

DEPARTMENT OF EDUCATION

OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 131 (14 Del.C. §131)
14 DE Admin. Code 804

FINAL

ORDER

804 Immunizations

I. Summary of the Evidence and Information Submitted

Pursuant to 14 Del.C. §131, the Delaware Department of Education ("Department") developed amendments to 14 DE Admin. Code 804 Immunizations. The Department made changes to several sections in this regulation as well as amended to comply with the *Delaware Administrative Code Drafting and Style Manual*.

Notice of the proposed regulation was published in the *Register of Regulations* on November 1, 2025. The Department did not receive any written submittals concerning the proposed regulation.

II. ASSESSMENT OF THE IMPACT ON ACHIEVEMENT OF THE STATE'S GREENHOUSE GAS EMISSIONS REDUCTION TARGETS AND RESILIENCY TO CLIMATE CHANGE

The Secretary of Education has reviewed the proposed regulation as required by 29 Del.C. §10118(b)(3) and has determined that any assessment of the impact of the proposed regulation is not practical.

III. Findings of Facts

The Department finds that amendments to 14 DE Admin. Code 804 Immunizations are necessary to implement and enforce 14 Del.C. §131. Accordingly, the Department finds that it is appropriate to amend 14 DE Admin. Code 804 Immunizations as proposed and beyond the amendments made to comply with the *Delaware Administrative Code Drafting and Style Manual*.

IV. Decision to AMEND the Regulation

For the foregoing reasons, the Department concludes that it is appropriate to amend 14 DE Admin. Code 804 Immunizations and to conform with the *Delaware Administrative Code Drafting and Style Manual*. Therefore, pursuant to 14 Del.C. §131, 14 DE Admin. Code 804 Immunizations is amended.

V. Text and Citation

The text of 14 DE Admin. Code 804 Immunizations is amended, and said regulation shall be cited as 14 DE Admin. Code 804 Immunizations in the Administrative Code of Regulations for the Department.

VI. Effective Date of Order

The effective date of this Order shall be ten days from the date this Order is published in the *Register of Regulations*.

IT IS SO ORDERED the 12th day of December 2025

Department of Education

Cynthia Marten, Secretary of Education

804 Immunizations

1.0 Purpose

This regulation is promulgated pursuant to 14 Del.C. §131 which states that "the Department (of Education) shall from time to time, with advice from Division of Public Health (DPH), adopt and promulgate rules and regulations to establish an immunization program to protect pupils enrolled in public schools from certain diseases."

19 DE Reg. 43 (07/01/15)

23 DE Reg. 1020 (06/01/20)

2.0 Definitions

"Affidavit of religious belief" means, pursuant to 14 Del.C. §131(a)(6), the statement to request exemption from immunizations based on individual religious beliefs.

"Approved vaccine" means a vaccine, vaccine combination, formulation, or schedule ~~which has been reviewed and accepted by the Division of Public Health (DPH) based upon Centers for Disease Control and Prevention (CDC) Recommended Immunization Schedule, or DPH that is authorized or recommended by the Delaware Division of Public Health, or DPH, within the Delaware Department of Health and Social Services, or DHSS,~~ consistent with current state immunization requirements.

"School enterer" means any child between birth and ~~twenty (20)~~ 20 years inclusive entering or being admitted to a Delaware public school district or public school for the first time, including ~~but not limited to,~~ foreign exchange students, immigrants, students from other states and ~~territories~~ territories, and children entering from nonpublic schools.

"Secondary school" means, for the purposes of this regulation, a school with a grade or age configuration including any of the following: grade 9, grade 10, grade 11, or grade 12.

