



Schools and School-Based Programs Vaccine Rule FAQs *(Updated 10-08-2021)*

Below are answers to frequently asked questions (FAQ) about the Oregon Administrative Rule (OAR) [333-019-1030](#), COVID-19 Vaccination Requirements for Teachers and School Staff. Please note the listed categories in the FAQ are: Schools and school-based programs vaccine requirement, other agencies, vaccine rule enforcement, vaccine rule exceptions, Early Learning Division (ELD) staff, students, coaches, parents, substitute teachers, School Board members, district staff, school nurses, private schools, School psychologists, pathologists, counselors, and support staff, and temporary staff. For purposes of this FAQ, all those subject to the schools and school-based vaccine rule (“vaccine rule”) will be referred to as “employees and volunteers.”

General

Q: Who does the schools and school-based programs statewide vaccine rule apply to exactly?

The rule applies to anyone who is employed by or volunteers in a public school, private school, parochial school, or charter school, alternative educational program or school-based program or who is not employed but otherwise engaged to provide goods or services to a school or school-based program through any formal or informal agreement, whether compensated or uncompensated, and includes but is not limited to teachers, administrative staff, coaches, drivers, and volunteers. This rule applies to before/after school programs located at schools. Short-term visitors or individuals making deliveries are not subject to this rule. Individuals whose job or volunteer work never includes direct or indirect contact with students or children at the school are not covered by this rule.

Q: What does direct or indirect contact with students or children mean for purposes of this rule?

Direct contact with students or children includes in-person activities where the person is interacting directly with the students or children, e.g. teaching or driving a school bus. Indirect contact includes activities where work is carried out in the building or area while students or children are or could be present. Direct or indirect contact with students or children, taken together, includes essentially all situations where a person is in the school building, school bus, or on school grounds when students or children are or may be present.

Q: How is an employee, volunteer, or anyone considered vaccinated?

Being full vaccinated means having received both doses of a two-dose COVID-19 vaccine or one dose of a single-dose COVID-19 vaccine and at least 14 days have passed since the individual's final dose of COVID-19 vaccine. The two-dose vaccines are Pfizer and Moderna and the one-dose vaccine is Johnson & Johnson.

Q: Why is there a vaccine rule for employees and volunteers of schools and school-based programs?

Our priority is to implement the protocols needed to reliably hold school in-person, every school day, for all students, for the entire school year. The Delta variant of COVID-19 has driven the highest hospitalization rates Oregon has seen throughout the COVID-19 pandemic. Currently, vaccines are only available to those twelve and older. A vast majority of students are not vaccinated. By requiring staff to be vaccinated, and requiring an indoor K-12 mask rule, we are decreasing the likelihood of student and staff becoming exposed to COVID-19, we are decreasing the likelihood of COVID-19 related hospitalizations. Thus, we are maximizing the possibility of students learning in person by lowering the chances of COVID-19 related isolations and quarantine.

Q: When is the vaccine rule in effect?

The rule is in effect now and employees and volunteers must submit proof of full vaccination against COVID-19 or have an approved religious or medical exception on or before October 18, 2021. Previously Governor Brown has stated, "October 18, 2021 or six weeks after regular Food and Drug Administration (FDA) approval, whichever takes longer." The Pfizer vaccine was approved by the FDA on August 23, 2021, solidifying October 18, 2021 as the date by which K12 staff must submit proof of vaccination. This coincides with the vaccine expectation timelines for Oregon [executive branch employees](#).

Q: Does the vaccine rule apply to staff and volunteers for after-school programs?

Yes. The rule applies to anyone who is employed by or volunteers in a public, private, parochial, charter or alternative educational program or a school-based program or who is not employed but is otherwise engaged to provide goods or services to a school or school-based program through any formal or informal agreement, whether compensated or uncompensated, and includes but is not limited to teachers, administrative staff, cleaning staff, coaches, drivers, and volunteers. Providing goods or services at or for a school-based program includes direct or indirect contact with children or students. Individuals or volunteers whose job never includes direct or indirect contact with students or children at the school are not covered by this rule.

Q: What if the employee has already had COVID-19 and has antibodies to fight the virus?

