

### **REQUIRED IMMUNIZATION**

Education Law §914(1) requires that every child attending school submit proof of the immunizations required by Public Health Law §2164. Section 2164, in turn, requires immunizations against polio, mumps, measles, diphtheria, rubella, varicella (chickenpox), Haemophilus influenzae type b, hepatitis B, tetanus, and pertussis. Parent(s) must provide evidence of a child's vaccination before he/she can be admitted to school as per Administrative Regulation Policy 7.1.4A Required Immunizations.

A student's immunization record provides important information regarding the student's protection against vaccine preventable diseases and is used to determine if he/she meet the immunization requirements for school entry/attendance under New York State Public health Law Section 2164. Therefore, the school nurse is to retain the original copy of all immunization records, and evidence of medical and religious exemptions for six (6) years or three (3) years after the individual attains the age of 18, whichever is longer. Such records are to be available to the New York State Department of health for those purposes by Public health law, including the auditing of student immunization records.

New York State has recognized the need to balance the protection of public health against the constitutional right of parents to raise their children in accordance with their own religious views. They have therefore provided for a statutory religious exemption from the vaccination requirements. Specifically, Public Health Law §2164 (9) states that immunizations are not required where the parent(s) or guardian "hold genuine and sincere religious beliefs" which are contrary to immunization.

Both the New York State Department of Health and the New York State Education Department have implemented the religious exemption through regulations. Department of Health Regulation 10 NYCRR §66-1.3(d) requires the submission of:

A written and signed statement from the parent, parents or guardian of such child, stating that the parent, parents or guardian object to their child's immunization due to sincere and genuine religious beliefs which prohibit the immunization of their child in which case the principal or person in charge of the school will require supporting documents.

As required by regulation, in order to obtain a religious exemption to immunization for a child, a parent/guardian must submit a written and signed statement stating his or her religious objection to immunization. On the *Parent/Guardian Statement Form*, the elements listed for inclusion in the written statement are intended to assist the parent/guardian in providing a statement that clearly and completely articulates the sincere and genuine religious beliefs which prohibit the immunization of his or her child.

While the school nurse is responsible for the issuance and collection of the *Parent/Guardian Statement Form*, and also for the distribution of the Centers for Disease Control/Department of Health informational immunization materials, it is the building principal who holds responsibility for reviewing each request form and for communicating in writing with the parent/guardian regarding the request's approval or denial. If the request is denied, the written communication must address the specific reasons for the denial; merely stating that the request does not demonstrate a sincerely held religious belief is not sufficient articulation. If the request is approved, it is the responsibility of the school nurse to maintain a complete list of students who are susceptible to vaccine preventable diseases so that they may readily be identified in the event of an outbreak. Each parent of such children will be notified by the school nurse and the parent will be required to provide a doctor's note to either indicate the child may remain in school or be excluded from school with an anticipated date of return.