Issue Brief: Potential Impact of Ending Religious Exemptions from School Vaccination Requirements in New York State

July 2019

Overview

POTENTIAL IMPACT OF ENDING RELIGIOUS EXEMPTIONS FROM SCHOOL VACCINATION REQUIREMENTS IN NEW YORK STATE

Measles—a disease the Centers for Disease Control and Prevention declared eliminated in the year 2000—recently reached its highest levels in 27 years in the United States.[1] At one point, more than two-thirds of these cases were in New York State and New York City.[2] Since September 2018, there have been 623 confirmed measles cases in New York City[3] and 369 additional confirmed cases elsewhere in New York State.[4] Measles is preventable with a series of vaccinations in childhood, but most affected communities in New York have relatively large populations of children who have not been vaccinated because of the personal beliefs of their families.

Children are required to show proof of vaccination for all required immunizations, including measles, mumps, and rubella,[5] to attend public or private school in New York State. However, a small percentage of children are granted exemptions each year and permitted to attend school unvaccinated. Exemptions from vaccinations because of a conflict with personal or religious beliefs held by the child's family are categorized as "religious exemptions." Children can also be exempt from school vaccine requirements if receiving the vaccine could endanger their health ("medical exemptions"). During the 2017–18 school year, 26,217 students in public and private school and preschool programs statewide had documented religious exemptions from required vaccines.[6] To lower the number of disease-susceptible children in the State, New York State passed legislation ending the religious exemption from immunizations for school-age children on June 13, 2019,[7] joining five other states that do not

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1   Centers for Disease Control and Prevention, "Measles Cases and Outbreaks," https://www.cdc.gov/measles/cases-outbreaks.html, accessed June 2019.

2   Patel M, Lee AD, Redd SB, et al. Increase in Measles Cases — United States, January 1–April 26, 2019. MMWR Morb Mortal Wkly Rep 2019;68:402–404. DOI: http://dx.doi.org/10.15585/mmwr.mm6817e1

3   NYC Department of Health and Mental Hygiene, "Measles," https://www1.nyc.gov/site/doh/health/health-topics/measles.page, accessed July 2019.

4   New York State Department of Health, "Get the Facts About Measles," https://www.health.ny.gov/publications/2170/, accessed July 2019.

5   A full list of required vaccinations to attend any public or private school in New York State for the 2019-2020 school year can be found here: https://www.health.ny.gov/publications/2370.pdf

6   The New York Times, "Measles Outbreak: N.Y. Eliminates Religious Exemptions for Vaccinations," https://www.nytimes.com/2019/06/13/nyregion/measles-vaccinations-new-york.html, accessed June 2019.

7   New York State Assembly, S.B. 2994A, 2019 Legislative Session. https://www.nysenate.gov/legislation/bills/2019/s2994

Overview (continued)

allow religious exemption for vaccinations.[8] Following its enactment, a suit was filed on July 10, 2019 challenging the new law; additional legal challenges are expected.[9]

According to the law, to enroll or remain enrolled in school, children who previously had a religious exemption must now have received the first dose in each age-appropriate immunization series as soon as June 28, 2019.[10] By July 14, 2019, parents and guardians must have presented evidence to the principal, teacher, owner, or person in charge of the school that they have scheduled appointments for the required subsequent doses. Children who are not vaccinated and do not have a valid medical exemption will no longer be legally allowed to attend school in New York State. Schools that continue to permit unvaccinated students to attend without a medical exemption may face civil penalties. This legislation applies to all K–12 public, private, and parochial schools, as well as public and private preschool and daycare centers. It also applies to students enrolled in special education services and students who are educated off school grounds, if they are formally enrolled or associated with a school in New York State. Colleges and universities within the State are still permitted to allow religious exemptions.

Exhibit 1 (below, or online here for an interactive version) presents maps showing the number of children in each county in New York State who had religious exemptions in the 2017–18 school year (with the exception of New York City public schools, for which data were not available). If still enrolled, these children would now be mandated to receive all required vaccines.

Table 1 (online only) lists the religious exemption rate for every public or non-public school in the State with available data. Non-public schools generally have higher religious exemption rates than public schools. Several smaller non-public schools within the State have 100% religious exemption rates. These schools will be required to show that their student bodies are fully vaccinated before the State's deadline, or face penalties up to and including forced closure.

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8   The Wall Street Journal, "Parents Sue Over Ban on Religious Exemptions for Vaccinations," https://www.wsj.com/articles/parents-sue-over-ban-on-religious-exemptions-for-vaccinations-11562798299, accessed July 2019.

