  
Dana Jakel, Parent  
Gordon Jakel, Parent  
Janet K. James, Grandparent  
Alvino Jauregui, Grandpa  
Carmen Jauregui, Grandma

Fabian Jauregui, Parent  
Liz Jauregui, Parent  
Gina Jernukian, Parent  
Herbert Jernukian, Parent  
Carla Jetton, M.B.A., Parent  
Mark Jolesch, Father  
Meghann Kahabka, Brophy Family  
John T. Katsanes (vaccinated), Grandfather  
Thomas Katsenes, Parent  
Cindy Kaul, Parent  
Karen Keefe, Grandparent  
Tom Keefe, Grandparent  
Shirley Keinanen, Grandparent  
Tapio Keinanen, Grandparent  
Janell Kellett, Brophy Family  
Steve Kemper, Uncle  
Vrej Kheshvadjan, Parent  
Stacey Kilb, Parent & Alum Wife  
Anita Kime, Grandparent  
Lonnie Kime, Grandparent  
Juli Kirk, Aunt  
Jennifer Kirk Roper, Parent  
Jolene Knee, Parent  
Matt Knee, Parent  
Graham Kos, Parent  
Shay Kos, Parent  
Gena Koss, Parent  
Stein Koss, Parent  
Benjamin Kriegsfeld, Parent & Class of '95  
Chandra Kriegsfeld, Parent  
Brian Kruckenberg, Parent  
Gina Kruckenberg, Parent  
Aaron Kuhl, Parent & Class of '92  
Shannon Kuiper, Brophy Family  
Peggy Lanese, Parent  
Rebecca Le Gault, Aunt  
Tom LeGault, Uncle  
Donald Leonard, Parent  
Elaine Leonard, Parent  
April Little, Mother  
Cory Little, Parent  
Lisa Liversedge, Parent  
Thaddeus Liversedge, Brophy Family  
Aimee Lowry, Parent  
Clint Lowry, Parent

Brenda Lyle, Parent  
Molly Mac Ban, Parent  
Mary Macaluso, Grandparent  
Stacy Manganiello, Parent  
Tony Manganiello, Parent  
Theresa Mansour, Parent  
Luis E. Mate, Father  
Meena Mathews, Parent  
Julie McCutcheon, Grandparent  
Patrick McGinley, Parent  
R. Patrick McGinley, Trustee  
Lawrence M. McHenry, Parent  
Brenda Meeks, Grandmother  
Stacey Meyer, Parent  
Ted Meyer, Parent  
Nancy Michael, Parent  
Rob Michael, Parent  
Kim Miller, Parent  
Matt Miller, Parent  
Suzanne Mirasola, Parent  
Todd Mirasola, Parent  
Connie Mitchell, Parent  
Dominic Mitchell, Parent  
Stephanie Morris  
Tom J. Munks, Parent  
Jill Nelson, Parent  
John Nelson, Parent  
Candin Newman, Sibling  
Justin Newman, Parent  
David Nilsen, Parent  
Michelle Nilsen, Mom, Alumni Parent, &  
Xavier Alumna  
Taylor Nilsen, Sister  
Joy O'Donnell, Parent  
Michael O'Donnell, Parent  
Fadi Odish, Parent  
Christy Orders, Class of '23 Parent  
James Orders, Parent  
Keith W. Ozija, Grandfather  
Danielle Paluscio, Parent  
Danielle Paluscio, Parent  
Michael Paluscio, Parent  
Hollie Park, Brophy Family  
Kathy Parks, Grandparent  
Bob Pearson, Grandparent

