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A BILL
25-278

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the Immunization of School Students Act of 1979 to update the requirements for providing certifications of immunization for students attending schools, child development facilities, and colleges and universities in the District, to remove the requirement for coronavirus (COVID-19) vaccination for students, to authorize the Mayor to establish, by rulemaking, the list of immunizations required for attending schools, child development facilities, and colleges and universities and to establish standards for excluding from students who do not have the required immunizations or an exemption from immunization from attending schools or child development facilities, to require schools and child development facilities to annually distribute immunization information, to require schools and child development facilities to notify a responsible person for the student if a student does not have a complete certification of immunization of the missing immunizations and provide information on how to obtain immunizations and to provide notifications that are accessible to individuals with disabilities and in languages other than English.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Immunization of School Students Amendment Act of 2023”.

Sec. 2. The Immunization of School Students Act of 1979, effective September 28, 1979 (D.C. Law 3-20; D.C. Official Code § 38-501 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 38-501) is amended as follows:

(1) Paragraph (1) is amended to read as follows:

“(1) The term “admit” means a student’s official enrollment in a school, child development facility, or college or university.”.

32 (2) Paragraph (2) is amended as follows:

33 (A) Strike the word “written”.

34 (B) Strike the phrase “that the student is immunized” and insert the phrase
35 “of the immunizations that a student has received or from which the student has a medical or
36 religious exemption” in its place.

37 (3) Paragraph (2A) is repealed.

38 (4) Paragraph (3) is amended to read as follows:

39 “(3) The term “student” means a person who is admitted to or seeks admission to
40 a school, child development facility, or college or university, or for whom admission is sought by
41 a parent or guardian, and who will not attain the age of 26 years before the start of the term for
42 which admission is sought.”.

43 (5) Paragraph (4) is amended to read as follows:

44 “(4) The term “immunization” means the receipt of the initial vaccination and any
45 boosters or revaccinations required to maintain immunity against a communicable disease.”.

46 (6) Paragraph (7) is amended by striking the phrase “himself or herself.” and
47 inserting a period in its place.

48 (7) Paragraph (8) is amended as follows:

49 (A) Subparagraph (B) is amended to read as follows:

50 “(B) A private, parochial, or independent school that offers instruction at
51 any level or grade from pre-K through 12;”.

52 (B) Subparagraph (C) is repealed.

53 (C) Subparagraph (D) is repealed.

54 (8) New paragraphs (9), (10), (11), (12), and (13) are added to read as follows:

55 “(9) The term “child development facility” means a licensed center, home,
56 expanded home, or other structure that provides care and other services, supervision and
57 guidance for children, infants, and toddlers on a regular basis, regardless of its designated name.
58 “Child development facility” does not include a school engaged in legally required educational
59 and related functions or a pre-K education program licensed pursuant to the Pre-k Enhancement
60 and Expansion Amendment Act of 2008, effective July 18, 2008 (D.C. Law 17-202; D.C.
61 Official Code §§ 38-271.01 *et seq.*).

62 “(10) The term “college or university” means any post-secondary educational
63 institution authorized, created, or incorporated by special act of the Congress of the United States
64 or the Council of the District of Columbia or required to be licensed by the District of Columbia
65 pursuant to the Education Licensure Commission Act of 1976, effective April 6, 1977 (D.C.
66 Official Code § 38-1302 *et seq.*).

67 “(11) The term “exclusion standards” means standards for barring students who
68 do not comply with the immunization requirements of this act and the rules issued pursuant to
69 this act from attending schools and child development facilities.

70 “(12) The term “LEA” means local education agency, which is the District of
71 Columbia Public Schools system or any individual public charter school or group of public
72 charter schools operating under a single charter.

73 “(13) The term “list of immunizations” means the list of immunizations,
74 established by the Mayor pursuant to section 4, required to be included on a certification of
75 immunization.

76 (b) Section 3 (D.C. Official Code § 38-502) is amended to read as follows:

77 “Sec. 3. Certification of immunization required.

78 “(a)(1) Except as provided in this act or rules issued pursuant to section 4, no student
79 shall attend a school or child development facility in the District without a certification of
80 immunization reflecting that the student has received each immunization on the list of
81 immunizations or is exempt from immunization in accordance with section 7.

82 “(2) At least annually, a responsible person shall furnish a certification of
83 immunization for each student attending a school or child development facility to the LEA;
84 private, parochial, or independent school; or child development facility to which the student is
85 admitted in accordance with the rules established pursuant to section 4.

86 “(b) A responsible person shall furnish a certification of immunization for each student
87 admitted to a college or university in accordance with the policy established by the college or
88 university pursuant to section 4.

89 “(c) Beginning with School Year 2023-2024, healthcare professionals shall electronically
90 submit all certifications of immunization to the public health authorities.”.

91 (c) Section 3a (D.C. Official Code § 38-502.01) is repealed.

92 (d) Section 4 (D.C. Official Code § 38-503) is amended to read as follows:

93 “Sec. 4. Immunizations standards; list of immunizations; exclusion standards.

