



Guidance Related to Coronavirus (COVID-19): Required Vaccinations for Child Development Facility Staff Oct. 20, 2021

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 during the current public emergency.

Effective Nov. 1, 2021, all adult employees, contractors, interns and volunteers 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, *Mayor's Order 2021-109 - COVID-19 Vaccination Requirement for Adults Regularly in Schools or Child Care Facilities and for Student-Athletes*.

Scope

This document contains guidance regarding compliance by child development facilities and staff with implementation of the current *Mayor's Order 2021-109 - COVID-19 Vaccination Requirement for Adults Regularly in Schools or Child Care Facilities and for Student-Athletes*.

Date Issued

This guidance was issued on Oct. 20, 2021 and will remain in effect until further notice.

Guidance

Compliance

Each child development facility is responsible for ensuring compliance with current Mayor's Order 2021-109 by its employees, contractors, interns and volunteers (hereinafter referred collectively as "staff"). Each facility shall create policies for vaccination of their staff that are consistent with the Mayor's Order and shall collect and retain documentation of staff COVID-19 vaccination status (or testing in the case of persons who are approved for a medical or religious exemption). 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.

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); or
- A screenshot of the COVID-19 vaccination status from the DC Health database ([DC MyIR](#)) or other certification from DC Health or other jurisdiction verifying full and complete course of vaccination.

A full course of COVID-19 vaccination means the covered individual has completed the vaccine series and received the second dose of a two-dose series, or one dose of a single-dose series.

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 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.

All individuals who have received a medical or religious exemption are required to:

- (1) Wear a mask in the workplace (even if the current indoor masking order is rescinded or superseded);
- (2) Test weekly for COVID-19; and
- (3) Provide a negative COVID-19 test result on a weekly basis in order to report to work.

Child development facilities shall retain documentation of weekly COVID-19 test results in the staff person's personnel record but are not required to upload weekly test results to OSSE's DELLT system.

Enforcement

By Dec. 31, 2021, child development facilities must upload proof of COVID-19 vaccination or medical or religious exemption for all staff included in the staffing pattern. After Dec. 31, 2021, child development facilities must upload proof of vaccination or medical or religious exemption for all newly hired staff within 90 days of hire.

Beginning Nov. 1, 2021, 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

In the event of a confirmed case of COVID-19 in a child, staff member or visitor, a child development facility must complete the following steps as soon as possible on the same day the case was reported to the facility:

- File an Unusual Incident Report (UIR) with OSSE at OSSE.ChildCareComplaints@dc.gov, and
- Notify DC Health by submitting an online form on the DC Health COVID-19 Reporting Requirements website: dchealth.dc.gov/page/covid-19-reporting-requirements.
 - o Submit a Non-Healthcare Facility COVID-19 Consult Form.

Only notify DC Health for a confirmed COVID-19 case, not before results come back. An investigator from DC Health will follow-up within 24 hours to all appropriately submitted notifications. Please note this time may increase if cases of COVID-19 increase in the District.

DC Health Guidance for Child Care is available at coronavirus.dc.gov/healthguidance.

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, Regulations, and Order

- 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.*)
- Mayor's Order 2021-109 - COVID-19 Vaccination Requirement for Adults Regularly in Schools or Child Care Facilities and for Student-Athletes
- 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.*)