

Student and Staff COVID-19 Vaccination Policy and Procedures

The Board of Directors of NEW WEST CHARTER has adopted this policy to implement the student and staff COVID-19 vaccination policy for all Charter School facilities as required by the New West Governance Council on October 26th, 2021.

Consistent with New West’s legal duty to maintain a safe and healthy workplace, to limit the spread of COVID-19 and consistent with wide-sweeping industry practice to mandate such vaccinations broadly, New West shall enforce this Student and Staff COVID-19 Vaccination Policy and Procedures (“Policy”). The purpose of this Policy is to protect the health, safety, and well-being of all School students, employees, families, and stakeholders to the maximum extent possible, and to facilitate a safe and meaningful return to in-person instruction. This Policy shall be implemented in a manner that is consistent with current federal, state, and local law, as well as applicable public health guidance, including that from the Centers for Disease Control and Prevention (“CDC”) and the California Department of Public Health (“CDPH”) as well as local public health authorities and authorizing agencies.

COVID-19 Vaccination Requirement for Eligible Students

All Charter School students who are eligible to receive the COVID-19 vaccine, excluding those students with a qualified and approved exemption or conditional admission, must become fully vaccinated against COVID-19 as a mandatory precondition to accessing the school site, as follows:

| Student Group | First Dose Deadline | Second or Final Dose Deadline |
|--|-----------------------------------|--------------------------------------|
| Students who are 12 years of age and older | No later than November 28th, 2021 | No later than December 28th, 2021 |



| | | |
|-------------------------|---|---|
| Newly-Eligible Students | No later than 30 days after student's 12 th birthday | No later than eight weeks after student's 12 th birthday |
| Newly-Enrolled Students | No later than 30 days after student's enrollment date | No later than eight weeks after enrollment date |

“Fully Vaccinated”

Fully-vaccinated” refers to an individual who has received the first and second doses of the vaccine (or, in the case of Johnson & Johnson, the single required dose) and has completed the two-week period that follows to ensure maximum immunity.

Required Documentation

Only the following modes may be used as proof of vaccination:

1. COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card) which includes name of person vaccinated, type of vaccine provided and date last dose administered); or
2. A photo of a Vaccination Record Card as a separate document; or
3. A photo of the client's Vaccination Record Card stored on a phone or electronic device; or
4. Documentation of COVID-19 vaccination from a health care provider; or
5. Digital record that includes a QR code that when scanned by a SMART Health Card reader displays to the reader client name, date of birth, vaccine dates and vaccine type.





Parents/guardians must submit student COVID-19 vaccination documentation to the New West Front Office by the first and second dose deadline to meet the deadlines. After the vaccination document is submitted, it will be reviewed and verified by an authorized New West staff member. The verification process will likely take approximately 2-3 business days, but may take longer.

Student vaccination records and information will be maintained securely and confidentially in accordance with all applicable laws and regulations governing the privacy of student health information and other student records.

Exemptions and Conditional Admission

Parents/guardians may apply to seek exemption from the student COVID-19 vaccine requirements or conditional admission only under the following circumstances:

1. Qualified Medical Exemption
 - a. Parents/guardians seeking a medical exemption from the COVID-19 vaccine for their child will be required to submit a completed Student Medical Exemption to the COVID-19 Vaccine Form to the Charter School beginning on November 19th, 2021.

2. Conditional Admission
 - a. Students may be conditionally admitted if they are in one of the following groups: 1) foster youth, 2) student experiencing homelessness, 3) migrant student, 4) military family, or 5) student with an IEP.

The Charter School will notify the parent/guardian confirming the exemption or conditional admission approval or indicating that further attention is required.

Exclusion from School Facilities

Beginning Monday, January 10, 2022, eligible students who have not submitted proof of being fully vaccinated against COVID-19 or received a qualified and approved exemption or conditional admission pursuant to this policy will not be permitted on any New West school site.





