



Schools and School-Based Programs Vaccine Rule FAQs (Updated 8-26-2021)

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 exemptions, 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.”**

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

A: 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-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. Short-term visitors or individuals making deliveries are not subject to this rule

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

A: 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?

A: Our priority is to implement the protocols needed to reliably hold school in-person, every school day, for all students, all year long. 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?

A: Employees and volunteers must submit proof of full vaccination against COVID-19 or have an approved religious or medical exception by 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?

A: 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-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.

The rule does not apply to short-term visitors or individuals making deliveries.

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

A: 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?

A: No. School board members are not subject to this rule in their role as elected officials. An individual who is a school board member would meet the criteria for this rule if they are also a coach, volunteer, staff member or other eligible category of goods and services provider to a school or school-based program as named in the rule. We encourage everyone who is eligible to get vaccinated against COVID-19.

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

A: No. School district employees not working in school settings are not subject to this rule. If a school district employee is active in schools in any capacity described in the rule, that staff member would need to follow vaccination procedures as outlined [OAR 333-019-1030](#), COVID-19 Vaccination Requirements for Teachers and School Staff. School, ESD, and school-based program employers may have policies that require vaccination for the safety of all staff and to ensure consistent, reliable operation.

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

A: 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?

A: Yes.

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

A: Yes. This rule applies to anyone who provides goods and services to schools, unless they are a short-term visitor or a delivery person.

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

A: 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?

A: 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?

A: Yes.

Q: Which ESD staff does this rule apply to?

A: 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?

A: 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?

A: 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?

A: 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 eligible students required to comply with this rule?

A: 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?

A: 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: What exceptions are there from the vaccine rule?

A: 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?

A: No. Employees need to be fully vaccinated to mitigate the spread of COVID-19 or submit forms to complete a medical or religious exemption. 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?

A: 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?

A: 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?

A: 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 exemption, what steps does the district take?

A: 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 exemption, or religious exemption, 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?

A: 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?

A: 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?

A: Yes. After October 18, 2021, teachers, school staff and volunteers may not teach, work, learn, study, assist, observe, or volunteer at a school unless they are fully vaccinated or have provided documentation of a medical or religious exception. A school may not employ, contract with, or accept the volunteer services of teachers, school staff or volunteers who are teaching, working, learning, studying, assisting, observing, or volunteering at a school unless the teachers or school staff are fully vaccinated against COVID-19 or have a documented medical or religious exception.

After October 18, 2021, a 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 staff or volunteers are fully vaccinated against COVID-19 or have a documented medical or religious exception.

Q: What is the process for proof of vaccination?

A: "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?

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

A: 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?

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

A: 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.

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.