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FIRST REPRINT

A.B. 123

ASSEMBLY BILL NO. 123—ASSEMBLYWOMAN MUNK

FEBRUARY 11, 2019

Referred to Committee on Education

**SUMMARY**—Revises provisions governing the requirements concerning immunizations of pupils for purposes of enrollment in school. (BDR 34-593)

**FISCAL NOTE:** Effect on Local Government: May have Fiscal Impact.  
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to education; requiring certain information regarding exemptions from immunization requirements for pupils to be maintained by a school district, charter school or private school; requiring notification to the parent or guardian of a pupil enrolled in a public or private school concerning certain outbreaks; requiring notification to the Division of Public and Behavioral Health of the Department of Health and Human Services concerning the number of children who receive such exemptions; prescribing the duration of exemptions from immunization requirements; requiring an annual statement regarding certain medical exemptions to be submitted to the board of trustees of a school district or the governing body of a school; providing a penalty; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law generally prohibits enrolling a child in a public or private school unless the child has received certain immunizations. (NRS 392.435, 394.192) Existing law further requires a public or private school to exempt a child from those requirements if the parent or guardian of the child submits to the board of trustees of the school district or the governing body of the school, as applicable, a written statement indicating that: (1) the religious belief of the parent or guardian prohibits the immunization of the child; or (2) the child has a medical condition that does not allow the child to receive some or all of the required immunizations. (NRS 392.437, 392.439, 394.193, 394.194) **Sections 3, 4, 7 and 8** of this bill require such a written statement concerning religious belief or medical condition of a child to include the name of the child and, for a child enrolled in a public school, the name



\* A B 1 2 3 R 1 \*

of his or her school. **Sections 2 and 6** of this bill require the board of trustees of a school district or the governing body of a charter school or private school to maintain a copy of each such written statement received by the board of trustees or governing body in the records of the school district, charter school or private school. **Section 1** of this bill makes a conforming change.

Existing law requires the board of trustees of a school district or the governing body of a charter school or private school to report to the Division of Public and Behavioral Health of the Department of Health and Human Services the exact number of pupils who have completed the required immunizations. (NRS 392.435, 394.192) **Sections 2.5 and 6.5** of this bill additionally require a board of trustees or governing body to provide the Division with the exact number of pupils for whom a statement of exemption has been received. **Sections 2.5 and 6.5** also require a board of trustees or governing body to notify the parent or guardian of each pupil enrolled at a school of an outbreak of a disease for which immunization is required under certain circumstances.

**Sections 3, 4, 7 and 8** provide that an exemption from immunization requirements that is based on religious belief or a permanent medical condition remains valid for the duration of the child's enrollment in the school district, charter school or private school, as applicable. If the medical condition of the child is not permanent, **sections 4 and 8** require a statement of exemption to be submitted before the beginning of each school year for the child to remain exempt for that school year. If the parent or guardian of a child for whom such a statement has previously been submitted fails to submit such a statement before the beginning of a school year and the child has not obtained the required immunizations, **sections 4 and 8** require the child to be excluded from school. **Sections 5 and 9** of this bill make it a misdemeanor for a parent or guardian to refuse to remove his or her child from school if the child is required to be excluded from school for that reason.

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 391.292 is hereby amended to read as follows:  
391.292 A school nurse shall, for each school at which he or she is responsible for providing nursing services:

1. Ensure that each pupil enrolled in the school has been immunized in accordance with, is exempt from or has otherwise complied with, the requirements set forth in NRS 392.435 to 392.446, inclusive **H**, and *section 2 of this act*.

2. Assess and evaluate the general health and physical development of the pupils enrolled in the school to identify those pupils who have physical or mental conditions that impede their ability to learn.

3. Report the results of an evaluation conducted pursuant to subsection 2 to:

- (a) A parent or guardian of the pupil;
- (b) Each administrator and teacher directly involved with the education of the pupil; and



(c) Other professional personnel within the school district who need the information to assist the pupil with the pupil's health or education.

4. Design and carry out a plan of nursing care for a pupil with special needs which incorporates any plan specified by the pupil's physician or provider of health care, as defined in NRS 629.031, and which is approved by the pupil's parent or guardian. The nursing services provided pursuant to a plan of nursing care must be performed in compliance with chapter 632 of NRS.

