



DISTRICT OF COLUMBIA

OFFICE OF THE STATE SUPERINTENDENT OF

**EDUCATION**

## **COVID-19 Vaccination Mandate for District School Employees, Contractors, Interns and Volunteers**

*(Oct. 8, 2021)*

### **Background**

Healthy bodies and minds are the foundation of academic success. Schools play an important role in keeping students safe, healthy, and ready to learn. The spread of COVID-19 remains a serious threat, particularly for individuals who are not fully vaccinated. The COVID-19 vaccines are highly effective in protecting persons from COVID-19. Now that vaccines are widely available, schools are in a unique position to promote the vaccine as a key mitigation effort for protecting the health and wellbeing of our students, staff, residents and families.

On Sept. 20, 2021, Mayor Muriel Bowser signed [Mayor's Order 2021-109](#) requiring that by Nov. 1, 2021 all adults who are regularly in schools and child care facilities in the District must have received a full course of vaccination against COVID-19. The Order further requires that, effective Nov. 1, 2021, students aged 12 and older must have received a full course of vaccination against COVID-19 in order to participate in school-based extracurricular athletics. A full course of vaccination means an individual must have received the second dose of a 2-dose series, or one dose of a single-dose series effective Nov. 1, 2021. This Order does not permit a test-out option for individuals unless they have been granted a medical or religious exemption.

### **School Employee, Contractor, Intern, and Volunteer Requirements**

Pursuant to Mayor's Order 2021-109, effective Nov. 1, 2021, all adult employees, contractors, interns and volunteers (referred to collectively as "covered individuals") working in-person in a public, public charter, independent, private or parochial school in the District of Columbia shall have received a full course of vaccination against COVID-19 unless they have been granted an exemption. This applies to any person whose ordinary duties or practices include regularly entering schools.

The categories of covered individuals to whom Mayor's Order 2021-109 applies includes, but is not limited to:

Teachers, student teachers, teaching aides, substitute teachers and teaching fellows; before- and after-school teachers, program leaders and assistants; guidance counselors; principals and other school leaders, program coordinators and administrators; coaches, trainers, athletic directors, referees, meet or game officials and school-based media specialists filming games and training sessions; librarians and school library-based personnel; technology support personnel who work in schools; social workers; school security personnel; aides for children with special needs in schools; cafeteria, janitorial and building maintenance staff; and volunteers who are regularly at schools.

This Order further applies to school bus and van drivers and aides who take students to or from school or who regularly take students to or from extra-curricular activities such as sports competitions (not to include Washington Metropolitan Transit Authority).

Effective immediately, all new postings for job opportunities in schools in the District, whether in the public, public charter, independent, private or parochial sectors, shall inform applicants of the District's vaccination requirement against COVID-19 before reporting for duty at a school, unless they have been granted an exemption.

All covered individuals who do not timely return an appropriately completed vaccination certification, exemption documentation and/or COVID-19 test result for those with an exemption to the appropriate person shall be excluded from school and shall not have contact with children (other than their own children) in an employment, volunteer or extracurricular and athletic context until they have received a full course of vaccination or are granted one of the two limited exemptions. They may also be subject to adverse employment actions as specified by their employer.

## **Collection of COVID-19 Vaccination Records**

The District of Columbia Public Schools (DCPS), public charter local education agencies (LEAs) and each independent, private and parochial school must establish systems for ensuring compliance with this rule among their covered individuals, including communication about the requirements imposed by Mayor's Order 2021-109, a process by which persons subject to this Order shall certify their compliance with the requirements of this Order, a process for verifying compliance with this Order and a process for enforcement of the requirements of this Order. School and LEA leaders are encouraged to coordinate with their office of human resources, private legal counsel and any other personnel who may be positioned to communicate these requirements and collect or store COVID-19 vaccination documentation submitted to the school.

## **Proof of COVID-19 Vaccination**

Individuals subject to this Mayor's Order shall submit proof of a full course of COVID-19 vaccination directly to the requesting school or LEA. Acceptable forms of proof 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 2-dose series, or one dose of a single-dose series. An individual is considered fully vaccinated 14 days after the last dose of a COVID-19 vaccination series, but for purposes of Mayor's Order 2021-109 a covered individual is only required to demonstrate full course of vaccination by Nov. 1, 2021.

## **COVID-19 Testing or Proof of Prior Infection**

Mayor's Order 2021-109 does not permit a covered individual to demonstrate proof of prior COVID-19 infection or to test-out of the COVID-19 vaccination requirement unless the individual has received a religious or medical exemption. All persons who have received an approved exemption shall wear a mask in the workplace (even if the current indoor masking order is rescinded or superseded), shall be tested weekly for COVID-19 and shall provide the school a negative COVID-19 test result on a weekly basis in order to report to work.

## **Medical Exemption**

Covered 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 there is a medical reason not to receive the COVID-19 vaccine. Medical exemptions shall be signed, stamped or approved by a physician or other licensed health professional stating that the COVID-19 vaccine is medically inadvisable for the individual due to the person's medical condition. Medical exemptions should be submitted directly to the school or LEA or to the external entity (e.g., contractor, grantee organization) and kept in a staff person's personnel record.

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. \_\_\_\_\_

All covered individuals who have received a medical exemption shall wear a mask at the workplace (even if the current indoor masking order is rescinded or superseded), shall be tested weekly for COVID-19 and shall provide the school a negative COVID-19 test result on a weekly basis in order to report to work.