Employees and volunteers that have had COVID-19 are not excepted from the vaccine rule. The Delta variant causes more infections and spreads faster than earlier forms of the virus that causes COVID-19. It might cause more severe illness than previous strains in unvaccinated people. The risk of severe illness and death from COVID-19 outweighs the benefit of natural immunity. Given the variability in immune response, a

lot of people who get infected naturally can get reinfected again, in sometimes as short as a few months. People who have had the illness should still be vaccinated for the best possible protection.

Q: Would this apply to elected school board officials?

No, unless the elected school board official is working or volunteering at a school or school-based program. It is encouraged that everyone who is eligible get vaccinated against COVID-19.

Q: Will the vaccine rule apply to district staff who do not work in a school setting?

No. School district staff not working in school settings are not subject to this rule. If a school district employee has direct or indirect contact with students in their professional or volunteer capacity at a school, that district staff member would need to follow vaccination procedures as outlined [OAR 333-019-1030](#), COVID-19 Vaccination Requirements for Teachers and School Staff.

Q: Are substitute teachers required to comply with this rule?

Yes. They will be in direct contact with students and staff and therefore are subject to the rule.

Q: Are school nurses required to comply with this rule?

Yes.

Q: Does this rule apply to attendees and workers after school hours? Such as overnight contractors?

This rule applies to anyone who provides goods and services to schools at any time students or children are or may be present, including after regular school hours, unless they are a short-term visitor or a delivery person.

Q: Are school security workers, including school resource officers subject to this rule?

Yes

Q: Does the vaccination rule apply to temporary staff?

A: Yes.

Q: Are church clerical staff who aren't involved with the private school required to comply with this rule?

Any church staff (including but not limited to clerical, custodial, drivers, etc.) not working in school settings are not subject to the rule. If any church staff member (including but not limited to clerical, custodial, drivers, etc.) is active in school in any of the capacities defined in rule, they will need to follow vaccination procedures outlined in [OAR 333-019-1030](#), COVID-19 Vaccination Requirements for Teachers and School Staff.

Q: Do school psychologists, pathologists, counselors, and other support staff fall under this rule?

Yes.

Q: Which ESD staff does this rule apply to?

ESD employees who provide goods and services to schools or school-based programs that involve direct or indirect contact with children or students, whether paid or otherwise, are subject to this rule.

Q: Are coaches required to comply with this rule?

Yes, coaches who are teachers, school staff, school-based program staff or volunteers are subject to this rule.

Q: Does the vaccination requirement include early learning staff?

The rule does not cover stand-alone preschool programs that go up through kindergarten. However, preschool programs operating in schools, meaning public, private, parochial, charter or alternative educational programs offering kindergarten through grade 12 or any part thereof, are covered by the rule.

Q: Do parents and visitors of schools required to comply with this rule?

Short-term visitors or individuals making deliveries do not need to submit proof of vaccination or exception. Parents or other family members that volunteer in the school or school-based program are subject to the rule and are required to comply.

Q: Are employers who offer work-based learning experiences for students at a worksite required to get vaccinated under the school staff and volunteer vaccination rule?

No. The rule is intended to apply to individuals at a school and does not generally apply offsite. However, the rule does apply, for example, to school employees and volunteers who take students from school on a school field trip as these are employees and volunteers at a school engaging in an activity that includes an offsite component.

Q: Are eligible students required to comply with this rule?

Students who are not volunteers or employees of schools or school-based programs are not required obtain COVID-19 vaccination under this rule. OHA strongly recommends that students who are eligible to receive a vaccine talk to their trusted adults about getting vaccinated.

Q: Are there state agencies that have vaccine requirements?

Yes. State employees are required to be fully vaccinated no later than October 18, 2021. This requirement applies to all executive branch employees, including employees working for all Oregon state agencies, and in consultation with Oregon's statewide elected officials, employees of the Oregon State Treasury and the Oregon Secretary of State's Office, as well as employees of the Oregon Bureau of Labor & Industries and the Oregon Department of Justice. Weekly testing is not an acceptable

alternative, however, individuals may qualify for an exception due to medical condition or sincerely held religious belief. This is a policy for employees of the state, and not related to [OAR 333-019-1010](#).

