

1 Charles S. LiMandri, SBN 110841  
2 cslimandri@limandri.com  
3 Paul M. Jonna, SBN 265389  
4 pjonna@limandri.com  
5 Mark D. Myers, SBN 235719  
6 mmyers@limandri.com  
7 Jeffrey M. Trissell, SBN 292480  
8 jtrissell@limandri.com  
9 Robert E. Weisenburger, SBN 305682  
10 rweisenburger@limandri.com  
11 Milan L. Brandon II, SBN 326953  
12 mbrandon@limandri.com  
13 LiMANDRI & JONNA LLP  
14 P.O. Box 9120  
15 Rancho Santa Fe, CA 92067  
16 Telephone: (858) 759-9930  
17 Facsimile: (858) 759-9938

Thomas Brejcha, *pro hac vice*\*  
tbrejcha@thomasmoresociety.org  
Peter Breen, *pro hac vice*\*  
pbreen@thomasmorsociety.org  
THOMAS MORE SOCIETY  
309 W. Washington St., Ste. 1250  
Chicago, IL 60606  
Tel: (312) 782-1680  
\*Application forthcoming

*Attorneys for Plaintiffs*

12 UNITED STATES DISTRICT COURT  
13 SOUTHERN DISTRICT OF CALIFORNIA

15 JOHN DOE, an individual; JANE DOE,  
16 individually and as parent and next friend of  
17 JILL DOE, a minor child; and JILL DOE, a  
18 minor child, by and through her next friend,  
19 JANE DOE,

20 Plaintiffs,

21 v.

22 SAN DIEGO UNIFIED SCHOOL  
23 DISTRICT; RICHARD BARRERA, in his  
24 official capacity as Board President; SHARON  
25 WHITEHURST-PAYNE, in her official  
26 capacity as Board Vice President; MICHAEL  
27 MCQUARY, in his official capacity as Board  
28 member; KEVIN BEISER, in his official  
capacity as Board member; SABRINA  
BAZZO, in her official capacity as Board  
member; and LAMONT JACKSON, in his  
official capacity as Interim Superintendent,

Defendants.

Case No.: '21CV1809 L LL

**VERIFIED COMPLAINT  
FOR DECLARATORY,  
INJUNCTIVE, AND  
OTHER RELIEF**



1                   *Today's order should have been needless; the lower courts in these cases*  
 2                   *should have followed the extensive guidance this Court already gave.*

3                   ~*S. Bay United Pentecostal Church v. Newsom*,  
 4                   141 S. Ct. 716, 719 (2021) (Statement of Gorsuch, J.)

## 5                   INTRODUCTION

6           1.     For 115 years, courts have relied on *Jacobson v. Commonwealth of*  
 7     *Massachusetts*, 197 U.S. 11 (1905), to dismiss objections of all stripes to compulsory  
 8     vaccination laws. Whether based on substantive due process, equal protection, or free  
 9     exercise of religion, all objections fail in the face of *Jacobson*. Then, with the  
 10    emergence of the COVID-19 pandemic, in April 2020, the Southern District of  
 11    California became the first venue in the nation to apply *Jacobson* to Free Exercise  
 12    challenges in a pandemic generally—outside the context of compulsory vaccination.

13          2.     This was a jurisprudential error that spread as its own pandemic through  
 14    the federal courts, and which took six emergency trips to the Supreme Court before it  
 15    was effectively stamped out—including five from California and the Ninth Circuit.  
 16    But now, the ghost of *Jacobson* has raised its ugly head again.

17          3.     Ignoring the pleas of thousands of parents, the Board of Education of the  
 18    San Diego Unified School District voted to make vaccination from COVID-19 a  
 19    requirement to attend school. In advance of the Board meeting, the Board made clear  
 20    that no religious exemptions would be allowed for students. Teachers could get a  
 21    religious exemption, in light of Title VII, but not students. Students can get a medical  
 22    exemption, and certain preferred categories of students are not currently bound by  
 23    this mandate, but students cannot get a religious exemption.

24          4.     The Supreme Court made crystal clear in its six emergency orders that  
 25    governments cannot justify burdens on the free exercise of religion through appeals  
 26    to an “emergency,” and courts can no longer rely on *Jacobson* as good law in the Free  
 27    Exercise context. But California officials have apparently not learned the lesson.  
 28    Disfavored religious minorities are not second-class citizens. Thus, Plaintiffs bring



1 this action, presenting both facial and as-applied challenges to San Diego Unified  
2 School District's vaccination mandate under the Free Exercise clause of the First  
3 Amendment.

#### 4 **JURISDICTION AND VENUE**

5 5. This action arises under 42 U.S.C. § 1983 in relation to Defendants'  
6 deprivation of Plaintiffs' constitutional rights to freedom of religion under the First  
7 Amendment to the U.S. Constitution. Accordingly, this Court has federal question  
8 jurisdiction under 28 U.S.C. §§ 1331 and 1343.

9 6. This Court has authority to award the requested declaratory relief under  
10 28 U.S.C. § 2201; the requested injunctive relief and damages under 28 U.S.C.  
11 § 1343(a); and attorneys' fees and costs under 42 U.S.C. § 1988 and Cal. Code Civ.  
12 Proc. § 1021.5.

13 7. The Southern District of California is the appropriate venue for this  
14 action pursuant to 28 U.S.C. §§ 1391(b)(1) and (2) because it is the District in which  
15 Defendants maintain offices, exercise their authority in their official capacities, and  
16 will enforce their Vaccination Roadmap; and it is the District in which substantially  
17 all of the events giving rise to the claims occurred.

#### 18 **THE PARTIES**

19 8. Plaintiff John Doe is the parent and legal guardian of Jill Doe, a minor,  
20 who is a 16-year-old Junior enrolled at Scripps Ranch High School within the San  
21 Diego Unified School District. Plaintiff John Doe is suing on his own behalf. At all  
22 relevant times, Plaintiff John Doe resided within the County of San Diego.

23 9. Plaintiff Jane Doe is the parent and legal guardian of Jill Doe, a minor,  
24 who is a 16-year-old Junior enrolled at Scripps Ranch High School within the San  
25 Diego Unified School District. Plaintiff Jane Doe is suing on her own behalf and on  
26 behalf of Jill Doe as her next friend. At all relevant times, Plaintiff Jane Doe resided  
27 within the County of San Diego.

28 ///



1           10. Plaintiff Jill Doe is a 16-year old minor child and a Junior enrolled at  
2 Scripps Ranch High School within the San Diego Unified School District. Plaintiff Jill  
3 Doe is suing through her next friend, Jane Doe. At all relevant times, Plaintiff Jill Doe  
4 resided within the County of San Diego.

5           11. Defendant San Diego Unified School District (“SDUSD”) is a public  
6 entity established and organized under California law and subject to the restrictions  
7 of the United States Constitution. SDUSD may sue and be sued in its own name.

8           12. Defendant Richard Barrera, at all relevant times, was President of the  
9 Board of Education for SDUSD acting under color of state law. The Board of  
10 Education (“Board”) is SDUSD’s governing body and is responsible for creating,  
11 adopting, and implementing its policies, practices, customs, acts, and omissions,  
12 including the challenged policies, practices, and procedures set forth in this  
13 Complaint. Defendant Barrera is sued in his official capacity.

14           13. Defendant Sharon Whitehurst-Payne, at all relevant times, was Board  
15 Vice President for SDUSD acting under color of state law. Defendant Whitehurst-  
16 Payne is sued in her official capacity.

17           14. Defendant Michael McQuary, at all relevant times, was a Board member  
18 for SDUSD acting under color of state law. Defendant McQuary is sued in his official  
19 capacity.

20           15. Defendant Kevin Beiser, at all relevant times, was a Board member for  
21 SDUSD acting under color of state law. Defendant Beiser is sued in his official  
22 capacity.

23           16. Defendant Sabrina Bazzo, at all relevant times, was a Board member for  
24 SDUSD acting under color of state law. Defendant Bazzo is sued in her official  
25 capacity.

26           17. Defendant Lamont Jackson, at all relevant times, was the Interim  
27 Superintendent of SDUSD. Defendant Jackson is responsible for creating, adopting,  
28 and implementing SDUSD policies, practices, customs, and acts, including the



1 challenged policies, practices, and procedures set forth in this Complaint. Defendant  
2 Jackson is sued in his official capacity.

### 3 FACTUAL ALLEGATIONS

#### 4 A. INTRODUCTION

5 18. In early 2020, a novel coronavirus called SARS-CoV-2, which causes the  
6 disease COVID-19, emerged on American shores. Fear of COVID-19 gripped  
7 California, the nation, and the world. On March 4 and 13, 2020, both former  
8 President Donald J. Trump and Governor Gavin Newsom proclaimed a State of  
9 Emergency as a result of the threat of the emergence of COVID-19.<sup>1</sup> The coronavirus  
10 outbreak turned the world upside-down, causing profound damage to the lives of all  
11 Americans and to the national economy.

12 19. In response to the virus, many states imposed “stay-at-home” orders to  
13 “flatten the curve” of the spread of the virus. In the vast majority of states, these stay-  
14 at-home orders protected the constitutional rights of churches and religious believers  
15 during the coronavirus pandemic. Those states recognized that, during this pandemic,  
16 Americans need the Spirit of Almighty God even more to help them weather these  
17 dark times—and that this need is no less “essential” than any other need.

18 20. In other states, the government treated religious beliefs and practices as  
19 mere entertainment—or a disposable pastime—that must bend to the “real” needs  
20 of the moment. After six emergency strips to the Supreme Court, that court  
21 unequivocally held that the former states had it right.<sup>2</sup>

---

22 <sup>1</sup> President Donald J. Trump, *Proclamation on Declaring a National Emergency*  
23 *Concerning the Novel Coronavirus Disease (COVID-19) Outbreak* (Mar. 13, 2020),  
24 <https://bit.ly/3aYrQHH>; Governor Gavin Newsom, *Proclamation of a State of*  
25 *Emergency* (Mar. 4, 2020), [https://www.gov.ca.gov/wp-content/uploads/2020/03/](https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf)  
26 [3.4.20-Coronavirus-SOE-Proclamation.pdf](https://www.gov.ca.gov/wp-content/uploads/2020/03/3.4.20-Coronavirus-SOE-Proclamation.pdf).

27 <sup>2</sup> *Roman Cath. Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020); *Harvest Rock*  
28 *Church, Inc. v. Newsom*, 141 S. Ct. 889 (2020); *S. Bay United Pentecostal Church v.*  
*Newsom*, 141 S. Ct. 716 (2021); *Gish v. Newsom*, 141 S. Ct. 1290 (2021); *Gateway City*



21. Fundamental and unalienable rights are, by their very nature, “essential”—they are the essential rights which led to the founding of this country and this state. For more than four hundred years, people have come to America in a quest for religious freedom. Like the Puritans, most of these pilgrims were fleeing religious persecution in Europe. They understood that “[n]o place, not even the unknown, is worse than *any* place whose state forbids the exercise of your sincerely held religious beliefs.” *On Fire Christian Ctr., Inc. v. Fischer*, 453 F. Supp. 3d 901, 906 (W.D. Ky. 2020).

### **B. THE ABORTION TAINT OF THE COVID-19 VACCINES**

22. Within the past year, the U.S. Food and Drug Administration approved three COVID-19 vaccines for emergency use in the United States. These vaccines—in order of approval—were produced by Pfizer-BioNTech (Dec. 11, 2020),<sup>3</sup> Moderna (Dec. 18, 2020),<sup>4</sup> and Janssen Biotech, a subsidiary of Johnson & Johnson (Feb. 27, 2021).<sup>5</sup> The Pfizer vaccine was approved for emergency use with individuals age 16 and up, but the Moderna and Johnson & Johnson vaccines were only approved for individuals age 18 and up.

///

///

---

*Church v. Newsom*, 141 S. Ct. 1460 (2021); *Tandon v. Newsom*, 141 S. Ct. 1294 (2021).

<sup>3</sup> U.S. Food & Drug Administration, *Comirnaty and Pfizer-BioNTech COVID-19 Vaccine* (Sep. 24, 2021 update), <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/comirnaty-and-pfizer-biontech-covid-19-vaccine>.

<sup>4</sup> U.S. Food & Drug Administration, *Moderna COVID-19 Vaccine* (Aug. 31, 2021 update), <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/moderna-covid-19-vaccine>.

<sup>5</sup> U.S. Food & Drug Administration, *Janssen COVID-19 Vaccine* (Sep. 29, 2021 update), <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/janssen-covid-19-vaccine>.



23. In the following months, approval of use of the Pfizer vaccine has expanded. On May 10, 2021, emergency use of the Pfizer vaccine was expanded to include children age 12 and up, and on August 23, 2021, full approval was granted for the Pfizer vaccine for individuals age 16 and up.<sup>6</sup> The Moderna and Johnson & Johnson vaccines remain available solely for adults on an emergency basis.

