



Board Meeting Date: 8/14/2023

Title: Proposed Elimination of COVID-19 Vaccination Requirement for Edina Public Schools' (EPS) Employees and Discontinuance of Mandatory Surveillance COVID-19 Testing Program for Unvaccinated Employees

Type: Consent

Presenter(s): Sonya Sailer, Director of Human Resources

Description: On January 10, 2022, the Edina School Board passed a resolution requiring all EPS employees to show proof of COVID-19 vaccination or submit to weekly surveillance testing beginning on January 31, 2022. On July 18, 2022, the Edina School Board voted to pause the testing program while continuing to monitor the situation should a return to the program be deemed prudent in the future.

Effective May 11, 2023, the federal government ended the COVID-19 National and Public Health Emergency Declarations citing the success of vaccination and data supporting reduced illness and deaths in the United States. The Minnesota Department of Health (MDH) has since reported that COVID-19 hospitalizations have fallen to levels not reported since the start of the global pandemic.

As EPS moves out of the pandemic and forward towards the 2023-2024 school year, the following modifications are proposed to the current COVID-19 protocols:

1. Eliminate the mandatory vaccination requirement for all employees;
2. Discontinue the weekly surveillance testing program for employees who have not provided proof of vaccination; and
3. Disable the COVID-19 dashboard on the district website.

Several health safeguards will remain in place for employees including staying home for the amount of time recommended by the MDH when they test positive for COVID-19 and wearing a high-quality, well-fitting mask for the recommended time period following their return to the workplace.

Recommendation: Review and approve the above proposed modifications to the district's COVID-19 protocols.

Desired Outcomes from the Board: Approval of the above proposed modifications to the district's COVID-19 protocols.

Attachment:

1. January 10, 2022 Resolution Requiring all EPS Staff to be Vaccinated against COVID-19 or to Submit to Regularly Scheduled COVID-19 Testing (for reference only)



RESOLUTION REQUIRING ALL EPS STAFF EITHER TO BE VACCINATED AGAINST COVID-19 OR TO SUBMIT TO REGULARLY SCHEDULED COVID-19 TESTING

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) and the Minnesota Department of Health (“MDH”) have determined that the COVID-19 pandemic is currently ongoing and may remain ongoing for an unknown time; and

WHEREAS, according to the CDC, “COVID-19 vaccination among all eligible students as well as teachers, staff and household members is the most critical strategy to help schools safely resume full operations”; and

WHEREAS, according to the CDC, “[v]accination is the leading public health prevention strategy to end the COVID-19 pandemic. People who are fully vaccinated against COVID-19 are at low risk of symptomatic or severe infection. A growing body of evidence suggests that people who are fully vaccinated against COVID-19 are less likely to become infected and develop symptoms and are at substantially reduced risk from severe illness and death from COVID-19 compared with unvaccinated people”; and

WHEREAS, according to the State of Minnesota, “staff who access the workplace or provide public service outside of their homes on behalf of an agency without vaccination pose a particular risk of COVID-19 exposure to themselves, their colleagues, and to members of the public. Additionally, ongoing community transmission of the more transmissible Delta variant of COVID-19 in Minnesota especially among unvaccinated individuals, presents a continuous risk of infection”; and

WHEREAS, the federal government, the State of Minnesota, and Hennepin County have all made the decision to require their employees to either be vaccinated against COVID-19 or submit to COVID-19 testing on a frequent, regularly scheduled basis; and

WHEREAS, the Department of Labor’s Occupational Safety and Health Administration (“OSHA”) is developing a rule that will require all employers with 100 or more employees to ensure their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work. OSHA will issue an Emergency Temporary Standard (“ETS”) to implement this requirement; and

WHEREAS, pursuant to Minn. Stat. § 123B.02, subd. 1, the Board of Education of Independent School District No. 273 has “general charge of the business of the district, the school houses, and the interests of the school thereof”; and



WHEREAS, the Board of Education concludes that requiring all staff either to be vaccinated against COVID-19 or to submit to regular COVID-19 testing is in the best interests of the School District, its students, its staff, and the communities it serves.

NOW, THEREFORE, BE IT RESOLVED, by the School Board of Independent School District No. 273 as follows:

1. Requires either:
 - a. All current staff to be fully vaccinated against COVID-19 and to provide proof of full vaccination to Human Resources on or Before **January 17, 2022. Or**
 - b. All staff who remain unvaccinated and/or have not provided proof of vaccination as detailed above to submit to mandatory COVID-19 testing at least **one time per week**. Satisfactory verification of compliance with the COVID-19 testing requirement will be designated by Human Resources. Designations will include, but not be limited to allowable testing options, testing resources, how to submit COVID-19 test results and what to do if results are negative or positive.
2. Any staff member who does not comply with the requirements of either Paragraph 1a or Paragraph 1b will be subject to disciplinary action consistent with any applicable collective bargaining agreement.
3. Any staff member who presents or submits a false, misleading, or inaccurate proof of COVID -19 vaccination will be subject to disciplinary action consistent with any applicable collective bargaining agreement.
4. Definitions:
 - a. "Fully vaccinated" means either:
 - i. Two (2) weeks after the second dose in a 2-dose COVID-19 vaccination (i.e. Pfizer or Moderna), or
 - ii. Two (2) weeks after a single-dose COVID-19 vaccination (i.e., Johnson & Johnson), and
 - iii. having received a booster vaccination if they are eligible after six months.



Staff who do not meet these requirements are not fully vaccinated. This definition shall include any vaccine that has been approved, fully, conditionally, or on an emergency basis, by the Food and Drug Administration or the World Health Organization.

- b. "Staff" means all full or part time Edina Public Schools employees.
 - c. The requirements of Paragraphs 1a or 1b shall also apply to all contracted vendors and their employees, agents and contractors, who have direct contact with students (e.g. child nutrition providers, transportation providers, mental health practitioners, special services providers, athletic trainers).
5. All Edina Public Schools staff hired after the date of this resolution shall either provide proof of full vaccination within 45 days of hire pursuant to Paragraph 1a or submit to weekly testing pursuant to Paragraph 1b. All newly hired staff that do not provide proof of vaccination upon hire or remain unvaccinated must immediately submit to weekly testing until proof of vaccination is received by Human Resources.
6. This Resolution shall be effective immediately and shall remain in effect until rescinded, superseded, or amended. Staff may be subject to additional attestation, vaccination, or testing requirements under federal, state, or local law. The School Board will review this resolution as necessary considering changes to case rates, guidance from the CDC, guidance from the Minnesota Department of Health and/or the Minnesota Department of Education, and any other applicable authorities.

Adopted this _____ day of _____, 2022.

Roll Call Vote



School Board Chair

School Board Clerk