



Vaccination Requirements for Nonpublic Schools

The Commissioner of the New York City Department of Health and Mental Hygiene (NYC Health Department) has issued a Commissioner's Order requiring staff working in nonpublic schools to be vaccinated against COVID-19.¹ Review this document to learn about the new requirements and how to comply.

What nonpublic schools are covered by the mandate?

The order applies to nonpublic schools that provide instruction and related services to students from preschool through grade 12 or any portion of that educational range (such as an elementary or secondary school), or provide instruction in a student's residence for children who receive in-person instruction at home.

The requirement applies to schools that serve students between the ages typically served from preschool through grade 12, even if the schools do not separate students into grades or similar groupings.

Who is required to be vaccinated?

Nonpublic school staff (collectively, "staff"), including full- and part-time employees and unpaid adult staff (such as student teachers and volunteers), must be vaccinated. Staff granted exemptions from the vaccination requirement through a reasonable accommodation process are not required to be vaccinated.

When must staff be vaccinated?

By **Monday, December 20, 2021**, all staff working in a nonpublic school must submit proof that they have received at least one dose of a COVID-19 vaccine. Staff who have received only the first dose of a two-dose vaccine by December 20, 2021 must receive and provide proof of a second dose within 45 days of submitting proof of their first dose.

Staff hired on or after December 20, 2021 must provide proof that they have received at least one dose of a COVID-19 vaccine before their start date. Staff who have received only the first dose of a two-dose series by their start date must receive and provide proof of a second dose within 45 days of submitting proof of their first dose.

Which COVID-19 vaccines may staff receive to meet the vaccination requirement?

Acceptable vaccines are those authorized or approved by the U.S. Food and Drug Administration (FDA), such as the Pfizer, Moderna and Johnson & Johnson vaccines, or authorized for emergency use by the World Health Organization (WHO). A list of WHO-authorized vaccines is available at covid19.trackvaccines.org/agency/who.

¹ Visit nyc.gov/health and search for **Order Requiring COVID-19 Vaccination for Nonpublic School Staff**.

Vaccines that are part of a U.S.-based clinical trial (currently, Novavax) are only acceptable for staff participating in the clinical trial, who must confirm receipt of an active vaccine, not a placebo.

What does it mean to be fully vaccinated?

To be fully vaccinated, at least two weeks must have passed since the staff member received the second dose in a two-dose vaccine, or a single dose of the Johnson & Johnson vaccine. People who received two different vaccines are considered fully vaccinated if both vaccines are authorized or approved by the FDA or WHO.

What documentation does my school need to maintain?

Each school must securely maintain electronic or paper records of staff members’ proof of vaccination. These records must be kept current and, as allowed by law, made available to the NYC Health Department or its designee upon request. Schools must maintain a report that tracks the following information:

- 1. Name of staff member and their employment start date**
- 2. Type of proof of vaccination submitted**, which may include:
 - Centers for Disease Control and Prevention (CDC) Vaccination Card. A digital photo or photocopy of this card is also acceptable.
 - NYC Vaccination Record or other official immunization record, including from a health care provider. A digital photo or photocopy of this record is also acceptable.
 - NYC COVID Safe App printout or screenshots
 - CLEAR Health Pass printout or screenshots
 - NYS Excelsior Pass/Excelsior Pass Plus
 - Date that proof of vaccination was received
- 3. Vaccine received and the dates when vaccine doses were received**
 - Third doses and booster doses do not need to be indicated.
- 4. Whether the staff member is currently fully vaccinated**
 - For staff members who have received the first dose of a vaccine that requires two doses, they must receive and provide proof of a second dose within 45 days after submitting proof of having received the first dose. The school must later receive proof of and **record the date that the second dose was received.**
- 5. For any staff who did not submit proof of COVID-19 vaccination because they were granted a reasonable accommodation, the record must indicate that such accommodation was provided.**
 - The school must separately maintain records stating the basis for a reasonable accommodation determination and the supporting documentation provided by the staff in accordance with applicable laws, including the Americans with Disabilities Act.

