

VACCINATION AND TESTING

The board believes that preventing the transmission of COVID-19 is critical to keeping schools open for in-person instruction. The board requires that all eligible teachers, educational staff, contracted employees, vendors, volunteers, providers and any other individuals working in the schools where regular visits to the schools are part of the individual's job duties, be fully vaccinated. Unvaccinated eligible teachers, educational staff, contracted employees, vendors, volunteers, providers and any other individuals working in the schools shall be subject to routine COVID-19 testing.

Executive Order 253 declares that "the State has experienced significant upticks in critical COVID-19 metrics over the past few months, including COVID-19 positive cases, the rate of transmission, spot positivity, and new hospitalizations, that warrant additional precautions in certain settings, especially those with a substantial number of unvaccinated individuals. The Centers for Disease Control (CDC) has emphasized that vaccination is a critical means to prevent spread of COVID-19 and to avoid infection of those individuals that cannot be vaccinated because their age precludes them from receiving one... The majority of the student population remains ineligible for vaccination at this time." Therefore, the CDC has strongly recommended vaccination of all eligible teachers and educational staff.

Executive Order 253 also declares that as of October 18, 2021, all staff members who are eligible to be vaccinated against COVID-19 must receive the vaccine or be subject to routine COVID-19 testing. Executive Order 253 also applies to contracted employees, vendors, providers and any other individuals working in the schools where regular visits to the schools are part of the individual's job duties, including volunteers.

According to N.J.S.A. 26:13-3, the Governor of the State has the authority to declare a public health emergency. According to N.J.S.A. App.A:9-33, the purpose of the Civilian Defense and Disaster Control Act is to "provide for the health, safety and welfare of the people of the State of New Jersey and to aid in the prevention of damage to and the destruction of property during any emergency ... by prescribing a course of conduct for the civilian population..." According to N.J.S.A. App.A:9-40, public officials are required to fully cooperate with the Governor in all matters affecting any declared emergency. Furthermore, Executive Order 253 expressly forbids state entities from taking any action that conflicts with or impedes its implementation.

Definitions

"Covered settings" are all public, private, and parochial preschool programs, and elementary and secondary schools, including charter and renaissance schools.

"Covered workers" shall include all individuals employed by the covered setting, both full and part-time, including, but not limited to, administrators, teachers, educational support professionals, individuals providing food, custodial, and administrative support services, substitute teachers, whether employed directly by a covered setting or otherwise contracted, contractors, providers, and any other individuals performing work in covered settings whose job duties require them to make regular visits to such covered settings, including volunteers. Covered workers do not include individuals who visit the covered setting only to provide one-time or limited duration repairs, services, or construction.

"Fully vaccinated" for COVID-19 is two weeks or more after an individual has received the second dose in a two-dose series or two weeks or more after they have received a single-dose vaccine. Individuals will only be considered fully vaccinated where they have received a COVID-19 vaccine that is currently authorized for emergency use by the Food and Drug Administration (FDA) or the World Health Organization (WHO), or that are approved for use by the same. Workers who are not fully vaccinated, or for whom vaccination status is unknown or who have not provided sufficient proof of documentation, shall be considered unvaccinated.

VACCINATION AND TESTING (continued)Vaccination and Testing

The board requires all covered workers to either provide adequate proof that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly. This requirement shall take effect on October 18, 2021, at which time any covered workers that have not provided adequate proof that they are fully vaccinated must submit to a minimum of weekly or twice weekly testing on an ongoing basis until fully vaccinated.

Covered workers may demonstrate proof of full vaccination status by presenting the following documents if they list COVID-19 vaccines currently authorized by the Food and Drug Administration (FDA) Emergency Use Authorization (EUA) in the United States and/or the World Health Organization (WHO), along with an administration date for each dose:

- A. The CDC COVID-19 Vaccination Card issued to the vaccine recipient by the vaccination site, or an electronic or physical copy of the same;
- B. Official record from the New Jersey Immunization Information System (NJIS) or other State immunization registry;
- C. A record from a health care provider's portal/medical record system on official letterhead signed by a licensed physician, nurse practitioner, physician's assistant, registered nurse or pharmacist;
- D. A military immunization or health record from the United States Armed Forces; or
- E. Docket mobile phone application record or any state specific application that produces a digital health record.

Covered settings collecting vaccination information from covered workers must comport with all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information.

Testing

The covered worker shall undergo screening testing at a minimum of one to two times each week. The unvaccinated covered worker shall submit proof of a COVID-19 test to the chief school administrator or his or her designee. The worker may choose either antigen or molecular tests that have EUA by the U.S. Food and Drug Administration (FDA) or are operating per the Laboratory Developed Test requirements by the U.S. Centers for Medicare and Medicaid Services.

Testing shall occur outside of the employee's assigned work hours.

