

Guidance Related to Coronavirus (COVID-19): Required Vaccinations for Child Development Facility Staff Revised: Dec. 19, 2022

Background

As part of the District of Columbia Government's response to coronavirus (COVID-19), the Office of the State Superintendent of Education (OSSE) is sharing guidance regarding compliance with child development licensing regulations and requirements regarding the COVID-19 vaccination.

Effective March 2, 2022, all staff working in person in a licensed child development facility must receive a full course of vaccination against COVID-19 unless they have been granted an exemption from such vaccination pursuant to, and are compliant with the requirements of, the *Coronavirus Immunization of School Students and Early Childhood Workers Amendment Act of 2021* ([D.C. Law 24-85](#)). Previously, COVID-19 vaccination requirements for staff were mandated under *Mayor's Order 2021-109 - COVID-19 Vaccination Requirement for Adults Regularly in Schools or Child Care Facilities and for Student-Athletes* (issued Sept. 20, 2021).

Scope

This document contains guidance regarding compliance by child development facilities and staff with implementation of the *Coronavirus Immunization of School Students and Early Childhood Workers Amendment Act of 2021* (referred to hereafter as the "Act").

Date Issued

This guidance was issued on Oct. 20, 2021 and revised on Dec. 19, 2022. This guidance supersedes previous guidance issued by OSSE regarding COVID-19 vaccination requirements for child development facility staff.

Guidance

Compliance

Each child development facility is responsible for ensuring compliance with the Act. Each facility shall create policies for vaccination of their staff that are consistent with the Act and shall collect and retain documentation of staff COVID-19 vaccination. Each facility shall make available to OSSE upon reasonable request such policies and documentation.

During annual, monitoring and renewal inspections, the assigned licensing specialist for each facility will review records, including all proof of COVID-19 vaccination and exemption documentation. COVID-19 vaccination records or exemption documentation must be individually uploaded to the provider profile under the specific inspection type in the "Other Staff Records" section in the Division of Early Learning Licensing Tool (DELLT). All staff listed on the staffing plan, required by 5A DCMR 120, must have proof of COVID-19 vaccination or exemption documentation in the DELLT. Each facility shall review their COVID-19 vaccination records at least annually, including medical and religious exemptions, to ensure all staff listed on the staffing plan are compliant.

Acceptable forms of proof of COVID-19 vaccination are limited to:

- A scan or image of a Centers for Disease Control and Prevention COVID-19 Vaccination Record Card, or a paper copy of an official vaccination record from a government body (if vaccinated outside of the United States);
- A screenshot or printout of the COVID-19 vaccination status from the DC Health database (Digital Vaccine Record) or other certification from DC Health or other jurisdiction verifying full and complete course of vaccination; or

- Written certification of the COVID-19 immunization record from a physician or other licensed health professional with the provider stamp, seal, or signature.

Each staff member shall receive a full course of COVID-19 vaccination, unless exempted. A full course of COVID-19 vaccination means the covered individual (staff member) has completed the primary vaccine series and received the second dose of a two-dose series (such as Pfizer-BioNTech, Moderna, or Novavax), or one dose of a single-dose series (such as Johnson and Johnson Janssen). COVID-19 booster doses are strongly recommended, but not required in order to meet the requirements of the Act. For more information about the COVID-19 vaccination primary series and recommended boosters, please visit: [cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html](https://www.cdc.gov/coronavirus/2019-ncov/vaccines/stay-up-to-date.html)

Exemptions From COVID-19 Vaccine Requirements

The following exemptions apply to individuals who have approved documentation indicating they are unable to get the vaccination against COVID-19:

- **Medical Exemption:** Individuals may be exempted from immunization requirements only if a physician or other licensed health professional who may order an immunization certifies in writing that being vaccinated for COVID-19 is medically inadvisable due to the individual's medical condition. **Medical certifications shall be signed, stamped or approved by a physician or other licensed health professional and include their contact information.**

Note: If the condition making the vaccine medically inadvisable is temporary, the physician or other licensed health professional should specify in the certification the date on which, or the change in condition upon which, taking the vaccine would no longer be medically inadvisable, and the person must receive their first dose of a COVID-19 vaccine within 30 days after the specified date or event when taking the vaccine would no longer be medically inadvisable and their second dose (if applicable) within the time period established in the dosing schedule for the vaccine.

