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To the Michigan for Vaccine Choice Board of Directors:

This memorandum summarizes and analyzes the Family and Educational Rights and Privacy Act (FERPA) restrictions and laws governing the disclosure of vaccination and other information contained in student education records. This memorandum is provided to MVC for its own use and is provided for informational and educational purposes and does not constitute legal advice, nor does it establish an attorney/client relationship with anyone else.

**FERPA PRIVACY RIGHTS AND ACCESS TO STUDENT IMMUNIZATION
AND EXEMPTION RECORDS**

Legal Analysis of State and Federal Laws

INTRODUCTION

Public schools collect a lot of information about their students. School education records often include aptitude scores, achievement and psychological tests, comments by school counselors and teachers, notes on interviews with parents and students, reports by social workers, delinquency reports, samples of students' work and detailed information about a student's health and medical conditions.

Certain vaccines are required for students to attend school in Michigan, unless there is a medical exemption or an exemption based on the religious or other beliefs of the parent or person in loco parentis of the child to one, some or all of the mandated vaccinations.¹ Records pertaining to the required vaccinations for school, including vaccination records and vaccine exemption statements, are required and are maintained by the school as part of the education record of each student. Thus, these records are subject to protections afforded to parents and students by FERPA.

FERPA, Michigan Public Health Code, Michigan Revised School Code, the State School Aid Act and regulations promulgated by the Michigan Department of Health and Human Services (MDHHS) all regulate practices involving required school vaccinations, exemptions to the required vaccinations, school reporting requirements, and restrictions on the sharing of data in the education records. The following is an analysis of the federal and state laws governing the privacy of data

¹ [MCL 333.9205](#); [MCL 333.9215 \(1, 2\)](#)

related to the education record and the rights of parents and students to protect the privacy of their child's education record.

IMMUNIZATION REPORTING REQUIREMENTS OF SCHOOLS

Certain vaccinations are required for children to attend school in Michigan.² Exemptions to the mandated vaccines are provided in the Public Health Code, for medical reasons and for the religious or other convictions of the parent.³ A certificate of immunization or statement of exemption under Section 9215 must be presented to school officials by the first day of school for preschool students, those registering for the first time and for those entering 7th grade.⁴ Michigan's Public Health Code and the Revised School Code require schools to report the **immunization status** (complete, exempt or provisional) of certain students (preschool students, students new to district and entering 7th grade) to the local health department at various points in time (Nov 1st, Feb 1st) using methods prescribed by MDHHS and the local health department (transmission electronically and by fax).⁵ Additionally, MDHHS regulations require all schools maintain an immunization record for every pupil, "*on forms supplied by the department.*" These records contain identifying information on each student, including the child's name, number of doses of each vaccine received, dates for each vaccine received, and type of exemption claimed, if applicable.⁶ MDHHS regulations also require the school principal to make this information available to local health departments and MDHHS for inspection.⁷

To comply with these laws and regulations, MDHHS mandates schools enter both the immunization information and immunization status into the Michigan Care Improvement Registry/Schools Immunization Reporting System (MCIR/SIRS), **which is a system maintained by MDHHS, not the school.** On Nov 1st and Feb 1st schools are also mandated to transmit detailed reports listing students with complete, exempt, provisional and unknown status to their local health department. Additionally, local health departments mandate schools fax over every exemption/waiver form filed at the school, including medical and non-medical waivers. The MDHHS "Immunization Waiver Form"⁸ and "Medical Contraindication Form"⁹ instruct the school official receiving them as a precondition to admitting a child who is exempt based on the religious and other beliefs of the parents as follows: "**File in the child's permanent record and send a copy to your local health department.**" [Emphasis in the original]. Statewide, schools are uniformly transmitting this information to MDHHS and local health departments, per MDHHS mandate, **without written parental consent.**

² [MCL 333.9205](#)

³ [MCL 333.9215 \(1, 2\)](#)

⁴ [MCL 333.9208 \(1\); MCL 333.9211 \(1\)](#)

⁵ [MCL 333.9209 \(1 and 4\); MCL 333.9211 \(1\); MCL 388.1767 \(2 and 3\)](#)

