

**BEFORE THE BOARD OF TRUSTEES OF THE
WESTERN PLACER UNIFIED SCHOOL DISTRICT
LINCOLN, CALIFORNIA**

**RESOLUTION SUPPORTING LOCAL
DECISION-MAKING AUTHORITY AND
REQUESTING ELIMINATION OF OR
MODIFICATIONS TO THE GOVERNOR'S
VACCINATION MANDATE**

RESOLUTION NO. 21/22.11

WHEREAS, a child's right to public education is a fundamental right or interest that must be made available to all children on an equal basis under both the United States Constitution and the California Constitution;

WHEREAS, through the California Constitution, local school districts are entrusted to meet the needs of all students in a manner that ensures the fundamental benefits of school are equitably applied;

WHEREAS, each Western Placer Unified School District Board member swore an oath to uphold the Constitution of the United States of America and the Constitution of California;

WHEREAS, the American Academy of Pediatrics has noted, and it is widely accepted, that schools are essential to child and adolescent development and well-being, providing students with academic instruction, social and emotional skills, reliable nutrition, physical and mental health therapy, and opportunities for physical activity, among other benefits;

WHEREAS, the Board believes these benefits are maximized for most students when delivered in a safe, emotionally supportive, in-person school environment and that when illness or absence occur, there is a negative impact on the continuity in learning;

WHEREAS, in the face of public health concerns, such as the COVID-19 pandemic, and with the primary interest of keeping children in school, local school districts must consult with local public health officials to ensure a safe environment based upon local conditions and community needs;

WHEREAS, on October 1, 2021, Governor Gavin Newsom proposed a COVID-19 vaccination mandate for all staff and students attending public and private California K-12 schools in-person ("Vaccination Mandate");

WHEREAS, the Governor's Vaccination Mandate severely limits local school district control in deciding the best way to ensure all students access to in-person education contrary to California Code of Regulation section 6025, which requires a

school district to “unconditionally admit or allow continued attendance” to any child, provided the school has received documentation the child has been immunized in accordance with sections 6065 and 6070. Health and Safety Code section 120335 provides a list of ten (10) specifically enumerated illnesses for which a child must be vaccinated for admission to any school in California, but does *not* include the COVID-19 vaccination;

WHEREAS, healthy children are generally not at risk of hospitalization or death from COVID-19, with the fatality rate in California for children ages 0-17 equal to 0.0005%;

WHEREAS, the California Department of Public Health (“CDPH”) has recognized that since 2020, at least 545,014 Californians aged 5 to 17 have been infected with and recovered from COVID-19 and numerous recent studies (including *Cell Reports Medicine* funded by the National Institute of Health, citing the immune response of COVID-19 survivors remained durable and strong over a period of 250 days after infection and a recent Israeli study finding a vaccinated person is only 92.8% protected from re-infection, while an unvaccinated person who recovered from COVID-19 is 94.8% protected from reinfection) support the conclusion that people who have recovered from COVID-19 may have more durable and long-lasting immunity to COVID-19 compared to vaccinated individuals who have not been infected with COVID-19;

WHEREAS, the Vaccination Mandate would unfairly exclude from in-person school many WPUSD students who have recovered from COVID-19, but whose parents chose not to have them vaccinated because they retain natural immunity;

WHEREAS, the Vaccination Mandate could unfairly exclude from in-person school many WPUSD students whose families have sincerely held religious beliefs that conflict with the mandate;

WHEREAS, the Vaccination Mandate could unfairly exclude from in-person school WPUSD students with personal beliefs that conflict with the mandate;

WHEREAS, the Board recognizes that in such instances where students are excluded from school, students may enroll in independent study, but a family’s selection of independent study for their child is voluntary under Education Code section 51747 and not all students are well suited for independent study;

WHEREAS, notwithstanding an independent study option, the Vaccination Mandate severely limits parent choice in public education and the Board recognizes many families who choose not to vaccinate their children will instead disenroll their children from school;

WHEREAS, given this likely result, the Vaccination Mandate interferes with a local school district’s obligation to provide a safe and emotionally supportive in-person option for school to all students in the way best suited for local conditions.

NOW THEREFORE, BE IT RESOLVED as follows:


The Board requests Governor Newsom and other state officials:

- a. Reconsider the impact of the Vaccination Mandate on all students and staff in K-12 public schools, including the anticipated interruption in attendance for many students whose parents elect not to vaccinate them, which will impede their access to academic instruction, social and emotional skills, reliable nutrition, physical and mental health therapy, and opportunities for physical activity.
- b. Eliminate the Vaccination Mandate or guarantee a permanent allowance for clear exemptions, including exemptions for students with natural immunity due to COVID-19 exposure and for families with sincerely held religious or personal beliefs that conflict with the mandate.
- c. Provide flexibility to allow local school districts, in consultation with the local public health officials, to independently determine alternative COVID-19 safety protocols and mitigations with respect to COVID-19 vaccinations.

BE IT FURTHER RESOLVED that the Board hereby delegates to the Superintendent or her designee the authority to carry out the intent of this Resolution.


The foregoing Resolution was passed and adopted by the Board of Trustees of the Western Placer Unified School District of Lincoln, California, at a regular meeting of the Board of Trustees held on October 19, 2021 by the following vote:

AYES: 5
NOES: 0
ABSENT: 0
ABSTAIN: 0



Kris Wyatt, President

I, Criste Freymond, Clerk of the Board of Trustees of Western Placer Unified School District, HEREBY CERTIFY that the foregoing Resolution was duly introduced, passed and adopted by the Board of Trustees at a meeting thereof held on the 19th day of October, 2021.



Clerk of the Board of Trustees