

August 26, 2021 COSA Q&A

Educator Vaccination Rule



This information is subject to future changes. It was last updated on September 9, 2021.

Q: Is there any talk about people who have had confirmed cases of COVID with natural immunity being categorized differently?

A: Page 2 of the school vaccine FAQ: *“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: Can we ask about vaccination status in an interview? Or do we just verify status prior to an offer of employment?

A: Verifying COVID-19 vaccination status should follow regular protocol for new employees providing their immunization records. If an employee is hired that normally hasn’t had to provide their immunization records, emulating the procedure as you would with employees who regularly follow this protocol is a sufficient approach.

Q: We need clarification on public speaking being a reason to not wear a face covering. We have staff who are asking if they can use this as a reason to not wear a mask while teaching.

A: In [OAR 333-019-1025](#), regarding indoor and outdoor mask rules - section (5) lists exceptions to mask wearing, and states in (i), *“Is performing, including but not limited to playing music, delivering a speech to an audience, and theater.”* This is likely the section you are referring to. This exception was not intended for mask removal for in-person instruction. In addition, on September 3, 2021, the CDC released the [MMWR Outbreak Associated with SARS-CoV-2 B.1.617.2 \(Delta\) Variant in an Elementary School – Marin County, California, May-June 2021](#). During May 23–June 12, 2021, 26 laboratory-confirmed COVID-19 cases occurred among Marin County, California, elementary school students and their contacts following exposure to an unvaccinated infected teacher. The attack rate in one affected classroom was 50%; and risk correlated with seating proximity to the teacher.

Q: Please advocate for alignment between ELD and K-12. We have thousands of staff across the state in EI/ECSE who are under our CBAs providing service in early learning settings not connected to a K-12 building.

A: In [OAR 333-019-1030](#), regarding K-12 staff vaccine requirements - section (2)(f)(B) states, *“...does not mean stand-alone preschool program that goes up through kindergarten.”* In section (2)(h)(A)(ii) of the same rule, it states that this rule applies to anyone *“providing goods or services at or for a school-based program that includes direct or indirect contact with children or students.”* If ELD staff have direct or indirect contact with K-12 students, this will mean that

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these staff would need to be fully vaccinated by October 18, 2021 unless they are granted a medical or religious exception.

Q: Do preschoolers in a school have to be masked?

A: No. In [OAR 333-019-1015](#), regarding masks requirements in school, the rule states, *"...requiring universal use of masks inside schools is necessary"* and is applicable to everyone in schools, unless as stated in section (5)(f) of the rule - the person *"is under five years of age; unless an individual is using public transportation including school buses in which case an individual under two years of age is not required to wear a mask."*

Q: We have positive teachers right now who will not be eligible for vaccine in time to get both doses prior to October 18. What should we do?

A: The [medical exception form](#) allows a health care provider to indicate a temporary medical exception.

Q: If physical distancing can be maintained do staff and students still have to wear masks?

A: Yes. If students or staff are inside a building, universal mask use is required, regardless of physical distancing, unless one of the exceptions from [OAR 333-019-1015](#) are met. Students and staff must wear a face covering outside if they are not generally able to consistently remain at least 6 feet apart.

Q: If students attend School Board meetings (student spotlight, etc.), would board members be required to be vaccinated?

A: No. Vaccination is the best tool we have to stop the spread of COVID-19 in our communities. The K-12 staff vaccine requirement is applicable to schools and school-based programs. In this case, the student is making a decision to attend a School Board meeting outside of school hours.

Q: Are we required to collect and maintain a vaccine record for volunteers?

A: Yes. [OAR 333-019-1030](#) section (14) requires schools to collect and maintain documentation of vaccination records as well as medical and religious vaccination exception records for two years. Schools or districts will need to be able to provide this documentation to the Oregon Health Authority upon request.

Q: Are districts required to approve / accept exemptions?

A: Schools should talk with their HR partners and legal counsel about the vaccination record and exception process to determine the best system and parameters.