

**WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT
COVID-19 VACCINATION REQUIREMENT - EMPLOYEE, VOLUNTEER AND
BOARD MEMBER**

WHEREAS, the West Contra Costa Unified School District has a duty to provide a safe and healthy educational environment consistent with COVID-19 public health guidance and requirements to support the health of its students, staff and the community;

WHEREAS, the Centers for Disease Control and Prevention (CDC), the California Department of Public Health (CDPH), and Contra Costa Health Services (CCHS) inform us that vaccination is the most effective way to prevent transmission and limit COVID-19 hospitalizations and deaths and unvaccinated employees and volunteers are at greater risk of contracting and spreading COVID-19;

WHEREAS, the State of California through the Education Code, including but not limited to Education Code section 35160 grants local school district governing boards broad discretion to take any action that is consistent with the purpose of schools and that does not conflict with, or is not otherwise prohibited by other laws of the State;

WHEREAS, the State of California has further authorized and delegated to local school district governing boards the responsibility to cooperate with State and local health officers in measures necessary for the prevention and control of communicable diseases in school settings;

WHEREAS, WCCUSD is responsible for providing access to an appropriate public education for all students residing within its boundaries, and is further responsible to take all appropriate and reasonable actions to protect and promote the health and safety of all students and staff within its schools and facilities;

WHEREAS, on March 4, 2020, the Governor of California declared a State of Emergency due to the outbreak and spread of the COVID-19 virus, this declaration continues to remain in place;

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 virus a world-wide Pandemic;

WHEREAS, on March 13, 2020, the President of the United States issued a proclamation Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID-19) Outbreak, which declaration continues to remain in place;

WHEREAS, on March 16, 2020, the Contra Costa Health Services Agency (CCHSA), along with multiple other county health departments in the Bay Area, issued emergency orders related to COVID-19 outbreak;

WHEREAS, the occurrence of these events constituted an emergency given the sudden, rapid and unexpected emergency and spread of the COVID-19 virus involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, and/or essential public services and this emergency continues;

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 Contra Costa County Health Services Agency (CCHSA) all continue to recognize that the country, state, and county continue to face a life-threatening emergency caused by the COVID-19 pandemic;

WHEREAS, in recognition of this ongoing emergency, the CCHSA has amended its emergency orders to address the evolving nature and new threats posed by COVID-19 variants, including the issuance of a new September 14, 2021, temporary emergency order, effective September 22, 2021, requiring everyone 12 and older to show proof of vaccination or a negative COVID test to enter restaurants, gyms and other indoor businesses;

WHEREAS, WCCUSD is the one of the largest school district employers in the East Bay Area, having over 3,328 certificated and classified employees supporting the more than 26,300 students in grades Pre-K through 12 attending the Districts 56 schools, plus 8 affiliated charter schools within its jurisdiction, and Adult Education programs at multiple sites;

WHEREAS, WCCUSD 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, while the above safety measures are recognized as effective at mitigating the spread of COVID-19, vaccination of all staff, and eligible students, provides the strongest protection to the health and safety of all students, staff and families in the WCCUSD school communities while further protecting against the significant disruption to full-time, in-person instruction;

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

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 rising, indicating that children are at 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 staff and students within the WCCUSD 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 higher, 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 CCHSA have deemed the vaccine appropriate in that each has recommended that all eligible persons be vaccinated, including children 12 years of age and older;

WHEREAS, the State Superintendent of Public Instruction and the Contra Costa Health Services Health Officer support COVID-19 vaccination among all eligible and non- exempt students, including a statement from the Contra Costa County Health Officer in correspondence to the WCCUSD on September 17, 2021, stating in part:

"For the health and safety of your students, staff, families and community, I strongly support the WCCUSD requiring Covid-19 vaccination for all students aged 12 and older *and all district staff*" [emphasis added];

WHEREAS, to best support a safe and healthy educational environment, the WCCUSD will have a vaccine requirement for all adult employees and volunteers.

IT IS HEREBY RESOLVED that to best protect WCCUSD students, staff, volunteers and the community, all District workers and volunteers must, as a condition of employment or continued employment, or as a condition of ongoing volunteer eligibility shall:

1. No later than October 15, 2021, submit proof of their COVID-19 vaccination status (evidence of either the first dose in a two-shot series or the first shot in a single shot series) to the WCCUSD Human Resources Department (HR).
2. No later than November 18, 2021, receive final dose if taking a two-shot series) of a COVID-19 vaccine.
3. No later than December 7, 2021, submit proof of COVID-19 vaccination completion to the WCCUSD Human Resources.
4. Beginning January 3, 2022, employees who fail to meet the vaccination requirement herein may have their pay suspended or be placed on unpaid leave and may face disciplinary consequence up to, and including, termination from employment for failure to get vaccinated and provide proof of vaccination within the time frames set forth above.
5. Beginning January 3, 2022, volunteers who fail to meet the requirement will no longer be eligible to volunteer in the District.