Q: Can my employer choose to have more restrictive or additional requirements for vaccination, such as requiring vaccination for district office staff who do not have direct or indirect contact with students, or requiring booster shots?

Nothing in the rule is intended to prevent schools, school districts, education service districts, or school-based program employers from having more comprehensive vaccination policies that require vaccination for the safety of all staff and to ensure consistent, reliable operation.

Q: What exceptions are there from the vaccine rule?

Exceptions in the rule are:

- "Medical Exception" means that an individual has a physical or mental impairment that prevents the individual from receiving a COVID-19 vaccination; and
- "Religious Exception" means that an individual has a sincerely held religious belief that prevents the individual from receiving a COVID-19 vaccination.

Q: Will there be weekly testing for employees that don't want to be vaccinated?

No. Employees need to be fully vaccinated to mitigate the spread of COVID-19 or submit forms to complete a medical or religious exception. Schools that grant medical or religious exceptions must take "reasonable steps to ensure that unvaccinated teachers, school staff and volunteers are protected from contracting and spreading COVID-19." Reasonable steps may include weekly testing, a fitted n95 mask, additional distancing, a face mask with a face shield, a remote workspace, or other step.

Q: Will there be a requirement to get booster shots? Or a third COVID vaccine dose after receiving two Pfizer or Moderna doses, or a second Johnson & Johnson dose?

At this time there is no provision in the rule for additional doses or booster shots. You are considered fully vaccinated two weeks after your second dose of the Pfizer or Moderna vaccine, or two weeks after your single-dose Johnson & Johnson vaccine.

Q: Will ODE keep a database of school employees and their vaccination status?

No. Schools will be responsible for tracking and maintaining records of proof of vaccination and must provide documentation to OHA upon request.

Q: Is vaccination verification done by ODE, OHA, or the local level?

Vaccination verification is done by the employer, in this case the school, school district, ESD, or school-based program. On or before October 18, 2021, schools and school-based programs must have documentation that all their teachers, school staff, and

volunteers are in compliance with [OAR 333-019-1030](#), COVID-19 Vaccination Requirements for Teachers and School Staff.

Q: If an employee refuses to get a vaccination or submit a medical or religious exception, what steps does the district take?

School-based program employees and volunteers may not teach, work, provide care, learn, study, assist, observe, or volunteer for a school-based program unless they are fully vaccinated or have provided documentation of a medical or religious exception.

A school-based program may not employ, contract with, or accept the volunteer services of school-based program staff or volunteers who are teaching, working, providing care, learning, studying, assisting, observing, or volunteering at a school-based program unless the employees or volunteers are fully vaccinated against COVID-19 or have a documented medical or religious exception.

For employees who refuse to present proof of vaccination, medical exception, or religious exception, the school district should follow regular procedures for corrective action, including disciplinary action.

Q: May the employee opt out for medical reasons? If so, what documentation is required?

Yes. Employees may request a medical exception. "Medical Exception" means that an individual has a physical or mental impairment that prevents the individual from receiving a COVID-19 vaccination. A medical exception must be corroborated by a document signed by a medical provider, who is not the individual seeking the exception, on a [form](#) prescribed by the Oregon Health Authority, certifying that the individual has a physical or mental impairment that limits the individual's ability to receive a COVID-19 vaccination based on a specified medical diagnosis, and that specifies whether the impairment is temporary in nature or permanent.

Q: May the employee opt out for religious reasons? If so, what documentation is required?

Yes. Employees may request a religious exception. "Religious Exception" means that an individual has a sincerely held religious belief that prevents the individual from receiving a COVID-19 vaccination. A religious exception must be corroborated by a document, on a [form](#) prescribed by the Oregon Health Authority, signed by the individual stating that the individual is requesting an exception from the COVID-19 vaccination requirement on the basis of a sincerely held religious belief and including a statement describing the way in which the vaccination requirement conflicts with the religious observance, practice, or belief of the individual.

Q: Is there a point where an employee no longer has a job if they refuse to comply with this rule?

After October 18, 2021, individuals covered by the rule may not work or volunteer in person where they may have direct or indirect contact with students unless they are fully vaccinated or have a religious or medical exception.