Cara Pepe, Parent  
Amy Peterson, Parent  
Colleen Peterson, Parent  
Grant Peterson, Parent  
Matthew Peterson, Brother  
Nicolas Peterson, Brother  
Tom Peterson, Parent  
Cynthia Piercy, Grandparent  
Scott Piercy, Grandparent  
Heather Pittenger, Parent  
Dr. Peter Podbielska, Parent  
Ehelina Podbielska, Grandparent  
Anetta Podbielski, Parent  
Nicole Powell, Parent  
Arlene Purdy, Parent  
Erin Randleman, Brophy Family  
Nathan Randleman, Brophy Family  
Col. Sean M. Rassas, Parent  
Tara Rassas, Parent  
Eileen H Recano, Grandmother  
Angela Rehl, Parent  
Darla Richardson, Parent  
Nicole Lee Roberts, Parent  
Nick Roe, Parent  
Mario Rogaci, Parent  
Mary Romero, Parent  
James M. Roper, Father  
Kristi Rowley, Parent  
Draga Rozaci, Parent  
Chris Schaffner, Parent and Alum  
Deanna Schaffner, Parent  
Bethany Schmidt, Brophy & Xavier Parent  
Jason Schmidt, Parent  
Jay R. Schneider, Sr., Parent  
David Schumacher, Parent & Alumni  
Marjorie Schumacher, Parent  
Jennifer L. Scott, Alumni Parent Class of '17 &  
'19  
Meeghan H. Seoane, Class of '25 Parent  
Alexa Settel, Sibling  
Edward J. Shoen, Alumni & Parent  
Stuart M. Shoen, Alum, Employee, Brother  
Anthony Signore, Brophy Family  
Matt Sonder, Parent  
Sami Sonder, Sister

Shannon Sonder, Parent  
DS Summers, Grandparent  
Amanda Swanson, Brophy & Xavier Parent  
Kendall M. Swanson, Sister  
Pete Swanson, Parent  
Jamie Tanella, Mother  
Eileen Y. Tice, Grandparent  
Eugene Tice, Grandparent  
Catherine Tiffany, Parent  
Bernice Tretter, Grandparent  
Kathy A. Trn, Parent  
Jennifer Turelli, Brophy Family  
Leigh Ulrich, Parent  
Roger Ulrich, Parent  
Walter Ulrich Sr., Grandfather & Alumni  
Parent  
Angela Vanderwey, Sister & Xavier Alumna  
Gina J. Vanderwey, Parent  
Nick J. Vanderwey, Parent & Alumni  
Amy Videan, Volunteer  
Darrell Wadas, Parent  
Tracy Wadas, Parent  
Chuck Walton, Parent  
Kendall Walton, Parent  
Christine Watson, Aunt  
Eric Watson, Uncle  
Megan Watson, Sister  
William Watson, Brother-in-Law  
John Waugh, Grandparent  
Linda Waugh, Grandparent  
Gene T. Weckerly, Alumni & Parent  
Miriam A. Weckerly, Alumni Parent  
Craig Weems, Parent  
Nichole Weens, Parent  
Richard Werntz, Grandfather & Alumni Parent  
J.R. Wesh, Parent  
Erin White , Parent  
Mark White , Parent  
Rob White , Parent  
Lisa Whitehead, Parent  
Steve Whitehead, Parent  
Hazel Wilson, Parent  
Scott Wilson, Parent  
Kellie Woetzel-Columbus, Parent  
Darren Wright, Parent

Jennifer Wright, Mother  
Pamela Wright, Parent  
Travis Wright, Father  
Graham Yarbrow, Parent  
Julie Yarbrough, Grandparent  
Dr. William Yarbrough, M.D., Grandparent  
Melinda Yarbru, Parent  
Petya Yordanov, Parent  
Alice Yparraguirre, Parent

\* To protect the privacy of 9 likely minors who identified themselves as Xavier students, their names were removed from the public document.

