

Regulation 5141.31: Immunizations

Status: ADOPTED

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Required Immunizations

CSBA NOTE: The following optional paragraph may be revised to reflect district practice. The California Department of Public Health's (CDPH) California Immunization Handbook for (Child Care) Programs and Schools recommends that districts provide parents/guardians with a written notice of immunization requirements. The CDPH's Parents' Guide to Immunizations Required for School Entry and Parents' Guide to Immunizations Required for Pre-kindergarten (Child Care), available on its web site, may be used for this purpose.

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.

CSBA NOTE: The following paragraph should be revised to reflect the grade levels and programs offered by the district. Health and Safety Code 120335 requires districts to ensure that students are fully immunized prior to admission and when entering grade 7. See 17 CCR 6025 and CDPH's California Immunization Handbook for Pre-kindergarten (Child Care) Programs and Schools for details regarding the ages/grades at which specific immunizations are required and the doses needed.

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)

CSBA NOTE: State law does not exempt from vaccination requirements students who qualify for an individualized education program (IEP). However, Health and Safety Code 120335 specifies that its provisions do not prohibit a student who qualifies for an IEP from "accessing any special education and related service" required by the student's IEP. The district should consult legal counsel if it has questions about how to ensure compliance with vaccination requirements consistent with a student's IEP. The district may want to consider holding an IEP meeting to resolve any potential conflicts with the IEP.

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)

CSBA NOTE: According to CDPH's California Immunization Handbook for Pre-kindergarten (Child Care) Programs and Schools, the immunization record may be a personal record with entries made by the physician or agency performing the immunization, the California School Immunization Record (often referred to as the "blue card") or equivalent school record, another state's or country's school record, or a record accessed through the California Immunization Registry (CAIR). 17 CCR 6070 specifies the information that must be included in the record.

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:

CSBA NOTE: Pursuant to Health and Safety Code 120372, as added by SB 276 (Ch. 278, Statutes of 2019), starting January 1, 2021, the Governing Board will only be able to accept a medical exemption request that is made by a licensed physician or surgeon on an electronic, standardized, statewide form developed by CDPH and transmitted using CAIR. If a medical exemption was authorized prior to adoption of a statewide standardized form, the parent or guardian must submit, by January 1, 2021, a copy of the exemption for inclusion into the state database in order for the exemption to remain valid.

Health and Safety Code 120370, as amended by both SB 276 and SB 714 (Ch. 281, Statutes of 2019), requires that a student who has a medical exemption issued prior to January 1, 2020 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 pursuant to Health and Safety Code 120335 or a medical exemption form has been filed in compliance with Health and Safety Code 120372.

Pursuant to Health and Safety Code 120372.05, as added by SB 276, a parent/guardian may appeal the revocation of a student's medical exemption to the Secretary of California Health and Human Services.

For more information about the revocation of a student's medical exemption, see CDPH's Vaccination and Medical Exemptions Questions and Answers, available on its website.

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)

CSBA NOTE: Health and Safety Code 120335 provides that a personal beliefs exemption may be granted for any student whose parent/guardian files a letter or affidavit prior to January 1, 2016 stating beliefs opposed to immunization, and that such exemption shall be effective until the student enters the next grade span. For this purpose, Health and Safety Code 120335 defines three grade spans: birth through preschool, grades K-6 (including TK), and grades 7-12. For example, a student granted a personal beliefs exemption in preschool must be immunized when entering kindergarten, and a student granted such an exemption in grade 4 must be immunized when entering grade 7. The district may revise item #2 to reflect grade levels offered by the district.

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)

CSBA NOTE: The following paragraph reflects CDPH's Exemptions FAQs, which indicate that a personal beliefs exemption filed before January 1, 2016 may be transferred to another school or child care facility within the same district or in another school district within California, but may not be transferred if a student transfers from another state or country. CDPH's position is that a personal beliefs exemption from another state or country is not valid. The district should consult legal counsel if any question arises regarding the validity of a student's personal beliefs exemption.

