Immunization Requirements

Each student shall be fully immunized against diphtheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis. The Texas Department of State Health Services (TDSHS) may modify or delete any of these immunizations or may require immunizations against additional diseases as a requirement for admission to any elementary or secondary school. *Education Code 38.001(a), (b)*

Students in kindergarten through twelfth grade shall have the following additional vaccines, according to the immunization schedules set forth in TDSHS regulations: pertussis, hepatitis B, hepatitis A (as applicable to the grade levels specified in state rule), and varicella (chickenpox). TDSHS requires students enrolling in seventh through twelfth grades to have one dose of meningococcal vaccine on or after the student's 11th birthday. *25 TAC 97.63*

Note: Immunization requirements[1] and the recommended immunization schedule[2] are on the TDSHS website.

Under Health and Safety Code Chapter 81, Subchapter E, additional vaccinations may be required by TDSHS and/or the local health authority in specific situations under the mechanism of a control order containing control measures. *25 TAC 97.72*

Immunization Awareness Program

A district that maintains an Internet website shall post prominently on the website:

1. A list, in English and Spanish, of:
    a. The immunizations required by TDSHS for admission to public school;
    b. Any immunizations or vaccines recommended for public school students by TDSHS. The list must include the influenza vaccine, unless TDSHS requires the influenza vaccine for admission to public school; and
    c. Health clinics in the district that offer the influenza vaccine, to the extent those clinics are known to the district; and
2. A link to the TDSHS Internet website where a person may obtain information relating to the procedures for claiming an exemption from the immunization requirements. The link must be presented in the same manner as the information provided under paragraph 1.

Education Code 38.019

Applicability

The vaccine requirements apply to all students entering, attending, enrolling in, and/or transferring to a district. *25 TAC 97.61(a)*

Exceptions

Immunization is not required for admission to a district:

1. If the student submits to the admitting official:

   a. An affidavit or a certificate signed by a physician (M.D. or D.O.) who is duly registered and licensed to practice medicine in the United States and who has examined the student.

      The affidavit or certificate must state that, in the physician's opinion, the immunization required is medically contraindicated or poses a significant risk to the health and well-being of the student or any member of the student's household. Unless it is written in the statement that a lifelong condition exists, the exemption statement is valid for only one year from the date signed by the physician.

      or

   b. An affidavit signed by the student or, if a minor, the student's parent or guardian stating that the student declines immunization for reasons of conscience, including a religious belief. The affidavit will be valid for a two-year period.

      The affidavit must be on a form obtained from the TDSHS and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized.

      A student who has not received the required immunizations for reasons of conscience may be excluded from school in times of emergency or epidemic declared by the commissioner of state health services.

      or

2. If the student can prove that he or she is a member of the armed forces of the United States and is on active duty.

Education Code 38.001(c), (c-1), (f); Health and Safety Code 161.004(a), (d)(2), .0041; 25 TAC 97.62

Provisional Admission

A student may be provisionally admitted or enrolled if the student has begun the required immunizations. The student must have an immunization record that indicates the student has received at least one dose of each age-appropriate vaccine specified in the regulations.

Completion of Vaccinations	To remain enrolled, the student must continue to receive the necessary immunizations as rapidly as medically feasible. The student must complete the required subsequent doses in each vaccine series on schedule and as rapidly as is medically feasible and provide acceptable evidence of vaccination to a district.
Review of Status	A school nurse or school administrator shall review the immunization status of a provisionally enrolled student every 30 days to ensure continued compliance in completing the required doses of vaccination. If, at the end of the 30-day period, a student has not received a subsequent dose of vaccine, the student is not in compliance and a district shall exclude the student from school attendance until the required dose is administered. *Education Code 38.001(e); 25 TAC 97.66(a); Atty. Gen. Op. GA-178 (2004)*
Homeless Student	A student who is homeless, as defined in the McKinney-Vento Homeless Assistance Act, shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The school shall promptly refer the student to an appropriate health provider to obtain the required vaccinations. [See FD and FDC] *25 TAC 97.66(b); 42 U.S.C. 11302*
Child in Foster Care	A student who is a “child in foster care” as defined by 45 C.F.R. 1355.20(a) shall be admitted temporarily for 30 days if acceptable evidence of vaccination is not available. The school shall promptly refer the student to an appropriate health provider to obtain the required vaccinations. [See FD] *25 TAC 97.66(c)*
Transfer Students	A student can be enrolled provisionally for no more than 30 days if the student transfers from one Texas school to another, and is awaiting the transfer of the immunization record. *25 TAC 97.69(a)*
Military Dependents	A military dependent can be enrolled provisionally for no more than 30 days if the student transfers from one school to another and is awaiting the transfer of the immunization record. [See FDD] The collection and exchange of information pertaining to immunizations shall be subject to confidentiality provisions prescribed by federal law. *Education Code 162.002 art. IV, C; 25 TAC 97.69(b)*
Evidence of Immunization	A student shall show acceptable evidence of vaccination before entry, attendance, or transfer to a district. *25 TAC 97.63(2)* Vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered. The following documentation is acceptable:

