Sec. 1. IMMUNIZATION REQUIREMENTS

Each student shall be fully immunized against diptheria, rubeola (measles), rubella, mumps, tetanus, and poliomyelitis, unless exempted under applicable law. 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, 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*.

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*.

Sec. 2. IMMUNIZATION AWARENESS PROGRAM

Midland Academy Charter shall post prominently on its Web site:

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 Midland Academy Charter's geographic boundaries that offer the influenza vaccine, to the extent those clinics are known to Midland Academy Charter; and
2. A link to the TDSHS Internet Web site 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.

Sec. 3. APPLICABILITY OF IMMUNIZATION REQUIREMENTS

The vaccine requirements discussed in this policy apply to all students entering, attending, enrolling in, and/or transferring to Midland Academy Charter. *25 TAC 97.61(a)*.

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a) ***Exceptions to Immunization Requirements***

Immunization is not required for admission if the student submits to Midland Academy Charter any of the following:

i. *Medical Reasons*

An affidavit or a certificate signed by the student's 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.

ii. *Reasons of Conscience*

An affidavit signed by the student or, if a minor, the student's parent or legal 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.

iii. *Military Duty*

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), .0041; 25 TAC 97.62.

Sec. 4. PROVISIONAL ENROLLMENT

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.

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a) ***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 Midland Academy Charter.

b) ***Status Review***

Midland Academy Charter 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 Midland Academy Charter shall exclude the student from school attendance until the required dose is administered.

Education Code 38.001(e); *25 TAC 97.66(a)*.

c) ***Homeless Students***

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. Midland Academy Charter shall promptly refer the student to appropriate health provider to obtain the required vaccinations. *25 TAC 97.66(b)*; *42 U.S.C. 11302*.

d) ***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. Midland Academy Charter shall promptly refer the student to an appropriate health provider to obtain the required vaccinations. *25 TAC 97.66(c)*.

e) ***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)*.

f) ***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. 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)*.

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Sec. 5. EVIDENCE OF IMMUNIZATION

A student shall show acceptable evidence of vaccination before entry, attendance, or transfer to Midland Academy Charter.

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. An official 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. *25 TAC 97.65*.

Sec. 6. IMMUNIZATION RECORDS

Midland Academy Charter 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 the Texas Education Agency, local health departments, or the TDSHS. Immunization records may be maintained in paper and/or electronic form. *Education Code 38.002(a)*; *25 TAC 97.67*.

a) ***Transfer of Records***

Midland Academy Charter 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)*.

b) ***Annual Report***

Midland Academy Charter shall submit annual reports of the immunization status of students, in a format prescribed by and at the time and in the manner indicated by TDSHS, to monitor compliance with immunization requirements. *Education Code 38.002(c)*; *25 TAC 97.71*.

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Sec. 7. 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).

Midland Academy Charter may give consent to the immunization if:

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

Family Code 32.101(b)(5).

Midland Academy Charter 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 Midland Academy Charter to consent.

Family Code 32.101(c).

a) *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.

Family Code 32.1011.

b) *Duty to Provide Information*

If Midland Academy Charter consents to immunization of a child, it shall provide the health-care provider with sufficient with sufficient and accurate health history and other information necessary

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for the health-care provider to determine adequately the risks and benefits inherent in the proposed immunization and to determine whether immunization is advisable.

c) ***Form of Consent***

Consent to immunization must be in writing, signed by the person giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment.

The consent must include:

1. The name of the child;
2. The name of one or both parents, if known, and the name of any managing conservator or guardian of the child; the name of the person giving consent and the person's relationship to the child;
3. A statement of the nature of the medical treatment to be given; and
4. The date the treatment is to begin.

Midland Academy Charter has the responsibility to ensure that the consent, if given, is an informed consent. Midland Academy Charter 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), .002, .102.

d) ***Liability***

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

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