

**Regulation 5141.31: Immunizations**

Status: ADOPTED

Original Adopted Date: 11/01/2010 | Last Revised Date: 12/01/2020 | Last Reviewed Date: 12/01/2020

**Required Immunizations**

Upon a student's registration at a district school, the Superintendent or designee shall provide the student's parents/guardians a written notice summarizing the state's immunization requirements.

The Superintendent or designee shall not unconditionally admit any student to a district school, preschool, or child care and development program for the first time nor admit or advance any student to grade 7, unless the student has been fully immunized. The student shall present documentation of full immunization, in accordance with the age/grade and dose required by the California Department of Public Health (CDPH), against the following diseases: (Health and Safety Code 120335; 17 CCR 6025)

1. Measles, mumps, and rubella
2. Diphtheria, tetanus, and pertussis (whooping cough)
3. Poliomyelitis (polio)
4. Hepatitis B
5. Varicella (chickenpox)
6. Haemophilus influenza type b (Hib meningitis)
7. Any other disease deemed appropriate by CDPH

However, full immunization against hepatitis B shall not be a condition by which the Superintendent or designee shall admit or advance any student to grade 7. (Health and Safety Code 120335)

A student who qualifies for an individualized education program (IEP), unless otherwise exempt, shall be fully immunized in accordance with Health and Safety Code 120335 and this regulation. However, the district shall continue to implement the student's IEP and shall not prohibit the student from accessing any special education and related services required by the student's IEP regardless of whether the student is fully immunized. (Health and Safety Code 120335)

School personnel shall record information for each student regarding all doses of required immunizations and the status of all requirements in accordance with 17 CCR 6070. The school records shall be based on the student's immunization record provided by the student's health care provider, from the student's previous school immunization record, or through the California Immunization Registry (CAIR). (17 CCR 6070)

**Exemptions**

Exemption from one or more immunization requirements shall be granted under any of the following circumstances:

1. A medical exemption is submitted using the standardized form developed by CDPH and transmitted using CAIR which includes, but is not limited to, a description of the medical basis for which the exemption for each individual immunization is sought and whether the medical exemption is permanent or temporary. (Health and Safety Code 120372)

A student who has a medical exemption issued prior to January 1, 2020 shall be allowed to continue enrollment until the next grade span, except that after July 1, 2021, a student may not be admitted or advanced to grade 7 unless the student has been immunized or a medical exemption form filed as stated above. (Health and Safety Code 120370)

A temporary exemption shall not exceed one year, and all medical exemptions shall not extend beyond the grade span. (Health and Safety Code 120372)

If a student's medical exemption is revoked by CDPH on the basis that the exemption does not meet applicable criteria for medical exemptions, the student shall continue in attendance and, within 30 calendar days of the revocation, commence the immunization schedule required for conditional admittance pursuant to 17 CCR 6050, as described below. (Health and Safety Code 120372)

The student's parent/guardian may appeal a revocation to the Secretary of California Health and Human Services. If a revocation is appealed, the student shall continue in attendance and shall not be required to commence the immunization schedule required for conditional admittance provided the appeal is filed within 30 calendar days of the revocation. (Health and Safety Code 120372, 120372.05)

2. The student's parent/guardian filed with the district, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to the student's personal beliefs, in which case the student shall be exempted from the immunization until the student enrolls in the next applicable grade span requiring immunization (birth to preschool, grades K-6, grades 7-12). (Health and Safety Code 120335)

When a student transfers to a different school within the district or transfers into the district from another school district in California, the student's personal beliefs exemption filed before January 1, 2016, shall remain in effect until the next applicable grade span. A student transferring from a school outside the district shall present a copy of the personal beliefs exemption upon enrollment. When a student transfers into the district from outside California and presents a personal beliefs exemption issued by another state or country prior to January 1, 2016, the Superintendent or designee may consult with legal counsel regarding the applicable immunization requirements.