New employees must provide proof of their COVID-19 vaccination as a condition of employment, notwithstanding any offer of employment.

New volunteers at any District site must provide proof of their COVID-19 vaccination as a condition of commencing any volunteer activity with the District at any District site.

A. Exemptions:

Two exemptions are available to District employees under this policy.

1. Medical Exemption:

A medical exemption from the WCCUSD COVID-19 vaccination requirement may only be granted if:

- (a) The employee provides a written statement signed by their licensed physician, licensed nurse practitioner, or other licensed medical professional acting under the license of a physician stating that the individual qualifies for the exemption; and
- (b) The written statement contains *all* of the following:
 - (1) The name, California medical license number, business address, and telephone number of the licensed physician, licensed nurse practitioner, or other medical professional acting under the license of a physician, who issued the medical exemption.
 - (2) The name and address of the employee for whom the exemption is sought.
 - (3) A statement certifying that licensed physician, licensed nurse practitioner, or other medical professional acting under the license of a physician, has conducted a physical examination and evaluation of the employee consistent with the relevant standard of care.
 - (4) Whether the licensed physician, licensed nurse practitioner, or other medical professional acting under the license of a physician, who issued the medical exemption is the employee's primary care physician. If the licensed physician, licensed nurse practitioner, or other medical professional acting under the license of a physician is not the employee's primary care physician, an explanation must be provided as to why the individual is filling out the medical exemption form.
 - (5) A description of the medical basis for which the exemption for the COVID-19 vaccination is sought.
 - (6) Whether the medical exemption is permanent or temporary, including the date upon which a temporary medical exemption will expire.
 - (7) A certification by the licensed physician, licensed nurse practitioner, or other medical professional acting under the license of a physician that the statements and information contained in the form are true, accurate, and complete.

2. Sincerely Held Belief or Religious Belief Exemption:

An employee holding a sincere religious belief, practice, or observance that is contrary to the practice of vaccination, must provide written documentation and information to support an exemption request on the basis of sincerely held beliefs religious beliefs.

Requests for religious exemption will be handled via the Interactive Process described below. However, the constitutionally protected free exercise of religion does not automatically excuse an individual from compulsory health mandates; the right to free exercise of religion is subordinated to society's interest in protecting against the spread of disease. *See Prince v. Massachusetts*, 321 U.S. 158, 166-67 (1944). As a result, even though a vaccine mandate may infringe upon a sincerely held religious belief, it is still valid under the Free Exercise Clause.

B. Processing of Exemption Requests:

Requests for exemption must be submitted prior to October 15, 2021, or prior to commencing work with the District.

Requests for medical and religious exemptions will be processed by the WCCUSD Human Resources Department and will be maintained as confidential information. The requests for an exemption as an accommodation for medical or religious reasons will be determined on a case-by-case basis via an Interactive Process meeting.

The meeting will be scheduled as soon as practicable and will be an opportunity for the employee to provide the District with additional details, as needed, regarding their request for an exemption, as well as an opportunity for the District to determine whether it can reasonably accommodate the employee without causing undue hardship to the District. Any accommodation causing undue hardship, as defined in the law, may be denied.

C. Required Periodic Testing If Exemption Granted:

Employees for whom a medical or religious exemption is granted must be tested for COVID-19 at least once a week with a PCR test. Any PCR test administered must either have Emergency Use Authorization by the U.S. Food and Drug Administration or be operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services. Proof of a negative PCR test must be submitted to Human Resources weekly.

Previous history of COVID-19 from which the employee recovered, or a previous positive antibody test for COVID-19, do not waive this requirement for testing.

All employees, regardless of vaccination status or receipt of a negative PCR test, must continue wear a mask or other approved or required face covering at all times while working indoors in the presence of others.

D. Reporting Requirement:

Employees and volunteers must submit proof of vaccination and vaccination status to the District by October 15, 2021, or for new employees and volunteers, prior to commencing work with the District. The document and status will be kept in a confidential medical file and vaccination status will only be available on a strictly a need-to-know basis, for the purposes of enforcing testing, masking, quarantining or other public health requirements for unvaccinated adults in a school district.

Employees currently on an approved leave of absences must meet all of the requirements herein prior to returning to work.

E. Conflicts:

Where a conflict exists between this Policy and more permissive or restrictive standards pertaining to mandatory vaccinations or testing set forth in the law or between this Policy and any other applicable health order, or this policy and any State Public Health Officer or CDPH or County Health Officer or CCHS guidance pertaining to mandatory vaccinations or testing in response to the COVID-19 pandemic, the more restrictive provision controls.

This policy is subject to change based on future developments as well as guidance or orders from governmental authorities, including, but no limited to, the CDC, CDPH, Cal OSHA and CCHSA.

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