

**Chapter 180-38 WAC**  
**PRIVATE SCHOOL PUPIL IMMUNIZATION REQUIREMENT**

Last Update: 11/16/10

**WAC**

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**DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER**

180-38-010	Purpose. [Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-010, filed 9/25/85.] Repealed by WSR 02-24-019, filed 11/26/02, effective 12/27/02. Statutory Authority: RCW 28A.210.160.
180-38-025	Definition—Chief administrator. [Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-38-025, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-025, filed 9/25/85.] Repealed by WSR 02-24-019, filed 11/26/02, effective 12/27/02. Statutory Authority: RCW 28A.210.160.
180-38-030	Definition—Full immunization. [Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-38-030, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-030, filed 9/25/85.] Repealed by WSR 02-24-019, filed 11/26/02, effective 12/27/02. Statutory Authority: RCW 28A.210.160.
180-38-035	Definition—Schedule of immunization. [Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-035, filed 9/25/85.] Repealed by WSR 02-24-019, filed 11/26/02, effective 12/27/02. Statutory Authority: RCW 28A.210.160.
180-38-040	Definition—Certificate of exemption. [Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-38-040, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-040, filed 9/25/85.] Repealed by WSR 02-24-019, filed 11/26/02, effective 12/27/02. Statutory Authority: RCW 28A.210.160.
180-38-055	Public schools—Content of written notice. [Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-055, filed 9/25/85.] Repealed by WSR 02-24-019, filed 11/26/02, effective 12/27/02. Statutory Authority: RCW 28A.210.160.
180-38-060	Private schools—Content of written notice. [Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-060, filed 9/25/85.] Repealed by WSR 02-24-019, filed 11/26/02, effective 12/27/02. Statutory Authority: RCW 28A.210.160.
180-38-065	Exclusion of students for failure to comply. [Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-065, filed 9/25/85.] Repealed by WSR 03-13-079, filed 6/16/03, effective 7/17/03. Statutory Authority: RCW 28A.210.160.
180-38-070	Supplementing rules of SPI. [Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-070, filed 9/25/85.] Repealed by WSR 02-24-019, filed 11/26/02, effective 12/27/02. Statutory Authority: RCW 28A.210.160.
180-38-080	Prehearing and hearing process. [Statutory Authority: RCW 28A.210.160. WSR 03-13-079, § 180-38-080, filed 6/16/03, effective 7/17/03.] Repealed by WSR 06-23-006, filed 11/2/06, effective 12/3/06. Statutory Authority: RCW 28A.210.160.

**WAC 180-38-005 Purpose and authority.** (1) The purpose of this chapter is to establish the procedural and substantive due process requirements governing the exclusion of students from private schools for failure to comply with the immunization requirement of the state of Washington.

(2) The authority for this chapter is RCW 28A.210.160.

[Statutory Authority: RCW 28A.210.160. WSR 06-23-006, § 180-38-005, filed 11/2/06, effective 12/3/06; WSR 05-23-044, § 180-38-005, filed 11/9/05, effective 12/10/05; WSR 02-24-019, § 180-38-005, filed 11/26/02, effective 12/27/02. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-38-005, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-005, filed 9/25/85.]

**WAC 180-38-020 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Student" shall mean the same as defined for "child" in RCW 28A.210.070(6).

(2) "Chief administrator" shall mean the same as defined in RCW 28A.210.070(1).

(3) "Full immunization" shall mean the same as defined in RCW 28A.210.070(2).

(4) "Schedule of immunization" shall mean the beginning or continuing of a course of immunization, including the conditions for private school attendance when a child is not fully immunized, as prescribed by the state board of health (chapter 246-100 WAC).

(5) "Certificate of exemption" shall mean the filing of a statement exempting the child from immunizations with the chief administrator of the private school, on a form prescribed by the department of health, which complies with RCW 28A.210.090.

(6) "Exclusion" shall mean the case or instance when the student is denied initial or continued attendance due to failure to submit a schedule of immunization, or a certificate of exemption in accordance with RCW 28A.210.120.

(7) "School day" shall mean each day of the school year on which students enrolled in the private school are engaged in educational activity planned by and under the direction of the staff, as directed by the chief administrator and applicable governing board of the private school.

(8) "Parent" shall mean parent, legal guardian, or other adult *in loco parentis*.

[Statutory Authority: Chapter 28A.305 RCW, RCW 28A.150.220, 28A.230.090, 28A.310.020, 28A.210.160, and 28A.195.040. WSR 10-23-104, § 180-38-020, filed 11/16/10, effective 12/17/10. Statutory Authority: RCW 28A.210.160. WSR 06-23-006, § 180-38-020, filed 11/2/06, effective 12/3/06; WSR 02-24-019, § 180-38-020, filed 11/26/02, effective 12/27/02. Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-020, filed 9/25/85.]

**WAC 180-38-045 Private school attendance conditioned upon presentation of proofs.** (1) The initial attendance of every student at every private school in the state is conditioned upon proof of immunization as set forth in RCW 28A.210.080.

(2) The chief administrator of each private school shall prohibit the further presence at school of each student already in attendance and who has failed to provide proof of immunization in accordance with RCW 28A.210.080(1). Such exclusion shall be preceded by written notice as set forth in WAC 180-38-050. If written notice has not been provided, any exclusion shall be stayed until notice is received by a parent, guardian or other adult *in loco parentis*.

[Statutory Authority: RCW 28A.210.160. WSR 06-23-006, § 180-38-045, filed 11/2/06, effective 12/3/06; WSR 02-24-019, § 180-38-045, filed 11/26/02, effective 12/27/02. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-38-045, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-045, filed 9/25/85.]

**WAC 180-38-050 Written notice prior to exclusions from private school.** (1) Private schools must provide written notice to parents prior to excluding students from school for failure to comply with WAC 180-38-045.

(2) The written notice for private school students shall:

(a) Inform the appropriate party of the applicable laws and provide copies of such law and implementing rules.

(b) Provide information regarding immunization services that are available from or through the local health department or other public agencies.

(c) Order the exclusion of the student from school and state that such order is effective upon receipt of the notice.

[Statutory Authority: RCW 28A.210.160. WSR 06-23-006, § 180-38-050, filed 11/2/06, effective 12/3/06; WSR 02-24-019, § 180-38-050, filed 11/26/02, effective 12/27/02. Statutory Authority: 1990 c 33. WSR 90-17-009, § 180-38-050, filed 8/6/90, effective 9/6/90. Statutory Authority: RCW 28A.31.118. WSR 85-20-040 (Order 20-85), § 180-38-050, filed 9/25/85.]