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**OAKLAND UNIFIED  
SCHOOL DISTRICT**  
Community Schools, Thriving Students

# Board Cover Memorandum

**To** Board of Education

**From** Kyla Johnson-Trammell, Superintendent  
Joshua R. Daniels, Chief Governance Officer  
Sailaja Suresh, Senior Director of Strategic Projects

**Meeting Date** October 27, 2021

**Subject** Board Policy 5141.29 – COVID-19 Student Vaccine Requirement

**Ask of the Board** Approval by the Board of Education of new Board Policy BP 5141.29 – COVID-19 Student Vaccine Requirement and select enforcement option

**Background** Resolution No. 2122-0012 - Requiring COVID-19 Vaccination for Students Aged 12 and Over (“Resolution”), approved by the Board of Education on September 22, 2021, “requires all [OUSD] students aged 12 and over to be fully vaccinated against COVID-19.” The Resolution permits medical exemptions, personal belief exemptions, and other exemptions as required by law. Under the Resolution, the Superintendent was directed to develop recommendations for enforcement of the vaccination requirement, and to report on such recommendations to the Board no later than October. In addition to the requirement itself, the Resolution directs the Superintendent “to develop a process to determine and track which OUSD students are partially or fully vaccinated against COVID-19” and “to initiate a COVID-19 vaccination campaign.” These efforts have already begun.

A number of other school districts have adopted similar COVID-19 student vaccine requirements.<sup>1</sup>

- Los Angeles Unified School District. On September 9, 2021, the Los Angeles Unified School District (“LAUSD”) Governing Board approved its own COVID-19 student vaccine requirement resolution that required all eligible LAUSD students to be fully vaccinated against COVID-19 “as a mandatory precondition to accessing LAUSD school facilities.” (By using the term “eligible,” the resolution would cover students under 12 when the COVID-19 vaccine is authorized for students under 12.) The LAUSD resolution permitted medical exemptions but not personal belief exemptions. Under the resolution, students

<sup>1</sup> In addition to the school districts listed in this memorandum, Pasadena Unified School District and Culver City Unified School District have adopted vaccine or test requirements.

would need to be fully vaccinated to start the second semester (January 10, 2022). The resolution also applied the requirement to charter schools that are co-located with LAUSD schools. A copy of the LAUSD resolution is attached.

- Piedmont Unified School District. On September 22, 2021, the Piedmont Unified School District (“PUSD”) Governing Board approved amending its Administrative Regulation 5141.31 – Immunizations to include the COVID-19 vaccine. (In most districts—including OUSD—administrative regulations are typically approved at the staff level rather than by the Governing Board. It is not clear whether all administrative regulations are approved by the Governing Board in PUSD or whether this was a one-off occurrence.) The requirement applies to “age-eligible students” and sets a deadline of November 17, 2021, for when such students must have received both doses. All students who subsequently become eligible are given 8 weeks from being eligible to receive both doses. The regulation also states that “[i]f Covid-19 vaccinations are not available, the Superintendent has the authority to reasonably extend the Covid vaccination submission deadline.” The only exemption noted in the regulation is a medical exemption. The regulation does not address charter schools as PUSD does not currently authorize any charter schools. A copy of the PUSD policy is attached.
  
- San Diego Unified School District. On September 28, 2021, the San Diego Unified School District (“SDUSD”) Governing Board approved a staff recommendation to “require all eligible students to be vaccinated against COVID-19, as a condition of participating in-person (on campus) learning,” with “[t]he timeline for requiring the mandated vaccination . . . aligned with full FDA approval.” The requirement will be effective for the Spring Semester, which starts January 21, 2022. Depending on when the FDA gives full approval to the Pfizer-BioNTech for 12-15 year olds, the SDUSD requirement may start with only applying to students 16 and older. The staff report made no mention of whether the requirement would apply to any charter schools. A copy of the SDUSD presentation is attached.
  
- Berkeley Unified School District. On October 6, 2021, the Berkeley Unified School District (“BUSD”) Governing Board approved a policy imposing a vaccine or test requirement. The policy stated:
  - [A]ll BUSD students aged 12 or over (other than Berkeley Adult School students) shall be fully vaccinated against COVID-19. Students who are not fully vaccinated by that date shall be required to submit to weekly onsite COVID testing, unless the student has a medical exemption from testing.The policy would “only go into effect if sufficient testing is available to accommodate students who opt-out of vaccination.” By its terms, the policy would extent to “5-11 year olds (including under Emergency Use Authorization)” when the COVID-19 vaccine is authorized for students under 12. The policy would be effective at the start of the Spring Semester (January 3, 2022). The BUSD policy does not address charter schools as BUSD does not currently authorize any charter schools. A copy of the BUSD policy is attached.

In addition to these individual districts, Governor Newsom announced—on October 1, 2021—that he would be directing the California Department of Public Health “to add the COVID-19 vaccine to other vaccinations required for in-person school attendance.” This requirement, to be promulgated via emergency regulations, would apply “to all ‘pupil[s] of any private or public elementary or secondary school[s].’” The requirement would take effect for the term following the FDA’s grant of full (non-emergency) approval for a particular vaccine and age group. (Currently, that is 16 and older for the Pfizer-BioNTech vaccine.) Unless the Legislature amends the law, this State requirement must include exemptions for medical reasons and personal beliefs. While the actual emergency regulations are not published or even drafted, the State has published a fact sheet, which is attached.

### **Discussion**

District staff have drafted the attached Board Policy 5141.29 – COVID-19 Student Vaccine Requirement (“BP 5141.29”). Under BP 5141.29, “[a]ll District students aged 12 and over are required to be fully vaccinated against COVID-19 as of January 1, 2022 unless otherwise exempted.” The current draft contains three options for enforcement of the requirement:

- Option 1. Any non-exempt, unvaccinated student would be offered a transfer to Sojourner Truth, the District’s long-term independent study school. If that student chooses not to transfer, the student would be unenrolled from the District after having been provided with sufficient information and opportunities to access the COVID-19 vaccine as well as progressive warnings.
- Option 2. A non-exempt, unvaccinated student would not be able to participate in certain activities such as sports, prom, fieldtrips, or in-person graduation ceremonies (as a participant).
- Option 3. Enforcement of the requirement would be through the State’s emergency regulations when they are adopted. (No enforcement section need be included in BP 5141.29 if this option is chosen.)

In order to adopt BP 5141.29, the Board will need to select an enforcement option to include or will need to create its own. In considering which enforcement option to include, the Board should be aware of the following considerations:

- Option 1 Considerations. This option is expected to provide the most immediate impact on student safety as it will ensure that all non-exempt students aged 12 and over attending in-person school will be vaccinated. For the same reason, it is also the option that is likely to exclude the highest number of students from in-person school; based on current vaccination rates, those excluded students are more likely to be African American, Latinx, or multiracial. Moreover, if a high number of students accept the offer to transfer to Sojourner Truth, this will require hiring additional teachers. Staff believes it is unlikely that the District will be able to hire sufficient teachers if there is a meaningful net increase in demand for Sojourner Truth. In such a situation, students seeking to enroll in Sojourner

Truth would be placed on the waitlist, which is currently an exemption in BP 5141.29.

- Option 2 Considerations. This option is still likely to incentivize a significant number of students to get vaccinated as many students would want to engage in the restricted activities. Additionally, these activities (particularly sports) may be instances in which transmission is more likely. However, this option does not enforce the requirement on all students aged 12 and up and, thus, provides less of an impact on student safety than Option 1. At the same time, no students would be excluded from school under this option. Unlike Option 1, this option would impose a significant burden on school sites and OAL, which are already impacted by the District's testing requirements. Even with central office support to keep a list of which students are vaccinated or exempt, it would be the responsibility of sites and OAL to look up students' status and enforce it at prom, for graduation, on OAL teams, etc.
- Option 3 Considerations. This option would have the least immediate impact on student safety as any enforcement would be delayed until the State promulgated emergency regulations. Effectively, this means that students would not need to get vaccinated until next fall (August 2022). The Board should consider the impact that this option would have on the vaccine campaign—i.e., many students may simply wait to get vaccinated if enforcement is delayed. Under this option, however, no students would immediately be excluded from school (like in Option 1) or from certain activities (like in Option 2).

In addition to these considerations, the Board should be aware of the following implementation challenges with respect to all of the enforcement options and BP 5141.29 more generally:

- Education/Awareness. The District has been organizing "vaccination popups" at secondary schools (among other locations) since the start of school. These popups have been preceded by notices and other advertising efforts to raise awareness. Despite these efforts, turnout has been low. The District will need to continue to make a strong effort to educate students and families regarding vaccine safety and benefits.
- Vaccine Clinics. As with COVID-19 testing, the challenge with clinics is the availability of qualified staff. Every school district in Alameda County (and the entire Bay Area) is seeking to set up vaccine clinics at their schools and is looking to the county to support doing so. Staffing will be even more in demand once students aged 5-11 are eligible for the vaccine. District staff is exploring partnering with other providers to ensure that vaccines continue to be accessible to all students. (See Fiscal Impact for more information.)
- Inputting Data. Staff has been working diligently to transfer student vaccine data from the State's database into AERIES. While time-consuming, this work is almost complete. Additional processes will need to be developed to ensure that

unvaccinated students who get vaccinated over the next few months are entered into AERIES as well. District staff will also need to develop processes to ensure accuracy, correct errors, and track exemptions (unless Option 3 is selected and the State decides to track exemptions rather than asking districts to do so).

