

Procedures for Excluding Unvaccinated Students

By: James Orlando, Chief Attorney
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Issue

In states that eliminated the religious exemption from school immunization requirements, what is the process of excluding unvaccinated students from school? Are there disciplinary actions for students or penalties for parents when these students attempt to attend school?

Summary

Four states currently do not allow religious exemptions from school immunization requirements: California, Mississippi, New York, and West Virginia. (Maine is set to become the fifth such state when its law eliminating the exemption takes effect in September 2021, pending a voter referendum in March 2020 to reconsider the law.)

In these states, with limited exceptions, schools must exclude students who have not met immunization requirements by specified deadlines and do not have a medical exemption.

These states' laws generally do not specify particular steps schools must take when excluding students for being unvaccinated. None of these states' laws establish a penalty for parents for attempting to send unvaccinated children to school, other than exclusion of the child from school. A few of these states refer to the child being "suspended" from school until vaccinated:

Laws Repealing Religious Exemptions

For more information on the laws repealing the religious exemption in these states and any exceptions, see OLR Report [2019-R-0241](#).

- Mississippi law provides that any child not in compliance with immunization requirements at the end of 90 days from the opening of the fall term “must be suspended until in compliance, unless the health officer shall attribute the delay to lack of supply of vaccine or some other such factor clearly making compliance impossible” ([Miss. Code Ann. § 41-23-37](#)).
- West Virginia regulations provide that a child who is delinquent for any required vaccination, or who has exceeded the allowable provisional enrollment period, “will be suspended from attending school until the appropriate vaccine(s) or laboratory evidence is received and the records are amended” ([W. Va. Code St. R. § 64-95-14](#)).

The states’ deadlines and procedures vary in terms of provisionally admitting students who are in the process of meeting vaccination requirements. For example, in Mississippi, the local health officer may grant a 90-day period for an unvaccinated child to complete the requirements when the health officer determines that the delay will not cause undue risk to the child, school, or community. No child without a medical exemption may be enrolled without having had at least one dose of each specified vaccine ([Miss. Code Ann. § 41-23-37](#)).

As another example, in New York, schools may allow a child to attend school if the child is “in process” of meeting immunization requirements (e.g., if the child has received at least the first dose in each required immunization series and has age-appropriate appointments to complete the remainder). If a student does not meet the vaccination requirements, is not “in process,” and does not have a medical exemption, the school generally can allow the student to attend for no more than 14 days. The school can extend this period to 30 days for children moving from out of the state or country ([N.Y. Public Health Law § 2164](#) and [10 NYCRR 66-1.4](#)). For more information on how New York handles students who are in process of meeting vaccination requirements, see this [Frequently Asked Questions](#) document on the state Department of Health website (dated October 4, 2019).

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