It is possible that some employers may, in some limited circumstances, choose to temporarily place staff who have not gotten vaccinated or who do not have a religious or medical exception by the deadline on some type of leave or may choose to reassign them to a position where they are not teaching, working, learning, studying, assisting, observing, or volunteering at a school in person where they can have direct or indirect contact with students. If an employer chooses to assign an employee or volunteer who has not gotten vaccinated or who does not have a religious or medical exception by the deadline to remote work, the employer will only be in compliance with the rule if the employee or volunteer is never on-site at the school where they could have in-person direct or indirect contact with a student – that includes but is not limited to being prohibited from going to school for any of the following if students are or could be present:

- Parent/teacher conferences
- Making copies or picking something up
- Providing tutoring or materials
- Administering assessments
- Any other circumstance or activity that would include direct or indirect contact with students

Q: Are employers liable if they don't enforce the vaccine requirement and an employee or student gets sick with COVID-19?

Employers should consult with their legal counsel on issues of legal liability. Employers are subject to civil penalties for not complying with the rule.

Q: What is the process for proof of vaccination?

"Proof of vaccination" means documentation provided by a tribal, federal, state or local government, or a health care provider, that includes an individual's name, date of birth, type of COVID-19 vaccination given, date or dates given, depending on whether it is a one-dose or two-dose vaccine, and the name/location of the health care provider or site where the vaccine was administered. Documentation may include but is not limited to a COVID-19 vaccination record card or a copy or digital picture of the vaccination record card, or a print-out from the Oregon Health Authority's immunization registry.

"Medical Exception" means that an individual has a physical or mental impairment that prevents the individual from receiving a COVID-19 vaccination. A medical exception must be corroborated by a document signed by a medical provider, who is not the individual seeking the exception, on a [form](#) prescribed by the Oregon Health Authority, certifying that the individual has a physical or mental impairment that limits the individual's ability to receive a COVID-19 vaccination based on a specified medical diagnosis, and that specifies whether the impairment is temporary in nature or permanent.

“Religious Exception” means that an individual has a sincerely held religious belief that prevents the individual from receiving a COVID-19 vaccination. A religious exception must be corroborated by a document, on a [form](#) prescribed by the Oregon Health Authority, signed by the individual stating that the individual is requesting an exception from the COVID-19 vaccination requirement on the basis of a sincerely held religious belief and including a statement describing the way in which the vaccination requirement conflicts with the religious observance, practice, or belief of the individual.

Q: What types of vaccination proof are acceptable?

Documentation provided by a tribal, federal, state or local government, or a health care provider, that includes an individual’s name, date of birth, type of COVID-19 vaccination given, date or dates given, depending on whether it is a one-dose or two-dose vaccine, and the name/location of the health care provider or site where the vaccine was administered. Documentation may include but is not limited to a COVID-19 vaccination record card or a copy or digital picture of the vaccination record card, or a print-out from the Oregon Health Authority’s immunization registry.

Q: If an employee's vaccine record shows a first vaccine dose from Moderna and a second vaccine dose from Pfizer, is the employee considered fully vaccinated 14 days after the second vaccine dose?

Yes.

Q: I am fully vaccinated. Where do I submit my proof of vaccination to comply with the rule?

Employees and volunteers should submit their proof of vaccination to their employer or organization they volunteer with, following procedures laid out by their employer or organization. DO NOT submit proof of vaccination to the Oregon Health Authority.

Q: I am requesting an exception to the vaccination requirement. Where do I submit my exception request form?

Employees and volunteers should submit their exception request forms to their employer or organization they volunteer with, following procedures laid out by their employer or organization. General instructions for filling out the forms can be found [here](#). DO NOT submit exception request forms to the Oregon Health Authority.

Q: If I have more than one employer or volunteer for more than one employer, do I have to provide proof of vaccination or an exception request form to each employer?

Yes.

Q: Is the employer responsible for ensuring vaccination and exception documentation is authentic?

An employer is not required to take additional steps to verify that the documentation of vaccination status is authentic. An employer should consult with their legal counsel if they want to take steps to ensure documentation is authentic.

Q: Can an employer terminate an employee for refusing to comply with the rule?