94 “(a) The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure
95 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue
96 rules to implement the provisions of this act, including rules:

97 (1) Specifying the list of immunizations required to be included on a certification
98 of immunization for a student admitted to a:

99 (A) School;

100 (B) Child development facility, and

101 (C) College or university;

102 (2) The standards for achieving immunization for each immunization specified on
103 the list of immunizations; and

104 (3) Exclusion standards for schools and child development facilities.

105 “(b) Each college or university shall adopt and publish a written policy for the submission
106 of certifications of immunization and the exclusion of students who fail to obtain the required
107 immunizations.

108 (g) Section 5 (D.C. Official Code § 38-504) is amended to read as follows:

109 “Sec. 5. Notifications.

110 “(a) LEAs; private, parochial, and independent schools; and child development facilities
111 shall, at least annually, distribute immunization information to a responsible person for each
112 admitted student that includes:

113 “(1) The list of immunizations;

114 “(2) A statement that students must be immunized in accordance with this act; and

115 “(3) The exclusion standards issued pursuant to section 4.

116 “(b) With respect to any student for whom a school or child development facility does not
117 receive a complete certification of immunization required pursuant to section 3, the LEA;
118 private, parochial, or independent school; or child development facility shall notify a responsible
119 person in accordance with the exclusion standards issued pursuant to section 4, and provide the
120 following information:

121 “(1) The list of the missing immunizations;

122 “(2) That the student must be immunized in accordance with the list of required
123 immunizations, unless exempt from immunization pursuant to section 7;

124 “(3) That the student may be immunized and receive certification of
125 immunization from a healthcare professional authorized to administer a vaccine or from the
126 public health authorities;

127 “(4) How to contact the public health authorities to learn where and when they
128 perform immunization services;

129 “(5) The date by which the LEA, school, or child development facility must
130 receive certification of immunization or exemption; and

131 “(6) A copy of the certificate of health form described in section 3 of the Student
132 Health Care Act of 1985, effective December 3, 1985 (D.C. Official Code § 38-602).

133 “(c) Neither the District, an LEA, school, child development facility, nor employee of
134 any of the foregoing may be liable for damages to any person for failure to comply with this
135 section.

136 “(d) When sending notifications, LEAs; private, parochial, and independent schools; and
137 child development facilities shall make a reasonable attempt to ensure contact is made with the
138 responsible person. When considered appropriate and necessary by the LEA, school, or child
139 development facility, the LEA, school, or child development facility shall ensure that
140 notifications are translated into languages other than English and provided in alternate formats to
141 facilitate communication with individuals with disabilities consistent with federal and District
142 law.”.

143 (h) Section 6 (D.C. Official Code § 38-505) is amended to read as follows:

144 “Sec. 6. School attendance without immunization.

145 “(a) With respect to any student who has been admitted to a school and for whom the
146 school does not receive a certification of immunization reflecting immunization or an exemption
147 from immunization for each immunization on the list of immunizations, the school shall:

148 “(1) Notify a responsible person in accordance with section 5(b); and

149 “(2) Unless otherwise provided in the exclusion standards issued pursuant to
150 section 4, not permit the student to attend school for more than 20 school days after the date of
151 notification unless the school receives a completed certification of immunization within the 20
152 school days.

153 “(b) Unless otherwise provided in the exclusion standards issued pursuant to section 4
154 and notwithstanding subsection (a)(2) of this section, if immunization requires a series of
155 treatments that cannot be completed within 20 school days after notification, the student shall be
156 permitted to attend school while the treatments are continuing if, within the 20 school days, the
157 school receives written notification from the provider administering the treatment that the
158 immunization is in progress.”.

159 (i) Section 7 (D.C. Official Code § 38-506) is amended to read as follows:

160 “Sec. 7. Exemption from immunization.

161 “An immunization from the list of immunizations shall not be required for attendance at a
162 school or child development facility by a student:

163 “(1) For whom the responsible person objects in good faith and in writing to the public
164 health authorities that the immunization would violate the responsible person’s religious beliefs;
165 or

166 “(2) The public health authorities have a written certification from the student’s physician
167 or nurse-practitioner, or from the physician or nurse-practitioner’s representative, that the

168 immunization or treatment necessary to receive the immunization is medically inadvisable for
169 the student.”.

170 (j) Section 8 (D.C. Official Code § 38-507) is amended as follows:

171 (1) Strike the phrase “upon application of the public health authorities or the
172 Superintendent of Schools” and insert the phrase “upon the recommendation of the public health
173 authorities or the State Superintendent of Education” in its place.

174 (2) Strike the phrase “admission to school” and insert the phrase “admission to
175 school or a child development facility” in its place.

176 Sec. 3. Fiscal impact statement.

177 The Council adopts the fiscal impact statement in the committee report as the fiscal
178 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
179 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

180 Sec. 4. Effective date.

181 This act shall take effect following approval by the Mayor (or in the event of veto by the
182 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
183 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
184 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
185 Columbia Register.