



## **Mandatory COVID-19 Vaccination and Masking Policy, Guidelines and Procedures**

### **Green Bay Area Public School District Head Start**

#### **A. Introduction and Authority**

1. The Head Start Interim Final Rule - Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs<sup>1</sup> (the "Head Start Rule"). This rule applies to all Head Start and Early Head Start programs. The mandate specifically applies to:
  - a. All staff who work with enrolled Head Start children and families in any capacity, regardless of funding source;
  - b. Head Start contractors whose activities involve contact with or providing direct services to children and families; and
  - c. Volunteers in Head Start classrooms or working directly with children.
2. Vaccine Mandate. This policy requires all Head Start staff, certain Head Start contractors, and certain Head Start volunteers to be fully vaccinated against COVID-19. This policy follows the Head Start Rule and requires COVID-19 vaccines for all employees. Regular testing in lieu of vaccination is only available as a reasonable accommodation for individuals who cannot be vaccinated because of a medical contraindication to COVID-19 vaccines, a medical necessity that requires a delay in vaccination, disabilities under the Americans with Disabilities Act (ADA), sincerely held religious beliefs under Title VII of the Civil Rights Act of 1964 (Title VII), as well as protections under the Pregnancy Discrimination Act (PDA) and other applicable federal and state anti-discrimination laws.
3. Mask Mandate. The Head Start universal mask mandate applies broadly to facilities and vehicles when Head Start services are being provided. This mandate requires everyone in the facility, both vaccinated and unvaccinated, including staff, children 2 years and older, visitors, volunteers, and contractors, to wear a mask indoors, with limited exceptions. Unvaccinated individuals, including children 2 years and older who cannot get vaccinated, must also wear a mask outdoors in crowded settings.

#### **B. Purpose**

1. Vaccination is a vital tool to reduce the presence and severity of COVID-19 cases in the workplace, in communities, and in the nation as a whole. The Green Bay Head Start program has adopted this policy on mandatory vaccination to safeguard the health of our personnel and clients from the hazards of COVID-19. This policy complies with the Head Start Program Performance Standards, as amended by the Interim Final Rule on Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs (86 FR 68052).
2. Employees not in compliance with this policy shall be subject to discipline in accordance with the Green Bay Area Public School District's ("GBAPSD") disciplinary policies as set forth in GBAPSD Board of Education Policy and the Employee Handbook.

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<sup>1</sup> Part 1302, subpart D—Health Program Services § 1302.47 Safety Practices and Part 1302, subpart I—Human Resources Management § 1302.93, Staff health and wellness, and § 1302.94, Volunteers § 1302.93(a)

### **C. Definitions**

1. Covered Individual means:
  - a. Head Start Staff;
  - b. Covered Head Start Contractors;
  - c. Covered Head Start Volunteers; and
  - d. Non-Head Start Employees.Covered Individuals do not include Excluded Individuals.
2. Covered Head Start Contractors means contractors, including their employees and subcontractors, whose activities involve contact with or providing direct services to Head Start children and families.
3. Covered Head Start Volunteers means volunteers in Head Start classrooms or otherwise working directly with Head Start children other than their own.
4. Employee means a Covered Individual who is employed by the Green Bay Area Public School District and assigned to the Head Start program.
5. Excluded Individual means any Green Bay Area Public School District Employee not assigned to the Head Start program:
  - a. Who reports to a workplace where other individuals (such as coworkers or customers) are not present;
  - b. While working from home; or
  - c. Who exclusively work outdoors.
6. Head Start Staff means paid adults who have responsibilities in any capacity that are related to children and families enrolled in programs funded by Head Start (inclusive of Head Start), including such adults whose salaries are partially or wholly paid out of non-Head Start funds.
7. Non-Head Start Employees means employees of GBAPSD who are not Head Start Staff who are assigned to provide direct services to Head Start children and/or families.

### **D. Vaccination Mandate**

1. By January 31, 2022, Covered Individuals must be fully vaccinated, or have received the final dose of a primary vaccination series.
  - a. Employees who have completed their vaccination series (i.e., received the second dose of a two-dose series, or received the first dose of a one-dose series) by January 31st but have not yet completed the two-week waiting period will be considered fully vaccinated for purposes of this deadline.
  - b. Subsequent to January 31, 2022, fully vaccinated shall be defined in accordance with and consistent with applicable federal regulations. Any change to such definition shall be provided in writing to all Covered Individuals and due notice shall be given to Covered Individuals in response to any change in such requirements.
2. A Covered Individual who has contracted COVID-19 prior to receiving the primary vaccination series but has not completed the primary vaccination series is not considered to be partially or fully vaccinated.

