

## **Immunization Requirements for School Children Frequently Asked Questions Updated 5.2024**

This document generally constitutes guidance representing Maine Department of Education and Maine Department of Health and Human Services interpretation of Public Law 2019, Ch. 154 that went into effect on September 1, 2021, and the amended joint rule, Immunization Requirements for School Children, which takes effect September 25, 2021. This document is not intended to be a replacement of the Individuals with Disabilities Education Act (IDEA) or consultation with local legal counsel. In 2022 it was updated with clarification of immunization titers and is now updated to include question 19 which covers the McKinney-Vento federal law.

### **1. Are child-care immunization requirements different than school immunization requirements?**

Yes, child-care immunization requirements are under different rules. These include:

- 10-148 CMR Chapter 32 - Rules for the Licensing of Child Care Facilities (OCFS Rule)
- 10-144 CMR Chapter 33 - Family Childcare Provider Licensing Rule (OCFS Rule)
- 10-148 CMR Chapter 36 - Rules for the Licensing of Nursery Schools (OCFS Rule)

Child-care [immunization standards are located here \(PDF\)](#). There is a sample medical exemption form for child-care on the [Maine Chapter of the American Academy of Pediatrics website](#). For questions related to the child-care immunization law, email either Pattie Collins ([Pattie.Collins@maine.gov](mailto:Pattie.Collins@maine.gov)) or Jennifer Welch ([Jennifer.S.Welch@maine.gov](mailto:Jennifer.S.Welch@maine.gov)) at the DHHS Office of Child and Family Services.

### **2. Does this rule apply to public PreK and private preschools? Do they fall under the “child-care” category or school category for vaccine requirements?**

**School** means any public or private elementary or secondary or special education facility providing instruction for any combination of pre-kindergarten through grade 12. Public PreK that is not operated in partnership with an agency or program that requires child-care would follow the immunization rules for schools.

Public PreK that is in partnership with a Head Start or Child Care program (children enrolled in those programs only and not strictly Public PreK students) must follow child-care immunization standards. Licensed private preschools are required to follow child-care immunization standards.

### **3. Is there a required form for medical vaccination exemption?**

No. There is a [sample form](#) on the [website of the](#) Maine Chapter of the American Academy of Pediatrics (MAAP).

### **4. Can a medical exemption be provided by a naturopathic doctor (ND)?**

No. Only licensed physicians, nurse practitioners or physician assistants are authorized by this new public law to provide the written medical exemption referenced in this rule.

### **5. Can a health provider from outside of Maine write the medical exemption?**

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The only way that a licensed physician, nurse practitioner, or physician assistant from another state can write a medical exemption for a student in Maine is if they are also licensed to practice in the State of Maine at the time of the written exemption.

### **6. Does a child qualify for an Individual Education Plan (IEP) vaccination exemption to the law if they have an individual service plan (ISP)?**

No. A child must have had an active IEP on or before 9/1/2021 in order to qualify for the IEP vaccination exemption at school.

### **7. Is there a required form for IEP vaccination exemption?**

No, but the Department of Education has provided a [sample](#) on the website for use by school administrative units (SAUs).

### **8. If a child moves into Maine with an active IEP from another state, do they qualify for the IEP exemption?**

Yes. If a child had an active IEP on or before 9/1/2021 they will qualify for the IEP exemption.

### **9. If a child was referred to special education prior to 9/1/2021 and was not found eligible or has not had an initial IEP meeting, do they qualify for the IEP exemption?**

No. The child has to have had an active IEP on 9/1/2021 in order to qualify for the exemption.

### **10. If child was on an IEP but got dismissed in the 2020-21 school year, do they qualify for the exemption?**

No. The child has to have had an active IEP on 9/1/2021 in order to qualify for the exemption.

### **11. If the child is dismissed after 9/1/2021 and has the IEP vaccination exemption, will their exemption end upon dismissal?**

No. The child will have access to the IEP vaccination exemption until they graduate, age out, withdraw or drop out of school. If the child re-registers for school after they drop out or have been withdrawn from school, they will no longer have access to the IEP vaccination exemption and will have to comply with the vaccination law.