Other Ongoing Campus Health and Safety Measures

Charter School will continue to adhere to all applicable and current New West student health, safety, and emergency policies, procedures and requirements.

COVID-19 Vaccination Requirement for Staff and Adults on Campus

Scope

This Policy applies to all School employees who enter campus for any period, or have contact with any employees, students, or other School stakeholders, however brief. This Policy also applies to any prospective employees who have been provided with a conditional offer of employment at New West. This Policy also applies to visitors, volunteers, contractors and parents who wish to enter any school facility, but such individuals shall not be entitled to apply for waivers/accommodations/exemptions from this policy as noted below for employees. This Policy applies to COVID-19 vaccines that are currently available to School employees under Food and Drug Administration (“FDA”) Approval or Emergency Use Authorization, as well as those that may later become available under FDA Approval or Emergency Use Authorization. Should any COVID-19 vaccine receive FDA non-Emergency Use Authorization, this Policy will apply to such vaccines as well. Additionally, should any COVID-19 vaccine require two (2) doses for complete inoculation, compliance with this Policy requires both doses. Finally, should any COVID-19 vaccination require a booster dose(s) for complete and/or continued inoculation, this Policy shall require such dose(s), to the extent that the booster dose(s) is: (1) available under FDA Emergency Use Authorization or full FDA approval, (2) available for all employees and (3) recommended by state and/or federal public health authorities.

Policy Statement

Consistent with the California “State Public Health Officer Order of August 11, 2021,” (“Order”) and Governor Gavin Newsom’s October 1, 2021 student vaccine order, which placed additional limitations on the staff vaccine requirement, and vaccination mandates issued in public schools throughout California, it is the policy of New West to mandate





that all current employees receive the COVID-19 vaccine by December 28th 2021. New West will provide current employees with information regarding the operational logistics of such vaccination opportunities (e.g., opportunities to schedule vaccinations during the workday, reimbursement for mileage, etc.).

It is also the policy of New West to mandate that all prospective employees who have received a conditional offer of employment from New West must vaccinate for COVID-19 or present proof of vaccination for COVID-19, absent a legally recognized accommodation. Should any COVID-19 vaccine require two (2) doses and/or a booster dose(s) for complete inoculation, prospective employees' compliance with this Policy requires all such doses, and no prospective employee will be allowed to enter any School facilities until two weeks after they have received all such doses, and present written proof of vaccination that they have received all such doses. If a COVID-19 vaccine only requires one (1) dose for complete inoculation, no prospective employee will be allowed to enter any School facilities until two weeks after they have received such dose and present written proof of vaccination. For any prospective employees who have not yet vaccinated for COVID-19, New West will provide employment verification letters and any other documentation necessary to secure a COVID-19 vaccine. New West will pay for the cost of a prospective employee's COVID-19 vaccination dose(s), if applicable. New West reserves the right to rescind any conditional job offer if a prospective employee refuses to comply with this Policy and is not otherwise entitled to a legally recognized accommodation.

Current employees who refuse to comply with this Policy and who are not otherwise eligible for an accommodation consistent with applicable legal requirements as further detailed below will be placed on unpaid/inactive status until they comply. Employees who refuse to vaccinate for COVID-19 and who are not otherwise entitled to an accommodation will be excluded from campus/the workplace pending compliance with this Policy. Continued absences from work as a result of noncompliance with this Policy may be deemed unexcused, and result in disciplinary action, up to and including termination from employment.

Employees who have not yet received a COVID-19 vaccination may use up to three (3) hours (per dose) to vaccinate during the workday, including travel time. Additionally, consistent with applicable law, New West will pay all current nonexempt employees for





time spent receiving the COVID-19 vaccine, assuming the vaccine cannot be obtained during working hours. All current employees may also use any available California COVID-19 Supplemental Paid Sick Leave for time spent attending a COVID-19 vaccination appointment, upon a written or oral request to New West, and to the extent that New West is legally required to provide employees with such leave. New West will also reimburse all current employees for the cost of the vaccine (if any), as well as reasonable and necessary mileage (if applicable). All reimbursements require appropriate supporting documentation.