⁶ [Rule 325.176 \(13\); Rule 325.176 \(14\)](#)

⁷ [Rule 325.176 \(16\)](#)

⁸ http://www.michigan.gov/documents/mdch/Sample_Waiver_485823_7.pdf

⁹ http://www.michigan.gov/documents/mdhhs/Medical_Contraindication_510054_7.pdf

School officials at every school that receives federal funds (virtually all public schools in Michigan) who comply with these methods and mandates are directly violating Federal privacy laws including the Family Educational Rights and Privacy Act (FERPA).¹⁰ FERPA clearly prohibits such disclosures, unless there is written parental consent, there is a health emergency, or some other exception applies.¹¹ FERPA protects the privacy of students' "education records,"¹² and FERPA applies to all educational agencies and institutions that receive federal funds from the US Department of Education.¹³ FERPA prohibits such an educational institution from having a policy or practice of disclosing the education records of students, or personally identifiable information from education records, without written parental consent.¹⁴ "Education record" is defined broadly to include records that are 1) directly related to a student and 2) maintained by an educational agency or institution.¹⁵ The Joint Guidance on the Application of the Family Educational Rights and Privacy Act and the Health Insurance Portability and Accountability Act of 1996 to Student Health Records **clearly indicates immunization records maintained by the school are protected by FERPA, not HIPAA.¹⁶ Therefore, **FERPA prohibits a public school official from disclosing immunization information, including immunization status and copies of the Immunization Waiver Form, or any other exemption form, and the personal health information contained on it to anybody, including the state and local health departments, without written parental consent.****

The federal government has clearly stated that FERPA prohibits the release of student health records and information to third parties without parental consent. This is found in the November 2008 "Joint Guidance on the Application of the *Family Educational Rights and Privacy Act (FERPA)* And the *Health Insurance Portability and Accountability Act of 1996 (HIPAA)* To Student Health Records."¹⁷ The US Department of Education and the US Department of Health and Human Services have jointly issued this statement. Both departments interpret FERPA to prohibit schools receiving federal funds from releasing health information contained in education records, including immunization information, to third parties without parental consent: "At the elementary or secondary level, a student's health records, including immunization records, maintained by an educational agency or institution subject to FERPA, as well as records maintained by a school nurse, are 'education records' subject to FERPA." *Joint Guidance Statement*, p. 2. This was also further confirmed in a clarification letter from the Family Policy Compliance Office to the Alabama Department of Education in 2004.¹⁸ Therefore, both US Department of Education and US Department of Health and Human Services agree that "these records may not be shared with third parties without parental consent unless the disclosure meets one of the exceptions to FERPA's

¹⁰ [20 USC 1232g, et. seq.](#)

¹¹ [20 USC 1232g\(b\)\(1\); https://www2.ed.gov/policy/gen/guid/fpco/ferpa/library/allhipaa.html](https://www2.ed.gov/policy/gen/guid/fpco/ferpa/library/allhipaa.html)

¹² [20 USC 1232g; 34 CFR Part 99](#)

¹³ [34 CFR 99.1\(d\)](#)

¹⁴ [20 USC 1232g\(b\)\(1\); 34 CFR 99.30](#)

¹⁵ [20 USC 1232g\(a\)\(4\)\(A\); 34 CFR 99.3](#)

¹⁶ <https://www2.ed.gov/policy/gen/guid/fpco/doc/ferpa-hipaa-guidance.pdf>

¹⁷ <https://www2.ed.gov/policy/gen/guid/fpco/doc/ferpa-hipaa-guidance.pdf>

¹⁸ <https://www2.ed.gov/policy/gen/guid/fpco/ferpa/library/allhipaa.html>

general consent requirement.” *Joint Guidance Statement*, p. 4. No such exception applies to the release of immunization information.

