



TULARE JT. UNION HIGH SCHOOL DISTRICT

**Special Meeting
of the
Board of Trustees**

March 10, 2022

Meeting of
 March 10, 2022
 FOR: INFORMATION

TULARE JOINT UNION HIGH SCHOOL DISTRICT

TO: MEMBERS OF THE BOARD OF TRUSTEES

RECEIVE: Information on a Resolution Regarding COVID-19 Mandates

Background: Based on input from parents and community members at prior board meetings, a request has been made for the board to approve a resolution regarding COVID-19 mandates.

Current Considerations: Earlier in the school year, the Board of Trustees approved a resolution addressing the ability for local school boards to have the authority to make the determination regarding appropriate COVID-19 school safety protocols in consultation with the local public health officer. This resolution was shared with local and state officials. The Board of Trustees has received a request to adopt an additional resolution on COVID-19 mandates.

Fiscal Implications: None.

Tulare Joint Union High School District Priorities:

- *Improve Student Outcomes and Performance*
- *Maintain Safe Schools*
- *Manage Facilities and Student Growth*
- *Maintain the Fiscal Integrity of the District and Fund the Board Priorities*
- *Staff TJUHSD with Qualified Personnel and Maintain a Positive Work Environment*
- *Continue to Strengthen Internal and External Communication Systems*

Tulare Joint Union High School District LCAP Goals:

Goal 1: All students will demonstrate successful completion of a broad course of study and will meet the a-g requirements upon graduation, in order to be prepared to transition to college and a career.

Goal 2: All English Learners will demonstrate improvement in their English Language skills as evidenced through course grades, ELPAC scores and CAASPP scores.

Goal 3: TJUHSD will maintain a positive learning environment where all students and parents feel welcomed, valued, safe and engaged in the academic success of our students.

SUBMITTED BY:
 Dr. Lucy Van Scyoc
 Superintendent

PREPARED BY: Dr. Lucy Van Scyoc, Superintendent

**BEFORE THE BOARD OF TRUSTEES OF THE
TULARE JOINT UNION HIGH SCHOOL DISTRICT
TULARE, CALIFORNIA**

**RESOLUTION OPPOSING PROPOSED
VACCINATION LEGISLATION**

RESOLUTION NO. XXXXXX

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

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

WHEREAS, the Board’s primary focus continues to be providing high quality education to District students in a safe and supportive environment;

WHEREAS, the California Department of Public Health (“CDPH”) has publicly recognized that all students must have access to safe and in-person instruction;

WHEREAS, Health and Safety Code sections 120325 and 120335 list ten (10) “childhood diseases” for which specific immunizations are required for school admission. An eleventh category under each statute permits the California Department of Public Health (“CDPH”) to require immunization against:

Any other disease deemed appropriate by [CDPH], taking into consideration 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.

WHEREAS, on January 12, 2022, Senate Bill (SB) 866 was introduced in the California legislature proposing the addition of Family Code Section 6931 to grant children as young as 12 years old the authority to consent to receipt of any vaccine approved by the U.S. Food and Drug Administration without the consent of a parent or guardian.

WHEREAS, on February 7, 2022, SB 871 was introduced in the California legislature proposing changes to Health and Safety Code sections 120325 and 120335 to add “COVID-19” to the list of childhood diseases for which specific immunizations are required for school admission. Further, SB 871 proposes the repeal of Health and Safety

Code section 120338, which currently permits both medical and personal belief exemptions for the additional immunizations deemed appropriate by CDPH for other diseases.

WHEREAS, a school district is prohibited from unconditionally admitting a student who does not obtain required immunizations by statute.

WHEREAS, the Board understands its responsibility to follow the law and any orders or regulations that carry the force of law.

NOW THEREFORE, BE IT RESOLVED, that the District supports the rights of parents and guardians to make informed decisions about the medical care provided to their children and urges that the legislature of the State of California vote against proposed legislation that would authorize 12-year-olds to consent to immunizations, without parental consent.

BE IT FURTHER RESOLVED, that the District respectfully urges that the legislature of the State of California carefully consider the impact of proposed vaccination requirements on student access to in-person learning opportunities and vote against proposed legislation that would require student vaccination for COVID-19 as a condition of in-person attendance in K-12 schools.

