

FAQs on the IFC Vaccine and Masking Requirements

Glenna Davis: Hello. Hello. Hello, everyone, and welcome to FAQs on the IFC vaccine and masking requirements. It is now my pleasure to turn the floor over to Dr. Bernadine Futrell. Dr. Futrell, the floor is yours.

Dr. Bernadine Futrell: Thank you so much, Glenna. Hello Head Start, I'm Dr. Futrell. I'm the proud Director of the Office of Head Start. I'm also a proud Head Start alumni and a former assistant teacher in Head Start. In this moment, I want to just open by saying thank you to all of you for the work that you've done, the work that you continue to do to reach families across our nation to really provide the Head Start promise. I thank you for that, especially during these challenging times of working. As we continue to navigate, one thing I know to be true is that the Head Start community is strong and united. Today is about our strength and our unity as a Head Start community.

What we're doing is hosting a webinar and we'll have additional ones where we're coming together to answer some of the questions that we are hearing so that we can support you as you roll out this IFC requirement. We're hearing from you, and we appreciate that. We encourage you to continue to speak to us to continue to share, in the various channels, your feedback and your experience experiences in implementing this requirement. Today is about answering some questions that we've heard and really also to hear through the chat other questions that you might be having because our goal as the Office of Head Start is to support you and support the work that you are doing and implementing these requirements as we continue to ensure that our children and families and our staff are healthy and safe in our Head Start programs. So, enjoy today's webinar. Please continue to ask your questions and engage with us and all of the channels, including today's webinar. With that, I'm happy to turn it over to our moderator and get started with today's conversation. Welcome, Desmond.

Desmond Clayton: Thank you so much, Dr Futrell. Hello, everyone. My name is Desmond Clayton. I will be your moderator for today. I'm a program operations manager with an Office of Head Start, and I have some colleagues with me today that will be able to walk you through the FAQs. I'm with Heather Wanderski and Kate Troy. With that, I will turn them right over to Heather.

Heather Wanderski: Thanks so much, Desmond, and thank you, Dr. Futrell, for giving us the opportunity to connect with the Head Start community today. As Dr. Futrell mentioned, the Office of Head Start has received lots of questions about the interim final rule with comment, and we wanted to take this opportunity to really share responses to many of the questions that we have received so far. We'll be using today's webinar as a format to moderate those questions and answers.

I just want to say and acknowledge upfront that we are planning to read the responses to the questions as you see them on the slides. While the questions and answers will be published to the ECLKC after today's webinar, we want to recognize and acknowledge that adults have very different learning styles and process information in different ways. This webinar is really just meant to give us another opportunity to get the message out.

Since I know we have a lot of ground to cover today, I'm going to turn things right back over to Desmond, who can help us kick off with the first of many questions that we have today. So, Desmond, back to you.

Desmond: All right, then thank you Heather. As we navigate through these things, I think I will throw the next couple of slides to you, Kate, and we will jump right in. If staff were hired after January 31st, 2022, do they have to be fully vaccinated before they are hired?

Kate Troy: Thank you, Desmond. Yes, the compliance date for the vaccine requirement is January 31st, 2022. However, this timing flexibility applies only to the initial implementation of this interim final rule with comment period and has no bearing on ongoing compliance. Therefore, anyone hired after January 31st, 2022 would need to either be fully vaccinated or have an approved exemption prior to hire.

Desmond: What if an applicant for employment is not vaccinated and does not plan to become vaccinated? Can a Head Start program to my employment based solely on that person's refusal to become vaccinated?

Kate: Vaccination for COVID-19 is now a requirement for all Head Start staff. Unless an employee is granted an exemption and undergoes weekly testing, the program will not be in compliance with the Head Start Program Performance Standards.

Desmond: What happens with the vaccine requirement timeline if someone is on long-term leave?

Kate: Sure, thanks Desmond. Vaccination for COVID-19 by January 31st, 2022 is now a requirement, as I noted, for all Head Start staff regardless of leave status. If an individual is on long term leave and fits the definition of staff, the vaccine requirement applies to them

Desmond: Still sticking with you, Kate. Are we requiring families and children receiving home-based services to wear masks in their homes?