The National Association of County and City Health Officials (NACCHO) also acknowledges that no exception applies and that the routine release of personally identifiable health information by schools to public health agencies without written parental consent violates FERPA. In July 2009, NACCHO released its official “Statement of Policy 09-07 Protecting Student Health Through Access To School-Based Data,” calling on the federal government to change the law to allow health departments across the country to access this information **despite FERPA’s clear prohibitions.**¹⁹ In fact, all of Michigan’s 45 local health departments are members of NACCHO, and should be aware of this statement of policy. NACCHO’s official policy statement acknowledges that:

FERPA does not allow information sharing for public health purposes without written authorization from parents or students over the age of 18. Recent U.S. Department of Education memorandums issued in response to inquiries by public health agencies clearly state that identifiable student health information in education records may not be shared for surveillance and immunization compliance purposes, contrary to earlier practice. FERPA has no specific exception for public health purposes other than for emergencies.

Statement of Policy 09-07, p. 1.

FERPA has not changed. Therefore, even health departments nationwide admit that this ongoing practice of health department surveillance of student immunization records violates FERPA.

Additionally, for a school to release these education records, which contain “personally identifiable information” on the student, the school would need to have a “signed and dated written consent” from the parent.²⁰ Any such written consent must specify the records that may be disclosed, the purpose for the disclosure, and the parties to whom the disclosures are to be made.²¹ More importantly, the consent must be knowingly made, and FERPA requires schools to effectively inform parents of their rights.²² Michigan schools are **not** notifying parents of the release of immunization information contained in the education record, and schools are **not** documenting the disclosure as required by Federal law. **It is apparent that schools are not following Federal law when disclosing immunization information to MDHHS or local health departments, which constitutes a state-wide violation of FERPA.**

¹⁹ <http://www.naccho.org/uploads/downloadable-resources/09-07-Access-to-School-based-Data.pdf>

²⁰ [34 CFR 99.30\(a\)](#)

²¹ [34 CFR 99.30\(b\)](#)

²² [20 USC 1232g\(e\)](#)

IMMUNIZATION EXEMPTION RECORDS REQUIRED FOR SCHOOL ENTRY

Since 1978, Michigan law has provided that a child is exempt from the mandated school vaccinations for medical reasons or if “a parent, guardian, or person in loco parentis of the child presents a written statement to the administrator of the child's school or operator of the group program to the effect that the requirements of this part cannot be met because of religious convictions or other objection to immunization.”²³ Unlike other statutes,²⁴ there is nothing provided in the exemption statute that grants MDHHS the authority to prescribe a form used for the exemption. The statutory procedure remains **unchanged** and the legislature was clear when it described that the exemption procedure only involves the parent and the school, not the local health department.

Since 2015, despite the existing statutory procedure used for decades, the MDHHS began mandating the use of the MDHHS “Immunization Waiver Form” for parents exercising their statutory right to exempt their children for religious or other beliefs, from the vaccine requirements of Michigan law.²⁵ According to the new regulation, after the parent receives “education on the risks of not receiving the vaccines being waived and the benefits of vaccination to the individual and society” the state-issued form “**shall be certified**” by the local health department. These requirements come from MDHHS regulations enacted in December, 2014 which involve local health departments in the vaccine non-medical exemption process for the first time in Michigan history, in direct conflict with the state exemption statute.²⁶ The MDHHS regulation grafts **new** mandates on the statutory exemption, seeking to improperly replace the statutory procedure with a new procedure that now involves local health departments in the exemption process, requires “education,” mandates the use of the “Immunization Waiver Form,” mandates parents release personal health information to the health department without their consent and often under duress, and puts the local health departments in the position to “issue” vaccine exemptions.²⁷ **MDHHS does not have the legal authority to implement a procedure so at odds with the statutory procedure that is already in place.**

The language expressed in the statute is clear and unambiguous:²⁸

A child is exempt from this part if a parent presents a written statement to the administrator of the child’s school or operator of the group program to the effect that the requirements of this part cannot be met because of religious convictions or other objection to immunization.