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, including but not limited to transmitting a copy of this resolution to state legislative representatives and other appropriate state officials.

The foregoing Resolution was passed and adopted by the Board of Trustees of the Tulare Joint Union High School District of Tulare, California, at a regular meeting of the Board of Trustees held on [DATE], 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kelley Nicholson, President

I, Cathy Mederos, Clerk of the Board of Trustees of Tulare Joint Union High 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 [DAY]th day of [MONTH], 2022.

Clerk of the Board of Trustees

**BEFORE THE BOARD OF TRUSTEES OF THE
TULARE JOINT UNION HIGH SCHOOL DISTRICT
TULARE, CALIFORNIA**

**RESOLUTION REGARDING
PROPOSED VACCINATION MANDATE**

RESOLUTION NO. XXXXXX

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

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

WHEREAS, the Board’s primary focus continues to be providing high quality education to District students in a safe and supportive environment;

WHEREAS, the California Department of Public Health (“CDPH”) has publicly recognized that all students must have access to safe and in-person instruction;

WHEREAS, on October 1, 2021, Governor Gavin Newsom announced his intent to require that all staff and students attending public and private California K-12 schools in-person to obtain the COVID-19 vaccination (“Vaccination Mandate”) upon full FDA approval of a COVID-19 vaccination for students in grades 7-12 and K-6;

WHEREAS, Governor Newsom stated that following full FDA approval of a COVID-19 vaccination for children in the identified grade spans, the Vaccination Mandate would be implemented in two phases, with students in grade 7-12 being subject to the mandate first followed by students in grades K-6 at a later date;

WHEREAS, Governor Newsom expressed that medical, personal and/or religious belief exemptions would be available for the proposed Vaccination Mandate;

WHEREAS, Districts can be subject to severe penalties for failure to follow legal mandates and orders including, but not limited to, loss of certain school funding.

WHEREAS, a student’s failure or refusal to follow vaccine mandates could result in the student being refused admission to in-person school instruction.

WHEREAS, as of the date of this resolution there is no Vaccination Mandate in place nor has any guidance been issued on how that mandate will be implemented or how exemptions will be processed; and

WHEREAS, the Board understands its responsibility to follow the law and any orders or regulations that carry the force of law.

NOW THEREFORE, BE IT RESOLVED, that the District respectfully urges that Governor Newsom and the CDPH and other applicable state officials reconsider the proposed COVID-19 Vaccination Mandate and allow parents and guardians the ability to choose whether their child will obtain the COVID-19 vaccination.

BE IT FURTHER RESOLVED, that the District supports parents and community members advocating their beliefs and perspectives regarding their child's education by communicating to the appropriate assembly persons, law makers, and/or government representatives that have the authority to impact public education.

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, including but not limited to transmitting a copy of this resolution to Governor Newsom, State Public Health Officer & Director, Tomas Aragon, California Health and Human Services Secretary, Mark Ghaly, state legislative representatives, and other appropriate state and local officials.

The foregoing Resolution was passed and adopted by the Board of Trustees of the Tulare Joint Union High School District of Tulare, California, at a regular meeting of the Board of Trustees held on [DATE], 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kelley Nicholson, President

I, Cathy Mederos, Clerk of the Board of Trustees of Tulare Joint Union High 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 [DAY]th day of [MONTH], 2022.

Clerk of the Board of Trustees

**BEFORE THE BOARD OF TRUSTEES OF THE
TULARE JOINT UNION HIGH SCHOOL DISTRICT
TULARE, CALIFORNIA**

**RESOLUTION OPPOSING PROPOSED
COVID-19 VACCINATION MANDATE
AND VACCINATION LEGISLATION**

RESOLUTION NO. XXXXXX

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

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

WHEREAS, the Board’s primary focus continues to be providing high quality education to District students in a safe and supportive environment;

WHEREAS, the California Department of Public Health (“CDPH”) has publicly recognized that all students must have access to safe and in-person instruction;

WHEREAS, on August 11, 2021, the CDPH issued an Order that requires weekly COVID-19 diagnostic screening testing for all unvaccinated or incompletely vaccinated workers in K-12 schools;

WHEREAS, Health and Safety Code sections 120325 and 120335 list ten (10) “childhood diseases” for which specific immunizations are required for school admission. An eleventh category under each statute permits the California Department of Public Health (“CDPH”) to require immunization against:

Any other disease deemed appropriate by [CDPH], taking into consideration 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.

