

Board of Education Report

File #: Rep-091-21/22, **Version:** 2

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. All references in this Board Report to “LAUSD and charter school students on co-located LAUSD school facilities” (or similar) means and applies to (1) students attending LAUSD schools, and (2) students attending charter schools on co-located LAUSD school facilities.

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 12th birthday, and their second dose by no later than 8 weeks after their 12th 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:
9/9/2021

RESPECTFULLY SUBMITTED,



MEGAN K. REILLY
Interim Superintendent

APPROVED & PRESENTED BY:



PEDRO SALCIDO
Interim Deputy Superintendent
Office of the Deputy Superintendent

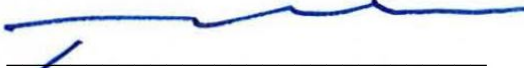
REVIEWED BY:



DEVORA NAVERA REED
General Counsel

Approved as to form.

REVIEWED BY:



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 12th birthday, and their second dose by no later than 8 weeks after their 12th 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.

IT IS FURTHER RESOLVED that all references in this Resolution to “LAUSD and charter school students on co-located LAUSD school facilities” (or similar) means and applies to (1) students attending LAUSD schools, and (2) students attending charter schools on co-located LAUSD school facilities.

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:

Board Member	Ayes	Noes	Abstain	Absent
George McKenna				
Monica Garcia				
Scott Schmerelson				
Nick Melvoin				
Jackie Goldberg				
Kelly Gonez				
Tanya Ortiz Franklin				
Parishi Kanuga (advisory only)				
Total:				

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

Attested to:

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