²³ [MCL 333.9215 \(1, 2\)](#)

²⁴ [MCL 333.9209; MCL 388.1767](#)

²⁵ [Rule 325.176 \(12\)](#)

²⁶ [Rule 325.176\(12\); MCL 333.9215 \(2\)](#)

²⁷ [Rule 325.176 \(12\)](#)

²⁸ [MCL 333.9215 \(2\)](#)

Michigan's Public Health Code does not involve the health departments in the exemption process, at all. The parent exercising his exemption simply provides a written statement to the administrator of the school. In implementing the new regulation, local health departments across Michigan are mandating that parents provide personally identifiable information about their child to the health department, including the information contained on their waiver form; name, date of birth, vaccination history, specific reason for the exemption described, name of parent, address and phone number. **None of this private information is required to be provided by the parent, to the local health department by any statute, regulation or other law.** In fact, public schools themselves are not permitted to share the waiver form, or the information it contains, with the health department, without **written parental consent**, according to FERPA.²⁹ **Yet schools are forcing parents to surrender consent to obtain this part of the education record, which is the equivalent of requiring the parent to waive his federal FERPA privacy rights in order to exercise his state vaccine exemption rights.** There is no other permissible way to exercise the vaccine exemption under Rule 325.176(12). The only purpose of the Immunization Waiver Form is to become a part of the child's education record as a condition to allowing the child to attend the school. **The MDHHS regulation is improper and exceeds MDHHS's statutory authority and directly conflicts with existing state and federal statutes.**

Furthermore, in conflict with the regulation, local health departments are not issuing a certified waiver to the parent after receipt of the "education," unless the parents also provide personally identifiable information about their child in order for the health department staff to certify their waiver. If a parent does not provide this information, despite complying with the educational requirement of the regulation, the local health department refuses to certify that the parent received the mandated education. The regulation clearly states that the form "**shall be certified**" by the local health department when the parent receives the education, with no reference to providing personally identifiable information and other private information about the student, or having the waiver form completed in the presence of health department staff.³⁰ **The local health departments are refusing to comply with their own regulation.**

MDHHS has provided directives, through its communications with school administrators, that no other forms or methods for exempting children based on the religious or other beliefs of the parents are allowed.³¹ These communications fail to mention that parents can preserve their privacy rights under FERPA, nor do they follow the statutory procedure that allows **the parent** to provide a written statement to the school administrator indicating that the vaccination requirements cannot be met for religious or other convictions. Unlike MDHHS communications directed to school administrators, the statutes in the Public Health Code and Revised School Code pertaining to school vaccination requirements and school entry are in harmony with FERPA and **only require** the statement described in the statute.³²

²⁹ [34 CFR 99.30 \(a\)](#)

³⁰ [Rule 325.176 \(12\)](#)

³¹ <https://www.mcir.org/wp-content/uploads/2015/05/full-packet-school-2017.pdf>

³² [MCL 333.9215 \(2\); MCL 333.9208 \(1\); MCL 333.9211 \(1\); MCL 380.1177 \(1\)\(b\)](#)

Therefore, schools have the discretion and authority to accept exemptions following the statutory procedure and in doing so can legally accept the parent's exemption statement, as described in state statutes. This is especially true in cases where the local health department refuses to certify the state waiver form for a parent who complies with the educational requirement in the regulation. A parent who submits his or her own written, signed statement to the school should include the child's name, date of birth, and a statement to the effect that the mandated vaccination requirements cannot be met because of religious convictions or other objection to vaccination.³³

INSPECTION OF EDUCATION RECORDS AND FILING COMPLAINTS WITH THE FERPA OFFICE

Parents have the right to inspect and review the education records of their children, which includes health information maintained in the education records.³⁴ A parent or eligible student may also request the school send them a copy of any education records disclosed with their written consent to third parties.³⁵ A parent who is concerned that a school official or local health department will treat the Immunization Waiver Form as a written parental consent to disclose the information to the health department under FERPA, even though it clearly is not, may consider signing a separate statement to the effect that the Immunization Waiver Form is not intended to be a consent to release that form or any other information in the education records to any health department or anyone else and that the parent is not in any other manner waiving any rights under FERPA or other laws. The parent may also consider providing that statement to the school official and ask that it be included in his child's education record.

FERPA also allows parents and eligible students to file a written complaint regarding an alleged violation of the Act or regulations under the Act. If a parent chooses to file a written complaint it should be filed within 180 days of the violation or the date the complainant knew or should have known of the violation.³⁶ Complaints should be sent to: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington D.C. 20202. 34 CFR 99.63. The Office investigates timely complaints to determine whether a violation has occurred.³⁷

PENALTIES AND ENFORCEMENT

Michigan state laws and regulations governing school immunization records are not in harmony with federal privacy protections under FERPA. In fact, they create a state-wide policy and practice for public schools to unlawfully disclose private education records in direct violation of FERPA, mainly through policies and procedures mandated by MDHHS.