24. All three of these vaccines have been manufactured or tested using material derived from stem cell lines from aborted fetuses.<sup>7</sup> Making the vaccines in this manner was a grave oversight by the U.S. government and the pharmaceutical industry in light of many Americans' belief that abortion is a grave evil in which they cannot participate, and from which they cannot benefit, even remotely.

### C. THE VACCINATION MANDATES

25. Despite the morally problematic nature of the currently available COVID-19 vaccines, on August 18 and September 9, 2021, respectively, Culver City Unified School District and Los Angeles Unified School District mandated that all students receive a COVID-19 vaccination in order to attend in-person classes. This sparked a closed-door session of the SDUSD Board of Education, on September 15, 2021, to consider a similar mandate.<sup>8</sup>

26. As a result of this closed-door session, the next day, September 16, 2021, SDUSD proposed holding a public board meeting to discuss imposing a COVID-19

---

<sup>6</sup> Press Release, U.S. Food & Drug Administration, FDA Approves First COVID-19 Vaccine (Aug. 23, 2021), <https://www.fda.gov/news-events/press-announcements/fda-approves-first-covid-19-vaccine>.

<sup>7</sup> David Prentice, Ph.D., *Update: COVID-19 Vaccine Candidates and Abortion-Derived Cell Lines*, CHARLOTTE LOZIER INST. (Jun. 2, 2021 update), <https://lozierinstitute.org/update-covid-19-vaccine-candidates-and-abortion-derived-cell-lines/>.

<sup>8</sup> Rory Devine, *San Diego Unified Mulls Vaccine Mandate for Students, Staff*, NBC 7 SAN DIEGO (Sep. 15, 2021), <https://www.nbcsandiego.com/videos/san-diego-unified-mulls-vaccine-mandate-for-students-staff/2717893/>.



1 vaccination mandate.<sup>9</sup> And the day after that, September 17, Urban Discovery  
 2 Schools—a charter school in East Village, San Diego—imposed its own COVID-19  
 3 vaccination mandate.<sup>10</sup>

4 27. Following this, many other school districts began contemplating  
 5 mandating vaccination from COVID-19 to attend school in person, including Oakland  
 6 Unified School District, Piedmont Unified School District, and Hayward Unified  
 7 School District—all in Alameda County. From all of these, only Oakland broke the  
 8 trend and allowed students to opt out of vaccination due to personal or religious  
 9 beliefs.<sup>11</sup>

10 28. The SDUSD Board of Education scheduled its open meeting to discuss  
 11 imposing a COVID-19 vaccine mandate for Tuesday, September 28, 2021 at 5:00 pm.  
 12 In advance of that meeting, SDUSD Board President Beiser shared Interim  
 13 Superintendent Jackson’s proposed Vaccination Roadmap (Ex. 1),<sup>12</sup> and in interviews  
 14 made clear that no religious objection would be considered.<sup>13</sup>

---

15  
 16 <sup>9</sup> *San Diego Unified to publicly discuss potential vaccine mandate for eligible students*,  
 17 KUSI NEWS (Sep. 16, 2021), <https://www.kusi.com/san-diego-unified-to-publicly-discuss-potential-vaccine-mandate-for-eligible-students/>.

18 <sup>10</sup> *Urban Discovery Schools in San Diego Mandate COVID-19 Vaccines for Students Age*  
 19 *12+*, NBC 7 SAN DIEGO (Sep. 23, 2021), <https://www.nbcsandiego.com/news/local/urban-discovery-schools-in-san-diego-mandate-covid-19-vaccines-for-students-age-12/2726286/>.

21 <sup>11</sup> Sasha Hupka, *Can California School Districts Independently Mandate COVID-19*  
 22 *Vaccines For Students?*, CAPRADIO (Sep. 29, 2021), <https://www.capradio.org/articles/2021/09/29/can-california-school-districts-independently-mandate-covid-19-vaccines-for-students/>.

24 <sup>12</sup> San Diego Unified School District, *Vaccination Roadmap* (Sep. 28, 2021),  
 25 [https://go.boarddocs.com/ca/sandi/Board.nsf/files/C797R4004A4C/\\$file/Vaccine](https://go.boarddocs.com/ca/sandi/Board.nsf/files/C797R4004A4C/$file/Vaccine%20Mandate%20Plan.pdf)  
 26 [%20Mandate%20Plan.pdf](https://go.boarddocs.com/ca/sandi/Board.nsf/files/C797R4004A4C/$file/Vaccine%20Mandate%20Plan.pdf).

27 <sup>13</sup> Allie Raffa, *San Diego Unified School District to Vote on Vaccine Mandate For*  
 28 *Students, Staff*, NBC 7 SAN DIEGO (Sep. 26, 2021), <https://www.nbcsandiego.com/>



29. According to that Vaccination Roadmap, all eligible students—i.e., students in an age group for which there is a fully FDA approved COVID-19 vaccine, currently ages 16 and up—must be fully vaccinated by December 20, 2021. The only vaccine available to students is a double-dose vaccine, which requires the first dose be taken by November 29. (*See* Ex. 1 at pp. 8, 13.) As soon as the FDA approves vaccines for children ages 12 and up, and then children ages 5 and up, SDUSD will inform the parents of students that they must get their children vaccinated to continue attending school in-person. (*See* Ex. 1 at pp. 12, 14.)

30. Despite these requirements, according to that Vaccination Roadmap children “in one of these groups: foster youth, homeless, migrant, military family, or have an IEP,” need not get a COVID-19 vaccination at this time, and “[m]ay be conditionally enrolled via in-person learning[.]” (Ex. 1 at p. 15.)

31. For those students, SDUSD officials have the discretion to craft a unique requirement for them. For example, for students with an IEP, if they are not on SDUSD property for too long, they may be exempt from vaccination. For foster youth and homeless youth, SDUSD officials can extend the time for them to get vaccinated based on their own personal circumstances.<sup>14</sup>

32. In the very next sentence, the Vaccination Roadmap states that religious faith will not be considered a valid basis for an exemption: “State law does not recognize religious or personal belief exemptions for student immunizations.” (Ex. 1 at p. 15.)

///

///

news/local/san-diego-unified-school-district-to-vote-on-vaccine-mandate-for-students-staff/2728805/.

<sup>14</sup> San Diego Unified School District, *San Diego Unified School District, Board of Education Meeting*, YOUTUBE at 3:32:30–35:15 (Sep. 28, 2021), <https://youtu.be/ve3YmKiOoY8?t=12750>.



33. On September 28, 2021, the SDUSD Board of Education held its open meeting to discuss imposing a COVID-19 vaccine mandate.<sup>15</sup> The vaccine requirement was Agenda Item H.3. (Ex. 2.)<sup>16</sup> Strangely, that meeting was held virtually even though there are currently no limitations on large gatherings, and no safety reason to limit them. However, this is probably explained best by the fact that approximately 1,651 parents signed up to speak in opposition to the COVID-19 vaccine mandate.<sup>17</sup>

34. At the meeting, non-voting Student Board Member Zachary Patterson offered an amendment to the Vaccination Roadmap to require COVID-19 vaccination for children ages 12 and up, regardless of full FDA approval, and in line with some other school districts.<sup>18</sup> However, upon receiving push-back from other members of the Board, this proposed amendment was tabled for a month to be discussed at the October 26, 2021 meeting.<sup>19</sup>

35. At the end of the meeting, the Board voted unanimously to approve the vaccination mandate.<sup>20</sup> The next day, September 29, 2021, SDUSD issued a press release (Ex. 3),<sup>21</sup> sent a letter to all parents (Ex. 4),<sup>22</sup> and updated their FAQ page (Ex. 5),<sup>23</sup> all to update the public about its new mandate.

---

<sup>15</sup> YOUTUBE, *supra* n.14, <https://www.youtube.com/watch?v=ve3YmKiOoY8>.

<sup>16</sup> San Diego Unified School District, *Agenda Item Details # H.3*, BOARDDOCS (Sep. 28, 2021), <https://go.boarddocs.com/ca/sandi/Board.nsf/goto?open&id=C797QH82AB01>.

<sup>17</sup> YOUTUBE, *supra* n.14, at 2:17:59, <https://youtu.be/ve3YmKiOoY8?t=8279>.

<sup>18</sup> YOUTUBE, *supra* n.14, at 3:46:46, <https://youtu.be/ve3YmKiOoY8?t=13606>.

<sup>19</sup> YOUTUBE, *supra* n.14, at 3:55:44, <https://youtu.be/ve3YmKiOoY8?t=14144>.

<sup>20</sup> YOUTUBE, *supra* n.14, at 4:04:37, <https://youtu.be/ve3YmKiOoY8?t=14677>.

<sup>21</sup> Press Release, San Diego Unified School District, San Diego Unified to Require COVID-19 Vaccines (Sep. 29, 2021), <https://sandiegounified.org/about/newscenter/>



36. A few days later, on Friday, October 1, 2021, Governor Newsom decided to dictate via executive fiat that all public school students must be vaccinated against COVID-19 in order to attend any school—whether public or private. (Ex. 6.)<sup>24</sup> However, Governor Newsom acknowledged that because he was promulgating this rule via executive fiat and administrative rule—not legislative change—it was subject to exemptions “for both medical reasons and personal beliefs.” (Ex. 7 (quoting Cal. Health & Saf. Code § 120338).)<sup>25</sup>

37. On October 12, 2021, a coalition of parents filed a lawsuit in San Diego County Superior Court, alleging that SDUSD’s vaccination mandate violated many provisions of California law. These arguments include that SDUSD’s local mandate is preempted by state-wide law, which occupies the field, and violates several provisions of the California Constitution.<sup>26</sup>

---

all\_news/san\_diego\_unified\_to\_require\_covid-19\_vaccines.

<sup>22</sup> Letter from San Diego Unified School District to San Diego Unified Families (Sep. 29, 2021), <https://drive.google.com/file/d/1j3iWGAmour-NGqomJ7GSj-Xxa9DfMj3/view>.

<sup>23</sup> San Diego Unified School District, *Back to School FAQ*, <https://sandiegounified.org/cms/One.aspx?portalId=27732478&pageId=35471525#Vaccines>.

<sup>24</sup> Press Release, Office of Governor Gavin Newsom, California Becomes First State in Nation to Announce COVID-19 Vaccine Requirements for Schools (Oct. 1, 2021), <https://www.gov.ca.gov/2021/10/01/california-becomes-first-state-in-nation-to-announce-covid-19-vaccine-requirements-for-schools/>.

<sup>25</sup> *California Becomes First State in Nation to Announce COVID-19 Vaccine Will Be Added to List of Required School Vaccinations*, GET VACCINATED CALIFORNIA (Oct. 1, 2021), <https://www.gov.ca.gov/wp-content/uploads/2021/10/California-Becomes-First-State-in-Nation-to-Announce-COVID-19-Vaccine-to-List-of-Required-School-Vaccinations.pdf>.

<sup>26</sup> *Let Them Choose v. San Diego Unified School District*, S.D. Cnty. No. 37-2021-00043172-CU-WM-CTL (Cal. Super. Oct. 12, 2021).



38. Since that time, SDUSD has not updated any of its public documents to indicate that it will allow a religious exemption.

#### **D. THE DOE FAMILY**

39. Mr. and Mrs. Doe, and their daughter Jill Doe, are bringing this case to protect each of their Free Exercise rights. Jill Doe is a junior enrolled at Scripps Ranch High School within the San Diego Unified School District. Jill Doe is 16 years old and has played multiple sports for Scripps Ranch High School.

40. Jill Doe's faith prevents her from taking any of the currently available COVID-19 vaccinations due to their taint with aborted fetal cells. As a result, according to SDUSD's vaccination mandate, she must either abandon her faith or enroll in independent, online study at SDUSD. Mr. and Mrs. Doe share Jill Doe's religious beliefs.

41. Jill Doe is a preeminent athlete. She is looking forward to her sports season this winter because she hopes to draw the attention of college recruiters. Jill Doe believes that, with a good season, she can earn a sports scholarship. However, SDUSD's vaccination mandate also requires that she either abandon her faith or abandon extracurricular sports at Scripps Ranch—dooming any chances at a sports scholarship.

