

STATE BOARD OF HEALTH

REGULATIONS FOR THE IMMUNIZATION OF SCHOOL CHILDREN

PART I - DEFINITIONS

§ 1.1 The following words and terms, when used in these regulations, shall have the following meaning, unless the context clearly indicates otherwise:

"Adequate immunization" means the immunization requirements prescribed under §3.1.

"Admit or Admission" means the official enrollment or re-enrollment for attendance at any grade level, whether full-time or part-time, of any student by any school.

"Admitting official" means the school principal or his designated representative if a public school; if a non-public school or child care center, the principal, headmaster or director of the school or center.

"Board" means the State Board of Health.

"Commissioner" means the State Health Commissioner.

"Compliance": means the completion of the immunization requirements prescribed under §3.1.

"Conditional enrollment" means the enrollment of a student for a period of 90 days contingent upon the student having received at least one dose of each of the required vaccines and the student possessing a plan, from a physician or local health department, for completing his immunization requirements within the ensuing 90 days.

"Documentary proof" means an appropriately completed copy of Form MCH 213B and the temporary certification form for Haemophilus influenza type b disease where applicable, Form MCH 213C or a computer generated facsimile of Form 213C signed by a physician or his designee or an administration of the required vaccines, shall be acceptable in lieu of recording these dates on Form MCH 213C, as long as the supplement is attached to Form MCH 213C and the remainder of Form MCH 213C has been appropriately completed. For a new student transferring from an out-of-state school, any immunization record, which contains the exact date

(month/day/year) of administration of each of the required of each of the required doses of vaccines when indicated and complies fully with the requirements prescribed under §3.1 shall be acceptable.

"Immunization" means the administration of a product licensed by the FDA to confer protection against one or more specific pathogens.

"Physician" means any person licensed to practice medicine in any of the 50 states or the District of Columbia.

"School" means

1. Any public school from kindergarten through grade 12 operated under the authority of any locality within this Commonwealth;
2. Any private or parochial school that offers instruction at any level or grade from kindergarten through grades 12;
3. Any private or parochial nursery school or preschool, or any private or parochial child care center licensed by this Commonwealth; and
4. Any preschool handicapped classes or Head-Start classes operated by the school divisions within this Commonwealth.

"Student" means any person less than 20 years of age who seeks admission to any Virginia school or for whom admission to any Virginia school is sought by a parent or guardian.

"Twelve months of age" means the 365th day following the date of birth.

PART II - GENERAL INFORMATION

§ 2.1 - PURPOSE

These regulations are designed to ensure that all students attending any public, private or parochial school and all attendees of licensed child care centers in the Commonwealth, are adequately immunized and protected against diphtheria, pertussis, tetanus, poliomyelitis, rubeola, rubella, mumps, haemophilus influenza type b, hepatitis B and varicella disease as appropriate for the age of the student.

§ 2.2 - ADMINISTRATION

The Board of Health has the responsibility for promulgating regulations pertaining to the implementation of the school immunization law and standards of immunization by which a child attending a school or child care center may be judged to be adequately immunized.

The State Health Commissioner is the executive officer for the State Board of Health with the authority of the board when it is not in session, and subject to the rules and regulations of the board.

The local health director is responsible for providing assistance in implementing these regulations to the school divisions in his jurisdiction and for providing immunizations to children determined not to be adequately immunized, who present themselves to the local health department for immunization.

The school principals of public schools and the principals, headmasters and directors of non-public schools and child care centers shall require each student attending their institutions to provide documentary proof of immunization against the diseases listed in § 3.1.

§ 2.3 - APPLICATION OF REGULATIONS

These regulations have general application throughout the Commonwealth.

§ 2.4 - APPLICATION OF THE ADMINISTRATIVE PROCESS ACT

The provisions of the Virginia Administrative Process Act, contained in Chapter 1.1:1 (§9-6.14:1 et seq.) of Title 9 of the "Code of Virginia", shall govern the adoption, amendment, modification and revision of these regulations, and the conduct of all proceedings and appeals hereunder.

§ 2.5 - POWERS AND PROCEDURES OF REGULATIONS NOT EXCLUSIVE

The board reserves the right to authorize a procedure for enforcement of these regulations which is not inconsistent with the provisions set forth herein and the provisions of Chapter 2f§32.1-35 et seq.) of Title 32.1 of the "Code of Virginia".

