



Department of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

LISA J. PINO, M.A., J.D.
Executive Deputy Commissioner

To: School Administrators
From: New York State Department of Health
Date: February 9, 2021

Updated Guidance for School Administrators Regarding Limited Temporary Enforcement of Student Immunization Requirement

Summary

- All public and non-public Pre-K to Grade 12 schools must ensure that all students are up to date with all mandatory school vaccinations, regardless of whether they are attending school in-person, via remote learning, or a hybrid model.
- Public Health Law § 2164 requires each Pre-K through Grade 12 student to satisfy certain vaccination requirements as a condition of attending school. These requirements are listed in the [2020-21 School Year New York State Immunization Requirements for School Entrance/Attendance](#).
- The New York State Department of Health (NYS DOH) is the entity charged with enforcement of the requirement that schools comply with Public Health Law § 2164.
- NYS DOH finds there has been difficulty in obtaining required vaccinations as a result of the COVID-19 pandemic, resulting in inability for some students to meet the vaccination requirements.
- On October 12, 2020, NYS DOH suspended enforcement of required vaccinations for students to attend school for a period of 30 days, only for students attending school exclusively remotely, if such student intends to obtain the required vaccinations in the coming 30 days. This suspension was extended for another 30 days each on November 10, 2020, December 11, 2020, and January 10, 2021.
- Further, such guidance provided that for students using remote learning exclusively, if a school does not receive proof of all required vaccinations by 30 days from the date of this letter, the school shall not permit the student to attend, including through remote learning, until such proof has been received.
- This grace period is extended for another 30 days through March 11, 2021, only for students attending school exclusively remotely, if such student intends to obtain the required vaccinations in the coming 30 days.

Advisory

The Department is aware that the COVID-19 pandemic has limited many students' ability to obtain required vaccinations, and that students who otherwise intend to obtain the required vaccinations are currently restricted in their ability to be admitted to schools because of this ongoing limitation. Further, students who exclusively use remote learning present a lesser risk of acquiring or transmitting communicable disease to other students. However, even for students engaged exclusively in remote

learning, vaccination remains an essential requirement, to ensure that these diseases do not spread in the community.

In recognition of these factors, the Department will exercise discretion with respect to enforcement of school vaccination requirements and **will not enforce the provisions of Public Health Law § 2164(7) for an additional period of 30 days commencing from the date of this letter through March 11, 2021, for students attending school exclusively through remote learning.** During this grace period, students engaged in remote learning must obtain all required vaccinations, if they have not already, to be eligible to continue attending school following expiration of this guidance. As a condition of attending remote learning activities during this grace period, parents of remote learning students must submit an affidavit, in a form and manner determined by the school, acknowledging intention to obtain the appropriate vaccinations during the grace period.

Please note that, as in past school years, schools must continue to prohibit any student from attending school *in-person*, where the school has not received evidence of all required vaccinations within 14 days from the first day of admission.

During the grace period of this guidance, impacted schools must coordinate with parents and their local department of health to establish a time and place at which an immunizing agent or agents shall be administered to students lacking proof of required vaccinations, as required by law. Local health departments are reminded that they must cooperate in arranging for these vaccinations. If cooperation does not occur, the commissioner is authorized to step in and may recover the cost from the amount of state aid owed to the local department.

For questions about vaccination requirements, please contact NYS DOH Immunization program at immunize@health.ny.gov.