

## KANSAS STATUTES RELATED TO SCHOOL IMMUNIZATIONS

### **K.S.A. 72-5208.** Health tests and inoculations; definitions.

As used in this act:

- (a) "School Board" means the board of education of a school district and the governing authority of any nonpublic school;
- (b) "school" means all elementary, junior high, or high schools within the state.
- (c) "local health department" means any county or joint board of health established under the laws of Kansas and having jurisdiction over the place where any pupil affected by this act may reside;
- (d) "secretary" means the secretary of the state department of health and environment;
- (e) "physician" means a person licensed to practice medicine and surgery

History: L. 1961, ch. 354, 1; L. 1978, ch. 291, 1; July 1. K.S.A.

### **72-5209.** Health tests and inoculations; certification of completion required, alternatives; duties of school boards.

(a) In each school year, every pupil enrolling or enrolled in any school for the first time in this state, and each child enrolled for the first time in a preschool or day care program operated by a school, and such other pupils as may be designated by the secretary, prior to admission to and attendance at school, shall present to the appropriate school board certification from a physician or local health department that the pupil has received such tests and inoculations as are deemed necessary by the secretary by such means as are approved by the secretary. Pupils who have not completed the required inoculations may enroll or remain enrolled while completing the required inoculations if a physician or local health department certifies that the pupil has received the most recent appropriate inoculations in all required series. Failure to timely complete all required series shall be deemed non-compliance.

(b) As an alternative to the certification required under subsection (a), a pupil shall present:

(1) An annual written statement signed by a licensed physician stating the physical condition of the child to be such that the tests or inoculations would seriously endanger the life or health of the child, or

(2) A written statement signed by one parent or guardian that the child is an adherent of a religious denomination whose religious teachings are opposed to such tests or inoculations

(c) On or before May 15th of each school year, the school board of every school affected by this act shall notify the parents or guardians of all known pupils who are enrolled or who will be enrolling in the school of the provisions of this act and of any policy regarding the implementation of the provisions of this act adopted by the school board.

(d) If a pupil transfers from one school to another, the school from which the pupil transfers shall forward with the pupil's transcript the certification or statement showing evidence of compliance with the requirements of this act to the school to which the pupil transfers.

History: L. 1961, ch. 354, 2; L. 1965, ch. 412, 1; L. 1970, ch. 283, 1; L. 1975, ch. 462, 107; L. 1978, ch. 291, 2; L., 1981, ch. 285, 1; L. 1993, ch. 89, 1; L. 1994, ch. 206, 1; July 1.

**K.S.A. 72-5210.** Same; duties of public health departments and officers; fees, exception to payment.

The county, city-county, or multi-county health department shall provide without delay, and to the extent that funds are available, the tests and inoculations required by this act to such pupils as are not provided therewith by their parents or guardians and who have not been exempted on religious or medical grounds. Such tests and inoculations may be provided on a sliding fee scale for administrative charges, with the exception that no child may be denied inoculations for inability to pay an administrative fee. The local health officer shall counsel and advise school boards concerning the administration of this act.

History: L. 1961, ch. 354, 3; L. 1965, ch. 412, 2; 1978, ch. 291, 3; L. 1980, ch. 182, 30; L. 1994, ch. 206, 2; July 1.

**K.S.A. 72-5211.** Same; duties of secretary; forms and certificates; regulations.

The secretary shall prescribe the content of forms and certificates to be used by school boards in carrying out this act and shall provide, without cost to the school boards, sufficient copies of this act for distribution to pupils. Schools shall utilize the reporting form adopted by the secretary for documentation of all immunizations. Audit information shall be obtained from this adopted form. The secretary may adopt such regulations as are necessary to carry out the provisions of this act.

History: L. 1961, ch. 354, 4; L. 1975, ch. 462, 108; L. 1978, ch. 291, 4; L. 1994, ch. 206, 3; July 1.

**K.S.A. 72-5211a.** Exclusion of pupils from school attendance; adoption of policy; notice; hearing; compulsory attendance law not applicable.

(a) The school board of every school affected by this act may exclude from school attendance, or by policy adopted by any such board, authorize any certificated employee or committee of certificated employees to exclude from school attendance, any pupil who has not complied with the requirements of K.S.A. 72-5209. A pupil shall be subjected to exclusion from school attendance under this section until such time as the pupil shall have complied with the requirements of K.S.A. 72-5209. The policy shall include provisions for written notice to be given to the parent or guardian of the involved pupil. The notice shall:

(1) Indicate the reason for the exclusion from school attendance,

(2) State the pupil shall continue to be excluded until the pupil has complied with the requirements of K.S.A. 72-5209, and

(3) Inform the parent or guardian that a hearing hereon shall be afforded the parent or guardian upon request therefore.

(b) The provisions of K.S.A. 72-1111 do not apply to any pupil while subject to exclusion from school attendance under the provisions of this section.

History: L. 1978, ch. 291, 5; L. 1981, ch. 285, 2; July 1.