



California Orders All Teachers to Be Vaccinated or Submit to Regular COVID-19 Testing

Insights

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The California Department of Public Health just issued a Public Health Order requiring all public and private school teachers and school staff serving students in kindergarten through 12th grade to either show proof of full vaccination or be tested for COVID-19 at least one per week. In issuing this August 11 Order, California has become the first state to require vaccinations for all faculty and staff. What do education employers need to know about this development?

Who is Covered?

The Order applies to all public and private schools serving students in kindergarten through 12th grade. It does not apply to home schools, child care facilities, or higher education institutions.

The Order becomes effective on August 12, 2021 and all private and public schools must be in full compliance by October 15, 2021.

What Are the Requirements to Show Proof of Vaccination?

An individual will be considered “fully vaccinated” for COVID-19 if it has been at least 14 days since they received the last dose, as recommended by the manufacturer, of a vaccine that has been authorized by the Food and Drug Administration for use in the United States. This includes vaccinations that have been approved pursuant to an Emergency Use Authorization or a vaccination listed for emergency use by the World Health Organization.

In order to verify the vaccination status of its employees, all public and private schools may use any of the following methods of confirmation:

- 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;
- A photo of a Vaccination Record Card as a separate document;
- A photo of the individual’s Vaccination Record Card stored on a phone or electronic device;
- Documentation of COVID-19 vaccination from a healthcare provider;

- Digital record that includes a QR code that when scanned by a SMART Health Card reader displays to the reader the individual's 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.

What Are the Testing Requirements for Unvaccinated Employees?

The Order requires that those individuals who are not “fully vaccinated” undergo diagnostic COVID-19 testing. You may test employees at least once a week with either PCR testing or antigen testing. In addition, unvaccinated employees must also observe all other infection control requirements (i.e., wearing masks, social distancing) and are not exempted from the testing requirement even if they have a medical contraindication to vaccination.

What Should You Do?

Schools with faculty and staff required to undergo workplace diagnostic COVID-19 testing should have a plan in place for tracking test results and conducting workplace contact tracing. You must also prepare to report results to local public health departments as necessary.

As schools prepare for the new normal, you should keep up to date with the rapidly changing developments at the federal, state and local levels. For example, San Francisco Mayor London Breed just announced a city-wide requirement for proof of full vaccination against COVID-19 for a variety of indoor activities, including going to bars, restaurants, and gyms, making it the first major city to require proof of full vaccination for indoor activities.

We will continue to monitor the developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. For further information, contact the authors of this Insight, your Fisher Phillips attorney, or any attorney in our [Education Team](#).

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