BP 5141.29 also includes the following key components:

- Students Under the Age of 12. As written, BP 5141.29 would not apply the vaccination requirement to students under the age of 12 even if the FDA subsequently lowers the eligibility age.
- Exemptions. BP 5141.29 includes a number of exemptions, notably an exemption for medical reasons and an exemption for personal beliefs. The Superintendent or designee is tasked with determining the necessary forms and procedures for the medical and personal belief exemptions. It is important to note that these forms, procedures, and determinations would not be subject to review by the Board under BP 5141.29.
- Charter Schools. By its terms, BP 5141.29 applies the requirement in the policy to all charter schools operating on District property and to any charter school if one or more students enrolled in that charter school try out for, join, practice or compete with, or otherwise participate in any sports teams organized by the Oakland Athletic League.

**Fiscal Impact** When the Board adopted the Resolution, the cost was estimated at \$150,000 to \$250,000 for 1.0 to 2.0 FTE in staff to coordinate vaccination efforts and input data. It was based on the assumption that the county would cover all other vaccine costs (primarily the doses and the staff to administer them). As noted above, however, every school district in Alameda County (and the entire Bay Area) is seeking to set up vaccine clinics at their schools and is looking to the county to support doing so. In order to ensure that OUSD has the necessary staff to administer vaccines, the District will likely need to contract with outside providers for an estimated increase of up to \$100,000 in cost for a total of between \$250,000 and \$350,000. The cost may even be higher if additional staff are needed to support implementation. These costs would continue to be covered by ESSER funds, although they are not currently budgeted.

**Attachment(s)**

- Proposed Board Policy 5141.29 – COVID-19 Student Vaccine Requirement
- LAUSD Resolution
- PUSD Board Policy and Administrative Regulation 5141.31 - Immunizations
- SDUSD Staff Recommendation
- BUSD Board Policy 5141.3
- CA Fact Sheet
- Resolution No. 2122-0012 - Requiring COVID-19 Vaccination for Students Aged 12 and Over

## **OAKLAND UNIFIED SCHOOL DISTRICT**

### Board Policy

#### **BP 5141.29 – COVID-19 Student Vaccine Requirement**

##### Students

###### Purpose

The Oakland Unified School District is both a local educational agency as well as an agency of the State for purposes of implementing educational policy and operating public schools to safeguard the educational, health, and safety needs of District students and families as well as the community as a whole within its geographic boundaries. To that end, the District is charged by law with ensuring the health and safety of all students within its schools and facilities. This includes a constitutional mandate to deliver the highest-quality instruction in the safest environment possible.

COVID-19 is a material threat to the health and safety of all District students, families, and staff, and is a further threat to providing safe in-person instruction.

As of adoption of this Policy, COVID-19 has tragically claimed the lives of: over 600,000 Americans, more than 68,000 Californians, and more than 1,300 residents of Alameda County. The pandemic has caused significant suffering to millions more, including many District students, families, and staff.

The District has implemented multiple safety measures consistent with federal, state, and local public health guidance. These include (but are not limited to) testing, masking and other personal protective equipment, contact tracing, quarantines (as appropriate and permitted), outdoor learning spaces, and ventilation. Although safety measures are effective at mitigating the spread of COVID-19, having all eligible and non-exempt students fully vaccinated would provide the strongest protection to the health and safety of all students, families, and staff in the District while further protecting against the disruption to full-time, in-person instruction.

The available COVID-19 vaccines are safe and have been shown to be effective in reducing the spread of COVID-19 as well as the severity of COVID-19 for breakthrough cases, preventing nearly all COVID-19 related hospitalizations.

As of adoption of this Policy, federal, state, and local health agencies and officials recommend that all eligible persons, including children 12 years of age and older, be fully vaccinated for COVID-19. The Alameda County Health Officer recently set a goal of 80% of county residents to be fully vaccinated. The State has said it will soon impose a requirement on all students eligible to receive a fully authorized COVID-19 vaccine to be fully vaccinated in order to attend school in person.

## Vaccine Campaign

The Superintendent shall initiate a COVID-19 vaccine campaign that may include, at the discretion of the Superintendent or designee, vaccine thresholds and incentives for each school, such that a school will be rewarded with an incentive when a certain percentage of the student body at that school is fully vaccinated for COVID-19.

The Board is committed to ensuring all students have access to COVID-19 vaccines and, therefore, the Board directs the Superintendent to implement reasonably necessary measures to ensure equitable student access to COVID-19 vaccines and provide District's students and families accurate information regarding COVID-19 vaccines.

## Requirement

All District students aged 12 and over are required to be fully vaccinated against COVID-19 as of January 1, 2022 unless otherwise exempted as described herein.

The Superintendent or designee shall determine and record the COVID-19 vaccination status of all students aged 12 and over. Such records and information shall be maintained securely and confidentially in accordance with all laws governing the privacy of student health information and other student records.

## Exemptions

A student is exempted from the requirement to be fully vaccinated against COVID-19 in any of the following circumstances:

- A. The student has received the final dose of the COVID-19 vaccine within the prior 13 days.
- B. The student received their first dose of the COVID-19 vaccine (for those two-dose vaccines) within the prior 30 days.
- C. The student is enrolled in the District's long-term independent study school.
- D. The student is on the waiting list to enroll in the District's long-term independent study school.
- E. The student's parent(s)/guardian(s) have completed and submitted the COVID-19 Vaccine Medical Exemption Form and it is pending review by the District.
- F. The student's parent(s)/guardian(s) have completed and submitted the COVID-19 Vaccine Medical Exemption Form and it has been reviewed and approved by the District. This exemption shall last through the end of the school year to which it applies.
- G. The student's parent(s)/guardian(s) have completed and submitted the COVID-19 Vaccine Personal Belief Exemption Form and it is pending review by the District.
- H. The student's parent(s)/guardian(s) have completed and submitted the COVID-19 Vaccine Personal Belief Exemption Form and it has been reviewed and approved by the District. This exemption shall last through the end of the school year to which it applies.
- I. For the 2021-22 school year, the student turned 12 after December 1, 2021.
- J. For the 2022-23 school year and beyond, the student turned 12 after August 1 just prior

to the start of school.

K. Any other legally required exemption.

The Superintendent or designee shall determine the necessary forms and procedures for the medical and personal belief exemptions. These forms, procedures, and determinations are not subject to review by the Board.

#### Enforcement

**[OPTION 1]** A non-exempt, unvaccinated student may only enroll in the District at the District's long-term independent study school. A non-exempt, unvaccinated student already enrolled in the District shall be offered a transfer to the District's long-term independent study school (or placed on the waiting list if necessary). If that student chooses not to transfer to the District's long-term independent study school, the student shall be unenrolled from the District after having been provided with sufficient information and opportunities to access the COVID-19 vaccine as well as progressive warnings as determined by the Superintendent or designee.

**[OPTION 2]** A non-exempt, unvaccinated student may not participate in the following activities:

- Try out for, join, practice or compete with, or otherwise participate in any sports teams organized by the Oakland Athletic League or a District school.
- Attend prom or other social dances or large in-person District- or school-sponsored events held outside school hours in which attendance is limited and consists primarily of students. (Note: Attending a school-sponsored holiday festival for families or attendance at a football game would not fit this description as attendance would not be limited and/or would not consist primarily of students.)
- Attend in-person field trips.
- Participate in (e.g., sit with other graduates, walk the stage) in-person graduation ceremonies.

**[OPTION 3]** [no enforcement section - wait for emergency regulations from CDPH]

#### Application to Charter Schools

This Policy shall apply to all charter schools operating on District property. This Policy shall also apply to any charter school if one or more students enrolled in that charter school try out for, join, practice or compete with, or otherwise participate in any sports teams organized by the Oakland Athletic League.

#### Existence of Statewide Student Vaccine Requirement

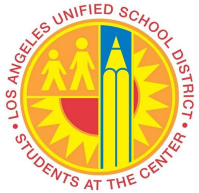
To the extent that the California Department of Public Health, the Governor, or the Legislature enacts, decrees, or otherwise implements and enforces a statewide requirement for students to be fully vaccinated for COVID-19, only those portions of this Policy and associated Administrative Regulations and Exhibits that are not inconsistent will continue in be effective once the statewide requirement is in force.



## Definitions

A student is “fully vaccinated” for purposes of this Policy as of either two (2) weeks after their second dose in a 2-dose series (e.g., Pfizer or Moderna), or two (2) weeks after a single-dose vaccine (e.g., Johnson & Johnson).

A student is “unvaccinated” for purposes of this Policy if (i) the requirement under this Policy to be fully vaccinated against COVID-19 applies to the student and (ii) the student is not fully vaccinated.



