



## Fact Sheet:

# Addressing the Risk of Measles in Schools while Protecting the Civil Rights of Students with Disabilities

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Many devastating diseases that were once common, including measles, are now preventable through the use of vaccines. While the risk of contracting the measles virus in the United States is very low, it is still commonly transmitted in many parts of the world, including countries in Africa, Asia, Europe, and the Pacific. In the United States and abroad, the risk of getting measles remains greatest among individuals who are not vaccinated. In addressing an outbreak of a vaccine-preventable disease like measles, school districts and school officials should be mindful of civil rights requirements and, in particular, must ensure that students who are medically unable to receive vaccines due to a disability are not discriminated against on the basis of disability.

The Centers for Disease Control and Prevention (CDC) has issued [recommendations and resources](#) describing the measles virus and steps you can take to protect against becoming infected with measles and prevent the spread of measles. School districts and school administrators should use these CDC recommendations to determine, in close consultation with public health authorities, what actions to take to further reduce the potential risk of measles transmission in schools. Treating individuals consistent with the CDC's recommendations should not raise civil rights concerns under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibit disability discrimination by all public school districts, or Title VI of the Civil Rights Act of 1964, which prohibits race, color, and national origin discrimination by school districts receiving federal funds. This fact sheet focuses on the Section 504 and Title II rights of students with disabilities with respect to measles, especially students who are medically unable to receive vaccines due to a disability. The Individuals with Disabilities Education Act (IDEA) also pertains to students with disabilities in public schools, but discussion of that law is beyond the scope of this document.

The Office for Civil Rights (OCR) at the U.S. Department of Education is issuing this fact sheet to:

- inform parents and assist school officials in implementing CDC's measles recommendations in a manner consistent with civil rights requirements; and
- explain, in those uncommon situations where a student is legitimately excluded from school, what school officials must do to ensure a continuity of learning.

## **Avoiding Discriminatory Treatment at Schools**

States and school districts may generally require students attending school to be vaccinated because the presence of unvaccinated students in a school can pose a risk to other individuals. Vaccines directly protect those students who receive the vaccinations.

In addition, even those who are not eligible for certain vaccines get some protection because when a critical portion of the population is immunized, the spread of contagious disease is contained. This is sometimes known as “community” or “herd” immunity. During an outbreak of a vaccine-preventable disease, school officials should defer to public health authorities to assess whether individuals should be advised or required to stay home from school – either because they may have a contagious disease or because they are not immunized against a contagious disease.

### ***Students with Disabilities***

Some students may be medically unable to receive certain vaccines because of a disability – including disabilities that affect the functioning of their immune systems, such as HIV/AIDS, leukemia, or other cancers. State laws generally contain medical exemptions to vaccination requirements. In normal circumstances, school officials must make reasonable modifications to policies, practices, or procedures that otherwise require vaccinations, in order for these students to attend school. During an outbreak or potential outbreak of a vaccine-preventable disease such as measles, school officials should follow existing laws and policies in a non-discriminatory manner, and should seek guidance from and defer to public health authorities in considering whether, for these students with disabilities, school officials can continue to safely make a reasonable modification to a policy, practice, or procedure that otherwise requires vaccinations in order to attend school.

## Supporting Students Unable to Attend School

There are a number of reasons why students may be out of school for extended periods. Whatever the reason and regardless of the duration of such interruptions, all education stakeholders should consider the effects of significant absences on student achievement and establish plans that not only ensure health and safety, but also maintain continuity of learning.

Under Section 504 and Title II, if an enrolled student is required or advised by public health authorities or school officials to stay home during an outbreak of measles because he or she has or is regarded as having a disability related to measles, or was medically unable to receive the measles vaccine because of a disability, the school district must maintain continuity of learning by providing educational services to that student. School officials should defer to public health authorities to determine whether students should stay home.

