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New York State  
EDUCATION DEPARTMENT

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Commissioner

December 2022

Dear School Administrator/Principal:

In July 2022, the New York State Health Department reported paralytic polio in a young adult who was unvaccinated. The United States is now the only country in our hemisphere to report a case of polio acquired here. This unfortunate event has refocused our attention on the importance of vaccination and the role of school vaccination requirements in ensuring individual and community protection. It is essential for the health and safety of students and staff, and the public at large, that all schools comply with [Public Health Law Section 2164](#) and associated regulations at [10 NYCRR Subpart 66-1](#) regarding school immunization and/or immunity coverage. This letter is intended to outline the responsibility of schools to ensure that each student has documentation of all required doses of vaccines on the [recommended schedule](#) or a valid medical exemption to immunization. It also outlines the penalties schools may face.

Compliance with school mandates for vaccination applies to all public, private, and religious schools. A medical exemption is allowed when a student has a medical condition that prevents them from receiving a vaccine. Such conditions are relatively few, and they are protected by the successful vaccination of others. Any student for whom the school does not receive documentation within 14 days of the first day of school or daycare must be excluded. This 14-day period may be extended to 30 days for a student arriving in New York from out of state. Put simply, the child is not allowed to attend until documents are provided.

It is the school's responsibility to ensure compliance with the mandated vaccination requirements. Additionally, the Health Department may conduct an audit to check on school compliance. Following an audit, the Department will make available to the school the list of children who have failed to provide proof of vaccination compliance. The school then must pursue documentation of vaccination or valid medical exemption and, failing adequate documentation, pursue exclusion. The county health official or State Health Commissioner may also order exclusion of a student if the school fails to act.

If a school does not meet its obligation to enforce vaccination mandates, it may be subject to fines. Please be advised that failure to comply with PHL § 2164 and 10 NYCRR Part 66-1 will subject a school to sanctions by the Commissioner of Health, including **finest of up to \$2,000 per violation**. Each day that a student who has not provided proof of immunity or a valid medical exemption is permitted to attend school constitutes a separate violation for which a fine can be assessed. Fines will also be assessed for failure to submit a mandatory annual School Immunization Survey.

**Further, in addition to being subject to fines by the Health Commissioner, a school may also be referred to the New York State Education Department to determine whether sanctions should be imposed pursuant to [Education Law Section 911](#).**

The 2022-2023 school immunization requirements and other immunization resources are available at:  
<https://www.health.ny.gov/prevention/immunization/schools/>

As partners in prevention, we all need to remain vigilant to protect our children in this State against all vaccine preventable diseases. Thank you in advance for your cooperation.

cc: School Nurses

Medical Directors

Sincerely,



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Mary T. Bassett, M.D., M.P.H  
Commissioner of Health



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Betty A. Rosa, Ed.D.  
Commissioner of Education