## Board of Education Report

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**File #:** Rep-091-21/22, **Version:** 1

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### **Proposed Resolution Requiring COVID-19 Vaccinations for Eligible Students**

**September 9, 2021**

**Office of the Superintendent**

#### **Action Proposed:**

Approve the “Superintendent’s Resolution Requesting the Board of Education of the Los Angeles Unified School District to Require COVID-19 Vaccination for Eligible Students” (“Resolution”). The proposed Resolution would require all Los Angeles Unified School District (“LAUSD” or “District”) and charter school students on co-located LAUSD school facilities who are eligible to receive the COVID-19 vaccine, excluding those students with qualified and approved exemptions and conditional admissions, to become vaccinated and provide proof of vaccination pursuant to the timeline outlined below and within the Resolution as a mandatory precondition to accessing LAUSD school facilities. The proposed Resolution would ensure student vaccination records and information are maintained securely and confidentially; implement reasonably necessary measures to ensure equitable access to and accurate information about the COVID-19 vaccine; monitor LAUSD’s testing and vaccination data for allowable exemptions for vaccinated students to COVID-19 testing requirements; and be adopted as part of LAUSD’s policies and practices as they relate to LAUSD and co-located charter schools, and as part of LAUSD’s health, safety, and emergency procedures and requirements applicable to facilities and related operations.

#### **Background:**

Los Angeles Unified School District is the second largest school district in the country, enrolling more than 600,000 students from Pre-K through the adult education, operating approximately 1,200 schools throughout the Los Angeles area, overseeing 278 affiliated and independent charter schools within its jurisdiction, and sharing LAUSD facilities with charter schools that serve tens of thousands of students in TK/K through grade 12.

The World Health Organization (WHO), United States Centers for Disease Control and Prevention (CDC), and the State of California including the California Department of Public Health (CDPH), and the Los Angeles County Department of Public Health (LACDPH) have recognized that the country, state, and county face a life-threatening pandemic caused by the COVID-19 virus. The COVID-19 pandemic and the national, state, and local orders responding to same have caused considerable challenges for public schools, including but not limited to the closure of all LAUSD school facilities for in-person instruction and resulting in distance learning program implemented by LAUSD through most of the 2020-21 school year. Although LAUSD has returned to in-person instruction for students who choose to return and has implemented high standard of multi-layered safety measures which are effective at mitigating the spread of COVID-19, including COVID-19 testing, masking, ventilation, screening, high quality sanitation measures, and requirement for all employees to be vaccinated, COVID-19 remains a material threat to the health and safety of all students within the LAUSD community, and is a further threat to continuous in-person instruction.

Recent CDC studies indicate that infection and hospitalization rates among unvaccinated persons were 4.9 and 29.2 times, respectively, than those in fully vaccinated persons and that authorized vaccines were protective

against SARS-CoV-2 infection and severe COVID-19 during a period when transmission of the Delta variant was increasing.

According to a study published by the CDC using data from the Coronavirus Disease 2019-Associated Hospitalization Surveillance Network (COVID-NET), pediatric hospitalizations for adolescents aged 0-17 were evaluated from March 1, 2020-August 14, 2021, and showed that pediatric hospitalization rates were 5 times higher in August 2021 compared to June 2021, and further, that the hospitalization rate among *unvaccinated* adolescents (aged 12-17 years) was 10 times higher than that among fully vaccinated adolescents.

Further studies have shown that emergency department visits and hospital admissions are higher in states with lower population vaccination coverage and emergency department visits and hospital admissions are lower in states with higher vaccination coverage (Siegel DA, Reses HE, Cool AJ, et al. Trends in COVID-19 Cases, Emergency Department Visits, and Hospital Admissions Among Children and Adolescents Aged 0-17 Years - United States, August 2020-August 2021).

In addition to statements made by the State Superintendent of Public Instruction and the Los Angeles County Department of Public Health Director in support of COVID-19 vaccination among eligible students, Dr. Anthony Fauci has also made public statements in support of COVID-19 vaccination for eligible students as a safety measure in schools.

With the return to full-time, in-person instruction for all students choosing to return to LAUSD school facilities for the 2021-22 school year, continued high COVID-19 transmission rates due to the surge of the Delta variant and high rates of cases among school age children due to transmission, vaccination of all eligible and non-exempt students provides the strongest protection to the health and safety of all students and staff in the LAUSD school communities.

**Expected Outcomes:**

Should the Board of Education adopt the Resolution, Superintendent and her designees will implement reasonably necessary measures requiring all LAUSD and charter school students on co-located LAUSD facilities who are eligible to receive the COVID-19 vaccine, excluding those students with qualified and approved exemptions under LAUSD's existing immunization policies, to become vaccinated as a mandatory precondition to accessing LAUSD school facilities, as follows:

- All students who are 12 years of age and older and are part of in-person extracurricular programs must receive their first vaccine dose by no later than October 3, and their second dose by no later than October 31, 2021;
- All students who are 12 years of age and older must receive their first vaccine dose by no later than November 21, 2021 and their second dose by no later than December 19, 2021;
- All other students must receive their first vaccine dose by no later than 30 days after their 12<sup>th</sup> birthday, and their second dose by no later than 8 weeks after their 12<sup>th</sup> birthday.

**Board Options and Consequences:**

If the Board of Education adopts the Resolution, all LAUSD and charter school students on co-located District school facilities who are eligible to receive the COVID-19 vaccination, excluding those students with qualified and approved exemptions and as aligned with conditional admissions policies, will be required to become vaccinated and provide proof of vaccination as a mandatory precondition to accessing LAUSD school facilities. If the Resolution is not adopted by the Board of Education, the COVID-19 vaccination items in the Resolution will not be required at this time. Staff will continue all efforts to provide equitable access to COVID-19 vaccinations.

**Policy Implications:**

As a local educational agency and agency of the state, the District has the obligation to implement educational policies, operate public schools, and safeguard the educational, health and safety needs of all LAUSD students, staff and communities within its geographic boundaries. Further, LAUSD policies and practices relating to charter schools, and health, safety, and emergency procedures and requirements applicable to facilities and related operations, require co-located charter schools to comply with the Resolution as a condition of occupancy of LAUSD facilities. Student vaccination records and information will be maintained securely and confidentially in accordance with all laws governing the privacy of student health information and other student records.

**Budget Impact:**

Per CDC, the COVID-19 vaccine is available to everyone at no cost, regardless of insurance or immigration status. Administrative costs for implementing the requirement are covered within the existing Path to Recovery budget for the 2021-2022 fiscal year.

**Student Impact:**

Adoption of the Resolution will result in the safest school environments possible and minimize disruption to full-time, in-person instruction brought about by the COVID-19 pandemic.

**Issues and Analysis:**

The COVID-19 pandemic and the national, state, and local orders have caused considerable challenges for public schools, including but not limited to the closure of all LAUSD school facilities for in-person instruction and resulting in distance learning for most of the 2020-21 school year. Although LAUSD returned to full-time, in-person instruction for all LAUSD and charter school students choosing to return to LAUSD school facilities for the 2021-22 school year, COVID-19 continues to pose a material threat to the health and safety of all students within the LAUSD community despite the implementation of layered mitigation measures, including, but not limited to, COVID-19 testing and masking. The surge of the Delta variant and community transmission of COVID-19, including among school age children, has proven to be disruptive to full-time, in-person instruction and student learning. In light of the effectiveness and safety of the COVID-19 vaccines, the CDC, CDPH, and LACDPH have deemed the vaccine appropriate by unanimously recommending that all eligible persons be vaccinated, including children 12 years of age and older. Accordingly, although LAUSD has implemented the highest safety measures to mitigate the spread of COVID-19 at schools, vaccination of all eligible and non-exempt students provides the strongest protection to the health and safety of all students and staff in the LAUSD school communities.

**Attachments:**

Attachment A - Superintendent's Resolution Requesting the Board of Education of the Los Angeles Unified School District to Require COVID-19 Vaccination for Eligible Students.

**Informatives:**  
Not Applicable.

**Submitted:**  
9/8/2021

**RESPECTFULLY SUBMITTED,**



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MEGAN K. REILLY  
Interim Superintendent

**APPROVED & PRESENTED BY:**



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PEDRO SALCIDO  
Interim Deputy Superintendent  
Office of the Deputy Superintendent

**REVIEWED BY:**



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DEVORA NAVERA REED  
General Counsel

Approved as to form.

**REVIEWED BY:**



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TONY ATIENZA  
Director, Budget Services and Financial Planning

Approved as to budget impact statement.