10 DE Reg. 1807 (06/01/07)

16 DE Reg. 411 (10/01/12)

19 DE Reg. 43 (07/01/15)

20 DE Reg. 441 (12/01/16)

23 DE Reg. 1020 (06/01/20)

3.0 Minimum Immunizations Required for All School Enterers

3.1 All School Enterers~~enterers~~ shall have immunizations given up to ~~four~~ 4 days prior to the minimum interval or age and shall include:

3.1.1 Four or more doses of diphtheria, tetanus, pertussis (~~DTaP, DTP, or other Approved Vaccine~~), or DTaP, DTP, or other approved vaccine. Notwithstanding this requirement:

3.1.1.1 A child who received a fourth dose prior to ~~his or her~~ the child's fourth birthday shall have a fifth dose;

3.1.1.2 A child who received the first dose of diphtheria and tetanus containing vaccine as adult Td vaccine at or after age ~~seven~~ 7 may meet this requirement with only ~~three~~ 3 doses of Td or ~~Approved Vaccine~~ approved vaccine.

3.1.1.3 A booster dose of Tdap (adult) is strongly recommended by DPH for all students at age 11-12 years (preferred) or through 18 years and required as per subsections 4.1 and 4.1.1 below.

3.1.2 Three or more doses of inactivated polio virus vaccine (~~IPV~~), or IPV, oral polio vaccine (~~OPV~~), or OPV, or an ~~Approved Vaccine~~ approved vaccine. Notwithstanding this requirement:

3.1.2.1 A child who received a third dose prior to ~~his or her~~ the child's fourth birthday shall have a fourth dose.

3.1.3 Two doses of measles, ~~mumps~~ mumps, and rubella (~~MMR~~) ~~Approved Vaccine~~ or MMR approved vaccine. The first dose should be administered on or after the age of 12 months. The second dose should be administered after the fourth birthday.

3.1.3.1 Disease histories for measles, ~~rubella~~ rubella, and mumps shall not be accepted unless serologically confirmed.

3.1.4 Three doses of Hepatitis B vaccine.

3.1.4.1 For children 11 to 15 years old age, ~~two~~ 2 doses of an ~~Approved Vaccine~~ approved vaccine may be used.

3.1.4.2 Titers are not acceptable in lieu of completing the vaccine ~~series and a disease history for Hepatitis B shall not be accepted unless serologically confirmed.~~ series. Medical documentation of disease history for Hepatitis B shall not be accepted unless serologically confirmed.

3.1.5 Two doses of ~~Varicella~~ ~~Approved Vaccine~~ varicella approved vaccine. Students who entered during or prior to the 2008-2009 school year are required to have ~~one~~ 1 dose. By the 2020-2021 school year all students must have ~~two~~ 2 doses. DPH strongly recommends ~~two~~ 2 doses for all students regardless of date of school entry.

3.1.5.1 The first dose should be administered on or after the age of ~~twelve (12)~~ 12 months and the second at kindergarten entry into a Delaware public school.

3.1.5.2 A written disease history, provided by the health care provider, will be accepted in lieu of the ~~Varicella~~ varicella vaccination.

3.1.6 Two doses of meningococcal vaccine are ~~strongly recommended by DPH~~ required, with an initial dose at ages 11-12 and a booster at ages 16-18 per subsections 4.1 and 4.1.2 below.

3.2 Children who enter school prior to age ~~four (4)~~ 4 shall follow current Delaware ~~Division of Public Health~~ DPH recommendations.

10 DE Reg. 1807 (06/01/07)

11 DE Reg. 666 (11/01/07)

16 DE Reg. 411 (10/01/12)

19 DE Reg. 43 (07/01/15)

20 DE Reg. 441 (12/01/16)

23 DE Reg. 1020 (06/01/20)

4.0 Minimum Immunizations for Secondary School Students

- 4.1 Entering ~~Secondary School~~secondary school students shall show proof of immunizations.
- 4.1.1 An adolescent booster dose of Tdap or other ~~Approved Vaccine~~approved vaccine administered at age 11-12 (preferred) or prior to entry to Grade 9.
- 4.1.2 One dose of meningococcal ~~Approved Vaccine~~approved vaccine prior to Grade 9, with a booster dose required at age 16-18 years.
- 4.2 Schools will coordinate with the Division of Public Health~~DPH~~ to assure services to non-compliant ~~Secondary School~~secondary school students.
- (Non-regulatory guidance: Please refer to 14 ~~DE Admin. Code~~ 815 Health Examinations and Screenings for health examinations required for entering grade 9 students.)

