Understanding the Utah Immunization Rule for Students

Module I

Laws, Admissions and Requirements

Laws, Admissions and Requirements About This Module

Purpose: To define the law and immunization requirements pertaining to the Utah Immunization Rule for Students.

Goal: To improve administration and application of Utah school immunization requirements.

Objectives:

- Describe the types of schools for which the Rule applies.
- Describe withholding weighted pupil unit money from a local education agency in relation to immunization requirements.
- Describe immunization record of students, enrollment.
- Define "Conditional Enrollment."
- Define "Extended Conditional Enrollment."
- Define "Previous History of Disease" (Immunity).
- Describe the three types of exemptions allowed in Utah schools and vaccination exemption renewal.
- Describe maintaining "School record of students' immunization status."
- Describe the conditions for which a student may be excluded.
- Define "USIR."
- Describe the four-day grace period.

Utah Statutory Code

To get a better understanding of the law, let's first look at the difference between a rule and a statute.

- Statues are enacted by the Legislature and change only when the Legislature is in session.
- The Utah Department of Health is an authorized agency that can regulate or establish rules.
- Utah Statutory Code, Title 53G, Chapter 9, Part 3, defines immunization requirements, including procedures for reporting statistical information and non-compliance.

Utah Immunization Rule for Students

- Administrative rules have **the binding effect of law,** and unlike statues, can change throughout the year.
- Authorized agencies, such as the Utah Department of Health, do not have to go through the Legislature to change a rule.
- The Utah Immunization Rule for Students is an administrative rule under the Utah Health Code, Section R396-100. It *implements* the requirements established under the Statutory Code. Currently this Rule is under revision.
- The Rule defines all vaccine requirements, admission requirements, exceptions to the Rule, official documents required, reporting requirements, exclusion procedures and penalties for non-compliance.

Withholding Weighted Pupil Units Funding and Immunization Requirements

School districts, charter schools, or the Utah Schools for the Deaf and the Blind receive funding based on a formula (weighted pupil units) that includes the average daily membership of students in attendance. See Utah Code 53F-2-301.

NOTE: Utah Code 53G-9-302 states that a school district, a charte school, or the Utah Schools for the Deaf and the Blind may not receive weighted pupil unit money until all immunization requiremen are met. These requirements include:

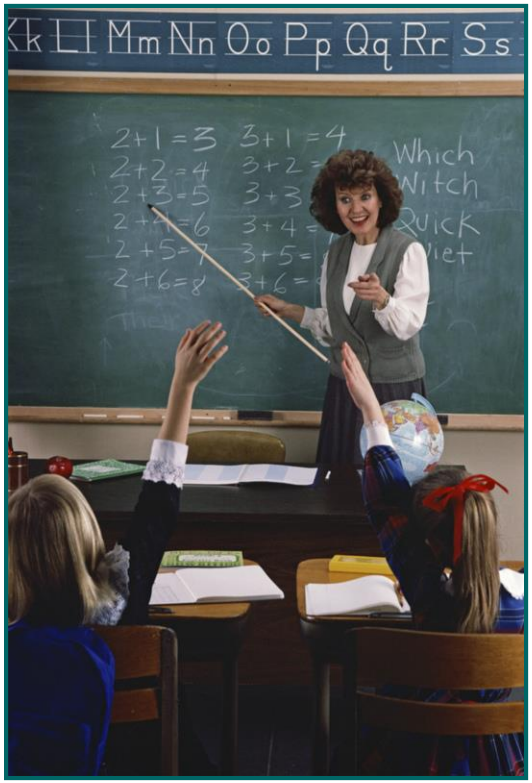
- The school receives an immunization record from the legally responsible of the student, the student's former school, or a statewide registry that shows the student has received each vaccination required by the department under Section 53G-9-305; or
- The student qualifies for conditional enrollment under Section 53G-9-308; or
- For any required vaccination that the student has not received, that the student has immunity against the disease for which the vaccination is required, because the student previously contracted the disease as documented by a health care provider, or is exempt from receiving the vaccination under Section 53G-9-303 ; or
- The student is the child of a military family for whom the local education agency receives public funding and who is formally enrolled in Kindergarten through Twelfth grade and complies with the immunization requirements for military children under Section 53E-3-905 .

