

OGDENSBURG CITY SCHOOL DISTRICT
OGDENSBURG, NEW YORK

SUBJECT: First Review of Revised Board of Education Policy #7511:
Immunization of Students

DATE: August 26, 2019

REASON FOR BOARD CONSIDERATION:

The Board of Education must review and approve all policies and regulations of the Ogdensburg City School District.

FACTS AND ANALYSIS:

The Ogdensburg City School District Board of Education recognizes its responsibility under Public Health Law Section 2164 & Section 613, to insure that children under its charge are immunized with the vaccines that are required for all children to enter and attend school.

RECOMMENDED ACTION:

No action necessary - First Review of Revised Board of Education Policy #7511: Immunization of Students.

APPROVED FOR PRESENTATION TO THE BOARD:


Superintendent

POLICY

2019

7511

Students

SUBJECT: IMMUNIZATION OF STUDENTS

Every child entering or attending a District school must present proof of immunization or proof of immunity by serology (blood test) if applicable unless a New York State licensed physician certifies that the immunization is detrimental to the child's health. The requirement for that immunization is waived until the immunization is no longer detrimental to the child's health.

Except for this exemption, the District may not permit a child lacking evidence of immunization to remain in school for more than 14 days, or more than 30 days for an out-of-state or out-of-country transferee who can show a good faith effort to get the necessary certification or other evidence of immunization.

The administration will notify the local health authority of the name and address of excluded children and provide the parent or person in parental relation a statement of his or her duty regarding immunization as well as a consent form prescribed by the Commissioner of Health. The school will cooperate with the local health authorities to provide a time and place for the immunization of these children.

For homeless children, the enrolling school must immediately refer the parent or guardian of the child to the District's homeless liaison, who must assist them in obtaining the necessary immunizations, or immunization or medical records.

The District will provide an annual summary of compliance with immunization requirements to the Commissioner of Health.

All schools will also post educational information on influenza and the benefits of influenza immunization which will be in plain view and available to parents.

Education Law §§ 310 and 914
Public Health Law §§ 613 and 2164
8 NYCRR §§ 100.2 and 136.3
10 NYCRR Subpart 66-1

NOTE: Refer also to Policy #7131 -- Education of Students in Temporary Housing

Adopted by the Ogdensburg City School District on September 16, 2019



**Department
of Health**

**Office of Children
and Family Services**

**State Education
Department**

June 14, 2019

**Statement on Legislation Removing Non-Medical Exemption
from School Vaccination Requirements**

On June 13, 2019, Governor Andrew M. Cuomo signed legislation removing non-medical exemptions from school vaccination requirements for children. The United States is currently experiencing the worst outbreak of measles in more than 25 years, with outbreaks in pockets of New York primarily driving the crisis. As a result of non-medical vaccination exemptions, many communities across New York have unacceptably low rates of vaccination, and those unvaccinated children can often attend school where they may spread the disease to other unvaccinated students, some of whom cannot receive vaccines due to medical conditions. This new law will help protect the public amid this ongoing outbreak.

What did the new law do?

As of June 13, 2019, there is no longer a religious exemption to the requirement that children be vaccinated against measles and other diseases to attend either:

- public, private or parochial school (for students in pre-kindergarten through 12th grade), or
- child day care settings.

For those children who had a religious exemption to vaccination, what are the deadlines for being vaccinated?

Children who are attending child day care or public, private or parochial school, and who had a religious exemption to required immunizations, must now receive the first age appropriate dose in each immunization series by June 28, 2019 to attend or remain in school or child day care. Also, by July 14, 2019 parents and guardians of such children must show that they have made appointments for all required follow-up doses. The deadlines for follow-up doses depend on the vaccine. The New York State Department of Health follows the Centers for Disease Control and Prevention's Advisory Committee on Immunization Practices catch-up immunization schedule and expects children to receive required doses consistent with Table 2 at the following link in order to continue to attend school or child day care: <https://www.cdc.gov/vaccines/schedules/downloads/child/0-18yrs-child-combined-schedule.pdf>

What is the deadline for first dose vaccinations if my child is not attending school until September?