3. The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction. (Health and Safety Code 120335)

### **Conditional Enrollment**

The Superintendent or designee may conditionally admit a student with documentation from an

authorized health care provider that the student has not received all the immunizations required for the student's age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission. The Superintendent or designee shall notify the student's parents/guardians of the date by which the student must complete all the remaining doses as specified in 17 CCR 6035. (Health and Safety Code 120340; 17 CCR 6035)

In addition, a transfer student may be conditionally admitted for up to 30 school days while the student's immunization records are being transferred from the previous school. If such documentation is not presented within 30 days, the student shall be excluded from school until the required immunizations have been administered. (17 CCR 6035)

The Superintendent or designee shall immediately enroll homeless students, foster youth, and students of military families even if their immunization records are missing or unavailable at the time of enrollment. School or district staff shall work with the student's prior school to obtain the student's immunization records or shall ensure that the student is properly immunized. (Education Code 48853.5, 49701; Health and Safety Code 120341; 42 USC 11432)

The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that student has received all the required immunizations. If the student does not receive the required immunizations within the specified time limits, the student shall be excluded from further attendance until the immunizations are received. (Health and Safety Code 120375; 17 CCR 6040, 6070)

### **Exclusions Due to Lack of Immunizations**

If an enrolled student who was previously believed to be in compliance with immunization requirements is subsequently discovered to not be in compliance with requirements for unconditional or conditional admission, the Superintendent or designee shall notify the parent/guardian that evidence of proper immunization or an appropriate exemption must be provided within 10 school days. This notice shall refer the parent/guardian to the student's usual source of medical care or, if the student has no usual source of medical care, then to the county health department or school immunization program, if any. (Education Code 48216; 17 CCR 6040)

The Superintendent or designee shall exclude from further attendance an enrolled student who fails to obtain the required immunization within 10 school days following the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until documentation is provided indicating that the student has received a dose of each required vaccine due at that time. (17 CCR 6040, 6055)

The student shall also be reported to the attendance supervisor or principal.

### **Exclusion Due to Exposure to Disease**

If the district has good cause to believe that a student has been exposed to a disease listed in the section "Required Immunizations" above and the student's documentation of immunization does not show proof of immunization against that disease, that student may be temporarily excluded from the school until the local health officer is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120370)

## Records

Each student's immunization record shall be retained as part of the student's mandatory permanent student record. District staff shall maintain the confidentiality of immunization records and may disclose such information to state and local health departments only in accordance with law. (Health and Safety Code 120375, 120440; 17 CCR 6070)

The district shall also retain in the mandatory student record any physician or health officer statement, personal beliefs letter or affidavit, reason for conditional enrollment, or any other documentation related to the student's immunization record or exemptions.

At least annually, the Superintendent or designee shall file a written report on the immunization status of new students with CDPH and the local department of public health on forms prescribed by CDPH. (Health and Safety Code 120375; 17 CCR 6075)

## Audits

If an audit reveals deficiencies in the district's reporting procedures, the Superintendent or designee shall present the Board with a plan to remedy such deficiencies.

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### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
17 CCR 6000-6075	School attendance immunization requirements
5 CCR 430	<a href="#">Individual student records; definition</a>
Ed. Code 44871	<a href="#">Qualifications of supervisor of health</a>
Ed. Code 46010	<a href="#">Total days of attendance</a>
Ed. Code 48216	<a href="#">Immunization and exclusion from attendance</a>
Ed. Code 48853.5	<a href="#">Immediate enrollment of foster youth</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 49403	<a href="#">Cooperation in control of communicable disease and immunizations</a>
Ed. Code 49426	<a href="#">Duties of school nurses</a>
Ed. Code 49701	<a href="#">Provisions of the Interstate Compact on Educational Opportunities for Military Children</a>
Ed. Code 51745	<a href="#">Independent study</a>
H&S Code 120325-120380	<a href="#">Immunization against communicable diseases</a>

