

Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter F. Student Screening and Medical

Part 153. Rules Governing Immunization Requirements in Arkansas Public Schools

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows:

"2.0 REGULATORY AUTHORITY

2.01 The Rules are duly adopted and promulgated pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-18-702, and 25-15-201 et seq."

"Effective Date: July 6, 2020"

Subpart 1. Generally

6 CAR § 153-101. Purpose.

The purpose of this part is to establish the requirements and procedures governing grades kindergarten through twelve (K-12) immunization requirements in Arkansas public schools.

Authority. Arkansas Code § 6-18-702.

6 CAR § 153-102. Requirements.

(a)(1) Except as otherwise provided in this part, no child shall be admitted to a public school of this state who has not been immunized against the following, as evidenced by an immunization record from a licensed physician or a public health department:

- (A) Poliomyelitis;
- (B) Diphtheria;
- (C) Tetanus;
- (D) Pertussis;
- (E) Red (rubeola) measles;
- (F) Rubella;
- (G) Mumps;
- (H) Hepatitis B;
- (I) Hepatitis A;
- (J) Meningococcal disease; and
- (K) Varicella (chickenpox).

(2) See Table I.

(b) The requirements for entry into school are:

(1) For students entering into kindergarten:

(A) At least four (4) doses of the following vaccines:

- (i) Diphtheria/tetanus/acellular pertussis (DTaP);
- (ii) Diphtheria/tetanus/pertussis (DTP); or
- (iii) Diphtheria/tetanus (DT pediatric);

(B) At least three (3) doses of polio vaccine;

(C) Three (3) doses of Hepatitis B vaccine;

(D)(i) Two (2) doses of measles/mumps/rubella (MMR) vaccine.

(ii) If a student received two (2) doses of measles, one (1) dose of mumps, and one (1) dose of rubella prior to January 1, 2010, the doses will be accepted as compliant with subdivision (b)(1)(D) of this section;

(E)(i) Two (2) doses of varicella (chickenpox) vaccine.

(ii) A history of disease may be accepted in lieu of receiving the varicella vaccine.

(iii) The history of disease must be provided by a:

- (a) Medical doctor;
- (b) Advanced practice nurse;

(c) Doctor of osteopathy; or

(d) Physician assistant.

(iv)(a) No student, parent, or guardian history of varicella disease will be accepted.

(b) See Table I; and

(F) One (1) dose of Hepatitis A vaccine; and

(2) For students entering into grades one through twelve (1-12):

(A) No fewer than three (3) doses of:

(i) Diphtheria/tetanus/acellular pertussis (DTaP);

(ii) Diphtheria/tetanus/pertussis (DTP);

(iii) Diphtheria/tetanus (DT pediatric);

(iv) Tetanus/diphtheria (Td-adult); or

(v) Tetanus/diphtheria/acellular pertussis (Tdap);

(B)(i) One (1) dose of tetanus/diphtheria/acellular pertussis (Tdap) for students:

(a) Who are eleven (11) years old as of September 1; and

(b) Older than eleven (11) years if the student has not received the dose of Tdap at age eleven (11).

(ii) If a student is unvaccinated and age seven (7) or older, the student must receive:

(a) One (1) dose of tetanus/diphtheria/acellular pertussis (Tdap);

and

(b) Two (2) doses of tetanus/diphtheria (Td-adult).

(iii) Students who cannot document prior vaccination must be vaccinated as stated in subdivision (b)(2)(A) of this section;

(C) At least three (3) doses of polio vaccine, with the final dose received after four (4) years of age;

(D)(i) Two (2) doses of measles/mumps/rubella (MMR) vaccine.

(ii) If a student has previously received two (2) doses of measles, one (1) dose of mumps, and one (1) dose of rubella before January 1, 2010, the doses will

be accepted as compliant to immunization requirements and two (2) MMRs are not required;

(E)(i) Two (2) doses of varicella (chickenpox) vaccine.

(ii) A documented history of disease may be accepted in lieu of receiving the varicella vaccine.