Kate: Yes, the universal masking requirement applies to all individuals 2 years of age and older when they are indoors in a setting where Head Start services are provided.

Desmond: Since children are not vaccinated, does this mean they will need to be masked outside?

Kate: Consistent with CDC guidance for operating early care and education programs, the masking requirement outdoors applies to all individuals aged two and older when they are not fully vaccinated ... who are in crowded settings or during activities that involve sustained close contact with other people. The Office of Head Start notes that being outdoors with children inherently includes sustained close contact for the purposes of caring for and supervising children.

Desmond: Thank you there, Kate. Let me keep you on for just a few more. If individuals do not have any contact with the children but are paid by funds from the Head Start program, are they required to comply with the vaccine requirement?

Kate: Yes, the IFC requires all staff who work with enrolled Head Start children and families in any capacity to be fully vaccinated for COVID-19.

Desmond: Does the vaccine requirement pertain to parent Policy Council policy?

Kate: Policy Council members are not included in the vaccine requirements. While Policy Council members are volunteers, they are not volunteering in classrooms or working directly with children, as the regulation specifies in 45 CFR 1302.94 (a) (1)

Desmond: OK, thank you. Does this rule apply to staff funded with state dollars?

Kate: Yes. The IFC requires all staff who work within enrolled Head Start children and families in any capacity, regardless of funding source, to be fully vaccinated for COVID-19.

Desmond: Several of our Head Start teachers work collaboratively within school districts. Does this vaccine requirement apply to them as well?

Kate: Yes, the IFC requires all staff who work with Head Start children and families in any capacity, regardless of funding source, be fully vaccinated for COVID-19,

Desmond: This is the last one for now. I'll let you all off the hook, then I'll go and shoot it over to Heather. Do parents need to be vaccinated to enter the center or participate in an in-person parent's engagement event? Also, will parents be required to be vaccinated to attend a field trip?

Kate: Thanks Desmond. The vaccine requirement does not apply to parents unless they are Head Start staff, contractors whose activities involve contact with or providing direct services to children and families, or volunteers who work in classrooms or directly with children. For example, if parents are chaperoning a field trip, they would be considered a volunteer as they would be volunteering in a classroom or working directly with children. These parents would need to be vaccinated, per the Program Performance Standards Regulation at 45 CFR 1302.94 (a) (1).

Desmond: Thank you so much, Kate. You answered all those questions. Heather, I'll leave it to you for the next few slides. What should programs do if enough staff are noncompliant with the requirements or opt to leave and the program needs to close their centers?

Heather: Great question, and we are definitely hearing this one. I do want to say that staff vaccination requirements may result in the loss of some staff because they will choose not to get the COVID-19 vaccine, and classrooms may need to temporarily close.

That said, vaccination is an important requirement which prioritizes the health and safety of staff, children, and our families. So, programs really are encouraged to assess staff vaccination levels and plan for vacancies as soon as possible to allow the opportunity for recruitment for needed staff to operate the program. Program funds – that includes the American Rescue Plan, supplemental funding, the ARP funding – may be used as needed to recruit and retain staff. That includes paying for leave to obtain the vaccine and the recovery period from any side effects. Programs should be maintaining communication with their Regional Offices to keep them apprised of potential classroom closures.

Desmond: Thank you, Heather. If a classroom needs to isolate or quarantine due to a positive COVID-19 case, will it be acceptable for those students to receive remote or virtual learning during that time?

Heather: Another good question. I think we've answered this on some prior webinars, but happy to have it raised again here. All programs are expected to have plans in place that will allow for changes in community conditions that may temporarily suspend in-person services. Programs may establish policies and procedures for responding to both weather- and disaster-related events, which would include implementing virtual and remote services. In those scenarios, programs may consider providing temporary virtual services until in-person operations can resume.

Desmond: Thank you. Cool. What type of testing should programs be using to meet the weekly testing requirement for those with approved exemptions?