H&S Code 120335	<a href="#">Immunization requirement for admission</a>
H&S Code 120372	<a href="#">Statewide medical exemption electronic standardized form</a>
H&S Code 120395	<a href="#">Information about meningococcal disease, including recommendation for vaccination</a>
H&S Code 120440	<a href="#">Disclosure of immunization information</a>
<b>Federal</b>	<b>Description</b>
20 USC 1232g	<a href="#">Family Educational Rights and Privacy Act (FERPA) of 1974</a>
34 CFR 99.1-99.67	<a href="#">Family Educational Rights and Privacy</a>
42 USC 11432	<a href="#">Immediate enrollment of homeless children</a>
<b>Management Resources</b>	<b>Description</b>
California Department of Public Health Publication	California Immunization Handbook for Pre-kindergarten (Child Care) Programs and Schools, 10th Edition, July 2019
California Department of Public Health Publication	Vaccinations and Medical Exemptions Questions and Answers
California Department of Public Health Publication	Exemptions FAQs
California Department of Public Health Publication	Parents' Guide to Immunizations Required for School Entry
California Department of Public Health Publication	Parents' Guide to Immunizations Required for Pre-kindergarten (Child Care)
California Department of Public Health Publication	Guide to Immunization Requirements for Pre-kindergarten (Child Care)
California Department of Public Health Publication	Guide to Immunization Requirements for K-12th Grade
Education Audit Appeals Panel Publication	Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting
U.S. Department of Education Guidance	Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Health &amp; Human Services Agency</a>
Website	<a href="#">California Department of Public Health, Shots for Schools</a>

Website	<a href="#">Education Audit Appeals Panel</a>
Website	<a href="#">U.S. Department of Education</a>
Website	<a href="#">Centers for Disease Control and Prevention</a>
Website	<a href="#">California Department of Education</a>
Website	<a href="#">California Department of Public Health, Immunization Branch</a>

## Cross References

<b>Code</b>	<b>Description</b>
1400	<a href="#">Relations Between Other Governmental Agencies And The Schools</a>
4119.41	<a href="#">Employees With Infectious Disease</a>
4219.41	<a href="#">Employees With Infectious Disease</a>
4319.41	<a href="#">Employees With Infectious Disease</a>
5030	<a href="#">Student Wellness</a>
5111	<a href="#">Admission</a>
5111	<a href="#">Admission</a>
5111.2	<a href="#">Nonresident Foreign Students</a>
5112.1	<a href="#">Exemptions From Attendance</a>
5112.1	<a href="#">Exemptions From Attendance</a>
5112.2	<a href="#">Exclusions From Attendance</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.26	<a href="#">Tuberculosis Testing</a>
5141.3	<a href="#">Health Examinations</a>
5141.3	<a href="#">Health Examinations</a>
5141.32	<a href="#">Health Screening For School Entry</a>
5141.6	<a href="#">School Health Services</a>
5141.6	<a href="#">School Health Services</a>

5145.6	<a href="#"><u>Parent/Guardian Notifications</u></a>
5145.6-E(1)	<a href="#"><u>Parent/Guardian Notifications</u></a>
5148	<a href="#"><u>Child Care And Development</u></a>
5148	<a href="#"><u>Child Care And Development</u></a>
5148.3	<a href="#"><u>Preschool/Early Childhood Education</u></a>
5148.3	<a href="#"><u>Preschool/Early Childhood Education</u></a>
6141.2	<a href="#"><u>Recognition Of Religious Beliefs And Customs</u></a>
6141.2	<a href="#"><u>Recognition Of Religious Beliefs And Customs</u></a>
6142.8	<a href="#"><u>Comprehensive Health Education</u></a>
6142.8	<a href="#"><u>Comprehensive Health Education</u></a>
6145.6	<a href="#"><u>International Exchange</u></a>
6145.6	<a href="#"><u>International Exchange</u></a>
6158	<a href="#"><u>Independent Study</u></a>
6158	<a href="#"><u>Independent Study</u></a>
6159	<a href="#"><u>Individualized Education Program</u></a>
6159	<a href="#"><u>Individualized Education Program</u></a>
6170.1	<a href="#"><u>Transitional Kindergarten</u></a>
6173	<a href="#"><u>Education For Homeless Children</u></a>
6173	<a href="#"><u>Education For Homeless Children</u></a>
6173-E(1)	<a href="#"><u>Education For Homeless Children</u></a>
6173-E(2)	<a href="#"><u>Education For Homeless Children</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.1	<a href="#"><u>Education For Foster Youth</u></a>
6173.2	<a href="#"><u>Education Of Children Of Military Families</u></a>
6173.2	<a href="#"><u>Education Of Children Of Military Families</u></a>
6173.3	<a href="#"><u>Education For Juvenile Court School Students</u></a>
6175	<a href="#"><u>Migrant Education Program</u></a>
6175	<a href="#"><u>Migrant Education Program</u></a>