



## Home School Legal Defense Association

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August 15, 2024

**SENT VIA CERTIFIED MAIL AND ELECTRONIC MAIL (csnyder@susquenita.org)**

Susquenita School District  
1725 Schoolhouse Road  
Duncannon, PA 17020

***Re: Home Education Families, Immunizations, and Religious Exemptions***

Dear Official:

By way of introduction, the Home School Legal Defense Association (“HSLDA”) was founded in 1983 to defend, advance, and promote homeschooling. As a public interest advocacy organization, HSLDA works to encourage local agencies and school districts to align their activities with the requirements of state homeschool laws, as well as federal anti-discrimination statutes, for the general benefit of homeschool families nationwide. We currently have almost 100,000 families who are members of our association across the nation. These families have chosen to stand with us in this work as we seek to advocate for homeschool freedom and related Constitutional rights. When necessary, we engage local counsel to provide legal representation for individual member families. Our associated local counsel in Pennsylvania is Mr. James N. Clymer of Lancaster. This letter does not constitute legal advice to you, your agency, or any person. We encourage you to direct any questions you may have to an attorney who represents you or your school district.

We understand that you recently sent a letter to home education families in your district, regarding “Proof of Immunization/Immunization Exemption.” This letter stated in pertinent part “Susquenita school district requires a ... religious exemption each year.” (emphasis added) I believe this request goes beyond what Pennsylvania law requires.

First, Pennsylvania law governing religious exemptions for immunizations, 24 P.S. § 13-1303a(d), provides a simple and easy way for parents or guardians to exercise their Constitutionally protected rights under the First Amendment to the U.S. Constitution, and Article I, Section 3 of the Pennsylvania Constitution. The law merely states “[t]he provisions of this section shall not apply in the case of any child whose parent or guardian objects in writing to such immunization on religious grounds.” Notably, there is no requirement in the law that this be an annual objection.



Second, the Pennsylvania regulation governing exemption from immunization, 28 Pa. Code § 23.84(b), also does not require that parents or guardians provide a school district with an annual religious exemption in order to exercise their Constitutionally protected rights. The regulation merely states “[c]hildren need not be immunized if the parent ... objects in writing to the immunization on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief.” The Pennsylvania Department of Education and the Pennsylvania Department of Health also read the statute and regulation this way, in their “School Immunization Frequently Asked Questions”:

**Do statements of religious or strong moral or ethical conviction opposing immunizations, which are submitted in writing and signed by the parent, guardian or emancipated student, need to be renewed yearly?**

No. A space on the certificate of immunization (green and white card) is provided for this purpose as a one-time statement. Additionally, a signed letter by the parent can be acceptable and must be retained in their file.<sup>1</sup>

Third, we express doubt that a Pennsylvania school district’s attempt to force a parent or guardian to submit an annual exemption in order to claim a religious exemption from immunization laws originally drafted to protect children in a traditional school setting would pass the heightened scrutiny demanded by the Free Exercise Clause of the First Amendment, the Pennsylvania Constitution, and Pennsylvania’s Religious Freedom Protection Act (71 P.S. §§ 2401, *et seq.*). *See, e.g., Fulton v. City of Philadelphia, Pennsylvania*, 141 S. Ct. 1868 (2021); *Our Lady of Guadalupe School v. Morrissey-Berru*, 140 S. Ct. 2049 (2020); *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 137 S. Ct. 2012 (2017); *Hosanna-Tabor Evangelical Lutheran Church and School v. E.E.O.C.*, 132 S. Ct. 694 (2012).

Finally, in keeping with the founding of Pennsylvania by William Penn – a man who was persecuted by the English Government because of his religious beliefs – the drafters of the Pennsylvania Constitution had this to say about religious freedom in Article I, Section 3 of the Pennsylvania Constitution:

All men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences; no man can of right be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent; no human authority can, in any case whatever, control or interfere with the rights of conscience, and no preference shall ever be given by law to any religious establishments or modes of worship.

We trust that this information is helpful to your office, and that you will withdraw any requests of homeschool families in your district that they provide your office with an annual religious exemption in order to exercise their right to claim an exemption to immunizations.

If you wish to discuss anything in this letter, I would be happy to talk with you. I can be reached via phone at (540) 338-5600, or via email at [will.estrada@hslida.org](mailto:will.estrada@hslida.org).

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<sup>1</sup> <https://www.health.pa.gov/topics/programs/immunizations/Pages/School-FAQ.aspx> (last accessed August 13, 2024).

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Wid", written in a cursive style.

William A. Estrada  
Senior Counsel

cc: James N. Clymer, Esq., HSLDA Associated Local Counsel for Pennsylvania  
HSLDA Member Families in Susquenita School District  
Pennsylvania Department of Education