WHEREAS, on October 1, 2021, Governor Gavin Newsom announced his intent to require that all staff and students attending public and private California K-12 schools in-person to obtain the COVID-19 vaccination (“Vaccination Mandate”) upon full FDA approval of a COVID-19 vaccination for students in grades 7-12 and K-6;

WHEREAS, Governor Newsom stated that following full FDA approval of a COVID-19 vaccination for children in the identified grade spans, the Vaccination Mandate would be implemented in two phases, with students in grade 7-12 being subject to the mandate first followed by students in grades K-6 at a later date;

WHEREAS, Governor Newsom expressed that medical, personal and/or religious belief exemptions would be available for the proposed Vaccination Mandate;

WHEREAS, Districts can be subject to severe penalties for failure to follow legal mandates and orders including, but not limited to, loss of certain school funding;

WHEREAS, a student's failure or refusal to follow vaccine mandates could result in the student being refused admission to in-person school instruction;

WHEREAS, as of the date of this resolution there is no Vaccination Mandate in place nor has any guidance been issued on how that mandate will be implemented or how exemptions will be processed;

WHEREAS, on January 12, 2022, Senate Bill (SB) 866 was introduced in the California legislature proposing the addition of Family Code Section 6931 to grant children as young as 12 years old the authority to consent to receipt of any vaccine approved by the U.S. Food and Drug Administration without the consent of a parent or guardian;

WHEREAS, on February 7, 2022, SB 871 was introduced in the California legislature proposing changes to Health and Safety Code sections 120325 and 120335 to add "COVID-19" to the list of childhood diseases for which specific immunizations are required for school admission. Further, SB 871 proposes the repeal of Health and Safety Code section 120338, which currently permits both medical and personal belief exemptions for the additional immunizations deemed appropriate by CDPH for other diseases;

WHEREAS, a school district is prohibited from unconditionally admitting a student who does not obtain immunizations required by statute;

WHEREAS, on February 17, 2022, Governor Newsom unveiled a plan for the next phase of the state's pandemic response with strategies to advance ongoing recovery, and on March 9, 2022, the CDPH updated its guidance for K-12 schools to focus on long-term prevention due to the waning of the most recent surge, however, neither the Governor's plan nor the updated guidance for schools addressed the CDPH Order requiring COVID-19 diagnostic testing for unvaccinated or incompletely vaccinated workers in K-12 schools; and

WHEREAS, the Board understands its responsibility to follow the law and any orders or regulations that carry the force of law.

NOW THEREFORE, BE IT RESOLVED, that the District respectfully urges that Governor Newsom and the CDPH and other applicable state officials reconsider the proposed COVID-19 Vaccination Mandate and allow parents and guardians the ability to choose whether their child will obtain the COVID-19 vaccination.

BE IT FURTHER RESOLVED, that the District supports the rights of parents and guardians to make informed decisions about the medical care provided to their children and urges that the legislature of the State of California vote against proposed legislation that would authorize 12-year-olds to consent to immunizations, without parental consent.

BE IT FURTHER RESOLVED, that the District respectfully urges that the legislature of the State of California carefully consider the impact of proposed vaccination requirements on student access to in-person learning opportunities and vote against proposed legislation that would require student vaccination for COVID-19 as a condition of in-person attendance in K-12 schools.

BE IT FURTHER RESOLVED, that the District respectfully urges that Governor Newsom and the CDPH and other applicable state officials reconsider the requirement for COVID-19 diagnostic testing of asymptomatic school workers and discontinue mandated weekly COVID-19 diagnostic screening testing for unvaccinated or incompletely vaccinated workers in K-12 schools.

BE IT FURTHER RESOLVED, that the District supports parents and community members advocating their beliefs and perspectives regarding their child's education by communicating to the appropriate assembly persons, law makers, and/or government representatives that have the authority to impact public education.

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, including but not limited to transmitting a copy of this resolution to Governor Newsom, State Public Health Officer & Director, Tomas Aragon, California Health and Human Services Secretary, Mark Ghaly, state legislative representatives, and other appropriate state and local officials.