**LOS ANGELES UNIFIED SCHOOL DISTRICT  
SUPERINTENDENT’S RESOLUTION REQUESTING THE BOARD OF EDUCATION  
OF THE  
LOS ANGELES UNIFIED SCHOOL DISTRICT TO REQUIRE  
COVID-19 VACCINATION FOR ELIGIBLE STUDENTS**

WHEREAS, the Los Angeles Unified School District (LAUSD) is both a local educational agency as well as an agency of the state for purposes of implementing educational policy and operation of public schools to safeguard the educational, health and safety needs of Los Angeles Unified’s students and community as a whole within its geographic boundaries;

WHEREAS, LAUSD is charged by law to ensure appropriate public education for all students residing within its boundaries and is obligated to ensure the health and safety of all students within its schools and facilities;

WHEREAS, LAUSD has a constitutional mandate obligation to deliver the highest-quality instruction in the safest environment possible;

WHEREAS, the American Academy of Pediatrics recommend the COVID-19 vaccine for all persons over 12 years of age and stated that “Children learn best when physically present in the classroom. But children get much more than academics at school. They also learn social and emotional skills at school, get healthy meals and exercise, mental health support and other services that cannot be easily replicated online;”

WHEREAS, LAUSD is the second largest school district in the country, enrolling more than 600,000 students from Pre-K through its adult education program, operating approximately 1,200 schools throughout Los Angeles area, overseeing 278 affiliated and independent charter schools within its jurisdiction, and sharing LAUSD facilities with charter schools that serve tens of thousands of students in TK/K through grade 12;

WHEREAS, LAUSD has implemented high standard of multi-layered safety measures including COVID-19 testing, masking, ventilation, screening, high quality sanitation measures, and requirement for all employees to be vaccinated, to mitigate the spread of COVID-19 in the school community;

WHEREAS, the above safety measures are effective at mitigating the spread of COVID-19, but vaccination of all eligible and non-exempt students provide the strongest protection to the health and safety of all students and staff in the LAUSD school communities while further protecting against the disruption to full-time, in-person instruction;

WHEREAS, after closure of all LAUSD school facilities for in-person instruction and distance learning through most of the 2020-2021 school year, LAUSD has returned to full-time, in-person instruction for all students choosing to return to LAUSD school facilities for the 2021-22 school year subject to health and safety mitigation measures;

WHEREAS, the World Health Organization (WHO), United States Centers for Disease Control and Prevention (CDC), and the State of California including the California Department of Public Health (CDPH), and the Los Angeles County Department of Public Health (LACDPH) have recognized that the country, state, and county face a life-threatening pandemic caused by the COVID-19 virus;

WHEREAS, COVID-19 rates increased in July-August of 2021 due to the surge of the Delta variant including increasing rates of COVID-19 cases among school age children;

WHEREAS, in recent weeks, the percentage of children hospitalized after testing positive for COVID-19 has been disproportionately rising, indicating that children are at a greater risk from contracting the Delta variant due to high transmission rates with possibility of long-term symptoms from COVID-19;

WHEREAS, COVID-19 is a material threat to the health and safety of all students within the LAUSD community, and is a further threat to the successful return to continuous in-person instruction;

WHEREAS, several vaccines against COVID-19 have been developed that have been demonstrated to be effective in reducing the spread of COVID-19 as well as the severity of COVID-19 for breakthrough cases, preventing nearly all COVID-19 related hospitalizations; and recent CDC studies indicate that infection and hospitalization rates among unvaccinated persons were 4.9 and 29.2 times, respectively, than those in fully vaccinated persons; and, that authorized vaccines were protective against SARS-CoV-2 infection and severe COVID-19 during a period when transmission of the Delta variant was increasing;

WHEREAS, in light of the effectiveness and safety of the COVID-19 vaccines, the CDC, CDPH, and LACDPH have deemed the vaccine appropriate by unanimously recommending that all eligible persons be vaccinated, including children 12 years of age and older;

WHEREAS, the State Superintendent of Public Instruction and the Los Angeles County Department of Public Health Director support COVID-19 vaccination among all eligible and non-exempt students;

WHEREAS, LAUSD school facilities are shared with students who attend charter schools, which as a condition of occupancy and use are required to comply with, among other things, facilities agreements, applicable laws and regulations, LAUSD policies and practices relating to charter schools, and health, safety, and emergency procedures and requirements applicable to facilities and related operations; and,

WHEREAS, based upon the foregoing, the Superintendent brings forward this Resolution for Board of Education action to adopt the requirement that all eligible, non-exempt LAUSD students and charter school students in co-located LAUSD facilities receive the COVID-19 vaccination as a condition to accessing in-person instruction in order to best ensure the health and safety of all students, staff, and community and best protect against future disruptions to full-time, in-person instruction threatened by the COVID-19 pandemic.



IT IS HEREBY RESOLVED that to ensure the continued delivery of the highest-quality public instruction in the safest environment possible, the Board of Education approves the Superintendent to implement reasonably necessary measures requiring all LAUSD and charter school students on co-located school sites who are eligible to receive the COVID-19 vaccine, excluding those students with qualified and approved exemptions and conditional admissions under LAUSD's existing immunization policies, to become vaccinated against COVID-19 as a mandatory precondition to accessing LAUSD school facilities, as follows:

- All students who are 12 years of age and older and are part of in-person extracurricular programs must receive their first vaccine dose by no later than October 3, and their second dose by no later than October 31, 2021;
- All students who are 12 years of age and older must receive their first vaccine dose by no later than November 21, 2021 and their second dose by no later than December 19, 2021;
- All other students must receive their first vaccine dose by no later than 30 days after their 12<sup>th</sup> birthday, and their second dose by no later than 8 weeks after their 12<sup>th</sup> birthday.

IT IS FURTHER RESOLVED that the Superintendent is given approval by the Board of Education to require all students eligible to receive the COVID-19 vaccine and subject to the timeline outlined above to provide proof of vaccination uploaded and approved in LAUSD's Daily Pass program before January 10, 2022, in order to be permitted on LAUSD school facilities, except for those students with qualified and approved exemptions and conditional admissions.

IT IS FURTHER RESOLVED that the Board of Education approves the Superintendent, to ensure student vaccination records and information are maintained securely and confidentially in accordance with all laws governing the privacy of student health information and other student records.

IT IS FURTHER RESOLVED that the Board of Education and Superintendent are committed to ensuring all students have access to the COVID-19 vaccine and, therefore, the Board of Education directs the Superintendent to implement reasonably necessary measures to ensure equitable student access to the COVID-19 vaccine and provide LAUSD's students and families accurate information about the vaccine.

IT IS FURTHER RESOLVED that the Board of Education directs the Superintendent to monitor LAUSD's testing and vaccination data and determine when to allow an exemption for vaccinated students to LAUSD's current weekly COVID-19 testing requirement.

IT IS FURTHER RESOLVED that the Governing Board of the Los Angeles Unified School District adopts this Resolution as part of LAUSD's policies and practices as they relate to LAUSD and charter schools that are co-located on District sites, and as part of LAUSD's health, safety, and emergency procedures and requirements applicable to facilities and related operations.

ADOPTED, SIGNED and APPROVED by the Board of Education of the Los Angeles Unified School District on the \_\_\_ day of September, 2021, by the following vote:

<b>Board Member</b>	<b>Ayes</b>	<b>Noes</b>	<b>Abstain</b>	<b>Absent</b>
George McKenna				
Monica Garcia				
Scott Schmerelson				
Nick Melvoin				
Jackie Goldberg				
Kelly Gonez				
Tanya Ortiz Franklin				
<b>Total:</b>				

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President of the Board of Education of the  
Los Angeles Unified School District

Attested to:

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Clerk of the Board of Education of the  
Los Angeles Unified School District

# **PIEDMONT UNIFIED SCHOOL DISTRICT**

## **Board Policy**

### **Students**

#### **BP 5141.31**

### **Immunizations**

To protect the health of all students and staff and to curtail the spread of infectious diseases, the Board of Education wishes to cooperate with state and local health agencies to encourage immunization of all district students against preventable diseases.

(cf. 1400 - Relations between Other Governmental Agencies and the Schools)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.23 - Infectious Disease Prevention)

Each student enrolling for the first time in a district school, preschool, or child care and development program or enrolling in or advancing to grade 7 shall present an immunization record from any authorized private or public health care provider certifying that the student has received all required immunizations in accordance with law. Students shall be excluded from school or exempted from immunization requirements only as allowed by law.

(cf. 5112.1 - Exemptions from Attendance)

(cf. 5112.2 - Exclusions from Attendance)

(cf. 5141.32 - Health Screening for School Entry)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

Transfer students shall be requested to present immunization records upon registration at district schools if possible.