PART III - IMMUNIZATION REQUIREMENTS

§ 3.1 - IMMUNIZATION REQUIREMENTS

Every new student and every child attending a licensed child care center shall provide documentary proof of adequate immunization with the prescribed number of doses of each of the vaccines and toxoids listed in the following subdivisions, as appropriate for his age. A copy of every student's immunization record shall be on file in his school record.

- Diphtheria, Tetanus, & Pertussis (DTaP, DTP, or Tdap). A minimum of 4 doses. A child must have at least one dose of DTaP or DTP vaccine on or after the fourth birthday. DT (Diphtheria, Tetanus) vaccine is required for children who are medically exempt from the pertussis containing vaccine (DTaP or DTP). Adult Td is required for children 7 years of age and older who do not meet the minimum requirements for tetanus and diphtheria. Effective July 1, 2006, a booster dose of Tdap vaccine is required for all children entering the 6th grade, if at least five years have passed since the last dose of tetanus-containing vaccine.
- Polio Vaccine. A minimum of 4 doses of polio vaccine. One dose must be administered on or after the fourth birthday.
- Measles, Mumps, & Rubella (MMR) Vaccine. A minimum of 2 measles, 2 mumps, and 1 rubella. (Most children receive 2 doses of each because the vaccine usually administered is the combination vaccine MMR). First dose must be administered at age 12 months or older. Second dose of vaccine must be administered prior to entering kindergarten but can be administered at any time after the minimum interval between dose 1 and dose 2.
- Pneumococcal (PCV) Vaccine. This vaccine is required ONLY for children less than two years of age. Two to four doses, dependent on age at first dose, of pneumococcal 7-valent conjugate vaccine are required.

- Haemophilus Influenzae Type b (Hib) Vaccine. This vaccine is required ONLY for children up to 60 months of age. A primary series consists of either 2 or 3 doses (depending on the manufacturer). However, the child's current age and not the number of prior doses received govern the number of doses required. Unvaccinated children between the ages of 15 and 60 months are only required to have one dose of vaccine.
- Hepatitis B Vaccine. A complete series of 3 doses of hepatitis B vaccine is required for all children. However, the FDA has approved a 2-dose schedule ONLY for adolescents 11-15 years of age AND ONLY when the Merck Brand (RECOMBIVAX HB) Adult Formulation Hepatitis B Vaccine is used. If the 2-dose schedule is used for adolescents 11-15 years of age it must be clearly documented on the school form.
- Varicella (Chickenpox) Vaccine. All susceptible children born on and after January 1, 1997, shall be required to have one dose of chickenpox vaccine administered at age 12 months or older. Effective March 3, 2010, a second dose must be administered prior to entering kindergarten but can be administered at any time after the minimum interval between dose 1 and dose 2.
- Human Papillomavirus Vaccine (HPV). Effective October 1, 2008, a complete series of 3 doses of HPV vaccine is required for females. The first dose shall be administered before the child enters the 6th grade. After reviewing educational materials approved by the Board of Health, the parent or guardian, at the parent's or guardian's sole discretion, may elect for the child not to receive the HPV vaccine.

§ 3.2 - EXEMPTIONS FROM IMMUNIZATION REQUIREMENTS

- The student or his parent or guardian submits a Certificate of Religious Exemption (Form CRE 1) to the admitting official of the school to which the student is seeking admission. Form CRE 1 is an affidavit stating that the administration of immunizing agents conflicts with the student's religious tenets or practices. For a student enrolled before July 1, 1983, any document present in the student's permanent school record claiming religious exemption shall be acceptable, or
- The school has written certification on any of the documents specified under "documentary proof" in §1.1 from a physician or a local health department that one or more of the required immunizations may be detrimental to the student's health. Such certification of medical exemption shall specify the nature and probable duration of the medical condition or circumstance that contraindicates immunization. For a student enrolled before July 1, 1993, any document attesting to the fact that one or more of the required immunizations may be detrimental to the student's health shall be acceptable.

- After reviewing educational materials approved by the Board of Health, the parent or guardian, at the parent's or guardian's sole discretion elects for the child not to receive the HPV vaccine.