Enrollment

The Rule states that ALL children enrolled in a public, private, charter or parochial school MUST have an immunization record that shows:

- information regarding each required vaccination that the student has received, including the date each vaccine was administered verified by a licensed healthcare provider, registered nurse, an authorized representative of a local health department, an authorized representative of the department, or a pharmacist;

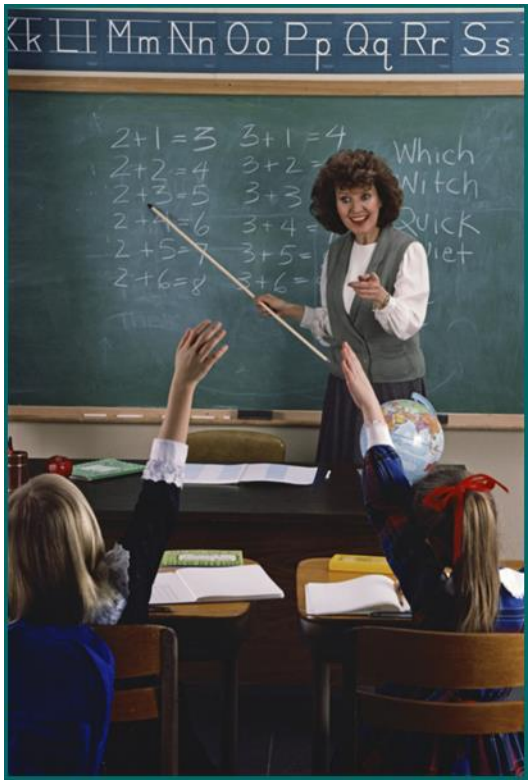
- information regarding each disease against which the student has been immunized by previously contracting the disease (healthcare provider document required if the student has immunity against the disease for any required vaccination that the student has not received because the student previously contracted the disease); and



Enrollment

- a Utah vaccination exemption form identifying each required vaccination from which the student is exempt (for medical exemption, students must provide a completed vaccination exemption form AND a written statement signed by a licensed health care provider).

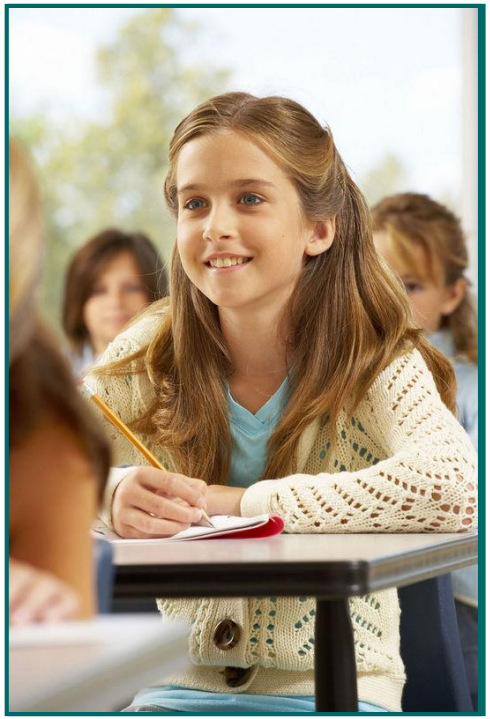
- Utah Code 53G-9-302 states that schools may not receive these funds for a student who is not permitted to attend school unless the student has obtained an immunization record, qualifies for conditional enrollment, has immunity against the disease for which vaccination is required, has a Personal, Medical or Religious Exemption, or complies with the immunization requirements for military children.



Conditional Enrollment

Conditional Enrollment: A student who has not provided a school with a complete immunization record at the time of enrollment may attend school on a conditional enrollment.

- Conditional enrollment is a period where the student's immunization record is under review by the school or for 21 calendar days after the day a school provides a written notice to a student's legally responsible individual, in person or by mail.



Conditional Enrollment

- The written notice school sends to the legally responsible individual of the student should describe the identified deficiencies or state that the school has not received an immunization record for the student and request the required immunizations to be provided to school within the conditional enrollment period to avoid exclusion.

- Students who do not comply at the end of the conditional enrollment period must be excluded from attending the school until they provide proper documentation of immunization records to school.

Extended Conditional Enrollment

Extended Conditional Enrollment: At the end of the conditional enrollment period, a school principal or administrator can grant an additional extension of the conditional enrollment if the extension is necessary to complete all required vaccination doses in the following situations:

- when more time is medically recommended to complete all required vaccination doses; and
- school principal or administrator and a school nurse, a health official, or a health official designee agree that an additional extension will likely lead to compliance with school immunization record requirements during the additional extension period.

Previous History of Disease

Any student who claims immunity against a disease for which vaccination is required because the student *previously contracted the disease*, must submit a document signed by a healthcare provider to the school as proof of immunity.

Exemptions

The Rule allows the following exemptions for kindergarten through twelfth grade:

- *Medical*
- *Religious*
- *Personal*

- These exemptions do not apply to college or university attendance.

