

## **Critical Compliance Alert**

### **Updated FAQs on CDPH K-12 Vaccine Verification and Testing Order**

CDPH K-12 Order of 8-12-21 Applies to All Employees of LEAs, Including District and County Office Employees and Administrative Staff Not on School Sites

On August 11, 2021 CDPH published a [State Public Health Officer Order](#) that gave direction on Vaccine Verification for Workers in Schools. At that time, the widespread interpretation of the Order was that the Order did not apply to employees working exclusively in district offices, administrative locations, or county offices and only required vaccination verification and/or COVID-19 weekly testing of those working on-site at school campuses

On August 19, 2021 the CDPH published "clarifying" [FAQs](#) that described the scope of the August 12<sup>th</sup> order in much broader terms:

**Does the Order apply to Local Education Agency staff that don't work at a school site? For example, employees that work at the school bus yard or district staff that work at the central office?**

**Yes. The Order applies to all school workers, without any explicit limitation based on assigned job sites.**

The Order defines "worker" as referring to all paid and unpaid adults serving in the following facilities: public and private schools serving students in transitional kindergarten through grade 12, except that it does not apply to home schools. Further, it does not apply to childcare or to higher education.

Covered workers include, but are not limited to, certificated and classified staff, analogous staff working in private school settings, and volunteers who are on-site at a school campus supporting school functions.

### **Result**

With this interpretation, the CDPH employs the Oxford comma, splitting the definition of "covered workers" in public schools into two separate and independent clauses: (1) certificated and classified staff (without limitation to work setting); (2) and volunteers who are on-site at a school campus supporting school functions. **The term "on-site at a school campus" applies only to volunteers.** (English teachers who insist on the importance of the Oxford comma applaud this).



The CDPH also clarified that it does not apply to childcare settings:

**Does the Order apply to state preschool programs or other early learning and childcare programs if they are located on K-12 campuses?**

No. As stated in the Order, the Order does not apply to childcare settings, which include state preschools. While CDPH encourages all workers to be vaccinated to protect against COVID-19, workers who serve exclusively in such childcare settings, regardless of location, are not covered by the Order.

**Conclusion**

The CDPH intends for the Order to cover all employees of every public and private district and county office. Therefore, while we seek further clarification of the term language "who are on-site at a school campus supporting school functions," we must advise you to obtain vaccination verification from all district and COE employees, and to require weekly COVID-19 testing for those who are unvaccinated.

Keep in mind that self-attestations are no longer valid under this CDPH K-12 Order. Thus, the fully vaccinated employees at non-school sites, who previously self-attested to vaccination status in order to be authorized to work without a face covering must now provide their vaccine verification documentation or submit to weekly COVID-19 testing.

**Compliance Requirements**

1. Obtain vaccination verification from all employees of your district or COE, including nay who previously self-attested to vaccination status.
2. Require all employees who do not provide vaccination documentation to submit to weekly testing.
3. Follow the same procedures for district office, administrative, and non-school site employees for testing compliance, including directives and exclusions pending testing compliance. We will advise you immediately about any relevant updates or FAQs.

**A Word About Face Covering Compliance in District Office and COEs**

The Cal/OSHA ETS still applies, with its distinction between fully vaccinated and unvaccinated employees for face coverings, exclusions, and testing. Fully vaccinated employees in any location where students and youth are not present may still be authorized to work without a face covering.

**County Exceptions: More strict county health department orders control over the ETS.**

For specific advice on particular matters, consult the Eyres Law Group- PRISM Legal Hotline at 602-448-4051 or [peyres@eyres.law.com](mailto:peyres@eyres.law.com)