

*A new COVID-19 related policy to consider.*

## **Personnel - Certified/Non-Certified**

### **Required COVID-19 Vaccinations**

The Board of Education (BOARD) recognizes the importance of protecting the health and safety of students, staff and the community during the COVID-19 pandemic. Therefore, in accordance with the Governor's Executive Order 13 G, the Board requires that all staff within District schools, as defined by this policy, are required to receive at least one dose of a COVID-19 vaccine by September 27, 2021. Those not **fully** vaccinated by such date due to certain exemptions are required to be tested for COVID-19 on a weekly basis.

### **Definitions**

For purposes of this policy, the following definitions shall apply:

**"Fully vaccinated"** means at least 14 days have elapsed since a person has received the final dose of a vaccine approved for use against COVID-19 by the U.S. Food and Drug Administration, or as otherwise defined by the Centers for Disease Control.

**"School Board"** refers to the operator of any public or non-public preK through grade 12 school.

**"Covered Worker"** refers to all employees, both full and part-time, contractors, providers, assistants, substitutes, and other individuals working in a public or non-public pre-K to grade 12 school including individuals providing operational or custodial services or administrative support or any person whose job duties require them to make regular or frequent visits to any such schools.

Covered Worker does not include a contractor or employee of an outside vendor who visits a public or non-public pre-K through grade 12 school only to provide one-time or limited-duration repairs, services, or construction, or a volunteer.

### **COVID-19 Vaccination Requirements**

Vaccines shall be required as provided below.

**On or before September 27, 2021**, school boards (the Board) shall, prior to extending an offer of employment to, or entering into a contract for the in-person services of, a covered worker or an entity that employs a covered worker, require that any covered worker:

1. is fully vaccinated against COVID-19,
2. has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine,

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#### COVID-19 Vaccination Requirements (continued)

##### **On or before September 27, 2021**, (continued)

3. is exempt from this requirement because a physician (MD or DO), physician's assistant (PA), or advance practice nurse practitioner (APRN) licensed in the State of Connecticut determined that the administration of COVID-19 vaccine is likely to be detrimental to the covered worker's health, or the covered worker objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the covered worker is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the school board or child care facility; provided that any school board employee claiming such exemption shall apply for an exemption due to medical conditions or sincerely held religious or spiritual beliefs.

Each request for an exemption will be considered on an individualized, case by case basis. Employees who have applied for an exemption must provide appropriate supporting documentation upon request.

**After September 27, 2021**, the Board shall not employ, or maintain a contract for the provision of in-person services of, any covered worker or an entity that employs a covered worker, unless such covered worker:

1. is fully vaccinated against COVID-19,
2. has received the first dose and has either received a second dose or has an appointment for the second dose in a two-dose series vaccination, such as Pfizer or Moderna vaccines, or has received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine, or
3. is exempt from this requirement because a physician (MD or DO), physician's assistant (PA), or advance practice nurse practitioner (APRN), licensed in the State of Connecticut determined that the administration of COVID-19 vaccine is likely to be detrimental to the covered worker's health, or the individual objects to vaccination on the basis of a sincerely held religious or spiritual belief, and the covered worker is able to perform their essential job functions with a reasonable accommodation that is not an undue burden on the school board or child care facility; provided that any school board or childcare facility employee claiming such exemption shall apply for an exemption due to medical conditions or sincerely held religious or spiritual beliefs.

Each request for an exemption will be considered on an individualized, case by case basis. Employees who have applied for an exemption must provide appropriate supporting documentation upon request.

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#### **COVID-19 Vaccination Requirements (continued)**

After September 27, 2021, the Board will not employ, or contract for the provision of services from, any covered worker or entity that employs a covered worker subject to the conditions above and is not exempt who has received the first dose of a two-dose series vaccination but fails to receive the second dose on the appropriate date as recommended by CDC or at the scheduled appointment without good cause *except as set forth below*.

#### **Vaccination Verification and Testing for Covered Workers**

The school board shall authenticate, or where applicable require that the contractor providing the services of a covered worker authenticate, the vaccination status of covered workers, maintain documentation of vaccination or exemption of such covered workers and report compliance with this order, in a form and manner directed by the Department of Public Health.

Through this policy, or where applicable the Board direction to a contractor of a covered worker to implement a policy, covered workers who have not demonstrated proof of full vaccination are required to submit to COVID-19 testing one time per week on an ongoing basis until fully vaccinated. Adequate proof of either PCR or antigen SARS-CoV-2 test results on a weekly basis shall be presented to the school board. This requirement shall take effect on September 27, 2021.

#### **Acceptable Proof of Vaccination**

Covered workers may demonstrate proof of vaccination by providing one of the following:

1. CDC COVID-19 Vaccination Record Card or photo of the Vaccination Record Card;
2. Documentation from a health care provider or electronic health care records; or
3. State Immunization Information record.

A personal attestation is required saying that the proof of a COVID-19 vaccination is true and accurate.

#### **Violations and Enforcement**

Any covered worker who fails to comply with this policy shall not be allowed on the premises of the school board until the individual provides adequate proof of compliance or without prior written authorization of the employer.

The school board recognizes that it will be in violation of this policy, based on the Governor's Executive Order, when it permits a covered worker who has not complied with this policy to be in a pre-K through grade 12 school.

## Unvaccinated Staff

*Effective September 28, 2021, if an employee has not provided evidence of a negative PCR or antigen SARS-CoV-2 test and is not otherwise vaccinated, the employee cannot enter New Haven Public Schools premises. The District will not bear the consequences of an individual's neglect to comply with Governor's Executive Order 13G.*

- An unvaccinated staff member who does not submit timely testing results no later than each and every Thursday by 11:59 p.m. will not be allowed on school premises and must use personal leave, if available.
  - Vacation or sick leave may not be used due to noncompliance.
  - The District will not provide time off for employees to comply with the mandate.
- If the employee fails to provide documentation of testing by the required date:
  - In the first instance, the employee will receive a verbal or email warning with 3 days (72 hours) to get tested and provide documentation.
    - The employee must use personal leave (if available) to get tested and provide results.
  - In the second instance, the employee will receive a written warning with 3 days (72 hours) to get tested and provide documentation.
  - In the third instance, the District will place the non-compliant employee on an unpaid leave of absence, and it reserves the right to begin termination proceedings for non-compliance with Executive Order 13G.

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#### **Violations and Enforcement** (continued)

The school board also commits a violation if it fails to maintain documentation of vaccination, testing, or allowable exemptions as required.

The Board recognizes that if the State Department of Education (SDE) determines that the Board is not in compliance with the requirements of this policy, the SDE may require Board to forfeit a portion of the total sum which is paid to the school board from the State Treasury in an amount to be determined by the Commissioner of Education, which amount shall be not less than one thousand dollars nor more than ten thousand dollars.

Any forfeited amount shall be withheld from a grant payment, as determined by the Commissioner, during the fiscal year following the fiscal year in which noncompliance is determined. (The Commissioner of Education may waive such forfeiture if the Commissioner determines that the failure of a school board to comply with such a provision was due to circumstances beyond its control.)

Legal Reference      Connecticut General Statutes  
   10-145 Certificate necessary to employment. Forfeiture for noncompliance.  
   Substitute teachers.  
   Governor's Executive Order No. 13D, August 19, 2021

Policy adopted:  
cps 8/21