

Generally

An institution of higher education, including a college district, may require applicants for admission to be immunized against diphtheria, rubeola, rubella, mumps, tetanus, and poliomyelitis.

The executive commissioner of the Health and Human Services Commission may require immunizations against the diseases listed above. As described below, the executive commissioner requires immunizations against additional diseases for students at any institution of higher education who are pursuing a course of study in a human or animal health profession.

An institution of higher education shall comply with any modifications or deletions in this requirement that may be made by the executive commissioner.

Education Code 51.933; 25 TAC 97.64(a), (d)

Exceptions

Exclusions from compliance are allowable on an individual basis for medical contraindications, reasons of conscience, including a religious belief, and active duty with the armed forces of the United States. Children and students in these categories must submit evidence for exclusion from compliance as specified in the Health and Safety Code 161.004(d), Health and Safety Code 161.0041, Education Code Chapter 51, and Human Resources Code Chapter 42. *Education Code 51.933(d)*

Medical Reasons

To claim an exclusion for medical reasons, the student must present an exemption statement to the school or child-care facility, dated and signed by a physician (M.D. or D.O.) properly licensed and in good standing in any state in the United States who has examined the student. The statement 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. *Education Code 51.933(d); 25 TAC 97.62(1)*

*Reasons of
Conscience*

To claim an exclusion for reasons of conscience, including a religious belief, the child's parent, legal guardian, or a student 18 years of age or older must present to the school or child-care facility a completed, signed, and notarized affidavit on a form provided by the Texas Department of State Health Services (DSHS) stating that the child's parent, legal guardian, or the student declines vaccinations for reasons of conscience, including because of the person's religious beliefs. The affidavit will be valid for a two-year period from the date of notarization. A child or student, who has not received the required immunizations for reasons of conscience, including religious beliefs, may be excluded from school in times of

emergency or epidemic declared by the health and human services commissioner.

The affidavit must be on a form provided by DSHS as described by Health and Safety Code 161.0041 and must be submitted to the admitting official not later than the 90th day after the date the affidavit is notarized.

This exception does not apply in a time of emergency or epidemic declared by the commissioner of state health services.

Education Code 51.933(d)–(e); Health and Safety Code 161.0041; 25 TAC 97.62(2)

Military Duty

To claim an exclusion for armed forces, persons who can prove that they are serving on active duty with the armed forces of the United States are exempted from the requirements in the statutes described above. *Education Code 51.933(d)–(e); 25 TAC 97.62(3)*

Provisional
Enrollment

Notwithstanding the other requirements in 25 Administrative Code 97.64, a student may be provisionally enrolled in the health-related courses if the student has received at least one dose of each specified vaccine prior to enrollment and goes on to complete each vaccination series as rapid as medically feasible in accordance with the Centers for Disease Control and Prevention's Recommended Adult Immunization Schedule as approved by the Advisory Committee on Immunization Practices (ACIP). However, the provisionally enrolled student may not participate in coursework activities involving the contact described in 25 Administrative Code 97.64(a) and/or 25 Administrative Code 97.64(d) until the full vaccination series has been administered. *25 TAC 97.64(c)(1)*

DSHS may by rule prohibit a student from attending school during the provisional enrollment period. *Att'y Gen. Op. GA-178 (2004)*

Failure to Properly
Document
Immunization

Students who claim to have had the complete series of a required vaccination, but have not properly documented them, cannot participate in coursework activities involving the contact described in 25 Administrative Code 97.64(a) and/or 25 Administrative Code 97.64(d) until such time as proper documentation has been submitted and accepted. *25 TAC 97.64(c)(2)*

Immunity

The immunization requirements in 25 Administrative Code 97.64(b) and 25 Administrative Code 97.64(d) [see Required Immunizations of Certain Students, Students in Health-Related Courses, and Veterinary Students, below] are not applicable to individuals who can properly demonstrate proof of laboratory confirmation of immunity or laboratory confirmation of disease. Vaccines for which this may be potentially demonstrated, and acceptable methods for demonstration, are found in 25 Administrative Code 97.65 (relating to Ex-

ceptions to Immunization Requirements (Verification of Immunity/History of Illness)). Such a student cannot participate in course-work activities involving the contact described in 25 Administrative Code 97.64(a) until such time as proper documentation has been submitted and accepted. *25 TAC 97.64(c)(3)*

Acceptable
Documents of
Immunization

Vaccines administered after September 1, 1991, shall include the month, day, and year each vaccine was administered.