Employers must follow their existing personnel processes in determining employee discipline issues, including termination decisions. Further, while employers may generally discipline or terminate an employee who refuses to follow workplace requirements, employers must ensure that any disciplinary action or termination does not run afoul of anti-discrimination laws. Employers may be required to reasonably accommodate individuals who are unable to comply with the law for medical reasons or for sincerely held religious belief, unless the accommodation would create an undue hardship to the employer or a direct threat to the employee or others. Similarly, an employer may not discipline or terminate an employee who complains about actions that the employee believes violate local, state, or federal laws. While an employer may be able to discipline or terminate an employee who refuses to comply with this rule, an employer may not discipline or terminate an employee for questioning the legality of the rule.

Q: Are employees required to get vaccinated during their regular work hours? If they have to get vaccinated outside of their work hours, are employers required to pay for the employee's time?

No, the rule does not require covered employees to obtain vaccination during regular work hours, though an employer could offer or require employees to obtain vaccination during the workday. Regarding whether the time for vaccination is compensable, the Oregon Bureau of Labor and Industries has an FAQ that covers this topic, available at <https://www.oregon.gov/boli/workers/Pages/covid-vaccine.aspx>. Finally, additional requirements may apply to employers who are subject to collective bargaining agreements or employment contracts.

Q: Will new staff have to be vaccinated before they are hired?

Yes. Teachers, school staff, and volunteers covered by the rule will need to be fully vaccinated in order to begin work in person with direct or indirect contact with students if they are hired after October 18, 2021 unless they have a religious or medical exception.

Q: How will this be enforced in private schools that are not registered with ODE?

As employers, schools and school-based programs have a responsibility to comply with [OAR 333-019-1030](#). The vaccination documentation and documentation of medical and religious exceptions must be maintained in accordance with applicable federal and state laws for at least two years and provided to the Oregon Health Authority upon request. Schools and school-based programs that violate any provision of this rule are subject to civil penalties of \$500 per day per violation.

A school may request that a school-based program operating at that school, attest to whether it is, or is not, in compliance with this rule. If a school-based program receives such a request from a school, it must respond.

Q: Who/what agency is responsible for regulating this requirement? What enforcement actions will be taken against an individual or a program if out of compliance?

The Oregon Health Authority may impose civil penalties of \$500 per day per violation against a school or school-based program for a violation of OAR 333-019-1030, the school and school-based program vaccination rule.

Q: What documentation is required for an exception for a sincerely held religious belief?

There is no specific verification documentation required to request an exception for a sincerely held religious belief. However, individuals are required to provide all of the information asked for in the form, including identifying the sincerely held religious belief that prevents them from receiving a COVID-19 vaccination and how that belief affects their ability to receive the vaccination. For a more detailed discussion about employer inquiries into the religious nature or sincerity of belief held by an employee, see 12-I-A at: https://www.eeoc.gov/laws/guidance/section-12-religious-discrimination#h_25500674536391610749867844.

Q: Is an interactive process by an employer or other responsible person required for individuals who request a religious exception based on a sincerely held religious belief?

Yes, an employer is generally obligated to engage in an interactive process to explore reasonable accommodation(s). This process is important because an accommodation is not limited to what may be requested by the employee and additional information may be needed to determine if an accommodation is an undue hardship for the employer or if the employee would pose a direct threat in the workplace (even after other safety measures have been implemented).

Q: What are some examples of accommodations or safety measures employers may require for employees who are unable to be vaccinated due to medical conditions or religious beliefs.

Among possible safety measures, as part of granting an exception to the vaccine requirement, an unvaccinated employee, contractor or volunteer entering the workplace might be required to wear an N95 face mask, be physically distanced from others while at the workplace, work a modified shift when there are fewer individuals at the workplace, get periodic tests for COVID-19, be given the opportunity to telework, or finally, accept a reassignment. Safety measures that an employer imposes will depend on the employee's position duties and work environment among factors. If feasible, employers may consider granting certain accommodations on a temporary basis and reviewing again after a specified period. For more information about accommodations see Questions K.2 and K.6 at: <https://www.eeoc.gov/wysk/what-you-should-know-about-covid-19-and-ada-rehabilitation-act-and-other-eeo-laws#D>.

Q: As an employer, what should I do with an employee exception request form that is either incomplete or does not contain all of the specified information?