Heather: Yeah, I feel like all these questions are just great. I do want to say programs have the flexibility to develop their own written SARS-CoV testing protocol for current COVID-19 infection for individuals who have been granted vaccine exemptions. To promote flexibility for local programs, there is no standardized instrument that's associated with the new recordkeeping requirements. For further guidance, the Office of Head Start encourages programs to review the CDC's testing for current infection instructions.

Desmond: Thank you, Heather. Can Head Start funds be used to pay for COVID testing?

Heather: The cost associated with regular testing for those granted an exemption are an allowable use of Head Start funds so long as it's included in a program's policies and procedures and that it is deemed reasonable and allocable under 45 CFR Part 75.404 and 75.405. While paying for the cost of testing is an allowable use of Head Start funds, it is not a requirement. Programs should be considering whether they can sustain continued funding for tests as they plan.

Desmond: Can programs use non-Head Start funds for testing?

Heather: Yes, programs can use non-Head Start funds for testing. For example, state health departments have received funding from the CDC's Epidemiology and Laboratory Capacity for Prevention and Control of Emerging Infectious Diseases – that's the ELC – through ARP for community testing. I would say early care and education programs are eligible for these funds, and the Office of Head Start encourages programs to inquire with their state health department about that availability of funds.

Desmond: Thank you, Heather. So, shouldn't we have a more stringent accommodation requirement than at least weekly testing if an exemption is approved?

Heather: Yes. Programs have the flexibility to establish and implement their own policies and procedures, which must include at least weekly testing of exempt Head Start staff.

Desmond: I promise to give you a break soon, but we're going to stick with you still, Heather. If an exemption is approved and a weekly testing is required, will Head Start funds to cover the costs associated with the time taken to get tested.

Heather: I know I'm going to sound a little bit like a broken record here because we talked about this in an earlier question. But I'll say that the costs associated with regular testing for those who are granted an exemption are an allowable use of Head Start funds so long as it's

included in the program's policies and procedures and that it's reasonable and applicable under 45 CFR Part 75.404, and 405.

While paying for the costs associated with regular testing is allowable use of Head Start funds, it's not a requirement, and that program should consider whether they can sustain continued funding for testing and their ongoing operations budget. The Office of Head Start encourages programs to consider access options available in the community for regular testing of individuals with approved vaccine exemptions when they are working on developing those policies and procedures.

I think one of the things I want to stress is that programs can help those individuals find tests by visiting their state, tribal, local, or territorial health departments websites to look for the latest local information on testing, by visiting their health care or public health department clinic provider to get a self-collection kit or a self-kit ... Consider the purchase of self-collection kits or a self-test if individuals cannot or if they have trouble getting tested by a health care provider.

Desmond: That was a lot, but I believe it was very clear. In this next question, if unvaccinated staff are currently or recently sick with COVID-19, do they need to comply with the vaccine requirement timeline?

So, per the per the CDC, people who were treated for COVID-19 with monoclonal antibodies or convalescent plasma or people who have a history of multi-symptom inflammatory syndrome in adults or children ... They may need to wait a while actually after recovering before they can get vaccinated. That may delay their ability to get vaccinated by the January 31st, 2022 deadline.

You should be referring to the CDC's FAQs about COVID-19 vaccination for more information on that. Staff members for whom medical necessity requires a delay in vaccination would be ... That would be considered an allowable medical exemption. All documentation confirming medical need for the delay must be signed and dated by a licensed practitioner who is not the individual requesting the exemption and who is acting within the respective scope of practice as defined by and in accordance with all applicable state and local laws. Again, programs should encourage staff to talk with their doctor if they're unsure what treatments they received or if they have more questions about getting a COVID-19 vaccine.

Desmond: I believe ... I think these next couple questions was in the chat: Is the mask requirement a permanent standard?

Heather: At this time, there is no set date – end date – for the mask requirement due to the unpredictable nature of COVID-19 pandemic. The Administration for Children and Families, ACF, plans to update or revise the masking regulation to reflect developments in the pandemic. We also invite comments on this issue to the interim final rule with comment.

Desmond: As a follow up to that and in the same vein, is there an end date for the vaccine requirement?