Documentation of vaccines administered that include the signature or stamp of the physician or his or her designee, or public health personnel, is acceptable.

An official immunization record generated from a state or local health authority is acceptable.

An official record received from school officials including a record from another state is acceptable.

All schools are required to maintain immunization records sufficient for a valid audit to be completed.

25 TAC 97.67-.68

**Required
Immunizations of
Certain Students**

Students in Health-
Related Courses

Students enrolled in health-related higher education courses that will involve direct patient contact with potential exposure to blood or bodily fluids in educational, medical, or dental care facilities must have certain vaccinations before they may engage in the course activities described in 25 Administrative Code 97.64(a). *Education Code 51.933; 25 TAC 97.64(a)-(b)*

*Tetanus-
Diphtheria*

Students must show receipt of one dose of tetanus-diphtheria-pertussis vaccine (Tdap). In addition, one dose of a tetanus-containing vaccine must have been received within the last ten years. Td vaccine is an acceptable substitute, if Tdap vaccine is medically contraindicated. *Education Code 51.933; 25 TAC 97.64(b)(1)*

*Measles, Mumps,
and Rubella
Vaccines*

Students born on or after January 1, 1957, must show, prior to patient contact, acceptable evidence of vaccination of two doses of a measles-containing vaccine administered since January 1, 1968, preferably MMR vaccine.

Students born on or after January 1, 1957, must show, prior to patient contact, acceptable evidence of vaccination of two doses of a mumps vaccine.

Students must show, prior to patient contact, acceptable evidence of one dose of rubella vaccine.

Education Code 51.933; 25 TAC 97.64(b)(2)

<i>Hepatitis B Vaccine</i>	Students are required to receive a complete series of hepatitis B vaccine prior to the start of direct patient care. <i>Education Code 51.933; 25 TAC 97.64(b)(3)</i>
<i>Varicella Vaccine</i>	Each student is required to have received two doses of varicella (chicken pox) vaccine. A written statement from a parent, legal guardian, managing conservator, school nurse, or physician attesting to a child's/student's positive history of varicella disease (chicken pox) or varicella immunity is acceptable in lieu of a vaccine record for that disease. [See the history of varicella form (PDF) ¹ on DSHS's website] <i>Education Code 51.933; 25 TAC 97.64(b)(4), .65(b)</i>
Veterinary Students <i>Rabies Vaccine</i>	Students enrolled in schools of veterinary medicine whose coursework involves direct contact with animals or animal remains shall receive a complete primary series of rabies vaccine prior to such contact. Serum antibody levels must be checked every two years, with a booster dose of rabies vaccine administered if the rabies virus-neutralizing antibody response is inadequate according to current Centers for Disease Control and Prevention guidelines. <i>Education Code 51.933; 25 TAC 97.64(d)(1)</i>
<i>Hepatitis B Vaccine</i>	Students enrolled in schools of veterinary medicine whose coursework involves potential exposure to human or animal blood or bodily fluids shall receive a complete series of hepatitis B vaccine prior to such contact. <i>Education Code 51.933; 25 TAC 97.64(d)(2)</i>
<i>Tetanus-Diphtheria Vaccine</i>	One dose of a tetanus-diphtheria toxoid (Td) is required within the last ten years. The booster dose may be in the form of a tetanus-diphtheria-pertussis containing vaccine (Tdap). <i>Education Code 51.933; 25 TAC 97.64(d)(3)</i>
Additional Requirements	Under Health and Safety Code Chapter 81, Subchapter E, additional vaccinations may be required by DSHS and/or the local health authority in specific situations under the mechanism of a control order containing control measures to prevent the spread of disease. <i>25 TAC 97.72</i>
Bacterial Meningitis	This section applies only to an entering student at an institution of higher education or private or independent institution of higher education. "Entering student" includes: <ol style="list-style-type: none">1. New student—a first-time student of an institution of higher education or private or independent institution of higher education, including a student who transfers to the institution from another institution of higher education. A student who was previously exempt under 19 Administrative Code 21.614(a)(2)–(5) will be treated as a new student, should the exception no longer apply.

2. Returning student—a student who previously attended an institution of higher education or private or independent institution of higher education before January 1, 2012, and who is enrolling in the same or another institution of higher education or private or independent institution of higher education following a break in enrollment of at least one fall or spring semester.

