



David W. Gordon  
Superintendent

November 19, 2021

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(916) 228-2500

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The Honorable Russell Hom, Presiding Judge  
Sacramento County Superior Court  
720 9<sup>th</sup> Street  
Sacramento, CA 95814

Re: Requirement for COVID-19 Vaccination for Eligible Sacramento  
County Public K-12 School Districts

Dear Judge Hom:

We, the undersigned Sacramento County School Districts and Superintendents, appreciate the opportunity to respond to the 2021-2022 Sacramento County Grand Jury Report, which was publicly released on September 16, 2021. Our response to the Grand Jury's Findings and Recommendations regarding COVID-19 vaccinations for Sacramento County public K-12 school districts, is as follows:

**FINDINGS**

**F1.** Because there are no vaccine mandates for eligible students attending Sacramento County public schools, public school children are at greater risk of contracting the COVID-19 virus. Children are now more vulnerable to infection because the Delta variant of COVID-19 is more highly transmissible. Children under the age of 12 are vulnerable within Sacramento County for contracting COVID-19 because they are not yet eligible for vaccinations.

**F2.** Masks are an important tool, but vaccinations are the most prudent long-term solution to significantly reduce transmission and slow the disease spread by providing a significant portion of the population immunity from the disease.

**F3.** Participation in school sponsored sporting events and other extra-curricular activities at schools are much safer when participants and attendees are vaccinated since, in many cases, masks are not feasible during these activities. It is widely acknowledged that children need social activities as part of the process through which they develop skills, attitudes, and values. Vaccinations are the only solution to ensure that these activities are provided safely.

The Honorable Russell Hom, Presiding Judge

November 19, 2021

Page 2

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### Response to Findings 1-3

Since the COVID-19 pandemic began, Sacramento County School Districts and their Superintendents have regularly consulted with, relied upon, and followed guidance from the California Department of Public Health (CDPH) and the Sacramento County Public Health Department and all Executive Orders regarding public health matters, including vaccinations, testing, and measures to reduce and slow COVID-19 transmission and protect student and staff health and safety.

On October 1, 2021, Governor Gavin Newsom announced that he was directing the CDPH 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 for middle and high school grades, and that all school staff will be required to be vaccinated when the requirement takes effect for students. As we have done throughout this pandemic, we intend to follow all state and local public health guidance and Executive Orders.

California's state and public health officers possess the expertise and are thereby charged with issuing findings, recommendations, and orders regarding the public health of our communities and students. Therefore, we respectfully disagree with the Grand Jury's issuance of these public health findings.

**F4.** Remote Classes are an option for students who are not vaccinated.

### Response to Finding 4

We partially agree. Under Education Code section 51745, et seq., a student may attend school remotely via independent study when applicable legal requirements are satisfied. Upon CDPH's implementation of Governor Newsom's COVID-19 vaccine directive, a student who does not obtain a vaccination may be enrolled in an independent study program consistent with current laws. (Health & Safety Code, § 120335(f); Educ. Code §51745, et. seq.) We have and will continue to follow Education and Health & Safety Code requirements for remote learning and independent study.

## **RECOMMENDATIONS**

**R1.** The Sacramento County Grand Jury recommends that Sacramento County K-12 public school districts require all eligible students and district staff to be vaccinated against COVID-19 in order to return to in-person activities within any district facility.

### Response to Recommendation No. 1

The recommendation has not yet been implemented but will be implemented in the future in accordance with all state and local public health guidance and executive orders.

The Honorable Russell Horn, Presiding Judge

November 19, 2021

Page 3

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**R2.** The Sacramento County Grand Jury recommends that all participants and attendees at school-sponsored extra-curricular events be required to be vaccinated in order to attend the event.

Response to Recommendation 2

California's state and local public health officers possess the background and expertise and are charged with issuing findings, recommendations, and orders regarding the public health of our communities and students. The Grand Jury does not possess such expertise or standing regarding public health matters. Therefore, we respectfully do not believe it is reasonable for the Grand Jury to issue such public health recommendations. We will continue to regularly consult with our local public health official and to follow all Executive Orders and state and local public health official guidance for school-related matters.

Sincerely,



David W. Gordon

Sacramento County Superintendent of Schools

On behalf of Sacramento County Office of Education and its Board of Trustees

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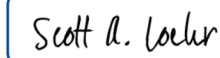


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Troy Miller, Superintendent

On behalf of Arcohe Union School District and its Board of Trustees

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Scott A. Loehr, Superintendent

On behalf of Center Joint Unified School District and its Board of Trustees

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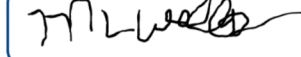


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Christopher R. Hoffman, Superintendent

On behalf of Elk Grove Unified School District and its Board of Trustees

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Michael Wells, Superintendent

On behalf of Elverta Joint School District and its Board of Trustees

The Honorable Russell Hom, Presiding Judge

November 19, 2021

Page 4

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DocuSigned by:

*Sarah Koligian*

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Dr. Sarah Koligian, Superintendent

On behalf of Folsom Cordova Unified School District and its Board of Trustees

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*Lois Yount*

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Lois Yount, Superintendent

On behalf of Galt Joint Union Elementary School District and its Board of Trustees

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*Lisa Pettis*

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Lisa Pettis, Superintendent

On behalf of Galt Joint Union High School District and its Board of Trustees

DocuSigned by:

*Chris Evans*

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Chris Evans, Superintendent

On behalf of Natomas Unified School District and its Board of Trustees

DocuSigned by:

*Katherine Wright*

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Katherine Wright, Superintendent

On behalf of River Delta Unified School District and its Board of Trustees

DocuSigned by:

*Ruben Reyes*

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Ruben Reyes, Superintendent

On behalf of Robla School District and its Board of Trustees

DocuSigned by:

*Kent Kern*

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Kent Kern, Superintendent

On behalf of San Juan Unified School District and its Board of Trustees

DocuSigned by:

*Steve Martinez*

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Dr. Steve Martinez, Superintendent

On behalf of Twin Rivers Unified School District and its Board of Trustees

DWG/TS/mr

cc: Ms. Erendira Tapia-Bouthillier, Grand Jury (via electronic mail)