

# School Immunization Requirements

## 24 P.S. §13-1303a

**DATE OF ISSUE:** July 1, 2007

**REPLACES:** School Immunization Requirements,  
BEC 24 P.S. §13-1303a issued July 1, 2000

### PURPOSE

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

Since issuance of these latest revisions, certain questions continue to arise concerning: 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 will attempt to address those questions.

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

Under the revised Department of Health Immunization regulations, students not exempted from immunization for medical or religious reasons (per 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 of the regulations may not be admitted to school.

However, 28 Pa. Code §23.85 permits school administrators to admit those students who have received at least one dose of each of the antigens for the required immunizations prescribed by 28 Pa. Code §23.83 and to allow such students up to eight months to complete the remaining doses while they attend school.

If after eight months these provisionally admitted students still have not received all required doses, the regulations state that they may not be permitted to continue to attend school (see 28 Pa. Code §23.85 for detail of the specific requirements related to this provisional admittance to attend school). There are no provisions in the federal *No Child Left Behind Act of 2001* that would preclude the state immunization requirements. For those students designated as homeless, special provisions related to immunization requirements can be found in BEC 42 U.S.C. §11431 et seq., *Education for Homeless Youth*, under School/Health Records.

The Departments of Health and Education urge school district boards of school directors to establish policy to exclude only those students who have not received at

least one dose of each of the prescribed antigens, permitting students who have received these doses to attend school for up to an eight month period during which the student must complete the full series of immunizations.

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.

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

The compulsory attendance laws of the Commonwealth do not apply to students excluded from school attendance under the revised Immunization regulations. School officials are without authority under the compulsory attendance laws to initiate legal proceedings against parents whose child is not allowed to attend school because of his or her failure to receive required immunizations. See 24 P.S. §14-1417.

Nevertheless, the Department urges school administrators to assist such parents by informing them of the immunizations which their children are lacking and the county or local immunization services available.

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

A student who does not have the immunization doses required for continued school attendance and has not been exempted from immunization for health or religious reasons should be treated the same as any other student who does not meet the requirements for admission to school. Such a student may not be put on the attendance rolls and may not be counted toward calculation of state subsidy.

Once the student meets the immunization or exemption requirements, he or she may return to school, be returned to the rolls and included in the child accounting information that is submitted to this Department for purposes of calculation of such subsidy.

### **REFERENCES:**

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

24 P.S. §13-1303a

24 P.S. §14-1417

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

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

#### **Other**

[Act 15 of 1996, March 19, 1996 Hepatitis B Prevention Act](#)

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