

CLIENT ALERT: Preparing for Back to School
July 30, 2021

The State of Maine and Maine Department of Education released important guidance this week that will play a central role in planning for the upcoming school year. We outline this news below and also discuss the new vaccination requirements and exemptions under state law. Please don't hesitate to get in touch if you need additional guidance on these issues.

- **Face coverings are here to stay:** On July 28, Governor Mills [announced](#) Maine will follow updated guidance from the U.S. CDC on face coverings. The CDC recommends “all teachers, staff, and students in K-12 schools wear face coverings, regardless of vaccination status or community transmission level.” With the expiration of the State of Civil Emergency, this mask guidance is a recommendation, not a state mandate, and the question of whether to require masking in schools is ultimately up to individual school departments at this time. Schools that decide to require masks, consistent with this guidance, should be prepared to offer reasonable accommodations to teachers, staff, and students as necessary.
- **Reporting staff vaccination rates:** Beginning September 1, Maine DOE and DHHS will require all schools (public and private) to collect and report covid-19 vaccination rates of staff on a monthly basis. In a briefing to B&I attorneys on July 28, DHHS explained Maine law gives their agency the authority to require this type of reporting during a public health emergency. Personally-identifiable information will not be collected, but schools will be required to report the total number of staff¹ employed, and the total number of those staff fully vaccinated against COVID-19, utilizing an electronic form that will be provided by the DOE and DHHS. Staff vaccination percentages by school district and school building will be posted monthly on the DOE website. The reporting will resemble what is currently available for [healthcare facilities](#). The DOE's policy announcement is available [online](#) at the Department's website. We will be circulating an additional client alert with our advice on best practices for collecting staff vaccine information.

¹ For purposes of the required vaccination reporting, school “staff” is defined as “all those providing instruction, services, or interacting with students in pre-kindergarten through grade 12, including All full- and part-time employees and temporary or contracted personnel.”

- **Immunization requirements and exceptions:** Students enrolled in pre-k through 12th grade must be immunized against certain diseases.² Beginning September 1, 2021, philosophical and religious exemptions for students will end; only medical exemptions will be allowed.

To receive a medical exemption from the vaccination requirements, a parent must provide a written statement from a licensed healthcare provider stating that in their professional judgement, immunization against one or more of the diseases may be medically inadvisable. Parents must provide this notice to their child's school annually.

Students with an Individualized Education Plan who elected a philosophical or religious exemption from vaccine requirements *on or before* September 1, 2021 may continue to attend school under that exemption if: 1) the students' parent or guardian provides a written statement from a licensed healthcare provider stating they have made the parent or guardian aware of the risks and benefits associated with the choice to immunize their child; or 2) the student, age 18 or older, provides a written statement from a licensed healthcare provider stating they have consulted with the student and made them aware of the risks and benefits associated with the choice to immunize.

For detailed guidance on school vaccination requirements and exemptions, please see [here](#).

² Students enrolled in grades PreK through 12 are required to be immunized against diphtheria, tetanus, pertussis, measles, mumps, rubella, polio and varicella. Students enrolled in grades 7-12 must also be immunized against meningococcal disease.