Education Code 51.9192(b); 19 TAC 21.612(1)

Definitions

“Health Practitioner”

“Health practitioner” means any person authorized by law to administer an immunization. *Education Code 51.9192(a)(1); 19 TAC 21.612(3)*

“Online and Other Distance Education Course”

“Online and other distance education course” means a course in which the instructor and students are not in the same location. An online course typically involves web-based instruction but might also include correspondence instruction. An online or other distance education course that includes a face-to-face component, including meeting in a testing laboratory with other students, or meeting in a classroom to receive interactive video instruction, does not qualify as an online or other distance education course. *19 TAC 21.612(6)*

Evidence of Vaccination

A student to whom this section applies or a parent or guardian of the student must provide to the institution a certificate signed by a health practitioner or an official immunization record evidencing that the student has received a bacterial meningitis vaccination dose or booster during the five-year period preceding and at least ten days prior to the first day of the first semester in which the student initially enrolls at an institution, or following a break in enrollment of at least one fall or spring semester at the same or another institution.

A student is not required to submit evidence of receiving the vaccination against bacterial meningitis or evidence of receiving a booster dose if:

1. The student is 22 years of age or older by the first day of the start of the semester;
2. The student is enrolled only in online or other distance education courses;
3. The student is enrolled in a continuing education course or a program that is less than 360 contact hours or continuing education corporate training;

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4. The student is enrolled in a dual credit course that is taught at a public or private kindergarten–grade 12 facility not located on a higher education institution campus; or
5. The student is incarcerated in a Texas prison.

Education Code 51.9192(b)–(c); 19 TAC 21.613(a), .614(a)

Exception for
Medical Reasons or
Reasons of
Conscience

A student to whom this section applies or a parent or guardian of the student is not required to comply with immunization requirement if the student or a parent or guardian of the student submits to the institution:

1. An affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States in which it is stated that, in the physician's opinion, the vaccination required would be injurious to the health and well-being of the student;
2. An affidavit signed by the student stating that the student declines the vaccination for bacterial meningitis for reasons of conscience, including a religious belief. A conscientious exemption form from the DSHS must be used for students attending a public university, health-related institution, or private or independent institution of higher education. The form must be submitted to the designated department or unit no later than the 90th day after the date the affidavit is notarized; or
3. Evidence of submitting a conscientious objection form through a secure, Internet-based process developed and implemented by the DSHS. The Internet form may be used by entering students attending a public junior college. Public junior colleges may use the Internet-based process as the exclusive method to apply for an exemption from the vaccination requirement for reasons of conscience.

The exemption noted at items 2 and 3, above, does not apply during a disaster or public health emergency, terrorist attack, hostile military or paramilitary action, or extraordinary law enforcement emergency declared by an appropriate official or authority from the DSHS and in effect for the location of the college district the student attends.

Education Code 51.9192(d)–(d-2), (d-4); 19 TAC 21.614(b)–(c)

Notification at
Registration

Each institution of higher education shall provide, with the registration materials that the institution provides to a student to whom this section applies before the student's initial enrollment in the institution, written or electronic notice of the right of the student or of a parent or guardian of the student to claim an exemption from the

vaccination requirement in the manner prescribed above and of the importance of consulting a physician about the need for immunization to prevent the disease. *Education Code 51.9192(d-6); 19 TAC 21.613(d)*

Designation of
Official

Each institution of higher education must designate a department or unit to receive from the student evidence of receipt of an initial bacterial meningitis vaccination dose or booster during the five-year period preceding and at least ten days prior to the first day of the first semester in which the student initially enrolls at an institution, or following a break in enrollment of at least one fall or spring semester at the same or another institution. *19 TAC 21.613(b)*

Presentation of
Evidence

Evidence of the student having received the vaccination from an appropriate health practitioner must be received by the designated department or unit.

Acceptable evidence of vaccination or receiving a booster dose includes:

1. The signature or stamp of a physician or the physician's designee or public health personnel on a form that shows the month, day, and year the vaccination dose or booster was administered;
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.

This information shall be maintained in accordance with Family Educational Rights and Privacy Act Regulations, and with the Health Insurance Portability and Accountability Act.

19 TAC 21.613(c)

Extension

Under justifiable circumstances, an administrative official of the designated department or unit of the institution may grant extensions to individual students to extend the compliance date to no more than ten days after the first day of the semester or other term in which the student initially enrolls. *19 TAC 21.613(e)*

¹ History of varicella form (PDF): <http://www.dshs.state.tx.us/immunize/docs/c-9.pdf>