



State of New Jersey
DEPARTMENT OF HEALTH
PO BOX 360
TRENTON, N.J. 08625-0360

PHILIP D. MURPHY
Governor

SHEILA Y. OLIVER
Lt. Governor

www.nj.gov/health

KAITLAN BASTON, MD, MSc, DFASAM
Acting Commissioner

EXECUTIVE DIRECTIVE NO. 21-011 (3rd Revision)

Protocols for COVID-19 Reporting for School Settings

WHEREAS, on March 9, 2020, Governor Murphy issued Executive Order No. 103, declaring the existence of a Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., and a State of Emergency, pursuant to the Disaster Control Act, N.J.S.A. App. A:9-33 et seq., throughout the State due to the public health hazard created by Coronavirus disease 2019 (COVID-19); and

WHEREAS, the Public Health Emergency was extended multiple times by Governor Murphy pursuant to various Executive Orders; and

WHEREAS, on June 4, 2021, Governor Murphy signed P.L.2021, c.103 and issued Executive Order No. 244, which among other things, terminated the Public Health Emergency, declared in Executive Order No. 103, but continued the State of Emergency; and

WHEREAS, P.L.2021, c.103 continued certain orders and directives, and authorized the Commissioner of Health to issue orders, directives, and waivers related to: (1) vaccination distribution, administration, and management; (2) COVID-19 testing; (3) health resources and personnel allocation; (4) data collection, retention, sharing, and access; (5) coordination of local health departments; and (6) implementation of any applicable recommendations of the Centers for Disease Control and Prevention (CDC) to prevent or limit the transmission of COVID-19, including in specific settings; and

WHEREAS, the CDC has emphasized that vaccination is a critical means to prevent the spread of COVID-19 and to avoid infection of those individuals who cannot be vaccinated because their age or medical conditions preclude them from receiving one; and

WHEREAS, on August 6, 2021, Governor Murphy issued Executive Order No. 252, setting forth mandatory requirements related to vaccination and testing for certain covered facilities and settings; and

WHEREAS, under Executive Order No. 252, covered health care and high-risk congregate settings were required to maintain a policy requiring covered workers to either provide adequate proof that they were fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly; and

WHEREAS, on August 23, 2021, Governor Murphy issued Executive Order No. 253, setting forth mandatory requirements related to vaccination and testing for certain school settings; and

WHEREAS, pursuant to Executive Order No. 253, all public, private, and parochial preschool programs, and elementary and secondary schools, including charter and renaissance schools were required to maintain a policy that required covered workers to either provide adequate proof that they have been fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly; and

WHEREAS, on September 20, 2021, Governor Murphy issued Executive Order No. 264, setting forth mandatory requirements related to vaccination and testing for certain child care settings; and

WHEREAS, pursuant to Executive Order No. 264, covered workers in covered child care centers and other child care facilities were required to be fully vaccinated or submit to COVID-19 testing at minimum one to two times weekly; and

WHEREAS, on January 11, 2022, Governor Murphy issued Executive Order No. 280, declaring the existence of a new Public Health Emergency, pursuant to the Emergency Health Powers Act, N.J.S.A. 26:13-1 et seq., in the State of New Jersey due to the surge of cases and hospitalizations tied to the new variants of COVID-19; and

WHEREAS, on January 19, 2022, Governor Murphy issued Executive Order No. 283, setting forth mandatory requirements related to COVID-19 vaccinations, including booster doses, for covered health care settings that are subject to the Omnibus COVID-19 Health Care Staff Vaccination Interim Final Rule (CMS-3415-IF C) (“CMS rule”) as well as mandatory requirements related to COVID-19 vaccinations, including booster doses, for other health care settings not subject to the CMS rule and other high-risk congregate settings; and

WHEREAS, on March 2, 2022, Governor Murphy issued Executive Order No. 290 amending the timeframes set forth in Executive Order No. 283; and

WHEREAS, pursuant to Executive Order No. 290, covered health care settings that were subject to the CMS rule were required to maintain a policy requiring covered workers to receive their primary COVID-19 vaccination series in accordance with the CMS rule, and to be otherwise up to date with their COVID-19 vaccinations, including a booster dose, by April 11, 2022 or within three weeks of becoming eligible for a booster dose; and

WHEREAS, pursuant to Executive Order No. 290, covered health care settings not subject to the CMS rule and other high-risk congregate settings were required to maintain a policy requiring any unvaccinated covered workers to receive their first dose of their primary COVID-19 vaccination series by February 16, 2022, and require all other covered workers to be otherwise up to date with their COVID-19 vaccinations, including a booster dose, by May 11, 2022 or within three weeks of becoming eligible for a booster dose; and