42. The Doe family attends a Christian church in San Diego County. The Does' faith tradition recognizes the morally problematic nature of the currently available COVID-19 vaccines. Therefore, the Does cannot take any of the currently available COVID-19 vaccines without violating their sincere religious beliefs. Many other Christian faith traditions have similar objections to the COVID-19 vaccines.<sup>27</sup>

---

<sup>27</sup> See, e.g., The National Catholic Bioethics Center, *Vaccine Exemption Resource for Individuals* (Jul. 21, 2021), <https://static1.squarespace.com/static/5e3ada1a6a2e8d6a131d1dcd/t/60f85922ae6a2d324b74741e/1626888482625/NCBC+Vaccine+Exemption+Resource+updated.pdf>; Colorado Catholic Conference, *A letter from the bishops of Colorado on COVID-19 vaccine mandates*, DENVER CATHOLIC (Aug. 6, 2021),



43. In the past five years especially, Jill Doe's faith has significantly deepened. She is firmly pro-life and accepts her faith's teaching that she cannot participate in the horror of abortion in any way. In the past year, the COVID-19 pandemic has only deepened her faith, teaching her that life is short and precious, and that she must stand up every day for her faith.

44. Last spring, Jill Doe and several others were exposed to an individual who tested positive for COVID-19. All of the other individuals in the group quickly contracted COVID-19, but Jill Doe never got sick and never tested positive. Confused by this, Jill Doe took an antibody test which showed that she had already contracted the virus much earlier. Thus, Jill Doe has natural immunity that is sufficiently potent to prevent her from catching and spreading COVID-19 even when those immediately around her contract it.

45. Plaintiffs request leave to proceed pseudonymously for fear of retaliation and harassment by SDUSD officials, teachers, or students. Similar requests have recently been granted in similar cases. *Dr. A. v. Hochul*, No. 1:21-CV-1009, 2021 WL 4734404, at \*11 (N.D.N.Y. Oct. 12, 2021).

## FIRST CLAIM FOR RELIEF

### Free Exercise Clause of First Amendment to U.S. Constitution

*(By all Plaintiffs against All Defendants)*

46. Plaintiffs incorporate by reference all allegations contained in the preceding paragraphs as though fully set forth herein.

47. The First Amendment to the U.S. Constitution provides that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof[.]" U.S. Const., amend. I. This Free Exercise clause applies to the

---

<https://denvercatholic.org/a-letter-from-the-bishops-of-colorado-on-covid-19-vaccine-mandates/>; Catherine Ruth Pakaluk, Ph.D., et al., *Statement of Conscience to Awaken Conscience* (Mar. 2021), <https://mailchi.mp/7742dd12483f/statement-of-conscience-to-awaken-conscience>.



1 states through the Due Process Clause of the Fourteenth Amendment. *Cantwell v.*  
 2 *Connecticut*, 310 U.S. 296 (1940).

3 48. Under the Free Exercise clause, if “challenged restrictions are not  
 4 ‘neutral’ and of ‘general applicability,’ they must satisfy ‘strict scrutiny,’ and this  
 5 means that they must be ‘narrowly tailored’ to serve a ‘compelling’ state interest.”  
 6 *Roman Cath. Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 67 (2020).

7 49. A regulation is not “neutral” and “generally applicable” if the  
 8 government “openly impose[s] more stringent regulations on religious institutions  
 9 than on many businesses.” *S. Bay United Pentecostal Church v. Newsom*, 141 S. Ct.  
 10 716, 717 (2021) (Statement of Gorsuch, J.).<sup>28</sup> In that context, there is no need to  
 11 assess “whether a law reflects ‘subtle departures from neutrality,’ ‘religious  
 12 gerrymander[ing],’ or ‘impermissible targeting’ of religion.” *Id.* (cleaned up).  
 13 However, if “statements made in connection with the challenged rules can be viewed  
 14 as targeting” religion, that is also evidence that the regulation is not “neutral.”  
 15 *Roman Cath. Diocese*, 141 S. Ct. at 66.

16 50. Stated differently, “government regulations are not neutral and  
 17 generally applicable, and therefore trigger strict scrutiny under the Free Exercise  
 18 Clause, whenever they treat *any* comparable secular activity more favorably than  
 19 religious exercise.” *Tandon v. Newsom*, 141 S. Ct. 1294, 1296 (2021) (original  
 20 emphasis). “It is no answer that a State treats some comparable secular businesses or  
 21 other activities as poorly as or even less favorably than the religious exercise at  
 22 issue.” *Id.* “[W]hether two activities are comparable for purposes of the Free  
 23 Exercise Clause must be judged against the asserted government interest that justifies

24 \_\_\_\_\_  
 25 <sup>28</sup> The reasoning in Justice Gorsuch’s statement was joined by four other Justices,  
 26 making it a binding opinion. See *Brach v. Newsom*, 6 F.4th 904, 933 n.26 (9th Cir.  
 27 2021); *Roman Cath. Archbishop of Washington v. Bowser*, \_\_\_ F. Supp. 3d \_\_\_, 2021 WL  
 28 1146399, at \*15 n.15 (D.D.C. 2021); see also *Tandon v. Newsom*, 141 S. Ct. 1294, 1296–  
 97 (2021).



1 the regulation at issue. Comparability is concerned with the risks various activities  
2 pose, not the reasons why people gather.” *Id.* (citations omitted).

3 51. Once strict scrutiny is triggered, the government must show that the  
4 regulations are “ ‘narrowly tailored’ to serve a ‘compelling’ state interest.” *Roman*  
5 *Cath. Diocese*, 141 S. Ct. at 66. “[N]arrow tailoring requires the government to show  
6 that measures less restrictive of the First Amendment activity could not address its  
7 interest in reducing the spread of COVID. Where the government permits other  
8 activities to proceed with precautions, it must show that the religious exercise at issue  
9 is more dangerous than those activities even when the same precautions are applied.  
10 Otherwise, precautions that suffice for other activities suffice for religious exercise  
11 too.” *Tandon*, 141 S. Ct. at 1296–97.

12 52. Further, evidence that the regulation is “more severe than what many  
13 other jurisdictions have done” “negat[es] any suggestion that [the government]  
14 adopted the least restrictive means of accomplishing its compelling interest.” *Brach*  
15 *v. Newsom*, 6 F.4th 904, 932 (9th Cir. 2021). “[B]road measures that fail to take  
16 proper account of relevant differences between the school-age population and others  
17 are, by definition, not narrowly tailored.” *Id.* at 932.

18 53. Here, Plaintiffs’ religious faith precludes them from receiving any of the  
19 FDA approved COVID-19 vaccines because those vaccines were either manufactured  
20 or tested using material derived from stem cell lines from aborted fetuses.

21 54. However, under the Vaccination Roadmap, if Plaintiff Jill Doe is not  
22 fully vaccinated from COVID-19 by December 20, 2021, with a first dose  
23 administered by November 29, 2021, at the latest, she will have to cease in-person  
24 learning at Scripps Ranch High School. She will also have to cease participating in  
25 extracurricular activities, including high school sports. This is a substantial burden on  
26 Plaintiff Jill Doe in light of the benefits of in-person learning and her efforts to  
27 achieve a sports scholarship to attend college. This is a substantial burden on

28 ///



1 Plaintiffs Mr. and Mrs. Doe because they will have to find an alternative educational  
2 opportunity for Plaintiff Jill Doe.

3 55. The Vaccination Roadmap is neither neutral nor of general application  
4 because it “openly impose[s] more stringent regulations on” individuals who cannot  
5 get vaccinated for religious reasons than individuals who cannot get vaccinated for  
6 other reasons. *S. Bay*, 141 S. Ct. at 717 (Statement of Gorsuch, J.); *accord Tandon*, 141  
7 S. Ct. at 1296. The Vaccination Roadmap specifically allows individuals with medical  
8 issues to not get vaccinated, and provides conditional in-person learning without  
9 vaccination for foster youth, homeless youth, migrant youth, students with an IEP,  
10 and members of military families. (Ex. 1 at p. 15.)

11 56. The Vaccination Roadmap is also not of general application because it  
12 contains a system of individualized exemptions for various youth if their  
13 circumstances make getting a COVID-19 vaccine a hardship, subject to the discretion  
14 of SDUSD officials. *See Fulton v. City of Philadelphia, Pennsylvania*, 141 S. Ct. 1868,  
15 1877 (2021) (“A law is not generally applicable if it invites the government to  
16 consider the particular reasons for a person’s conduct by providing a mechanism for  
17 individualized exemptions.”) (cleaned up). The Vaccination Roadmap specifically  
18 allows individuals with medical issues, foster youth, homeless youth, migrant youth,  
19 students with an IEP, and members of military families to not get vaccinated  
20 depending on an individualized exemption crafted by SDUSD officials. (Ex. 1 at  
21 p. 15.)

22 57. The Vaccination Roadmap is also not neutral because it directly  
23 references religion to identify it as an invalid basis for not being able to be vaccinated.  
24 *See Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 533 (1993)  
25 (“A law lacks facial neutrality if it refers to a religious practice without a secular  
26 meaning discernable from the language or context.”). Throughout the Vaccination  
27 Roadmap, it goes out of its way to expressly disclaim any willingness to accommodate  
28 religious practices. (*See* Ex. 1, p. 15; Ex. 5, p. 12.)



1        58.    Facially and as applied, the Vaccination Roadmap is not narrowly  
2 tailored to further any compelling governmental interest because Defendants permit  
3 numerous students to obtain in-person learning without vaccination. The  
4 Vaccination Roadmap specifically allows individuals with medical issues, foster  
5 youth, homeless youth, migrant youth, students with an IEP, and members of  
6 military families to not get vaccinated. (Ex. 1 at p. 15.)

7        59.    Facially and as applied, the Vaccination Roadmap is also not narrowly  
8 tailored to further any compelling governmental interest because it permits teachers  
9 and other employees to not get vaccinated if, for religious reasons, they cannot. (Ex.  
10 3, p. 3.)

11        60.    Facially and as applied, the Vaccination Roadmap is also not narrowly  
12 tailored to further any compelling governmental interest because “Covid’s effects  
13 exhibit a significant age gradient, . . . having little impact, statistically speaking, on  
14 children.” *Brach*, 6 F.4th at 932. Thus, Defendants’ allowance of religious  
15 exemptions for teachers, but not students, is at best poorly tailored, and at worst  
16 simply illogical.

17        61.    Facially and as applied, the Vaccination Roadmap is also not narrowly  
18 tailored to further any compelling governmental interest because it is “more severe  
19 than what many other jurisdictions have done[.]” *Brach*, 6 F.4th at 932. Thus, the  
20 fact that the State itself allows religious exemptions in other school districts,  
21 “negat[es] any suggestion that [SDUSD] adopted the least restrictive means of  
22 accomplishing its compelling interest.” *Id.*

23        62.    As applied, the Vaccination Roadmap is not narrowly tailored to further  
24 any compelling governmental interest because Plaintiff Jill Doe already contracted  
25 and recovered from COVID-19 granting her natural immunity to COVID-19 greater  
26 than any vaccine.

27    ///

28    ///



63. Plaintiffs have no adequate remedy at law and will suffer serious and irreparable harm to their constitutional rights unless Defendants are enjoined from implementing and enforcing the Vaccination Roadmap.

64. Pursuant to 42 U.S.C. §§ 1983 and 1988, Plaintiffs are entitled to nominal damages, declaratory relief, and temporary, preliminary, and permanent injunctive relief invalidating and restraining enforcement of the Vaccination Roadmap.

65. Plaintiffs found it necessary to engage the services of private counsel to vindicate their rights under the law. Plaintiffs are therefore entitled to an award of attorneys' fees and costs pursuant to 42 U.S.C. § 1988 and Cal. Code Civ. Proc. § 1021.5.

### **PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiffs respectfully pray for judgment against Defendants and request the following relief:

A. An order and judgment declaring that the Vaccination Roadmap, facially and as-applied to Plaintiff Jill Doe, violates the First Amendment to the U.S. Constitution;

B. An order temporarily, preliminarily, and permanently enjoining and prohibiting Defendants from granting any exemptions to the Vaccination Roadmap for medical reasons, foster youth, homeless youth, migrant youth, students with an IEP, and members of military families, unless they give the exact same exemption to individuals who cannot get vaccinated for religious reasons;

C. Nominal damages;

D. Attorneys' fees and costs; and

E. Such other and further relief as the Court deems appropriate and just.

///

///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Respectfully submitted,

LiMANDRI & JONNA LLP

Dated: October 22, 2021

By:



Charles S. LiMandri

Paul M. Jonna

Mark D. Myers

Jeffrey M. Trissell

Robert E. Weisenburger

Milan L. Brandon II

Attorneys for Plaintiffs







**EXHIBIT 1**



# Vaccination Roadmap

September 28, 2021







# **Why are we recommending mandating vaccines for staff and students?**

San Diego Unified is working to ensure the highest-quality instruction in the safest environment possible for all students and employees. Strong scientific evidence shows that vaccinations are an essential part of protecting our communities.