- Students claiming an exemption to the required vaccinations must have their legally responsible individual complete the online educational module (free of charge) available on our website at immunize.Utah.gov, or in-person consultation (fee of up to $25) at a local health department, AND provide a copy of the completed form to the school.

- *Completion of the online educational module or in-person consultation at a local health department must be completed for all types of exemptions.*

Claiming An Exemption

- The legally responsible individual of a student who claims the exemption for the student must take the online education module, free of charge at immunize.utah.gov, sign the vaccination exemption form, AND present a copy of the vaccination exemption form to the school.

- If the legally responsible individual who claims the exemption for the student declines to take the online education module, he/she can obtain a vaccination exemption form from a local health department and receive an in-person consultation. There is a fee of up to $25 to cover the costs of providing an in-person consultation.

Claiming An Exemption

- For a **medical exemption** from required immunizations, the student's legally responsible individual must provide to the student's school a completed vaccination exemption form **AND** a written statement signed by a licensed healthcare provider stating that, due to the physical condition of the student, administration of the vaccine would endanger the student's life or health.

- For **personal/religious exemption** from the required vaccinations, the student's legally responsible individual must provide to the student's school a completed vaccination exemption form, stating that the student is exempt from vaccination because of a personal or religious belief.

Claiming An Exemption

- A copy of the signed vaccination exemption form must be attached to the Utah School Immunization Record (USIR) and filed in the student cumulative folder.

- A written statement from licensed healthcare provider must also be attached to the USIR if medical exemption is claimed.

Vaccination Exemption Renewal

- Vaccination exemption forms provided to a preschool or child care program do not need to be renewed as long as the child is in preschool or any child care program - even if the child changes preschools or child care programs.

- However, if a child changes schools and is old enough to enroll in kindergarten or the child turns six years old, the child must renew his/her vaccination exemption form. In other words - children must renew their vaccination exemption forms for kindergarten entry.

- Once a vaccination exemption form is submitted at any point from kindergarten through 6th grade the exemption form is valid - even if the student changes schools.

- Only if the student is eligible to enroll in 7th grade or the student turns 12 years old, the student must renew his/her exemption form. In other words students must renew their exemption forms for 7th grade enrollment.

Vaccination Exemption Renewal

- Once an exemption form is received at any point from grade 7 on, the form is valid until the student graduates from high school - even if the student changes schools. No need for exemption renewal.

- Exemption forms obtained through the completion of the online education module are valid for no less than two years.

Homeless Students - Enrollment

- Homeless students may be conditionally admitted.
- School officials should use their professional discretion to ensure these students receive the immunizations they need in a timely manner.
- The Utah Immunization Program will collaborate with the Utah State Office of Education to ensure school districts do not have funds withheld for homeless students, *if* there have been repeated efforts to obtain the required immunizations or immunization records.

NOTE: Many of these homeless students have no insurance and are eligible to receive immunizations through the Vaccines for Children (VFC) Program. Call 801-538-9450 for more information.

Homeless Students - Title VII

The McKinney-Vento Homeless Assistance Act states:

1) The school selected must immediately enroll even if unable to produce normally required records for enrollment or while obtaining school records from previous school. 42 U.S.C. § 11432(g)(3)(C)(i).

2) Enrolling schools shall contact the school last attended by the student immediately to obtain relevant academic and other records. 42 U.S.C. § 11432(g)(3)(C)(ii).

3) If a child or youth experiencing homelessness needs to obtain immunization or other required health records, the enrolling school will immediately refer the parent, guardian, or unaccompanied youth to the local liaison, who will assist in obtaining necessary immunizations or screenings, or immunization or other required health records. 42 U.S.C. § 11432(g)(3)(C)(iii).

Students in Military Families - Admission

Children of military families means: a school-aged child, enrolled in kindergarten through twelfth grade, in the household of an active-duty member can be conditionally enrolled to school if they do not have their immunization records at the start of school.

NOTE: Active-duty means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.

Students in Military Families - Utah Code

Utah Code 53E-3-905. Article IV-- Educational records and enrollment – Immunizations—Grade level entrance states:

- Compacting states shall give 30 days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization required by the receiving state.