(cf. 6173 - Education for Homeless Children)

(cf. 6173.1 - Education for Foster Youth)

(cf. 6173.2 - Education of Children of Military Families)

### Legal Reference:

#### EDUCATION CODE

44871 Qualifications of supervisor of health

46010 Total days of attendance

48216 Immunization and exclusion from attendance

48853.5 Immediate enrollment of foster youth

48980 Required notification of rights

49403 Cooperation in control of communicable disease and immunizations

49426 Duties of school nurses

49701 Flexibility in enrollment of children of military families

51745-51749.6 Independent study  
HEALTH AND SAFETY CODE  
120325-120380 Immunization against communicable disease, especially:  
120335 Immunization requirement for admission  
120372 Statewide medical exemption electronic standardized form  
120395 Information about meningococcal disease, including recommendation for vaccination  
120440 Disclosure of immunization information  
CODE OF REGULATIONS, TITLE 5  
430 Student records; definition  
CODE OF REGULATIONS, TITLE 17  
6000-6075 School attendance immunization requirements  
UNITED STATES CODE, TITLE 20  
1232g Family Educational Rights and Privacy Act  
UNITED STATES CODE, TITLE 42  
11432 Immediate enrollment of homeless children  
CODE OF FEDERAL REGULATIONS, TITLE 34  
99.1-99.67 Family Educational Rights and Privacy

Management Resources:

CALIFORNIA DEPARTMENT OF PUBLIC HEALTH  
Exemptions FAQs  
Guide to Immunization Requirements for Pre-kindergarten (Child Care)  
Guide to Immunization Requirements for K-12th Grade  
Parents' Guide to Immunizations Required for Pre-kindergarten (Child Care)  
Parents' Guide to Immunizations Required for School Entry  
Vaccinations and Medical Exemptions Questions and Answers  
California Immunization Handbook for Pre-kindergarten (Child Care) Programs and Schools,  
10th Edition, July 2019  
EDUCATION AUDIT APPEALS PANEL PUBLICATIONS  
Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting  
U.S. DEPARTMENT OF EDUCATION GUIDANCE  
Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009  
WEBSITES :  
California Department of Education: <http://www.cde.ca.gov>  
California Department of Public Health, Immunization Branch:  
<http://www.cdph.ca.gov/programs/cid/dcdc/pages/immunize.aspx>  
California Department of Public Health, Shots for Schools: <http://www.shotsforschool.org>  
California Health & Human Services Agency: <http://www.chhs.ca.gov/>  
Centers for Disease Control and Prevention: <http://www.cdc.gov>  
Education Audit Appeals Panel: <http://www.eaap.ca.gov>  
U.S. Department of Education: <http://www.ed.gov>

Adopted: November 12, 2014  
Revised: September 22, 2021

## **PIEDMONT UNIFIED SCHOOL DISTRICT**

### **Administrative Regulation**

#### **Students**

#### **AR 5141.31**

#### **Immunizations**

Upon a student's registration at a district school, the Superintendent or designee shall provide the student's parents/guardians a written notice summarizing the state's immunization requirements.

The Superintendent or designee shall not unconditionally admit any student to a district school, preschool, or child care and development program for the first time nor admit or advance any student to grade 7, unless the student has been fully immunized. The student shall present documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6025)

1. Measles, mumps, and rubella
2. Diphtheria, tetanus, and pertussis (whooping cough)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)
7. COVID-19
8. Any other disease deemed appropriate by CDPH

(cf. 5141.22 - Infectious Diseases)

(cf. 5148 - Child Care and Development)

(cf. 5148.3 - Preschool/Early Childhood Education)

(cf. 6170.1 - Transitional Kindergarten)

However, full immunization against hepatitis B shall not be a condition by which the Superintendent or designee shall admit or advance any student to grade 7. (Health and Safety Code 120335)

In the interest of public health, proof of COVID-19 vaccination is required of all age-eligible students.

All age-eligible students, as of September 22, 2021, must receive both vaccine doses by no later than November 17, 2021.

All other students must receive both vaccine doses by no later than 8 weeks after age eligibility.

If Covid-19 vaccinations are not available, the Superintendent has the authority to reasonably extend the Covid vaccination submission deadline. The deadline extension shall be communicated in writing.

Age-eligible unvaccinated students shall be excluded from in-person school and referred to independent study, unless the student is exempt from the COVID-19 vaccination as prescribed by a licensed physician. Age-eligible exempt students will be required to undergo weekly COVID-19 testing at least one time per week.

A student who qualifies for an individualized education program (IEP), unless otherwise exempt, shall be fully immunized in accordance with Health and Safety Code 120335 and this regulation. However, the district shall continue to implement the student's IEP and shall not prohibit the student from accessing any special education and related services required by the student's IEP regardless of whether the student is fully immunized. (Health and Safety Code 120335)

(cf. 6159 - Individualized Education Program)

School personnel shall record information for each student regarding all doses of required immunizations and the status of all requirements in accordance with 17 CCR 6070. The school records shall be based on the student's immunization record provided by the student's health care provider, from the student's previous school immunization record, or through the California Immunization Registry (CAIR). (17 CCR 6070)

## Exemptions

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

1. A medical exemption is submitted using the standardized form developed by CDPH and transmitted using CAIR which includes, but is not limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary. (Health and Safety Code 120372)

A student who has a medical exemption issued prior to January 1, 2020 shall be allowed to continue enrollment until the next grade span, except that after July 1, 2021, a student may not be admitted or advanced to grade 7 unless the student has been immunized or a medical exemption form filed as stated above. (Health and Safety Code 120370)

A temporary exemption shall not exceed one year, and all medical exemptions shall not extend beyond the grade span. (Health and Safety Code 120372)

If a student's medical exemption is revoked by CDPH on the basis that the exemption does not meet applicable criteria for medical exemptions, the student shall continue in attendance and, within 30 calendar days of the revocation, commence the immunization schedule required for conditional admittance pursuant to 17 CCR 6050, as described below. (Health and Safety Code 120372)

The student's parent/guardian may appeal a revocation to the Secretary of California Health and Human Services. If a revocation is appealed, the student shall continue in attendance and shall not be required to commence the immunization schedule required for conditional admittance provided the appeal is filed within 30 calendar days of the revocation. (Health and Safety Code 120372, 120372.05)

2. The student's parent/guardian filed with the district, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to the student's personal beliefs, in which case the student shall be exempted from the immunization until the student enrolls in the next applicable grade span requiring immunization (birth to preschool, grades K-6, grades 7-12). (Health and Safety Code 120335)

(cf. 6141.2 - Recognition of Religious Beliefs and Customs)

When a student transfers to a different school within the district or transfers into the district from another school district in California, the student's personal beliefs exemption filed before January 1, 2016, shall remain in effect until the next applicable grade span. A student transferring from a school outside the district shall present a copy of the personal beliefs exemption upon enrollment. When a student transfers into the district from outside California and presents a personal beliefs exemption issued by another state or country prior to January 1, 2016, the Superintendent or designee may consult with legal counsel regarding the applicable immunization requirements.

3. The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction. (Health and Safety Code 120335)

(cf. 6158 - Independent Study)

### Conditional Enrollment

The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that the student has not received all the immunizations required for the student's age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission. The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses as specified in 17 CCR 6035. (Health and Safety Code 120340; 17 CCR 6035)

(cf. 5145.6 - Parental Notifications)

In addition, a transfer student may be conditionally admitted for up to 30 school days while the student's immunization records are being transferred from the previous school. If such documentation is not presented within 30 days, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6035)

The Superintendent or designee shall immediately enroll homeless students, foster youth, and students of military families even if their immunization records are missing or unavailable at the time of enrollment. School or district staff shall work with the student's prior school to obtain the student's immunization records or shall ensure that the student is properly immunized. (Education Code 48853.5, 49701; Health and Safety Code 120341; 42 USC 11432)

(cf. 6173 - Education for Homeless Children)  
(cf. 6173.1 - Education for Foster Youth)  
(cf. 6173.2 - Education of Children of Military Families)

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, the student shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6040, 6070)

#### Exclusions Due to Lack of Immunizations

If an enrolled student who was previously believed to be in compliance with immunization requirements is subsequently discovered to not be in compliance with requirements for unconditional or conditional admission, the Superintendent or designee shall notify the parent/guardian that evidence of proper immunization or an appropriate exemption must be provided within 10 school days. This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216; 17 CCR 6040)

(cf. 5112.2 - Exclusions from Attendance)  
(cf. 5141.6 - School Health Services)

The Superintendent or designee shall exclude from further attendance an enrolled student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until documentation is provided indicating that the student has received a dose of each required vaccine due at that time. (17 CCR 6040, 6055)

The student shall also be reported to the attendance supervisor or principal.



## Exclusion Due to Exposure to Disease

If the district has good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and the student's documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120370)

## Records

Each student's immunization record shall be retained as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

(cf. 5125 - Student Records)

The district shall also retain in the mandatory student record any physician or health officer statement, personal beliefs letter or affidavit, reason for conditional enrollment, or any other documentation related to the student's immunization record or exemptions.

At least annually, the Superintendent or designee shall file a written report on the immunization status of new students with CDPH and the local department of public health on forms prescribed by CDPH. (Health and Safety Code 120375; 17 CCR 6075)

## Audits

If an audit reveals deficiencies in the district's reporting procedures, the Superintendent or designee shall present the Board with a plan to remedy such deficiencies.

Approved: July 5, 2000  
Revised: June 12, 2002  
Revised: November 12, 2014  
Revised: June 22, 2016  
Revised: September 22, 2021

# Vaccination Roadmap

September 28, 2021





# Why are we recommending mandating vaccines for staff and students?

San Diego Unified is working to ensure the highest-quality instruction in the safest environment possible for all students and employees. Strong scientific evidence shows that vaccinations are an essential part of protecting our communities.

# The Science



- Vaccines are fully approved by FDA only once an extremely high level of confidence that effectiveness and benefits clearly outweigh known or potential risks.
- Vaccine the most *preventive* of all strategies. Unlike masking, ventilation, and testing, vaccination protects students before the virus is introduced into the setting, reducing disease and new mutations.
  - Protects unvaccinated family members and other adults who have and haven't been vaccinated
- School-age children get sick and contribute to new infections. They are the greatest proportion of unvaccinated in US. More children have been hospitalized recently than any previous time during the epidemic
  - *New Variants:* A virus is most likely to mutate when replicating, i.e., with each new infection in a population. Unvaccinated children contribute to new variants.

