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OAKLAND UNIFIED SCHOOL DISTRICT
Community Schools, Thriving Students

Board Cover Memorandum

To Board of Education

From Mike Hutchinson, Board Member
Shanthi Gonzales, Board Member

Meeting Date January 12, 2022

Subject Amendment to Board Policy 5141.29 - COVID-19 Student Vaccine Requirement

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Ask of the Board Introduction of an amendment to Board Policy 5141.29 - COVID-19 Student Vaccine Requirement as a new legislative matter

Background The Board of Education adopted Board Policy 5141.29 - COVID-19 Student Vaccine Requirement ("BP 5141.29") on October 27, 2021. Among other things, BP 5141.29 requires "[a]ll District students aged 12 and over . . . to be fully vaccinated against COVID-19 as of January 1, 2022 unless otherwise exempted as described herein." With respect to enforcement of this requirement, BP 5141.29 originally stated: "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."

The Board subsequently amended BP 5141.29 to prohibit unenrolling a non-exempt, unvaccinated student until January 31, 2022.

Discussion The proposed amendment would prohibit unenrolling a non-exempt, unvaccinated student until August 1, 2022, at which time the state requirement is expected to take effect. The proposed amendment would also permit enrolling a non-exempt, unvaccinated student at any school in the District until August 1, 2022.

Fiscal Impact Unclear. As of January 3, 2022, District records should more than 3,800 unvaccinated students without an exemption. While that number would likely go down, unenrolling a significant number of students would have a significant fiscal impact on the District.

Attachment(s)

- Amendment to BP 5141.29 - Redline
- Amendment to BP 5141.29 - Clean

OAKLAND UNIFIED SCHOOL DISTRICT
Board Policy

Students

BP 5141.29
COVID-19 Student Vaccine Requirement

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 an all-virtual instructional program with no in-person component (e.g., 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

Starting August 1, 2022, a~~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. No student shall be unenrolled under this Policy prior to August 1~~January 31~~, 2022.

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.

10/27/21; 12/1/21A; 1/26/22A

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