

REQUIREMENT FOR COVID-19 VACCINATION FOR ELIGIBLE SACRAMENTO COUNTY PUBLIC K-12 SCHOOL DISTRICTS

August 26, 2021

2021-2022 Sacramento County Grand Jury

SUMMARY

The Sacramento County Grand Jury (SCGJ) recommends that Sacramento County Kindergarten through Grade 12 (K-12) public school districts require all district staff and eligible students be vaccinated against COVID-19 before returning to in-person activities within any district facility.

On August 12, 2021 the Governor issued a vaccine mandate for all K-12 school staff.

Schools have been identified by the California Department of Public Health as having some of the highest numbers of Covid-19 cases among California workplaces. As recently as August 27, the Sacramento Bee cited significant increases in COVID-19 infections in schools as campuses reopen. While the Governor's mandate applies to school staff, the risk of infection to the student population will remain high. Only 39% of children ages 12-17 in Sacramento County have been fully vaccinated. COVID-19 vaccines have not yet been approved for children under the age of 12.

Within Sacramento County, there are approximately 246,000 students attending schools in 13 public K-12 school districts. Additionally, thousands of teachers and staff are employed by these districts.

Currently 80% of COVID-19 cases in the U.S. are from the Delta variant, which has been cited as having a transmission rate of 1 to 7 (the original Alpha variant carried a rate of 1 to 3). The Delta variant has shown itself to be of significant risk to the unvaccinated population. Between July 1 and July 14, California reported 4,835 new cases in the 0-17 age group. The number of California children and adolescents who tested positive nearly tripled in the second half of July 2021, compared to the first two weeks of the month. In California, infection rates for children under age 18 increased 421% from early June to late July, according to a study by the American Academy of Pediatrics.

Effective July 30, 2021, the Sacramento County Health Department issued an order requiring masks be worn by everyone, regardless of vaccine status, in all in-door public settings, venues, gatherings and workplaces. Masks are an intervention designed to slow the spread of the virus until herd immunity is attained.

Herd immunity can be attained once the fully vaccinated population reaches approximately 80% of total population. As of August 16, 2021, 52.58% of the County's eligible residents have been

fully vaccinated, and an additional 7.14% of residents have been partially vaccinated. Given that children 0-17 accounted for 23.38% of the population of Sacramento County in the 2010 census, current vaccination rates fall well below that needed to reach herd immunity.

These vaccination rates are the clearest indicator that Sacramento County children below age 12 depend on adults and adolescents to keep them safe from serious illness. All staff, teachers and eligible students returning to in-person activities within any Sacramento public school facility must be vaccinated to protect this vulnerable population.

BACKGROUND

The announcement of fall 2021 school re-openings coincided with a marked increase in positive COVID-19 cases across the County. Sacramento County school districts have instituted a masking requirement for all employees and students returning to campus. Additionally, a vaccine mandate for all school staff (or weekly testing for unvaccinated staff) has recently been imposed at the State level. On August 23, 2021 the FDA granted full approval to the Pfizer vaccine for those 16 and older.

Since June 15, 2021, when most restrictions from the State of California's Blueprint for a Safer Economy were lifted, the average daily incident case rate of COVID-19 in Sacramento County has continued to increase, reaching the "High Transmission" level of the US Centers for Disease Control and Prevention's (CDC) Indicators for Levels of Community Transmission. From March 2020 to August 2021, in Sacramento County, there have been 5,971 cases of COVID-19 in children ages 0-9, 12,721 cases in children ages 10-19 resulting in 15 deaths of children and young adults ages 0-19.

The significantly more transmissible Delta variant of the COVID-19 virus has become the predominant strain in the US and in Sacramento County. The COVID-19 testing positivity rate in Sacramento County has risen from 1.8% on June 17, 2021, when most restrictions from the State of California's Blueprint for a Safer Economy were lifted, to 9.3% as of August 17, 2021.

METHODOLOGY

Documents

During its investigation, the Grand Jury reviewed and obtained factual data and other information from numerous documents and sources, including:

- Sacramento County Health Department Public Order, July 29, 2021
 - Sacramento County Office of Education COVID-19 Prevention Program, Update July 16, 2021
 - Sacramento County Office of Education COVID-19 Checklist, 2021
 - Sacramento County School District Safety Measures by District
 - Sacramento County School District 2021-2024 Local Control and Accountability Plans (LCAP)
 - COVID-19 Operations Written Reports from Sacramento County school districts
- Numerous articles and statistics from local and national media and public statistics available on County, State, and national websites. Sources included:

- COVID-19 Dashboards: sac-epidemiology.maps.arcgis.com
- COVID-19 Vaccination Dashboards: data.recordonline.com/covid-10-vaccine-tracker/California
Journal of the American Academy of Pediatrics:
aappublications.org/content/pediatrics-overview
- The New York Times: [NYTimes.com](https://www.nytimes.com)
- The Washington Post: [Washingtonpost.com](https://www.washingtonpost.com)
- The Sacramento Bee: [Sacbee.com](https://www.sacbee.com)
- National Public Radio: [NPR.org](https://www.npr.org)

Timeline

The Sacramento County Grand Jury approved opening an investigation on a vaccination mandate and releasing a report immediately due to the alarming increase in COVID-19 positivity rates and the return of thousands of unvaccinated children to Sacramento County schools for the 2021-22 school year.

