

# Discussion of Possible Policy to Require Mandatory Vaccines or Weekly COVID-19 Testing for all BUSD Employees; and to Require Mandatory Student COVID Testing

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**Berkeley**  
PUBLIC SCHOOLS  
Berkeley Unified School District

# Mandatory Employee COVID Vaccinations

BP 4219.43 Personnel

## Universal Precautions

In order to protect employees from contact with potentially infectious blood or other body fluids, and from exposure to the COVID-19 virus, the Governing Board requires that universal precautions be observed throughout the district, to include employee vaccination against COVID-19 or at least weekly COVID testing.

# Mandatory Employee COVID Vaccinations

Authority to require employee vaccinations established by CalOSHA, CA Department of Labor, and EEOC guidance

On August 11, CDPH issued a new health order, "Vaccine Verification for Workers in Schools", requiring paid and unpaid adult workers in TK-12 to be vaccinated or test at least once per week by October 15.

With respect to vaccinations, employers must permit a health-related accommodation process, and procedures to consider requests for religious exemptions. These exemptions do not apply to COVID testing.

## Probable Implementation Timeline

Tomorrow: Notice to all employees of vaccination/testing requirement

August 23rd: Onsite COVID testing is re-established with new testing partner

August 27: Verification of employees' vaccination status; procedures for third-party partners, volunteers, etc.

September 3: Start of mandatory employee testing

October 15: State requirements goes into effect



## Mandatory Student COVID Testing

Last year, participation in student COVID testing did not exceed 30%, with the exception of high school athletics

Last year, families were required to provide written consent for each test, and had to submit insurance paperwork.

## Mandatory Student COVID Testing

This year, we have selected a new testing partner - Vestra Labs

CDPH has now established a program to fund testing in schools, which eliminates billing to families' insurance

Blanket consent is now possible

## Mandatory Student COVID Testing

Maximizing participation in testing is recommended by CDPH. In order to require participation in student COVID testing, a number of technical and procedural hurdles would have to be overcome:

- Opt Out process and criteria
- Parent/guardian consent for minors
- Exclusion from school

## NEW INFORMATION: Mandatory Student COVID Testing

- Legal issues related to excluding students for not participating in testing
- Test companies will not test minors without parent/guardian consent.





## Board Direction

Should BUSD proceed to implement mandatory employee vaccinations and student COVID testing in advance of the August 11 CDPH Public Health Order?