



Board of Education Report

File #: Rep-158-21/22, **Version:** 1

Approval to Delay the Transfer of Students Not in Compliance with the Vaccine Requirement to Online Independent Study; and Application of Student and Employee Vaccine Policy to All LAUSD Authorized Charter Schools

December 14, 2021

Office of the Superintendent

Action Proposed:

1. Approve the delay of the transfer of students not in compliance with the vaccine requirement to Online Independent Study until the beginning of the Fall 2022 semester.
2. Adopt the District's student and employee vaccination policy as a policy applicable to all charter schools authorized by the LAUSD Board of Education regardless of charter school location. The Superintendent (and/or designee(s)) will implement reasonably necessary measures to operationalize the charter Board policy, beginning with the employee requirement at all LAUSD authorized charter schools. The District will obtain input from charter school operators to inform applicable employee vaccination timelines for the LAUSD authorized charter schools that have not had these requirements to date. Further, all LAUSD authorized charter schools (and charter schools authorized by other chartering authorities occupying LAUSD facilities) shall publicly post all applicable COVID-19 vaccination requirements and policies for public access as soon as possible and by no later than January 10, 2022.

Background:

On September 9, 2021, the LAUSD Board of Education adopted a Resolution requiring students attending LAUSD schools, and students attending charter schools 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 fully vaccinated against COVID-19 by December 19, 2021 (or October 31, 2021 if part of in-person extracurricular programs), and to provide proof of COVID-19 vaccination uploaded and approved in LAUSD's Daily Pass program before January 10, 2022, in order to be permitted on LAUSD school facilities. (See Board Report No. Rep-091-21/22, Version 2 and Resolution, adopted September 9, 2021).

As of the first week of December, 164,000 students aged 12 and older (over 85% of eligible students) have added their vaccine records, approved exemptions, or conditional admissions, to the Daily Pass system. Supporting families who may not have had access to the COVID-19 vaccines, or who have not received information enabling them to make an informed choice about vaccinations, remains the top priority for Los Angeles Unified. Accordingly, the District is delaying the transfer of students to online independent study instruction until the beginning of the Fall semester 2022.

This policy update suspending the enforcement of the student vaccine requirement allows Los Angeles Unified to continue to:

- Support the many families who have been vaccinated but are seeking assistance in uploading their records onto the Daily Pass.
- Further improve vaccination rates via accessible school-based clinics, while offering vaccines for students five and older and booster shots for employees.
- Provide ongoing support in communities where students and their families have been hardest hit by illness and the educational, mental health and economic challenges of the pandemic.

- Offer educational opportunities and outreach to families about the vaccine - especially those who remain vaccine-hesitant.
- Strengthen our existing efforts to provide high-quality academic offerings for all of our families, both in-person and online.

The District is also adopting the District's student and employee vaccination policy as a policy applicable to all charter schools authorized by the LAUSD Board of Education regardless of charter school location (including other adults who provide services to or for the charter school). 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 charter school students within its geographic boundaries. LAUSD enrolls more than 600,000 students from Pre-K through its adult education program, operating approximately 1,200 schools throughout Los Angeles area, and authorizing and overseeing 277 affiliated and independent charter schools within its jurisdiction.

Because of the considerable impacts and challenges posed by the COVID-19 pandemic on the education and operations of public schools, on August 13, 2021, the District announced that all District employees will be required to be fully vaccinated against COVID-19 as a condition of continued employment/service. The requirement also applies to District partners, contractors, charter school employees, and other adults who provide services on District property. (Vaccination Compliance Certification forms were distributed to charter school operators to all charter schools on District property pursuant to the policy requirement).

As noted above, on September 9, 2021, the LAUSD Board of Education adopted a Resolution requiring students attending LAUSD schools, and students attending charter schools 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 fully vaccinated against COVID-19 by December 19, 2021 (or October 31, 2021 if part of in-person extracurricular programs), and to provide proof of COVID-19 vaccination uploaded and approved in LAUSD's Daily Pass program before January 10, 2022, in order to be permitted on LAUSD school facilities. (See Board Report No. Rep-091-21/22, Version 2 and Resolution, adopted September 9, 2021). (Vaccination Compliance Certification forms were distributed to charter school operators to all charter schools co-located on District property pursuant to the policy requirement.)

On November 16, 2021, the LAUSD Board of Education, among other actions, affirmed that any policies and procedures applicable to charter schools issued by the Superintendent (or their designee(s)) or the Office of COVID Response related to LAUSD's COVID-19 response efforts for the duration of the COVID-19 pandemic emergency, is part of LAUSD's policies and practices as they relate to charter schools and as part of LAUSD's health, safety, and emergency procedures and requirements applicable to facilities and related operations. (See Board Report No. Rep-117-21/22), Version 2, adopted November 16, 2021).

The policy currently applies to charter school employees and other adults (including, but not limited to, permanent/substitute teachers, aides, staff, administrators, board members and officers, partners, contractors, subcontractors, agents, volunteers, interns, and other representatives, regardless of paid status) who provide services on District property (including, but not limited to, any District-owned or leased property, such as any co-located school site, sole occupant school site, etc.). The District's student vaccination requirement applies to students attending charter schools on co-located LAUSD school facilities.

