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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, under Section 39-4801, Idaho Code. (4-6-05)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is, IDAPA 16.02.15, "Immunization Requirements for Idaho School Children." (4-6-05)

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. (4-7-11)

002. WRITTEN INTERPRETATIONS.

The Department has no written interpretations that apply to rules in this chapter in accordance with Section 67-5201(19)(b)(iv), Idaho Code. (4-6-05)

003. ADMINISTRATIVE APPEALS.

Administrative appeals on decisions made by the Department are governed by IDAPA 16.05.03, "Rules Governing Contested Case Proceedings and Declaratory Rulings." (4-6-05)

004. INCORPORATION BY REFERENCE.

The "Recommended Immunization Schedules for Persons Aged 0 Through 18 Years -- United States, 2010," are incorporated by reference for this chapter of rules. Published in the Morbidity and Mortality Weekly Report, January 8, 2010, Vol. 58 (51 and 52), by the Centers for Disease Control and Prevention as recommended by the Advisory Committee on Immunization Practices (ACIP). This document is referred to in this chapter of rules as "ACIP Recommended Schedule." These schedules may be obtained from the Department or viewed online at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5851a6.htm>. (4-7-11)

005. OFFICE -- OFFICE HOURS -- MAILING ADDRESS -- STREET ADDRESS -- INTERNET WEBSITE.

01. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the State of Idaho. (4-6-05)

02. Mailing Address. The mailing address for the business office is Idaho Department of Health and Welfare, P.O. Box 83720, Boise, Idaho 83720-0036. (4-6-05)

03. Street Address. The business office of the Idaho Department of Health and Welfare is located at 450 West State Street, Boise, Idaho 83702. (4-6-05)

04. Telephone. (208) 334-5500. (4-6-05)

05. Internet Website Address. Department Internet website is <http://www.healthandwelfare.idaho.gov>. (4-6-05)

006. CONFIDENTIALITY OF RECORDS AND PUBLIC RECORDS REQUESTS.

Any use or disclosure of Department records must comply with IDAPA 16.05.01, "Use and Disclosure of Department Records." (4-6-05)

007. -- 009. (RESERVED)

010. DEFINITIONS.

- 01. ACIP.** The Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices. (4-7-11)
- 02. Admission.** Admission to a public, private or parochial school is: (4-2-08)
- a.** Registration of a child before attendance; or (4-2-08)
- b.** Re-entry of a child after withdrawing from previous enrollment. (4-2-08)
- c.** Transfer of a child from one (1) Idaho school to another or from schools outside Idaho. (4-7-11)
- 03. Child.** A minor who is enrolled in preschool, kindergarten through grade twelve (12) in any Idaho public, private, or parochial school. (4-7-11)
- 04. Department.** Idaho Department of Health and Welfare. (10-13-92)
- 05. Immunization Record.** An electronic medical health record, an immunization registry document, or a written immunization certificate confirmed by a licensed health care professional or a physician's representative which states the month, day, and year of each immunization a person has received. (4-7-11)
- 06. Laboratory Proof.** A certificate from a licensed medical laboratory stating the type of test performed, the date of each test, and the results, accompanied by a physician's statement indicating the child is immune. Tests performed must meet the requirements of IDAPA 16.02.06, "Rules Governing Quality Assurance for Idaho Clinical Laboratories." (4-7-11)
- 07. Licensed Health Care Professional.** A practitioner, licensed in the State of Idaho by the Board overseeing the practitioner's license, or by a similar body in another state or jurisdiction within the United States. The practitioner's scope of practice for licensure must allow for the ordering of immunizations and writing of prescriptions, or the practitioner must be under the direction of a licensed physician. Licensed health care professionals who may provide for immunization requirements include: medical doctors, osteopaths, nurse practitioners, physicians' assistants, licensed professional nurses, registered nurses, and pharmacists. Other persons authorized by law to practice any of the healing arts, shall not be considered licensed health care professionals for the purposes of this chapter. (4-7-11)
- 08. 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. (4-6-05)
- 09. Physician.** A medical doctor or osteopath licensed by the Idaho State Board of Medicine, or by a similar body in another state or jurisdiction within the United States, to practice medicine and surgery, osteopathic medicine and surgery, or osteopathic medicine. (4-7-11)
- 10. 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)
- 11. Preschool.** The provision of education for children before the commencement of statutory and obligatory education, differing from traditional daycare in that the emphasis is learning and development rather than enabling parents to work or pursue other activities. Preschools may include, but are not limited to, federally-funded Head Start centers, state-funded preschools, government-funded special education programs, public school preschool programs, and for-profit and not-for profit preschool programs. (4-7-11)
- 12. 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)