# UCSD EXPERT PANEL



In addition to protecting children from illness and missing school due to SARS-CoV-2 infection, I fully support a COVID-19 vaccination requirement in schools to minimize disruption in learning that would occur if there are outbreaks in schools. Preventing COVID-19 in children through vaccination will also avoid parents having to take time off work to care for children in isolation or quarantine. Although children are less likely to have symptomatic infection compared to adults, infected school children may introduce the virus into households with family members who are unvaccinated and at risk for severe illness. As equally important members of our community, children need also be vaccinated to achieve herd immunity. As the partner of an elementary school teacher who taught in-person all last year and co-investigator on a research study involving COVID-19 testing San Diego County schools, I can attest to the benefits of masking in schools; however, infections did occur. Therefore, a vaccine requirement for school attendance will add one more layer of protection for the students, staff, teachers and the wider community. **Richard Garfein, PhD, MPH, Div of Infectious Disease & Global Public Health**

I also wholeheartedly support making vaccinations a requirement for in person learning. FDA approval comes with extensive safety checks and the risk/benefit ratio clearly favors vaccination over the risk of symptomatic COVID infections, multisystem inflammatory syndrome, and community spread. This decision would be in line with existing, non-COVID vaccine requirements school children already meet for school and public health safety. On a personal note, both of my kids are attending school in SDUSD. The oldest is already fully vaccinated and the younger one will be vaccinated as soon as it is approved. **Kimberly Brouwer, PhD; Wertheim School of Public Health & Human Longevity Science**

I strongly support the vaccine mandate- our modeling in university settings indicates this will substantially reduce infections and transmissions among the students, as well as, of course, onwards transmission to other household members and the broader community. **Natasha Martin, DPhil; Division of Infectious Disease & Global Public Health**

# UCSD EXPERT PANEL



I'm also strongly in favor of a vaccine mandate for students to go with the one already in place for faculty and staff. It will reduce their risk for disease with its short and long-term clinical implications. It will reduce transmission in schools and protect those who are medically vulnerable despite vaccination. It will reduce absenteeism and the likelihood that schools will need to be closed for outbreaks. It will enable schools to operate more “normally” with sports, field trips and group activities. It will also “mainstream” the policy around COVID. Politically driven COVID “exceptionalism” has resulted in hundreds of thousands of unnecessary deaths, a prolongation of the epidemic with all of its attendant impacts on the economy and has endorsed a broader departure from science-based decision-making in government and society. **Robert (Chip) Schooley, Div of Infectious Disease & Global Public Health**

I strongly support the school district mandating COVID-19 immunizations for all students for in-person learning once a vaccine is approved for the age cohort. This will improve the safety of the learning environment. **Davey Smith, MD, MAS; Chief Division of Infectious Diseases & Global Public Health**

I strongly support the school district mandating COVID-19 immunization for all students for in-person learning once a vaccine is approved for the age cohort. This will help to protect children, teachers and families against COVID-19, will help to achieve herd immunity within the population, and decrease the risk for the development of new SARS-CoV-2 variants. **Stephen Spector, MD; Division of Infectious Diseases, Department of Pediatrics**

I support a mandate. Obviously we mandate many vaccines for school to prevent infectious diseases that are transmitted in schools and COVID clearly is one of these. The non-pharmacologic measures (e.g. masks, ventilation, cohorting) are not going to be sufficient to prevent some transmission. Rates of COVID are going up in children. Consistent with current California law, religious or personal belief exemptions should not be allowed. **Mark Sawyer, MD; Division of Infectious Diseases, Dept of Pediatrics, UCSD**

# Recommendation - Employees

Require District employees, partners, contractors and other adults who work directly with students and district employees on district property to be fully-vaccinated on or before **December 20, 2021\***. This mandate would be a condition of employment and a requirement for contracted services.

\* Employees receive the 2nd dose of Pfizer or Moderna or single Johnson & Johnson shot by this date



# Current Data - Employees

From the San Diego County  
Immunization Registry

**80.7%** of employees received at  
least 1 dose

**76.0%** are fully vaccinated

Employee Impact:

*Snapshot -*

*Wednesday, September 22*

- 27** Staff in **Isolation** due to  
positive COVID-19 test
- 16** Staff in **Quarantine**
- 34** Staff absent due to  
**COVID-19 symptoms**



# Recommended Mandated Vaccine for Employees

**August 23**

Full FDA  
Approval

**October 1**

Notify SDUSD  
Employees

**By December 20**

Administration of 2nd  
Dose of  
Pfizer/Moderna or one  
dose of  
Johnson/Johnson

**September 28**

Board of  
Education  
Meeting

**November 22- 29**

Administration of  
1st Dose: Moderna  
by Nov 22/  
Pfizer by Nov 29

**By January 4**

Peak  
Immunity





# Information for Employees

Require District employees, partners, contractors and other adults who work directly with students and district employees on district property to be fully-vaccinated on or before **December 20, 2021\***. This mandate would be a condition of employment and a requirement for contracted services.\*

*The District may take disciplinary action, up to and including termination for employees who do not comply with this mandate.*

Employees will:

- Be allowed to use up to 2 hour personal business to be vaccinated during their workday
- Be allowed time for vaccine reaction
- Be allowed to take up to 2 hours during their work day to take a dependent minor to be vaccinated.

\*Subject to impacts and effects bargaining



# Second Recommendation - Students

The district's recommendation is a staggered approach to have all eligible\* students vaccinated against COVID-19, as a condition of attending in-person learning. The timeline for requiring the mandated vaccination will be aligned to the full FDA approval. Mandatory testing will be required for all unvaccinated students until full FDA approval of the vaccine for their age group.

\*All students who are eligible for the COVID-19 vaccine are required to be vaccinated, excluding those with qualified exemptions or conditional admissions.

# Current Data - Students

From the San Diego County  
Immunization Registry

Of our students age 12 and older:

**64.6%** of students received at  
least 1 dose

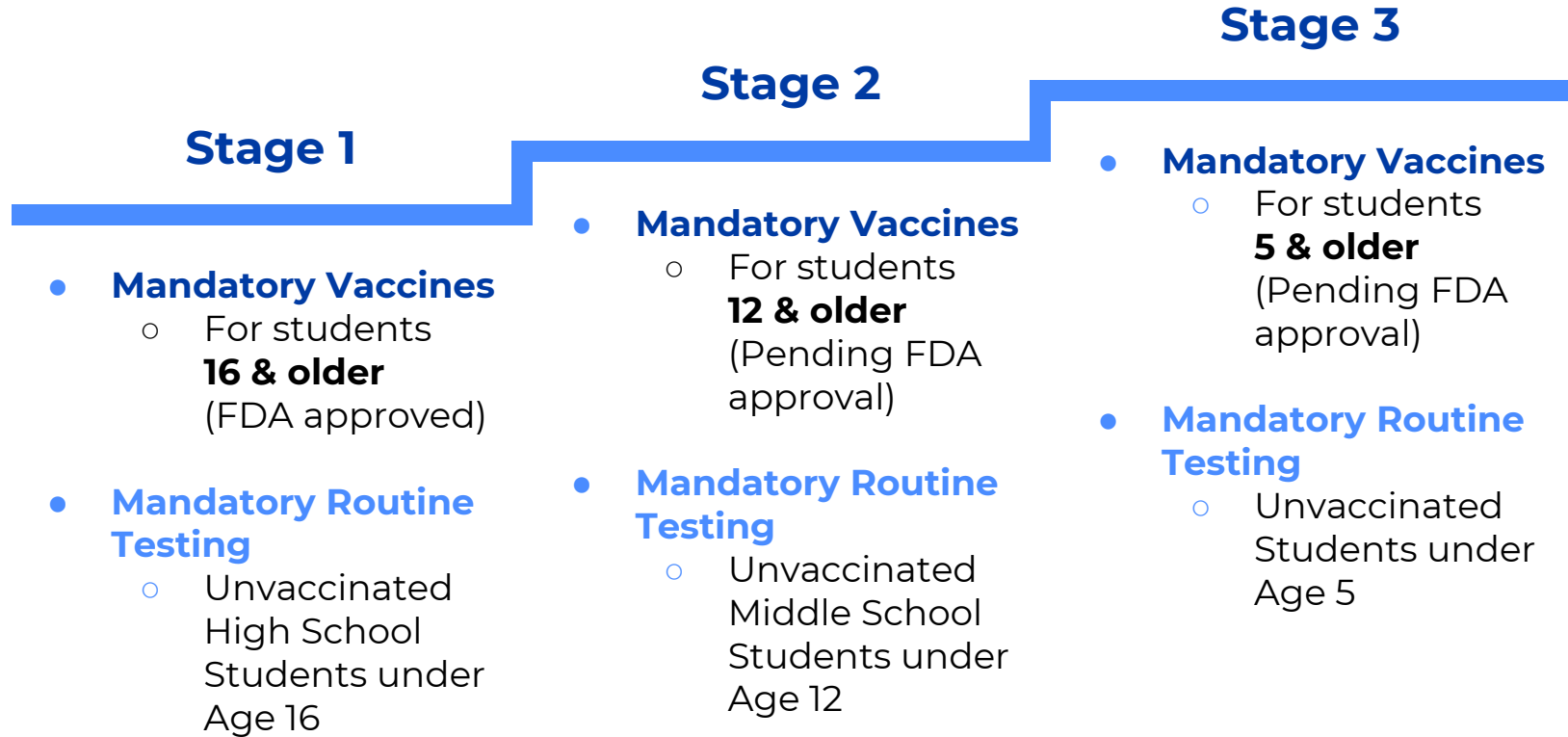
**57.2%** are fully vaccinated

Student Impact:

*Snapshot - Wednesday, September 22*

- ❑ **67** Students **isolating** - positive COVID-19 test
- ❑ **272** Students in **Quarantine**
- ❑ **126** Students in **Modified Quarantine**
- ❑ **887** Students absent due to **COVID-19 symptoms**

# Vaccination\* & Testing Roadmap



\*SDUSD recommends all students be vaccinated during the emergency FDA approval period. Current ages in the emergency FDA approval period are 12-15 year olds.