³³ [MCL 333.9215 \(2\); Rule 325.176 \(1\)\(d\)](#)

³⁴ [20 USC 1232g\(a\)\(1\)A\)](#)

³⁵ [34 CFR 99.30\(b\)](#)

³⁶ [34 CFR 99.64\(c\)](#)

³⁷ [34 CFR 99.64\(b\)](#)

MDHHS -- by inserting itself in the exemption process, by regulatory maneuvers, by mandating transmittal of immunization information entered into the MDHHS MCIR/SIRS system, by mandating the transmittal of the students exemption/waiver form, and by mandating reports on each student be transmitted to local health departments -- **is directing school officials across the state to violate federal law and participate in a state-wide violation of FERPA privacy protections.** This violation negates the FERPA assurances made in the Michigan Department of Education consolidated application for Federal education dollars, and **puts the entire state at risk of losing federal education funding.** FERPA prohibits federal funds from being made available to any educational agency or institution which has a policy or practice of releasing education records in violation of the Act.³⁸ The US Department of Education's Family Policy Compliance Office may also issue cease and desist orders.³⁹ Other remedies and penalties are available, including the prohibition of making future disclosures to certain third parties for at least 5 years. *Id.*

In regard to state law, in order to comply with the State School Aid Act, schools must account for the immunization status of each pupil enrolled in the district for the first time and those entering 7th grade to the local health department. School districts must have an immunization record (completed, waived or provisional) for at least 95% of entering pupils or face financial penalties, which includes withholding 5% of state education funding until the district achieves 95% compliance.⁴⁰

By violating FERPA, schools across the state are at risk for losing federal education dollars. However, violating state compliance reporting would put schools at risk for losing a percentage of state education dollars. This presents a conundrum for schools. However, when reviewing the plain language of the requirements in MCL 388.1767, schools appear to be able to comply with the state statute by **reporting aggregate numbers** (totals for complete, waived, provisional) to the local health department accounting for students new to district and those in 7th grade. Schools should be able to account for each pupil in their aggregate reporting. However, the school may **not** report individually identifying information on any student without the proper written consent, per FERPA, of the parent. **Aggregate numbers would satisfy the state 95% compliance requirement, allow MDHHS to monitor immunization levels, and protect the federal privacy rights of parents afforded through FERPA.**

STATE ACTIONS TO COMPLY WITH FERPA

Recently, other states have found that their existing state laws related to the sharing of student immunization information with the state health department constitute a violation of FERPA protections. Some of these states include Wisconsin,⁴¹ Minnesota,⁴² New Hampshire⁴³ and

³⁸ [20 USC 1232g\(b\)\(1\) and \(b\)\(2\)](#)

³⁹ [34 CFR 99.67\(a\)\(2\)](#)

⁴⁰ [MCL 388.1767 \(3 and 4\)](#)

⁴¹ <http://dpi.wi.gov/sites/default/files/imce/sspw/pdf/snimmunizationlawchanges.pdf>

⁴² <http://www.health.state.mn.us/divs/idepc/immunize/registry/ferpa.html>

⁴³ http://education.nh.gov/instruction/school_health/faq_records.htm#records

Colorado.⁴⁴ Subsequent action included legislative correction in addition to formally advising schools to cease submitting this information to the state health departments by both the state health departments and the state departments of education.

CONCLUSIONS

It has become apparent that schools across the state are in violation of FERPA, and the privacy rights of parents and students are not preserved with respect to immunization information. Without written parental consent, public schools cannot share immunization information, including copies of exemption statements and waivers, with their local health department or enter personally identifiable student information into the MDHHS MCIR/SIRS tracking system. Schools should not send reports with personally identifiable student information to their local health department, unless they have written parental consent. Schools may submit aggregate data to local health departments to meet reporting requirements for compliance with immunization records. Schools should consider parents who submit their own, signed, exemption statements to the school to be in full compliance with immunization record requirements for school entry, as confirmed in state law. Parents who feel their child's educational records are being shared inappropriately may file a complaint with the Department of Education, Family Policy Compliance Office, if appropriate. Ultimately, legislative intervention may be required to bring Michigan state law and regulations into compliance with federal privacy laws. In the meantime, schools and parents should stand together to preserve the student's constitutional right to a free and public education, without discrimination,⁴⁵ and abide by privacy rights granted by federal law.⁴⁶ Students should always be encouraged to flourish in the educational environment.