Heather: No. As of November 30th, 2021, vaccination for COVID-19 by January 31st, 2022 is a requirement in the Head Start Program Performance Standards.

Desmond: Thank you, Heather. This is the last one for now: Is there a percentage of vaccine exemptions we can approve for our staff? For example, can we have 10% of staff with vaccine exemptions, medical or religious?

Heather: No. There is no threshold for the number of allowable exemptions. It's the responsibility of Head Start programs to establish a process for reviewing and reaching determinations regarding exemption requests, and that includes for disability, medical conditions, sincerely held religious beliefs, practices, or observances. Programs must have a process for collecting and evaluating such requests, including tracking and securing documentation of information that's provided by those staff who have requested exemption, the program's decision on that request, and any accommodations that are provided. Requests for exemptions based on applicable federal law need to be documented and evaluated in accordance with established organization policies and procedures as well as applicable federal law.

Desmond: Thank you so much for that, Heather. Kate, I'm going to throw the next few your way. Will the vaccine requirement also include requirement for booster shots?

Kate: Thanks, Desmond. ACF's definition of fully vaccinated is consistent with CDC's current guidance. So, while a booster is not currently required by the CDC to be considered fully vaccinated, it may change in the future.

Desmond: Thank you. What will we do if a parent refuses to allow their child to wear a mask while in the Head Start program? Do we disenroll the child?

Kate: Thanks, Desmond. We have been getting this question a lot, and it's such an important question, so I'm going to ... I know there's a lot of text here. I'm going to spend some time on this slide.

If a parent refuses to allow their child to wear a mask while at their Head Start program, the program should not disenroll the child. The Head Start Program Performance Standards prohibit expelling or enrolling children from a Head Start program because of a child's behavior. That is in 45 CFR 1302.17. In this case, the child's behavior as a result of a parent's decision ... These standards also require programs to prohibit or severely limit the use of suspensions due to a child's behavior. The programs are required to partner with families and take all possible steps to ensure the child successful participation in the program. OHS encourages programs to focus on educating parents and families on the importance of mask wearing as a mitigation strategy to protect the child and the safety of others.

So, like all new skill sets, children will need to be taught the proper way to put and keep a mask on. While children are adaptable, they are still in the early stages of development, and they need reminders and reinforcements to comply with this new practice. Really imperative that Head Start staff abide by the standards of conduct outlined in personnel policies 45 CFR 1302.90 – namely that staff, consultants, contractors, and volunteers implement positive strategies to support children's well-being and do not use harsh disciplinary practices that could endanger the health and safety of children. So, OHS will continue to provide additional resources moving forward and supports on the universal mask requirement.

Desmond: That was a lot of information, and I appreciate you taking your time with that. With this next question, can OHS define the type of masks needed to comply with the rule?

Kate: Sure, individuals two years and older should choose a mask that is comfortable to wear and fits snugly. It must cover one's mouth, nose, and chin. It can fasten around the ears or the back of the head as long as it stays in place when one talks and moves. Masks with vents or exhalation valves are not allowed because they allow unfiltered breath to escape the mask. For more information on masks, programs can consult CDC's "Your Guide to Masks."

Desmond: In the same vein with regards to masks, can programs accept doctors' notes for children who may need a mask exemption or accommodation?

Heather: Sure, I'm glad that this is raised. Exceptions to the universal mask requirement include children with special health care needs for whom programs should work together with parents and follow the advice of the child's health care provider for the best type of face covering. So, programs are responsible for establishing policies and procedures related to the mask requirement.

Desmond: Thanks, Kate. We know the masking requirement applies to all individuals age 2 and older. How does this requirement apply when classrooms serve children age 1 and 2 together? Should we separate the children into different classrooms?

Kate: Thanks, Desmond. Children should not be moved to different classrooms because of the mask requirement. There are many developmental benefits for children being together in mixed age groups, including relationship continuity between children and teachers. So, teachers can create a classroom culture that supports young children wearing masks by wearing them themselves, reading stories with masks, and providing positive supports. It is understood that 2-year-old children will not always have masks perfectly in place, that they may remove their masks at times, and that a few might really struggle to keep the mask on. No child should be shamed or punished for not wearing masks.

