




STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

August 29, 2021

TO: Assistant Superintendents
Complex Area Superintendents
Principals

FROM: Keith T. Hayashi 
Interim Superintendent

SUBJECT: **Attestation of COVID-19 Testing or Vaccination: Religious/Medical Accommodation Requests (Employees and Athletic Staff)**

I. GENERAL BACKGROUND

On August 4, 2021, the Hawaii State Department of Education (Department) issued a memorandum outlining “new safety guidelines with vaccination requirements for athletes, adults to participate in sports” (Memorandum). In relevant part, the Memorandum states that all student-athletes, athletic staff (casual/contract employees, not full-time athletic staff such as athletic trainers or athletic directors), and volunteers will need to be fully vaccinated against COVID-19 by September 24, 2021, to participate in school-sanctioned athletic activities for the 2021-2022 school year.

On August 5, 2021, State of Hawai'i Governor, David Ige, issued an Emergency Proclamation Related to the State's COVID-19 Response (Emergency Proclamation). Under the Emergency Proclamation, effective as of August 16, 2021, State and County workers are required to attest as to whether they are:

1. Fully vaccinated for COVID-19 (two weeks have passed since the second dose of a two-dose series or two weeks since a single-dose vaccine);
2. Partially vaccinated (received one of a two-dose course of vaccination); or
3. Not vaccinated for COVID-19.

On August 13, 2021, the Department issued a memorandum outlining the plan for compliance with the Governor's Emergency Proclamation. In relevant part, the Memorandum states that Department employees will be required to complete weekly testing beginning Monday, August 23, 2021 (subsequently pushed back to August 30, 2021), unless they attest to and provide proof of full vaccination for COVID-19.

The following guidance is provided regarding religious/medical accommodation requests related to the above-stated vaccine/testing policies for employees and athletic staff.

GUIDANCE FOR RELIGIOUS ACCOMMODATIONS

- a. Religious Accommodations, Generally:
 - i. *General standard:* Under applicable laws, employees are entitled to Religious Accommodations based on a sincerely held religious belief, practice, or observance, unless the accommodation would impose an undue burden on the Department.
 - ii. *Request form:* "Religious Accommodation Request Form" for Department employees is attached as **Exhibit 1**. This form can also be found on the Civil Rights Compliance Branch (CRCB) public website: <https://bit.ly/CRCBwebsite>. For State-level employees, the requests should be submitted to the CRCB's Title VII Compliance Specialist (Toby Yamashiro). For all other employees, the requests should be submitted to the applicable CRCB Equity Specialist.
 - iii. *Process:* Upon receiving a request, the CRCB will review and analyze the request. Determinations will be made on a case-by-case basis. CRCB personnel may contact the requestor and their supervisor to discuss potential accommodations. CRCB personnel may also contact the requestor to obtain additional information regarding their religious beliefs/practices/observances. After processing a request, the CRCB will render its determination and inform the requestor and their supervisor.
- b. Religious Accommodations for COVID-19 Vaccine Requirement (**general employees**): CRCB will not be accepting requests for religious "exemptions" from taking the COVID-19 vaccine since that is not a requirement under the current Department policy (weekly testing is offered as an alternative). However, the CRCB will accept requests for accommodations related to the testing requirement. All such requests should be made to the CRCB.

- c. Religious Accommodations for COVID-19 Vaccine Requirement (coaches): Based on current guidance, athletic staff must be vaccinated by September 24, 2021. Athletic staff members do not have the option of weekly testing in lieu of the vaccine. However, athletic staff may request twice-weekly testing as a medical/religious accommodation (not as a matter of right, like all other employees). Such requests may be sent to the CRCB using the form attached as **Exhibit 1**.
 - i. *What happens if the employee is both coach and teacher?* The policy for athletic staff will supersede the policy for general employees. For example, an employee who is both a teacher and coach, he/she must be vaccinated in order to continue coaching. If the teacher/coach foregoes coaching and only wishes to teach, they do not need to be vaccinated and instead elect for the weekly testing option.
- d. Religious Accommodations for Mask/Testing Requirement: Employees may also submit requests for Religious Accommodations related to the mask/testing requirement. Such requests should be sent to the CRCB using the form attached as **Exhibit 1**. The CRCB reviews such requests on a case-by-case basis.

II. **GUIDANCE FOR MEDICAL ACCOMMODATIONS (UNDER THE ADA)**

- a. Disability Accommodations for COVID-19 Vaccine Requirement: Department employees are not required to get the vaccine under the current policy, it is an option for those wanting to avoid the testing requirement. Therefore, an “exemption” is not required for anyone who does not want to take the vaccine.
- b. Disability Accommodations for COVID-19 Mask/Testing Requirement: Employees may submit requests for accommodations related to the weekly testing and/or mask requirements. Such requests will be processed according to the ADA Reasonable Accommodation Request process. School administrators may provide employees with the Form RA-1 attached as **Exhibit 2** and RA-3 attached as **Exhibit 3**. For State-level employees, such requests may be submitted to the CRCB’s ADA/504 Compliance Specialist (Krysti Sukita). For all other employees, requests should be submitted to the applicable CRCB Equity Specialist for the Complex Area. As with Religious Accommodation Requests, Reasonable Accommodation Requests will be analyzed on a case-by-case basis.
- c. Accommodations for pregnant women: Any requests for accommodations related to the vaccine/testing/mask policy based on pregnancy should be referred to the CRCB for processing as a Reasonable Accommodation request under the ADA.

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Should you have any questions, please contact Title VII Specialist Toby Yamashiro, Civil Rights Compliance Branch, by phone at 808-745-4883 or email at toby.yamashiro@k12.hi.us.

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Attachments: EXHIBIT 1 – Religious Accommodation Request and Determination Form
EXHIBIT 2 – Reasonable Accommodation Request & Approval Form
EXHIBIT 3 – Consent & Authorization to Release Medical Information for
Reasonable Accommodation

c: Phyllis Unebasami, Deputy Superintendent