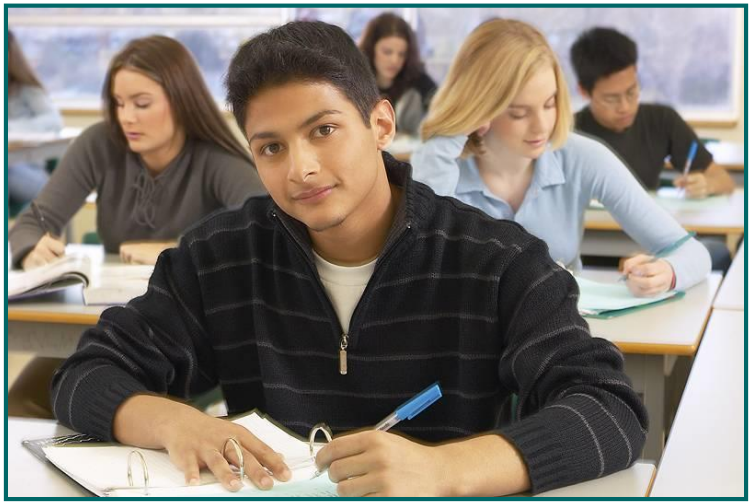
- For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

Transfer Students

ALL students, including transfer students from one Utah school to another or students outside Utah transferring to a Utah school, are required to provide the new school with appropriate immunization documentation.

This means:

- Students who transfer to a Utah school must have a record of all vaccines they have received.
- The information should be transferred to the USIR as part of the student's official school record.
- If a student is missing any of the required vaccine doses, the student must receive the required doses to be in compliance.



School Record of Students' Immunization Status

Each school must maintain a current list of all enrolled students, including:

- list of students the school has received a valid and complete immunization record;
- list of students who are exempt from receiving a required vaccine;
- list of students who are allowed to attend school under conditional enrollment status; and
- list that specifically identifies each disease against which a student is not immunized.

School Record of Students' Immunization Status

Upon the request of an official from a local health department in the event of a disease outbreak, a school principal or administrator must:

(a) notify the legally responsible of any student who is not immune to the outbreak disease, providing information regarding steps the legally responsible individual may take to protect students;

(b) identify each student who is not immune to the outbreak disease; and

(c) for a period determined by the local health department not to exceed the duration of the disease outbreak, do one of the following at the discretion of the school principal or administrator after obtaining approval from the local health department:

School Record of Students' Immunization Status

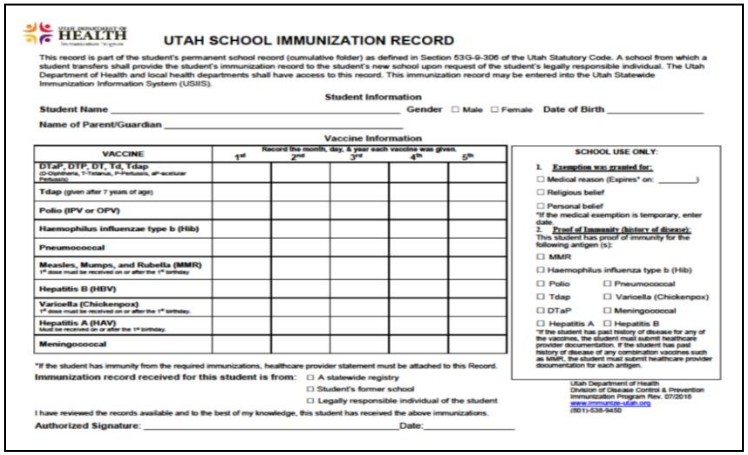
(i) provide a separate educational environment for non-immune students, that ensures the protection of the non immune students as well as the protection of the remainder of the student body; or

(ii) prevent each student who is not immune to the outbreak disease from attending school.

A name appearing on the list of all the enrolled students is subject to confidentiality requirements described in Section 26-1-17.5 and Section 53E-9-202.

Documentation Requirements

- Appropriate immunization documentation must be provided to the school.
- Appropriate documentation is a record of all vaccines the student has received, including the month, date and year each vaccine was given.
- The Utah School Immunization Record (USIR), is the official school immunization record for all students who are enrolled in any public, private, charter or parochial school.
- Transfer information from any other records to the USIR.
- Attach any exemption form or proof of immunity statement to the USIR.
- A school authority, such as a school personnel, must verify the USIR.



UTAH SCHOOL IMMUNIZATION RECORD

This record is part of the student's permanent school record (cumulative folder) as defined in Section 53G-9-306 of the Utah Statutory Code. A school from which a student transfers shall provide the student's immunization record to the student's new school upon request of the student's legally responsible individual. The Utah Department of Health and local health departments shall have access to this record. This immunization record may be entered into the Utah Statewide Immunization Information System (USIIS).

