

# *COVID-19 Vaccination Requirement for K–12 School Employees: Frequently Asked Questions*

## **Background**

On August 18, 2021, Governor Inslee announced a directive ([Proclamation 21-14.1](#)) requiring all employees working for public and private K–12 schools to be fully vaccinated against COVID-19 or obtain a religious or medical exemption by October 18, 2021.

## **Who does the order apply to?**

The order applies to all employees and contractors working for public K–12 school districts, charter schools, and educational service districts as well as private K–12 schools. In some cases, the order also applies to school board directors, volunteers, and subcontractors. More information is included below. The order does not apply to state-tribal education compact schools or to students.

## **Will students be required to be vaccinated against COVID-19 to attend school?**

No. At this time, students who are eligible to receive the COVID-19 vaccine are not required to be vaccinated to attend school in-person. The State Board of Health has a formal process for setting the immunization requirements for K–12 students in Washington state.

## **Why was this decision made?**

On August 12, 2021, State Superintendent Chris Reykdal sent a [letter to Governor Inslee](#) recommending that he issue a COVID-19 vaccine requirement for Washington’s K–12 employees, and the Governor took action on that recommendation on August 18, 2021.

The Superintendent recommended this course of action to protect the health and safety of our students, school employees, and families as school buildings reopen for full-time in-person learning this fall. A safer school environment without virus spread provides for a continuity of learning for students and minimizing disruptions due to quarantine or school building closures. With the rapid increase in cases across the U.S. due to the highly contagious Delta variant, those goals are at risk if we don’t use multiple layered protective strategies including masks and vaccines (the two most effective strategies).

## **Are cases really increasing enough to warrant this requirement?**

Yes. Between June and July of 2021, the children in our state experienced a 65–80% increase in cases of COVID-19. The increase was highest for those who aren’t yet eligible to receive the vaccine (ages 4–10) at 79%; followed by a 66% increase for ages 15–19 and a 59% increase for



children ages 11–14. Especially when so many students aren't yet eligible to receive the vaccine – and the protection against the virus that comes along with it – our education staff must join together to create as strong of a protective barrier as we can.

### **Can a school district opt out of this requirement?**

No. Requirements issued via executive action by the Governor hold the power of law, and school districts must follow the law.

### **How many employees are working in our state's schools?**

Washington state school districts and private schools employ over 160,000 employees.

## **Applicable Employees, Volunteers, Contractors, etc.**

### **Are school board directors included in this requirement?**

In some cases, yes. School board directors who currently or wish to continue to receive a stipend from the district are required to follow the requirements of the order. They should follow the same process for providing proof of vaccination or obtaining an exemption as other district employees. The order does not apply to school board directors who do not receive a stipend from the district.

### **Are those working for online learning programs included in this requirement?**

It depends. The order applies to employees working for a school district in an online learning program. The order does not apply to employees working in an online learning program under contract with a school district unless those employees are likely to engage in work near others while physically present at a school building or other site for longer periods of time.

### **Are substitute teachers included in this requirement?**

Yes. Substitute teachers will need to provide proof of vaccination or obtain a medical or religious exemption by October 18, 2021 to each school district they work for, following the same process as the other employees in the district.

### **What types of contractors are included in this requirement?**

All employees under contract with a school district, private school, charter school, or educational service district and work in-person with others are included in this requirement. The order does not apply to contractors and subcontractors who are only physically present for short periods of time and any moments of close physical proximity to others on-site is fleeting.

### **What types of volunteers are included in this requirement?**

Volunteers included in this requirement include those who engage or are reasonably likely to engage in work near others while physically present at a school building or other district-facilitated site for longer periods of time. The requirement does not apply to volunteers who are

only physically present for short periods of time and any moments of close physical proximity to others on-site is fleeting.

### **Are visitors included in this requirement?**

No. Visitors to a school building, including but not limited to family members and vendors delivering supplies or mail, are not required to be vaccinated against COVID-19. However, visitors do need to follow all other applicable health and safety requirements (e.g., face coverings).

### **Does this requirement apply to organizations who use district facilities for events outside of school hours?**

No. The Governor's order only applies to employees and contractors of the school district, private school, charter school, or educational service district.

## **Proving Vaccination Status & Storing Information**

### **How can employees provide proof of vaccination?**

Employees must provide proof of vaccination by showing their vaccine card, certificate of COVID-19 vaccination, or Washington State Immunization Information System printout. See the [Visual Guide to Official Washington State Proof of COVID-19 Vaccination](#) to see what each kind of documentation looks like. Employees should follow the process identified by the district for providing proof of vaccination.

### **Should the school district retain copies of employees' proof of vaccination?**

Each school district will need to decide if it is advisable to retain a copy of an employee's vaccination records based on its business needs. Districts should consider the legal risks associated with retaining such records, as opposed to simply documenting that an employee has shown proof to an appropriate official assigned by the district.

