

## Chapter 21. Student Services

### Subchapter T. The Vaccination Against Bacterial Meningitis for Students Approved to Reside In On-campus Dormitories or other On-Campus Housing Facilities at Institutions of Higher Education

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#### 21.610. Purpose

Pursuant to the Jamie Schanbaum Act, these new sections create the procedure by which a first-time student of an institution of higher education, including a transfer student, residing in on-campus housing, will show evidence of being immunized against bacterial meningitis.

#### 21.611. Authority

These new sections relate to Texas Education Code, Section 51.9192, Subchapter Z, which regulates the requirement for bacterial meningitis vaccination for certain students and identifies exceptions to that requirement. These new sections apply only to first-time students or transfer students enrolling in public or private or independent institutions of higher education on or after January 1, 2010, who plan to live in on-campus dormitories or other on-campus housing facilities.

#### 21.612. Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

##### (1) Evidence of Vaccination – Acceptable evidence of vaccination includes:

- (A) the month, day, and year the vaccination was administered;
- (B) the signature or stamp of the physician or his/her designee, or public health personnel;
- (C) an official immunization record generated from a state or local health authority; or
- (D) an official record received from school officials, including a record from another state.

(2) First-time student – A student who has not previously enrolled at a public, private, or independent institution of higher education, or a dual enrollment or a transfer student who was previously enrolled at a public, private, or independent institution of higher education.

(3) Health practitioner – Any person authorized by law to administer a vaccination.

(4) Institution of Higher Education – Any public technical institute, public junior college, public senior college or university, medical or dental unit or other agency of higher education as defined in Texas Education Code, Section 61.003(8).

(5) On-campus housing – Student housing facilities located on the campus of an institution of higher education, such as dormitories, sorority and fraternity houses, privately owned residence halls, and apartments.

(6) Private or independent institution of higher education – Includes only a private or independent college or university as defined in Texas Education Code Section 61.003(15).

#### 21.613. Immunization Requirement

(a) A first-time student attending an institution of higher education or private or independent institution of higher education, including a transfer student, who plans to reside in, or has applied for on-campus housing and has been approved to reside in an on-campus dormitory or other on-campus student housing facility must show evidence of vaccination against bacterial meningitis.

(b) Each institution of higher education that has on-campus housing for students must designate an office and administrative official to receive from the student evidence of having been vaccinated against bacterial meningitis.

(c) Evidence of the student having received the vaccination from an appropriate health practitioner must be received by the administrative official at the institution of higher education. The student must have received the vaccination at least 10 days prior to the student taking up residence in on-campus housing. This information shall be maintained in accordance with Family Education Rights and Privacy Act Regulations, and with Health Insurance Portability and Accountability Act.

#### 21.614. Exceptions

(a) A student, or a parent or guardian of a student, is not required to submit evidence of receiving the vaccination against bacterial meningitis if the student, or a parent or guardian of a student, submits to the institution:

(1) an affidavit or a certificate signed by a physician who is duly registered and licensed to practice medicine in the United States, in which it is stated that, in the physician's opinion, the vaccination required would be injurious to the health and well-being of the student; or

(2) an affidavit signed by the student stating that the student declines the vaccination for bacterial meningitis for reasons of conscience, including a religious belief. A conscientious exemption form from the Texas Department of State Health Services must be used.

(b) The exception noted in subsection (a)(2) of this section does not apply during a disaster or public health emergency, terrorist attack, hostile military or paramilitary action, or

extraordinary law enforcement emergency declared by an appropriate official or authority from the Texas Department of State Health Services and is in effect for the location of the institution the student attends.