19 DE Reg. 43 (07/01/15)

23 DE Reg. 1020 (06/01/20)

5.0 Documentation of Immunization

- 5.1 The parent, legal guardian, relative caregiver or a ~~School Enterer~~caregiver, or a school enterer who has reached the statutory age of majority ~~(18)~~majority, or 18, shall present documentation specifying the month, day, and year that the immunizations were administered by a licensed health care practitioner.
- 5.2 According to 14 ~~Del.C. §131~~, a principal or person in charge of a school shall not permit a child to enter into school without acceptable evidence of immunization. The parent, legal guardian, relative caregiver, or a ~~School Enterer~~school enterer who has reached the statutory age of majority ~~(18)~~majority, or 18, shall be notified of this requirement in writing. Within 14 calendar days after notification, evidence must be presented to the school that the basic series of immunizations has been initiated or has been completed. Acceptable evidence includes entry into the Delaware Immunization Registry, or DelVAX.
- 5.3 A ~~School Enterer~~school enterer may be conditionally admitted to a Delaware school district by presenting a statement from a licensed health care practitioner who specifies that the ~~School Enterer~~school enterer has received at least:
- 5.3.1 One dose of DTaP, or DTP, or DT, or ~~Approved Vaccine~~approved vaccine; and
- 5.3.2 One dose of IPV or OPV, or ~~Approved Vaccine~~approved vaccine; and
- 5.3.3 One dose of measles, mumps and rubella (MMR) ~~Approved Vaccine~~or MMR, approved vaccine; and
- 5.3.4 The first dose of the Hepatitis B series; and
- 5.3.5 One dose of ~~Varicella~~varicella vaccine; and
- 5.3.6 One dose of meningococcal vaccine, if entering a ~~Secondary School~~secondary school according to subsections 4.1 and 4.1.2.
- 5.4 School districts and charter schools shall ensure that policies concerning immunization, ¹ and birth certificates do not create barriers to the school enrollment of homeless children and youth. To that end, school districts shall assist homeless children and youth in meeting the immunization requirements.
- 5.5 In accordance with the provisions of 14 ~~Del.C. Ch. 1, Subchapter III-A Interstate Compact on Education For Children of Military Families, or MIC3,~~ (MIC3) and its enabling regulation, a ~~School Enterer or Secondary School~~school enterer or secondary school student who is subject to MIC3 shall be allowed ~~thirty (30)~~30 calendar days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, to obtain or to initiate a series of immunizations required by this regulation.
- 5.6 If the ~~School Enterer or Secondary School~~school enterer or secondary school student fails to complete the series of required immunizations, the parent, legal guardian, relative caregiver, or student who has reached the statutory age of majority ~~(18)~~majority, or 18, shall be notified that the ~~School Enterer or Secondary School~~school enterer or secondary school student will be excluded according to 14 ~~Del.C. §131~~.

10 DE Reg. 1807 (06/01/07)

16 DE Reg. 411 (10/01/12)

19 DE Reg. 43 (07/01/15)

20 DE Reg. 441 (12/01/16)

23 DE Reg. 1020 (06/01/20)

6.0 Lost or Destroyed Immunization Record

When a student's immunization record has been lost or destroyed by the medical provider who administered the vaccine, the parent, legal guardian, relative caregiver, ~~School Enterer~~school enterer who has reached the statutory age of majority ~~(18)~~majority, or 18, or the school nurse shall sign a written statement to this effect and must obtain at least ~~one~~1 dose of each of the immunizations as identified in subsection 5.3. ~~Evidence that the vaccines were administered shall be~~ Documentation shall be entered into the Delaware Immunization Registry, or DelVAX, and presented to the district superintendent or charter school chief administrative officer~~leader~~ or his or her~~their~~ designee.