9   The Wall Street Journal, "Parents Sue Over Ban on Religious Exemptions for Vaccinations," https://www.wsj.com/articles/parents-sue-over-ban-on-religious-exemptions-for-vaccinations-11562798299, accessed July 2019.
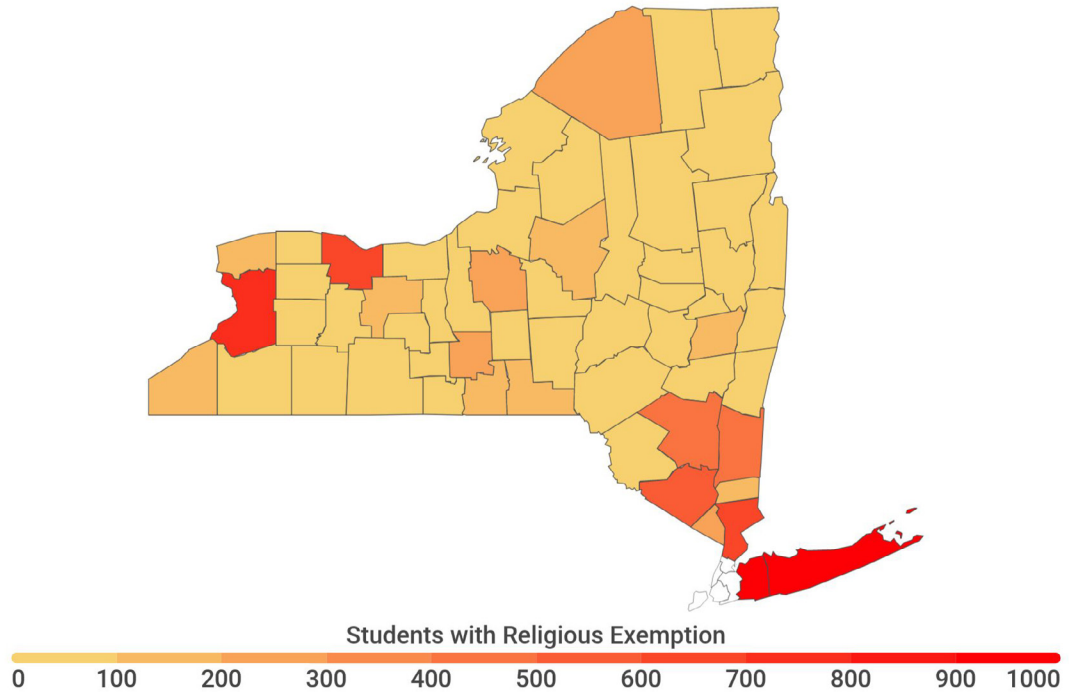
10 New York State Department of Health, "Frequently Asked Questions About Legislation Removing Non-Medical Exemptions from School Vaccination Requirements," https://www.health.ny.gov/publications/2170/docs/vaccine_requirements_faq.pdf, accessed July 2019.
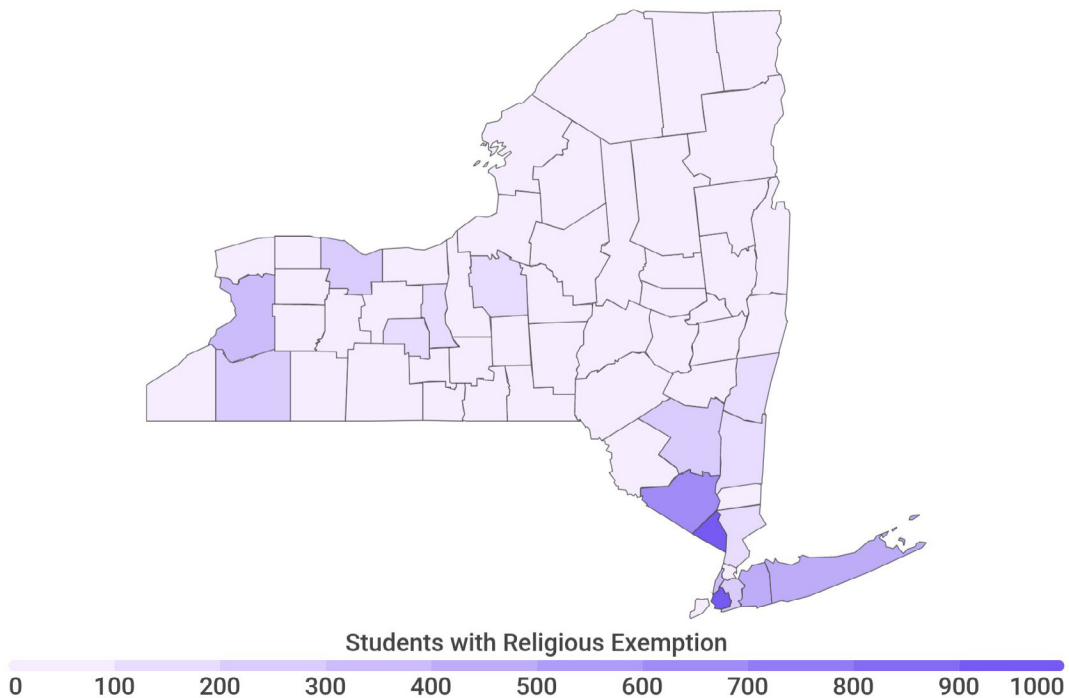
Overview (continued)