# The Science

- Vaccines are fully approved by FDA only once an extremely high level of confidence that effectiveness and benefits clearly outweigh known or potential risks.
- Vaccine the most *preventive* of all strategies. Unlike masking, ventilation, and testing, vaccination protects students before the virus is introduced into the setting, reducing disease and new mutations.
  - Protects unvaccinated family members and other adults who have and haven't been vaccinated
- School-age children get sick and contribute to new infections. They are the greatest proportion of unvaccinated in US. More children have been hospitalized recently than any previous time during the epidemic
  - *New Variants:* A virus is most likely to mutate when replicating, i.e., with each new infection in a population. Unvaccinated children contribute to new variants.





## UCSD EXPERT PANEL

In addition to protecting children from illness and missing school due to SARS-CoV-2 infection, I fully support a COVID-19 vaccination requirement in schools to minimize disruption in learning that would occur if there are outbreaks in schools. Preventing COVID-19 in children through vaccination will also avoid parents having to take time off work to care for children in isolation or quarantine. Although children are less likely to have symptomatic infection compared to adults, infected school children may introduce the virus into households with family members who are unvaccinated and at risk for severe illness. As equally important members of our community, children need also be vaccinated to achieve herd immunity. As the partner of an elementary school teacher who taught in-person all last year and co-investigator on a research study involving COVID-19 testing San Diego County schools, I can attest to the benefits of masking in schools; however, infections did occur. Therefore, a vaccine requirement for school attendance will add one more layer of protection for the students, staff, teachers and the wider community. **Richard Garfein, PhD, MPH, Div of Infectious Disease & Global Public Health**

I also wholeheartedly support making vaccinations a requirement for in person learning. FDA approval comes with extensive safety checks and the risk/benefit ratio clearly favors vaccination over the risk of symptomatic COVID infections, multisystem inflammatory syndrome, and community spread. This decision would be in line with existing, non-COVID vaccine requirements school children already meet for school and public health safety. On a personal note, both of my kids are attending school in SDUSD. The oldest is already fully vaccinated and the younger one will be vaccinated as soon as it is approved. **Kimberly Brouwer, PhD; Wertheim School of Public Health & Human Longevity Science**

I strongly support the vaccine mandate- our modeling in university settings indicates this will substantially reduce infections and transmissions among the students, as well as, of course, onwards transmission to other household members and the broader community. **Natasha Martin, DPhil; Division of Infectious Disease & Global Public Health**





## UCSD EXPERT PANEL

I'm also strongly in favor of a vaccine mandate for students to go with the one already in place for faculty and staff. It will reduce their risk for disease with its short and long-term clinical implications. It will reduce transmission in schools and protect those who are medically vulnerable despite vaccination. It will reduce absenteeism and the likelihood that schools will need to be closed for outbreaks. It will enable schools to operate more "normally" with sports, field trips and group activities. It will also "mainstream" the policy around COVID. Politically driven COVID "exceptionalism" has resulted in hundreds of thousands of unnecessary deaths, a prolongation of the epidemic with all of its attendant impacts on the economy and has endorsed a broader departure from science-based decision-making in government and society. **Robert (Chip) Schooley, Div of Infectious Disease & Global Public Health**

I strongly support the school district mandating COVID-19 immunizations for all students for in-person learning once a vaccine is approved for the age cohort. This will improve the safety of the learning environment. **Davey Smith, MD, MAS; Chief Division of Infectious Diseases & Global Public Health**

I strongly support the school district mandating COVID-19 immunization for all students for in-person learning once a vaccine is approved for the age cohort. This will help to protect children, teachers and families against COVID-19, will help to achieve herd immunity within the population, and decrease the risk for the development of new SARS-CoV-2 variants. **Stephen Spector, MD; Division of Infectious Diseases, Department of Pediatrics**

I support a mandate. Obviously we mandate many vaccines for school to prevent infectious diseases that are transmitted in schools and COVID clearly is one of these. The non-pharmacologic measures (e.g. masks, ventilation, cohorting) are not going to be sufficient to prevent some transmission. Rates of COVID are going up in children. Consistent with current California law, religious or personal belief exemptions should not be allowed. **Mark Sawyer, MD; Division of Infectious Diseases, Dept of Pediatrics, UCSD**





## Recommendation - Employees

Require District employees, partners, contractors and other adults who work directly with students and district employees on district property to be fully-vaccinated on or before **December 20, 2021\***. This mandate would be a condition of employment and a requirement for contracted services.

\* Employees receive the 2nd dose of Pfizer or Moderna or single Johnson & Johnson shot by this date





## Current Data - Employees

From the San Diego County  
Immunization Registry

**80.7%** of employees received at  
least 1 dose

**76.0%** are fully vaccinated

Employee Impact:  
*Snapshot -  
Wednesday, September 22*

- ☐ **27** Staff in **Isolation** due to  
positive COVID-19 test
- ☐ **16** Staff in **Quarantine**
- ☐ **34** Staff absent due to  
**COVID-19 symptoms**





## Recommended Mandated Vaccine for Employees

**August 23**

Full FDA  
Approval

**October 1**

Notify SDUSD  
Employees

**By December 20**

Administration of 2nd  
Dose of  
Pfizer/Moderna or one  
dose of  
Johnson/Johnson

**September 28**

Board of  
Education  
Meeting

**November 22- 29**

Administration of  
1st Dose: Moderna  
by Nov 22/  
Pfizer by Nov 29

**By January 4**

Peak  
Immunity





## Information for Employees

Require District employees, partners, contractors and other adults who work directly with students and district employees on district property to be fully-vaccinated on or before **December 20, 2021**. This mandate would be a condition of employment and a requirement for contracted services.\*

*The District may take disciplinary action, up to and including termination for employees who do not comply with this mandate.*

Employees will:

- Be allowed to use up to 2 hour personal business to be vaccinated during their workday
- Be allowed time for vaccine reaction
- Be allowed to take up to 2 hours during their work day to take a dependent minor to be vaccinated.

\*Subject to impacts and effects bargaining





## Second Recommendation - Students

The district's recommendation is a staggered approach to have all eligible\* students vaccinated against COVID-19, as a condition of attending in-person learning. The timeline for requiring the mandated vaccination will be aligned to the full FDA approval. Mandatory testing will be required for all unvaccinated students until full FDA approval of the vaccine for their age group.

\*All students who are eligible for the COVID-19 vaccine are required to be vaccinated, excluding those with qualified exemptions or conditional admissions.





## Current Data - Students

From the San Diego County  
Immunization Registry

Of our students age 12 and older:

**64.6%** of students received at  
least 1 dose

**57.2%** are fully vaccinated

Student Impact:

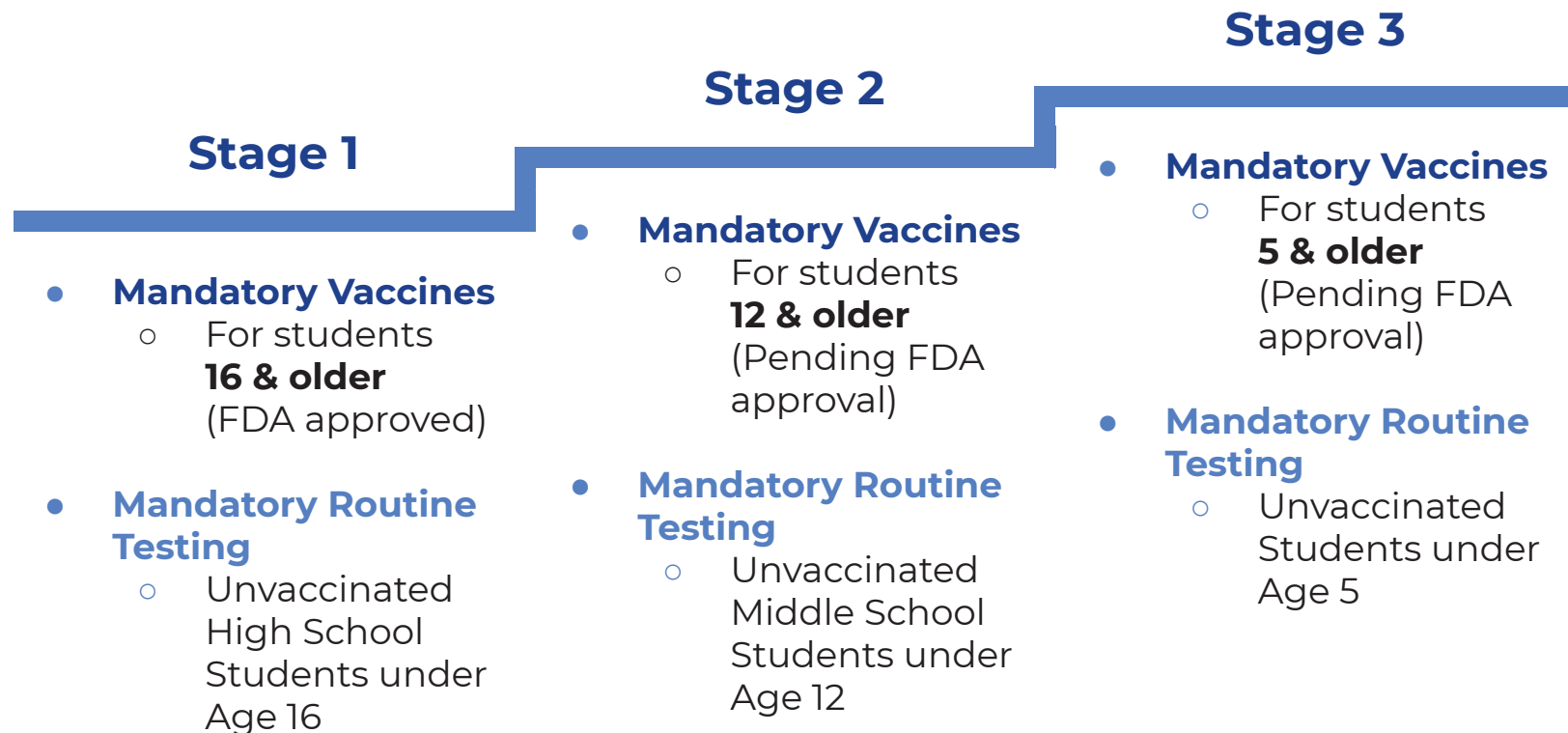
*Snapshot - Wednesday, September 22*

- ❑ **67** Students **isolating** - positive  
COVID-19 test
- ❑ **272** Students in **Quarantine**
- ❑ **126** Students in **Modified  
Quarantine**
- ❑ **887** Students absent due to  
**COVID-19 symptoms**





# Vaccination\* & Testing Roadmap



\*SDUSD recommends all students be vaccinated during the emergency FDA approval period. Current ages in the emergency FDA approval period are 12-15 year olds.





## Stage 1 - Students Ages 16 & Older

**September 28**

Board of  
Education  
Meeting

**By November 29**

Administration of  
1st Dose

**By January 4**

Phase 1 Peak  
Immunity



**October 1**

Notify SDUSD  
Families

**By December 20**

Administration of  
2nd Dose

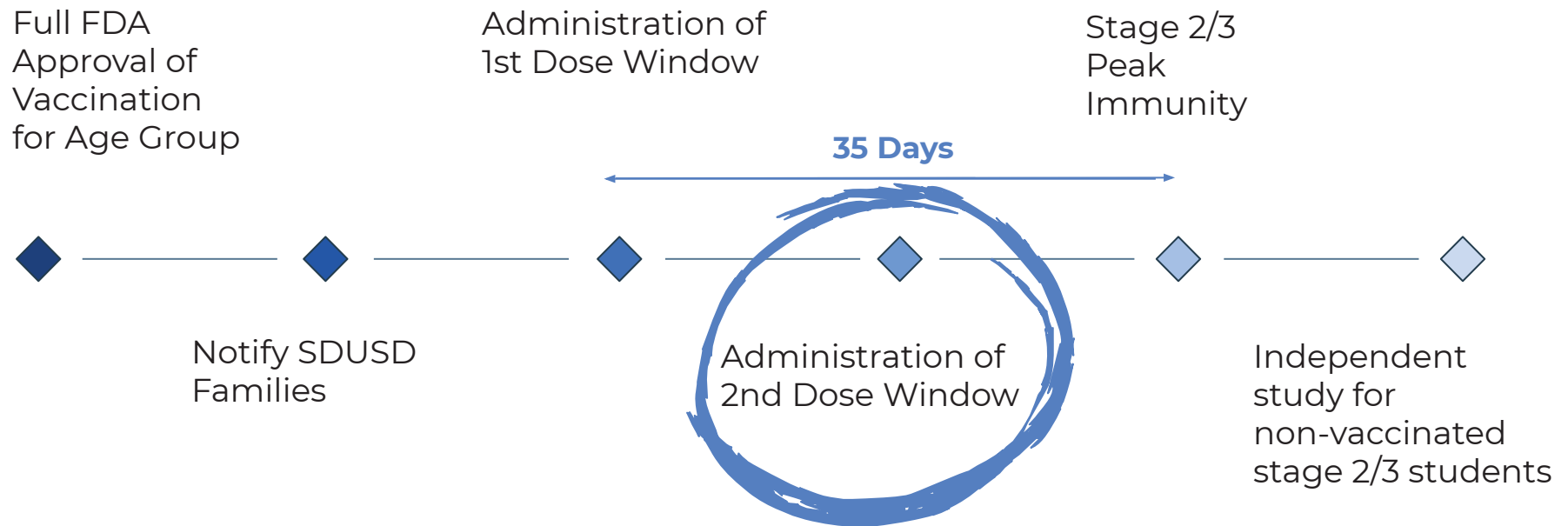
**January 21 (Start  
of Spring Semester)**

Independent  
study for  
non-vaccinated  
Stage 1 students





## Stages 2-3 Timeline







## Information for Students

Recommend approving the district's staggered approach to have all eligible students vaccinated against COVID-19 pending Full FDA approval.