10 DE Reg. 1807 (06/01/07)

19 DE Reg. 43 (07/01/15)

20 DE Reg. 441 (12/01/16)

23 DE Reg. 1020 (06/01/20)

7.0 Exemption from Immunization

- 7.1 Exemption from this requirement may be granted in accordance with [14 Del.C. §131](#) and this regulation which permits approved ~~medical~~medical, supplemental, and notarized religious exemptions.
- 7.1.1 ~~Medical exemptions shall be considered based on a written statement~~school vaccination medical exemption form from a physician, i.e., ~~medical doctor or doctor of osteopathy~~physician, medical doctor, physician assistant, or nurse practitioner, stating that immunization is medically contraindicated.
- ~~7.1.1.17.1.2~~The Delaware Division of Public Health shall review and determine approval.~~If a student does not meet the criteria outlined on the medical exemption form, the supplemental school vaccine exemption form must also be completed. The supplemental form, along with the medical exemption form, must be submitted to the DPH for review and approval.~~
- ~~7.1.27.1.3~~Religious exemptions shall be approved upon receipt of a notarized Affidavit of Religious Belief, and the school shall offer information regarding the benefits of immunization and the risks of not being fully immunized.~~Belief. The school shall provide educational materials, developed by DPH and disseminated by the Department of Education and the local education agencies, to the parent or guardian regarding the benefits of immunization and the risks of not being fully immunized. Receipt of these materials must be verified and documented in the student's electronic health record. Religious exemptions must be renewed annually.~~
- ~~7.1.37.2~~Upon approval of a ~~medical~~medical, supplemental, or religious exemption, the school shall inform the parent, legal guardian, relative caregiver, or a ~~School Enterer~~school enterer who has reached the statutory age of ~~majority (18)~~majority, or 18, that the student shall be temporarily excluded from school in the event the ~~Division of Public Health~~DPH declares an outbreak of a vaccine preventable disease or determines the student has had or is at risk of having an exposure to a vaccine preventable disease. The ~~Division of Public Health~~DPH shall determine when the student may return to school.
- ~~7.1.3.17.3~~During a temporary exclusion, the school and parent, legal ~~guardian~~guardian, or relative caregiver shall assist the student with keeping up with school work. No academic penalty shall be assessed provided the student completes assignments.

[10 DE Reg. 1807 \(06/01/07\)](#)

[19 DE Reg. 43 \(07/01/15\)](#)

[20 DE Reg. 441 \(12/01/16\)](#)

[23 DE Reg. 1020 \(06/01/20\)](#)

8.0 Verification of School Records

The Delaware ~~Division of Public Health~~DPH shall have the right to audit and verify school immunization records to determine compliance with the law.

[1 DE Reg. 1808 \(05/01/98\)](#)

[4 DE Reg. 1515 \(03/01/01\)](#)

[5 DE Reg. 2295 \(06/01/02\)](#)

[10 DE Reg. 1807 \(06/01/07\)](#)

[19 DE Reg. 43 \(07/01/15\)](#)

9.0 Documentation

- 9.1 School nurses shall record and maintain documentation of each student's immunization ~~status~~status in the student electronic health record.
- 9.2 Each student's immunization record shall be included in the Delaware Immunization Registry.

[10 DE Reg. 1807 \(06/01/07\)](#)

[19 DE Reg. 43 \(07/01/15\)](#)

[1 DE Reg. 1808 \(05/01/98\)](#)

[4 DE Reg. 1515 \(03/01/01\)](#)

[5 DE Reg. 2295 \(06/01/02\)](#)

[10 DE Reg. 1807 \(06/01/07\)](#)

[11 DE Reg. 666 \(11/01/07\)](#)

[16 DE Reg. 411 \(10/01/12\)](#)

[19 DE Reg. 43 \(07/01/15\)](#)

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