Here is an example of the vaccine information to collect for your staff:

Staff Name	Employment Start Date	Type of Vaccination Proof	Vaccination	Date of Vaccine Dose 1	Date of Vaccine Dose 2	Date Proof of Vaccine Provided	Fully Vaccinated as of Submission Date
John Doe	1/10/2020	NYS Excelsior	Pfizer	3/3/2021	4/5/2021	4/15/2021	Yes

Jane Doe	2/27/2018	NYC COVID Safe app	Moderna	10/26/2021	Required by 12/6/2021	11/1/2021 (Dose 1)	No
Tim Smith	4/5/2019	CDC Vaccination Card	Johnson & Johnson	11/10/2021	N/A	11/12/2021	Yes

How do I determine reasonable accommodations?

Staff may ask to be exempt from the vaccine requirement due to a medical condition or religious belief. There are very few medical conditions that may preclude a person from being vaccinated against COVID-19. Medical exemption requests must be written and signed by a licensed physician, clearly state the reason for the requested exemption (which must be in accordance with CDC guidance), and certify that an immunization may be detrimental to the staff member’s health. The documentation should contain sufficient information to determine if a medical contraindication to immunization exists and specify the length of time immunization is medically contraindicated.

For more information about contraindications to vaccination, visit [cdc.gov](https://www.cdc.gov) and search for **Interim Clinical Considerations for Use of COVID-19 Vaccines Currently Approved or Authorized in the United States**. For information on reasonable accommodations, visit the CDC’s Workplace Vaccination Program webpage (visit [cdc.gov/coronavirus/2019-ncov/community](https://www.cdc.gov/coronavirus/2019-ncov/community), expand the “Workplaces & Businesses” drop-down on the left side of the page and select **Workplace Vaccination Program**) and Equal Employment Opportunity Commission’s COVID-19 website (visit [eeoc.gov](https://www.eeoc.gov) and search for **What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws**).

If a school determines that it will provide a staff member with a reasonable accommodation, the school must also determine the form of the accommodation based on the individual circumstances and how the school provides other accommodations. Examples of accommodations include assigning the staff member to work in areas where children are not present; requiring the staff member to undergo more frequent testing, including regular at-home testing; and requiring the staff member to wear two face coverings or a higher-grade face covering and maintain at least 6 feet of distance from others in the school.

Unvaccinated staff will continue to pose an increased risk of transmission to children and adults in schools, and school administrators will need to balance the interests of the staff member who is not vaccinated and interest in protecting their school community from COVID-19 transmission.

What proof of compliance with the vaccination mandate must nonpublic schools submit?

Schools must submit an affirmation that they are in compliance with the vaccination mandate.

- The initial affirmation (available at nycdohmh.surveymonkey.com/r/9G3CBMB) must be submitted by **Tuesday, December 28, 2021**.
- A final affirmation (available at nycdohmh.surveymonkey.com/r/CZ6RNNZ) must be submitted by **Thursday, February 17, 2022**.

How will the vaccination requirements be enforced?

Upon inspection, schools must demonstrate that they have collected and maintained, as required, records of staff vaccination or any reasonable accommodation. The NYC Health Department will provide education regarding any failure to comply with record-keeping, staff exclusion or affirmation requirements. Any ongoing noncompliance may result in a summons subject to a \$1,000 fine or other enforcement actions.

Where can I find information about the COVID-19 vaccines?

For more information about the COVID-19 vaccines, visit nyc.gov/covidvaccine. The COVID-19 vaccines are safe, effective and free. Staff can find a vaccination site at nyc.gov/vaccinefinder or by calling 877-VAX-4-NYC (877-829-4692). Staff can also request in-home vaccination by visiting nyc.gov/homevaccine or calling 877-829-4692.

Questions?

If you have questions, call **311** and ask for “nonpublic school vaccinate mandate.”

The NYC Health Department may change recommendations as the situation evolves.

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