

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 38.**  
**EDUCATIONAL INSTITUTIONS.**

**CHAPTER 5.**  
**IMMUNIZATION OF SCHOOL STUDENTS.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**  
**CHAPTER 5. IMMUNIZATION OF SCHOOL**  
**STUDENTS.**

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# CHAPTER 5. IMMUNIZATION OF SCHOOL STUDENTS.

## § 38-501. DEFINITIONS.

For the purpose of this chapter:

- (1) The term "admit" or the term "admission" means the official enrollment at any level by a school of a student that entitles the student to attend the school regularly, whether full-time or part-time, and to participate fully in all the activities established for a student of his or her age, educational level, or other appropriate classification.
- (2) The term "certification of immunization" means written certification by a private physician, his or her representative, or the public health authorities that the student is immunized.
- (3) The term "student" means any person who seeks admission to school, or for whom admission to school is sought by a parent or guardian, and who will not have attained the age of 26 years by the start of the school term for which admission is sought.
- (4) The term "immunized" or the term "immunization" means initial immunization and any boosters or reimmunization required to maintain immunization against diphtheria, poliomyelitis, tetanus, rubella, measles, and mumps in accordance with the immunization standards issued by the public health authorities pursuant to this chapter.
- (5) The term "Mayor" means the Mayor of the District of Columbia.
- (6) The term "public health authorities" means the official or officials of the executive branch of the government of the District of Columbia designated by the Mayor pursuant to this chapter.
- (7) The term "responsible person" means, in the case of a student under 18 years of age, a parent or guardian of the student, but in the case of a student 18 years of age or older, the student himself or herself.
- (8) The term "school" means:
  - (A) Any public school through the 12th grade operated under the authority of the Board of Education of the District of Columbia;
  - (B) Any private or parochial school that offers instruction at any level or grade from kindergarten through 12th;
  - (C) Any private or parochial nursery school or preschool, or any private or parochial day-care facility required to be licensed by the District of Columbia; and
  - (D) Any college or university created or incorporated by special act of Congress or the Council of the District of Columbia or required to be licensed by the District of Columbia.

(Sept. 28, 1979, D.C. Law 3-20, § 2, 26 DCR 380.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 31-501.

1973 Ed., § 31-2201.

#### *Legislative History of Laws*

Law 3-20 was introduced in Council and assigned Bill No. 3-66, which was referred to the Committee on Human Resources. The Bill was adopted on first, amended first, and second readings on May 22, 1979, June 5, 1979, and June 19, 1979, respectively. Signed by the Mayor on July 12, 1979, it was assigned Act No. 3-64 and transmitted to both Houses of Congress for its review.

#### *Delegation of Authority*

Delegation of Authority to the Director of the Department of Health Immunization of School Students Act of 1979, see Mayor's Order 2009-149, September 3, 2009 (56 DCR 7520).

### **§ 38-502. CERTIFICATION OF IMMUNIZATION REQUIRED.**

No student shall be admitted by a school unless the school has certification of immunization for that student, or unless the student is exempted pursuant to § 38-506.

(Sept. 28, 1979, D.C. Law 3-20, § 3, 26 DCR 380.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 31-502.

1973 Ed., § 31-2202.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-20, see Historical and Statutory Notes following § 38-501.

### **§ 38-503. IMMUNIZATION STANDARDS; LIST OF IMMUNIZATIONS.**

The Mayor shall, by regulations, specify the immunization standards to be used for compliance with this chapter, and may also, by regulation, revise the list of requested immunizations.

(Sept. 28, 1979, D.C. Law 3-20, § 4, 26 DCR 380.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 31-503.

1973 Ed., § 31-2203.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-20, see Historical and Statutory Notes following § 38-501.

##### *Delegation of Authority*

Delegation of Authority pursuant to D.C. Law 3-20, the Immunization of School Students Act of 1979, see Mayor's Order 2006-117, September 5, 2006 (53 DCR 7553).

### **§ 38-504. NOTIFICATION OF IMMUNIZATION INFORMATION BY SCHOOL.**

(a) With respect to any student for whom a school does not have certification of immunization, the school shall notify a responsible person:

- (1) That it has no certification of immunization for the student;
- (2) That it may not admit the student without certification (unless the student is exempted on medical or religious grounds pursuant to § 38-506);
- (3) That the student may be immunized and receive certification by a private physician or the public health authorities; and
- (4) How to contact the public health authorities to learn where and when they perform these services.

(b) Neither the District of Columbia nor any school or school official shall be liable in damages to any person for failure to comply with this section.

(Sept. 28, 1979, D.C. Law 3-20, § 5, 26 DCR 380.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 31-504.

1973 Ed., § 31-2204.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-20, see Historical and Statutory Notes following § 38-501.

### **§ 38-505. ATTENDANCE WITHOUT CERTIFICATION.**

A school shall permit a student to attend for not more than 10 days while the school does not have certification of immunization for that student. If immunization requires a series of treatments that cannot be completed within the 10 days, the student shall be permitted to attend school while the treatments are continuing if, within the 10 days, the school receives written notification from whomever is administering it that the immunization is in progress.

(Sept. 28, 1979, D.C. Law 3-20, § 6, 26 DCR 380.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 31-505.

1973 Ed., § 31-2205.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-20, see Historical and Statutory Notes following § 38-501.

### **§ 38-506. EXEMPTION FROM CERTIFICATION.**

No certification of immunization shall be required for the admission to a school of a student:

- (1) For whom the responsible person objects in good faith and in writing, to the chief official of the school, that immunization would violate his or her religious beliefs; or
- (2) For whom the school has written certification by a private physician, his or her representative, or the public health authorities that immunization is medically inadvisable.

(Sept. 28, 1979, D.C. Law 3-20, § 7, 26 DCR 380.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 31-506.

1973 Ed., § 31-2206.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-20, see Historical and Statutory Notes following § 38-501.

### **§ 38-507. IMMUNIZATION PLAN; SUSPENSION OF CHAPTER.**

In order to implement the requirements of this chapter efficiently, the public health authorities may develop a plan under which immunization may be made available to students according to groups defined alphabetically, geographically, or by age or grade or otherwise, and upon application of the public health authorities or the Superintendent of Schools, the Mayor may suspend for no longer than one year the application of this chapter to those groups of students to whom immunization under such a plan will not be made available soon enough to avoid barring them from admission to school.

(Sept. 28, 1979, D.C. Law 3-20, § 8, 26 DCR 380.)

#### *HISTORICAL AND STATUTORY NOTES*

##### *Prior Codifications*

1981 Ed., § 31-507.

1973 Ed., § 31-2207.

##### *Legislative History of Laws*

For legislative history of D.C. Law 3-20, see Historical and Statutory Notes following § 38-501.

### **§ 38-508. SEVERABILITY.**

If any provision of this chapter or its application to any person or circumstance is held to be invalid, the remaining provisions and other applications shall not be affected.

(Sept. 28, 1979, D.C. Law 3-20, § 10, 26 DCR 380.)

*HISTORICAL AND STATUTORY NOTES*

*Prior Codifications*

1981 Ed., § 31-508.

1973 Ed., § 31-2208.

*Legislative History of Laws*

For legislative history of D.C. Law 3-20, see Historical and Statutory Notes following § 38-501.