

PUBLIC SCHOOLS

NRS 392.435 Immunization of pupils: Certificate prerequisite to enrollment; conditional enrollment; effect of military transfer of parent of child; consequences for failure to immunize; report to Health Division; inclusion of certificate in pupil's record. [Effective January 1, 2011.]

1. Unless excused because of religious belief or medical condition and except as otherwise provided in subsection 5, a child may not be enrolled in a public school within this State unless the child's parents or guardian submit to the board of trustees of the school district in which the child resides or the governing body of the charter school in which the child has been accepted for enrollment a certificate stating that the child has been immunized and has received proper boosters for that immunization or is complying with the schedules established by regulation pursuant to [NRS 439.550](#) for the following diseases:

- (a) Diphtheria;
- (b) Tetanus;
- (c) Pertussis if the child is under 6 years of age;
- (d) Poliomyelitis;
- (e) Rubella;
- (f) Rubeola; and
- (g) Such other diseases as the local board of health or the State Board of Health may determine.

2. The certificate must show that the required vaccines and boosters were given and must bear the signature of a licensed physician or the physician's designee or a registered nurse or the nurse's designee, attesting that the certificate accurately reflects the child's record of immunization.

3. If the requirements of subsection 1 can be met with one visit to a physician or clinic, procedures for conditional enrollment do not apply.

4. A child may enter school conditionally if the parent or guardian submits a certificate from a physician or local health officer that the child is receiving the required immunizations. If a certificate from the physician or local health officer showing that the child has been fully immunized is not submitted to the appropriate school officers within 90 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the child was conditionally admitted, the child must be excluded from school and may not be readmitted until the requirements for immunization have been met. A child who is excluded from school pursuant to this section is a neglected child for the purposes of [NRS 432.0999](#) to [432.130](#), inclusive, and [chapter 432B](#) of NRS.

5. A child who transfers to a school in this State from a school outside this State because of the military transfer of the parent or legal guardian of the child must be enrolled in school in this State regardless of whether the child has been immunized. Unless a different time frame is prescribed pursuant to [NRS 392C.010](#), the parent or legal guardian shall submit a certificate from a physician or local health officer showing that the child:

(a) If the requirements of subsection 1 can be met with one visit to a physician or clinic, has been fully immunized within 30 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the child was enrolled; or

(b) If the requirements of subsection 1 cannot be met with one visit to a physician or clinic, is receiving the required immunizations within 30 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the child was enrolled. A certificate from the physician or local health officer showing that the child has been fully immunized must be submitted to the appropriate school officers within 120 school days, or its equivalent in a school district operating under an alternative schedule authorized pursuant to [NRS 388.090](#), after the child was enrolled.

↪ If the parent or legal guardian fails to submit the documentation required pursuant to this subsection, the child must be excluded from school and may not be readmitted until the requirements for immunization have been met. A child who is excluded from school pursuant to this section is a neglected child for the purposes of [NRS 432.0999](#) to [432.130](#), inclusive, and [chapter 432B](#) of NRS.

6. Before December 31 of each year, each school district and the governing body of each charter school shall report to the Health Division of the Department of Health and Human Services, on a form furnished by the Division, the exact number of pupils who have completed the immunizations required by this section.

7. The certificate of immunization must be included in the pupil's academic or cumulative record and transferred as part of that record upon request.

(Added to NRS by 1971, 1040; A 1973, 267; 1975, 1324; 1979, 314; 1985, 1400; 1987, 1334; 1995, 807; 1997, 1876; [2003, 3218](#); [2009, 2623](#), effective January 1, 2011)

NRS 392.437 Immunization of pupils: Exemption if prohibited by religious belief. A public school shall not refuse to enroll a child as a pupil because the child has not been immunized pursuant to [NRS 392.435](#) if the parents or guardian of the child has submitted to the board of trustees of the school district or the governing body of a charter school in which the child has been accepted for enrollment a written statement indicating that their religious belief prohibits immunization of such child or ward.

(Added to NRS by 1971, 1040; A 1997, 1876)

NRS 392.439 Immunization of pupils: Exemption if prevented by medical condition. If the medical condition of a child will not permit the child to be immunized to the extent required by [NRS 392.435](#) and a written statement of this fact is signed by a licensed physician and by the parents or guardian of the child, the board of trustees of the school district or governing body of the charter school in which the child has been accepted for enrollment shall exempt the child from all or part of the provisions of [NRS 392.435](#), as the case may be, for enrollment purposes.

