

Allegheny County Health Department

Rules and Regulations



Article X

School Health Immunization



Article X (Newly Updated)

Allegheny County Health Department
ALLEGHENY COUNTY HEALTH DEPARTMENT RULES AND REGULATIONS
ARTICLE X. SCHOOL HEALTH IMMUNIZATION

1001. PURPOSE AND SCOPE. This subchapter has been promulgated to ensure that all school children are immunized against diseases which spread easily in schools and interrupt school life and learning for individuals and groups. This subchapter affects all public, private, parochial, charter and cyber schools including all kindergartens, special education classes, home education programs, and vocational classes in Allegheny County.

1002. DEFINITIONS. The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Ascertain. To determine whether or not a child is immunized as defined in this subchapter.

Attendance at school.

- i. The attendance at a grade, or special classes, kindergarten through 12th grade, including public, private, parochial, vocational, intermediate unit and home education students, and students of cyber and charter schools.
- ii. The term does not cover the attendance of children at a childcare group setting, located in a public, private or vocational school, or in an intermediate unit.

Certificate of Immunization. The official form furnished by the Department; this Certificate is filled out by the parent or health care provider and signed by the health care provider, public health official, or school nurse or a designee. The Certificate is given to the school as proof of full immunization. The school maintains the Certificate as the official school immunization record or stores the details of the record in a computer database. A record of immunizations from a health care provider may substitute for a Certificate of Immunization.

Department. Allegheny County Health Department.

Director. The Director of the Allegheny County Health Department.

Full immunization. The completion of the requisite number of dosages of the specific antigens at recommended time and age intervals as set forth in § 1003 (relating to immunization requirements).

Immunization. The requisite number of dosages of the specific antigens at the recommended time intervals under this subchapter.

Medical Certificate. The official form furnished by the Department setting out the immunization plan for a student who is not fully immunized, filled out and signed by a physician, certified registered nurse practitioner or physician assistant, or by a public health official when the immunization is provided by the Department, and given to a school as proof that the student is scheduled to complete the required immunizations.

Record of Immunization. A written document showing the date of immunization—that is, baby book, Health Passport, family Bible, other states' official immunization documents, International Health Certificate, immigration records, physician record, school health records, and other similar documents or history.

1003.IMMUNIZATION REQUIREMENTS.

(A) Duties of a school director, superintendent, principal or other person in charge of a public, private, parochial or nonpublic school. Each school director, superintendent, principal, or other person in charge of a public, private, parochial, or nonpublic school in Allegheny County, including vocational schools, intermediate units, and special education and home education programs, cyber and charter schools, shall ascertain that a child has been immunized in accordance with the requirements in subsections (b) and (c) prior to admission to school for the first time, under section 1303 of the Public School code of 1949 (24 P.S. § 13-1303a), regarding immunization required; penalty.

(B) Required for attendance. The immunizations required by 28 Pa. Code § 23.83(b) are hereby incorporated by reference into this Article and are a required condition of attendance at school in Allegheny County. Future additions, revisions, or deletions to 28 Pa. Code § 23.83(b) promulgated by the Commonwealth are also incorporated by reference into this Article and are effective on the date established by the relevant rulemaking.

(C) Special requirements for tetanus and diphtheria toxoids and acellular pertussis vaccine and meningococcal conjugate vaccine (MCV). The special

requirements for tetanus and diphtheria toxoids and acellular pertussis vaccine and MCV found at 28 Pa. Code § 23.83(c) are hereby incorporated by reference into this Article. Future additions, revisions, or deletions to 28 Pa. Code § 23.83(c) promulgated by the Commonwealth are also incorporated by reference into this Article and are effective on the date established by the relevant rulemaking.

(D) Grace period. The grace period provision found at 28 Pa. Code § 23.83(f) is hereby incorporated by reference into this Article. Future additions, revisions, or deletions to 28 Pa. Code § 23.83(f) promulgated by the Commonwealth are also incorporated by reference into this Article and are effective on the date established by the relevant rulemaking.

1004. EXEMPTION FOR IMMUNIZATION.

(A) Medical Exemption. Children need not be immunized if a physician or his/her designee provides a written statement that immunization may be detrimental to the health of the child. When the physician determines that immunization is no longer detrimental to the health of the child, the child shall be immunized according to this subchapter.