### **Can employees prove their vaccination status through an attestation?**

No. Employees must provide proof by showing one of the documents listed in the [Visual Guide to Official Washington State Proof of COVID-19 Vaccination](#).

### **Is the district responsible for verifying the vaccination of or providing medical or religious exemptions to contractors and subcontractors?**

Not necessarily. A district may choose to verify the vaccination status or grant medical or religious exemptions to contractors and subcontractors themselves, or they may elect to require the employers of contractors to assume these responsibilities. If a district elects to require the employers of contractors to assume these responsibilities, the employer must follow all of the requirements of the Governor's order and provide proof of vaccination or exemptions to the

school district at any time should the district make the request. See subsection 4 of the proclamation for more information.

### **Will school districts be required to report vaccination and exemption information to the state?**

Yes, at a high level. Districts will be required to report to OSPI the number and percentage of their employees who are fully vaccinated or have obtained an approved medical or religious exemption. Districts will not be asked to report any personally identifiable information to the state related to this requirement. OSPI will share more information about how to report this information.

### **Will vaccination or exemption information be protected?**

Yes. School districts have protocols in place for safeguarding confidential medical information. Vaccination or exemption information will meet these requirements.

### **What if an unvaccinated employee contracts COVID-19 and is recommended to wait 90 days before receiving the COVID-19 vaccine, which would make them miss the October 18 deadline?**

If an employee is advised by their medical provider that they should not get the vaccine within a particular timeframe and following that recommendation would cause the employee to miss the October 18, 2021 deadline, the employee must seek an accommodation or would be separated from employment after the deadline. However, they would need to become fully vaccinated as soon as the waiting period ends.

### **Can employers ask job applicants about their vaccination status?**

Yes. It is not a disability-related inquiry under the Americans with Disabilities Act (ADA) to ask an applicant if they have been vaccinated. However, follow-up questions about why a person is not vaccinated should not occur until after a job offer is made since such questions may reveal a disability. [See more guidance from the U.S. Equal Employment Opportunity Commission](#). OSPI recommends districts update their existing and upcoming job postings and offer letters, notify active applicants for open positions about the new requirement, and put a plan in place for verify the vaccination status of new employees.

## **Exemptions and Accommodations**

### **Who is responsible for reviewing and approving requests for medical or religious accommodations?**

At a school district, the Human Resources department should be responsible for reviewing, approving, and communicating approval of medical and religious accommodation requests. The

department should follow a standard process for every request, and should examine each request on its own by analyzing the specific facts surrounding the request.

## **What qualifies as a “sincerely held religious belief” that may prevent an employee from being vaccinated against COVID-19?**

Under federal and state law, “religion” is broadly defined. It includes traditional, organized religions such as Christianity, Judaism, Islam, Hinduism, and Buddhism. The law includes religious beliefs that are new, uncommon, not part of a formal church or sect, individualistic, or only held by a small number of people. Moral or ethical beliefs about what is right and wrong, which are sincerely held with the strength of traditional religious views, may meet the definition of a sincerely held religious belief. However, social, political, or economic philosophies, or personal preferences, are not “religious” beliefs under the law. Please see the [Guidance for School Districts on Evaluating Religious Accommodation Requests](#) for more information.

## **How can employees request a religious exemption?**

To request a religious accommodation/exemption, employees must complete the form provided by their school district and/or actively participate in the interactive accommodation process with a Human Resources representative. The Governor’s order requires employees seeking a religious exemption to explain the way in which the requirements of the order conflict with their sincerely held religious belief, practice, or observance. Employees should contact their employer to ensure they are utilizing the correct form and process.

## **Can a district request proof of an employee’s religious affiliation?**

According to the U.S. Equal Opportunity Employment Commission (EEOC), employers should ordinarily assume that an employee’s request for religious accommodation is based on a sincerely held religious belief. If an employer has an objective basis for questioning either the religious nature or the sincerity of a particular belief, observance, or practice, the employer would be justified in seeking additional supporting information. Please see the [Guidance for School Districts on Evaluating Religious Accommodation Requests](#) for more information.

## **Can a district deny an employee’s request for a religious accommodation?**

Yes. Districts should follow the [Guidance for School Districts on Evaluating Religious Accommodation Requests](#) and seek legal advice for assistance.

## **How can employees request a medical exemption?**

Employees should request a medical exemption by following their district’s standard medical accommodation process unless the district states otherwise. OSPI is working to develop a template medical accommodation form districts may use.

## What kinds of reasonable accommodations could a school district provide an employee who has obtained a religious or medical exemption?

School districts must determine the appropriate reasonable accommodation based on the specific facts surrounding a particular request. Some example accommodations a district may choose to provide to employees with a medical or religious accommodation could include but are not limited to: (1) regular testing for COVID-19; (2) mandatory face coverings, even in the absence of a state or local mandate; or (3) increased distance between workspaces and individuals. Please see the [Guidance for School Districts on Evaluating Religious Accommodation Requests](#) for more information.

