



AFSCME Facts

New Head Start Standards for Masking and Vaccination against COVID-19 December 7, 2021

On November 30, the U.S. Department of Health and Human Services (HHS) issued new Head Start Program Performance Standards that cover requirements for masking and vaccination against COVID-19. This follows an earlier announcement by the Biden administration that the nearly 300,000 staff at Head Start programs would be required to be vaccinated. A new emergency rule, referred to as an interim final rule, implements this requirement and adds a mask mandate that follows recent CDC guidance.

Who is covered by the mask requirement and when does it go into effect?

All individuals in indoors Head Start settings who are two years of age or older must wear a mask. In outdoor settings, only unvaccinated individuals must mask in a crowded setting or during activities that involve sustained close contact with other people. This rule goes into effect immediately.

Are there exceptions to the mask rule?

Masks do not need to be worn when eating or drinking or by children when napping. Individuals who cannot safely wear a mask due to a disability or children whose health care provider advises an alternative face covering due to special health care needs are exempt from the requirement.

Can Head Start money be used to purchase masks?

Yes, Head Start program funds can be used to purchase masks, as can money from COVID-19 response legislation and the American Rescue Plan.

Who is covered by the vaccine mandate and when does it go into effect?

All staff are covered by the mandate, along with those contractors and volunteers who have contact with children. Individuals must be fully vaccinated by January 31, 2021.

What does fully vaccinated mean?

For the January 31 deadline, individuals must have completed their second dose in a two-dose series (i.e., the Pfizer-BioNTech or Moderna vaccine) or first dose in a single dose series (i.e., Johnson & Johnson vaccine) by that date. Going forward, new staff must be 14 days past the final shot in their series to be considered fully vaccinated.

Are there exceptions to the vaccine mandate?

Exemptions may be granted for medical conditions documented by a licensed medical practitioner or sincerely held religious beliefs. Each Head Start program must develop a process to review exemption requests. Those who are granted an exemption must undergo at least weekly testing.

Who pays for the testing of individuals granted an exemption?

It is up to the Head Start program. Programs can use Head Start funds to pay for testing, but they can also require individuals to pay for the tests themselves.

What are the consequences for non-compliance with the rule?

Programs must document vaccination status of those who fall under this mandate. The Office of Head Start will monitor programs' compliance and failure to comply can cause a program to lose Head Start funding.

How does this new Head Start rule relate to other laws regarding vaccines or masking?

This new Head Start rule stands on its own and replaces any state law that prohibits vaccine or masking requirements. This rule also is separate from the Occupational Safety and Health Administration's new emergency temporary standard (ETS), which generally requires employers with 100 or more employees to adopt policies requiring their employees to get vaccinated or get tested once a week. Since these rules are different, a recent court decision blocking implementation of the ETS does not affect the Head Start rule.

Is the Office of Head Start providing additional information to help programs understand and comply with the rule?

Yes. The Office of Head Start has published helpful materials about COVID-19 on its website at <https://eclkc.ohs.acf.hhs.gov/about-us/coronavirus/coronavirus>. These resources include "Universal Masking and COVID-19 Vaccine Requirement FAQs," a webinar and other information about vaccines, masking and related topics.