## **Religious Exemption**

Covered individuals may be exempted from immunization requirements for religious reasons. Persons 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 school. Religious exemptions should be submitted directly to the school or LEA or to the external entity (e.g., contractor, grantee organization) and kept in a staff person's personnel record. Simply submitting a request, though, does not mean that the request is granted, and those seeking religious exemptions are not permitted to report to work in-person effective Nov. 1, 2021 until the exemption has been granted.

All covered individuals who have received a religious exemption shall wear a mask in the workplace (even if the current indoor masking order is rescinded or superseded), shall be tested weekly for COVID-19 and shall provide the school a negative COVID-19 test result on a weekly basis in order to report to work.

## **Record Retention and Protection**

Schools and LEAs shall collect and retain COVID-19 vaccination records submitted to the school as required by Mayor's Order 2021-109.

Completed vaccination records 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 forms and 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.

## **Visitors**

Parents or guardians who periodically visit their child's school, such as for parent-teacher conferences or special school events, and persons who enter schools on a one-time basis are not covered by Mayor's Order 2021-109. This includes outdoor school athletic fields and grounds. Schools may choose to enforce proof of COVID-19 vaccination for visitors, but it is not required.

Per [DC Health COVID-19 Guidance for Schools](#), non-essential visitors should be minimized if the District is at moderate to high community transmission levels. All visitors must wear a face mask while indoors regardless of vaccination status and should be required to follow school policy on health screenings, physical distancing and other preventative measures.

## **Partner Organizations**

Partner organizations providing before- or after-school care, supplementing students' curriculum or otherwise working in schools are responsible for implementing policies for their employees and volunteers and maintaining records of vaccinations or any exemptions. Schools and LEAs may audit their compliance with Mayor's Order 2021-109.

## **COVID-19 Exposure**

[DC Health COVID-19 Guidance for Schools](#) requires students and staff who have tested positive or are identified as a close contact of an individual testing positive for COVID-19 to refrain from participating in in-person school instruction and activities. Close contacts who are fully vaccinated do not need to quarantine unless they display symptoms of COVID-19. This COVID-19 vaccination requirement will help reduce the number of students and staff removed from in-person activities and limit the disruption to educational instruction caused by COVID-19.

## Enforcement

Employees, contractors, interns, grantees, LEAs, school athletic directors and independent, private and parochial schools may be required to demonstrate further proof of vaccination, exemption documentation and/or COVID-19 test results upon request of the Office of the City Administrator (OCA), DC Department of Human Resources (DCHR), Office of the State Superintendent of Education (OSSE), the relevant agency's human resources office, DC Office of Contracting and Procurement (OCP), the relevant agency's contracting office or other investigative authorities designated by OCA, DCHR, OSSE or OCP. Contractors, partner organizations, public charter schools, independent schools, private schools and parochial schools do not need to, and should not, transmit medical or vaccination records to the District government unless upon specific request pursuant to an audit or investigation.

The District of Columbia Public Charter School Board (PCSB) shall establish such procedures as it deems necessary to ensure compliance with this Order among schools it charters, and shall cooperate with any inquiries made by OSSE to verify that all covered individuals regularly working in-person in a public charter school have received a full course of vaccination by Nov. 1, 2021 or by the time they enter a school. The PCSB shall further ensure that no public charter school is offering a "test out option" to anyone other than those who have received a medical or religious exemption. On a case by case basis, for particular positions, after October 15, 2021, and to the extent needed to comply with other legal requirements, an LEA may extend the deadlines for adults to be vaccinated to ensure all other legal obligations are met.

Nothing in Mayor's Order 2021-109 shall be deemed to prevent an employer from imposing stronger vaccination requirements on their employees, agents, volunteers or subcontractors, subject to applicable federal and local laws and regulations. The PCSB, independent schools, private schools and parochial schools may establish their own penalties for violations of this Order. For questions regarding imposing stronger vaccination requirements on covered individuals not stipulated in Mayor's Order 2021-109, schools and LEAs are encouraged to consult their legal counsel.

Though vaccines play a critical role in reducing the spread of COVID-19, receiving a vaccine does not alleviate the need to exercise such other mitigation practices as may be required by another Mayor's Order, DC Health regulations or guidance, OSSE, the DCSAA or any employer or entity covered by Mayor's Order 2021-109. OSSE will monitor and audit school and LEA compliance with Mayor's Order 2021-109 as deemed necessary, but schools and LEAs should not submit vaccination plans, individual medical or vaccination records or individual staffing or human resources inquiries to OSSE. Schools may refer to [coronavirus.dc.gov](https://coronavirus.dc.gov), the [DC Health COVID-19 Guidance for Schools](#), and [OSSE COVID-19 Guidance and Resources](#) for more information.

## Complaints

Any individual who believes a public school, public charter school, independent school, private school or parochial school is not complying with the vaccination and record-keeping requirements may submit a complaint to OSSE via the [online portal](#) beginning Nov. 1, 2021 and OSSE may investigate and take enforcement action if a violation is found.

## Resources

- COVID-19 Vaccination
  - [Get Vaccinated: Locations for COVID-19 Vaccination](#)
  - [COVID-19 Vaccination Information](#)
  - [COVID-19 Vaccination Frequently Asked Questions](#)
  - [COVID-19 Vaccination Student Incentives](#)
  - [COVID-19 Vaccination Information Library](#)
  - [Getting Your Child Ready for the COVID-19 Vaccine](#)
  - [The Science Behind COVID-19 Vaccines: Parent FAQs](#)
- COVID-19
  - [Coronavirus.dc.gov](https://coronavirus.dc.gov)
  - [DC Health COVID-19 Health Guidance](#)

- [OSSE Guidance and Resources](#)