(B) Religious Exemption. Children need not be immunized if the parent, guardian, or emancipated child objects in writing to the immunization on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief.

1005. RESPONSIBILITIES OF SCHOOLS AND SCHOOL ADMINISTRATORS.

(A) Inform of requirements and ascertain immunization status. The administrator in charge of every school shall appoint a knowledgeable person to perform the following:

(1) Inform the parent, guardian, or emancipated child at registration or prior to registration, if possible, of the requirements of this subchapter.

(2) Ascertain the immunization status of a child prior to admission to school or continued attendance at school.

(i) The parent, guardian, or emancipated child shall be asked for a completed Certificate of Immunization.

(3) In the absence of a Certificate of Immunization, the parent, guardian, or emancipated child shall be asked for a record or history of immunization which indicates the month, day, and year that immunizations were given. This information shall be recorded on the Certificate of Immunization and signed by the school official or the school official's designee, or the details of the record shall be stored in a computer database.

(B) Admission to school or continued attendance. If the knowledgeable person designated by the school administrator is unable to ascertain whether a child has received the immunizations required by 1003 (relating to immunization requirements) or by 1005(E) (relating to provisional admission) or is exempt under 1004 (relating to exemption for immunization), the school administrator may admit the child to school only according to the requirements of subsections (D) and (E).

(C) Inform of specific immunization requirements. The parent or guardian of a child or the emancipated child who has not received the immunizations required by 1003 (relating to immunization requirements) shall be informed of the specific immunizations required and advised to go to the child's usual source of care, or nearest local public clinic, to obtain the required immunizations.

(D) Requirements under which admission or continued attendance is permitted. A child not previously admitted to or not allowed to continue attendance at school because such child has not had the required immunizations shall be admitted to or permitted to continue attendance at school only upon presentation to the school administrator or school administrator's designee of a completed Certificate of Immunization or immunization record, upon submission of information sufficient for an exemption under 1004 (relating to exemption for immunization), or upon compliance with subsection 1005(E).

(E) Provisional admittance to school. The regulation concerning provisional admittance to school found at 28 Pa. Code § 23.85(e) is hereby incorporated by reference into this Article. Future additions, revisions, or deletions to 28 Pa. Code § 23.85(e) promulgated by the Commonwealth are also incorporated by reference into this Article and are effective on the date established by the relevant rulemaking.

(F) Certificate of immunization. Each school shall maintain on file a certificate of immunization for a child enrolled. An alternative to maintaining a certificate on file is to transfer the immunization information from the certificate to a computer database. The certificate of immunization or a facsimile thereof generated by computer shall be returned to the parent, guardian or emancipated child or the school shall transfer the certificate of immunization (or facsimile) with the child's record to the new school when a child withdraws, transfers, is promoted, graduates or otherwise leaves the school.

(G) Applicability. This section does not apply to a child if one of the following occurs:

(1) The child has not been immunized or is unable to provide immunization records due to being homeless. A school shall comply with Federal laws pertaining to the educational rights of homeless children, including the McKinney-Vento Homeless Education Assistance Improvements Act of 2001 (42 U.S.C.A. §§ 11431—11435).

(2) The child, when moving or transferring into a school in this Commonwealth, is unable to provide immunization records immediately upon enrollment into the school. The child's parent or guardian shall have 30 days to provide immunization records to the school to show proof of immunization as set forth in § 1003, a medical certificate or to satisfy the requirements for an exemption as set forth in § 1004. A child who is unable to provide the necessary records, medical certificate or exemption may be excluded at the end of the 30-day period and in subsequent school years until the requirements of this subchapter are met.

(3) The child has not been immunized or is unable to provide immunization records on the first day of attendance for the school year due to being in foster care. A school shall comply with Federal laws pertaining to the educational rights of children in foster care, including the Fostering Connections to Success and Increasing Adoptions Act of 2008 (42 U.S.C.A. §§ 670—679c). The child's foster parent shall have 30 days to provide immunization records to the school to show proof of immunization as set forth in § 1003, a medical certificate or to satisfy the requirements for an exemption as set forth in § 1004. A child who is unable to provide the necessary records, medical certificate or exemption may be excluded at the end of the 30-day period and in

subsequent school years until the requirements of this subchapter are met.

(4) The child obtains an exemption under § 1004.