## Can school districts use federal emergency relief funds to cover the costs of accommodations?

Yes. Federal Elementary and Secondary School Emergency Relief (ESSER) funds have a wide range of allowable uses related to supporting students, schools, school staff, and families through the COVID-19 pandemic. School districts may use ESSER funds to cover the costs of medical or religious accommodations related to the vaccine requirement.

## For Employees

### When do I need to receive my vaccination to be in compliance with the order?

All school employees must be fully vaccinated by October 18, 2021. Individuals are considered fully vaccinated once it has been 14 days since their last dose of Pfizer or Moderna or 14 days since their only dose of Johnson & Johnson. Below is a table with deadlines by which employees must receive their vaccine to be in compliant by October 18, 2021.

Vaccine	Series Dose Requirement	First Dose no Later Than	Second Dose	Completed Series	Fully Vaccinated
<b>Pfizer</b>	2 doses, 21 days apart	09/13/21	10/04/21	10/04/21	10/18/21
<b>Moderna</b>	2 doses, 28 days apart	09/06/21	10/04/21	10/04/21	10/18/21
<b>Johnson &amp; Johnson</b>	Single dose	10/04/21	N/A	10/04/21	10/18/21

## **Can I go back to work this fall before I am vaccinated?**

Yes. If you are not fully vaccinated, you may continue working as you take the time to get fully vaccinated or request a medical or religious exemption. You must be fully vaccinated or obtain an exemption by October 18, 2021 as a condition of continued employment.

## **What happens if I refuse to get vaccinated?**

All employees must be fully vaccinated or have obtained a medical or religious exemption by October 18, 2021 as a qualification of fitness for continued employment. Employees who do not provide proof of vaccination or a medical or religious exemption will be subject to non-disciplinary dismissal from employment for failing to meet the qualifications of the job. There may be continued or additional safety requirements for employees who are granted exemptions.

## **Are my only options to get vaccinated or lose my job?**

No. The Governor's order allows staff to obtain a medical or religious exemption if necessary.

## **How can I request a medical or religious exemption?**

Employees should contact their Human Resources office to learn their district's process, and supporting documents, for requesting a medical or religious exemption.

## **Will I have any recourse to losing employment?**

Any post dismissal dispute over a dismissal action would follow any applicable collective bargaining agreement and/or district policy and procedure.

## **If I have already been infected with COVID-19 and have natural immunity, do I need to be vaccinated?**

Yes. So far, data show it is uncommon to be reinfected with COVID-19 the 90 days after someone was infected, but we don't know how long that "natural immunity" lasts as people can get COVID-19 more than once. In addition, the risks of infection outweigh the risks of immunization. The COVID-19 vaccines offer better protection than "natural immunity" alone and help prevent reinfections. That is why the Advisory Committee on Immunization Practices recommends anyone who previously had COVID-19 get the vaccine.

## **More Information**

### **As COVID-19 vaccine boosters become available, will school employees be required to get the booster and provide proof to the district?**

At this time, boosters are not included in the Governor's order. The only requirement now is for school employees to receive their first and second dose of Pfizer or Moderna, or their only dose of Johnson & Johnson, by October 4, 2021 to be fully vaccinated by October 18, 2021.

### **Is the vaccine safe?**

Yes. COVID-19 vaccines were evaluated in tens of thousands of participants in clinical trials and millions of people in the U.S. have received COVID-19 vaccines under the most intense safety monitoring in U.S. history. [More information about the safety of the COVID-19 vaccines](#) is available from the U.S. Centers for Disease Control and Prevention.

### **Why isn't there an option for unvaccinated employees to undergo regular testing for COVID-19 instead of receiving the vaccine?**

Testing is an important mitigation strategy that many school districts are continuing to utilize in partnership with the Department of Health and Health Commons through the *Learn to Return* program. However, testing regimes don't have the same efficacy as widespread vaccination or masking, and will not be a substitute for receiving the vaccine or obtaining an exemption, per the Governor's order.

### **On what legal grounds can the Governor issue this requirement?**

In response to the emerging COVID-19 threat, the Governor declared a state of emergency on February 29, 2020, using his broad authority under Revised Code of Washington (RCW) 43.06. More specifically, under RCW 43.06.220, after a state of emergency has been declared, the Governor may suspend statutes and prohibit any activity that he believes should be prohibited to preserve and maintain life, health, property, or the public peace. Under an emergency such as this, the Governor's paramount duty is to focus on the health and safety of our communities.

### **Will districts need to delay starting full-time in-person school until all employees are vaccinated?**

No. School districts should proceed with reopening their school buildings for full-time in-person school regardless of whether their staff are fully vaccinated.