WHEREAS, on March 4, 2022, Governor Murphy issued Executive Order No. 292 lifting the COVID-19 Public Health Emergency but maintaining the requirements in Executive Order Nos. 252, 253, 264 (2021) and Executive Order Nos. 283 and 290 (2022) under the State of Emergency declared pursuant to the Disaster Control Act; and

WHEREAS, on April 13, 2022, Governor Murphy issued Executive Order No. 294 clarifying certain vaccination requirements set forth in Executive Order Nos. 283 and 290 (2022); and

WHEREAS, pursuant to Executive Order No. 294, covered workers in health care settings that were subject to the CMS rule and covered workers in health care settings not subject to the CMS rule and in other high-risk congregate settings were considered “up to date” with their COVID-19 vaccinations if they received their primary COVID-19 vaccination series and the first booster dose for which they are eligible as recommended by the CDC; and

WHEREAS, Executive Order No. 294 authorized the Department of Health to issue a directive supplementing the requirements outlined in Executive Order No. 294; and

WHEREAS, on August 11, 2022, the CDC issued updated “Guidance for Minimizing the Impact of COVID-19 on Individual Persons, Communities, and Health Care Systems” in which the CDC recognized that high levels of vaccine and infection-induced immunity and the availability of effective treatments and prevention tools substantially reduced the risk for medically significant COVID-19 illness, and associated hospitalization and death; and

WHEREAS, on August 11, 2022, the CDC also issued updated “Operational Guidance for K-12 Schools and Early Care and Education Programs to Support Safe In-Person Learning” in which the CDC recommends that school districts and child care settings utilize COVID-19 mitigation protocols on a flexible basis; and

WHEREAS, as reported in the updated guidance for school districts and child care settings, the CDC is no longer recommending routine screening testing in school districts and child care settings, with limited exceptions; and

WHEREAS, in light of the CDC’s updated guidance, and given the progress the State has made combating COVID-19, the Governor issued Executive Order No. 302 on August 15, 2022, which began to responsibly lift certain mitigation protocols in place, including the requirement that school districts and child care settings maintain a policy requiring their unvaccinated covered workers to submit to weekly or twice weekly COVID-19 testing, as the State continued to the next phase of the COVID-19 response; and

WHEREAS, while Executive Order No. 302 lifted the vaccination and testing requirements for school districts, the Executive Order maintained the requirement for school districts to continue to report information to the Department of Health using the

Department's Surveillance for Influenza and COVID-19 (SIC) module because surveillance of school-associated COVID-19 cases, clusters, and outbreaks remained necessary for the Department of Health to understand and track COVID-19 in the school setting, including monitoring the impact of vaccination, in order to inform public health decisions and actions; and

WHEREAS, on September 23, 2022, the CDC issued updated guidance for health care settings and health care personnel, including long-term care and home health settings, recommending the use of COVID-19 infection prevention and control measures based on facility- and population-specific factors, and other risk factors for transmission; and

WHEREAS, the CDC's updated infection prevention and control guidance continues to encourage health care settings and personnel to remain up to date with all recommended COVID-19 vaccine doses, but expressly states that routine COVID-19 screening testing is no longer recommended in health care settings; and

WHEREAS, on November 29, 2022, the CDC issued updated guidance for high-risk congregate settings, recommending that high-risk congregate settings tailor their COVID-19 prevention strategies to various circumstances, including the needs of any residents who are at greater risk for severe health outcomes; and

WHEREAS, in light of the CDC's updated infection prevention and control guidance for health care settings and high-risk congregate settings, and given the State's ability to maintain stable rates on key benchmark statistics, such as the number of hospitalized patients in the State, the number of daily positive COVID-19 cases throughout the winter months of 2023, and other metrics, on April 3, 2023, Governor Murphy issued Executive Order No. 325, which lifted the COVID-19 testing requirements for health care settings, as had been required pursuant to Executive Order No. 252 (2021) and Executive Order Nos. 283, 290, and 294 (2022), and Paragraph 2 of Executive Order No. 281 (2022), and lifted the COVID-19 vaccination and testing requirements for high-risk congregate settings, as required or extended by Executive Order No. 252, (2021) and Executive Order Nos. 283, 290, and 294 (2022), and Paragraph 2 of Executive Order No. 281 (2022), but maintained the requirement that health care settings in New Jersey maintain a policy requiring covered workers to provide adequate proof that they are up to date with their COVID-19 vaccinations; and

