

First Reading of New Board Policy 403.7 Mandatory Vaccination

Background

We received the following update from our policy development service at IASB:

On November 5, 2021, the Occupational Safety and Health Administration (OSHA) published an emergency rule requiring certain employers to require vaccinations against COVID-19 for their employees. The rule, or emergency temporary standard (ETS) was issued through the agency's emergency rulemaking powers and is in 29 C.F.R. 1910.501.

This rule requires school districts with 100 or more employees (including full-time, part-time, and temporary employees like substitutes) to have in place a policy that requires full vaccination against COVID-19. For employees who do not wish to be vaccinated, the policy must provide for a requirement that employees be subject to weekly testing and use of face coverings. Medical and religious exemptions must also apply. This policy and accompanying exhibits and regulations will create additional record-keeping requirements for districts.

To best assist our members, IASB is also issuing an FAQ guidance document to our members. This document is designed to answer many common questions related to the requirements of the ETS.

Emergency Approval Recommended:

This policy needs to be in place by December 6, 2021. Consequently, IASB is recommending school boards waive the standard two readings of the policy and move for emergency approval.

Our Belmont-Klemme policy 209.2, Adoption of Policy, states the following:

The board will give notice of proposed policy changes or adoption of new policies by placing the item on the agenda of two regular board meetings. The proposed policy changes will be distributed and public comment will be allowed at both meetings prior to final board action. This notice procedure will be required *except for emergency situations*. If the board adopts a policy in an emergency situation, a statement regarding the emergency and the need for immediate adoption of the policy will be included in the minutes. The board will have complete discretion to determine what constitutes an emergency situation.

The final action taken to adopt the proposed policy will be approved by a simple majority vote of the board at the next regular meeting after the meeting allowing public discussion. The policy will be effective on the later of the date of passage or the date stated in the motion.

In the case of an emergency, a new or changed policy may be adopted by a majority vote of a quorum of the board. The emergency policy will expire at the close of the third regular meeting following the emergency action, unless the policy adoption procedure stated above is followed and the policy is reaffirmed.