



**Department  
of Health**

**Office of Children  
and Family Services**

**State Education  
Department**

Effective June 13, 2019, Chapter 35 of the Laws of 2019 repealed non-medical exemptions from vaccination for children attending school.



**timeline I must follow to get my child vaccinated so my child can continue to attend school?**

Yes, the law applies to both summer school and ESY. Proof of immunization must

may be extended where the student is transferring from out of state or from another

effort to get the necessary evidence or where the parent, guardian or any other person in parental relationship can demonstrate that a child has received the first

... appropriate class in each immunization series within the 44 days and that there

The change in the law took effect on June 13, 2019 and allowed 14 days for children

care centers are required to be vaccinated with the first doses by June 28, 2019. These children must be excluded from day care centers in school immediately if they do not meet these requirements.

**8. My child had a religious exemption before the new law was enacted. Is my religious exemption still valid?**

No. Religious exemptions are no longer valid in New York State.

Such students must still receive their next doses as soon as they are due, in accordance with the ACIP schedule. Children must receive all first doses, or overdue follow-up doses if they already received prior doses in a series, within 14 days of school or child day care attendance, and must provide evidence of age appropriate appointments for the next follow-up doses, in accordance with the ACIP schedule, within 30 days of the first day of attendance. All required vaccine schedules must be completed in accordance with the ACIP schedule. Here is a link for the routine immunization and catch up schedules:

<https://www.cdc.gov/vaccines/schedules/hcp/imz/child-adolescent.html>

12. Is the following vaccine required to attend school?

No.

13. My child never received the pneumococcal vaccine or Haemophilus Influenzae type B (Hib) vaccine as a baby. Now my child is entering kindergarten.

A positive serologic test can be accepted as proof of immunity for school enrollment only for the following diseases: measles, mumps, rubella, varicella (chickenpox), hepatitis B and all three serotypes of poliovirus found in the vaccine.

**16. If I'm a Group Family Child Care Provider, with my own children in my home, in addition to day care children, what are my options regarding my own children who remain in the home during day care hours and are not vaccinated? Can they remain in another part of the house during day care**

hours?

No. The ACIP schedule must be used. Delayed vaccination schedules are not permitted.

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Until June 30, 2020, a child can attend school if they receive the first age-appropriate dose in each immunization series within 14 days from the first day of school attendance and can show within 30 days that they have scheduled age-appropriate appointments for required follow-up doses. This allows students who

were not fully up-to-date on their vaccinations on June 13, 2019, when the law was enacted, to continue to attend school, as long as they receive the first age-appropriate dose in each immunization series within 14 days from the first day of school attendance and can show within 30 days that they have scheduled age-appropriate appointments for required follow-up doses. By June 30, 2020, all students who were attending school at the time the law was enacted are expected to



spread out to start, so long as a child receives the first age-appropriate dose in each immunization series within 14 days of the first day of attendance.

**22. If a school doesn't receive State Aid, can it offer religious exemptions to the vaccination requirement?**

No. All schools must comply with the immunization requirements, regardless of whether they receive State Aid. Public Health Law §2164(1)(a) defines "school" to include any public, private or parochial child caring center, day nursery, day care agency, nursery school, kindergarten, elementary, intermediate or secondary school.

Effective June 13, 2019, Chapter 35 of the Laws of 2019 repealed non-medical exemptions from vaccination for children attending school.

This document is in follow-up to [FAQs issued on June 18, 2019](#) and on [June 22, 2019](#). The Department of Health filed emergency regulations on August 16, 2019 to implement the statutory amendments to the Public Health Law and adhere to the legislative intent of the statutory amendments, which is to protect the public health. This guidance is intended to assist schools in implementing the statutory and regulatory amendments.

The [2019-20 School Year New York State Immunization Requirements for School Entrance/Attendance](#) is available online.

The Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP) [catch-up immunization schedule](#) is available online.