5. When appropriate, refer a pupil and the pupil's parent or guardian to other sources in the community to obtain services necessary for the health of the pupil.

6. Interpret medical and nursing information that relates to a pupil's individual educational plan or individualized accommodation plan and make recommendations to:

- (a) Professional personnel directly involved with that pupil; and
- (b) The parents or guardian of that pupil.

**Sec. 2.** Chapter 392 of NRS is hereby amended by adding thereto a new section to read as follows:

*The board of trustees of a school district or the governing body of a charter school, as applicable, shall maintain a copy of each statement it receives pursuant to NRS 392.437 or 392.439 in the records of the school district or charter school, as applicable, for the duration of the exemption as prescribed by those sections.*

**Sec. 2.5.** NRS 392.435 is hereby amended to read as follows:

392.435 1. Unless excused because of religious belief or medical condition and except as otherwise provided in subsection 5, a child may not be enrolled in a public school within this State unless the child's parents or guardian submit to the board of trustees of the school district in which the child resides or the governing body of the charter school in which the child has been accepted for enrollment a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 6 years of age;
- (d) Poliomyelitis;
- (e) Rubella;
- (f) Rubeola; and
- (g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed



1 physician or the physician's designee or a registered nurse or the  
2 nurse's designee, attesting that the certificate accurately reflects the  
3 child's record of immunization.

4 3. If the requirements of subsection 1 can be met with one visit  
5 to a physician or clinic, procedures for conditional enrollment do not  
6 apply.

7 4. A child may enter school conditionally if the parent or  
8 guardian submits a certificate from a physician or local health  
9 officer that the child is receiving the required immunizations. If a  
10 certificate from the physician or local health officer showing that the  
11 child has been fully immunized is not submitted to the appropriate  
12 school officers within 90 school days, or its equivalent in a school  
13 district operating under an alternative schedule authorized pursuant  
14 to NRS 388.090, after the child was conditionally admitted, the  
15 child must be excluded from school and may not be readmitted until  
16 the requirements for immunization have been met. A child who is  
17 excluded from school pursuant to this section is a neglected child for  
18 the purposes of NRS 432.097 to 432.130, inclusive, and chapter  
19 432B of NRS.

20 5. A child who transfers to a school in this State from a school  
21 outside this State because of the military transfer of the parent or  
22 legal guardian of the child must be enrolled in school in this State  
23 regardless of whether the child has been immunized. Unless a  
24 different time frame is prescribed pursuant to NRS 388F.010, the  
25 parent or legal guardian shall submit a certificate from a physician  
26 or local health officer showing that the child:

27 (a) If the requirements of subsection 1 can be met with one visit  
28 to a physician or clinic, has been fully immunized within 30 school  
29 days, or its equivalent in a school district operating under an  
30 alternative schedule authorized pursuant to NRS 388.090, after the  
31 child was enrolled; or

32 (b) If the requirements of subsection 1 cannot be met with one  
33 visit to a physician or clinic, is receiving the required immunizations  
34 within 30 school days, or its equivalent in a school district operating  
35 under an alternative schedule authorized pursuant to NRS 388.090,  
36 after the child was enrolled. A certificate from the physician or local  
37 health officer showing that the child has been fully immunized must  
38 be submitted to the appropriate school officers within 120 school  
39 days, or its equivalent in a school district operating under an  
40 alternative schedule authorized pursuant to NRS 388.090, after the  
41 child was enrolled.

42 ➤ If the parent or legal guardian fails to submit the documentation  
43 required pursuant to this subsection, the child must be excluded  
44 from school and may not be readmitted until the requirements for  
45 immunization have been met. A child who is excluded from school



pursuant to this section is a neglected child for the purposes of NRS 432.097 to 432.130, inclusive, and chapter 432B of NRS.