# Stage 1 - Students Ages 16 & Older

**September 28**

Board of  
Education  
Meeting

**By November 29**

Administration of  
1st Dose

**By January 4**

Phase 1 Peak  
Immunity



**October 1**

Notify SDUSD  
Families

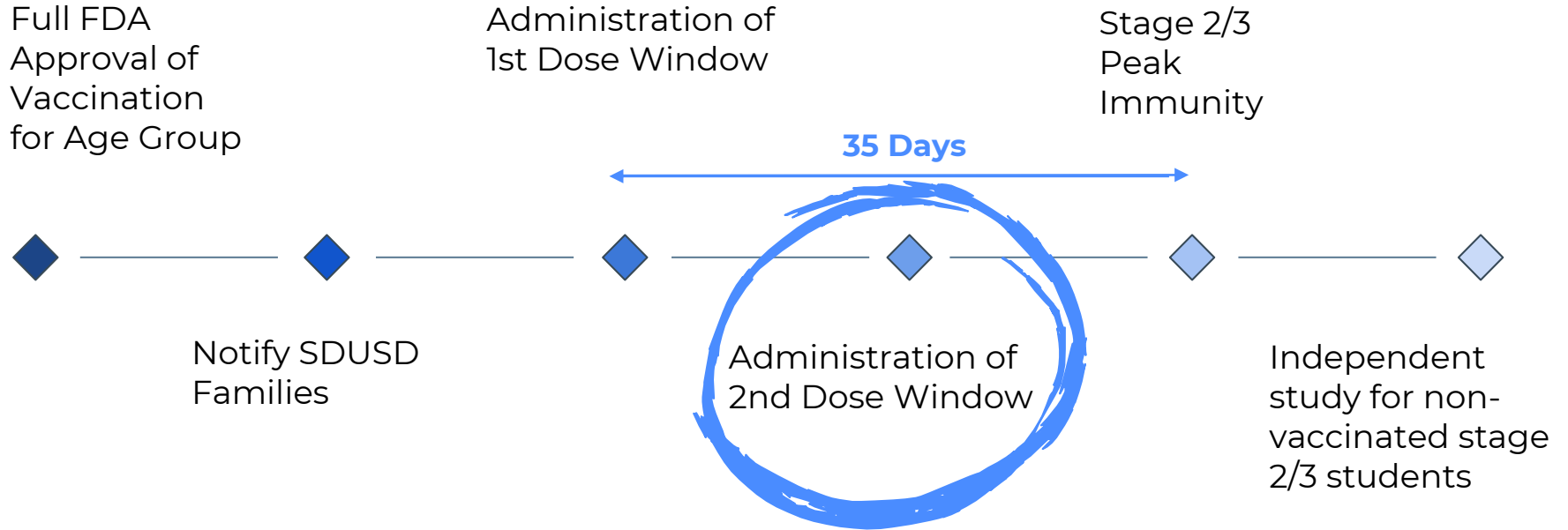
**By December 20**

Administration of  
2nd Dose

**January 21 (Start  
of Spring Semester)**

Independent  
study for non-  
vaccinated Stage  
1 students

# Stages 2-3 Timeline





# Information for Students

Recommend approving the district's staggered approach to have all eligible students vaccinated against COVID-19 pending Full FDA approval.

*Students who are eligible for the vaccine and not vaccinated by established deadlines will be required to participate in independent study programs.*

Students:

- Will require parental consent for all students under the age of 18.
- Will be afforded the opportunity for medical exemptions
- May be conditionally enrolled via in-person learning if they are in one of these groups: foster youth, homeless, migrant, military family, or have an IEP. State law does not recognize religious or personal belief exemptions for student immunizations.
- Who are not vaccinated will not be permitted to participate in extracurricular activities unless the student is below the age range of FDA's full approval or has an exemption.





# Next Steps

- Develop full implementation plan
- Develop an FAQ for Employees and Students
- Communication and outreach to Employees and Families
- Conduct any required impacts and effects bargaining with unions
- Continue Legislative Advocacy



# Board Action

- Require District employees, partners, contractors and other adults who work directly with students and district employees on district property to be fully-vaccinated on or before December 20, 2021. This mandate would be a condition of employment and a requirement for contracted services.
- Approve a staggered approach to have all eligible students vaccinated against COVID-19, as a condition of attending in-person learning. The timeline for requiring the mandated vaccination will be aligned to the full FDA approval. Mandatory testing will be required for all unvaccinated students until full FDA approval of the vaccine for their age group.



Excellence • Equity • Engagement • Enrichment

## BP 5141.3

Approved at the October 6, 2021 BUSD Board of Education Meeting

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### All-Student Vaccine and Testing Policy

By January 3, 2022, all BUSD students aged 12 or over (other than Berkeley Adult School students) shall be fully vaccinated against COVID-19. Students who are not fully vaccinated by that date shall be required to submit to weekly onsite COVID testing, unless the student has a medical exemption from testing. This policy shall only go into effect if sufficient testing is available to accommodate students who opt-out of vaccination.

If the vaccine is authorized by the FDA for 5-11 year olds (including under Emergency Use Authorization), the District shall set a date four months from the date of FDA authorization by which all 5-11 year olds must either be fully vaccinated or participate in weekly testing.

Effective January 3, 2022, proof of vaccination shall be required for attendance for any person aged 12 or over at any indoor extracurricular BUSD event.

By January 3, 2022, all Berkeley Adult School students shall be fully vaccinated against COVID-19, unless the student has a documented medical or religious exemption, as a condition of attending school in person. There shall be no option for weekly testing as a substitute for vaccination in order to attend Berkeley Adult School in person.

Surveillance testing will continue to be an option for vaccinated students when appropriate according to public health guidelines.

### Public Health Campaign and Vaccine Access

The District shall develop a COVID-19 vaccination campaign in partnership with the City of Berkeley Public Health Department and community organizations.

The District shall work with the City of Berkeley Public Health Department to provide vaccination clinics on and/or near school sites. No student shall be deemed ineligible for any activity due to lack of access to the vaccine.

## Definitions

A student is “fully vaccinated” if two weeks have elapsed since their second dose of the vaccine.

The District shall employ the same procedures for evaluating medical or religious exemptions as used for staff policies.

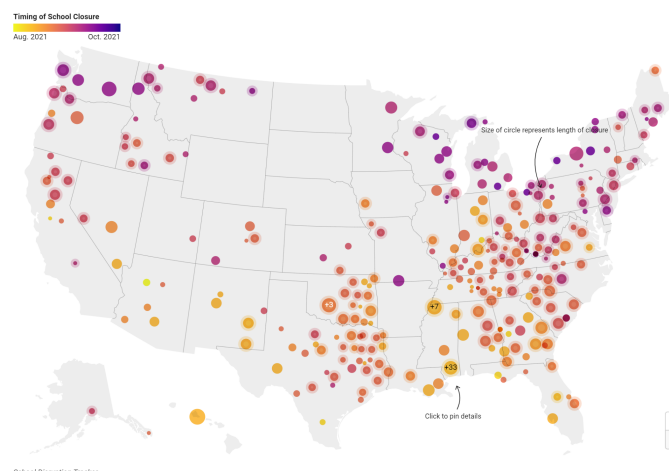


## California Becomes First State in Nation to Announce COVID-19 Vaccine Will Be Added to List of Required School Vaccinations

*Students will be required to be vaccinated for in person learning starting the term following FDA full approval of the vaccine for their grade span (7-12 and k-6).*

### Background

- California continues to lead the nation with the lowest COVID case rate, the lowest death rate, and the most vaccinations administered. The latest CDC data indicate that youth in California are being hospitalized at **less than one-fourth** the rate of states like Florida and **less than one-half** the rate of the nation as a whole.<sup>1</sup>
- This fall, millions of California students returned to their K-12 school classrooms. Thanks to California's nation-leading measures aimed at keeping campuses safe and open, including universal masking, our state has not faced the same number of outbreaks seen in other parts of the country.
- California's schools have been open for nearly a month longer than most other states, but have experienced school closures at a far lower rate. California educates approximately **12%** of students in the nation, but California schools account for approximately **0.5%** of school closures. And those closures have been localized to regions with lower vaccination rates.<sup>2</sup>



<sup>1</sup> <https://covid.cdc.gov/covid-data-tracker/#new-hospital-admissions> (as of 9/28/2021)

<sup>2</sup> <https://cai.burbio.com/school-opening-tracker/> (as of 10/1/2021)

- Educators, public health experts and parents know there is no substitute for in-person instruction, but we also can't pretend the threat of COVID-19 and its variants are completely behind us.
- Schools are stepping up to keep students safe, and to meet their mental health, social-emotional, and academic needs like never before. The vast majority of schools report that **95-100%** of students have opted to return in-person; over **95%** of schools have expanded mental health services; nearly **83%** have expanded academic supports like high-dose tutoring; and over **74%** have expanded after-school programs.<sup>3</sup>
- We continue to urge everyone who is eligible to get vaccinated against COVID-19. Vaccines continue to be the best tool to end this pandemic once and for all. These vaccines are safe and effective, and the data has unequivocally shown that they prevent severe illness and death as a result of COVID-19 – nearly all of those who are ending up in ICU beds and dying are unvaccinated.

