

June 23, 2023

The Honorable Muriel Bowser
Mayor of the District of Columbia
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Washington, DC 20004
[com@dc.gov](mailto:mcom@dc.gov)

Mr. Keith Fletcher
Interim Director of District of
Columbia Department of Health
899 N. Capitol St., NE
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Dr. Christina Grant
State Superintendent of Education for the
Office of the State Superintendent of Education
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Dr. Lewis Ferebee
Chancellor of District of Columbia
Public Schools
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RE: **DC Process for Religious Exemptions to Vaccines**

Dear Mayor Bowser, Dr. Grant, Mr. Fletcher and Dr. Ferebee,

I am writing on behalf of Children's Health Defense (CHD), a non-profit organization devoted to children's health. First, we would like to take the opportunity to commend Councilmember Henderson and Chairman Mendelson for introducing Bill 25-278—School Student Vaccination Amendment Act of 2023—on April 27, which seeks to remove the requirement that eligible students in the District of Columbia be vaccinated against COVID-19.¹

Second, it has come to our attention that the “District of Columbia Department of Health (DC Health) Annual Religious Immunization Exemption” form has been updated to include the COVID-19 vaccine. This newly revised form is **intentionally misleading** parents and guardians as to the legal requirements to obtain a religious exemption for mandated vaccines on behalf of their minor children.² The “2023 Religious Exemption Request Process for Families” on the DC Health website states the following language:

In consideration of the COVID-19 vaccine mandate for eligible students, and the need to ensure

¹ <https://lms.dccouncil.gov/Legislation/B25-0278>

² [2023-Religious-Exemption-Request-Process-for-Families.pdf \(dc.gov\)](#)

all students in the District remain up to date with all necessary or required vaccinations to attend school, DC Health has revised the religious exemption form to include a section to document a strongly held religious belief opposing vaccination.

Parents and guardians are instructed to **request** the “Annual Religious Immunization Exemption” form and return it directly to DC Health/Immunization Division after carefully reading and completing it in its entirety, warning that *“incomplete or non-compliant forms will be returned before being sent for review.”*

The updated “DC Health Annual Religious Immunization Exemption” form contains at least two (2) subsections that are unlawful as written and applied. In the first part of Section 2, parents and guardians are required to initial to acknowledge that by not vaccinating their child for one or more of the listed vaccinations, they are placing their child at “increased risk,” thus implying that they are unfit parents or guardians.

There is no legal basis or requirement for a parent or guardian to use this form or make this written statement.³

The second part of Section 2 requires each parent or guardian to:

*Please provide a personal written statement on **a)** why you do not get vaccinations based on your sincerely held religious beliefs, **b)** the religious principles that guide your decision to not get vaccinated, and **c)** whether you are opposed to all vaccinations, and if not, **d)** the religious beliefs you follow that will not allow you to get the COVID-19 vaccination.*⁴

There is no legal basis or requirement for a parent or guardian to use this form or explain their religious beliefs.⁵

The aforementioned language used on the DC Health website **intentionally misleads** those parents or guardians seeking religious exemptions into believing they must comply with these instructions or their request will be denied. Nothing could be further from the truth.

According to the law, Code of the District of Columbia §38-506, entitled “Exemption from Certification,” states:

No certification of immunization shall be required for the admission to a school of a student:

*(1) For whom the responsible person objects in good faith and in writing, to the chief official of the school, that immunization would violate his or her religious beliefs.*⁶

In other words, parents and guardians are **NOT** required to complete the updated “DC Health Annual Religious Immunization Exemption” form listed on its website but instead may simply write a letter to the chief official of the child’s school certifying that in accordance with the Code of the District of

³ <https://code.dccouncil.gov/us/dc/council/code/sections/38-506.html>

⁴ [2023-Religious-Exemption-Request-Process-for-Families.pdf \(dc.gov\)](https://code.dccouncil.gov/us/dc/council/code/sections/38-506.html)

⁵ <https://code.dccouncil.gov/us/dc/council/code/sections/38-506.html>

⁶ [§ 38–506. Exemption from certification. | D.C. Law Library \(dccouncil.gov\)](https://code.dccouncil.gov/us/dc/council/code/sections/38-506.html)

Columbia §38-506, that parent or guardian of said child, objects in good faith that immunization(s) violate his or her sincerely held religious beliefs.⁷

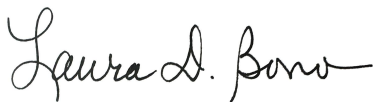
Furthermore, if DC Health wanted to create a new process in which parents and guardians must comply to receive a religious exemption, then the agency is required by law to promulgate the new rule by complying with the administration process⁸ and allowing the public the opportunity to respond,⁹ neither of which were done.

As a result, nothing in the law requires the parents or guardians seeking religious exemptions to comply with the “DC Health Annual Religious Immunization Exemption” form.

Children’s Health Defense recently represented a group of parents challenging a law, the District of Columbia Minor Consent for Vaccination Act, in *Booth v. Bowser* 597 F.Supp.3d 1 (2022). Linked are the [order](#)¹⁰ and [opinion](#)¹¹ for your review. In that case, CHD sought, and a Federal District Court issued a preliminary injunction prohibiting enforcement of the law and the District of Columbia was forced to repeal it. As stated by U.S. District Court Judge Trevor N. McFadden, in the conclusion of his opinion in *Booth v. Bowser*, “States and the District are free to encourage individuals- including children to get vaccines. But they cannot transgress on the Program Congress created. And they cannot trample the Constitution.”

In closing, CHD respectfully requests that DC Health stop intimidating and misleading parents and guardians seeking religious exemptions for their minor children and immediately take down the “Annual Religious Immunization Exemption” form currently on its website. Thank you for your time and consideration. If you have any questions, please feel free to contact us.

Sincerely,



Laura Bono
Acting President
Children’s Health Defense



Rolf G. S. Hazlehurst
Senior Staff Attorney
Children’s Health Defense

⁷ <https://code.dccouncil.gov/us/dc/council/code/sections/38-506.html>

⁸ <https://code.dccouncil.gov/us/dc/council/code/titles/2/chapters/5/subchapters/1>

⁹ <https://code.dccouncil.gov/us/dc/council/code/sections/2-505>

¹⁰ <https://childrenshealthdefense.org/wp-content/uploads/Booth-Preliminary-Injunction-Order.pdf>

¹¹ <https://childrenshealthdefense.org/wp-content/uploads/PI-memo-opinion-DC-minor-case.pdf>