Proof of Vaccination

Once School employees receive the COVID-19 vaccine, they must provide New West with proof of COVID-19 vaccination. Consistent with applicable law, acceptable proof of COVID-19 vaccination includes:

- A COVID-19 Vaccination Record Card (issued by the Department of Health and Human Services Centers for Disease Control & Prevention or WHO Yellow Card) which includes name of person vaccinated, type of vaccine provided and date last dose administered); OR
- A photo of a Vaccination Record Card as a separate document; OR
- A photo of the client's Vaccination Record Card stored on a phone or electronic device; OR
- Documentation of COVID-19 vaccination from a health care provider; OR
- Digital record that includes a QR code that when scanned by a SMART Health Card reader displays to the reader client name, date of birth, vaccine dates and vaccine type; OR
- Documentation of vaccination from other contracted employers who follow these vaccination records guidelines and standards.

While earlier submission of vaccination is preferred, failure to provide New West with written proof of COVID-19 vaccination by 1/5/2022, constitutes noncompliance with this Policy. New West further reserves the right to request proof of both the first and second vaccination doses for COVID-19, as applicable.

When providing proof of vaccination, current and prospective employees must not provide any medical or genetic information to New West. It is an employee's



responsibility to ensure their proof of vaccination is free from medical and genetic information.

New West shall strictly maintain confidentiality of all employee COVID-19 vaccination data and related medical information, other than reporting the results to federal, state, and local health departments or agencies, only where required by law. New West will store all medical information about any employee separately from the employee's personnel file in order to limit access to this confidential information. New West will have a separate confidential medical file for each employee where New West stores employee medical information. Medical information includes COVID-19 vaccination data.

Continued Health and Safety Protocol

Consistent with New West's health and safety protocol, including its COVID-19 Health and Safety Policy and COVID-19 Injury and Illness Prevention Plan Addendum, and until guidance from federal, state, and local public health agencies is revised, all employees must continue to abide by all COVID-19 health and safety protocols, regardless of vaccination status. This includes but is not limited to continued use of facial coverings.

Requests for Accommodations

Current and prospective employees who are unable to comply with this Policy due to a qualifying disability or sincerely held religious belief, practice, or observance as defined by applicable law may be entitled to an accommodation from New West's COVID-19 vaccination requirement. Once New West is on notice that an employee may be unable to comply with the Policy due to a qualifying disability or sincerely held religious belief, practice, or observance, New West will engage in an interactive process with the employee, and work to identify any possible accommodations. As part of the interactive process, New West reserves the right to request supporting documentation or a medical certification which documents the basis for the requested accommodation. New West may not be required to provide employees with an accommodation should the accommodation result in a direct threat to health and safety at New West or to the employee or if the accommodation will cause an undue hardship for New West, among other reasons. Employees who believe they may be entitled to a legally valid





accommodation consistent with this Policy should contact New West as outlined below to address this matter further.

All employees must currently test for COVID-19 on a regular basis, regardless of COVID-19 vaccination status. While employees may also request legally recognized accommodations from such testing, the testing is mandated by law, and New West may not be required to provide employees with accommodations from such testing, should they result in a direct threat to health and safety at New West or to the employee or if the accommodation will cause an undue hardship for New West, among other reasons.

Non-Discrimination

New West will not discriminate, harass, or retaliate against any current or prospective employee for receiving the COVID-19 vaccine, refusing to receive the COVID-19 vaccine, or for requesting a lawfully-recognized accommodation from the COVID-19 vaccination Policy. However, New West reserves the right to enforce non-compliance with this Policy, consistent with applicable law.

Disclaimer

As public health and legal guidance regarding COVID-19 vaccinations evolves, New West reserves the right to revise this Policy. Upon any revision to this Policy, New West will provide immediate notice in writing to all employees.

All questions regarding this Policy should be directed to the office of the Executive Director.'

Date Approved: October 26th 2021

