



10/1/21

**TO:** District Superintendents and Charter Administrators

**FROM:** Ted Alejandre

**SUBJECT:** Governor Newsom's Announcement

At a press conference held today at 9:00 a.m. this morning, Governor Newsom announced students attending schools in California will be required to get vaccinated against COVID-19. As the Governor's Office did not make this information available until this morning, we were unaware of this development. However, we will be conferring with our state and local agencies to provide you with the details of the Governor's new mandate.

In the meantime, based on the announcement made by the Governor today, the following information was provided:

- The COVID-19 vaccine will be treated similarly to the ten vaccines on the list already required by California law for students attending K-12 schools.
- This mandate would not apply until COVID-19 vaccines are given full authorization by the FDA, which could come as early as November for children 12 to 17 years old (with authorization for younger children likely in early 2022).
- Depending on the date of full FDA authorization, the Governor is targeting either January 1, 2022 or July 1, 2022 for adding COVID-19 to the list of required vaccines.
- This COVID-19 vaccination requirement will be for students attending school for in-person instruction. A student who is not vaccinated may remain enrolled in independent study but may not attend in-person instruction.
- The COVID-19 vaccination requirement will be implemented utilizing a phased approach:
  - Phase 1: Students in Grades 7-12 (Ages 12+)
  - Phase 2: Students in Grades K-6
- The Governor stated there will be exemptions for the COVID-19 vaccine consistent with current law for vaccines not specifically added to the list by legislation (HSC section 120338):
  - Medical reasons
  - Personal beliefs

(A Fact Sheet with further details has also been attached for your review.)

Please note that this announcement does not change the current CDPH Order requiring vaccination or testing for all K-12 staff working in school facilities by October 15, 2021. But the Governor stated that the testing option would be eliminated for staff in the future so that the vaccination requirements for staff are at least as rigorous as those for students.

We understand this will have a significant impact on our districts and schools across the state and within our county. We will continue to keep you apprised as additional information becomes available. Thank you for your cooperation.

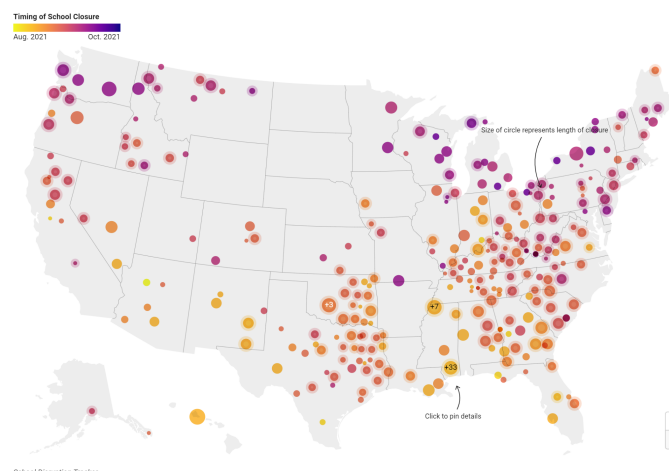


## California Becomes First State in Nation to Announce COVID-19 Vaccine Will Be Added to List of Required School Vaccinations

*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/>