1. Documentation of vaccines administered that includes the signature or stamp of the physician or his or her designee, or public health personnel; immunization records generated from electronic health record systems must include clinic contact information and the provider's signature/stamp;

2. An official immunization record generated from a state or local health authority; or

3. A record received from school officials including a record from another state.

25 TAC 97.68

Serologic confirmations of immunity to measles, rubella, mumps, hepatitis A, hepatitis B, or varicella are acceptable. Evidence of measles, rubella, mumps, hepatitis A, hepatitis B, or varicella illnesses must consist of a valid laboratory report that indicates either confirmation of immunity or infection.

A written statement from a parent, legal guardian, managing conservator, school nurse, or physician attesting to a child's positive history of varicella disease (chickenpox) or varicella immunity is acceptable in lieu of a vaccine record for that disease. [The form to document the history of varicella illness (PDF)[3] is on the TDSHS website.]

25 TAC 97.65

Immunization Records

If a parent or other person with legal control of a child under a court order enrolls the child in a public school, the parent or other person or the district in which the child most recently attended school shall furnish to the district a record showing that the child has:

1. The immunizations as required by law;

2. Proof as required by law that the child is not required to be immunized; or

3. Proof that the child is entitled to provisional admission under law.

Education Code 25.002(a)(3), 38.001; 25 TAC Chapter 97, Subchapter B

Each district shall keep an individual immunization record during the period of attendance for each student admitted. The records shall be sufficient for a valid audit or other assessment to be completed. The records shall be open for inspection at all reasonable times by TEA, local health departments, or the TDSHS. Immuniza-

tion records may be maintained in paper and/or electronic form. *Education Code 38.002(a); 25 TAC 97.67*

Transfer of Records

Each district shall cooperate in transferring students' immunization records to other schools. Specific approval from students, parents, or guardians is not required before transferring those records. *Education Code 38.002(b)*

Annual Report

Districts shall submit annual reports of the immunization status of students, in a format prescribed by TDSHS, to monitor compliance with immunization requirements. All districts shall submit the report at the time and in the manner indicated in the instructions printed on the form. *Education Code 38.002(c); 25 TAC 97.71*

Consent to Immunization

In addition to persons authorized to consent to immunization under Family Code Chapters 151 (parents) and 153 (conservators), the following persons may consent to the immunization of a child:

1. A guardian of the child; and
2. A person authorized under the law of another state or a court order to consent for the child.

Family Code 32.101(a)

The district in which the child is enrolled may give consent to the immunization if:

1. The persons listed above are not available; and
2. The district has written authorization to consent from a person listed above.

Family Code 32.101(b)(5)

A district may not consent for the child if it has actual knowledge that a person listed above has:

1. Expressly refused to give consent to the immunization;
2. Been told not to consent for the child; or
3. Withdrawn a prior written authorization for the district to consent.

Family Code 32.101(c)

Consent by Child

A child may consent to the child's own immunization for a disease if the child is pregnant or is the parent of a child and has actual custody of that child, and the Centers for Disease Control and Prevention recommend or authorize the initial dose of an immunization for that disease to be administered before seven years of age.

Consent by a child to immunization is not subject to disaffirmance because of minority. A health-care provider or facility may rely on the written statement of the child containing the grounds on which the child has capacity to consent to the child's immunization.

Family Code 32.1011

Duty to Provide Information

A district that consents to immunization of a child shall provide the health-care provider with sufficient and accurate health history and other information as set forth in Family Code 32.101(e).

Form of Consent

Consent to immunization must meet the requirements of Family Code 32.002(a). [See FFAC] A district has the responsibility to ensure that the consent, if given, is an informed consent. A district is not required to be present when the immunization is requested if a consent form has been given to the health-care provider.

Family Code 32.101(f), .102

Liability

A district consenting to immunization of a child is not liable for damages arising from an immunization administered to a child authorized under Family Code Subchapter B except for injuries resulting from the district's own acts of negligence. *Family Code 32.103*

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[1] Immunization requirements:
http://www.dshs.texas.gov/immunize/school/default.shtm#requirements
[2] Immunization schedule:
http://www.dshs.texas.gov/immunize/Schedule/schedule_child.shtm
[3] Documenting History of Illness: Varicella (PDF):
http://www.dshs.texas.gov/immunize/docs/c-9.pdf