6. *The board of trustees of a school district or the governing body of a charter school shall notify the parent or guardian of each pupil enrolled at a school in the district or the charter school, as applicable, of an outbreak of a disease described in subsection 1 if the outbreak occurs:*

(a) *Among pupils enrolled at the school; or*

(b) *In the area in which the school is located and the Division of Public and Behavioral Health of the Department of Health and Human Services or the local health authority requests the board of trustees or governing body, as applicable, to provide such notice.*

7. Before December 31 of each year, each school district and the governing body of each charter school shall report to the Division of Public and Behavioral Health of the Department of Health and Human Services, on a form furnished by the Division, the exact number of pupils ~~[who have]~~:

(a) *Who have* completed the immunizations required by this section ~~[-~~

~~7.1]~~ ; and

(b) *For whom a statement of exemption has been received pursuant to NRS 392.437 or 392.439.*

8. The certificate of immunization must be included in the pupil's academic or cumulative record and transferred as part of that record upon request.

**Sec. 3.** NRS 392.437 is hereby amended to read as follows:

392.437 1. A public school shall not refuse to enroll a child as a pupil because the child has not been immunized pursuant to NRS 392.435 if the parents or guardian of the child has submitted to the board of trustees of the school district or the governing body of a charter school in which the child has been accepted for enrollment a written statement indicating that their religious belief prohibits immunization of such child ~~[-]~~ *which includes, without limitation, the name of the child and the school in which the child has been accepted for enrollment.*

2. *An exemption pursuant to this section remains valid for the duration of the child's enrollment in the school district or charter school, as applicable.*

**Sec. 4.** NRS 392.439 is hereby amended to read as follows:

392.439 1. If the medical condition of a child will not permit the child to be immunized to the extent required by NRS 392.435 and a written statement of this fact ~~[is signed by a licensed physician or advanced practice registered nurse and by the parents or guardian of the child.]~~ *that meets the requirements of this section is submitted to* the board of trustees of the school district or governing



body of the charter school in which the child has been accepted for enrollment, *the board of trustees or governing body, as applicable*, shall exempt the child from all or part of the provisions of NRS 392.435, as the case may be, for enrollment purposes ~~§~~:

*(a) If the medical condition of the child is not permanent, for that school year; or*

*(b) If the medical condition of the child is permanent, for the duration of the child's enrollment in the school district or charter school, as applicable.*

*2. A written statement submitted pursuant to subsection 1 must:*

*(a) Be signed by a licensed physician, physician assistant or advanced practice registered nurse and by the parents or guardian of the child; and*

*(b) Include, without limitation, the name of the child and the school in which the child has been accepted for enrollment.*

*3. A written statement for a child who suffers from a medical condition that is not permanent submitted to the board of trustees or governing body pursuant to subsection 1 must be resubmitted before the next school year, if applicable. If such a statement is not submitted and the child has not been immunized as required by NRS 392.435 before the next school year, the child must be excluded from school and may not be accepted for enrollment until the requirements of this section or NRS 392.435 are met.*

**Sec. 5.** NRS 392.448 is hereby amended to read as follows:

392.448 Any parent or guardian who refuses to remove his or her child from the public school in which the child is enrolled when retention in school is prohibited under the provisions of NRS 392.435, **392.439**, 392.443 or 392.446 is guilty of a misdemeanor.

**Sec. 6.** Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

*The governing body of a private school shall maintain a copy of each statement it receives pursuant to NRS 394.193 or 394.194 in the records of the private school for the duration of the exemption as prescribed by those sections.*

**Sec. 6.5.** NRS 394.192 is hereby amended to read as follows:

394.192 1. Unless excused because of religious belief or medical condition, a child may not be enrolled in a private school within this State unless the child's parents or guardian submit to the governing body of the private school a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to NRS 439.550 for the following diseases:

(a) Diphtheria;

(b) Tetanus;



- 1 (c) Pertussis if the child is under 6 years of age;
- 2 (d) Poliomyelitis;
- 3 (e) Rubella;
- 4 (f) Rubeola; and
- 5 (g) Such other diseases as the local board of health or the State
- 6 Board of Health may determine.

7 2. The certificate must show that the required vaccines and  
8 boosters were given and must bear a signature of a licensed  
9 physician or the physician's designee or a registered nurse or the  
10 nurse's designee, attesting that the certificate accurately reflects the  
11 child's record of immunization.

12 3. If the requirements of subsection 1 can be met with one visit  
13 to a physician or clinic, procedures for conditional enrollment do not  
14 apply.