13. 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)

14. Regulatory Authority. The Director of the Idaho Department of Health and Welfare or the Director's designee. (4-7-11)

15. 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)

011. -- 099. (RESERVED)

100. IMMUNIZATION REQUIREMENTS.

All immunizations listed in Subsections 100.01 through 100.04 of this rule, are required of children upon admission to kindergarten through grade twelve (12) of any Idaho public, private, or parochial school. Upon admission to preschool, children must be age appropriately immunized with all immunizations listed in Subsections 100.01 through 100.03 of this rule. Immunizations must be administered according to the "ACIP Recommended Schedule," incorporated by reference in Section 004 of these rules, unless fewer doses are medically recommended by a physician. These recommendations are available from the Department. Exemptions from these immunization requirements are provided in Section 110 of these rules. (4-7-11)

01. Child Born on or Before September 1, 1999. A child born on or before September 1, 1999, must meet the following minimum immunization requirements prior to admission for these vaccines: one (1) dose of Measles, Mumps, and Rubella (MMR), four (4) doses of Diphtheria, Tetanus, Pertussis (DTaP), three (3) doses of Polio, and three (3) doses of Hepatitis B. (4-7-11)

02. Child Born After September 1, 1999 Through September 1, 2005. A child born after September 1, 1999, through September 1, 2005, must meet the following minimum immunization requirements prior to admission for these vaccines: two (2) doses of Measles, Mumps, and Rubella (MMR), five (5) doses of Diphtheria, Tetanus, and Pertussis (DTaP), three (3) doses of Polio, and three (3) doses of Hepatitis B. (4-7-11)

03. Child Born After September 1, 2005. A child born after September 1, 2005, must meet the following minimum immunization requirements prior to admission for the following vaccines: two (2) doses of Measles, Mumps, and Rubella (MMR), five (5) doses of Diphtheria, Tetanus, and Pertussis (DTaP), four (4) doses of Polio, three (3) doses of Hepatitis B, two (2) doses of Hepatitis A, and two (2) doses of Varicella. (4-7-11)

04. Seventh Grade Immunization Requirements. Effective with the 2011-2012 school year, and each year thereafter, in addition to the required immunizations listed in Section 100.01 through 100.03 of this rule, a child must meet the following minimum immunization requirements prior to admission into the seventh (7th) grade for these vaccines: one (1) dose of Tetanus, Diphtheria, Pertussis Booster (Tdap), and one (1) dose of Meningococcal. This requirement will be extended to: 7th - 8th grade students in 2012, 7th - 9th grade students in 2013, 7th - 10th grade students in 2014, 7th - 11th grade students in 2015, and 7th - 12th grade students in 2016. (4-7-11)

05. Summary of Immunization Requirements. (4-7-11)

a. Immunization requirements.

TABLE 100.05.a. SUMMARY OF IMMUNIZATION REQUIREMENTS			
Immunization Requirement*	Child born on or before September 1, 1999	Child born after September 1, 1999, through September 1, 2005	Child born after September 1, 2005
Measles, Mumps, and Rubella (MMR)	1 dose	2 doses	2 doses
Diphtheria, Tetanus, Pertussis	4 doses	5 doses	5 doses
Polio	3 doses	3 doses	4 doses
Hepatitis B	3 doses	3 doses	3 doses
Hepatitis A	0 doses	0 doses	2 doses
Varicella	0 doses	0 doses	2 doses
* Exemptions for immunization requirements are found in Section 110 of these rules.			

(4-7-11)

b. Seventh grade immunization requirements.

TABLE 100.05.b SUMMARY OF SEVENTH GRADE IMMUNIZATION REQUIREMENTS		
Immunization Requirement*	Child admitted to 7th grade prior to 2011- 2012 school year	Child admitted to 7th grade during 2011-2012 school year and each year thereafter
Tetanus, Diphtheria, Pertussis (Tdap)	0 doses	1 dose
Meningococcal	0 doses	1 dose
* Exemptions for immunization requirements are found in Section 110 of these rules.		