### **E. Vaccination Status and Acceptable Forms of Proof of Vaccination**

1. All Covered Individuals such as Head Start staff and district employees are required to report their vaccination status and to provide proof of vaccination to the GBAPSD Human Resources department. All Covered Individuals such as contractors and volunteers are required to report their vaccination status and to provide proof of vaccination to the Head Start office.
  - a. Covered Individuals must provide truthful and accurate information about their COVID-19 vaccination status, and, if applicable, their testing results no later than January 28, 2022.
  - b. For newly hired or engaged Covered Individuals, such information shall be provided to the GBAPSD Human Resources department prior to the first date of employment or engaging in activities that involve contact with or providing direct services to Head Start children and families as such timelines are established by the Human Resources Department.

2. Covered Individuals shall also provide the GBAPSD with documentation of any change in their vaccination status (e.g., when they become fully vaccinated after being partially vaccinated).
3. Any Covered Individual who fails to inform the GBAPSD of their vaccination status by the required deadlines will not be considered fully vaccinated for purposes of this policy and subject to consequences in accordance with the federal regulations, Board of Education Policies, Employee Handbook and applicable agreements and/or contracts.
4. All Covered Individuals such as Head Start staff and district employees shall provide proof of COVID-19 vaccination, regardless of where they received vaccination to the designated Human Resources employee. All Covered Contractors and Volunteers shall provide proof of COVID-19 vaccination, regardless of where they received vaccination to the Head Start office. Acceptable proof of vaccination status is:
  - a. The record of immunization from a healthcare provider or pharmacy;
  - b. A copy of the COVID-19 Vaccination Record Card;
  - c. A copy of medical records documenting the vaccination;
  - d. A copy of immunization records from a public health, state, or tribal immunization information system;
  - e. A copy of any other official documentation that contains the type of vaccine administered, date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) administering the vaccine(s).
5. Proof of vaccination generally should include the Covered Individual's name, the type of vaccine administered, the date(s) of administration, and the name of the healthcare professional(s) or clinic site(s) that administered the vaccine. In some cases, state immunization records may not include one or more of these data fields, such as clinic site; in those circumstances, GBAPSD will still accept the state immunization record as acceptable proof of vaccination.

#### **F. Notification of COVID-19 and Removal from the Workplace**

1. Head Start requires Covered Individuals to promptly notify the District's designated representative when they have tested positive for COVID-19 or have been diagnosed with COVID-19 by a licensed healthcare provider. Covered Individuals who are sick or experience COVID-19 symptoms while at home or at a worksite should communicate those to the District's designated representative and should complete the COVID-19 symptom screener on a daily basis.
2. In the event an Employee must be removed from the workplace due to COVID-19, leave may be administered according to the GBAPSD's Board of Education Policies and Employee Handbook.
3. Removal from the Workplace
  - a. GBAPSD will immediately remove a Covered Individual from the workplace if they have received a positive COVID-19 test or have been diagnosed with COVID-19 by a licensed healthcare provider (i.e., immediately send them home or to seek medical care, as appropriate).
  - b. A Covered Individual who has been removed from the workplace because of a positive COVID-19 test may be eligible to work remotely or in isolation in accordance with District guidelines. These eligibility determinations shall be made in accordance with GBAPSD policies and procedures on remote work and/or remote service delivery.
4. Return to Work Criteria
  - a. For any Covered Individual removed because they are COVID-19 positive, GBAPSD shall keep such individuals removed from the workplace until they meet one of the following criteria:
    - i. The Covered Individual receives a negative result on a COVID-19 nucleic acid amplification test (NAAT)[18] following a positive result on a COVID-19 antigen test; or
    - ii. Meets the return to work criteria in CDC's "Isolation Guidance" or in accordance with the District's return to work criteria, whichever is strictest regarding return to work; or

- iii. Submits a written recommendation to return to work from a licensed healthcare provider.
- b. If a Covered Individual has severe COVID-19 or an immune disease, the GBAPSD will follow the guidance of a licensed healthcare provider regarding return to work.