## Brophy Alumni & Donors

John R Ady, Grandparent  
Kim Anderson, Alumni Parent  
Nathaniel Anderson, Alumni  
Steven Anderson, Alum  
Theresa Anderson, Alumni Parent  
Alice A Avila, Donor  
John Bagley, Donor  
Laurie Bagley, Donor  
Paul J. Baker, Donor  
Anna M Brennan, Alumni Mother  
Charles Anthony Cafazza, Alumni  
John Cafazza, Alum  
Phil Calihan III, Class of '95  
Robyn Calihan, Alumni Wife  
Debbie Camarena, Alumni Family  
Claer Carroll, R.N.,  
Kathleen Chaffee, Alumni Parent  
Tim Chester, Class of '98  
Tyler Chester, Alumni  
Heather Cohen, Alumni Family  
Melissa Coy, Alumni Parent  
Albert Cruz, Donor  
Victoria B. Curtis, Former Parent  
Larry Derksen Jr, Alumni  
laurel DeStefano, Aunt  
Barbara and Charlie Dunlap, Alumni Parent  
Asia Dymecki Colling, XCP 2000 Alum -  
Prospective Brophy Parent  
Helmuth Eggeling, Alumni Parent  
RoseAnne Eggeling, Class of '91 Parent  
Dan Ellis, Alumni  
Stephen Ellis, Alumni Parent  
Charles Finch, Alumni  
David R. French, Class of '98  
Kristen French, Xavier Alumni & Alumni Wife  
William French, Alum  
Perry Gabuzzi, Alumni  
Jennifer Garcia, Alumni Parent  
Lynn Gerveler, Alumni Parent  
Kainya Gonzales, Alumni Family  
Greg Gooslin, Alumni  
David Hemmingsen, Alumni Parent  
Donna Hemmingsen, Alumni Parent  
Rhiannon Hertzberg, Donor  
Chase Hiatt, Alumni  
Brett Isacksen, Alumni  
Scott Isacksen, Class of '95  
Gretchen Jacobs, Alumni Family  
Martha Jacobs, Alumni Parent  
Tom Jacobs, Class of '87  
Jeff Johnson, Class of '92  
Patrick F. Keery Esq., Alumni  
Lt.Col. Kevin J Kelly, Donor  
Kevin Kilb, Alumni  
Malindi Kilb, Alumni  
Stuart Klugman, Parent of Former Student  
Thomas L. Kohrs, Alumni  
Hayden Koning, Alum  
Alexander Kozub, Alumni  
Nikolaus Kozub, Alumni  
William Kozub, Alumni Family and Class of '84  
Scott Leubner, BCP  
Heather MacLean Russell, Donor  
Amy McFarland, Wife of Alum and XCP  
Parent  
Sloane McFarland, Class of '91  
Connor McGinley, Class of '11  
Frano Milicevic, Alum  
Frano Milicevic, Alumni  
Kimberly Milicevic, Wife of Alum  
Rick Miller, Class of '92  
Jaime E. Montanile, Alumni  
Lewis Moore, Alumni  
Laura Murphy, Alumni Parent  
Connor Nannen, Alumni  
Kyle Nilsen, Alumni  
Griffin Orders, Alumni  
Jason Parks, Donor  
Adam Podbielski, Alum  
Amy Powers-Valentine, Brophy Alumni Parent  
& Xavier Parent  
Greg Ragland, Alumni  
Erik Rasmussen, Alum Parent  
Valerie Rasmussen, Alum Parent  
Gina Ricotta, Alumni Parent  
Jeff Rowe, Alumni Parent  
Nancy Rowe, Alumni Parent  
Jennifer Ryan, Alumni Parent  
Alexa Schneider, Alumni Family  
J.R. Schneider, Alumni  
Paul W. Shoen, Kruse & Associates  
Barb Spitzack, Parent of Former Student  
Wade & Katie Stooks, Alumni Parents  
Kevin Storey, Class of '91  
Tim Storey, Class of '89  
Kathy Sweet, Alumni Parent