Desmond: I think that last piece is very important. Should programs provide the masks for children?

Kate: So, masks for children, staff, and families are an allowable use of ongoing extra operational funds, as well as COVID-19 response funds and American Rescue Plan Funds. Programs should have masks available to provide to children when they do not have their own masks. Programs are responsible, as I mentioned, for establishing policies and procedures around the masking requirement.

Desmond: Thank you so much, Kate. I think I'll get back to Heather for these next few – let you get a rest for a little while. Heather, we are a Community Action Agency with an indirect cost pool. Are the agency employees paid under the indirect cost pool from all community action programs, including Head Start programs, subject to the vaccine requirement?

Heather: Great question, and we have certainly got this one many, many times over. I want to say, "Vaccination for COVID-19 is now a requirement for all Head Start staff, regardless of funding source, even if they are paid under the indirect costs pool."

Desmond: Well, thank you. What if our state does not allow for vaccines or mask requirements?

Heather: Under the supremacy clause of the U.S. Constitution, this regulation preempts any state law to the contrary. That's under the U.S. Constitution article six, part two.

Desmond: Thank you, Heather. If the program is part of a school system, do we still have to comply with these requirements?

Heather: Yes. All Head Start programs are required to follow the Head Start Performance Standards.

Desmond: Last one for now. I know you may take a little bit of time with this one: What is the expectation for documenting the vaccination status of staff employed or paid by a partner or contractors?

Heather: Yeah. So, under the interim final rule with comment, programs are required to establish a system for documentation. That includes vaccine documentation, exemption requests and outcomes for staff, certain contractors, and volunteers. All medical records, including vaccine documentation, need to be kept confidential and stored separately from an employer's personnel files, and that's pursuant to the Americans with Disabilities Act and the Rehabilitation Act. Examples of acceptable forms or proof of vaccination can include the CDC COVID-19 vaccination record card or a legible photo of the card. It could include documentation of vaccination from a health care provider or an electronic health record. It could include a state immunization information system record.

I know we've gotten questions about vaccination for folks outside of the United States. If vaccinated outside of the United States, a reasonable equivalent of any of those previous examples would suffice.

Programs have flexibility to use an appropriate tracking tool of their choice. The CDC provides an optional staff vaccination tracking tool, and it's available on the National Health Care Safety Network website. That's a generic Excel-based tool that's available for free to anyone, not just NHSN participants that facilities can use to track COVID-19 vaccinations for staff members.

Desmond: Thank you so much, Heather. Now Kate, could this rule change based on public comment?

Kate: Thanks, Desmond, for raising this. This is an important point that I want to make sure is communicated clearly. Yes, grant recipients and other stakeholders have 30 days to submit formal comments on the emergency regulation. It is important to note that since this is an emergency regulation, the requirements go into effect immediately and before any additional response is provided on the comments by ACF. The comment period officially closes on December 30th, 2021. Please continue to direct staff, families, and others to voice their concerns formally through the Federal Register, and you can submit comments identified by docket number. The specific docket numbers there as well as in that interim final rule with comment period itself and/or the RIN number. You can use any of the following methods. There's a Federal eRulemaking Portal and regulations.gov where you can provide comment. You could also do it by mail to the Office of Head Start to the address provided.

At that point, ACF will consider and respond to comments as a part of potential future rulemaking if needed. I just want to stress the point that the informal comments that we've been receiving through regions have been incredibly helpful. I will also just add that it's really important to go to the formal comment process because it is those body of comments that we use when we are taken into consideration changes to the rule. Please voice your comments through the formal comment process.

Desmond: Thank you for stressing that, Kate. Very, very important information. I'm so glad that these slides will be available to everyone after the webinar is over. What will happen with the standard when COVID-19 subsides?

Kate: Great question, and it's an important question because as folks have noted there, it currently is framed as an indefinite requirement for the masking requirement as well as for the testing requirement for those that are granted an exemption. Note the ACF will respond appropriately to changes in the COVID-19 pandemic by updating regulations to reflect new and shifting circumstances.

