

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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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 standards for excluding from students who do not have the required immunizations or an exemption from immunization from attending schools or child development facilities, and 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 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.”.

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

(A) Strike the word “written”.

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

(3) Paragraph (2A) is repealed.

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

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

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

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

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

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

(A) Subparagraph (A) is amended by striking the semicolon and inserting the phrase “; and” in its place.

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

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

(C) Subparagraph (C) is repealed.

(D) Subparagraph (D) is repealed.

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

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

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

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

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

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

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

“Sec. 3. Certification of immunization required.

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

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

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

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

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

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

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

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

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

“(A) School;

“(B) Child development facility, and

“(C) College or university;

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

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

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

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

“Sec. 5. Notifications.

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

“(1) The list of immunizations;

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

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

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

“(1) The list of the missing immunizations;

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

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

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

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

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

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

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

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

“Sec. 6. School attendance without immunization.

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

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

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

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

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

“Sec. 7. Exemption from immunization.

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

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

“(2) The public health authorities have a written certification from the student’s physician or nurse-practitioner, or from the physician or nurse-practitioner’s representative, that the immunization or treatment necessary to receive the immunization is medically inadvisable for the student.”.

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

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

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

### Sec. 3. Fiscal impact statement.

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

### Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

**ENROLLED ORIGINAL**

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia