

COVID-19 Vaccination Requirement for K–12 School Employees: Frequently Asked Questions

Background

On August 18, 2021, Governor Inslee announced a directive requiring all employees working for public and private K–12 schools to be vaccinated against COVID-19 or obtain a religious or medical exemption by October 18, 2021.

Who does the order apply to?

The order applies to all employees and contractors working for private K–12 schools as well as public K–12 school districts, charter schools, and educational service districts. The order does not apply to state-tribal education compact schools or to students.

Will students be required to be vaccinated against COVID-19 to attend school?

No. At this time, students who are eligible to receive the COVID-19 vaccine are not required to be vaccinated to attend school in-person. The State Board of Health has a formal process for setting the immunization requirements for K–12 students in Washington state.

Why was this decision made?

On August 12, 2021, State Superintendent Chris Reykdal sent a [letter to Governor Inslee](#) recommending that he issue a COVID-19 vaccine requirement for Washington’s K–12 employees, and the Governor took action on that recommendation on August 18, 2021.

The Superintendent recommended this course of action to protect the health and safety of our students, school employees, and families as school buildings reopen for full-time in-person learning this fall. A safer school environment without virus spread provides for a continuity of learning for students and minimizing disruptions due to quarantine or school building closures. With the rapid increase in cases across the U.S. due to the highly contagious Delta variant, those goals are at risk if we don’t use multiple protective strategies including masks and vaccines.

Are cases really increasing enough to warrant this requirement?

Yes. Between June and July of this year, the children in our state experienced a 65–80% increase in cases of COVID-19. The increase was highest for those who aren’t yet eligible to receive the vaccine (ages 4–10) at 79%; followed by a 66% increase for ages 15–19 and a 59% increase for children ages 11–14. Especially when so many students aren’t yet eligible to receive the vaccine – and the protection against the virus that comes along with it – our staff must join together to create as strong of a protective barrier as we can.



Can a school district opt out of this requirement?

No. Requirements issued via executive action by the Governor hold the power of law, and school districts must follow the law.

How many employees are working in our state's schools?

Washington state school districts employ over 140,000 employees.

Proving Vaccination Status & Storing Information

How can employees provide proof of vaccination?

Employees must provide proof of vaccination by showing their vaccine card, certificate of COVID-19 vaccination, or Washington State Immunization Information System printout. See the [Visual Guide to Official Washington State Proof of COVID-19 Vaccination](#) to see what each kind of documentation looks like.

Should the school district retain copies of employees' proof of vaccination?

Each school district will need to decide if it is advisable to retain a copy of an employee's vaccination records based on its business needs. Districts should consider the legal risks associated with retaining such records, as opposed to simply documenting that an employee has shown proof to an appropriate official assigned by the district.

Can employees prove their vaccination status through an attestation?

No. Employees must provide proof by showing one of the documents listed in the [Visual Guide to Official Washington State Proof of COVID-19 Vaccination](#).

Will vaccination or exemption information be protected?

Yes. School districts have protocols in place for safeguarding confidential medical information. Vaccination or exemption information will meet these requirements.

What if an unvaccinated employee contracts COVID-19 and is recommended to wait 90 days before receiving the COVID-19 vaccine, which would make them miss the October 18 deadline?

If an employee is advised by their medical provider that they should not get the vaccine within a particular timeframe, and following that recommendation would cause the employee to miss the October 18, 2021 deadline, the employee must seek an accommodation or would be separated from employment after the deadline. However, they would need to become fully vaccinated as soon as the waiting period ends.

Can employers ask job applicants about their vaccination status?

Yes. It is not a disability-related inquiry under the Americans with Disabilities Act (ADA) to ask an applicant if they have been vaccinated. However, follow-up questions about why a person is not vaccinated should not occur until after a job offer is made since such questions may reveal a disability. [See more guidance from the U.S. Equal Employment Opportunity Commission](#). OSPI recommends districts update their existing and upcoming job postings and offer letters, notify active applicants for open positions about the new requirement, and put a plan in place for verify the vaccination status of new employees.