(4-7-11)

101. COMPLIANCE.

The 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 admission and before attendance. (4-7-11)

102. EVIDENCE OF IMMUNIZATION STATUS.

01. Immunization Record. Within the deadlines established in Section 101 of these rules, a parent, custodian, or guardian of each child must present to school authorities an immunization record. (4-7-11)

02. Schedule of Intended Immunizations Form. A child who has received at least one (1) dose of each required vaccine and is currently on schedule for subsequent immunizations may be conditionally admitted. School authorities, at the time of admission and before attendance, must have a schedule of intended immunizations form completed by a parent, custodian, or guardian for 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. A form provided by the Department, or one similar, must include the following information: (4-7-11)

a. Name and date of birth of child; (4-7-11)

- b. School and grade child is enrolled in and attending; (4-6-05)
- c. Types, numbers, and dates of scheduled immunizations to be administered; (4-7-11)
- d. Signature of the parent, custodian, or guardian; and (4-7-11)
- e. Signature of a licensed health care professional providing care to the child. (4-7-11)

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 of this rule, will be excluded by school authorities until documentation of the administration of the required immunizations is provided to school authorities by the child's parent, custodian, or guardian. (4-7-11)

103. -- 104. (RESERVED)

105. EXCEPTIONS TO IMMUNIZATION REQUIREMENT.

When supporting documentation is in the possession of school authorities at the time of admission and before attendance, a child who meets one (1) or both of the following conditions, will not be required to receive the required immunizations in order to attend school. (4-7-11)

01. Laboratory Proof. Laboratory proof of immunity to any of the childhood diseases listed in Section 100 of these rules, will not be required to receive the immunization for that disease for which the child is immune. (4-7-11)

02. Disease Diagnosis. A child who has a statement signed by a licensed health care professional stating that the child has had varicella (chickenpox) disease diagnosed by a licensed health care professional upon personal examination, will not be required to receive the immunization for the diagnosed disease. (4-7-11)

03. Suspension of Requirement. The Regulatory Authority may temporarily suspend one (1) or more of the immunization requirements listed in Section 100 of these rules, if the Regulatory Authority determines that suspension of the requirement is necessary to address a vaccine shortage or other emergency situation in the state. The Regulatory Authority will suspend a requirement for the length of time needed to remedy the vaccine shortage or emergency situation. (4-7-11)

106. -- 109. (RESERVED)

110. EXEMPTIONS TO IMMUNIZATION REQUIREMENT.

When supporting documentation is in the possession of school authorities, at the time of admission and before attendance, a child who meets one (1) or both of the following conditions in Subsections 110.01 and 110.02 of this rule, will not be required to receive the required immunizations. (4-7-11)

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. (4-7-11)

02. Religious or Other Objections. A signed statement of the parent, custodian, or guardian on a form provided by the Department, that includes the following: (4-7-11)

- a. Name of child, date of birth; and (4-7-11)
- 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 admission to any Idaho public, private, or parochial school, will be denied attendance by school authorities, unless the child is excepted or

exempted from these immunization requirements as provided in Sections 105 and 110 of these rules. The regulatory authority may exclude any child who does not meet the requirements in this chapter and who has not been excluded from school. (4-7-11)

02. Length of Exclusion. Any child denied attendance in accordance with Subsection 150.01 of this rule, will not be allowed to attend any Idaho public, private or parochial school until the child is in compliance with the requirements of this chapter. (4-2-08)

03. Exempted Children. A child exempted under Section 110 of these rules, may be excluded by the regulatory authority in the event of a disease outbreak under IDAPA 16.02.10, "Idaho Reportable Diseases." (4-7-11)

151. -- 199. (RESERVED)

200. REPORTS BY SCHOOL AUTHORITIES.

01. Responsibility and Timeliness. School authorities must submit a report of each school's immunization status, by grade, to the Department on or before the first day of November each year. (4-6-05)

02. Form and Content of Report. Each school report must include the following information and be submitted on a Department form or electronically: (4-7-11)

- a.** Inclusive dates of reporting period; (10-13-92)
- b.** Name and address of school, school district and county; (4-6-05)
- c.** Grade being reported and total number of children enrolled in the grade; (4-6-05)
- d.** The name and title of the person completing the report form. (4-6-05)
- e.** Number of children who meet all of the required immunizations listed in Section 100 of these rules; (4-6-05)
- f.** Number of children who do not meet all of the required number of immunizations listed by specific immunization type; (4-6-05)
- g.** Number of children who do not meet the immunization requirement, but are in the process of receiving the required immunizations; and (4-6-05)
- h.** Number of children who claimed exemption to the required immunizations as allowed in Section 110 of these rules. (4-6-05)

201. -- 999. (RESERVED)

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