Very truly yours,



MAR/rn

Michael A. Ross

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https://www.colorado.gov/pacific/sites/default/files/Imm_2-CDE-CDPHE-Schools-and-Exemption-Forms.pdf

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[http://www.legislature.mi.gov/\(S\(hd5hypuruaj0ox3mya14vd55\)\)/documents/mcl/pdf/mcl-Constitution-VIII.pdf](http://www.legislature.mi.gov/(S(hd5hypuruaj0ox3mya14vd55))/documents/mcl/pdf/mcl-Constitution-VIII.pdf)

⁴⁶ [MCL 380.10](#)

APPENDIX:

APPLICABLE STATE STATUTES AND REGULATIONS

Public Health Code

MCL 333.9205: A parent, guardian, or person in loco parentis of a child shall provide for the child's immunization by an authorized health professional, physician, local health department, clinic, or other agency offering immunizations for diseases and within an age period prescribed by the department.

MCL 333.9208 (1): A parent, guardian, or person in loco parentis applying to have a child registered for the first time in a school in this state and, beginning January 1, 2014, a parent, guardian, or person in loco parentis of a child entering the seventh grade, shall present to school officials, at the time of registration or not later than the first day of school, a certificate of immunization or statement of exemption under section 9215.

MCL 333.9209 (1): Before November 1 of each year, the principal or administrator of each school shall deliver to the state and local health departments a list of the immunization status at the time of school entry of new entering kindergarten and first grade students.

MCL 333.9209 (4): Before the following February 1, the principal or administrator of each school shall update the list to show the additional immunizations received by each child since entering the school. The reports shall be made on forms provided or approved by the department. A child who enters school in September and who has not completed the immunizations required under section 9227 and has not filed an exemption under section 9215 before February 1 shall be excluded from school attendance. A child who enters school at any other time of the school year and who has not completed the immunizations required under section 9227 and has not filed an exemption under section 9215 within 4 months after entrance shall be excluded from school attendance.

MCL 333.9211 (1): A parent, guardian, or person in loco parentis applying to have a preschool aged child registered in a program of group residence, care, or camping shall present to the operator of the program at the time of registration or not later than the first day of the program a certificate of immunization or a statement of exemption under section 9215. The operator of the group program shall not permit a child to attend the group activity unless a minimum of 1 dose of an immunizing agent against each of the diseases specified by the department has been received and certified to by a health professional or local health department. A parent, guardian, or person in loco parentis of a child registered with only these minimum doses of an immunizing agent and continuing enrollment in the group program shall present an updated certificate of immunization within 4 months after initial attendance showing that the immunizations have been completed as prescribed by the department, if the child remains in the program.

MCL 333.9215 (1): A child is exempt from the requirements of this part as to a specific immunization for any period of time as to which a physician certifies that a specific immunization is or may be detrimental to the child's health or is not appropriate.

MCL 333.9215 (2): A child is exempt from this part if a parent, guardian, or person in loco parentis of the child presents a written statement to the administrator of the child's school or operator of the group program to the effect that the requirements of this part cannot be met because of religious convictions or other objection to immunization.

The Revised School Code

MCL 380.10: It is the natural, fundamental right of parents and legal guardians to determine and direct the care, teaching, and education of their children. The public schools of this state serve the needs of the pupils by cooperating with the pupil's parents and legal guardians to develop the pupil's intellectual capabilities and vocational skills in a safe and positive environment.

MCL 380.1177 (1b): A child enrolling in a public or nonpublic school for the first time or, beginning in the 2014-2015 school year, enrolling in grade 7 for the first time shall submit 1 of the following:

- (b) A statement signed by a parent or guardian to the effect that the child has not been immunized because of religious convictions or other objection to immunization.

