

# School Immunization Requirements

## 24 P.S. § 13-1303a

**DATE OF ISSUE:** September 8, 2017

**REPLACES:** School Immunization Requirements,  
BEC 24 P.S. § 13-1303a issued July 1, 2007

### PURPOSE

The Pennsylvania Department of Health promulgates immunization regulations (28 Pa. Code §§ 23.81-87) that require parents or guardians of students enrolled in grades K-12 to have their children immunized against various communicable diseases. The regulations, which implement 24 P.S. § 13-1303a, apply to kindergarten, elementary, and secondary students enrolled in a public school, private school, or nonpublic school, and home education students.

This BEC seeks to address questions concerning the latest revisions to these regulations in 2017, including: whether students lacking the full series of required immunizations may nevertheless be permitted to attend school pending completion of the immunization series; whether the compulsory attendance laws provide a mechanism whereby school districts may compel non-immunized students excluded from school to receive the necessary vaccinations; and whether non-immunized students excluded from school may be counted toward calculation of state subsidy. This BEC addresses those questions.

BECs do not establish binding requirements and instead serve as guidance concerning obligations under the statutes or regulations discussed in the BEC.

### 1. Admission of Students Lacking Full Series of Immunizations.

Under the revised immunization regulations, students not exempted from immunization for medical or religious reasons or on the basis of a strong moral or ethical conviction similar to a religious belief (28 Pa. Code § 23.84; *see also* 24 P.S. § 1303a(c) and (d)) and who have not completed the full series of all immunizations (antigens) required by 28 Pa. Code § 23.83 may not be admitted to school.

However, 28 Pa. Code § 23.85 permits school administrators to admit those students who (1) have received all single dose vaccines before the first day of school and (2) will receive any missing doses of the required multiple dose vaccine series within a medically appropriate time period. If it is medically appropriate for the student to receive the next dose within a multiple dose vaccine series, the student must receive that next dose by their fifth day of school or risk exclusion. If it is NOT medically appropriate for the student to receive the next dose of a multiple dose vaccine series within five school days of the student's first day of attendance, the student must provide a [medical certificate](#) setting out the schedule for the remaining doses. The medical certificate must be reviewed at least every 30 days; if the requirements of the medical certificate are not being met, the student may be excluded from school. See 28 Pa. Code § 23.85(e).

The Department of Health's immunization requirements do not apply to a student if one of the following occurs:

- a. The student has not been immunized or is unable to provide records on the first day of attendance due to being homeless. Children experiencing homelessness are exempt of the new school immunization requirements and do not have any timeline under protection of the McKinney-Vento Homeless Education Assistance Improvements Act of 2001.
- b. The student has not been immunized or is unable to provide records on the first day of attendance due to being in foster care. Enrollment for youth in foster care must not be denied or delayed because documents and records normally required for school entry have not been provided. A student in foster care shall have thirty days to provide immunization records or complete an exemption.
- c. The student is moving or transferring into a school in the Commonwealth and is unable to provide immunization records immediately upon enrollment in the school. The child's parent or guardian shall have 30 days to provide immunization records or a medical certificate, or to complete an exemption.
- d. There is a temporary waiver issued by the Secretary of Health in effect in cases of national vaccine shortages or a disaster that impacts ability to provide immunization records pursuant to 28 Pa. Code § 23.85(h).

If a student has not satisfied the immunization requirements or has not submitted completed exemption forms on or before the date of the expiration of the five-day provisional period, PDE recommends that school entities consider individual circumstances and consult with their solicitors on this issue.

School administrators should assist parents by informing them of the immunizations that their children are lacking and the county or local immunization services available. Questions related to school immunization requirements and available resources should be directed to the Department of Health, Division of Immunizations at 717-787-5681.

For the reasons stated later in this BEC, students excluded from school attendance under the immunization regulations may not be counted toward calculation of state reimbursement for the period of their nonattendance.

### *Special Education Students*

Special consideration should be given to students identified as eligible to receive special education services. School administrators must assist parents by informing them of the county or local immunization services available, in addition to the consequences of noncompliance. Any assistance offered should be documented. If a parent or guardian of a special education student refuses to comply with the immunization requirements for attendance and refuses to request an exemption for medical or religious reasons or on the basis of a strong moral or ethical conviction similar to a religious belief, school entities should consider the notification and other procedures under applicable law for voluntary revocation of services by parents.

## **2. Applicability of Compulsory Attendance Laws to Students Excluded Under the Immunization Regulations.**

Earlier PDE guidance explained that, pursuant to 24 P.S. § 14-1417, a school could not seek commencement of proceedings or imposition of penalties against any person on the basis of a violation applicable to the compulsory attendance requirements that resulted from failure of a student to comply with the immunization requirements. Section 1417 can be read more narrowly so as not to relieve a student from complying with the requirements concerning compulsory attendance, if exclusion from attendance is a result of the refusal to comply with the immunization requirements. 24 P.S. § 14-1417. PDE urges schools to consult with their solicitors on this issue.

## **3. School Child Accounting with Regard to Non-immunized Students Not in Attendance.**

The Department does not maintain a separate code for reporting students who have been excluded from attendance as a result of the Department of Health's immunization regulations. For reporting purposes, such students should be reported as having unexcused absences until PDE provides schools with additional information.

### **REFERENCES:**

#### **Purdon's Statutes**

24 P.S. § 13-1303a

24 P.S. § 14-1417

#### **Department of Health Regulations**

[28 Pa. Code §§ 23.81-87 Immunization](#)

#### **State Board of Education Regulations**

[22 Pa. Code § 11.20 Nonimmunized Children](#)

### **BUREAU/OFFICE CONTACT:**

School Services Office  
Pennsylvania Department of Education  
333 Market Street  
Harrisburg, PA 17126-0333  
Phone: 717.787.4860