Interviews

The Sacramento County Grand Jury has interviewed Superintendents, Public Health Officers, and others as it conducted its investigation of the Sacramento County school districts' response to the COVID-19 pandemic. Facts disclosed during the interviews have been integrated into this Report.

DISCUSSION

The Sacramento County Grand Jury has reviewed relevant and applicable health orders and statistics related to COVID-19 in Sacramento County. Included in this review is the following information:

- The Sacramento County Public Health Order of July 29, 2021.
 - The current health order only addresses wearing masks.
- Vaccine mandates approved by multiple agencies.
 - The Los Rios Community College District and California State University, Sacramento have both mandated vaccines for all staff and students attending in person instruction starting in fall 2021.
 - Numerous K-12 school districts have imposed vaccine mandates on staff in addition to existing mask mandates. This includes the Sacramento City Unified School District in Sacramento County.
 - The State of California imposed a vaccine mandate on school staff on August 13, 2021. This mandate includes a weekly test as an option. Previously, on August 11, 2021, the Governor had imposed a mask mandate on all school staff and students.
- COVID-19 statistics. All data cited is derived from the State and County COVID-19 Dashboards: https://covid_19.ca.gov/vaccination-progress-data/#overview and the Sacramento County Public Health Epidemiology COVID-19 Dashboards: <https://sac->

epidemiology.maps.arcgis.com/apps/MapSeries/index.html?appid=e11bc926165742ab99f834079f618dad

- Positivity Rate: The positivity rate is the percentage of positive COVID tests from all tests administered. As of August 17, 2021, the positivity rate for those tested in Sacramento County was 9.3%. By comparison, the positivity rate in California was 5.6% on August 18, 2021, up from 1.8% on June 17, 2021, and significantly less than the rate in Sacramento County.
- Vaccination Rate: Per August 17, 2021, data as reflected in COVID19.CA.GOV – California Dashboard (<https://covid19.ca.gov/vaccination-progress-data/#overview>), the fully vaccinated rate for Sacramento County is 59.4%, while the vaccination rate for children ages 12-19 is 39%.
- Case Rate: The Case Rate is the number of positive COVID test per 100,000 population. As of August 16, the case rate for individuals who were not fully vaccinated was 54.2, whereas the case rate for individuals who were fully vaccinated was 14.1. These data reflect a significant rate of increase from June 16, 2021, when the overall rate was 4.2; 6.9 for those not fully vaccinated, and .5 for those fully vaccinated. This change reflects the significant increase in transmission of the Delta variant.
- Increase in infections among the young: Between July 1, 2021, and July 14, 2021, California reported 4,835 new cases in the 0-17 age group. The number of California children and adolescents who tested positive nearly tripled in the second half of July 2021, compared to the first two weeks of the month. In California, infection rates for children under age 18 increased 421% from early June to late July, according to a study by the American Academy of Pediatrics, as reported by National Public Radio on August 10, 2021.
- Hospitalization Rate: There were 440 hospitalizations in Sacramento County for the week of August 15, an increase of 8.6% over the prior week. The Intensive Care Units (ICUs) in Sacramento County had 427 beds occupied out of a capacity of 538. 93 of 382 ICU beds had COVID-19 patients. One hospital reported that 17% of the COVID-19 patients were under the age of 19.
- State authority to add vaccines to mandate: California statutes authorize the State Health Department to add vaccines to the list of inoculations mandated by law for K-12 students, although that authority has never been exercised.

Masks have been mandated by the Federal CDC, the Governor, and the Sacramento County Health Department, and they are an important intervention designed to slow the spread until herd immunity is reached. Reaching herd immunity is only attainable through increased vaccination rates and antibodies acquired from a previous COVID-19 infection. Therefore, vaccinations are the most prudent long-term solution to the COVID-19 crisis. Highly effective vaccines are now widely available, free of cost to the public, and are far superior to masks in attaining herd immunity.

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

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.
- 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.

REQUIRED RESPONSES

Pursuant to Penal Code sections 933 and 933.05, the Grand Jury requires responses from the following Sacramento County School Districts' elected Boards of Trustees within 90 days:

The following Boards of Trustees:

- Arcohe Union School District
- Center Joint Unified School District
- Elk Grove Unified School District
- Elverta Joint School District
- Folsom Cordova Unified School District
- Galt Joint Union School District
- Galt Joint Union High School District
- Natomas Unified School District
- River Delta Unified School District
- Robla School District
- Sacramento City Unified School District
- Sacramento County Office of Education
- San Juan Unified School District
- Twin Rivers Unified School District

Mail or deliver a hard copy response to:

Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

Ms. Erendira Tapia-Bouthillier
Grand Jury
TapiaE@saccourt.ca.gov

INVITED RESPONSES

- The Superintendents for all the Sacramento County school districts and the Sacramento County Superintendent of Schools are invited to respond.

Mail or deliver a hard copy response to:

Hon. Russell Hom
Presiding Judge
Sacramento County Superior Court
720 9th Street
Sacramento, CA 95814

Please email a copy of this response to:

Ms. Erendira Tapia-Bouthillier
Grand Jury
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Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.