*Students who are eligible for the vaccine and not vaccinated by established deadlines will be required to participate in independent study programs.*

Students:

- Will require parental consent for all students under the age of 18.
- Will be afforded the opportunity for medical exemptions
- May be conditionally enrolled via in-person learning if they are in one of these groups: foster youth, homeless, migrant, military family, or have an IEP. State law does not recognize religious or personal belief exemptions for student immunizations.
- Who are not vaccinated will not be permitted to participate in extracurricular activities unless the student is below the age range of FDA's full approval or has an exemption.





## Next Steps

- Develop full implementation plan
- Develop an FAQ for Employees and Students
- Communication and outreach to Employees and Families
- Conduct any required impacts and effects bargaining with unions
- Continue Legislative Advocacy





## Board Action

- Require District employees, partners, contractors and other adults who work directly with students and district employees on district property to be fully-vaccinated on or before December 20, 2021. This mandate would be a condition of employment and a requirement for contracted services.
- Approve a staggered approach to have all eligible students vaccinated against COVID-19, as a condition of attending in-person learning. The timeline for requiring the mandated vaccination will be aligned to the full FDA approval. Mandatory testing will be required for all unvaccinated students until full FDA approval of the vaccine for their age group.



**EXHIBIT 2**





## Agenda Item Details

Meeting	Sep 28, 2021 - Regular Meeting, 5:00 p.m.
Category	H. District Operations
Subject	3. Vaccine Mandate Plan
Type	Action

**RECOMMENDATION:** Approve staff recommendation to require district employees, partners, contractors and other adults who work directly with students and district employees on district property to be fully-vaccinated on or before December 20, 2021. This mandate would be a condition of employment and a requirement for contracted services.

Approve the recommendation to require all eligible students to be vaccinated against COVID-19, as a condition of participating in-person (on campus) learning. The timeline for requiring the mandated vaccination will be aligned with full FDA approval. Mandatory testing will be required for all unvaccinated students until full FDA approval of the vaccine for their age group.

**FISCAL IMPACT:** None.

**PRIOR YEAR FISCAL IMPACT:** None.

**IMPACT TO DISTRICT STAFFING:** This mandate would be a condition of employment for all district staff.

**CONSULTATION WITH BOARD ADVISORY COMMITTEE:** Not applicable.

**BACKGROUND:** San Diego Unified School District is working to ensure the highest-quality instruction in the safest environment possible for all students and employees. Strong scientific evidence shows that vaccinations are an essential part of protecting our communities.

[Originator/Contact: Lamont Jackson, Interim Superintendent, 619.725.5506, [superintendent@sandi.net](mailto:superintendent@sandi.net)]

Vaccine Mandate Plan.pptx (1,721 KB)

Vaccine Mandate Plan.pdf (164 KB)

## Workflow

Workflow	Sep 24, 2021 10:51 PM :: Submitted by Callie Harrington. Routed to Lamont Jackson for approval.
	Sep 24, 2021 10:55 PM :: Final approval by Lamont Jackson

Last Modified by Lamont Jackson on September 24, 2021



**EXHIBIT 3**



# SAN DIEGO UNIFIED TO REQUIRE COVID-19 VACCINES

## NEWS RELEASE: San Diego Unified to Require Covid-19 Vaccines for Age-Eligible Students and Staff

Posted on 09/29/2021



*New Covid-19 vaccine initiative to help protect schools, families and community from virus*

**SAN DIEGO** – To protect schools and the community from Covid-19, San Diego Unified School District staff and students, ages 16 and up, will be required to be fully vaccinated against the virus, under an initiative unanimously approved by the Board of Education on Tuesday evening.

The vaccine requirement follows similar policies implemented in districts across the state, including the Los Angeles Unified and Oakland school districts, and comes as the spread of Covid-19 continues to raise concerns among health professionals, educators, and families.

“As a district, we are obligated to make our schools as safe as possible for the students we are trusted to care for and educate, as well as for our dedicated educators and staff members,” said Board President Richard Barrera. “The science is clear. Vaccines are absolutely essential when it comes to protecting students and staff, and the whole community, against Covid-19.”

Many students in San Diego Unified have been eligible to receive Covid-19 vaccines for several months, but many have not, due to lack of access, among other reasons.

“Anything we can do to increase the pool of vaccinated individuals will benefit our schools and our entire community as we continue to fight this virus,” said district pediatrician Dr. Howard Taras, who is a professor of pediatrics at UC San Diego. “Vaccines are our best defense against Covid-19.”

State Senator and pediatrician Dr. Richard Pan, D-Sacramento, who chairs the Senate Committee on Health,



said the notion that kids are not impacted by Covid-19 is false.

“There is a myth out there that children are not affected by Covid. We know that’s not true. Over 500 children have died of Covid in the United States,” Dr. Pan said.

Dr. Pan commended the school board for considering the mandate, and said its passage will ultimately allow more students to maintain attendance in the classroom.

“What we need to do is have a safe school environment so kids can stay in school and get educated, and a vaccine mandate or requirement for staying in school is very important to being able to achieve that goal,” Dr. Pan said.

The timeline to receive full Covid-19 vaccinations will be based on age groups, aligned with full FDA approval. Currently, the FDA has fully approved vaccinations for children ages 16 and older. Because of that, for those 16 and older who have not yet been vaccinated, San Diego Unified has set a schedule requiring a first Covid-19 vaccination by November 29 and a second dose by December 20.

Students 16 and older who are not fully vaccinated by December 20 would not be permitted to participate in on-site education and would instead be offered an alternative education program.

The FDA has given emergency approval for Covid vaccinations to be administered in the 12-15 age group. San Diego Unified recommends the vaccine for that group, although it won’t be required until full FDA approval is granted. Currently, more than 64 percent of San Diego Unified students 12 and older have received at least one dose of the Covid-19 vaccine, and more than 57 percent are fully vaccinated.

Strong scientific evidence has shown that vaccinations are an essential part of protecting our communities as we move forward:

- Vaccines are fully approved by the FDA only once an extremely high level of confidence is achieved that effectiveness and benefits clearly outweigh known or potential risks.
- Vaccines are the most preventive of all strategies. Unlike masking, ventilation, and testing, vaccination protects



students before the virus is introduced into the setting, reducing disease and new mutations.

- Vaccines protect unvaccinated family members and other adults who have and haven't been vaccinated.
- School-age children get sick and contribute to new infections. They are the greatest proportion of unvaccinated in the U.S. More children have been hospitalized recently than any previous time during the pandemic.

San Diego Unified's vaccine mandate would require all staff members to get vaccinated, unless they have a bonafide medical or religious exemption. The majority of district staff, an estimated 76 percent, has been fully vaccinated under a district initiative that went into effect earlier this year. The District will bargain any required impacts and effects related to this vaccine mandate with the labor unions.

San Diego Unified is making its largest investment, nearly \$3 billion, in safety, student success and classrooms this year, a 14 percent increase per-student from a year ago. More information about this investment and the safety measures already in place are in the new [Back to School Guide](#) and [Frequently Asked Questions](#).

To reduce the possibility of Covid-19 transmission at schools, the district has already adopted a wide range of measures that include:

- Upgraded HVAC filtration from MERV 8 to a MERV 13 (or portable HEPA filtered device), meeting or exceeding current requirement
- Portable air purifiers for areas not adequately served by a MERV /HVAC or other ventilation system.
- Face masks required indoors and outdoors at all times, except when students are eating (and in some circumstances when participating in some exertive physical activities and performing arts) with nearly 1 million masks distributed to schools since reopening in April
- Handwashing stations and cleaning wipes in multiple location



- A particulate sensor and CO2 monitor at each site for monitoring the school's indoor air quality
- Electrostatic disinfectant sprayers for cleaning school buses
- Protocols in place for contact tracing, should it be necessary
- An up-to-date **COVID dashboard** on our website

Families and staff will receive information on how and where to get free vaccines. A Covid-19 safety forum will be held via Zoom at 5:30 p.m. on Thursday, September 30, giving families a chance to hear from health experts and ask questions. Sponsored by San Diego Unified's Family Engagement Department, the event will be moderated by Californians for Safe Schools. Interpretation services will be available, beginning at 5:15 p.m. More information is available on the school district website.



**EXHIBIT 4**





September 29, 2021

Dear San Diego Unified Families,

We hope this finds you healthy and happy as we approach the end of the first month of the 2021-22 school year.

At Tuesday night's Board of Education meeting, trustees voted unanimously to require Covid-19 vaccinations for eligible students as a condition of attending in-person learning, excluding those with qualified exemptions or conditional admissions.

Other school districts across the state have already taken similar action regarding Covid-19, including L.A. Unified and several districts in the Bay Area. As you are aware, other vaccinations have long been required to attend public schools to prevent the spread of infectious disease.

The timeline to receive full Covid-19 vaccinations will be based on age groups, aligned with full FDA approval. Currently, the FDA has fully approved vaccinations for children ages 16 and older. Because of that, for those 16 and older who have not yet been vaccinated, San Diego Unified has set a schedule requiring a first Covid-19 vaccination by November 29 and a second dose by December 20.

Students 16 and older who are not fully vaccinated by December 20 would not be permitted to participate in on-site education and would instead be offered an alternative education program. Those students would also be excluded from participating in extracurricular activities.

The FDA has given emergency approval for Covid-19 vaccinations to be administered in the 12-15 age group. San Diego Unified recommends the vaccine for that group, although it won't be required until full FDA approval is granted. Currently, over 64 percent of San Diego Unified students 12 and older have received at least one dose of the Covid-19 vaccine, and over 57 percent are fully vaccinated.

Strong scientific evidence has shown that vaccinations are an essential part of protecting our communities as we move forward:

- Vaccines are fully approved by the FDA only once an extremely high level of confidence is achieved that effectiveness and benefits clearly outweigh known or potential risks.
- Vaccines are the most preventive of all strategies. Unlike masking, ventilation, and testing, vaccination protects students before the virus is introduced into the setting, reducing disease and new mutations.



- Vaccines protect unvaccinated family members and other adults who have and haven't been vaccinated.
- School-age children get sick and contribute to new infections. They are the greatest proportion of unvaccinated in the U.S. More children have been hospitalized recently than any previous time during the pandemic.
- A virus is most likely to mutate into a new variant when replicating, i.e., with each new infection in a population. Unvaccinated children contribute to new variants.
- We understand you may have additional questions regarding the board's decision and how it affects you. We've assembled a series of answers to some of the more frequently asked questions in our [Back to School FAQ](#).

We also invite you to attend our next webinar forum **Parents as Partners Covid-19 Safety Forum at 5:30 p.m. Thursday, September 30** ([Webinar Link](#)). The forum is the latest in a series of Covid-19 safety sessions sponsored by San Diego Unified's Family Engagement Department. The event will be moderated by Californians for Safe Schools. Interpretations services will be available, beginning at 5:15 p.m. If you need interpretation in another language, please click on the link and fill out the form:

[https://docs.google.com/forms/d/e/1FAIpQLSdApWgHsZutmQ3DcxhUS2R\\_BWEBU5UFANGDJ\\_vVCzPC0\\_sKEQ/viewform](https://docs.google.com/forms/d/e/1FAIpQLSdApWgHsZutmQ3DcxhUS2R_BWEBU5UFANGDJ_vVCzPC0_sKEQ/viewform)

Wishing you good health today and always.

Sincerely,

San Diego Unified School District



**EXHIBIT 5**



[San Diego Unified School District](#) / [Back to School Guide](#) / [Back to School FAQ](#)

# BACK TO SCHOOL FAQ

1. [Enrollment](#)
2. [Heading Back to School](#)
3. [Science](#)
4. [Safety](#)
5. [Masks](#)
6. [Testing](#)
7. [Vaccines](#)
8. [Students on campus](#)
9. [Coming on to campus](#)
10. [Online option](#)
11. [Social and emotional well-being](#)
12. [Making sure students feel welcome](#)
13. [Student Success](#)
14. [Digital access](#)
15. [Special Educational](#)
16. [English Learners](#)
17. [Specific subjects](#)
18. [Athletics](#)

## Enrollment

**Is there still time to enroll for school, including the Virtual Academy?**

Yes. See [Enrollment Options](#) for more info.