The foregoing Resolution was passed and adopted by the Board of Trustees of the Tulare Joint Union High School District of Tulare, California, at a **regular meeting** of the Board of Trustees held on **[DATE]**, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kelley Nicholson, President

I, Cathy Mederos, Clerk of the Board of Trustees of Tulare Joint Union High 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 **[DAY]th** day of **[MONTH]**, 2022.

Clerk of the Board of Trustees

Meeting of
 March 10, 2022
 FOR: ACTION

TULARE JOINT UNION HIGH SCHOOL DISTRICT

TO: MEMBERS OF THE BOARD OF TRUSTEES

APPROVE: Resolution 2022-14 in the Matter of the Release of Temporary Certificated Employee

Background: Section 44954 of the California Education Code provides that temporary certificated employees may be released (a) at the pleasure of the board prior to serving 75% of the school days in the current school year, or (b) after serving 75% of the school days if the employee is notified before the end of the school year of the district's decision not to reemploy him or her for the next succeeding school year and if the employee was informed prior to providing certificated service that employment was temporary. Failure to timely and/or properly notify temporary certificated employees of their release will result in reemployment for the subsequent school year with Probationary II status and possible overstaffing. Due to the timing of the March 15th deadline, the memo is coming to the board for action.

Current Considerations: Under the provision of section 44954 of the California Education Code, the District employs a temporary certificated employee at Sierra Vista Charter High School during the 2021-2022 school year. It is Employee #2200. The temporary certificated employee of the District is paid at a variable pay rate per hour. Administration is in the process of re-evaluating staffing based on the district's needs for the 2022-2023 school year.

Fiscal Implications: Elimination of the temporary position listed above totals \$110,451.44, including statutory benefits and health

Tulare Joint Union High School District Board Priorities:

Priority #1: Improve Student Opportunities and Performance

Priority #3: Maintain the Fiscal Integrity of the District and Fund the Board's Priorities

Priority #4: Staff the District with Qualified Personnel and Maintain a Positive Work Environment

Therefore it is:

Recommended:

That the Board approve Resolution 2022-14 in the Matter of the Release of a Temporary Certificated Employee.

SUBMITTED BY:

Dr. Lucy VanScyoc
 Superintendent

PREPARED BY: Tammy Aldaco, Assistant Superintendent for Human Resources & Business

BEFORE THE GOVERNING BOARD OF THE
TULARE JOINT UNION SCHOOL DISTRICT
TULARE COUNTY, CALIFORNIA

RESOLUTION NO. 2022-14

In the Matter of the Decision)	RESOLUTION OF RELEASE
to Release Certificated)	OF DESIGNATED TEMPORARY
Temporary Employees)	CERTIFICATED EMPLOYEES
_____)	

WHEREAS, Education Code section 44954 authorizes the Governing Board to release a temporary certificated employee at the conclusion of the school year;

WHEREAS, Education Code section 44954 authorizes the Board to give notice to any temporary certificated employee of the Board's decision not to re employ the employee for the next succeeding school year;

WHEREAS, the employees listed on Exhibit A are temporary certificated employees working under temporary contracts with the District;

WHEREAS, the Governing Board has decided to release these temporary employees effective June 9, 2022, and not reemploy these certificated employees for the 2022-2023 school year;

NOW, THEREFORE, BE IT RESOLVED that the Governing Board of the Tulare Joint Union High School District hereby authorizes the District Superintendent or the Superintendent's designee to notify the employees listed on Exhibit A of the Governing Board's decision to release him/her from temporary employment at the close of the current school year in accordance with the requirements of Education Code sections 35160 and 44954 and all other applicable provisions of law. The District Superintendent or the Superintendent's designee is further authorized to take any other actions necessary to consummate the intent of this Resolution.

This Resolution was adopted at a regularly scheduled Board meeting of the Tulare Joint Union High School District held this 10th day of March, 2022.

AYES:

NOES:

ABSENT:

ABSTAIN:

Kelley Nicholson, President
Governing Board
Tulare Joint Union High School District
Tulare County, California

I, Cathy Mederos, Clerk of the Governing Board of the Tulare Joint Union High School District do hereby certify that the foregoing Resolution was regularly introduced, passed and adopted by the Governing Board at its meeting held on March 10, 2022.

Cathy Mederos, Board Clerk
Governing Board
Tulare Joint Union High School District
Tulare County, California