Schools should think creatively about how to sustain student learning and achievement during prolonged absences and how to provide needed additional academic supports upon the student's return. Depending on the student's needs and the length of the exclusions, strategies can range from sending copies of assignments to students, to web-based distance learning course work. School officials should work with public health authorities to follow appropriate health guidance to assess and address the risk of transmission when providing services at home. For more ideas on ensuring the continuity of learning, see [rems.ed.gov/KeepSchoolsSafeFromDiseases.aspx](https://rems.ed.gov/KeepSchoolsSafeFromDiseases.aspx) and [www.ed.gov/oese/oshs/oese-infectious-disease-guidance.pdf](https://www.ed.gov/oese/oshs/oese-infectious-disease-guidance.pdf).

In some cases, a student with a preexisting disability who has an individualized education program (IEP) or is receiving services under Section 504 will be required or advised to stay home by public health authorities or school officials for an extended period of time. During such absences, the school must ensure that the student continues to receive a free appropriate public education (FAPE) and may need to convene the student's IEP team or 504 team to determine how to do so. For more information about students with disabilities and FAPE under Section 504, see [www.ed.gov/ocr/docs/edlite-FAPE504.html](https://www.ed.gov/ocr/docs/edlite-FAPE504.html). More Information about FAPE under the Individuals with Disabilities Education Act (IDEA) is available at [idea.ed.gov/](https://idea.ed.gov/).

## Resources for Communicating about Measles

Accurate information is an important tool in protecting the civil rights of students while addressing the risk of measles.

- The Department of Education’s Readiness and Emergency Management for Schools (REMS) Technical Assistance Center offers a variety of resources related to infectious disease planning along with Secretary of Education Arne Duncan’s letter to school superintendents concerning measles, at [rem.ed.gov/KeepSchoolsSafeFromDiseases.aspx](http://rem.ed.gov/KeepSchoolsSafeFromDiseases.aspx).
- The CDC’s measles-specific recommendations and resources are available at [www.cdc.gov/measles/index.html](http://www.cdc.gov/measles/index.html), and [www.cdc.gov/vaccines/imz-managers/laws/](http://www.cdc.gov/vaccines/imz-managers/laws/).
- The CDC’s measles-specific recommendations and resources are available in Spanish at [www.cdc.gov/vaccines/vpd-vac/measles/downloads/PL-dis-measles-color-office-sp.pdf](http://www.cdc.gov/vaccines/vpd-vac/measles/downloads/PL-dis-measles-color-office-sp.pdf).
- More information about vaccines generally is available at [www.vaccines.gov](http://www.vaccines.gov).

**Effective Communication and Language Assistance:** When school officials provide information to students, parents, and the community about any aspect of measles or actions the schools are taking in response to measles, they need to ensure meaningful access to such information to English learner students and adults with limited English proficiency (LEP) and equally effective communications with persons with disabilities (such as persons who are deaf, deaf-blind, or blind). Thus, the information and materials must be translated, as appropriate, into languages other than English and provided, as appropriate, in alternate formats to facilitate effective communication for individuals with disabilities.

**Privacy Concerns:** For information about the confidentiality of medical information in the school context, you may visit the website of the Department of Education’s Family Policy Compliance Office (FPCO) which enforces the Family Educational Rights and Privacy Act (FERPA), at [www.ed.gov/policy/gen/guid/fpc/index.html](http://www.ed.gov/policy/gen/guid/fpc/index.html) or contact FPCO at 1-800-USA-LEARN (1-800-872-5327).

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If you have questions, want additional information or technical assistance, or believe that a school is violating federal civil rights law, you may visit the website of the Department of Education’s OCR at [www.ed.gov/ocr](http://www.ed.gov/ocr) or contact OCR at (800) 421-3481 (TDD: 800-877-8339) or at [ocr@ed.gov](mailto:ocr@ed.gov). You may also fill out a complaint form online at [www.ed.gov/ocr/complaintintro.html](http://www.ed.gov/ocr/complaintintro.html).