### **12. Can a 3-year-old child with an active IEP on or before 9/1/2021 access the IEP vaccination exemption?**

Yes. Individuals ages 3-22 years with an active IEP in addition to having elected a philosophical or religious exemption that has been in place on or before 9/1/2021 will have access to the IEP vaccination exemption once they enroll in a school setting. IEP exemptions cannot be used in a child-care facility setting.

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**13. Can a parent file a religious or philosophical exemption for a child who has an Individualized Family Service Plan (IFSP) through CDS before 9/1/21 for child-care similar to those who have an IEP in schools?**

No.

**14. What is required from my health provider when using the IEP vaccination exemption?**

The parent /guardian of the student (or the student if over 18) must provide a statement from a licensed physician, nurse practitioner or physician assistant that the physician, nurse practitioner or physician assistant has made that parent or guardian aware of the risks and benefits associated with the choice to immunize.

**15. Does this rule apply to children who are home-schooled or attend school virtually?**

For students who are solely home-schooled and do not take part in any school activities (sports, extracurricular, etc.) the law for immunizations does not apply. If a home-schooled student participates in any extracurricular activities at a public school they must follow the same immunization requirements pursuant to [Title 20-A MRS § 5021](#). Virtual schools, PK-12, are subject to the same immunization requirements.

**16. Is the 90-day written assurance provided by the parent allowed for students who are continuing their enrollment within a school? Do the families have 90 days from Sept. 1 to get a plan in place to catch up or to start getting vaccinated?**

The written assurance provides the school with an assurance that the child **will be immunized** by private effort within 90 days of enrollment or of the child first attending school, whichever date is the earliest, in accordance with 20-A MRS § 6355(1).

If the 90-day written assurance was not provided by a parent for an enrolled child or student previously, then students who previously were exempted due to religious or philosophical exemptions and now must be immunized under the new law, may use the 90-day written assurance exemption.

A child on a catch-up or alternative schedule for childhood vaccines may attend school with either a 90-day written assurance exemption from the parent to get vaccinated or under a temporary medical exemption from a licensed physician, nurse practitioner or physician's assistant.

**17. Since Varicella (vaccine that protects against chickenpox) now requires two doses, what does that mean for students who have been enrolled in school under the one-dose requirement?**

Children who have already been enrolled in a Maine school (e.g. those in grades kindergarten through 12 in school year 2021-22) should receive notification that there has been a change in the requirement and a recommendation to receive the second dose of varicella, but should be allowed to continue their schooling without interruption, provided that the parent provides a

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written assurance that the child will receive the second dose within 90 days or a temporary medical exemption is submitted to allow for catch-up.

### **18. Are antibody titers acceptable for school entry?**

In the absence of a certificate of immunization, the child must present the school with laboratory evidence demonstrating immunity or reliable documented history provided by a physician or other primary care provider for each individual disease which requires immunization. Titers should only be used for individuals who cannot locate their immunization records.

### **19. How does vaccination compliance work for our McKinney-Vento students?**

McKinney-Vento students are not exempt from school immunization requirements, but they cannot be unenrolled from school if they are making progress towards obtaining records or needed immunizations. I.e. if a McKinney-Vento family is denying assistance from the school with arranging appointments to receive needed vaccinations because of stated personal beliefs, then these students may be excluded from school as with any other student. If a McKinney-Vento student has been making progress towards meeting immunization requirements (i.e. appointments are made, plans for how the school will support the student/family are in place, etc.) but it has not been completed during the initial 90 days since enrollment, then they should not be excluded from school.

Per McKinney-Vento, a child or youth experiencing homelessness needs to obtain immunization or other required health records, and the enrolling school will immediately refer the parent, guardian, or unaccompanied youth to the local liaison, who will assist in obtaining necessary immunizations or screenings, or immunization or other required health records [42 U.S.C. § 11432(g)(3)(C)(iii)].

School efforts should be made to assist in care coordination of finding a primary care provider for students as needed. In cases where access to care is not going to be timely, the [Public Health Nursing](#) team has stated they are available to set up clinics at schools to assist in vaccinating students as needed in these cases.

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For additional questions, please contact the Department of Education at [DOESchoolandStudentSupports@maine.gov](mailto:DOESchoolandStudentSupports@maine.gov) or the Maine Immunization Program at [ImmunizeMe.DHHS@Maine.gov](mailto:ImmunizeMe.DHHS@Maine.gov).