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**IDAPA 16
TITLE 02
Chapter 15**

16.02.15 - IMMUNIZATION REQUIREMENTS FOR IDAHO SCHOOL CHILDREN

000. LEGAL AUTHORITY.

The Idaho Legislature has granted to the Board of Health and Welfare, in cooperation with the State Board of Education and the Idaho School Boards Association, the authority to adopt rules for the administration and enforcement of an immunization program for Idaho school children, pursuant to Section 39-4801, Idaho Code. (1-25-79)

001. TITLE AND SCOPE.

01. Title. These rules are to be cited as Idaho Department of Health and Welfare Rules, IDAPA 16.02.15, "Immunization Requirements for Idaho School Children". (1-25-79)

02. Scope. These rules contain the legal requirements for the administration of an immunization program for children enrolled in grades preschool, kindergarten through twelve (12) of any Idaho public, private, or parochial school. (10-13-92)

002. -- 004. (RESERVED).

005. DEFINITIONS.

01. Child. A minor who is enrolled in preschool, kindergarten through grade twelve (12) in any Idaho public, private, or parochial school. (10-13-92)

02. First Admission. Initial enrollment of a child who is admitted for the first time at the commencement of or during the regular school term to public, private or parochial school. (1-25-79)

03. Department. Idaho Department of Health and Welfare. (10-13-92)

04. Laboratory Proof. A written or typed document or certificate from a medical laboratory, licensed by the Department's Bureau of Laboratories or by a substantially similar body in another state or jurisdiction within the United States, stating the type of test performed, the date of each test, and the results. Tests performed must meet the requirements of Idaho Department of Health and Welfare Rules, IDAPA 16.02.06, "Rules Governing Quality Assurance For Idaho Clinical Laboratories". (10-13-92)

05. Legal Parent, Custodian or Guardian. The legal parent, custodian or guardian of a child or those with limited power of attorney for the temporary care or custody of a minor child. (1-25-79)

06. Physician. A medical doctor or osteopath licensed by the Idaho State Board of Medicine, or by a substantially similar body in another state or jurisdiction within the United States recognized by that Board. (1-25-79)

07. Physician's Representative. Any person appointed by, or vested with the authority to act on behalf of a physician in matters concerning health. (8-15-79)

08. Private or Parochial School. Any Idaho school maintained by an individual, organization or corporation, not at public expense, and open only to children selected and admitted by the individual, organization or corporation, or to children of a certain class or possessing certain qualifications, which may or may not charge tuition fees. (1-25-79)

09. Public School. Any Idaho school maintained at the public expense and open to all children within a given district, including those responsible for the education and training of exceptional children or those schools specially chartered. (1-25-79)

10. School Authority. An authorized representative designated by the Board of Trustees of a public school or a person or body designated to act on behalf of the governing body of a private or parochial school. (8-15-79)

006. -- 099. (RESERVED).

100. IMMUNIZATION PROGRAM.

The immunizations listed in Subsections 100.01 through 100.04 are required of children who are to attend preschool, kindergarten through grade twelve (12) in any Idaho public, private, or parochial school and must be administered in the manner and in accordance with medical standards recognized by the Idaho Board of Medicine and with the "Immunization Recommendations" available from the Bureau of Communicable Disease Prevention within the Department. (10-13-92)

01. Measles, Rubella, and Mumps. One (1) dose of Measles, Rubella and Mumps vaccine administered to the child on or after his first (1st) birthday; and (10-13-92)

02. Diphtheria, Tetanus, Pertussis (DTP), Diphtheria, Tetanus (DT Pediatric) and/or Tetanus, Diphtheria (Td). Any combination of four (4) or more doses of DTP (Diphtheria, Tetanus, Pertussis), DT (Diphtheria, Tetanus) and/or Td (Tetanus, Diphtheria) vaccine, unless fewer doses are medically recommended (see Subsection 110.01); and (3-14-95)L

03. Polio. Three (3) or more doses of Polio vaccine, unless fewer doses are medically recommended (see Subsection 110.01). (12-31-91)

04. Hepatitis B. Three (3) doses of Hepatitis B vaccine administered to children born after November 22, 1991, unless fewer doses are medically recommended (see Subsection 110.01). (3-14-95)L

101. DEADLINE FOR COMPLIANCE.

The legal parent, custodian, or guardian of any child who is to attend any public, private, or parochial school in Idaho must comply with the provisions contained in this chapter at the time of first admission and before attendance. (10-13-92)

102. EVIDENCE OF IMMUNIZATION STATUS.

01. Immunization Certification Statement. Within the deadlines established in Section 101, a legal parent, custodian, or guardian of each child must present to school authorities an immunization certification statement signed by a physician or a physician's representative stating the type, number and dates of immunizations received. (10-13-92)