- **Religious Exemption:** Individuals who object in good faith that the COVID-19 vaccination would violate their **sincerely held religious beliefs** shall submit their objection annually in writing to the child development facility, using the OSSE provided form (or another form adopted by the facility's leadership, if applicable). Requests for religious exemption are not granted until the child development facility director/owner or designee reviews and signs the request form explicitly approving the exemption following a deliberative process to verify and confirm the sincerely held religious beliefs and the burdens to the facility should such an exemption be granted.

Covered individuals claiming a medical or religious exemption shall submit the required documentation to the child development facility in which they work in person. Documentation of medical or religious exemptions shall be kept in a staff person's personnel record and uploaded to OSSE's DELLT system in the same manner as documentation of proof of vaccination.

Enforcement

Child development facilities must upload proof of COVID-19 vaccination or medical or religious exemption for all staff included in the staffing pattern. Child development facilities must upload proof of vaccination or medical or religious exemption for all newly hired staff within 90 days of hire.

OSSE will investigate any complaints related to the COVID-19 vaccination requirement. All substantiated complaints will be posted on My Child Care DC as required by 5A DCMR §111.9. Continued non-compliance with local or federal laws and regulations will result in the facility being subject to an enforcement action as required by 5A DCMR §112.1.

Privacy Requirements

Completed COVID-19 vaccination certification forms and exemption requests shall be treated as private records exempt from disclosure under section 204(a)(2) of the Freedom of Information Act of 1976, effective March 29, 1977, D.C. Law 1-96; D.C. Official Code § 2-534(a)(2). However, the information included on those vaccination certification forms and exemption requests may be used internally for verification, staffing, payroll, and assignments, and as any other operational needs may require, consistent with local and federal laws and regulations.

Potential Exposure and COVID-19 Reporting

Child development facilities should have a process in place to notify individuals who may have been exposed to COVID-19 at the facility (e.g., a letter, an email, or a phone call) to inform them to monitor their symptoms. Child development facilities must notify OSSE and DC Health of instances of confirmed case(s) of COVID-19 within the facility using the following criteria:

- File an [Unusual Incident Report](#) (UIR) with OSSE at OSSE.ChildCareComplaints@dc.gov for each instance of communicable disease, including COVID-19, if the positive individual was within the facility or at an event hosted/sponsored by the facility during their infectious period; and
- Notify DC Health of instances of 25 or more confirmed COVID-19 cases tied to a single event that occurred at or was hosted/sponsored by the facility by submitting an online form using the DC Health COVID-19 Reporting Requirements Website: dchealth.dc.gov/page/covid-19-reportingrequirements.
 - Submit a Non-Healthcare Facility COVID-19 Consult Form at dccovid.force.com/NonHealthcareConsultRequestForm/s/
 - DC Health must be notified on the same day the outbreak was reported to the facility, as soon as possible after the facility was notified.

Only notify OSSE and DC Health for confirmed COVID-19 case(s) if the positive individual was within the facility or at an event hosted/sponsored by the facility during their infectious period. Do not notify OSSE and DC Health before test results come back or of confirmed positive case(s) that were not within the facility or at an event hosted/sponsored by the facility during their infectious period.

DC Health Guidance for Schools and Child Care Facilities is available at coronavirus.dc.gov/healthguidance. Supplemental OSSE guidance and resources are available at [OSSE COVID-19 Guidance and Resources](#).

Questions?

If you have questions relating to this guidance please contact Eva Laguerre, Director of Licensing and Compliance, at (202) 741-5942 or Eva.Laguerre@dc.gov.

Related Statutes and Regulations

- Child Development Facilities Regulation Act of 1998, effective April 13, 1999 (DC Law 12-215; DC Official Code §§ 7-2031 *et seq.* (2012 Repl. & 2017 Supp.)) (“Facilities Act”)
- Day Care Policy Act of 1979, effective September 19, 1979 (DC Law 3-16; DC Official Code §§ 4-401 *et seq.* (2012 Repl. & 2017 Supp.)) (“Day Care Act”)
- Chapter 1 of Title 5A of the District of Columbia Municipal Regulations (5A DCMR § 100 *et seq.*)
- Coronavirus Immunization of School Students and Early Childhood Workers Regulation Amendment Act of 2021 (D.C. Law 24-85)
- Day Care Policy Act of 1979, effective September 19, 1979 (DC Law 3-16; DC Official Code §§ 4-401 *et seq.* (2012 Repl. & 2017 Supp.)) (“Day Care Act”)
- Chapter 1 of Title 5A of the District of Columbia Municipal Regulations (5A DCMR § 100 *et seq.*)