

SUBJECT: Administrators are NOT medical professionals

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Dear NJ Department of Health,

I am submitting this public comment on the **August 18, 2025 proposed amendment to N.J.A.C. 8:57-4.2**. The amendment would formally designate school and child care administrators as responsible for requiring and enforcing immunization or immunity evidence as a condition for continued enrollment.

While I support evidence-based public health practices and safe learning environments, I am deeply concerned about the legal, ethical, and practical effects of this amendment in its current Form.

Key Concerns

1. Non-Medical Staff Making Medical Decisions

The proposed rule places non-medical administrators in the role of evaluating and enforcing medical documentation such as exemptions, titer results, or contraindications. Without medical training or licensure, administrators are not qualified to interpret such information or to weigh public health risk, increasing the likelihood of errors and inconsistent enforcement.

2. Risk of Improper Exclusion Without Due Process

Conditioning continued enrollment on administrator-led enforcement - without clear notice, grace periods, or appeal rights - creates a high risk of improper exclusion for reasons unrelated to public health, including paperwork delays, administrative errors, or misunderstanding of exemption rights.

3. Equity Concerns

Students from low-income, immigrant, and marginalized communities are more likely to face documentation challenges and language barriers. Without equity safeguards, the rule may disproportionately harm these students, leading to unjust exclusion from school.

4. Privacy and Data Security Risks

School staff are not bound by the same confidentiality requirements as licensed medical professionals. Requiring them to collect and store sensitive health records raises serious HIPAA and data-security concerns.

5. Lack of Oversight and Appeals

The amendment does not establish a clear review or appeal process for exclusion decisions, nor does it require consultation with public health officials before students are excluded.

Recommendations

To achieve the goals of public health while protecting student rights and equity. I respectfully

request that NJDOH revise the proposed amendment to:

- **Limit administrators' role** to record collection and referral, not medical judgment or enforcement.
- **Include explicit due process protections**, including written notice, reasonable grace periods, and a formal appeal or review mechanism.
- **Require consultation with qualified public health officials** before any exclusion decision based on medical or religious exemptions.
- **Implement privacy and equity safeguards** to ensure sensitive data is securely handled and vulnerable populations are not penalized.
- **Provide clear training and support** to administrators tasked with enforcing immunization rules.

I appreciate NJDOH's commitment to protecting public health and thank you for the opportunity to provide public comment. I urge the Department to revise the proposed amendment to ensure it is legally sound, ethically responsible, and aligned with the values of educational equity, due process, and medical privacy