For Employees

When do I need to receive my vaccination to be in compliance with the order?

All school employees must be fully vaccinated by October 18, 2021. Individuals are considered fully vaccinated once it has been 14 days since their last dose of Pfizer or Moderna or 14 days since their only dose of Johnson & Johnson. Below is a table with deadlines by which employees must receive their vaccine to be in compliant by October 18, 2021.

Vaccine	Series Dose Requirement	First Dose no Later Than	Second Dose	Completed Series	Fully Vaccinated
Pfizer	2 doses, 21 days apart	09/13/21	10/04/21	10/04/21	10/18/21
Moderna	2 doses, 28 days apart	09/06/21	10/04/21	10/04/21	10/18/21
Johnson & Johnson	Single dose	10/04/21	N/A	10/04/21	10/18/21

Can I go back to work this fall before I am vaccinated?

Yes. If you are not fully vaccinated, you may continue working as you take the time to get fully vaccinated or request a medical or religious exemption. You must be fully vaccinated or obtain an exemption by October 18, 2021 as a condition of continued employment.

What happens if I refuse to get vaccinated?

All employees must be fully vaccinated or have obtained a medical or religious exemption by October 18, 2021 as a qualification of fitness for continued employment. Employees who do not provide proof of vaccination or a medical or religious exemption will be subject to non-disciplinary dismissal from employment for failing to meet the qualifications of the job. There may be continued or additional safety requirements for employees who are granted exemptions.

Are my only options to get vaccinated or lose my job?

No. The Governor's order allows staff to obtain a medical or religious exemption if necessary.

How can I request a medical or religious exemption?

The Office of Superintendent of Public Instruction (OSPI) is working to create forms for school districts to share with their employees to request a medical accommodation as well as a process for requesting a religious exemption; and will have them finalized soon.

Will I have any recourse to losing employment?

Any post dismissal dispute over a dismissal action would follow any applicable collective bargaining agreement and/or district policy and procedure.

If I have already been infected with COVID-19 and have natural immunity, do I need to be vaccinated?

Yes. So far, data show it is uncommon to be reinfected with COVID-19 the 90 days after someone was infected, but we don't know how long that "natural immunity" lasts as people can get COVID-19 more than once. In addition, the risks of infection outweigh the risks of immunization. The COVID-19 vaccines offer better protection than "natural immunity" alone and help prevent reinfections. That is why the Advisory Committee on Immunization Practices recommends anyone who previously had COVID-19 get the vaccine.

More Information

Is the vaccine safe?

Yes. COVID-19 vaccines were evaluated in tens of thousands of participants in clinical trials and millions of people in the U.S. have received COVID-19 vaccines under the most intense safety monitoring in U.S. history. [More information about the safety of the COVID-19 vaccines](#) is available from the U.S. Centers for Disease Control and Prevention.

Why isn't there an option for unvaccinated employees to undergo regular testing for COVID-19 instead of receiving the vaccine?

Testing is an important mitigation strategy that many school districts are continuing to utilize in partnership with the Department of Health and Health Commons through the *Learn to Return* program. However, testing regimes don't have the same efficacy as widespread vaccination or masking, and will not be a substitute for receiving the vaccine or obtaining an exemption, per the Governor's order.

On what legal grounds can the Governor issue this requirement?

In response to the emerging COVID-19 threat, the Governor declared a state of emergency on February 29, 2020, using his broad authority under Revised Code of Washington (RCW) 43.06. More specifically, under RCW 43.06.220, after a state of emergency has been declared, the

Governor may suspend statutes and prohibit any activity that he believes should be prohibited to preserve and maintain life, health, property, or the public peace. Under an emergency such as this, the Governor's paramount duty is to focus on the health and safety of our communities.

Will districts need to delay starting full-time in-person school until all employees are vaccinated?

No. School districts should proceed with reopening their school buildings for full-time in-person school regardless of whether their staff are fully vaccinated.