

CHAPTER 122

HEALTH AND ENVIRONMENT

SENATE BILL 97-082

BY SENATORS Wham, Alexander, Bishop, Chlouber, Hernandez, Hopper, Johnson, Martinez, Matsunaka, Pascoe, Phillips, Reeves, Tanner, Thiebaut, Wattenberg, and Weddig;
also REPRESENTATIVES Epps, Mace, Alexander, Bacon, Hagedorn, Lawrence, Leyba, Nichol, Schwarz, Tupa, Udall, Veiga, S. Williams, Young, and Zimmerman.

AN ACT

CONCERNING THE IMMUNIZATION OF CHILDREN PRIOR TO SCHOOL ENTRY.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 25-4-902, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-4-902. Immunization prior to attending school. (1) Except as provided in section 25-4-903, no child shall attend any school in the state of Colorado on or after the dates specified in section 25-4-906 (4) unless ~~such child can present one of~~ HE OR SHE HAS PRESENTED the following to the appropriate SCHOOL official: ~~of the school:~~

(a) ~~A~~ AN UP-TO-DATE certificate of immunization from a licensed physician or authorized representative of the department of public health and environment or local health department stating that such child has received immunization against communicable diseases as specified by the state board of health, based on recommendations of the advisory committee on immunization practices of the United States department of health and human services or the American academy of pediatrics; OR

(b) A written authorization signed by one parent or guardian or an authorization signed by the emancipated child requesting that local health officials administer the immunizations. ~~or~~

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~(c) A plan signed by one parent or guardian or the emancipated child demonstrating that required immunizations for the child will begin or will be resumed within thirty days from the date the plan was signed.~~

(2) IF THE STUDENT'S CERTIFICATE OF IMMUNIZATION IS NOT UP-TO-DATE ACCORDING TO THE REQUIREMENTS OF THE STATE BOARD OF HEALTH, THE PARENT OR GUARDIAN OR THE EMANCIPATED STUDENT OR THE STUDENT EIGHTEEN YEARS OF AGE OR OLDER SHALL SUBMIT TO THE SCHOOL, WITHIN FOURTEEN DAYS AFTER RECEIVING DIRECT PERSONAL NOTIFICATION THAT THE CERTIFICATE IS NOT UP-TO-DATE, DOCUMENTATION THAT THE NEXT REQUIRED IMMUNIZATION HAS BEEN GIVEN AND A WRITTEN PLAN FOR COMPLETION OF ALL REQUIRED IMMUNIZATIONS. THE SCHEDULING OF IMMUNIZATIONS IN THE WRITTEN PLAN SHALL FOLLOW MEDICALLY RECOMMENDED MINIMUM INTERVALS APPROVED BY THE STATE BOARD OF HEALTH. IF THE STUDENT BEGINS BUT DOES NOT CONTINUE OR COMPLETE THE WRITTEN PLAN, HE OR SHE SHALL BE SUSPENDED OR EXPELLED PURSUANT TO THIS PART 9.

SECTION 2. 25-4-903, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-4-903. Exemptions from immunization. ~~(1) A student who transfers into a school may enter school provisionally and shall have sixty days in which to submit a certificate of immunization. Any student for whom a certificate of immunization is not submitted within sixty days shall be suspended or expelled from school until a certificate of immunization is provided. Any student expelled pursuant to this part 9 shall not be included in calculating the dropout rate for the school from which such student was expelled or the school district in which such student was enrolled prior to being expelled. Such student shall be included in the annual report of the number of expelled students prepared pursuant to section 22-33-105, C.R.S.~~

(2) IT IS THE RESPONSIBILITY OF THE PARENT OR LEGAL GUARDIAN TO HAVE HIS OR HER CHILD IMMUNIZED UNLESS THE CHILD IS EXEMPTED PURSUANT TO THIS SECTION. A student shall be exempted from receiving the required immunizations IN THE FOLLOWING MANNER:

(a) ~~Upon~~ BY submitting TO THE STUDENT'S SCHOOL certification from a licensed physician that the physical condition of the student is such that one or more specified immunizations would endanger his OR HER life or health or is medically contraindicated due to other medical conditions; OR

(b) ~~Upon~~ BY submitting TO THE STUDENT'S SCHOOL a statement OF EXEMPTION signed by one parent or guardian or the emancipated student or student eighteen years of age or older that the parent, guardian, or student is an adherent to a religious belief whose teachings are opposed to immunizations or that the parent or guardian or the emancipated student or student eighteen years of age or older has a personal belief that is opposed to immunizations.

(3) The state board of health may provide, by regulation, for further exemptions to immunization based upon sound medical practice.

(4) ALL INFORMATION DISTRIBUTED TO PARENTS BY SCHOOL DISTRICTS REGARDING IMMUNIZATION SHALL INFORM THEM OF THEIR RIGHTS UNDER SUBSECTION (2) OF THIS

SECTION.

SECTION 3. 25-4-907, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

25-4-907. Noncompliance. (1) A school official of each school shall suspend or expel from school, pursuant to the provisions of section 22-33-105, C.R.S., or the provisions established by the school official of a college or university or private school, any student not otherwise exempted under this part 9 who fails to comply with the provisions of this part 9. No student shall be suspended or expelled for failure to comply with the provisions of this part 9 unless there has been a direct personal notification by the appropriate school authority to the student's parent or guardian or to the emancipated student or the student eighteen years of age or older of the noncompliance with this part 9 and of such person's rights under sections 25-4-902, 25-4-902.5, and 25-4-903.

(2) In the event of suspension or expulsion of a student, school officials shall notify the state department of public health and environment or local department of health. An agent of said department shall then contact the parent or guardian or the emancipated student or student eighteen years of age or older in an effort to secure compliance with this part 9 in order that the student may be reenrolled in school.

(3) ANY STUDENT EXPELLED FOR FAILURE TO COMPLY WITH THE PROVISIONS OF THIS PART 9 SHALL NOT BE INCLUDED IN CALCULATING THE DROPOUT RATE FOR THE SCHOOL FROM WHICH SUCH STUDENT WAS EXPELLED OR THE SCHOOL DISTRICT IN WHICH SUCH STUDENT WAS ENROLLED PRIOR TO BEING EXPELLED. SUCH STUDENT SHALL BE INCLUDED IN THE ANNUAL REPORT OF THE NUMBER OF EXPELLED STUDENTS PREPARED PURSUANT TO SECTION 22-33-105, C.R.S.

SECTION 4. 22-33-105 (2.5), Colorado Revised Statutes, 1995 Repl. Vol., is amended to read:

22-33-105. Suspension, expulsion, and denial of admission. (2.5) Each board of education shall annually report to the state board the number of students expelled from schools within the district pursuant to this section and pursuant to section ~~25-4-903~~; 25-4-907, C.R.S. Any pupil who is expelled pursuant to this section shall not be included in calculating the dropout rate for the school from which such student is expelled or in calculating the dropout rate for the school district in which such pupil was enrolled prior to being expelled.

SECTION 5. Effective date. This act shall take effect July 1, 1997.

SECTION 6. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 24, 1997