



# TEXAS HOUSE of REPRESENTATIVES

*James White*

*House District 19  
Jasper, Newton, Hardin, Polk, Tyler*

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**RECEIVED**

*By Opinion Committee at 9:11 am, Jul 20, 2020*

July 17, 2020

**RQ-0364-KP**

**FILE# ML-48837-20**

**I.D.# 48837**

Attorney General Ken Paxton  
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General Paxton,

TAC 97.62 states: A child or student, who has not received the required immunizations for reasons of conscience, including religious beliefs, may be excluded from school in times of emergency or epidemic declared by the commissioner of the department.

By historical practice, any exclusion of students with an Exemption for Immunization Affidavit on file have included only those students with exemptions for a particular vaccine during an outbreak of a disease addressed by the exempted vaccine at the affected campus for one incubation period of that disease. For example, if an outbreak of chickenpox occurs on a campus, only those students on that campus with exemptions for the chickenpox vaccine are asked to stay home until the window of potential exposure has passed.

I am seeking clarification about this section of code. Namely, does the section allow school districts to exclude students with an Exemption for Immunization Affidavit on file for any vaccine, but not a vaccine relevant to the declared epidemic. Specifically, I am concerned that school districts may attempt to exclude students on the basis of an exemption amidst the present declared COVID-19 epidemic, even though no vaccine for COVID-19 exists. Does the statute empower school districts to exclude students in such circumstances, even when no vaccine for COVID-19 exists?

I thank you and your staff in advance for looking into this request. Please do not hesitate to contact me in regards to this request.

For God and Texas,

James White  
State Representative  
House District 19