**How do I enroll my student in San Diego Unified?**



All students are guaranteed enrollment in their neighborhood school. Families who are new to the district may pre-enroll online or in person. For details on the enrollment process, please visit our Office of [Neighborhood Schools and Enrollment Options](#). There, you will find information on enrollment procedures for continuing and new-to-district families, along with other useful information.

### **How do I enroll for the online school (virtual academy)?**

We understand that not everyone will be ready or comfortable with returning to in-person learning. With that in mind, all San Diego Unified K-12 students have the option to enroll in the new online Virtual Academy for the 2021-22 school year.

Students who still wish to enroll in the Virtual Academy should complete [this interest form](#) or simply email [virtualacademy@sandi.net](mailto:virtualacademy@sandi.net) with your child's name, grade level for 2021-22, student ID number, and current school of attendance.

Students and families will be sent classroom information prior to the first day of school.

### **If I enroll for the online school, will I lose my place at my current school of attendance, Prime Time or other after school options?**

No.

### **Can I apply to attend a school outside of my neighborhood?**

Yes, families who are new to the district are welcome to [enroll via](#) the Choice program for 2021-2022. If space is still available, your student may be offered enrollment. For more, please visit our Office of [Neighborhood Schools and Enrollment Options](#).

### **How can I apply to an Early Learning program for my 3 or 4 year old?**

Many elementary schools in San Diego Unified are now offering Universal Transitional Kindergarten for students who will be 4 by September 1. The program provides students with a full day of learning through exploration, inquiry, and interaction every day. It's a great way to give your children the knowledge and skills needed for kindergarten success. If your student is too young for the full-day program, or you are interested in a part-day program for any other reason, many schools have morning and afternoon-only options available.

There are no school boundary requirements for either program, and if your first school choice isn't available, you're free to choose another. To enroll in either program, please call the Neighborhood School and Enrollment Options office at (619) 260-2410. You may



also visit us in person at 4100 Normal Street, Annex 12. Our office hours are from 8:30a to 4:30p, and Zoom appointments are also available. You may also enroll directly in transitional kindergarten by contacting any of the [schools offering the program](#). Over the next few years, the district will expand early learning across the entire district. We're looking forward to seeing your little ones!

## **Heading back to school**

### **How do I prepare my student to return to the classroom successfully?**

Our [Back to School Guide](#) includes resources and up-to-date information for families on the new school year. Please see page 18 for information specifically intended to help prepare your student for a successful school year.

One of the most important things you can do right now is to enroll your student in the District's comprehensive on-site COVID testing program. Getting tested at school may allow students to stay in school - even if another classmate tests positive for Covid-19. The new modified quarantine option allows students to remain in school, so long as they take part in regular testing. Previously, students were required to quarantine alone at home. In short, students can frequently "test in school to stay in school" this year.

### **How can families help their students transition back to school?**

- Establishing routines that work best for your child
- Continuing ongoing communication with your child's educators
- Assuring your child they will be cared for and supported at school
- Having a designated time and space to read, review school content or study
- Scheduling special times when students can discuss their school experiences

### **Tips and strategies families can cultivate at home:**

- Stay healthy: Continue to follow all public health guidelines to protect you and others from the COVID-19 pandemic.
- Monitor district communication for up-to-date information.
- Communicate with school staff regarding technology needs. The district has set up a technology helpline to assist students and families. The Family Technology Support Line is available to assist families. Please call (619) 732-1400 from 8:00 am to 5:00 pm.



- Continue to enhance your wellness and the well-being of your family. Our Wellness [website](#) has family and student resources.
- For more information please visit, [LiveWell@Home San Diego](#).
- Be gentle with yourself and your family. Remember: We are in this together and we are here to support you.

### **Will the district be partnering with parents to offer support?**

Yes. The Family Engagement Department has resources available to help parents:

- Families can use [High Impact Home Strategies](#) to support their child's learning at home.
- *Online training modules* for students and families. These modules will be available for families to access at their convenience.
- The Family Engagement Department, will continue to offer weekly family workshops, designed for parents and students participation, to enhance student learning and family engagement. [Family Engagement Events Calendar](#)

The [Family Engagement team](#) has office hours available to support families. To learn more about the many resources offered by the Family Engagement Department, their [website](#).

### **What other services will be provided to families?**

Parents as Partners will continue to support families as the new year begins. The district is committed to helping families in an effort to accelerate student learning.

Parent coaching sessions will continue to be online to accommodate the schedules of our families. The platform provides our families the convenience of joining virtual sessions from any location using the device of their choice. Coaching sessions allow families and district staff to deepen connections, listen to a variety of voices, seek input, and answer questions.

We know family involvement impacts student growth and achievement, and therefore we are excited to continue these monthly coaching sessions. For more information, please view our [Back to School Guide](#), pages 32 and 33.

## **Science**



## **How was the decision made to return to school full time, five days a week?**

We have been preparing to reopen schools as soon as it would be safe to do so for more than a year. Returning to in-person, full time instruction is based on reopening standards proposed by the State Legislature and current public health guidelines. It is also based on teacher access to COVID-19 vaccines and testing.

## **Has San Diego Unified consulted with scientific and medical experts regarding reopening?**

Yes. The district has been consulting with a panel of researchers and medical experts from UCSD throughout the pandemic.

## **Safety**

### **Will school sites follow COVID-19 safety guidelines?**

Yes. San Diego Unified has put into place substantial measures to protect the safety of all students, faculty, and staff on our campuses this year, including upgraded HVAC filtration from MERV 8 to a MERV 13, use of highly effective portable HEPA air purifiers, exceeding current requirements, and a requirement to wear masks indoors at all times, and outdoors in certain high density settings. For more information, please take a look at the [Back to School Guide](#).

### **What ventilation protocols is the district implementing to keep my student safe?**

Ventilation is a key component to reduce the spread of COVID-19 in schools. As the district moves to having more people on campus and students in classrooms, ensuring adequate room ventilation is key to reducing the airborne transmission of COVID-19 indoors. The District's [Back to School Guide](#), page 15 provides more information related to ventilation.

Adequate ventilation is achieved by bringing in more outdoor air through open windows and doors, and by providing recirculated air that is highly filtered. These are best practices for diluting or displacing airborne COVID-19 particles, if the particles happen to be present in a room.

San Diego Unified is finalizing a program to provide air conditioning in every classroom in every school. The vast majority of schools are air-conditioned.

The district has planned for maximum ventilation, with our goal to maintain five air exchanges per hour in the classroom. This is based



on guidance from Harvard and the University of Colorado Boulder and in collaboration with our UCSD expert panel. In order to achieve this, the district has implemented the following:

- All existing HVAC systems have been serviced and filters have been replaced. Higher levels of filtration (i.e. Merv-13) are being installed in all systems that can accommodate them. Systems have been adjusted to bring in more outside air.
- Using natural ventilation (opening doors and windows, even when the HVAC is running).
- Using air purifiers with HEPA filters (provides a higher level of filtration). Air purifiers have been allocated to each site, and the numbers of purifiers in a classroom will vary based on MERV rating, room size, number of windows, type of HVAC system, etc. Air purifiers will be placed in strategic locations for maximum effectiveness.

San Diego Unified is monitoring ventilation effectiveness in our school sites to ensure that the air exchanges are occurring and that the air is healthy for students and staff. This is done by monitoring remote sensors spread across the district. Indoor particulate sensors, which can measure microscopic size particles that could transport COVID-19 virus, are deployed and will be rotated to various rooms to gather information and inform decisions. Also, carbon dioxide (CO2) detectors are in place in various classrooms to test the air. This has a different function than the particulate sensor and will help to determine the amount of fresh air entering the room. Neither monitor detects COVID-19 but does help us to determine if we are providing quality room ventilation. If either sensor records concerning numbers, district staff will determine what measures can be taken to correct the issue.

### **What is the expectation for sanitation in classrooms?**

Cleansing wipes (otherwise known as baby wipes) will be provided to schools to clean desks and chairs. Students may be asked to wipe down chairs and desks after use. Our [Back to School Guide](#) provides more information.

### **What safety protocols will be in place during on-campus meal times?**

Schools are planning to serve all meals outdoors, weather and space permitting. Schools may use areas throughout the campus to assist in distancing children while they eat.

Hand sanitizing dispensers will be located in lunch areas. Students will need to either wash their hands with soap and water or use hand sanitizer prior to picking up their food.



## **What is the district doing to keep students safe while riding a school bus?**

Students will be wearing masks, they will be seated strategically, windows will be open and a vent will be used for circulation. Page 16 of our [Back to School Guide](#), has more information on boarding & disembarking, disinfecting & cleaning, and face mask requirements.

## **Masks**

### **What is the district's policy on the use of masks?**

The district follows the guidance of the Centers for Disease Control and the California Department of Public Health. The [Back to School Guide](#), page 14 provides useful information related to use of masks. Please visit the link to the CDC's study of the effectiveness of masks: [Scientific Brief: Community Use of Cloth Masks to Control the Spread of SARS-CoV-2 | CDC](#)

### **Are masks required at all times?**

Masks are always required indoors. Masks are now required outdoors at all times while students are on campus, unless they are eating. Currently, large-scale events are not recommended for any school sites due to the increased risk of exposure.

We highly encourage students to take mask breaks outdoors. During these breaks students should maintain 6 feet distance from each other. Wearing masks outdoors lessens the likelihood of student exposure and allows more students to qualify for a modified quarantine.

Masks may be removed outdoors in certain situations and with certain distancing recommendations during physical educator, athletics and performing arts programs.

### **Will the district provide masks of varying levels of comfort, fit, and filtering ability?**

Yes. The district has a variety of masks for student and staff use. The district has a supply of cloth and disposable masks, N95 masks for staff use, masks with clear insert for TK - 2 students, for language development, and a supply of KF94 masks, a mask with higher level filtration, are on their way from one of our suppliers.

### **Can wearing a mask for long periods of time harm my student?**

We consult with district pediatrician, Dr. Howard Taras, who specializes in the fields of School Health, community engagement



and clinical research and is also a professor of pediatrics at UCSD School of Medicine.

Dr. Taras has advised it is a misconception that rebreathing your own exhaled carbon dioxide by continually wearing a mask will cause health problems. Carbon dioxide will not build up behind a regular cloth or surgical mask. Cloth or surgical masks allow gases to pass through easily in both directions trapping particles (droplets) out. Dr. Taras further advised that months of experience with children and adults worldwide wearing masks prove the safety and benefits of wearing a mask.

## **Testing**

**\*We update our FAQs on a regular basis to stay current with district, local and state guidelines**

**Is COVID-19 testing conducted weekly or bi-weekly for the asymptomatic testing program?**

Testing is conducted weekly.

**Are schools providing rapid antigen or PCR tests?**

UC San Diego is contracted to offer PCR tests at most district high schools. In some of our busier high schools, Responsive Lab Partners is also on site administering rapid antigen tests. Elementary and middle schools offer antigen tests for screenings (as well as for students who present at school with symptoms or who are close contacts with a COVID-positive individual). When a rapid antigen test is positive, our lab partners will soon have the capacity to do a confirmatory PCR test before the student leaves campus.

**Will on-site tests be available to all students, or just those who enroll in the surveillance program?**

San Diego Unified has an “[opt-in](#)” form that parents are encouraged to sign. Once they sign the “opt-in” form they then must also consent to testing from our partner laboratory. Only those students who signed consent can get testing at school sites. Parents can opt in or opt out at any time.

**Will tests that are administered outside of the school system be accepted for re-entry into the classroom before traditional quarantine is completed, assuming the test results are negative?**

Tests done outside of the school testing program are honored as equal to any test that is done at a school setting. These tests can shorten or eliminate an “at-home” quarantine, as long as they are



within the regulations defined by the California Department of Public Health. The County's public health order (and this district) do not have any quarantine or isolation practices that differ from those that the State requires. Please note that home tests are not honored.

**The issue of performing an antigen vs PCR test in the weekly asymptomatic testing program at school can impact the value of testing from the individual's standpoint as well as the risk of false positives, forced quarantines, etc.**

When an antigen test is negative from an asymptomatic individual, that test is not repeated with a PCR or other test. However, an antigen test that is negative from any symptomatic individual must always be followed by a lab-based PCR test, immediately afterwards, in most cases. This practice and policy has been endorsed and encouraged by the San Diego County Laboratory Testing Task Force as well as by Dr. Carol Glaser at California Department of Public Health.