DEMONSTRATION OF EXISTING IMMUNITY - The demonstration in a student of antibodies against either rubeola or rubella in sufficient quantity to ensure protection of that student against that disease, shall render that student exempt from the immunization requirements contained in §3.1 for the disease in question. Such protection should be demonstrated by means of a serological testing method appropriate for measuring protective antibodies against rubeola or rubella respectively.

TUBERCULOSIS (TB) SCREENING REQUIREMENTS

- I. Students entering King George County Public Schools for the first time must provide documentation signed by a certified by a licensed physician, nurse practitioner, physician assistant or registered nurse prior to school entry of one of the following:
 - a. Tuberculosis (TB) Risk Assessment documenting low risk for tuberculosis per current Virginia Department of Health guidelines.

OR

 - b. Documentation of a negative TB (Mantoux) skin test within the past 3 months with no current symptoms of active TB disease.

OR

 - c. Written documentation of completion of adequate treatment for active tuberculosis disease or latent TB infection with no current symptoms of active disease.
- II. Students may conditionally enroll for up to 45 days in King George County Public Schools if they present a temporary medical waiver. The waiver shall only be granted if the student is asymptomatic and:
 - a. The student received a live virus vaccine less than 30 days before the TB screening and a TB (Mantoux) skin test was needed as a result of the TB risk assessment.
 - b. The initial TB (Mantoux) skin test was indeterminate and a repeat test is needed to verify the results.

- III. Students shall not be permitted to enroll until the TB screening requirement is met unless granted a temporary medical waiver as described above.
- IV. Students returning from extended trips of more than five months duration to a high prevalence area are required to present the results of a new TB screening prior to re-enrollment.

PART IV - PROCEDURES AND RESPONSIBILITIES

§ 4.1 - RESPONSIBILITIES OF ADMITTING OFFICIALS

Procedures for Determining the Immunization Status of Students - Each admitting official or his designee shall review, before the first day of each school year, the school medical record of every new student seeking admission to his school, and that of every student enrolling in grade six for compliance with the measles vaccine requirements prescribed in § 3.1.3.

Such review shall determine into which one of the following categories each student falls:

- Students whose immunizations are adequately documented and complete in conformance with § 3.1;
- Students who are exempt from the immunization requirements of § 3.1 because of medical contraindications or religious beliefs provided for by § 3.2;
- Students whose immunizations are inadequate according to the requirements of § 3.2;
- Students without any documentation of having been adequately immunized.

NOTIFICATION OF DEFICIENCIES - Upon identification of the students in subdivisions 3 and 4 of § 4.1A., the admitting official shall notify the student or his parent or guardian:

- That there is no, or insufficient, documentary proof of adequate immunization in the student's school records;
 - That the student cannot be admitted to school unless he has documentary proof, that he is exempted from immunization requirements pursuant to § 3.1;
 - That the student may be immunized and receive certification by a licensed physician or an official of a local health department;
1. That the parent should contact the local health department to receive the necessary immunizations.

CONDITIONAL ENROLLMENT - Any student whose immunizations are incomplete may be admitted conditionally if that student provides documentary proof at the time of enrollment of having received at least one dose of the required immunizations accompanied by a schedule for completion of the required doses within 90 days, during which time that student shall complete the immunizations required under §3.1. The following table contains a suggested plan for ensuring the completion of these requirements within the 90 day conditional enrollment period. The admitting official should examine the records of any conditionally enrolled student at regular intervals to ensure that such a student remains on schedule with his plan of completion.

A SUGGESTED PLAN FOR ENSURING COMPLIANCE	
Time	Action Step
Day 0	Conditional enrollment period starts. If student has not received first dose(s) of required vaccines, exclude student.
Day 1 to <u>Day 42</u>	Student should have received second dose(s) of required vaccines.
Day 43 to <u>Day 88</u>	Student should have received third dose(s) of required vaccines.
Day 89 to Day 90	Confirm that immunizations are completed; exclude children not in compliance.

EXCLUSION - The admitting official shall, at the end of the conditional enrollment period, exclude any student who is not in compliance with the immunization requirements under § 3.1 and who has not been granted an exemption under § 3.2, until that student provides documentary proof that his immunization schedule has been completed, unless documentary proof that a medical contraindication developed during the conditional enrollment period, is submitted.

TRANSFER OF RECORDS - The admitting official of every school shall be responsible for sending a student's immunization records or a copy thereof, along with his permanent academic or scholastic records, to the admitting official of the school to which a student is transferring within 30 days of his transfer to the new school.

