

# Frequently Asked Questions

## Regarding Vaccinations for Covered Workers in Schools



Connecticut State Department of Education • August 25, 2021

The purpose of this Frequently Asked Questions document is to provide clarification regarding the application of [Executive Order No. 13D](#) (“Protection of Public Health and Safety During COVID-19 Pandemic — Vaccinations Required for State Employees, School Employees and Childcare Facility Staff”) (hereinafter “the Order”) in Connecticut schools. The Order was issued by Governor Ned Lamont on August 19, 2021, in light of the ongoing public health and civil preparedness emergencies in the state, and in particular, the increasing rates of COVID-19 infections due to the Delta variant. The State has prioritized a return to full in-person instruction for the 2021-2022 school year, and the Order was issued in part due to the risks unvaccinated individuals pose to others, including but not limited to students and school staff.

***This document is intended to address various questions which have arisen in the days following the issuance of the Order. This document does not address those parts of the Order pertaining to other entities, such as State hospitals and childcare facilities. School administrators are strongly encouraged to consult with their legal counsel when making decisions based on the Order.***

### 1.) Q: Which schools are subject to the Order?

A: The Order applies to “school boards,” which is defined to include all public and nonpublic pre-K through grade twelve schools in the state. The Order does not exempt any pre-K through grade twelve schools and, as such, all schools including, but not limited to public, private, secular, parochial, charter, magnet, technical and vocational schools, independent schools, and endowed academies, are subject to the Order.

### 2.) Q: Which individuals are subject to the Order?

A: The Order applies to “covered workers,” which is defined to include all employees, both full and part-time, contractors, providers, assistants, substitutes, and other individuals working in public and nonpublic pre-K to grade twelve schools, including individuals providing operational or custodial services or administrative support, or any person whose job duties require them to make regular or frequent visits to any such schools.

Covered workers do not include contractors or employees of outside vendors who visit public or nonpublic pre-K through grade twelve schools only to provide one-time or limited-duration repairs, services, or construction. Volunteers are also not considered covered workers. School boards may, however, continue to implement their own policies regarding school volunteers, to the extent permissible by law.

School administrators are encouraged to consult with their legal counsel if uncertainties arise regarding whether an individual(s) should be considered a covered worker(s) subject to the Order.

### 3.) Q: Are transportation providers considered covered workers?

A: Yes, transportation providers are considered covered workers subject to the Order because they are contractors whose job duties require them to make regular or frequent visits to schools. Transportation providers are regularly in close contact with students, and both arrive at and depart from schools even if they do not physically come into school buildings.

**4.) Q: Are members of local or regional boards of education considered covered workers?**

A: No, members of local and regional boards of education are generally not considered covered workers subject to the Order. Under Connecticut law, members of boards of education are elected and cannot be employed by the school districts they serve. Board members are not contractors and generally do not “work” in schools. While boards of education may sometimes hold meetings in school buildings, the buildings function more as meeting venues than “schools” during those times. Board meetings are routinely conducted outside of regular school hours, when students and school staff are not present, thus minimizing or negating the risk of spreading the COVID-19 virus.

**5.) Q: Are parents subject to any part of the Order?**

A: No, parents are not individuals subject to any part of the Order, unless they also work in schools and are therefore considered covered workers.

**6.) Q: What does the Order mandate with respect to vaccinations and deadlines?**

A: On or before September 27, 2021, school boards, as defined above, shall, prior to extending an offer of employment to, or entering into a contract for the in-person services of, a covered worker or an entity that employs a covered worker, require that any covered worker: (1) is fully vaccinated against COVID-19 (See Question and Answer No. 7); (2) has received the first dose, and either has received a second dose or has an appointment for the second dose in a two-dose series vaccination, or has received a single-dose vaccine; or (3) is exempt from this requirement due to a medical or religious exemption.

After September 27, 2021, school boards, as defined above, shall not employ, or maintain a contract for the provision of in-person services of any covered worker or an entity that employs a covered worker, unless such covered worker is: (1) fully vaccinated against COVID-19 (See Question and Answer No. 7); (2) has received the first dose, and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, or has received a single-dose vaccine; or (3) is exempt from this requirement due to a medical or religious exemption.

After September 27, 2021, no school board shall employ, or contract for the provision of services from, any covered worker or entity that employs a covered worker subject to the above and not exempt who has received the first dose of a two-dose vaccination, but fails to receive the second dose on the appropriate date [as recommended by the CDC](#) or at the scheduled appointment, without good cause.

*Please see [Question and Answer No. 10](#) for additional information regarding medical and religious exemptions. [Question and Answer No. 11](#) also contain additional information regarding testing alternatives to the vaccination requirement.*

**7.) Q: What does it mean to be “fully vaccinated?”**

A: “Fully vaccinated” means at least fourteen days have elapsed since a person has received the second dose of the Pfizer or Moderna vaccine, or the single dose of the Johnson & Johnson vaccine, [or as otherwise defined by the Centers for Disease Control \(“CDC”\).](#)

**8.) Q: How can covered workers demonstrate proof of their vaccination status?**

A: Covered workers can demonstrate proof of their vaccination status using (1) a CDC COVID-19 Vaccination Record Card, or photo of the Card; (2) documentation from a health care provider or electronic health care record; or (3) a State Immunization Information record.

