



Patrick Morrisey
Office of the Governor

May 9, 2025

Dear Parents, Students, and School Officials,

After the close of the 2025 Regular Legislative Session, my office has received a number of questions on the status of religious-based vaccine exemptions. I wanted to provide updated guidance on how parents can seek a religious or philosophical exemption for their child and how county public school officials can ensure that students are not denied access to public education because of their religious objections to compulsory vaccines.

For parents and guardians seeking an exemption: while a statutory change to West Virginia's compulsory vaccine statute did not pass in the 2025 Regular Legislative Session, my Executive Order 7-25 still stands, and I have no intention of rescinding it.

Parents and guardians of students may obtain an exemption by sending a signed letter to VaccineExemption@wv.gov, a dedicated email account the Bureau for Public Health established for receiving and processing these exemption requests. Your letter should include:

- Name and date of birth of student requesting religious exemption;
- Name of parent/guardian of student;
- Name of school parent/guardian intends to enroll student in; and
- Mailing address of parent/guardian of student.

The Bureau for Public Health will provide a letter to the parent or guardian notifying them whether the requested exemption is granted, and a copy of the exemption letter will be provided to the school the parent or guardian identified in their letter. Going forward, exemptions will be granted on a school year basis. Parents who have received an exemption during the 2024-2025 school year should renew their request for an exemption for the 2025-2026 school year so that the

Bureau for Public Health, State Board of Education, and county schools can maintain an accurate record of the exempt students for each school year.¹

The Bureau for Public Health will process exemption requests the same way regardless of whether the child intends to enroll in a state regulated childcare center, or public, private, or parochial school. While the government cannot compel private schools to accept exempt students without a statutory change, I urge all childcare centers, private schools, and parochial schools in this State to honor the religious beliefs of their students and not turn them away because of their strongly held objections to vaccines.

For public school officials: when a student receives a religious or philosophical exemption under Executive Order 7-25—either during the 2024-2025 school year or going forward for future school years—that exemption should be honored by the school the child enrolls in, and he or she should be allowed to attend virtual and in-person classes without receiving the compulsory vaccines from which the student is exempt.

While my Executive Order is directed specifically to the Bureau for Public Health, it is based on the free exercise of religion guarantees of the United States and West Virginia Constitutions and the Equal Protection for Religion Act of 2023 (“EPRA”). EPRA prohibits government action that substantially burdens a person’s exercise of religion unless it serves a “compelling governmental interest” and “is the least restrictive means of” achieving that interest. W. Va. Code § 35-1A-1(a)(1) (2023). EPRA applies equally to the state and “its political subdivisions,” W. Va. Code § 35-1A-1(b)(1), and it “leav[es] no doubt about its primacy” over other conflicting state statutes, *State ex rel. W. Va. DOT v. Burnside*, 237 W. Va. 655, 661, n.4, 790 S.E.2d 265, 271, n.4 (2016), because the Legislature directed that it apply “[n]otwithstanding any other provision of law.” W. Va. Code § 35-1A-1(a). That means state and county officials are similarly bound to respect students’ exercise of religion when enforcing the state’s vaccine requirements.

Violation of EPRA can also be challenged through suits for declaratory and injunctive relief. And a student whose free exercise rights have been violated may be able to recover attorney’s fees and costs. W. Va. Code § 35-1A-1(b)(1).

What’s more, there is currently multiple lawsuits pending in the federal courts challenging West Virginia’s compulsory vaccine requirements on constitutional grounds. *See generally W. Va. Parents for Religious Freedom v. Christiansen*, 124 F.4th 304 (4th Cir. 2024) (vacating district court decision on abstention grounds and remanded for further proceedings on merits of plaintiffs’ constitutional challenge). And the United States District Court for the Northern District of West Virginia has already found it likely that the state’s compulsory vaccine law are “not sufficiently

¹ Additional information on the process and requirements for religious exemptions can be found on the Bureau for Public Health’s website, OFFICE OF EPIDEMIOLOGY & PREVENTION SERVICES, RELIGIOUS AND PHILOSOPHICAL EXEMPTIONS, <https://oepe.wv.gov/immunizations/Pages/religious-and-moral-exemptions.aspx>.

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narrowly tailored to satisfy Constitutional safeguards,” *Perry v. Marteney*, No. 2:24-cv-18, Doc. 52, at 62, 65 (N.D.W. Va. 2024), *appeal filed* No. 24-2132 (4th Cir. Jan. 29, 2025). And it entered a preliminary injunction barring a county school from enforcing the compulsory vaccine laws against a virtual student. *Id.* at 65. While that decision is not final and is currently being appealed to the Fourth Circuit, it highlights the constitutional problem with forcing students to receive vaccines in spite of their strongly held religious objections.

Therefore, I am calling on the State Superintendent of Schools and the county boards of education in this state to work with the Bureau for Public Health to ensure that religious rights of public-school students are protected and that those students are not denied access to public education because of their religious objections to compulsory vaccination.

Sincerely,

A handwritten signature in blue ink that reads "Patrick Morrisey". The signature is written in a cursive, slightly stylized font.

Patrick Morrisey
Governor