**Where can I find the latest COVID-19 testing data?**

COVID-19 test results will be updated as they are received and promptly published to the district website: [sandiegounified.org/covidtesting](https://sandiegounified.org/covidtesting)

**Is testing available to all students and staff on campus?**

Yes. Beginning Aug. 30, the first day of school, all schools and main district administrative offices will have COVID testing capabilities.

Online learners can go to the County website for test availability. San Diego County has convenient testing facilities located near your home or school. For a list of those sites and their hours of operation, [see this County map](#), or call 211 for information.

**Why is the district not mandating testing for all students like Los Angeles Unified?**

San Diego Unified is making testing universal by visiting every school campus at least once per week to test all unvaccinated staff members. Any student may get tested at that time, and many students will be required to take part in testing in order to participate in after school athletics. Additionally, schools may do follow-up testing of close contacts of anyone who tests positive. This follow-up testing means after close contact with someone at school, who tests positive, students must either quarantine at home or take part in frequent testing at school, subject to the County decision tree.

**I heard testing participation was very low last spring. Will it be higher for the fall?**



Yes, not only is testing more widely available than it was in the spring, but every student now has a strong incentive to get tested. In the spring, many families chose not to test their students because the rates of infection were declining and a positive test would result in a student being sent home, missing out on the chance for in-person learning. Now, every student has a strong incentive to get tested, because getting tested at school may allow students to stay in school - even if another classmate tests positive for Covid-19. The new modified quarantine option frequently allows students to remain in school, so long as they take part in regular testing. Previously, students were required to quarantine alone at home. In short, students can “test in school to stay in school” this year.

All families will be required to state their testing choice within two weeks of the start of the new school year. Families may either choose to opt into testing, or they may decide not to participate. However, in the event of a close contact or becoming symptomatic, unvaccinated students who are not taking part in testing will be required to quarantine at home and out of the classroom environment due to County guidelines.

### **If a staff member or student tests COVID-19 positive, what are the protocols?**

The District follows the San Diego County Office of Education and San Diego County Public Health’s co-developed Decision Tree which is designed to assist school personnel in making decisions on how to handle students or staff members who become ill or present symptoms while at school. Students and staff who test positive or are a close contact of someone who tests positive may be required to stay home for a prescribed period of time as determined by a county public health decision tree. Please contact your site nurse for more specific information. Our [Back to School Guide](#), page 11-12 outlines the notification protocol.

## **Vaccines**

### **Vaccine Requirement for Students**

#### **Who is required to get the COVID-19 vaccine?**

The district approved a staggered approach to have all eligible students vaccinated against COVID-19, as a condition of attending in-person learning. The timeline for requiring the required vaccination will be aligned to the full FDA approval. Mandatory testing will be required for all unvaccinated students until full FDA approval of the vaccine for their age group.

All students who are eligible for the COVID-19 vaccine are required to be vaccinated, excluding those with qualified medical exemptions



or conditional admissions. For more information, please see the Board of Education [report](#) (Item H.3).

### **What is the deadline for my student to receive the COVID-19 vaccine?**

Vaccine deadlines are staggered beginning with stage 1 for students 16 years and older. Students in stage 1 are required to receive their first vaccine by November 29 and their second dose by December 20. Stage 2 and 3 applies to students ages 15 and younger who will be required to receive the vaccine, pending FDA approval for their age group.

### **What happens if my student does not get the COVID-19 vaccine?**

Eligible students who do not have proof of vaccination against COVID-19 will be excluded from in-person instruction without a qualified exemption or conditional admission. Those students who are not eligible for in-person instruction would be offered an alternative education program.

### **Why is San Diego Unified requiring student vaccinations?**

San Diego Unified is working to ensure the highest-quality instruction in the safest environment possible for all students. Scientific evidence shows that vaccinations are an essential part of protecting our communities. Vaccines are the most preventive of all strategies. Unlike masking, ventilation, and testing, vaccination protects students before the virus is introduced into the setting, reducing disease and new mutations. Vaccines protect unvaccinated family members and other adults who have and haven't been vaccinated. School-age children get sick and contribute to new infections. They are the greatest proportion of unvaccinated in the U.S. More children have been hospitalized recently than any previous time during the epidemic. For more information, please see the Board of Education [report](#) (Item H.3).

### **How much will the COVID-19 vaccine cost?**

The COVID-19 vaccine is available to all students at no cost, regardless of insurance or immigration status.

### **Where can I take my student to get a COVID-19 vaccine?**

For a list of vaccine centers near you, please go to <http://myturn.ca.gov/>. If you cannot find a vaccine center near you, please contact your primary care provider or health office. Information from the County of San Diego can be found [here](#). The district will be hosting vaccine clinics at school sites. Information will be posted on the district COVID-19 [vaccine website](#).



**Can my student participate in in-person extracurricular activities (sports, after school programs, district sponsored events) if they are not fully vaccinated?**

Your child will not be permitted to participate in in-person extracurricular activities without proof of vaccination if they qualify to receive the COVID-19 vaccine. Extracurricular activity takes place outside of the instructional day that is supervised or financed by the district where students represent the school/district.

**What do I do if I have lost my vaccination card?**

If a student has lost their vaccine record, they can get a digital record at <https://myvaccinerecord.cdph.ca.gov>.

**Are there religious exemptions for students?**

As with other immunizations for students, state law does not recognize religious or personal belief exemptions.

**When vaccines are offered at school sites, do parents or guardians need to accompany students to be vaccinated?**

Parents and guardians do not need to accompany students to be vaccinated so long as the student is enrolled at the school offering vaccines. Parents and guardians are welcome to accompany students or to designate a responsible adult to accompany their child. Eligible students will be vaccinated if they present a vaccination consent form signed by a parent or guardian. See the district's [Nursing & Wellness website](#) for more details for vaccine availability.

**Do students need parental consent to be vaccinated?**

**Yes. With limited exceptions for emancipated minors and others legally permitted to self-consent, students age 12-17 will not be vaccinated without written consent from a parent or legal guardian. See the district's [Nursing & Wellness website](#) for more details for vaccine availability.**

**My child is already vaccinated. Do I need to do anything?**

Not yet. You may have to submit a copy of your immunization record for our files but that is to be determined.

**My child will be vaccinated soon. How do I submit proof and keep them enrolled in class?**

The district is working on a system that will allow parents/guardians to upload their student(s) vaccine card. The district will notify families once this system is ready.



### **My child is not yet 16 but will turn 16 this year. How long after their birthday do I have to submit proof of vaccination?**

If your student turns 16 by November 1, 2021, or sooner, you will be required to have proof of the COVID-19 vaccination to attend in-person learning. This requirement may change once the State of California COVID-19 vaccine requirements are implemented.

### **Where do I submit a medical exemption request or letter from my child's qualified medical professional?**

You can submit your request to your site nurse or at [immunizations@sandi.net](mailto:immunizations@sandi.net). Medical exemption requests must be from a California licensed doctor of medicine, doctor of osteopathic medicine, nurse practitioner or a physician assistant and include a medical rationale and a release of information to allow school health staff to communicate with the medical professional.

### **What will happen when San Diego Unified athletic teams play against schools with no vaccine mandate?**

San Diego Unified students will be allowed to play teams with unvaccinated players. Because our students are vaccinated, if there was a case of COVID-19 during play, our vaccinated students do not have to quarantine and would be able to continue their season without delay.

## **Students on campus**

### **What will instruction look like for the new year?**

Students on campus will take part in in-person instruction, maintain connection with teachers and peers, access to supports and enrichment opportunities and incorporate technology in new ways.

### **How will attendance be taken?**

Student attendance will be taken daily in PowerSchool. Visit our [Back to School Guide](#), page 24 for more information related to attendance taking procedures.

### **My student is in quarantine. Will they be marked absent during quarantine?**

Page 24 of the District's [Back to School Guide](#), page 24 for more information related to attendance.

### **Will my student have access to on-campus meals?**

Yes. All meals are available at no charge for all students, regardless of family income. School sites will provide contact-free meal service to protect students and employees. Students participating in on-site learning will receive a nutritious lunch daily. School sites will offer



take-home meal bags with breakfast for the next day, evening and weekend meals to all students as they depart for the day. For more information, please take a look at our [Back to School Guide](#), page 17.

Some middle and high schools may offer breakfast on-campus during their nutrition break passing period. Students participating in Primetime and 21st Century after school programs will be offered their evening meals on-campus during those programs.

### **Is there a certain protocol for students using the restroom?**

Page 14 of the [Back to School Guide](#) includes useful information related to physical distancing.

### **What is the protocol for PE classes? Will students have access to locker rooms?**

Physical distancing is no longer required during PE. Should a student contract COVID-19, the school site will follow the school/district policy. If parents have a concern with their student participating in PE due to COVID-19, they should speak with their school site to request a modified program.

Students will have access to locker rooms. As a reminder, students and staff must wear masks indoors. Due to possible changes to COVID-19 protocols and guidelines, please confirm this information with your school site.

### **What is the district doing to keep students safe while riding a school bus?**

Students will be wearing masks, they will be seated strategically, windows will be open and a vent will be used for circulation. Page 16 of our [Back to School Guide](#), has more information on boarding & disembarking, disinfecting & cleaning, and face mask requirements.

## **Coming onto campus**

### **Are families able to come on campus?**

To comply with the health and safety guidelines, only “essential” visitors or volunteers will be on campus. Please contact your school site to learn who qualifies as an essential visitor/volunteer. All visitors and volunteers must comply with the district’s school health and safety guidelines.

### **Can parents volunteer during the first week of school?**

Yes - with approval by their school administration. All volunteers must adhere to our health and safety guidelines as well as the



California Department of Public Health [guidance](#) for K12 schools.

## **Online Option**

### **Is there still time to enroll for school, including online school?**

Yes. See [Enrollment Options](#).

### **How do I enroll for the online school?**

We understand that not everyone will be ready or comfortable with returning to in-person learning. With that in mind, all San Diego Unified K-12 students have the option to enroll in the new online Virtual Academy for the 2021-22 school year.

Students who still wish to enroll in the Virtual Academy should complete this interest form at <https://tinyurl.com/yebjh4hg> or simply email [virtualacademy@sandi.net](mailto:virtualacademy@sandi.net) with your child's name, grade level for 2021-22, student ID number, and current school of attendance.

Students and families will be sent classroom information prior to the first day of school.

### **If I enroll for the online school, will I lose my place at my current school of attendance?**

No.

### **What will online learning look like?**

Students enrolled in the Virtual Academy will participate in both “live” & asynchronous instruction. Students will have cameras on during “live” whole group and small group. Be ready to learn with materials. Have a dedicated space at-home for learning. Instruction for elementary students includes 1/3 “live” whole group instruction, 1/3 “live” small group instruction, and 1/3 independent practice.

Instruction for secondary students will include three classes per quarter: 1/3 “live” whole group instruction, 1/3 additional whole group or small group instruction, 1/3 office hours & independent practice and additional 90 minutes asynchronous learning. Our [Back to School Guide](#), page 19-26 has more information related to instruction.

### **What will students be expected to do?**

Virtual learners will have 360 instructional minutes, not inclusive of snack or lunch breaks; Online academic instruction, social-emotional learning, and opportunities for onsite learning, extracurriculars, and special in-person events.

### **How will attendance be taken?**



Student attendance will be taken daily in PowerSchool. Visit our [Back to School Guide](#), page 24 for more information related to attendance taking procedures.

### **My student is in quarantine. Will they be marked absent during quarantine?**

Page 24 of the District's [Back to School Guide](#), page 24 for more information related to attendance.

### **Will school sites offer Grab & Go Meals?**

Yes. The district will distribute curbside Grab n' Go meals at designated school locations. Grab & Go Meals include breakfast, lunch, evening and weekend meals to all students participating in Virtual Academy. Grab & Go Meal sites will follow health and safety protocols, including hand hygiene, physical distancing, wearing face coverings and gloves.

## **Social and emotional well-being**

### **Will the district support students' physical, social and emotional well-being?**

Yes. The district continues to support students' social, emotional and physical well-being during these unprecedented times. Students are provided with a positive school environment, wellness lessons included in everyday instruction, connecting families with needed social services, and referral and intervention services. Page 22 of our [Back to School Guide](#), has more information.

### **Is my school counselor available to offer support?**

Yes, school counselors will be offering direct student and family services. Counselors will be checking in with students and providing support to students in their academic progress and social-emotional health. Students and families may be offered individual, group interventions or a combination of both.

### **I need help (mental health)**

Mental health and wellness is critical for parents and students during this challenging time. The district has created a [web site with available resources](#). There's also a self-care tool for youth [Gritx.org](#) and a mindfulness platform specifically designed for mental health, [Inner Explorer](#), that includes short, 5-10 minute activities for our students and families. Below are additional resources available to our students and families.

