
MEMORANDUM

TO: New Mexico School Superintendents, and Charter School Administrators

FR: Secretary of Health, Retta Ward, MPH, New Mexico Department of Health

CC: Secretary of Education, Hanna Skandera, New Mexico Public Education Department

DATE: February 20, 2015

RE: **Immunization Requirements Guidance**

This memorandum serves as a reminder to district and charter school leaders that state statutes and New Mexico Administrative Codes (NMAC) are in place to guide public schools in both immunization requirements and exemptions.

Specifically, § 24-5-2, NMSA 1978 articulates that **unless properly exempted, all students must be immunized according to the rules and regulations of the public health division and department of health and be able to provide evidence of immunization in order to enroll in school.** To assist districts with these requirements, *The New Mexico Childcare/Pre-School/School Entry Immunization Requirements: 2014-2015 School Year* schedule was sent to each school at the beginning of the 2014-2015 school year and is attached again as reference. Within this document are the age specific vaccine dose requirements. Of recent interest, given the rise in reported measles cases in other states, included in this section are the requirements specifically for the Measles/Mumps/Rubella (MMR) vaccine.

The state statutes regarding immunizations (§ 24-5-2, NMSA 1978) and exemptions (§ 24-5-3 NMSA, 1978) are also reflected in the New Mexico Department of Health's (DOH) rule (NMAC 7.5.3) and the New Mexico Public Education Department's (PED) rule (NMAC 6.12.2). These statutes allow for the same exemptions for children seeking exception from required immunizations to enter any school, childcare, or pre-school. The two exemptions are medical (a parent/guardian obtains a signed medical exemption from a duly-licensed physician attesting that immunization(s) would endanger the life or health of the child) or religious (a child's parent/guardian obtains a letter from an officer of a "recognized religious denomination" that the parents/guardians are members, and their religious belief uses prayer or spiritual means alone for healing; or a child's parent/guardian submits a written affidavit that religious beliefs do not permit the administration of a vaccine or immunizing agent). Under statute, exemptions may not exceed a period of nine months.

One other exemption important to note is regarding children experiencing homelessness. Pursuant to the McKinney-Vento Homeless Assistance Act (42 USC § 11432(g)(3)(C)), children experiencing homelessness must be able to enroll in school immediately. This applies even if

they are unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residency, or other documentation. If the child needs to obtain immunizations, or medical or immunization records, the enrolling school must immediately refer the parent or guardian of the child or youth to the designated local educational agency liaison. The liaison must assist the family in obtaining necessary immunizations, or immunization or medical records.

Please note that per New Mexico Administrative Code as well as state statute, it is the duty of the superintendent and charter school leader to prepare records showing the required immunization status of every child enrolled in or attending a school under his or her jurisdiction. Additionally, the name of any parent or guardian who neglects or refuses to permit his or her child to be immunized as required by rules and regulations “shall be reported by the school superintendent to the director of the public health division within a reasonable time after such facts become known to the superintendent.” **School records regarding immunizations and exemptions must be kept current and must be readily available upon the request of public health authorities** in accordance with NMAC 6.12.2. and § 24-5-4, NMSA 1978.

Inquiries regarding immunization requirements and/or exemptions may be directed to Dan Burke, DOH Immunization Program Manager at Daniel.Burke@state.nm.us.

Thank you for your attention to this matter.

Enclosures (1)

The New Mexico Childcare/Pre-School/School Entry Immunization Requirements: 2014-2015 School Year- DOH

cc: Winona Stoltzfus, Health Systems Bureau Medical Director & School Health Officer,
DOH

Dean Hopper, Coordinated School Health and Wellness Bureau Director, PED
Daniel Burke, Immunization Program Manager, DOH