Anne Marie Thurston, Alumni Family  
Cindy Treacy, Alumni Parent  
Rebecca Treon Even, Brophy & Xavier Alumni  
Parent  
Abby Ulrich, Alumni Family  
Walter Ulrich, Alumni  
Toni Valadez, Alumni Parent  
Charlie Vanderway, Alum Family  
Larry Vanderway, Alum and Alum Family  
Susan Vanderway, Alum Family  
Jack Vanderwey, Alumni  
John Vanderwey, Alumni  
John K Vanderwey, Parent Alumni  
Julia Vanderwey, Alumni Parent  
Khristen H. Vanderwey, Xavier Mom & Aunt  
Lina Vanderwey, Xavier Alumni  
Michael J. Vanderwey, Alumni  
Michael J. Vanderwey, Alumni & Uncle  
Greg Vogel, Alumni Family  
Jeffery Wentworth, Alum Parent & Class of  
'87  
Laura Jo Wentworth, Alumni Family  
Dorothy Westfall, Alumni Family

## Catholic Community

Amy Abdo, Xavier Parent  
Kevin J. Aister, Notre Dame Parent  
Nicole B. Aister, Notre Dame Parent  
Cristina Bennett, Xavier Alumna  
Quinn Blake  
Julie Blouin  
Angel Botello, Phoenix Diocese  
Christine Boubek, Xavier Parent  
Jessica Brooks  
Jodee Calicoat, OLPH  
Nicole Camacho, Member of the Diocese of Phoenix  
Michelle Campbell-Weber  
Rose Carlson  
Steve Charles, Our Lady of Joy  
Dr. Deborah A. Collins, M.D., Parish Member/  
Physician  
James Connell  
Katie Crosby  
Jessica DesJardins, Catholic School  
Leslie Duffy, St. Patrick's Member  
Brian Duggan  
Nicole Duggan  
Emily Even, XCP Alum  
Scott Ferrance, St. Mary's Alum and Friend  
Katie French  
Paxton B. Jeunick, Xavier Parent  
Adrienne Johnson  
Michelle Kierein, Catholic School Parent  
Jolene Knee, Saint Francis Parishioner  
Zachary Kwiatkowski  
Kari Lake, Xavier Alumna Mom  
Glenn Lungren, Xavier Parent  
Salli Lungren, Xavier Parent  
Kandi Madden, Phoenix Diocese  
Ashlee Manuel, St. Theresa Parent  
Tysen Manuel, St. Theresa Parent  
Jessica Marquina, Xavier Parent  
Ruben Marquina, Xavier Parent  
Chris Matthews, Xavier Parent  
Ella McFarland, Family of Brophy  
Pamela Miner  
Lara Murphy, Xavier Parent  
Richard Murphy, Xavier Parent  
Andy Neal, Donor  
Ann Novak, Parent of XCP  
Stan Novak, Parent of XCP  
Audrey O'Sullivan, Xavier Alumna

Brian O'Sullivan, Xavier Parent  
Jill O'Sullivan, Xavier Parent  
Mitzi Palma  
Dr. Marek Piatek, STA Parent  
Alezandra Piatek, PharmD, STA Parent  
Alexandra Podbielska, XCP Alum  
Kathleen K. Poupore, Xavier Alumni  
Joseph Putz  
Pam Reinke  
Richard Reinke, Phoenix Catholic Diocese  
Edward Rodriguez  
Eric Rodriguez, NDP Parent  
Kristine Rodriguez, NDP Parent  
Michelle Rodriguez, Diocese of Phoenix  
Brianna Sanford, Xavier Staff  
Melanie E. Santarius, Xavier Alumna  
Catherine Smith  
Lisa Snyder, Diocese of Phoenix  
Diana Stanius, Catholic community member  
Karolyn Stayer, Xavier Parent  
Marina Stender, Xavier Parent  
Jennifer Storey, XCP Alum and XCP Parent  
Anita Szewczyk MD, Xavier Mom Alumni  
Robert Szewczyk, Xavier Alumni Dad  
Ashley Vietor, XCP Parent  
Oliver Vietor, Xavier Parent & Priest  
Vicki Vincent  
Jared Walker, Xavier Parent  
Kyndal Walker, Xavier Parent  
Megan Watson, Xavier Alumna  
Karen Wheeling, Xavier Parent  
Ty Wilda  
Meghan Wilde, Phoenix Diocese  
Jamey Zurawski, Xavier Parent  
Troy Zurawski, Xavier Parent

\* To protect the privacy of 30 likely minors who identified themselves as students, their names were removed from the public document.