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

CSBA NOTE: An immunization record that is directly related to a student is an "education record" subject to the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99.1-99.67) and therefore generally requires parent/guardian consent to be lawfully disclosed. However, pursuant to 20 USC 1232g and 34 CFR 99.31 and 99.36, an exception exists when knowledge of the information is necessary to address an articulable and significant threat to the health or safety of the student or other individuals.

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.

CSBA NOTE: Pursuant to Health and Safety Code 120375, as amended by SB 276, the district is required to file the written report on the immunization status of new students to CDPH and the local department of public health annually. The required forms are available on CDPH's ShotsforSchool web site.

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

CSBA NOTE: The Education Audit Appeals Panel's Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting requires an audit of the immunization records for any school which, in the previous year, failed to submit immunization assessment reports to CDPH for kindergarten or grade 7 or reported a combined conditional admission and overdue rates greater than 10 percent in kindergarten or grade 7. CDPH's ShotsforSchool web site contains information as to whether a school meets either of these conditions.

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.

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.

State References

17 CCR 6000-6075

5 CCR 430

Ed. Code 44871

Ed. Code 46010

Ed. Code 48216

Ed. Code 48853.5

Ed. Code 48980

Ed. Code 49403

Ed. Code 49426

Ed. Code 49701

Ed. Code 51745-51749.6

H&S Code 120325-120380

Description

[School attendance immunization requirements](#)

[Individual student records; definition](#)

[Qualifications of supervisor of health](#)

[Total days of attendance](#)

[Immunization](#)

[Immediate enrollment of foster youth](#)

[Required notification of rights](#)

[Cooperation in control of communicable disease and immunizations](#)

[Duties of school nurses](#)

[Flexibility in enrollment of children of military families](#)

[Independent study](#)

[Immunization against communicable diseases](#)

H&S Code 120335	Immunization requirement for admission
H&S Code 120395	Information about meningococcal disease, including recommendation for vaccination
H&S Code 120440	Disclosure of immunization information

Federal References

20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
34 CFR 99.1-99.67	Family Educational Rights and Privacy
42 USC 11432	Immediate enrollment of homeless children

Management Resources References

	Description
California Department of Public Health Publication	Guide to Immunizations Required for Child Care
California Department of Public Health Publication	Guide to Immunizations Required for School Entry
California Department of Public Health Publication	Parents' Guide to Immunizations Required for Child Care
California Department of Public Health Publication	Parents' Guide to Immunizations Required for School Entry
Education Audit Appeals Panel Publication	Guide for Annual Audits of Local Education Agencies and State Compliance Reporting, July 2015
U.S. Department of Education Guidance	Family Educational Rights and Privacy Act (FERPA) and H1N1, October 2009
Website	California Department of Public Health, Shots for Schools
Website	Education Audit Appeals Panel
Website	California Department of Public Health, Immunization Branch
Website	Centers for Disease Control and Prevention
Website	U.S. Department of Education
Website	California Department of Education

Cross References

	Description
4119.41	Employees With Infectious Disease
4219.41	Employees With Infectious Disease
4319.41	Employees With Infectious Disease
5030	Student Wellness
5111	Admission
5111	Admission
5111.2	Nonresident Foreign Students
5112.1	Exemptions From Attendance
5112.1	Exemptions From Attendance
5112.2	Exclusions From Attendance
5125	Student Records
5125	Student Records
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.26	Tuberculosis Testing
5141.3	Health Examinations
5141.3	Health Examinations

5141.32	Health Screening For School Entry
5141.6	School Health Services
5141.6	School Health Services
5145.6	Parental Notifications
5145.6-E(1)	Parental Notifications
5148	Child Care And Development
5148	Child Care And Development
5148.3	Preschool/Early Childhood Education
5148.3	Preschool/Early Childhood Education
6145.6	International Exchange
6145.6	International Exchange
6170.1	Transitional Kindergarten
6173	Education For Homeless Children
6173	Education For Homeless Children
6173-E(1)	Education For Homeless Children
6173-E(2)	Education For Homeless Children
6173.1	Education For Foster Youth
6173.1	Education For Foster Youth
6173.2	Education Of Children Of Military Families
6173.2	Education Of Children Of Military Families
6173.3	Education For Juvenile Court School Students
6175	Migrant Education Program
6175	Migrant Education Program