Student Information

Student Name _____ Gender ☐ Male ☐ Female Date of Birth _____

Name of Parent/Guardian _____

Vaccine Information

VACCINE	Record the month, day, & year each vaccine was given. 1st	2nd	3rd	4th	5th
DTaP, DTP, DT, Td, Tdap (D-Diphtheria, T-Tetanus, P-Pertussis, aP-acellular Pertussis)					
Tdap (given after 7 years of age)					
Polio (IPV or OPV)					
Haemophilus influenzae type b (Hib)					
Pneumococcal					
Measles, Mumps, and Rubella (MMR) 1st dose must be received on or after the 1st birthday					
Hepatitis B (HBV)					
Varicella (Chickenpox) 1st dose must be received on or after the 1st birthday.					
Hepatitis A (HAV) Must be received on or after the 1st birthday.					
Meningococcal					

*If the student has immunity from the required immunizations, healthcare provider statement must be attached to this Record.

Immunization record received for this student is from: ☐ A statewide registry ☐ Student's former school ☐ Legally responsible individual of the student

I have reviewed the records available and to the best of my knowledge, this student has received the above immunizations.

Authorized Signature: _____ Date: _____

SCHOOL USE ONLY:

1. Exemption was granted for:
☐ Medical reason (Expires* on: _____)
☐ Religious belief
☐ Personal belief
*If the medical exemption is temporary, enter date.
2. Proof of Immunity (history of disease):
This student has proof of immunity for the following antigen (s):
☐ MMR
☐ Haemophilus influenza type b (Hib)
☐ Polio ☐ Pneumococcal
☐ Tdap ☐ Varicella (Chickenpox)
☐ DTaP ☐ Meningococcal
☐ Hepatitis A ☐ Hepatitis B
*If the student has past history of disease for any of the vaccines, the student must submit healthcare provider documentation. If the student has past history of disease of any combination vaccines such as MMR, the student must submit healthcare provider documentation for each antigen.

Utah Department of Health
Division of Disease Control & Prevention
Immunization Program Rev. 07/2010
www.immunize-utah.org
(801)-538-9450

Out-of-Compliance and Exclusion

At the end of the conditional enrollment period, the school must exclude the student who does not comply with school immunization record requirements from attending school until the student complies with the school immunization requirements, EXCEPT if a student has been granted:

1) an additional extension of the conditional enrollment period by a school principal or administrator, for a time period medically recommended to complete all required vaccination doses; or

2) an additional extension of the conditional enrollment in cases of extenuating circumstances if a school principal or administrator and a school nurse, a health official, or a health official designee agree that an additional extension will likely lead to compliance with school immunization record requirements during the additional extension period.

Out-of-Compliance and Exclusion

A student missing any of the following school immunization record requirements is considered out of compliance and must be excluded from the school:

(a) the school has not received an immunization record (no immunization record) from the legally responsible individual of the student, the student's former school, or a statewide registry that shows the student has received each vaccination required by the department, or

(b) the student did not receive each vaccination required by the department, or

(c) for any required vaccination that the student did not receive and claimed immunity, the student did not submit a document signed by a healthcare provider to the school as proof of immunity (history of disease) against the disease for which the vaccination is required, or

Out-of-Compliance and Exclusion

(d) legally responsible individual of the student claimed the student had an exemption from one or more of the required vaccinations, but the student has not submitted an exemption form to school, or

(e) the student has received fewer than the required number of doses, and is one month past due for subsequent immunizations, or

(f) the student has received one or more doses at less than the minimum interval or less than the minimum age, or

(g) the student does not comply with the immunization requirements for military children under Section 53E-3-905.

Exclusion Notice

A sample of an exclusion notice for inadequate immunizations is available on Utah Immunization Program website at immunize.utah.gov

Four-Day Grace Period

Utah allows a *four-day grace period* for auditing or record review purposes only. This time frame allows the school authority reviewing the records to apply a four-day period for a student who received doses of any vaccine too early. The following conditions apply:

- The grace period shall not exceed four days,
- This grace period shall not be used to schedule vaccine doses that are due.

This means: Vaccine doses given up to four days before the minimum interval or age can be counted as valid doses. Doses given five days or earlier should not be counted as valid doses and should be repeated. *The four-day "grace period" should not be applied to the 28-day interval between live vaccines not administered at the same visit.*

Administering the Utah Immunization Rule for Students

- Vaccines are one of the most important public health tools available for preventing disease.
- As more and more vaccines are licensed, the more complicated the immunization schedule becomes. The schedule can be confusing for parents and school officials resulting in unnecessary exclusion of students.
- It is important that school officials use the utmost discretion and adhere to the guidelines in these modules when administering the Rule.
- If you are uncertain how to interpret or apply a rule, please contact the Utah Immunization Program at 801-538-9450 or email immunize@utah.gov for assistance.

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