(Added to NRS by 1971, 1040; A 1997, 1877)

NRS 392.443 Immunization of pupils: Additional requirements imposed after enrollment; additional certificate required. If, after a child has been enrolled in a public school and before registration for any subsequent school year additional immunization requirements are provided by law, the child's parents or guardian shall submit an additional certificate or certificates to the board of trustees or the governing body of the charter school in which the child is enrolled stating that the child has met the new immunization requirements.

(Added to NRS by 1971, 1041; A 1997, 1877)

NRS 392.446 Immunization of pupils: Protection of child exempt from immunization if dangerous disease exists in school. Whenever the State Board of Health or a local board of health determines that there is a dangerous contagious disease in a public school attended by a child for whom exemption from immunization is claimed pursuant to the provisions of [NRS 392.437](#) or [392.439](#), the board of trustees of the school district or the governing body of the charter school in which the child is enrolled shall require either:

1. That the child be immunized; or
2. That the child remain outside the school environment and the local health officer be notified.

(Added to NRS by 1979, 314; A 1997, 1877)

NRS 392.448 Immunization of pupils: Penalty for refusal to remove child from school when required by law. Any parent or guardian who refuses to remove his or her child from the public school in which the child is enrolled when retention in school is prohibited under the provisions of [NRS 392.435](#), [392.443](#) or [392.446](#) is guilty of a misdemeanor.

(Added to NRS by 1979, 314)

NAC 392.105 Mumps, hepatitis A, hepatitis B, varicella and Bordetella pertussis. ([NRS 392.435](#), [439.200](#))

1. The State Board of Health hereby declares the diseases of:

- (a) Mumps;
- (b) Hepatitis A;
- (c) Hepatitis B;
- (d) Varicella; and
- (e) Bordetella pertussis if a child is 6 years of age or older,

to be communicable diseases.

2. Unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this State unless he has been immunized against the mumps.

3. Except as otherwise provided in subsection 5, unless excused because of religious belief or medical condition, a child may not be enrolled in a public school in this State:

- (a) After June 30, 2002, unless he has been immunized against hepatitis A and hepatitis B; and
- (b) After June 30, 2003, unless he has been immunized against varicella.

4. Unless excused because of religious belief or medical condition, a child may not be enrolled in grade 7 in a public school in this State after June 30, 2008, unless the child has been immunized against Bordetella pertussis. To satisfy the requirements of this subsection, a child must receive at least one dose of a vaccine against Bordetella pertussis after he obtained 10 years of age.

5. The provisions of:

(a) Paragraph (a) of subsection 3 do not apply to a child who is enrolled in a public school in this State before July 1, 2002; and

(b) Paragraph (b) of subsection 3 do not apply to a child who is enrolled in a public school in this State before July 1, 2003.

(Added to NAC by Bd. of Health, eff. 6-30-88; A by R075-01, 10-23-2001; R099-07, 10-31-2007)

NRS 439.200 Regulations of State Board of Health: Adoption; effect; variances; distribution.

1. The State Board of Health may by affirmative vote of a majority of its members adopt, amend and enforce reasonable regulations consistent with law:

- (a) To define and control dangerous communicable diseases.
- (b) To prevent and control nuisances.
- (c) To regulate sanitation and sanitary practices in the interests of the public health.
- (d) To provide for the sanitary protection of water and food supplies.
- (e) To govern and define the powers and duties of local boards of health and health officers, except with respect to the provisions of [NRS 444.440](#) to [444.620](#), inclusive, [444.650](#), [445A.170](#) to [445A.955](#), inclusive, and [chapter 445B](#) of NRS.
- (f) To protect and promote the public health generally.
- (g) To carry out all other purposes of this chapter.

2. Except as otherwise provided in [NRS 444.650](#), those regulations have the effect of law and supersede all local ordinances and regulations inconsistent therewith, except those local ordinances and regulations which are more stringent than the regulations provided for in this section.

3. The State Board of Health may grant a variance from the requirements of a regulation if it finds that:

- (a) Strict application of that regulation would result in exceptional and undue hardship to the person requesting the variance; and
- (b) The variance, if granted, would not:
 - (1) Cause substantial detriment to the public welfare; or
 - (2) Impair substantially the purpose of that regulation.

4. Each regulation adopted by the State Board of Health must be published immediately after adoption and issued in pamphlet form for distribution to local health officers and the residents of the State.

[Part 25:199:1911; added 1919, 221; A 1939, 297; 1931 NCL § 5259]—(NRS A 1969, 880; 1971, 137, 807; 1977, 1138; 1979, 703; 1983, 329, 1129; 1987, 775; 1991, 2189; [2009, 1077](#))