Personal attestations are not acceptable as proof of vaccination status.

**9.) Q: What should happen if a covered worker is diagnosed with COVID-19 before being fully vaccinated?**

A: The CDC currently recommends that individuals who are diagnosed with COVID-19 wait to be vaccinated until after they have recovered from the acute illness (if the individual had symptoms) and have met criteria to discontinue isolation. Covered workers whose full vaccination is delayed by a COVID-19 diagnosis should be granted a temporary medical exemption if they meet the criteria discussed below (See Question and Answer No. 10).

**10.) Q: How should school boards analyze claims of medical or religious exemption?**

A: With respect to medical exemptions, the Order requires that a physician, physician's assistant, or advance practice registered nurse ("APRN") determine that the administration of a COVID-19 vaccine is determinantal to the covered worker's health.

With respect to religious exemptions, the Order requires that the covered worker object to vaccination on the basis of a sincerely held religious belief.

Employees must apply for medical and religious exemptions, and must provide appropriate supporting documentation upon request. School boards must analyze each request for a medical or religious exemption on an individualized, case-by-case basis.

Covered workers claiming either medical or religious exemptions must be able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the school board.

The Connecticut State Department of Education (CSDE) does not enforce workplace antidiscrimination laws. Those laws are enforced by the United States Equal Employment Opportunity Commission (EEOC), which has issued [guidance](#) specifically addressing medical and religious exemptions to COVID-19 vaccine mandates. The EEOC guidance addresses, among other things, determinations regarding qualifying medical conditions, sincerely held religious beliefs, direct threats, reasonable accommodations, and undue burdens. School boards as that term is used in the Order, are encouraged to review the guidance and consult with their legal counsel when making decisions regarding applications for medical or religious exemptions from covered workers.

**11.) Q: Does the Order provide for any testing alternative to the vaccination requirement?**

A: Yes. Starting on September 27, 2021, covered workers who do not demonstrate proof of full vaccination must submit to weekly COVID-19 testing on an ongoing basis until fully vaccinated, and must provide adequate proof of the test results to the school board on a weekly basis. The Order does not explicitly require school boards to provide for such testing to covered workers.

The weekly testing option applies to covered workers with medical or religious exemptions, covered workers who have received only the first dose of a two-dose vaccine or for whom the required time period has not elapsed to be considered fully vaccinated, and covered workers who refuse to receive a COVID-19 vaccination. In other words, covered workers need not have a medical or religious exemption in order to avail themselves of the weekly testing option. If, however, a covered worker refuses to receive weekly testing, that worker shall not be allowed on school premises. Any further consequences for a covered worker's refusal to receive weekly testing are to be determined by the school board, to the extent permissible by law and any collective bargaining agreements, etc.

**12.) Q: Do covered workers with medical or religious exemptions need to submit to weekly testing?**

A: Yes, the Order directs school boards to implement a policy requiring covered workers who have not demonstrated proof of full vaccination to submit to weekly COVID-19 testing. Since covered workers with medical or religious exemptions will not be fully vaccinated, they must submit to weekly testing.

**13.) Q: Do school boards need to arrange for the weekly testing described in the Order?**

A: No, school boards are not explicitly required to arrange for the weekly testing described in the Order. Rather, the Order simply requires covered workers who have not demonstrated proof of full vaccination to submit to COVID-19 testing one time per week on an ongoing basis until fully vaccinated, and to provide adequate proof of the test results on a weekly basis to the school board. School boards are not, however, prohibited from arranging for the weekly testing described in the Order.

**14.) Q: What do school boards need to document and report to the State?**

A: School boards must authenticate or, where applicable, require a contractor providing the services of a covered worker to authenticate the vaccinated status of covered workers. School boards must also maintain documentation of vaccinations or exemptions of covered workers and report compliance with the Order in a form and manner directed by the Connecticut Department of Public Health (DPH).

**15.) Q: What is considered a violation of the Order?**

A: A school board violates the Order if it permits a covered worker who has not complied with the Order to be in a public or private pre-K through grade twelve school. A school board also violates the Order if it fails to maintain documentation of covered workers' vaccinations, testing, refusal, or allowable exemptions as required by the Order.

A covered worker fails to comply with the Order by failing to be fully vaccinated within the time limits set forth in the Order, unless the worker either (1) has a medical or religious exemption and submits to weekly testing, or (2) refuses to be or is not fully vaccinated and still submits to weekly testing.

**16.) Q: What is the potential penalty if a school or school district violates the Order?**

A: If the CSDE determines that a school board is not in compliance with the Order, the CSDE may require the school board to forfeit a portion of the total sum paid to the school board from the State Treasury in an amount to be determined by the Commissioner of Education (Commissioner). That amount shall not be less than one thousand dollars, nor more than ten thousand dollars.

The Commissioner may, however, waive a forfeiture upon determination that the school board failed to comply with the Order due to circumstances beyond the school board's control.

The Order does not limit, alter, modify, or suspend any other disciplinary action, penalties, or remedies otherwise provided by law or other valid authority.

**17.) Q: When does the Order expire, and what happens after the Order expires?**

A: The Order is effective through September 30, 2021, unless earlier modified or terminated by the Governor. School boards should remain aware that the Order may or may not be extended or modified based on whether the Governor's emergency authorities are extended beyond September 30, 2021.