## Elected Officials

Fmr. Sen. Sylvia Allen, Leg. Dist. 6  
Sen. Nancy Barto, Leg. Dist. 15  
Rep. Brenda Barton, Leg. Dist. 6  
Rep. Leo Biasiucci, Leg. Dist. 5  
Rep. Walt Blackman, Leg. Dist. 6  
Rep. Shawna LM Bolick, Leg. Dist. 20  
Sen. Sonny Borrelli, Leg. Dist. 5  
Rep. Judy Burges, Leg. Dist. 1  
Rep. Joseph Chaplik, Leg. Dist. 23  
Rep. Regina Cobb, Leg. Dist. 5  
Councilmember Sal DiCiccio, Phoenix District 6  
Fmr. Sen. David Farnsworth, Leg. Dist. 16  
Rep. John Fillmore, Leg. Dist. 16  
Rep. Travis Grantham, Leg. Dist. 12  
Rep. Gail Griffin, Leg. Dist. 14  
Rep. Steve Kaiser, Leg. Dist. 15  
Sen. David Livingston, Leg. Dist. 22  
Sen. J.D. Mesnard, Leg. Dist. 17  
Rep. Quang Nguyen, Leg. Dist. 1  
Fmr. Rep. Jill Norgaard, Leg. Dist. 18  
Rep. Becky Nutt, Leg. Dist. 14  
Rep. Jacqueline Parker, Leg. Dist. 16  
Rep. Kevin Payne, Leg. Dist. 21  
Sen. Warren Peterson, Leg. Dist. 12  
Rep. Bret Roberts, Leg. Dist. 11  
Sen. Wendy Rogers, Leg. Dist. 6  
Sen. Kelly Townsend, Leg. Dist. 16  
Rep. Justin Wilmeth, Leg. Dist. 15

## Arizona Community

Maryellen Aman  
Cliff Amator, Friend  
Tara Amator  
Stephen Andersen  
Abby Anderson, Alumni Family  
Cheryl Anderson  
Rebecca Argano, Field of Student  
Merryl Baccaro  
Richard Baccaro  
Summer Bagley  
Tirsa Baker  
Jillian Barbosa  
Allison Barkley  
Jesse Barnsley  
Angela Barrette  
Scott Bennion, Prospective Parent Uncle  
Candance Bianco  
Michael Bianco  
Jennifer Bittner  
Paige Bolen, Friend of Brophy  
Michelle Boulos  
Mary Ellen Brislin, Family  
Mollie Brooks  
Jeff Burch, Parent  
Jennifer Burgess  
Crystal Chavez  
Dr. Agnieszka Chrostowski  
Dr. Gregory Chrostowski  
Ivy Ciolli  
Tim Clarke  
Tina Clemmons  
Kathy D. Coker  
Thomas B. Coker  
Alex Contreras  
Brenda Contreras  
Alesha Nicole Corey  
Courtney Crowe  
Pamela Csrter  
Sally Cuellar  
Marie Dane  
Claribeth Davis  
Stephanne Davis  
Jennifer Davy, Parent  
Sherry Deak  
Micah P DesJardins, Catholic School Parent  
Michelle Dillard, Child Advocate  
Brenda Early  
Cindy Early  
Rachel Earnhardt  
Chris Ellington  
Lauren Ellington  
Rachel Ely  
Diane Fairbairn  
Robert Fairbairn  
Kelly Farrell  
Kyle Ferrance  
Monica Ferrance  
Jeff Fillis, Pastor  
Casey Fink, Student's Youth Pastor  
Lacy Francisco  
Kerwin Franklin  
Susan French  
Dustin Friedman  
Leah Friedman  
Sara Gilligan  
Nancy L Gillispie Hoyt  
Brandon Gonados  
Karolina Grabiec, Prospective Parent  
Lukosz Grabiec, Prospective Parent  
Rebekah Halley  
Dr Timothy Ham, Grandparent  
Keilah Hamlin  
Carly Hart  
Barb Hartman  
Ian Harweh  
Stephanie Harwell  
Joy Haugan  
Carey Hausbeck, School Counselor  
Matthew Hayward  
Marshall Hemmingsen  
Gavin Hensing  
Jane Herges  
Sara Hessler  
Lea Ann Hildebrant  
Julie Hill  
John Holley  
Karen Hong  
Heidi Hopkins  
Jocelyn Horton  
Janis I Hortoni  
Ryan House  
Kristin Hreha  
Koren Hudson  
Koren Hudson  
Joe Hutchinson  
Christine James