If the covered worker is not working on-site during a week where testing would otherwise be required, the worker is still required to submit to testing for that week. This testing requirement is in addition to any other diagnostic testing of symptomatic workers or screening testing of vaccinated workers.

Tracking and Records

The chief school administrator shall assign a staff member who is responsible for tracking test results and reporting such results to local public health departments.

The collection of and storage of test results, examination results and proof of vaccination documentation shall comport with board policies and all federal and State laws, including but not limited to the Americans with Disabilities Act, that regulate the collection and storage of that information. Employee records and documentation shall be kept in the employee's confidential health record that shall be maintained separately from other personnel files (see board policy 4112.6/4212.6 Personnel Records). The custodian of records shall maintain test results, examination results and proof of vaccination records and documentation for all

VACCINATION AND TESTING (continued)

other covered workers in a locked and secure location to ensure confidentiality (see board policy 3570 District Records and Reports).

Adopted: November 10, 2021

NJSBA Review/Update:

Readopted:

Key Words

Proof of Vaccination, Vaccination, COVID-19, Coronavirus, Examination, Test

Resources:

The CDC recently issued updated guidance regarding considerations for wearing face coverings and how it can help slow the spread of COVID-19. Schools should refer to this guidance as it includes details regarding who should and should not wear a face covering:

[Guidance for COVID-19 Prevention in K-12 Schools | CDC](#)

Centers for Disease Control and Prevention “Your Guide to Masks” at: [Your Guide to Masks | CDC](#)

NJDOE School Reopening Frequently Asked Questions at:

<https://www.nj.gov/education/reopening/faqs/#sd>

NJDOE Update to Conditions of Learning, Health and Safety, “Critical Area of Operation #5: Screening, PPE, and Response to Students and Staff Presenting Symptoms” and “Critical Area of Operation #3: Transportation <https://nj.gov/education/reopening/updates/docs/RestartUpdateFacecoverings080320.pdf>

“Physical Distancing, face coverings, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and COVID-19: a systematic review and meta-analysis,” September 21, 2020. D.K. Chu, S. Duda, K. Solo, S. Yaacoub, and H. Schunemann. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7503118/>

Legal References: N.J.S.A. 18A:35-4.6
through -4.8
N.J.S.A. 18A:40-4

N.J.S.A. 18A:40-4.4
N.J.S.A. 18A:40-4.5
N.J.S.A. 18A:40-5
N.J.S.A. 18A:40-6
N.J.S.A. 18A:40-7, -8,
-10, -11
N.J.S.A. 18A:40-12.37
N.J.S.A. 18A:40-20
N.J.S.A. 26:1A-9.1
N.J.S.A. 26:4-6
N.J.A.C. 6A:14-3.4
N.J.A.C. 6A:16-1.1 et seq.
See particularly:
N.J.A.C. 6A:16-1.1, -1.3,
-2.1, -2.2, -2.3, -2.4
N.J.A.C. 8:57-4.3
N.J.A.C. 8:57-4.4
N.J.A.C. 8:57-4.5
N.J.A.C. 8:57-4.7
N.J.A.C. 8:57-4.8
N.J.A.C. 8:57-4.9

Parents Right to Conscience Act of 1979
Examination for physical defects and screening of hearing
of pupils; health records
Exemption
Immunity from action of any kind due to provisions of act
Method of examination; notice to parent or guardian
In general

Exclusion of pupils who are ill
Release to share medical information
Immunization at public expense
Exemption of pupils from mandatory immunizations
Prohibiting attendance of teachers or pupils
Evaluation
Programs to Support Student Development

Medical exemptions
Religious exemptions
Provisional admission
Records required
Reports to be sent to the State Department of Health
Records available for inspection

VACCINATION AND TESTING (continued)

N.J.A.C. 8:57-4.22 Emergency power of the Commissioner, Department of Health and Senior Services

20 U.S.C.A. 1232h Protection of Pupil Rights Amendment

Executive Order No. 251, Governor Philip D. Murphy, August 6, 2021.
Executive Order No. 253, Governor Philip D. Murphy, August 23, 2021.

The NJDOE Guidance: *The Road Back: Restart and Recovery* at:
<https://www.nj.gov/education/reopening/>

The NJDOE Guidance: *The Road Forward: Health and Safety Guidance for the 2021-2022 School Year* at: [The Road Forward \(nj.gov\)](https://www.nj.gov/education/reopening/)

Possible

Cross References:

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| *1410 | Local units |
| *4123 | Classroom aides |
| *5111 | Admission |
| *5113 | Absences and excuses |
| *5131.6 | Drugs, alcohol, tobacco (substance abuse) |
| *5141 | Health |
| *5141.21 | Administering medication |
| *5200 | Nonpublic school pupils |

*Indicates policy is included in the Critical Policy Reference Manual.