### **Mental Health Resource Center**

Our Mental Health Resource Center offers a variety of mental health services to our students, including services for students with IEPs.



Please see services provided to students [here](#).

### [School Link Mental Health](#)

### [Teen Recovery Centers](#)

Other additional resources:

The California Department of Education - [Student and Family Mental Health Resources](#)

Child Abuse Hotline 1-858-560-2191

National Domestic Violence Hotline 1-800-799-7233

Mental Health and Substance Use Services 1-888-724-7240

National Suicide Prevention Lifeline 1-800-273-8255

We can all help prevent suicide. The Lifeline provides 24/7, free and confidential support for people in distress, prevention and crisis resources for you or your loved ones, and best practices for professionals.

### **How else can we stay healthy?**

Stay active! Our physical education teachers have [set up a site for continued learning](#). The district [athletics department has also shared information](#).

## **Making sure all students feel welcome**

### **What is the district doing to build anti-racist and restorative school communities?**

The Board of Education recently approved the revision of our suspension/expulsion procedures as well as the implementation of our Restorative Discipline Policy.

### **How do the actions taken by the Board of Education help eliminate inequities?**

The revision of our suspension/expulsion procedures and our Restorative Discipline Policy will eliminate the barriers that prevent our students of color from receiving equitable access, experiences, and outcomes.

### **What other actions have the district implemented to eliminate inequities?**

The district formed the Transforming School Police Working Group to improve student experiences with school police and eliminate the barriers that prevent students of color from receiving equitable access, experiences, and outcomes.

### **What was the outcome of the Transforming School Police Working Group?**



The Board of Trustees approved the working group's recommendations to help guide the district's path forward as it works to transform the way we provide support to students through school police. Among the recommendations:

- Assess the impact of school police interactions with youth and community
- Train School Police on how to engage with youth and community members
- Train our site leaders around school police involvement
- Shift to a cluster-wide school police support model to ensuring school police resources are strategically deployed
- Change School Police uniforms to allow for more approachability while still maintaining identification that preserves the safety of the officer and those they serve

## **Student success**

### **How will students be tested and assessed?**

The District is committed to providing students with meaningful assessments and feedback. Educators will engage students in fair, valid and reliable formative and summative assessments to inform instruction and to provide regular and timely feedback. Page 23 of our [Back to School Guide](#) has more detailed information related to assessments.

### **Will we still have state testing?**

Yes. The California Department of Education has released the testing calendar for the 2021-22 school year.

### **Can you explain how the standards-based grading policy works?**

Our standards remain rigorous, relevant, and aligned to state standards. Providing opportunities for revision and reassessment will allow students to relearn content or material that they may not have fully understood the first time it was taught. Students will be able to learn from their mistakes and demonstrate mastery of knowledge at more than just one point in time. Our [Back to School Guide](#), page 23 has more detailed information related to standard-based grading.

### **When will the revised grading policy be fully implemented for grades 6-12?**

Staff have begun implementation of the policy and will continue to collaborate and align grading practices to the revised policy. New academic definitions, citizenship marks, and grading comments will be available for use within PowerSchool for the 2021-22 school year.



## **Why is the district making this shift?**

Our focus as a district continues to be on educating the whole child and providing quality, standards-based instruction for each child in every neighborhood. At the elementary level, educators have been using standards-based grading and reporting practices for nearly a decade. The shift in our grading policy is to provide clarity and transparency in communicating progress toward mastery of standards for our entire San Diego Unified community, TK-12. By removing non-academic factors from the academic grade and ensuring students have multiple means and opportunities to demonstrate mastery, our academic grades will more accurately reflect student knowledge and skill.

## **What are the “nonacademic factors” that will move to the citizenship grade?**

Nonacademic factors include general behavior, punctuality, effort, and work habits. Students are still expected to turn assignments in on time and behave appropriately, however these factors will now directly affect the citizenship grade rather than the academic grade. Educators will still have due dates for assignments and will establish a timeframe for when late work will be accepted.

## **Will ALL assignments be revised or reassessed?**

Educators will provide “opportunities” for revision and reassessment. Educators will determine the type and frequency of revisions and reassessments based on their content area. Due dates for class assignments, late submissions, revisions and reassessments will also be established in order to give educators enough time to enter scores into the final grade. Over the next few weeks, educators, grade-level teams, departments and school sites will determine which assignments can be revised or reassessed and will communicate directly with families the type, frequency, and timeframe.

## **Digital access**

### **Will students be required to transport their devices each day?**

Yes, students should be expected to transport their devices each day from home to school and back unless directed otherwise by their school and/or teacher. For more information, please view our [Back to School Guide](#), page 28 and 29.

### **What if I don’t have a computer?**

We will continue to provide personal laptops to families that need them. Your school of enrollment will be able to distribute devices and will provide instructions so you may plan for a pick-up.

### **What do I have to bring to get a computer?**



Your school of enrollment will provide you with this information. For more information, please view our [Back to School Guide](#), page 28 and 29.

### **What if I am having issues with the computer I was given or need tech support?**

The Family Technology Support Line is available to assist families. Please call (619) 732-1400 from 8:00 am to 5:00 pm.

### **What if I don't have access to the internet?**

Families that need help with connectivity, call (619) 260-2460.

### **Will my student be safe online with a district-issued computer?**

San Diego Unified has implemented a new cloud based-web filtering software for students called iboss. It allows the district to comply with the Children's Internet Protection Act (CIPA) and extends web filtering for student devices regardless of the location they are learning in. With the iboss cloud, security follows the student, and ensures that the same level of protection and compliance is applied to a student regardless of whether they are on campus or at home. All district distributed Chromebooks will have the web filtering extension installed on it, no action will be required from the students or school staff.

## **Special Education**

### **How is the district supporting students with IEPs?**

The Special Education department is committed to supporting students and families in an integrated way by providing increased Related Service providers (Speech and Language Pathologists and School Psychologists) assigned to school sites. Visit our [Back to School Guide](#), page 21 for more information related to Special Education.

## **English Learners**

### **How is the district supporting English Learners?**

The Office of Language Acquisition (OLA) continues to support our multilingual learners with instructional supports to accelerate their language growth and development. The District's [Back to School Guide](#), page 21 has more information related to multilingual learners. If you have additional questions, please email [ola@sandi.net](mailto:ola@sandi.net)

## **Specific Subjects**

### **What do you have for the Arts?**



The health and safety of all students is the highest priority of the Visual and Performing Arts (VAPA) Department. As such, the VAPA staff continues to inform and support teachers and schools to follow all health and safety guidance. Our [Back to School Guide](#), page 27 has more information related to VAPA.

### **Will students be taught sex education and health education this year, whether online or in-person?**

Students currently in grade 6, grade 8, in high school biology, or in a 10th grade class will receive sex education, whether offered in-person or online. If offered online, the curriculum has been adapted to an online learning environment.

### **Are my college courses still available online?**

Most community college courses will remain online for Fall 2021. Students need to access the SDCCD [Canvas Login Page](#) and will need to use their 10-digit College Student Identification (CSID) number, and password, to access their coursework.

## **Athletics**

### **Which sports are now taking place in San Diego Unified?**

Traditional seasons for all student athletes (fall, winter, spring) are back for 2021-22. For more information, please view our [Back to School Guide](#), page 30.

Due to possible changes to COVID-19 protocols and guidelines, please confirm all sports-related information with your school site.

### **Do students playing sports have to be tested?**

Weekly testing will continue to be required for students who are not vaccinated for all sports. Contact your school site for more information regarding testing.

### **Now that all sports are open, can I watch my student play and practice?**

Health and Safety Protocols have been established for all athletic events. Please check with your school site for indoor and outdoor spectator policies and viewing options.

### **Are parents allowed to watch their student athletes participate in indoor CIF sporting events?**

Please check with your school site for indoor and outdoor spectator policies and viewing options. Parents can stay up-to-date by visiting



the CIF San Diego Section Updated Information and Calendars:  
[www.cifsds.org/](http://www.cifsds.org/).

Other

### **How about my pets?**

The San Diego Humane Society is supporting families and their pets who need extra help during the COVID-19 pandemic. For more information, please visit the Human Society website at <https://www.sdhumane.org/programs/support-services/pantry-service.html>



**EXHIBIT 6**



# California Becomes First State in Nation to Announce COVID-19 Vaccine Requirements for Schools

Published: Oct 01, 2021

*After implementing first-in-the-nation school masking and staff vaccination measures, California becomes the first state to announce plans to require student vaccinations – adding the COVID-19 vaccine to list of vaccinations required for school, such as the vaccines for measles, mumps, and rubella*

*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).*

SAN FRANCISCO – At a school in San Francisco, Governor Newsom announced plans to add the COVID-19 vaccine to the list of vaccinations required to attend school in-person when the vaccine receives full approval from the Food and Drug Administration (FDA) for middle and high school grades, making California the first state in the nation to announce such a measure. Following the other [first-in-the-nation school masking and staff vaccination measures](#), Governor Newsom announced the COVID-19 vaccine will be required for in-person school attendance—just like vaccines for measles, mumps, rubella and more.

“The state already requires that students are vaccinated against viruses that cause measles, mumps, and rubella – there’s no reason why we wouldn’t do the same for COVID-19. Today’s measure, just like our first-in-the-nation school masking and staff vaccination requirements, is about protecting our children and school staff, and keeping them in the classroom,” said Governor Newsom. “Vaccines work. It’s why California leads the country in preventing school closures and has the lowest case rates. We encourage other states to follow our lead to keep our kids safe and prevent the spread of COVID-19.”

Thanks to the state’s bold public health measures, California continues to maintain the [lowest case rate in the entire country](#) and is one of only two states to have [advanced out of the CDC’s ‘high’ COVID transmission](#) category. More information about the announcement can be found [here](#).

The vast majority of school districts have reported that over 95% of students have returned to in-person instruction this school year, as can be seen on the state’s [Student Supports & In-Person Dashboard](#). Thanks to unprecedented resources and public health measures ([measures shown to be highly effective](#)), California is [leading national trends in preventing school closures](#) and keeping kids in classrooms, accounting for only 14 out of over 2,000 school closures nationwide, or roughly 0.7% – despite the fact that California educates an estimated 12% of the nation’s public school students. If California’s rates had aligned with national trends, the state would have seen upwards of 240 school closures.

In order to further protect students and staff and continue supporting a safe return to in-person instruction for all students, the Governor directed the California Department of Public Health (CDPH) to follow the procedures established by the Legislature 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. COVID-19 vaccine requirements will be phased-in by grade span, which will also promote smoother implementation.

Upon full FDA approval of age groups within a grade span, CDPH will consider the recommendations of 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. Following existing statute, full approval of ages 12+ corresponds to grades 7-12, and full approval of ages 5-11 corresponds to grades K-6. 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. The requirement will take effect at the start of the term following full approval of that grade span, to be defined as January 1st or July 1st, whichever comes first. Based on current information, the requirement is expected to apply to grades 7-12 starting on July 1, 2022. However, local health jurisdictions and local education agencies are encouraged to implement requirements ahead of a statewide requirement based on their local circumstances.

Governor Newsom’s historic [\\$123.9 billion Pre-K and K-12 education package](#) is providing an unprecedented level of school and student funding to transform the state’s public schools into gateways of equity and opportunity, supporting the potential of every California student by: achieving universal transitional kindergarten for four-year-olds by 2025, expanding afterschool and summer programs, providing universal free school nutrition, increasing the number of well-prepared staff per pupil, creating full-service community schools to support the mental and social-emotional well-being of students, and more.

###



**EXHIBIT 7**



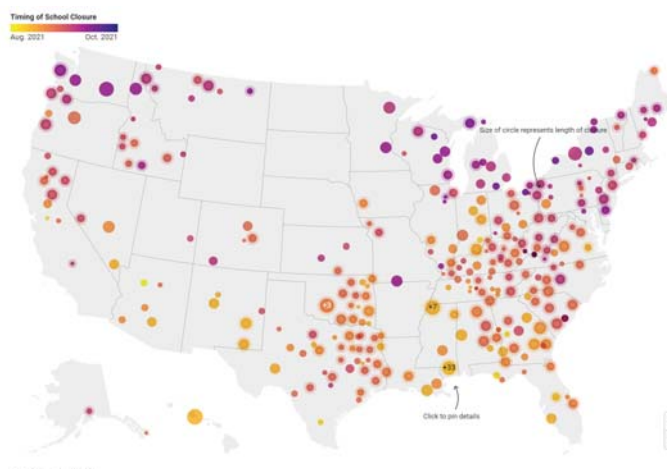


## California Becomes First State in Nation to Announce COVID-19 Vaccine Will Be Added to List of Required School Vaccinations

*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).

---

<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.

---

<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/>