Desmond: Thank you. Heather, I'm sure you've heard this one before in different capacities. Will OHS be allowing federal match waivers in case the vaccine impacts our relationships with partners and partnerships with volunteers of volunteer services.

Heather: We've definitely been getting a lot of questions about match, and I will say, consistent with section 640(b) of the Head Start Act, programs can request a waiver for the non-federal match requirements. That certainly has not changed. Considerations for a waiver include, but they are not limited to, a lack of resources that may be available in the community that may prevent the agency from providing all or a portion of the non-federal match contribution. Essentially, I refer people back to the Head Start Act for the considerations for asking for non federal match waiver. Yes, the Office of Head Start will still be entertaining them as they are submitted. Thanks, Desmond.

Desmond: Thank you. I'll turn it over to you, Kate, to take us through some of these resources.

Kate: Sure, Desmond. I'm happy to do it. I want to spend a little bit of time with these resources because there's a lot of really valuable information, and I want to make sure that folks know where to find it. So, this initial link here, the OHS COVID-19 update ... That could be very familiar to all of you. You can find it by going to the ECLKC website, and there's like a box in the middle that is for COVID-19 updates. Once you get to that link, it sends you to like the latest information the Office of Head Start is sharing with respect to COVID-19 updates.

There is also a landing page specifically for the interim final rule with comment, and you'll see here that it's specifically called the "Vaccine and Mask Requirement to Mitigate the Spread of COVID-19 in Head Start Programs." On that landing page, you will find a variety of other links. One is to the Federal Register notice itself, so you can see in full the rule. I really encourage folks to spend time not only with the regulatory text at the end, but the preamble language, which really lays out a lot of detailed information. It lays out the rationale for these decisions that are included in this rule. Please refer there, as well as the webinar that we did on November 29th. That is there, that also has a number FAQs for folks.

There's a summary of vaccine and mask requirements, so it kind of puts it in plain language as well as other FAQs that we have provided.

There are also a number of other resources. One is called "Vaccinating Head Start Staff: Voices From the Field" and is an opportunity for Head Start grant recipients to hear from each other. So, there are a number of grant recipients we have featured who have navigated vaccine requirements previously and are just sharing information, sharing some lessons learned, ways to collaborate with local health departments. There's just a lot of good information that others that we all can learn from and learn from each other.

There's also strategies to talk with staff and increase vaccine confidence. These are a number of links that we have shared before as well as MyPeers. There's just some great community sharing of information. Along those lines, I want to point out two things specifically that are coming. We have a tip sheet on masking for young children. We are excited about sharing and will hopefully answer some more questions and give strategies to use with masking for children specifically.

I'm also really excited ... We have some video clips coming specifically, again, for grant recipients to hear from each other. So, we have gotten video clips from grant recipients who have already implemented these and have information to share. They have examples of policies and procedures. They have examples of exemption processes they have used or approaches they have used. Really hopeful that folks will check back to get that information because I think it can really help us move forward with those concrete documents that grant recipients are working through now to put in place the requirements. Those are current resources I want to flag for people.

There's also other resources to consider which we shared as a part of the prior webinar on November 29th. There are a number of other resources that are available through CDC related to vaccination programs in the workplace. There are other resources around exemption processes. So, this is just our way to kind of lift up some other existing resources for folks that could help them navigate these same questions. There are resources that are available in other federal vaccine requirements that I think could benefit the Head Start community as well, so wanting to make sure folks have these links.

With that, I really want to thank everybody on behalf of the Office of Head Start and Dr. Futrell. I really want to thank everybody for their time. I want to thank everybody for the thoughtful comments that you have added to the chat that you've submitted through the Q&A platform. We know that there are many, many more questions, and we promise you that we will work hard and do our best to answer them and that we will provide other opportunities for engagement like this for you to hear directly from the office.

I once again want to really encourage people to use the formal process so that we hear from you through that more formal mechanism that can really have a bearing on any reconsideration of the policies. Again, I just ... It's a pleasure to talk with you through this venue, and I just really want to say again that we just appreciate you being here. So, with that, I thank you, and we will be in touch and provide other opportunities for kids in the near future. Thank you.