

SUBJECT: IMMUNIZATIONS

PUPRPOSE: The Governance Council is committed to a policy that enforces New Mexico Department of Health regulations (7.5.2 NMAC) governing the immunization of Alma d'arte students.

POSITION: The Governance Council supports the New Mexico Department of Health's objective of "to provide for the health and safety of students enrolled in New Mexico schools, educational facilities and daycare centers by requiring immunizations to abate the spread of diseases that are dangerous to the public health" (7.5.2 NMAC), including all of the immunization requirements for public school students cited in 7.5.2 NMAC.

DEFINITIONS:

- (A) "Administrative authority" is the CAO/Principal or the designee of such person.
- (B) "Certified nurse practitioner" is an individual licensed as a certified nurse practitioner with prescriptive authority by the New Mexico Board of Nursing, another state or territory.
- (C) "In process of being age appropriately immunized" is a child who has received all required immunizations he/she is eligible to receive according to Public Health Division Immunization Schedule, but has not completed one or more vaccine series because a sufficient time interval has not elapsed for the subsequent dose or doses of vaccine to be administered according to the recommended intervals between doses published by the Advisory Committee on Immunization Practices (ACIP).
- (D) "Licensed physician" is a physician licensed to practice medicine or osteopathic medicine in New Mexico, another state or territory
- (E) "Public Health Division regulations" are those regulations adopted by the Public Health Division of the New Mexico Department of Health (NMDOH) pursuant to the authority granted in 7.5.2 NMAC 1978 (Vaccinations and Immunizations) and including the Immunization Schedule.
- (F) "Required immunizations" are those immunizations against diseases deemed to be dangerous to the public health by the NMDOH Public Health Division and set forth in its Immunization Schedule effective at date of enrollment.
- (G) "Satisfactory evidence of immunization" is a statement, certificate or record signed by a duly licensed physician, certified nurse practitioner, or other recognized, licensed health facility stating that the required immunizations have been given to the person.

REQUIREMENTS:

No student shall be enrolled at Alma d'arte Charter High School unless the student can present satisfactory evidence of commencement and completion of immunization in accordance with the Immunization Schedule and rules and regulations of the Public Health Division.

EXEMPTIONS FROM IMMUNIZATION

A student in New Mexico may be exempt from NM Public Education Department (PED) immunization requirements to register and attend school upon providing to the school an exemption from school, childcare, and preschool immunization.

- (A) The New Mexico Immunization Exemption Statute (24-5-3) allows **only** two types of exemptions for children seeking exemption from required immunizations to enter school, childcare or preschool. **The law does not grant immunization exemptions for philosophical or personal reasons.** The two exemptions are: medical or religious.
- (B) If there is a medical reason for exempting from immunization, a signed medical exemption must be obtained from a duly licensed physician attesting that the required immunization(s) would endanger the life of the child.
- (C) If there is a religious reason for exempting from immunization, the child's parent/guardian must:
 - 1. Ask an officer of the church to write a letter on the child's behalf stating that he/she is a member of the church, and the church uses prayer or spiritual means alone for healing.
 - 2. If access to a church officer is not possible, then the child's parent/guardian must complete the NM Department of Health's **Certificate of Religious Exemption Form**: [<https://nmhealth.org/publication/view/form/454/>] This form requires a statement of the religious reasons for requesting to have a child exempted from immunization(s).
- (D) Once a completed, notarized, original **Certificate of Religious Exemption Form** is filed with the Department of Health, the Department has up to 60 (sixty) days to notify the parent/guardian if the request is approved or denied. If approved, the parent/guardian will receive two copies of the original form with a clear "Approved" box checked, a signature from an officer of the Department, and an expiration date. The parent/guardian must take the approved form to the child's school. If denied, the parent/guardian will receive a letter from the Department of Health explaining that the request is denied, and that the parent/guardian has the right to file an appeal with the Department of Health Cabinet Secretary. A process for appeal will also be included.
- (E) **New Mexico Immunization Exemption Law** (§24-5-3 NMSA) Any minor child through his parent/guardian may file with the health authority charged with the duty of enforcing the immunization laws:

1. a certificate of a duly licensed physical stating that the physical condition of the child is such that immunization would seriously endanger the life or health of the child; or
2. affidavits or written affirmation from an officer of a recognized religious denomination that such child's parents/guardians are bona fide members of a denominate whose religious teaching requires reliance upon prayer or spiritual means alone for healing; or
3. affidavits or written affirmation from a child's parent/guardian that religious beliefs, held either individually or jointly with others, do not permit the administration of vaccine or other immunizing agent [NMSHM – Section IX (7.2012) IX-6].

(F) **New Mexico Administrative Code** “Within sixty (60) days of receipt of a certificate of conscientious objection to immunization, the director of the public health division or the designee shall review the certificate to determine whether the certificate has been duly completed and notarized. The public health division shall investigate as may be appropriate to ascertain that the exemption is a bona fide claim of religious beliefs and practices.” [<http://www.nmcpr.state.nm.us/nmac/parts/title07/07.005.0003.htm>]

DISENROLLMENT

If satisfactory evidence of commencement of and completion of immunization or an exemption from immunization in accordance with 6.12.2.9 NMAC is subsequently determined to be invalid for any reasons and the student is unable to provide either valid satisfactory evidence of commencement of and completion of immunization or a valid exemption from immunization in accordance with 6.12.2.9 NMAC, the administrative authority shall commence disenrollment proceedings.

ADMINISTRATIVE AUTHORITY'S DUTY TO REPORT

- (A) It is the duty of the CAO/Principal to cause to be prepared a record showing the required immunization status of every child enrolled in or attending a school under his/her jurisdiction.
- (B) These records must be kept current and available to public health authorities.
- (C) The name of any parent or guardian who neglects or refuses to permit his/her child to be immunized against diseases as required by rules and regulations promulgated by the Public Health Division shall be reported by the superintendent to the Director of the Public Health Division within a reasonable time after such facts become known to the superintendent.

Legal Reference: NMAC 6.12.2, NMAC 7.5.2; 7.5.3 and Chapter 24, Article 5, NMSA 1978

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