

## **BILL ANALYSIS**

Senate Research Center  
84R12212 MEW-D

S.B. 1114  
By: Garcia  
Education  
3/17/2015  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 83rd Legislature, 2013, passed S.B. 64, which required licensed child-care facilities to have a vaccination policy for employees in order to decrease exposure to children of vaccine preventable diseases. However, while school-aged children are required to be vaccinated before attending school, no policy exists for employees.

When a sufficiently large population of individuals in a community is vaccinated, those persons serve as a protective barrier against the likelihood of transmission of the disease within the community. If a growing population of individuals make the decision to forgo immunizations, the protection levels in the community decreases, and the risk of transmission rises. By requiring schools to implement a vaccination policy, like we currently have in place for child care facilities, we will reduce student's risk of exposure to certain viruses.

Like S.B. 64 (83R), S.B. 1114 requires public and charter schools to develop and implement a policy to protect the children in its care from vaccine-preventable diseases. The Texas Education Agency will be charged with rulemaking and will work in conjunction with the Department of State Health Services and the United States Centers for Disease Control and Prevention.

As proposed, S.B. 1114 amends current law relating to a policy on vaccine-preventable diseases for public schools.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 38.0022, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 38, Education Code, by adding Section 38.0022, as follows:

Sec. 38.0022. VACCINE-PREVENTABLE DISEASE POLICY REQUIRED. (a) Defines "school employee" and "vaccine-preventable diseases."

(b) Requires each public school to develop and implement a policy to protect the students attending the public school from vaccine-preventable diseases.

(c) Requires that the policy:

(1) require each school employee to receive vaccines for the vaccine-preventable diseases specified by the school based on the level of risk the employee presents to students by the employee's routine and direct exposure to students;

(2) specify the vaccines a school employee is required to receive based on the level of risk the employee presents to students by the employee's routine and direct exposure to students;

(3) include procedures for verifying whether a school employee has complied with the policy;

(4) include procedures for a school employee to be exempt from the required vaccines for the medical conditions identified as contraindications or precautions by the Centers for Disease Control and Prevention;

(5) for a school employee who is exempt from the required vaccines, include procedures the employee must follow to protect students attending the school from exposure to disease, such as the use of protective medical equipment, including gloves and masks, based on the level of risk the employee presents to students by the employee's routine and direct exposure to students;

(6) prohibit discrimination or retaliatory action against a school employee who is exempt from the required vaccines for the medical conditions identified as contraindications or precautions by the Centers for Disease Control and Prevention, except that required use of protective medical equipment, including gloves and masks, may not be considered retaliatory action for purposes of this subdivision;

(7) require the public school to maintain a written or electronic record of each school employee's compliance with or exemption from the policy; and

(8) state the disciplinary actions the public school is authorized to take against a school employee who fails to comply with the policy.

(d) Requires the commissioner of education to adopt rules as necessary to implement this section.

SECTION 2. Requires the commissioner of education, not later than June 1, 2016, to adopt rules necessary to implement Section 38.0022, Education Code, as added by this Act.

SECTION 3. Provides that, notwithstanding Section 38.0022, Education Code, as added by this Act, a school district or open-enrollment charter school subject to that section is not required to have a policy on vaccine-preventable diseases in effect until September 1, 2016.

SECTION 4. Effective date: September 1, 2015.