



July 9, 2004

Dear School Administrator:

Re: New Immunization Requirements for School Admittance

Important immunization requirements for enrollment will affect schools this school year. The Texas Education Agency (TEA) and the Texas Department of Health (TDH) will assist with implementing the new vaccine requirements and provide information and technical assistance.

Provisional Enrollment Criteria

On April 15, 2004, in response to a joint request by TEA and TDH to clarify portions of the Education Code relating to provisional enrollment and immunization requirements, the Texas Attorney General issued No. GA-0178. The Attorney General determined that only TDH may adopt rules relating to provisional admission and immunization requirements.

Attached is a list of Frequently Asked Questions that has specific information about provisional enrollment. All public and private schools are expected to enforce the rules, in addition to all other age-appropriate vaccine requirements.

Length of Validity for Conscientious Exemption from Immunizations

On March 11, 2004, the Texas Board of Health approved final rules concerning immunization requirements for Texas schools. This rule adoption changed the length of validity from immunization from five years to two years for conscientious exemption from immunization. However, those exemption affidavits submitted to school before March 11, 2004 continues to be valid for the full five-year period.

For more information about immunization requirements go to: www.ImmunizeTexas.com or contact the Immunization Division Customer Service team at (512) 458-7284 or (800) 252-9152.

Our best wishes for a productive school year. Both TDH and TEA are available to assist you with information to create a safe, healthy educational environment for Texas schoolchildren.

Sincerely,

Eduardo J. Sanchez, M.D., M.P.H.
Commissioner of Health

Shirley J. Neeley, PhD.
Commissioner of Education

Attachment

Frequently Asked Questions on Immunization Requirements for School Admittance

Reprinted from: <http://www.tea.state.tx.us/tea/FAQs072204.pdf>

Q. *What is Provisional Enrollment?*

- A. Provisional enrollment is a component of the rules adopted by the Texas Department of Health (TDH) for the minimum immunization requirements for school entry. Provisional enrollment allows a student meeting certain specific criteria to be admitted to school on a temporary basis for up to 30 days. During this 30-day period, the parent is responsible for ensuring that the student receives the necessary vaccine(s) as fast as is medically feasible, and/or providing a complete and current immunization record to the school. Texas schools are also responsible for ensuring that immunization records are sent to requesting Texas schools within the 30-day period.

Q. *What government agency adopts the rules on provisional enrollment?*

- A. According to the Texas Attorney General Opinion No. GA-0178, only TDH may adopt rules relating to provisional admission.

Q. *Can TDH adopt rules that would prohibit a student from being admitted into a school?*

- A. Yes. Admission to a school is not allowed until records are produced showing (1) that the child has been immunized in accordance with the rules; (2) the child has an exemption from immunization requirements on file with the school in accordance with the rules; or (3) that the child is entitled to provisional enrollment.

Q. *What specific circumstances must a child fall under to qualify for provisional enrollment?*

- A. Provisional enrollment allows a student to enroll in school under the following situations:

1 Transfer Students

- o Students transferring from one Texas public or private school to another.

2 Homeless Students

- o Students who are defined as homeless according to the federal McKinney-Vento Act, 42 U.S.C. §11434a.

3 Students In-Progress

- o Students who have received at least one dose of each specified age-appropriate vaccine required by the TDH rules. To remain enrolled, students must complete the required subsequent doses of each vaccine series on schedule and as rapidly as is medically feasible and provide acceptable evidence of vaccination to the school. 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 the school shall exclude the student from school attendance until the required dose(s) is (are) administered.

Q. *Can a child without an immunization record be enrolled provisionally if they are not homeless, are not transferring from a Texas school or are not progressing towards obtaining immunizations as fast as is medically feasible?*

- A. No. The child must obtain the first doses of the required vaccines and then they can be admitted provisionally as long as they are progressing towards receiving the remaining required vaccines as fast as is medically feasible.