(iii) The history of disease must be provided by a:

(a) Medical doctor;

(b) Advanced practice nurse;

(c) Doctor of osteopathy; or

(d) Physician assistant.

(iv)(a) No student, parent, or guardian history of varicella disease will be accepted.

(b) See Table I;

(F) No fewer than two (2) doses of Hepatitis B vaccine;

(G)(i) Meningococcal vaccine.

(ii) Each student must have one (1) dose to enroll in seventh grade.

(iii)(a) Each student age sixteen (16) on September 1 must receive a second dose unless the first dose was administered at age sixteen (16) or older.

(b) If the first vaccine is administered at age sixteen (16) or older, no second dose is required; and

(H) Each student must receive at least one (1) dose of Hepatitis A to enroll in first grade.

(c) If a student has not met the immunization requirements for enrolling in a public school, the student should be referred to a medical authority, such as a private doctor or the health department, for immunization or consultation.

(d) A school may temporarily admit a student if:

(1)(A) The student is in the process of receiving the needed doses of the required vaccines.

(B) If a student is admitted and is in the process of completing the required minimum immunizations, the school shall require the student to complete the required doses on schedule.

(C) The school shall keep a written statement from a medical professional:

(i) Verifying that the student is in the process of completing the required minimum immunizations; and

(ii) Stating a date when the student must receive the next immunization.

(D) For purposes of this part, "in process" means the student:

(i) Has received at least one (1) dose of the required immunizations; and

(ii) Is waiting the minimum time interval to receive the additional doses; or

(2) The student has applied for an exemption for the vaccines the student has not received within thirty (30) calendar days after the child's admission, or by October 1 for Tdap and meningococcal at ages eleven (11) and sixteen (16).

(e) If the student does not provide documentation under subdivision (d)(1)(C) of this section or show proof that the student has received an exemption from the immunization requirements, the student must be excluded from the school until the documentation is provided.

Authority. Arkansas Code § 6-18-702.

6 CAR § 153-103. Documentation for immunization or proof of immunity.

(a)(1) The following documentation of immunizations is required.

(2) A copy of the original source document or a copy from the immunization provider's medical record shall be placed in the student's permanent record.

(3) A school shall only accept a record provided by:

(A) A licensed physician;

(B) The health department;

(C) A military service; or

(D) An official record from another Arkansas educational entity.

(4) The record must state the vaccine type and the dates of vaccine administration.

(5) Terms such as "up-to-date", "complete", "adequate", or other similar terms shall not be accepted as proof of immunization.

(6) The immunization record printed off of the statewide immunization registry with the official seal of the State of Arkansas is an approved immunization record.

(b) The following documentation for proof of immunity is required:

(1) Serologic testing shall only be accepted as proof of immunity for the following:

(A) Hepatitis B virus;

(B) Measles;

(C) Mumps;

(D) Rubella; and

(E) Varicella (chickenpox);

(2) Any individual who has immunity to any of the diseases listed in subdivision (b)(1) of this section, as documented by appropriate serological testing, shall not be required to have the vaccine for that disease; and

(3)(A) The student, parent, or guardian shall submit a copy of the serological test to the Department of Health's Immunization Section along with a letter requesting that the serological test be accepted as proof of immunity in lieu of receiving vaccine for the disease indicated on the serological test.

(B) After review by the Medical Director of the Immunization Section:

(i) A letter indicating approval or denial of the proof of immunity is sent to the:

(a) Individual;

(b) Parent; or

(c) Guardian; and

(ii) It is that person's responsibility to inform the school of the approval or denial.

(C) If the proof of immunity is approved, no annual approval is required.

(D) If the proof of immunity is approved, the school shall maintain a copy of the approval letter in the student's permanent record.

(E) If the proof of immunity is denied, the student must:

(i) Receive the required immunization; or

(ii) Request an exemption from the department.

(c) An individual who has lost his or her immunization records or whose serology test results are unavailable:

(1) Shall be properly immunized for those diseases; or

(2) Will be required to show proof that they have applied for an exemption for those vaccines he or she has not received.

(d) Each public school shall maintain a list of individuals:

(1) Not appropriately immunized; and

(2) With medical, religious, or philosophical exemptions.