REPORT OF STUDENT IMMUNIZATION STATUS - Each admitting official shall, within 30 days of the beginning of each school year or entrance of a student, or by October 15 of each school year, file with the State Health Department through the health department for his locality, a report summarizing the immunization status of the students in his school. This report shall be filed on Form SIS 1, the Student Immunization Status Report, and shall

contain the number of students admitted to that school with documentary proof of immunization the number of students who have been admitted with a medical or religious exemption, and the number of students who have been conditionally admitted.

§ 4.2 - RESPONSIBILITIES OF A PHYSICIANS AND LOCAL HEALTH DEPARTMENTS -

A. Documentary proof for students immunized in Virginia - Every physician and local health department providing immunizations to a child shall provide documentary proof, as defined in § 1.1, to the child or his parent or guardian of all immunizations administered.

DOCUMENTARY PROOF FOR OUT-OF-STATE STUDENTS - For a student transferring

form an out-of-state school to a Virginia school, the admitting official may accept as documentary proof any immunization record for that student, which contains the exact date (month/day/year) of administration of each of the required doses of vaccines when, indicated and which complies fully with the requirements prescribed under § 3.1. Any immunization record, which does not contain the month/day/year of administration of each of the required vaccine doses, shall not be accepted by the admitting official as documentary proof of adequate immunization with the exception of immunization against Hib. Such a student's record shall be evaluated by an official of the local health department who shall determine if that student is adequately immunized in accordance with the provisions of § 3.1. Should the local health department determine that such a student is not adequately immunized, that student shall be referred to his private physician or local health department for any required immunizations.

PART V - PENALTIES

§ 5.1 - EXCLUSION OF STUDENTS - Any student who fails to provide documentary proof of immunization in the manner prescribed, within the time periods provided for in these regulations and §§ 22.1-271.1 and 22.1-271.2 of the "Code of Virginia", shall be excluded from school attendance by the school's admitting official.

§5.2-EXCLUSION OF STUDENTS UNPROTECTED AGAINST VACCINE - PREVENTABLE DISEASES - In accordance with §32.1-47 of the "Code of Virginia, any

student exempted from immunization requirements pursuant to § 3.2 A. of these regulations, shall be excluded from school attendance for his own protection until the danger has passed, if the commissioner so orders such exclusion upon the identification of an outbreak, potential epidemic or epidemic of a vaccine-preventable disease in that student's school.

§ 5.3 - RESPONSIBILITY OF PARENT TO HAVE A CHILD IMMUNIZED - In accordance with § 32.1-46 of the "Code of Virginia", "the parent, guardian or person in loco parentis of each child within this Commonwealth shall cause such child to be immunized by vaccine against diphtheria, tetanus, whooping cough, and poliomyelitis, before such child attains the age of one year, against Haemophilus influenza type b before he attains the age of 30 months, and against measles (rubeola), German measles (rubella) and mumps before such child attains the age of two years. All children born on or after January 1, 1994 shall be required to receive immunization against hepatitis B before their first birthday. All children shall also be required to receive a second dose of measles (rubeola) vaccine in accordance with the regulations of the board. The board's regulations shall require that all children receive a second dose of measles (rubeola) vaccine prior to first entering kindergarten or first grade and that all children who have not yet received a second dose of measles (rubeola) vaccine receive such second dose prior to entering the sixth grade."

All children born on or after January 1, 1997 shall be required to receive immunization against varicella zoster (chickenpox), not earlier than the age of 12 months. Children who have evidence of immunity as demonstrated by laboratory confirmation of immunity or a reliable medical history of disease are exempt of such requirement.

After July 1, 2001, All Children who have not yet received immunization against Hepatitis B shall receive such immunization prior to entering the sixth grade.

§ 5.4 GENERAL PENALTIES - In accordance with § 32.1-27 of the "Code of Virginia", "any person, willfully violating or refusing, failing or neglecting to comply with any regulation or order of the board or commissioner of any provision of this title shall be guilty of a Class 1 misdemeanor unless a different penalty is specified."

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Legal Refs.: Code of Virginia: 22.1-270, 22.1-271, 22.1271.1, 22.1-271.2, 32.1-27,
32.1-46, and 32.1-4