## **G. Face Coverings**

1. By November 30, 2021, all individuals aged two years or older, whether vaccinated or unvaccinated, are required to wear a mask while indoors in a setting when Head Start services are provided and when in a vehicle owned, leased, or arranged by the Head Start program.
2. By November 30, 2021, all unvaccinated individuals aged two years or older are required to wear a mask while outdoors in crowded settings, or during activities that involve sustained close contact with other people.
3. For all individuals, regardless of vaccination status:
  - a. *In Vehicles and Facilities When Head Start Services are Provided.* All individuals aged two years or older must wear a face covering when:
    - i. There are two or more individuals in a vehicle owned, leased, or arranged by the Head Start program; or
    - ii. The individual is indoors in a setting when Head Start services are provided.
  - b. The following exceptions apply to this section:
    - i. When the individual (child or adult) is eating or drinking;
    - ii. When a child is napping;
    - iii. When the individual (child or adult) cannot wear a mask, or cannot safely wear a mask, due to a disability as defined by the Americans with Disabilities Act (ADA); and
    - iv. When a child's health care provider advises an alternative face covering to accommodate the child's special health care needs.
4. In addition, for individuals who are not fully vaccinated:
  - a. *Outdoors During Head Start Activities.* Individuals aged two years or older, who are not fully vaccinated, must wear a face covering when they are outdoors:
    - i. In crowded settings during Head Start activities; or
    - ii. During Head Start activities that involve sustained close contact with other people.
  - b. *The following exceptions apply to this section:*
    - i. When the individual (child or adult) is eating or drinking;
    - ii. When the individual (child or adult) cannot wear a mask, or cannot safely wear a mask, due to a disability as defined by the ADA; and
    - iii. When a child's health care provider advises an alternative face covering to accommodate the child's special health care needs.
  - c. *In all Non-Head Start Facilities and Vehicles.* Employees who are not fully vaccinated must also wear a face covering when indoors, and when occupying a vehicle with another person for work purposes, except:
    - i. When an Employee is alone in a room with floor to ceiling walls and a closed door; or
    - ii. With respect to an Employee, for identification purposes in compliance with safety and security requirements; or
    - iii. With respect to Employees, where GBAPSD has determined that the use of face coverings is infeasible or creates a greater hazard (e.g., when it is important to see the Employee's mouth for reasons related to their job duties, when the work requires the use of the Employee's uncovered mouth, or when the use of a face covering presents a risk of serious injury or death to the Employee).
5. Face covering requirements:
  - a. Face coverings must:
    - i. Completely cover the nose and mouth;
    - ii. Be made with two or more layers of a breathable fabric that is tightly woven (i.e., fabrics that do not let light pass through when held up to a light source);

- iii. Be secured to the head with ties, ear loops, or elastic bands that go behind the head. If gaiters are worn, they should have two layers of fabric or be folded to make two layers;
- iv. Fit snugly over the nose, mouth, and chin with no large gaps on the outside of the face; and
- v. Be a solid piece of material without slits, exhalation valves, visible holes, punctures, or other openings.
- b. Acceptable face coverings include clear face coverings or cloth face coverings with a clear plastic panel that, despite the non-cloth material allowing light to pass through, otherwise meet these criteria and which may be used to facilitate communication with people who are deaf or hard-of-hearing or others who need to see a speaker's mouth or facial expressions to understand speech or sign language respectively.
- c. Covered Individuals who are not fully vaccinated shall obtain face coverings that comply with the above requirements.

## **H. Accommodations for Medical or Religious Exemptions; COVID-19 Testing**

### **1. Accommodations from Vaccination**

- a. Covered Individuals may request an exception from this mandatory vaccination policy if the vaccine is medically contraindicated for them or medical necessity requires a delay in vaccination. Covered Individuals also may be legally entitled to reasonable accommodation if they cannot be vaccinated because of a disability, or if vaccination conflicts with a sincerely held religious belief, practice, or observance. Requests for exceptions and reasonable accommodations must be initiated by Covered Individual to the District's Human Resources department.
- b. All such requests will be handled in accordance with the provisions below, as well as the GBAPSD applicable policies and procedures and other applicable laws and regulations.

### **2. COVID-19 Testing**

- a. Covered Individuals who are not fully vaccinated:
  - i. Must be tested for COVID-19 at least once every seven days; and
  - ii. Must provide documentation of the most recent COVID-19 test result to the designated GBAPSD Human Resources representative no later than the seventh day following the date on which the Covered Individual last provided a test result.
- b. If a Covered Individual does not provide documentation of a COVID-19 test result as required by this policy, they will be removed from the workplace until they provide a test result. Such removal shall be without pay.
- c. A Covered Individual subject to these testing requirements may not self-administer and self-read their test unless observed by a representative of the GBAPSD or an authorized telehealth proctor.
- d. To satisfy the requirements of this section, a diagnostic test must screen for active COVID-19 infection. An antibody test does not meet this requirement.

## **I. Confidentiality and Privacy**

All medical information collected from Covered Individuals, including vaccination information, test results, and any other information obtained as a result of testing, will be treated in accordance with applicable laws and policies on confidentiality and privacy.

## **J. Records Requests**

- 1. By the end of the next business day after a request, GBAPSD shall make available, for examination and copying, an individual Employee's vaccination and testing records to that Employee or to anyone having the written authorized consent of that Employee. By the end of the next business day after a request by an Employee or an employee representative, the GBAPSD shall make available the aggregate number of fully vaccinated Employees at a workplace along with the total number of Employees at that workplace.
- 2. Employee requests for these records should be directed to the district's designated representative.

**K. Questions**

Please direct any questions regarding this policy to the GBAPSD Human Resources Department.

**LEGAL REFERENCES:**

Interim Final Rule on Vaccine and Mask Requirements to Mitigate the Spread of COVID-19 in Head Start Programs (86 FR 68052)  
45 CFR § 1302

**CROSS REFERENCES:**

Green Bay Area Public School District Board of Education Policy  
Green Bay Area Public School District Employee Handbook  
Green Bay Area Public School District COVID Guidelines

**APPROVED:**

By the Green Bay Area Public School District Board of Education: January 24, 2022

By the Head Start Policy Council: February 15, 2022