(e) Immunization records may be stored on a computer database such as the Arkansas Public School Computer Network.

Authority. Arkansas Code § 6-18-702.

6 CAR § 153-104. Exemptions.

(a) General requirements.

(1) Exemptions shall be granted only by the Department of Health.

(2) Individuals shall complete an annual application for medical, religious, and philosophical exemptions.

(3) A notarized statement by the individual requesting the exemption must accompany the application.

(4) All individuals requesting an exemption must complete an educational component developed by the department that includes information on the risks and benefits of vaccinations.

(5) All individuals must sign an informed consent form provided by the department that includes:

(A) A statement of refusal to vaccinate;

(B) A statement of understanding that at the discretion of the department the nonimmunized child or individual may be removed from the applicable facility, for no fewer than twenty-one (21) days, during an outbreak if the child or individual is not fully vaccinated; and

(C) A statement of understanding that the child or individual shall not return to the applicable facility until the:

(i) Outbreak has been resolved; and

(ii) Department approves the return.

(b) Medical exemptions.

(1) Only a letter issued by the Medical Director of the Immunization Section of the Department of Health stating the vaccine for which a student is exempt is to be accepted as a valid medical exemption by the school.

(2) Statements from private physicians shall not be accepted by the school as proof of a medical exemption unless accompanied by a letter issued by the Medical Director of the Immunization Section.

(3)(A) In addition to the general requirements of subsection (a) of this section, individuals seeking a medical exemption must submit the Immunization Section's standard form for medical exemptions.

(B) This form is available from the Immunization Section upon request.

(c) Religious exemptions.

(1) In addition to the general requirements found in subsection (a) of this section, individuals seeking a religious exemption must submit the Immunization Section's standard form for religious exemptions.

(2) This form is available from the Immunization Section upon request.

(d) Philosophical exemptions.

(1) In addition to the general requirements found in subsection (a) of this section, individuals seeking a philosophical exemption must submit the Immunization Section's standard form for philosophical exemptions.

(2) This form is available from the Immunization Section upon request.

Authority. Arkansas Code § 6-18-702.

6 CAR § 153-105. Exclusion from school.

(a) Each school must maintain an accurate and current list of all students who:

(1) Have obtained an exemption from the vaccination requirements; and

(2) Are in the process of obtaining the vaccination requirements.

(b)(1) If the Department of Health determines that a possibility of disease transmission exists, individuals who have an exemption or who are in the process of obtaining the vaccinations will be excluded from the school.

(2) Students who have had the disease as verified by appropriate serological testing will not be excluded from the school.

(3) Students who are excluded from school under this subsection shall not return to school until the:

(A) Possibility of disease transmission has been controlled; and

(B) Department approves the return.

(4) Students who are excluded from school under this subsection shall not be dismissed or dropped from the attendance records of the school or school district in accordance with Arkansas Code § 6-18-213(f).

(5) Absences accrued due to exclusion under this subsection shall be counted as excused or unexcused absences in accordance with the school's attendance policy.

Authority. Arkansas Code § 6-18-702.

6 CAR § 153-106. Reporting requirements.

(a)(1) In order to identify areas where additional emphasis is needed and to measure levels of immunization compliance, the Department of Health will conduct annual assessments in schools.

(2) Public schools are required to cooperate in completing these surveys and audits.

(b) Each public school shall create and maintain a report that provides information regarding the number and percentage of students within the public school who have:

(1) Been granted from the department an exemption from the requirement to obtain one (1) or more vaccinations;

(2) Failed to provide to the public school proof of the vaccinations required;
and

(3) Not obtained an exemption from the department.

(c) The report required under subsection (b) of this section must be:

(1) Updated by December 1 each year; and

(2) Posted and available to the public online.

Authority. Arkansas Code § 6-18-702.

Appendix A. Table I - Kindergarten Through Grade Twelve Immunization Requirements

Link:

<https://CodeOfARRules.arkansas.gov/docs/CARCodeAppendices/Appendices/162/6CARpt.153TableI.pdf>