### School Vaccine Requirement

- California is taking bold steps to minimize the transmission of COVID-19.
- Governor Gavin Newsom is directing the California Department of Public Health to add the COVID-19 vaccine to other vaccinations required for in-person school attendance—such as measles, mumps, and rubella—pursuant to the Health and Safety Code sections 120325 - 120380.
- This will be accomplished by regulations promulgated pursuant to section 120335(b)(11), which authorizes vaccine requirements for “any other disease deemed appropriate” by CDPH. This is also consistent with the overall intent of the law to achieve “eventual achievement of total immunization” against dangerous childhood diseases. (HSC section 120325(a)).
- COVID-19 vaccine requirements will apply to all “pupil[s] of any private or public elementary or secondary school[s].” (HSC section 120335(b)).
- COVID-19 vaccine requirements will be phased-in by grade span, grades K-6 and 7-12 This will also promote smoother implementation.
- This mandate will be a condition of in-person attendance. (HSC section 120335(f)). A student who is not vaccinated may remain enrolled in independent study, but may not attend in-person instruction.
- Requirements established by regulation, not legislation, must be subject to exemptions “for both medical reasons and personal beliefs.” (HSC section 120338).

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<sup>3</sup> <https://experience.arcgis.com/experience/bf1878e63e294ff1b5c5d490085077ef> (see also <https://schools.covid19.ca.gov/>)

- The Governor has also directed that adults be held to at least the same standards as students for the COVID-19 vaccine. While currently, California requires all K-12 staff to verify their vaccination status or be tested weekly, all staff will be required to be vaccinated no later than when the requirement takes effect for students.<sup>4</sup>
- The current verify-or-test requirement for staff will be converted to a vaccine mandate no later than when the first phase of the student requirement becomes effective.
- Five districts nationwide -- all in California -- have moved forward with a student mandate (in the following order): Culver City Unified; LA Unified; Oakland Unified; Piedmont Unified; and San Diego Unified. Local public health and school officials are encouraged to move forward with their own vaccine requirements.
- While individual counties and schools may accelerate vaccine requirements, the state requirement will create a statewide standard to ensure all staff and students will be vaccinated.

## Timing

- Students will be required to be vaccinated for in person learning starting the term following FDA full approval of the vaccine for their grade span (7-12 and k-6).
- Upon full approval by the Food and Drug Administration (FDA) of a vaccine for age groups within a grade span, CDPH will consider relevant recommendations from the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians prior to implementing a requirement, as required by the Health and Safety Code section 120335(b)(11).
- CDPH will then initiate the rulemaking process, which includes public comment. Regulations promulgated pursuant to that process will also address many of the details of the requirement, including the scope of exemptions, *etc.*
- The regulations will take effect at the start of the following term, meaning either January 1st or July 1st, whichever comes first. (Education Code 37200). This will also give both parents and schools sufficient time to prepare and implement.
- Based on current projections for full approval for ages 12+, we anticipate the requirement would apply to grades 7-12 starting on July 1, 2022.
- Students who are under the age of full approval, but within the grade span, will be required to be vaccinated once they reach the age of full approval (with a reasonable period of time to receive both doses), consistent with existing procedures for other vaccines.

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<sup>4</sup><https://www.gov.ca.gov/2021/08/11/california-implements-first-in-the-nation-measure-to-encourage-teachers-and-school-staff-to-get-vaccinated/>

**RESOLUTION OF THE  
BOARD OF EDUCATION OF THE  
OAKLAND UNIFIED SCHOOL DISTRICT**

**Resolution No. 2122-0012**

**Requiring COVID-19 Vaccination for Students Aged 12 and Over**

**WHEREAS**, the COVID-19 pandemic has tragically claimed the lives of over 600,000 Americans over the last eighteen months;

**WHEREAS**, the Delta variant of the SARS-COV-2 virus that causes COVID-19 has swept across the country, returning infection rates locally and nationally to heights not seen since last winter;

**WHEREAS**, the U.S. Food and Drug Administration (“FDA”) determined that the Pfizer COVID-19 vaccine is safe and effective in children aged 12 and over;

**WHEREAS**, according to Alameda County COVID case data, the rate of infection for unvaccinated individuals during the Delta surge has been approximately triple the rate for those who are vaccinated;

**WHEREAS**, according to a U.S. Centers for Disease Control and Prevention (“CDC”) report, hospitalization rates for COVID-19 were 29 times higher for people who were unvaccinated compared to those who were vaccinated, and vaccinated individuals who do get breakthrough infections with the SARS-COV-2 virus were much more likely to have only mild symptoms;

**WHEREAS**, according to the COVID-19 testing data collected by OUSD, over 40% of confirmed COVID cases at District schools in the first two weeks of school have been at middle and high schools;

**WHEREAS**, according to the CDC, over 9 million children aged 12 to 17 years old nationwide are fully vaccinated against COVID-19;

**WHEREAS**, according to the Alameda County Public Health Department, 54% of young people aged 12-17 in Oakland are fully vaccinated against COVID-19, and 71% have received at least one dose; and

**WHEREAS**, state guidance requires unvaccinated students who have had prolonged contact with someone who has tested positive for COVID-19 to quarantine, while vaccinated students who have had such contact but remain asymptomatic do not have to quarantine, allowing them to continue their in-person studies without constraint.



**THEREFORE BE IT RESOLVED**, for the health and safety of Oakland’s students, families, and staff, the Board of Education (“Board”) hereby requires all students aged 12 and over to be fully vaccinated against COVID-19 except for those exceptions required by law such as the exception for students for whom a physician has recommended against vaccination based on medical circumstances or for those individuals who qualify for a personal belief exemption;

**BE IT FURTHER RESOLVED**, the Board directs the Superintendent to develop a process to determine and track which OUSD students are partially or fully vaccinated against COVID-19;

**BE IT FURTHER RESOLVED**, the Board directs the Superintendent to initiate a COVID-19 vaccination campaign, in partnership with the Alameda County Department of Public Health, as well as with students from the All City Council, Life Academy, Oakland High School’s Public Health Academy, Castlemont High School’s Community Health Equity Academy, Oakland Technical High School’s Health BioTech Academy, and student leadership programs across all of our high schools and middle schools;

**BE IT FURTHER RESOLVED**, the Board urges the Superintendent as part of this vaccination campaign, to establish vaccination thresholds and incentives for each school, such that when the student body achieves a certain percentage of vaccination, they will be rewarded with an incentive;

**BE IT FURTHER RESOLVED**, the Board directs the Superintendent to develop recommendations for enforcement of this vaccination requirement, and to report on such recommendations to the Board no later than October; and

**BE IT FURTHER RESOLVED**, the Board directs the Superintendent to advocate, on behalf of the District, for a statewide requires that all students aged 12 and over be fully vaccinated against COVID-19 and may, at her discretion, utilize the District’s lobbyists, statewide associations, advocacy organizations, any other existing resources or connections available to the District in doing so.

**PASSED AND ADOPTED** by the Board of Education of the Oakland Unified School District this \_\_\_\_ day of \_\_\_\_\_, 2021, by the following vote:

PREFERENTIAL AYE:

PREFERENTIAL NOE:

PREFERENTIAL ABSTENTION:

PREFERENTIAL RECUSE:

AYES:

NOES:

ABSTAINED:

RECUSED:

ABSENT:

**CERTIFICATION**

We hereby certify that the foregoing is a full, true and correct copy of a Resolution passed at a Regular Meeting of the Board of Education of the Oakland Unified School District held on \_\_\_\_\_, 2021.

<b>Legislative File</b>	
File ID Number:	21-2181
Introduction Date:	9/8/2021
Enactment Number:	
Enactment Date:	
By:	

**OAKLAND UNIFIED SCHOOL DISTRICT**

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Shanthi Gonzales  
President, Board of Education

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Kyla Johnson-Trammell  
Superintendent and Secretary, Board of Education