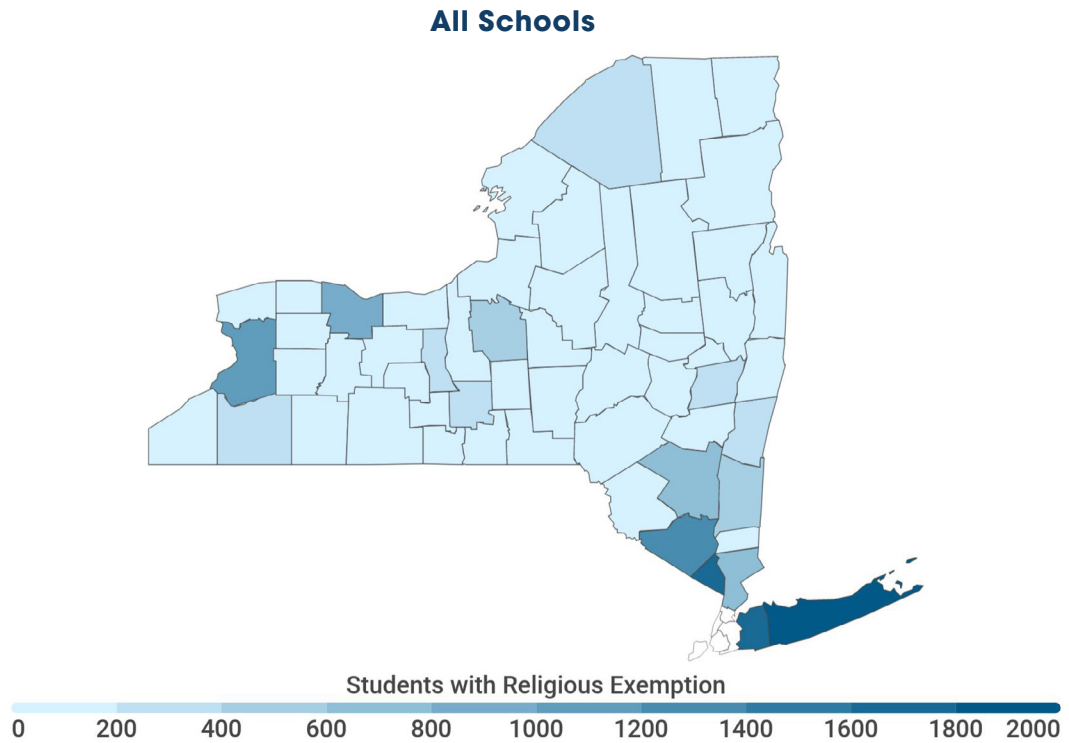**EXHIBIT 1.** NUMBER OF RELIGIOUS EXEMPTIONS FOR VACCINES BY COUNTY

Public School Data

Students with Religious Exemption

0   100   200   300   400   500   600   700   800   900   1000

Non-Public School Data

Students with Religious Exemption

0   100   200   300   400   500   600   700   800   900   1000

Overview (continued)

EXHIBIT 1. NUMBER OF RELIGIOUS EXEMPTIONS FOR VACCINES BY COUNTY (CONTINUED)

All Schools

Students with Religious Exemption

| 0 | 200 | 400 | 600 | 800 | 1000 | 1200 | 1400 | 1600 | 1800 | 2000 |

Note: Because of data limitations for New York City public schools, county level information is not reported for the five counties in New York City for "Public Schools" and "All Schools." These counties are represented in white on those maps. See the Methodology description for more details on data limitations and data sources.

Methodology

All data are from the 2017–2018 school year. Data on school enrollment are from the New York State Department of Education. Data on religious exemption rates by school are from the New York State Department of Health. Schools were matched by ID number. Schools that did not match by ID were subsequently matched by school name within counties. Schools that were unmatched or not present in both datasets were left out of the analysis.

An individual school's religious exemption rate was multiplied by its total enrollment to create a number representing the number of students in each school who had a religious exemption from the vaccination requirement. These school-level counts were summed at the county level to determine the number of unvaccinated students in each county and rounded to the nearest whole number.

In some cases, enrollment data were reported at the district level (e.g., a district's elementary school, middle school, and high school were shown as one district rather than as three schools). In contrast, the religious exemption rates were available at the school level. In these cases, enrollment for each school was calculated using grade-level enrollment information also available from the New York State Department of Education (i.e., enrollment in grades K–5 was designated to the district's elementary school, enrollment in grades 6–8 to the middle school, and enrollment in grades 9–12 to the high school).

There are several limitations to the data reported in our exhibits and tables. Foremost, data on religious exemption rates for individual public schools in New York City are not available through the New York State Department of Health. Hence, religious exemption and enrollment information are not reported for the five counties in New York City on the "Public School" and "All Schools" county maps. New York City public schools are also not included in Table 1. Also, as noted above, schools without clear representation in both datasets were excluded from the county-level analysis. It should also be noted that information on independent pre-K facilities, day care centers, nursery schools, and other child care facilities are not included in our data.

DATA SOURCES:

- Public School Enrollment: http://www.p12.nysed.gov/irs/statistics/enroll-n-staff/home.html
- Non-Public School Enrollment: http://www.p12.nysed.gov/irs/statistics/nonpublic/home.html
- Vaccination Rate Information: https://health.data.ny.gov/api/views/djgb-y2uf/rows.csv?accessType=DOWNLOAD&bom=true&format=true