## **VACCINATION REQUIREMENTS APPLICABLE TO ALL STUDENTS**

Public Health Law §2164, as amended by Chapter 35 of the Laws of 2019, applies to students attending all schools as defined in Public Health Law §2164 to include any public, private or parochial child-caring center, day nursery, day care agency, nursery school, kindergarten, elementary, intermediate, or secondary school.

Public Health Law §2164, as amended by Chapter 35 of the Laws of 2019, prohibits a school from permitting any child to be admitted to such school, or to attend such school, in excess of 14 days without sufficient evidence that the child has received all age-appropriate required vaccinations. The 14 days may be extended to not more than 30 days where the student is transferring from out of state or from another country and can show a good faith effort to get the necessary evidence **or** where the parent, guardi

Yes

B. Homeschooled Students (8 NYCRR §100.10)

**(1) If I provide homeschooling for my child, will he or she be allowed to attend State tests (e.g. 3-8 State assessments, Regents examinations) held at the school if he/she is not immunized?ld at the**

**A. Are students with disabilities who have not been immunized entitled to special education services?**

Parents who choose not to vaccinate a student with a disability must still ensure that children of compulsory school age are educated and, thus, would need to provide homeschooling for those children. Where students with disabilities are provided homeschool instruction under [8 NYCRR §100.10](#), such students are eligible to receive special education services from their school district. Under Education Law §3602-c(2-c), these students are entitled to receive special education services in accordance with an individualized education services program (IESP) from the public school district in which the home school is located. Where the student is educated at home, the school district of location is the same as the student

**B. Is it considered a change in placement when a student with a disability, who previously attended public school under a non-medical exemption from vaccination requirements, is now being homeschooled because the student does not meet vaccination requirements under State law?**

No. It is not considered a change in placement when a student with a disability who previously attended public school under a non-medical exemption from vaccination requirements is now being homeschooled solely because the student does not meet the vaccination requirements under Public Health Law §2164.

**C. What are the requirements for a homeschooled child to receive special education services?**

To be eligible to receive special education services, a homeschooled student must:

- be entitled to attend the public schools without payment of tuition pursuant to Education Law §3202(1); and
- have an individualized home instruction plan that the superintendent of schools of the school district in which the homeschool is located has determined to be in compliance with §100.10 of the Regulations of the Commissioner of Education.

**D. What is the difference between an IESP and an individualized education program (IEP)?**

For homeschooled students who are students with disabilities, the committee on special education (CSE) would develop an individualized education services program (IESP) for the student. An IESP is developed in the same manner as an IEP, but an IESP is developed

**E. Where are special education services provided to homeschooled students with an IESP?**

A board of education determines the location where special education services will be made available to homeschooled students, which could include delivery of services by school  
ation. However,

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Parents of homeschooled students with disabilities who disagree with the IESP recommendation of the CSE would be entitled to the due process procedures set forth in Education Law §4404.

**I. Can parents of homeschooled children choose which services they want their child to receive or must parents accept all or none of the services recommended on an IESP?**

Parents must submit a request in writing if they want special education services provided to their child.

the IESP. However, a parent could request that only specific services be provided (e.g., speech therapy). The

**III. PRESCHOOL STUDENTS WITH DISABILITIES**

**A. Does Chapter 35 of the Laws of 2019 apply to students attending preschool special education programs approved pursuant to §4410 of NYS Education Law?**

Yes.

**B. If a parent chooses not to immunize a preschool child, does this impact the preschool special education services that the child may receive?**

Preschool students with disabilities continue to be entitled to special education programs and services through an IEP developed by the committee on preschool special education (CPSE). The IEP will identify the location where special education services will be provided to preschool students with disabilities.

If the CPSE recommends special education services that can only be delivered in an approved preschool special education program, the child must either be immunized consistent with Public Health Law §2164 or have a valid medical exemption in order to attend or be admitted to that program and receive those special education services.

**C. What options do parents have if they disagree with the recommendations on an IEP?**

Parents of preschool students with disabilities who disagree with the IEP recommendation of the CPSE would be entitled to the due process procedures set forth in Education Law §4404.