This Board action extends the employee (including other adults) and student vaccine requirements to all LAUSD- authorized charter schools regardless of whether they are located on a District facility. Accordingly, charter school employees and all charter school students regardless of where the charter school operates will be required to be vaccinated in accordance with the requirements set forth by the Board unless charter school students have approved exemptions and conditional admissions. Further, all LAUSD authorized charter schools (and charter schools authorized by other chartering authorities occupying LAUSD facilities) shall publicly post all applicable COVID-19 vaccination requirements and policies for public access as soon as possible and by no later than January 10, 2022.

Charter schools authorized by the District are required to comply with the terms of the charter, and applicable Board-approved policies. The Board-approved Federal, State, and District Required Language (FSDRL) (previously entitled, District Required Language or DRL), which applies to all independent charter schools, states the following: "Charter School shall comply with all applicable federal, state, and local laws and regulations, and District policies as it relates to charter schools adopted through Board action." (Element 4, "Governance Legal and Policy Compliance.")

Based on ongoing assessment of state and local conditions, risk factors and statistics regarding the pervasive impact of COVID-19 including emerging variants, it is critical that the student and employee vaccine mandate expands to include all LAUSD authorized

charter schools. LAUSD authorizes 277 charter schools (226 independent charter schools and 51 affiliated charter schools). Currently, all charter schools on LAUSD facilities have submitted certification forms that charter school employees and other adults who provide services on District property have received the COVID-19 vaccination. The goal of public safety, including the safety of those in school communities, is to be reached by implementing comprehensive and uniform school-wide, District-wide and community-wide measures to ensure the safety of students and employees within our teaching and learning environments.

The pandemic continues to threaten the health of students, staff, and the broader community as well as to the continued delivery of in-person instruction. Maintaining consistent and uniform vaccine requirements within the LAUSD school communities promotes the health and safety of all students and employees and minimizes disruption to their educational and workplace environments. Further, LAUSD schools and charter schools do not operate in separate educational ecosystems. Students transfer from charter schools to LAUSD schools and vice-versa, families have children who attend charter schools and LAUSD schools, and schools have matriculation patterns with conversion charter schools. Inconsistent vaccine requirements between different systems undermine the health and safety efforts of the District, local, state, and federal agencies to provide for the safest school environments for students and staff and further causes disruption to the educational programs.

Expected Outcomes:

This Board action would approve the delay of the transfer of students not in compliance with the vaccine requirement, aged 12 years and over to online independent study instruction until the beginning of the Fall 2022 semester.

This Board action ensures that uniform and consistent requirements for the student and employee COVID-19 vaccine requirements are in place for the health and safety of all LAUSD schools and LAUSD-authorized charter schools within LAUSD's boundaries. The Superintendent (and/or designee(s)) will implement reasonably necessary measures to operationalize this Board policy including obtaining input from charter school operators to inform applicable timelines for these requirements for LAUSD authorized charter schools that have not these requirements to date. Further, all LAUSD authorized charter schools (and charter schools authorized by other chartering authorities occupying LAUSD facilities) shall publicly post all applicable COVID-19 vaccination requirements and policies for public access as soon as possible and by no later than January 10, 2022. Charter Schools are required to implement the employee vaccine policy and student vaccine policy as aligned with District policy.

Board Options and Consequences:

The Board's approval to delay the transfer of students not in compliance with the vaccine requirement until the beginning of the Fall 2022 semester allows Los Angeles Unified to continue to:

- Support the many families who have been vaccinated but are seeking assistance in uploading their records onto the Daily Pass.
- Further improve vaccination rates via accessible school-based clinics, while offering vaccines for students five and older and booster shots for employees.
- Provide ongoing support in communities where students and their families have been hardest hit by illness and the educational, mental health and economic challenges of the pandemic.
- Offer educational opportunities and outreach to families about the vaccine - especially those who remain vaccine-hesitant.
- Strengthen our existing efforts to provide high-quality academic offerings for all of our families, both in-person and online.

Board approval of the District's employee and student vaccination policy would apply to all charter schools authorized by the LAUSD Board of Education regardless of charter school location. The Superintendent (and/or designee(s)) will implement reasonably necessary measures to operationalize this Board policy, beginning with the employee requirement at all LAUSD authorized charter schools, as noted herein.

Policy Implications:

As a local education agency and agency of the state, LAUSD 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. The District serves as the chartering authority for charter schools approved by the Board of Education, and, as noted above, charter schools shall comply with all applicable federal, state, and local laws and regulations, and District policies as it relates to charter schools adopted through Board action.

Budget Impact:

No budget impact.

Student Impact:

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. Uniform and consistent vaccination rules and requirements are critical in ensuring continued health and safety of the entire school community within LAUSD's boundaries.

Equity Impact:

Not Applicable.

Issues and Analysis:

Charter schools authorized by the District are required to comply with the terms of the charter. The Federal, State, and District Required Language (FSDRL) contained in each charter states the following: "Charter School shall comply with all applicable federal, state, and local laws and regulations, and District policies as it relates to charter schools adopted through Board action." (Element 4, "Governance Legal and Policy Compliance.")

Attachments:

Not Applicable.

Informatives:

Not Applicable.

Submitted:

12/12/2021

RESPECTFULLY SUBMITTED,

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Interim Superintendent

APPROVED & PRESENTED BY:

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