The State School Aid Act

MCL 388.1767 (2): Each district or intermediate district shall report to the local health department in which it is located by November 1 of each fiscal year, in a manner prescribed by the department of community health, the immunization status of each pupil in grades K through 12 who enrolled in the district or intermediate district for the first time or, beginning in 2014-2015, who enrolled in grade 7 in the district or intermediate district for the first time, between January 1 and September 30 of the immediately preceding fiscal year. Not later than December 31 of each fiscal year, the department of community health shall notify the department by district or intermediate district of the percentage of entering pupils and, beginning in 2014-2015, of pupils who enrolled in grade 7 for the first time who do not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177. If a district or intermediate district does not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177, for at least 90% of the district's or intermediate district's entering pupils, as recorded in the November 1 reports required under this subsection, the district or intermediate district is subject to subsection (4) until the district or intermediate district has such an immunization record for at least 90% of its pupils who enrolled in the district or intermediate district for the first time.

MCL 388.1767 (3): Each district or intermediate district shall again report to the local health department in which it is located by February 1 of each fiscal year, in a manner prescribed by the department of community health, the immunization status of each pupil in grades K through 12 who enrolled in the district or intermediate district for the first time or, beginning in 2014-2015, who enrolled in grade 7 in the district or intermediate district for the first time, between January 1 of the immediately preceding fiscal year and December 31 of the current fiscal year. Not later than March 31 of each fiscal year, the department of community health shall notify the department by district or intermediate district of the percentage of entering pupils and, beginning in 2014-2015, of pupils who enrolled in grade 7 for the first time who do not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177. If a district or intermediate district does not have a completed, waived, or provisional immunization record in accordance with section 1177 of the revised school code, MCL 380.1177, for at least 95% of the district's or intermediate district's entering pupils, as recorded in the February 1 reports required under this subsection, the district or intermediate district is subject to subsection (4) until the district or intermediate district has such an immunization record for at least 95% of its pupils who enrolled in the district or intermediate district for the first time. If the department of community health is not able to report to the department by March 31 because a district or intermediate district fails to submit a report as required in this subsection, or submits an incomplete, inaccurate, or late report, the district or intermediate district is subject to subsection (4) until the report is submitted in a complete and accurate form.

MCL 388.1767 (4): If a district or intermediate district does not comply with this section, the department shall withhold 5% of the total funds due to the district or intermediate district under this act after the date the department of community health reports a district's or intermediate district's noncompliance with this section to the department until the district or intermediate district complies with this section. If the district or intermediate district does not comply with this section by the end of the fiscal year, the district or intermediate district forfeits the total amount withheld.

MDHHS Regulations – Communicable and Related Diseases

R325.176 (1d): "Religious or other exemption" means a written statement which is signed by the parent, guardian, or person in loco parentis of a child, which certifies that immunization is in conflict with religious or other convictions of the signer, and which includes the name and date of birth of the child.

R325.176 (12): When presented with a medical exemption, religious or other exemption, the administrator of a child's school or operator of a child's group program shall recognize the exemption status of the child. Each nonmedical exemption filed at the child's school or group program of a child entering a program after December 31, 2014 shall be certified by the local health department that the individual received education on the risks of not receiving the vaccines being waived and the benefits of vaccination to the individual and the community. All waivers shall be submitted using the waiver form prescribed by the department.

R325.176 (13): A standard record of the immunizations required by this rule and exemptions shall be maintained by every school for every pupil on forms supplied by the department. When a pupil transfers to another school or school district, the record of immunization, or a true copy of the record, shall be sent to the new school by the original school.

R325.176 (14): All of the following information shall be provided to fulfill the requirements of section 9209 (1) of the code:

- (a) A listing, by child, of the number of doses of each vaccine received.
- (b) The date of each immunization for each vaccine received in the series.
- (c) A listing, by type of exemption granted, of the children who have exemptions.

R325.176 (16): A principal of a school or operator of a group program shall make immunization records available for inspection by authorized representatives of the department or the appropriate local health department. The local health officer shall also make public clinic immunization records available to local schools or group programs for the purpose of verifying pupil immunizations.