02. Schedule of Intended Immunizations. A statement by a legal parent, custodian or guardian of any child who is not immunized, excepted or exempted, and who is in the process of receiving, or has been scheduled to receive the required immunizations, must be in the possession of school authorities at the time of first admission and before attendance on a form provided by the Department or one substantially similar, to include the following information: (10-13-92)

- a. Name and age of child; and (7-9-90)
- b. School attending and grade in which enrolled; and (7-9-90)
- c. Type, number and dates of immunizations to be administered; and (7-9-90)
- d. Signature of the legal parent, custodian or guardian providing the information; and (10-13-92)
- e. Signature of a physician or physician's representative. (7-9-90)

03. Children Admitted to School and Failing to Continue the Schedule of Intended Immunizations. A child who does not receive the required immunizations as scheduled in Subsection 102.02, shall be excluded by

school authorities until documentation of the administration of the required immunization(s) is provided to school authorities by the child's legal parent, custodian, or guardian. (10-13-92)

103. -- 104. (RESERVED).

105. EXCEPTIONS TO IMMUNIZATION REQUIREMENT.

A child who meets one (1) or more of the following conditions, if supporting documentation is in the possession of school authorities at the time of first admission and before attendance, will not be required to undergo the required immunizations: (10-13-92)

01. Laboratory Proof. Laboratory proof of immunity to any of the seven (7) childhood diseases listed in Section 100; or (10-13-92)

02. Disease Diagnosis. A signed statement of a licensed physician stating that the child has had Measles or Mumps disease diagnosed by the physician upon personal examination. (1-25-79)

106. -- 109. (RESERVED).

110. EXEMPTIONS TO IMMUNIZATION REQUIREMENT.

A child who meets one (1) or both of the following conditions, if supporting documentation from the legal parent, custodian or guardian is in the possession of school authorities at the time of first admission and before attendance, will not be required to undergo the required immunization(s) for which the condition(s) exists: (10-13-92)

01. Life- or Health-Endangering Circumstances. A signed statement of a licensed physician that the child's life or health would be endangered if any or all of the required immunizations are administered; or (8-15-79)

02. Religious or Other Objections. A signed statement of the legal parent, custodian or guardian on a form provided by the Department or on one containing substantially similar information, to include the following information: (10-13-92)

a. Name of child; and (1-25-79)

b. A statement of objection on religious or other grounds. (1-25-79)

111. -- 149. (RESERVED).

150. ENFORCEMENT OF IMMUNIZATION REQUIREMENT.

01. Noncompliance. Any child not in compliance with this chapter upon first admission in preschool, kindergarten through grade twelve (12) in any Idaho public, private or parochial school shall be denied attendance by school authorities (10-13-92)

02. Length of Exclusion. Any child denied attendance in accordance with Subsection 150.01 shall not be allowed to attend any Idaho public, private or parochial school until they are in compliance with the requirements of this chapter. (10-13-92)

151. -- 199. (RESERVED).

200. REPORTS BY SCHOOL AUTHORITIES.

01. Responsibility and Timeliness. School authorities must transmit copies of a report of each school's immunization status, by grade, to the State Department of Education on or before the first day of November of each year. (10-13-92)

02. Form and Content of Report. On a form provided by the Department, the following information by school and by grade must be reported: (10-13-92)

- a. School and enrollment identification information including; (10-13-92)
 - i. Inclusive dates of reporting period; (10-13-92)
 - ii. Name and address of school, school district and county in which located; (10-13-92)
 - iii. Grade being reported and total number of children enrolled in each grade; and (10-13-92)
 - iv. The signature and title of the person completing the report form. (10-13-92)
- b. Total number of children enrolled and attending school in each grade who: (10-13-92)
 - i. Meet all of the required immunizations listed in Section 100; and (12-31-91)
 - ii. Do not meet all of the required number of immunizations by specific immunization types for the following reasons: (8-15-79)
 - (1) They do not meet the immunization requirement but are in the process of receiving the required immunizations; or (10-13-92)
 - (2) They claimed exemption to the required immunizations as allowed in Section 110. (10-13-92)

201. -- 995. (RESERVED).

996. ADMINISTRATIVE PROVISIONS.

Contested case appeals shall be governed by Idaho Department of Health and Welfare Rules, IDAPA 16.05.03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings". (12-31-91)

997. CONFIDENTIALITY OF RECORDS.

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, IDAPA 16.05.01, "Rules Governing the Protection and Disclosure of Department Records". (12-31-91)

998. INCLUSIVE GENDER.

For the purposes of these rules, words used in the masculine gender include the feminine, or vice versa, as appropriate. (1-25-79)

999. SEVERABILITY.

The rules of IDAPA 16.02.15, Rules of the Department of Health and Welfare, are severable. If any rule, or part thereof, or the application of such rules, to any person or circumstance is declared invalid, that invalidity does not affect the validity of any remaining portion of this chapter. (1-25-79)