

COVID-19 ADVISORY MEMORANDUM

TO: Superintendents and Heads of Independent Schools
FROM: Daniel M. French, Ed.D., Secretary of Education
SUBJECT: COVID-19 Vaccination and Testing Emergency Temporary Standard (ETS)
DATE: January 21, 2022

You may have heard that, in November, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) issued an Emergency Temporary Standard (ETS) on Vaccination and Testing, which would have required large employers to implement vaccine-or-testing policies for their staff. Yesterday, the U.S. Supreme Court issued a [stay of that requirement](#), meaning that OSHA will not enforce this vaccine-or-testing requirement.

Because the ETS will not be enforced, districts and schools will not be required to implement OSHA's vaccination or testing policy requirements for their staff.

Regardless of federal requirements, we know that vaccination remains our strongest tool against COVID-19 – including against the Omicron variant. We encourage districts and schools to continue to promote vaccination to their school communities to protect our staff, students, and families. Districts may, pursuant to 16 V.S.A. § 563, enact local requirements for staff vaccination, consistent with labor agreements and in consultation with the district's legal counsel.