



COLORADO
Department of Education

Commissioner
201 East Colfax Avenue
Denver, CO 80203-1799

June 10, 2016

Dear Superintendents,

I hope this letter finds you well and getting ready to enjoy some time off this summer.

This letter is being sent to all school district superintendents to address confusion that has arisen over the legally required process for submitting exemptions to the State of Colorado's immunization requirements. Colorado's Immunization Law (25-4-902 C.R.S.) continues to require schools and child care providers to review and collect up-to-date immunization records for children and adolescents. This law gives the Colorado Department of Public Health and Environment (CDPHE) the authority to determine frequency of submission for non-medical exemptions. A parent or guardian must only submit a medical exemption (with a health care provider's signature) once. However, as of July 1, 2016, non-medical exemptions, which may be submitted based on personal or religious objections to immunizations, must be submitted once per year for students in grades K-12.

A parent or guardian must claim non-medical exemptions by completing and submitting the appropriate form to the child's school. Parents and guardians can download the required exemption form at <https://www.colorado.gov/pacific/cdphe/vaccine-exemptions>. Exemption forms may be submitted online to CDPHE for inclusion in the immunization registry, but parents will still need to supply the school with a signed copy of the exemption. There is no legal requirement to submit the non-medical exemptions via the online registry or to disclose these records directly to CDPHE for inclusion in the registry. In fact, exemption forms submitted to CDPHE would no longer be covered by the confidentiality provisions of the Family Educational Rights and Privacy Act (FERPA).

FERPA requires educational institutions to obtain parental consent prior to releasing student records, which includes immunization records. Before a school can transmit immunization records to any outside party, including CDPHE, the school must gain consent from the parent or guardian. Many districts obtain this consent at the start of the school year at registration. CDE *strongly recommends* this consent be collected by active consent (i.e., an "opt in" mechanism) before any records are released.

It is important to note that according to the Board of Health Rules "in the event of an outbreak of disease against which immunization is required, no exemption or exception from immunization shall be recognized and exempted students may be subject to exclusion from school and quarantine." 6 C.C.R. 1009-2, Section II (D).

Please share this information with your school nurse or any staff collecting immunizations or exemption forms. Schools do have the authority to suspend or expel any student who is non-compliant under 25-4-



907 C.R.S. We encourage you to work with your school nurse or local health department to become compliant with the immunization law.

Sincerely,

A handwritten signature in black ink that reads "Katy Anthes" with a long, sweeping horizontal line extending to the right.

Katy Anthes, Ph.D.
Interim Commissioner

