

REGULATION 5141.31: Immunizations
Comparison Chart
Section: Students

SUMMARY OF UPDATE

Summary of Update: Regulation updated to delete outdated material regarding immunization requirements for enrollment or advancement to grade 7, and to add material regarding immunization records and the California Immunization Registry (CAIR). Regulation also updated to reflect **NEW LAWS (SB 276, 2019 and SB 714, 2019)** addressing medical exemptions, including provisions that (1) medical exemption requests must be made by a licensed physician or surgeon on an electronic, standardized, statewide form developed by the California Department of Public Health (CDPH) and transmitted using CAIR; (2) a student who has a medical exemption issued prior to January 1, 2020 must 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 as required or a medical exemption form has been filed; (3) temporary exemptions cannot exceed one year and all medical exemptions cannot extend beyond the grade span; (4) medical exemptions may be revoked by CDPH if it is determined that the exemption does not meet applicable criteria; (5) a parent/guardian may appeal the revocation of a student's medical exemption to the Secretary of California Health and Human Services; and (6) districts must annually file the written report on the immunization status of new students to CDPH and the local department of public health.

PARA	Section	Sub-Section	January 19, 2016 CURRENT VERSION	December 2020 REVISED VERSION	CSBA MODIFICATIONS and/or NOTES
			<u>Required Immunizations</u>	No change	
1			The Superintendent or designee shall provide parents/guardians, upon school registration, a written notice summarizing the state's immunization requirements.	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 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 School 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.
2			The Superintendent or designee shall not unconditionally admit any student to a district	The Superintendent or designee shall not unconditionally admit any student to a district	CSBA NOTE: The following paragraph should be revised to reflect the grade levels and

		elementary or secondary school, preschool, or child care and development program for the first time on or, after July 1, 2016, 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:	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:	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 Prekindergarten (Child Care) Programs and Schools for details regarding the ages/grades at which specific immunizations are required and the doses needed.
	1	Measles, mumps and rubella (MMR)	No change	
	2	Diphtheria, tetanus and pertussis (whooping cough) (DTP, DTaP, or Tdap)	Diphtheria, tetanus, and pertussis (whooping cough)	
	3	Poliomyelitis (polio)	No change	
	4	Hepatitis B	No change	
	5	Varicella (chickenpox)	No change	
	6	Haemophilus influenza type B (Hib meningitis)	No change	
	7	Any other disease designated by the CDPH	No change	
3		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.	No change	
4		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 service required by his/her IEP regardless of whether the student is fully immunized.	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.	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.
5			The student's immunization record shall be provided by the student's health care provide or from the student's previous school immunization record. The record must show at least the month and year for teach dose except that the day, month, and year must be shown for the MMR does given during the month of the first birthday and for the Tdap dose given during the month of the seventh birthday.	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).	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.
			Exemptions	No change	
1			Exemption from immunization requirements shall be granted under either of the following circumstances:	Exemption from one or more immunization requirements shall be granted under any of the following circumstances:	
	1		The student's parent/guardian files with the district a written statement by a licensed physician to the effect that, the physical condition of the child is such, or medical circumstances of relating to the student are such, that immunizations is not considered safe. The statement shall indicate the specific nature and probable duration of the medical condition or circumstances, including, but not limited to, family history, for which the physician does not recommend immunization.	1(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.	New paragraphs added 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.

				<p>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.</p> <p>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.</p> <p>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.</p>
			<p>1(2) 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.</p>	
			<p>1(3) A temporary exemption shall not exceed one year, and all medical exemptions shall not extend beyond the grade span.</p>	

			1(4) 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.	
			1(5) 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.	
	2 (1)	The student's parent/guardian files with the district, before January 1, 2016, a letter or written affidavit stating that an immunization is contrary to his/her personal beliefs, in which case the student shall be exempted from the immunization until he/she enrolls in the next applicable grade span requiring immunization (birth to preschool, grades K-6, grades 7-12).	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).	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 (2)	When a student transfers to a different school within the district or transfers into the district from another school district in California, his/her personal beliefs exemption files 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 belief exemption issued by another state or country prior to January 1, 2016, the Superintendent or designee may consult with legal counsel regarding applicable immunization requirements.	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.	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.
3	The student is enrolled in an independent study program pursuant to Education Code 51745-51749.6 and does not receive classroom-based instruction.	No change	
	<u>Conditional Enrollment</u>	No change	
1	The Superintendent or designee may conditionally admit a student with documentation from an authorized health care provider that:	Delete	
1	The student has not received all the immunizations required for his/her age group, but has commenced receiving doses of all required vaccines and is not due for any other doses at the time of admission.	Delete	
2	The student has a temporary exemption from immunization for medical reasons pursuant to item #1 in the section "Exemptions" above.	Delete	
2	The Superintendent or designee shall notify the student's parents/guardians of the date by	Delete	

			which the student must complete all the remaining doses as specified in 17 CCR 6035.	
3			In addition, a transfer student may be conditionally admitted for up to 30 school days while his/her 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.	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.
4			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, he/she shall be excluded from further attendance until the immunizations are received.	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.
5			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 he/she is properly immunized.	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.
				The Superintendent or designee shall review the immunization record of each student admitted conditionally every 30 days until that
				New paragraph added

			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.	
		<u>Exclusions Due to Lack of Immunizations</u>	No change	
1		Any student without the required evidence of immunization may be excluded from school until the immunization is obtained or an exemption is granted in accordance with the section "Exemptions" above.	Delete	
2		Before an already admitted student is excluded from school attendance because of lack of immunization, the Superintendent or designee shall notify the parent/guardian that he/she has 10 school days to supply evidence of proper immunization or an appropriate exemption. 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.	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.	
3		The Superintendent or designee shall exclude from further attendance any already admitted student who fails to obtain the required immunization within 10 school days following receipt of the parent/guardian's receipt of the notice specified above. The student shall remain excluded from school until he/she provides written evidence that he/she has received a dose of each required vaccine due	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	

		at that time. The student shall also be reported to the attendance supervisor or principal.	received a dose of each required vaccine due at that time.	
			The student shall also be reported to the attendance supervisor or principal.	New paragraph added
		<u>Exclusion Due to Exposure to Disease</u>	No change	
1		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 his/her 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 informs the district in writing that he/she is satisfied that the student is no longer at risk of developing or transmitting the 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.	
		<u>Records</u>	No change	
1		The Superintendent or designee shall record each new entrant's immunizations in the California School Immunization Record and retain it 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.	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.	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.
2		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	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.	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.	New paragraph added 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.
		<u>Audits</u>	No change	
1		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.	No change	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.