

## CHAPTER 33-06-05 SCHOOL IMMUNIZATION REQUIREMENTS

Section  
33-06-05-01 Requirements

### **33-06-05-01. Requirements.**

1. **Definitions.** As used in this section:
  - a. "Advisory committee on immunization practices" refers to a panel of experts in fields associated with immunization who have been selected by the secretary of the United States department of health and human services to provide advice and guidance to the secretary, the assistant secretary for health, and the centers for disease control and prevention on the most effective means to prevent vaccine-preventable diseases.
  - b. "Age-appropriate immunizations" refers to the vaccines a child should receive based on age and previous immunization history as recommended by the advisory committee on immunization practices of the United States department of health and human services and outlined by the North Dakota immunization schedule.
  - c. "Beliefs" as used in subsection 3 of North Dakota Century Code section 23-07-17.1 means sincerely held religious, philosophical, or moral beliefs which are not a pretense for avoiding legal requirements.
  - d. "Institution" includes all early childhood facilities, head start programs, preschool educational facilities, public and private kindergartens, and elementary, middle, and high schools operating in North Dakota.
  - e. "Institutional authority" means anyone designated by the governing body of an institution.
  - f. "Medical exemption" means an exemption from an immunization requirement based on a form signed by a licensed physician stating that the physical condition of the child seeking the exemption is such that the vaccine administered would endanger the life or health of the child.
2. **Minimum requirements.**
  - a. Minimum requirements for children attending early childhood facilities, head start programs, and preschool educational facilities shall be age-appropriate immunizations against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, haemophilus influenzae type B disease, varicella (chickenpox), pneumococcal disease, rotavirus, hepatitis A, and hepatitis B.
  - b. Minimum requirements for children attending kindergarten through grade twelve shall be age-appropriate immunizations against diphtheria, pertussis, tetanus, poliomyelitis, measles, mumps, rubella, varicella (chickenpox), meningococcal disease, and hepatitis B.
3. **Effective dates.**
  - a. Effective with the 2008-09 school year, a student must receive a second dose of varicella (chickenpox) vaccine before being admitted into kindergarten or first grade if the student's school does not have a kindergarten. Each subsequent school year, the next higher grade will be included in the second dose varicella (chickenpox) immunization requirement so those students transferring into North Dakota schools are added to the second dose varicella (chickenpox) immunization cohort.

- b. Effective with the 2014-15 school year, a student must receive meningococcal conjugate and tetanus, diphtheria, and pertussis (tdap) vaccine before being admitted into any seventh grade.
  - c. Effective with the 2018-19 school year, a student must be adequately immunized according to the advisory committee on immunization practices with tetanus, diphtheria, and pertussis (tdap) vaccine before being admitted into eighth through twelfth grade.
  - d. Effective with the 2018-19 school year, a student must be adequately immunized according to the advisory committee on immunization practices with meningococcal conjugate vaccine before being admitted into eighth through twelfth grade.
4. **Exemptions.** A child with a medical or a beliefs exemption is exempt from any one or all of the immunization requirements. A physician must sign an exemption form indicating the vaccines that are included in the medical exemption. A parent or guardian must sign an exemption form stating that the child has a beliefs exemption and indicate which vaccines are exempt because of beliefs. A child with a reliable history of chickenpox, hepatitis A, hepatitis B, measles, mumps, or rubella is exempt from applicable immunization requirements. A physician must sign an exemption form stating that the child has had disease. Exemption forms must be kept on file with the immunization records at the child's school, early childhood facility, head start program, or preschool educational facility.
5. **Recordkeeping and reporting.** Records and reports requested by the state department of health shall be completed and submitted to the state department of health.
- a. Certificates of immunization, a North Dakota immunization information system (NDIIS) record, or other official proof of immunization must be presented to the designated institutional authority before any child is admitted to an institution.
  - b. Upon request by the institutional authority and approval by the department, the department shall provide access to the NDIIS. The department of health shall disclose immunization records maintained by the NDIIS to an institutional authority or designee to fulfill the required proof of immunization.
  - c. The parent or guardian of a child claiming a medical, history of disease, or beliefs exemption shall present an appropriately signed statement of exemption to the designated institutional authority. Proof of immunization or the statement of exemption must be maintained by the child's school or early childhood facility.
  - d. The school or early childhood facility immunization summary report must be submitted to the state department of health by November first of each year or such other annual date as the department may designate.
6. **Appointment of an institutional authority.** An institutional authority shall be appointed for each institution by its governing board or authorized personnel. The authority must be an employee of such institution.
7. **Provisional admission - Exclusion.** Any child admitted to school or early childhood facility under the provision that such child is in the process of receiving the required immunizations shall be required to receive the immunizations according to the recommended schedule set forth by the state department of health. Any child admitted to school and not adhering to the recommended schedule shall provide proof of immunization or a certificate of immunization by October first or within thirty calendar days of enrollment if enrolling after October first or be excluded from school. Any child admitted to an early childhood facility and not adhering to the recommended schedule shall provide proof of immunization or a certificate of immunization within thirty calendar days of enrollment or be excluded from the early childhood facility.

**History:** Amended effective November 1, 1979; September 1, 1991; January 1, 1998; February 1, 2000; January 1, 2004; January 1, 2008; January 1, 2014; January 1, 2018.

**General Authority:** NDCC 23-01-03

**Law Implemented:** NDCC 23-07-17.1