Employers should consult with their legal counsel about these issues. However, in order for employers to be in compliance with the rule, they must either have

documentation of vaccination or documentation of an exception on a form prescribed by OHA, that contains all the specified information. If an employer were to accept a form and allow an exception based on an incomplete form, OHA would likely find the employer out of compliance with the rule.

Q: Does an employer have to grant the exception and provide an accommodation or can an employer terminate the employment of someone who requests an exception?

Relevant workplace laws including Title VII, the ADA, and state law equivalents generally require an employer provide reasonable accommodations for employees who, because of a disability or a sincerely held religious belief, request an exception from the vaccine mandate. After engaging in an interactive process, an employer may determine an accommodation is an undue hardship or the employee poses a direct threat in the workplace that cannot be reduced to an acceptable level or eliminated by reasonable accommodation. If an accommodation cannot be provided, whether termination is appropriate is an employer decision and may be subject to provisions in collective bargaining agreements, where applicable, or employer policies.

Q: Is it illegal to submit false vaccine or exception documentation to an employer?

The Oregon Health Authority (OHA) has adopted rules that implement ORS 431.110(7) and ORS 433.004(1)(d), laws that give OHA the authority to control communicable diseases like COVID-19. OHA's rules require healthcare providers, school and school-based program staff to submit vaccine documentation or a request for a medical or religious exception, to their employer or other responsible party. Violating OHA's rules is a Class A misdemeanor under ORS 431.990 and ORS 433.990. If OHA obtains evidence that someone has submitted false information in order to appear in compliance with its vaccination rules, OHA can refer the matter to local or state law enforcement for investigation. A Class A misdemeanor is punishable by up to 364 days imprisonment and a \$6,250 fine.

Child care settings

Q: Are Head Start Programs included? If yes, would that include both private sector and public sector Head Start Programs?

Any programs that reside on a K-12 school campus, including some Head Start programs, are subject to this requirement. Programs located on college campuses or within the broader community are not required to comply with staff vaccination requirements.

Q: Does this requirement apply to Regulated Subsidy programs operating in school buildings?

Yes, all programs located on school campuses, including regulated subsidy programs, are required to comply with the vaccination requirement.

Q: Will I have to get vaccinated if I operate a program in my home or a center?

Home-based programs, including Registered Family, Certified Family and license-exempt family, friend and neighbor care are not included in the vaccine requirement for schools and school-based programs. The only licensed programs included in the vaccine requirement for staff are for Certified Centers who operate on a school site.

Q: If field staff get a report that child care staff are not vaccinated, what should they do with this information?

They can report concerns or compliance issues to the Oregon Health Authority COVID Feedback Team at COVID.19@dhsosha.state.or.us.

Q: If a program leases a space on an elementary school campus but the building is completely detached from the school campus and child care staff never enter the school building, do the child care staff still have to be vaccinated? Does it make a difference if they share the playground or have their own separate outdoor play space?

The vaccination requirement would apply to the program if staff or children have direct or indirect contact with students, including shared spaces like an outdoor playground.

Q: Do programs need to provide the public with staff vaccination rates if asked? If parents ask if their child's teacher is vaccinated, what can programs tell them?

The rule does not require the reporting of staff vaccination rates. Programs should follow their own policies about releasing information about staff vaccination.

Q: Are staff who work in programs that partner with schools, but are not located on a school campus, subject to the vaccine requirement?

No, only program staff who are located on a school campus must be fully vaccinated by October 18, 2021. This includes programs who provide regular pick-up and drop-off services to and from the school.

Q: Can employers or staff with access to the Oregon Health Authority's (OHA's) immunization registry (ALERT IIS) verify employee or volunteer vaccination status directly in ALERT IIS?

No. Oregon law does not permit an employer who is an authorized user of ALERT IIS to use the system to look up COVID-19 vaccination information on employees or staff. Accessing ALERT IIS for this purpose violates the user agreement.

Document accessibility: For individuals with disabilities or individuals who speak a language other than English, OHA can provide information in alternate formats such as translations, large print, or braille. Contact the Health Information Center at 1-971-673-2411, 711 TTY or COVID19.LanguageAccess@dhsosha.state.or.us