WHEREAS, on May 1, 2023, President Biden announced intentions to wind down certain remaining COVID-19 vaccination requirements to coincide with the May 11, 2023, termination of the federal public health emergency, citing a 95% decline in COVID-19-related deaths and a 91% decline in COVID-19-related hospitalizations nationally; and

WHEREAS, on June 5, 2023, CMS issued a Final Rule to formally rescind the CMS Rule, thereby lifting the requirement of most Medicare and Medicaid-certified providers' and suppliers' staff to be vaccinated against COVID-19 in order to participate in Medicare and Medicaid programs; and

WHEREAS, given the State's progress in substantially reducing the strain on our health care infrastructure and workforce and CMS's withdrawal of the COVID-19 vaccination requirements for CMS-covered health care facilities, among other reasons, Governor Murphy issued Executive Order 332 on June 12, 2023, which lifted the COVID-19 vaccination requirements for health care settings, as required or extended by Executive Order No. 252 (2021), Executive Order Nos. 283, 290 and 294 (2022), Paragraph 2 of Executive Order No. 281 (2022) and Executive Order No. 325 (2023); and

WHEREAS, while COVID-19 vaccination requirements were lifted for health care settings and high-risk congregate settings as well as the testing requirements for unvaccinated covered workers in school settings, it remains critically important for school settings to continue to report COVID-19 information into the Department of Health's SIC module, as set out in Executive Order 302 (2022), so that the Department may continue to monitor and understand the presence of COVID-19 in school settings; and

WHEREAS, because Executive Directive 21-011, issued on September 2, 2022, provides protocols for health care settings and high-risk congregate settings to report COVID-19 testing and vaccination information to the Department of Health, which was premised on the above cited Executive Orders that have been rescinded, in addition to the protocols for school settings to report COVID-19 information to the Department of Health, revisions to the Executive Directive are warranted.

NOW, THEREFORE, I, KAITLAN BASTON, Acting Commissioner of the Department of Health, hereby order and directs the following:

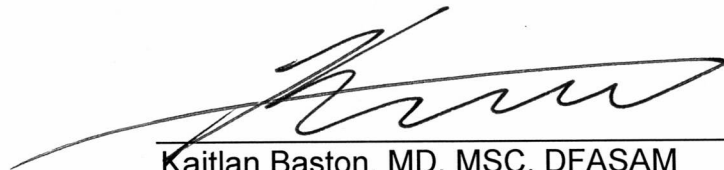
1. The COVID-19 testing and vaccination reporting requirements for health care settings and high-risk congregate settings set forth in Executive Directive 21-011, issued on September 2, 2022, are hereby rescinded.
2. The following definitions apply for the purposes of this Directive and the SIC Module Reporting requirements:
 - a. "School settings" means any public, private, and parochial preschool programs, and elementary and secondary schools, including charter and renaissance schools.
3. Each school setting shall complete the Surveillance for Infectious Conditions, formerly known as the Surveillance for Influenza and COVID-19 (SIC) Module in the Communicable Disease Reporting and Surveillance System (CDRSS), which is available at: <https://cdrs.doh.state.nj.us/> and by emailing CDS.COVS.RPT@doh.nj.gov for access.
4. As part of the SIC Module, each school building in the school setting shall submit the information outlined in the "Surveillance for Infectious Conditions (SIC) Module: User Guide for Schools" (available at: <https://cdrs.doh.state.nj.us/>; under the [Training tab, entitled "K-12 SIC Module Enrollment and Training"](#)) in a prescribed

format through the designated portal.

5. School settings shall be required to submit the SIC Module report on a weekly basis for the 2023-2024 academic year, beginning the week of September 12, 2023, by 5:00 p.m. on Wednesday of each week until the end of the school year.
6. School settings not submitting into the SIC Module on a weekly basis shall be considered delinquent. Delinquencies may be referred to the Department of Education or the Department of Law and Public Safety, or both, as appropriate, based on the length of time delinquent, number of times delinquent, and efforts made toward compliance. The local health department may also be notified of the delinquency.

This 3rd Revised Executive Directive supersedes Revised Executive Directive 21-011 issued on April 6, 2022 and Executive Directive 21-011 issued on September 2, 2022.

This Order shall take effect immediately. The provisions of this Directive shall remain in force and effect in accordance with Executive Order No. 302 (2022), until otherwise modified, supplemented, and/or rescinded or until the State of Emergency is no longer in effect, whichever is sooner.



Kaitlan Baston, MD, MSC, DFASAM
Acting Commissioner

Date

9/6/23