15 4. A child may enter school conditionally if the parent or  
16 guardian submits a certificate from a physician or local health  
17 officer that the child is receiving the required immunizations. If a  
18 certificate from the physician or local health officer showing that the  
19 child has been fully immunized is not submitted to the appropriate  
20 school officials within 90 school days after the child was  
21 conditionally admitted, the child must be excluded from school and  
22 may not be readmitted until the requirements for immunization have  
23 been met. A child who is excluded from school pursuant to this  
24 section is a neglected child for the purposes of NRS 432.097 to  
25 432.130, inclusive, and chapter 432B of NRS.

26 5. *The governing body of a private school shall notify the*  
27 *parent or guardian of each pupil enrolled at the school of an*  
28 *outbreak of a disease described in subsection 1 if the outbreak*  
29 *occurs:*

- 30 (a) *Among pupils enrolled at the school; or*
- 31 (b) *In the area in which the school is located and the Division*  
32 *of Public and Behavioral Health of the Department of Health and*  
33 *Human Services requests the board of trustees or governing body,*  
34 *as applicable, to provide such notice.*

35 6. Before December 31 of each year, each private school shall  
36 report to the Division of Public and Behavioral Health of the  
37 Department of Health and Human Services, on a form furnished by  
38 the Division, the exact number of pupils ~~{who have}~~:

39 (a) *Who have* completed the immunizations required by this  
40 section ~~[-~~

41 ~~—6.1~~ ; and

42 (b) *For whom a statement of exemption has been received*  
43 *pursuant to NRS 394.193 or 394.194.*



7. The certificate of immunization must be included in the pupil's academic or cumulative record and transferred as part of that record upon request.

**Sec. 7.** NRS 394.193 is hereby amended to read as follows:

394.193 *1. A private school shall not refuse to enroll a child as a pupil because such child has not been immunized pursuant to NRS 394.192 if the parents or guardian of such child have submitted to the governing body a written statement indicating that their religious belief prohibits immunization of such child ~~it~~, which includes, without limitation, the name of the child and the school in which the child has been accepted for enrollment.*

*2. An exemption pursuant to this section remains valid for the duration of the child's enrollment in the private school.*

**Sec. 8.** NRS 394.194 is hereby amended to read as follows:

394.194 *1. If the medical condition of a child will not permit the child to be immunized to the extent required by NRS 394.192, a written statement of this fact ~~[signed by a licensed physician or advanced practice registered nurse and presented]~~ that meets the requirements of this section and is submitted to the governing body by the parents or guardian of such child shall exempt such child from all or part of the provisions of NRS 394.192, as the case may be, for enrollment purposes ~~it~~:*

*(a) If the medical condition of the child is not permanent, for that school year; or*

*(b) If the medical condition of the child is permanent, for the duration of the child's enrollment in the private school.*

*2. A written statement submitted pursuant to subsection 1 must:*

*(a) Be signed by a licensed physician, physician assistant or advanced practice registered nurse and by the parents or guardian of the child; and*

*(b) Include, without limitation, the name of the child.*

*3. A written statement for a child who suffers from a medical condition that is not permanent submitted to the governing body of a private school pursuant to subsection 1 must be resubmitted before the next school year, if applicable. If such a statement is not submitted and the child has not been immunized as required by NRS 394.192 before the next school year, the child must be excluded from school and may not be accepted for enrollment until the requirements of this section or NRS 394.192 are met.*

**Sec. 9.** NRS 394.199 is hereby amended to read as follows:

394.199 Any parent or guardian who refuses to remove his or her child from the private school in which the child is enrolled when retention in school is prohibited under the provisions of NRS 394.192, **394.194**, 394.196 or 394.198 is guilty of a misdemeanor.





**Sec. 10.** (Deleted by amendment.)

**Sec. 10.5.** The board of trustees of a school district or the governing body of a charter school or private school:

1. Shall maintain in the records of the school district, charter school or private school, as applicable, for the duration of the enrollment of the child to whom the statement pertains in the school district or school, as applicable:

(a) Any statement received pursuant to NRS 392.439 or 394.194 on or before July 1, 2019, concerning a permanent medical condition; and

(b) Any statement received pursuant to NRS 392.437 or 394.193 on or before July 1, 2019.

2. Shall not require the parent or guardian of a child for whom such a statement has been submitted to resubmit the statement.

**Sec. 11.** This act becomes effective on July 1, 2019.

