

September 24, 2025

The New York State Department of Health (DOH) and Education Department (SED) are aware of a letter addressed to New York State School Boards of Education and New York State Superintendents of Schools, authored by the Children's Health Defense, with a reference line that states, "**URGENT: Misleading Vaccine Exemption Guidance Puts Districts at Legal Risk.**" The letter indicates that there is "recent legal precedent clarifying that school districts lack authority to override determinations made by a New York State licensed physician regarding a child's need for a medical exemption from one or more vaccines under the New York State Public Health Law."

We are also aware of a Memorandum to Boards of Education, Superintendents, etc., from Ingerman Smith LLP regarding "*Immunization Requirements for Enrollment in Schools*," dated August 20, 2025. In such memo, the law firm opines that a recent ruling from the United States District Court for the Eastern District of New York, which granted interim relief to a singular student against a school district in a case not involving DOH or SED, does not modify a school district's obligations concerning immunizations.

To be clear, nothing has changed in how schools are expected to review and determine medical exemption requests.

There is no Court Order in place that limits or changes the existing school vaccine requirements in Public Health Law (PHL) Section 2164, nor the Department of Health's regulations as related to medical exemptions to immunization requirements for school attendance. Nor is there a Court Order compelling the Department of Health to change its guidance to schools as to the medical exemption review process.

Schools must continue to review medical exemption requests to determine if they satisfy PHL Section 2164 and 10 NYCRR subpart 66-1, and accept or deny medical exemption requests based on whether they meet the statutory or regulatory requirements. Schools are not required or expected to blindly accept every medical exemption request presented to them, even if signed by a New York-licensed physician and on the appropriate form.

Per 10 NYCRR Section 66-1.3(c), in making a determination on a medical exemption request, schools may "require additional information supporting the exemption" to confirm the nature of a claimed contraindication or precaution to a vaccination and/or whether the medical exemption request is consistent with Advisory Committee on Immunization Practices ("ACIP") guidance or other nationally recognized, evidence-based standards of care (e.g., medical records to clarify a diagnosis or to show that an adverse event occurred after vaccine administration and the circumstances of such event). Schools should also seek the appropriate medical consultation, if needed. This includes guidance from DOH's Division of Vaccine Excellence.

Any questions concerning vaccination requirements or procedures, including the procedures related to reviewing medical exemption requests, may be addressed to DOH's Division of Vaccine Excellence at OSAS@health.ny.gov. Additionally, DOH has developed a factual guide for schools regarding the review process for medical exemption requests, which may be accessed using the link below:

https://www.health.ny.gov/professionals/doctors/conduct/docs/medical_exemption_review_procedures_for_schools.pdf