Nicole Johnson  
Mitzi Kaufman  
Randy Kaufman  
Adam T. Keck  
Marisa Kelly  
Tony Kenan, Prospective Parent  
Jody Kendrick  
Teresa A Kestran  
Teresa Kestran  
David Kimmerle  
Jillianne R. Kimmerle  
Martha Kngiht  
Carolyn Knight  
Mark Knight  
Katherine Knox  
Joni M. Kwiatkowski  
Robin L. Kwiatkowski  
Melissa Lacek  
Renata Latocha  
Szyman Latocha  
Mark Lohman  
Marta MacBan, Moms For Liberty  
Michael Mantione  
Steve Mardian  
Shannon Martinez  
Sheryl Masowdi  
Mike McAlister  
Rosheen McAlister  
Peggy McClain, Prolife Catholic  
Sean McGovern  
Bethany McGrath  
Julie McIlwain  
Joshua E. Meinke, Concerned Citizen  
Leigh Melchior  
Tom Melchior  
Michael Metz  
Frank Mineo  
Zackarie Mishkin  
Dr. Ina Mladenova  
Jonalyn Moss  
Sandra Nedell  
Kristine Newman  
Aliesha Nichter, Christian School Affiliate  
Kay Norris, Grandparent  
Eli Norton

Rilie Norton  
Hannah Nunenick  
Ylusion Ochoa  
Jennifer O'Donnell  
Matthew O'Donnell  
Francesca and Dan O'Leary, All Saints Parents  
Jerry Oliver II  
Deborah Overly  
Christine Paperone, Pastor  
Christy Parkinson  
Carrie Polly  
Brennan Porter  
Jan Post  
Kelsey Putz  
Michael Reagan  
Bonnie Reyes  
Gina Richmann  
Jennifer Rigby  
Steve Rigby  
Chris Rivera  
Anja Rodriguez  
Brittney Rodriguez  
Steven Rodriguez  
Stacey Rogers  
Ann Romero  
Abigail Rose  
Dr. Dan Rubin  
Rene C. Rucker  
Raechel Ruelas  
Dr. Susan F. Sandmann-Uy, M.D.  
Abelardo Sandoval  
Mark R. Schaefer Friend  
Staci Schilling  
Sara Scott  
Carol Shilliday, Member of God's Army  
Deanna L Short, Purple For Parents  
Nancy Sippe  
Debi Smolinski, ND  
Cyndi Snowden, Pastor  
Diane L Spence  
Julia Stangler  
Ellie Stark  
Chris Stenicki  
Lisa Stroud  
Shannon Stych

Jane Sutherland  
Blake Tablak, Prospective Parent  
Sarah Tablak, Prospective Parent  
Carissa Terrones  
Randy Terrones  
Patsy Tobis  
Marcus Tork  
Wendy Torres  
Tim Turelli  
Robyn Tyson  
Arielle Unger  
Jan Van Ness  
William R. Vance Jr.  
Tami Vigilante  
Amanda Vilhauer  
Joseph Michael Villanueva  
Kaitlin Wagner  
Francesca Werz  
Tim Whittemore  
Laura Wilda, Prospective Parent  
Penny Woodfield  
Hannah Woodruff  
Kierstyn Wright  
Elaine Yielding  
Elizabeth