(H) Temporary waiver. The Director may issue a temporary waiver of the immunization requirements in § 1003. The details of the temporary waiver will be set out in a notice published in a newspaper of general circulation in Allegheny County and/or on the Department's website. A temporary waiver may be issued under either of the following circumstances:

(1) The Centers for Disease Control and Prevention, United States Department of Health and Human Services, recognizes a Nationwide shortage of supply for a particular vaccine.

(2) In the event of a disaster impacting the ability of children transferring into a school to provide immunization records.

1006. SCHOOL REPORTING.

(A) A public, private, parochial or nonpublic school, including intermediate units, special education and home education programs, and cyber and charter schools in Allegheny County shall report immunization data to the Department electronically by December 31 of each year, using forms provided by the Department.

(B) The school administrator or the school administrator's designee shall forward the reports to the Department as indicated on the reporting form provided by the Department.

(C) Content of the December 31 report shall include but is not limited to the following information:

(1) Correct identification of the school including the name of the school, the school district, the county and school address, the intermediate unit, and the type of school. The school administrator or the school administrator's designee shall make any necessary corrections prior to submitting the report.

(2) The month, day, and year of report.

(3) The number of children attending school in each grade-level, or in an ungraded school, in each age group, as indicated on the reporting form.

(4) The number of children attending school by grade who were completely immunized.

(5) The number of children attending school by grade who were classed as medical exemptions in each grade-level, or in an ungraded school, in each age group, as indicated on the reporting form.

(6) The number of children attending school by grade who were classed as religious exemptions, or in an ungraded school, in each age group, as indicated on the reporting form.

(7) The number of children provisionally admitted in each grade level or, or in an ungraded school, in each age group, as indicated on the reporting form.

(8) The number of children who were denied admission because of their student's inability to provide documentation of the required vaccine doses.

(9) Other information as required by the Department.

1007. RESPONSIBILITIES OF THE DEPARTMENT.

(A) The Department will provide the Certificates of Immunization and reporting forms to schools.

(B) The Department will monitor school districts for compliance with this subchapter and will have access to school immunization records whether the records are maintained as certificates or whether the records are contained in a school's computer database.

(C) Questions concerning these regulations should be addressed to the Allegheny County Health Department, Immunization Program, 425 First Avenue, Pittsburgh, PA 15219.

1008.THIS ARTICLE SHALL TAKE EFFECT ON JANUARY 1, 1983.

Amendments are effective ten (10) calendar days after final approval.

1009.UNCONSTITUTIONALITY CLAUSE.

Should any section, paragraph, sentence, clause, or phrase of these Rules and Regulations be declared unconstitutional or invalid for any reason, the remainder of said Rules and Regulations shall not be affected thereby.

1010. PENALTIES.

(A) Summary Offenses. Any person who violates any of the provisions of this article or any rule or regulation of the Allegheny County Department of Health, or who interferes with the Director or any other agent of the Department of Health in the discharge of his/her official duties, shall, for the first offense, upon conviction thereof in a summary proceeding before any alderman or justice of the peace of Allegheny County, or before any police magistrate if such offense be committed in the city of the second class, be sentenced to pay the costs of prosecution and a fine of not less than thirty dollars (\$30) nor more than three hundred dollars (\$300) and, in default thereof, to undergo imprisonment of not less than ten (10) days nor more than thirty (30) days.

(B) Misdemeanors. Any person who violates any of the provisions of this article or any rule or regulation of the County Department of Health, or who interferes with a Health Director or any agent of the Department of Health in the discharge of his/her official duties, convicted of a second or subsequent offense, shall be guilty of a misdemeanor and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or to undergo imprisonment not exceeding one (1) year, or both.

(C) Separate offenses. For the purpose of this section, violations on separate days shall be considered separate offenses. Each violation of any separate subsection or section of this article shall constitute a separate offense.

(D) Enforcement interpretation. The Director shall interpret this Article in conformance with the current standards of the Advisory Committee on Immunization Practices of the Center for Disease Control, a copy of which

shall be on file in the office of the Allegheny County Health Department.
Allegheny County Health Department Effective Date: 02/2012

1011. CONTROLLING LAW.

If Pennsylvania law conflicts with this Article, then the more stringent requirement controls. The Board of Health shall make such regulatory changes as are necessary to meet these more stringent requirements if they arise.