Parents and guardians of all children who do not have their required immunizations are encouraged to have them receive the first dose as soon as possible. The deadline for obtaining first dose vaccinations for children attending school in the fall is 14 days from the first day of school. Within 30 days of the first day of school, parents and guardians of such children must show that they have made appointments for all required follow-up doses.

Additional information will be forthcoming.

SUBJECT: IMMUNIZATION OF STUDENTS**A. Immunization Requirements**

Each student entering into the OCSD will have 14 calendar days from the first day of school to provide an immunization record (30 days if the student is entering from out of New York State).

UPK: 3 DPT, 3 Polio, 1 MMR, 3 HIB, 3 HEP B, 1 Varicella, 3 HIB, 4 PCV

DK-12: 3 DPT, 3 Polio, 2 MMR, 3 HEP B, Varicella (if born after 1/1/98)

- Varicella- required if born after 1/1/98 or born on or after 1/1/94 and enrolling in 6th grade or grade equivalent for special education classes.
- Tdap- Booster Dose-required for children born on or after 1/1/94 and who are entering 6th grade or grade equivalent for special education.

Exemptions- Medical- must be documented YEARLY by the child's physician stating the medical reason for the exemption. If the cause is Anaphylaxis, only one documentation is necessary.

Religious- Both the New York State Department of Health and the New York State Education Department have implemented the religious exemption through regulations. Department of Health Regulation 10 NYCRR#66-1.3(d) requires submission of the Religious Exemption to Immunization Form-Parent/Guardian Statement; and School District Procedures for Implementing Requests for Religious Exemption of Immunization. The building principal holds the responsibility for reviewing each request form and for communicating in writing with the parent/guardian regarding the request approval or denial. If the request is denied, the written communication must address the specific reasons for the denial; merely stating that the request does not demonstrate a sincerely held religious belief is not sufficient articulation

Ogdensburg City School District Health Services Policy Manual – January 2013
Public Health Law Section 2164
Education Law Section 914

Adopted: 04/08/2013

REGULATION

2019

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Students

SUBJECT: IMMUNIZATION GUIDELINES

1) Terms

- a. "School" means and includes any public, private or parochial child caring center, day nursery, day care agency, nursery school, kindergarten, elementary, intermediate, or secondary school.
 - b. "Child" means and includes any person between the ages of 2 months and 18 years.
 - c. "Person in parental relation to a child" means and includes his or her father or mother, by birth or adoption, his or her legally appointed guardian or his or her custodian. A person will be regarded as the custodian of a child if he or she has assumed the charge and care of the child because the parents or legally appointed guardian have died, are imprisoned, are mentally ill, or have been committed to an institution; since they have abandoned or deserted the child, are living outside the state, or their whereabouts are unknown; or given that they have been designated under General Obligations Law Title 15-A.
- 2) Every person in parental relation to a child will have administered to their child an adequate dose, doses, or boosters of an immunizing agent against: measles, mumps, rubella, diphtheria, Haemophilus influenza type b (Hib), hepatitis B, varicella, pertussis, tetanus, pneumococcal disease, poliomyelitis, and meningococcal disease in accordance with Public Health Law Section 2164. The person in parental relation will provide proof of these immunizations through a certificate from a health practitioner.
 - 3) If a child has not previously received his or her required immunizations, the person in parental relation will present the child to a health practitioner to request the necessary immunizations.
 - 4) The person in parental relation to a child may present proof of immunity by serology (blood test) to the following immunizations: measles, mumps, rubella, hepatitis B, varicella, and poliomyelitis.
 - 5) If any person in parental relation is unable to pay for private health practitioner services, he or she will present the child to the county health officer who will then administer the immunizing agent without charge.
 - 6) If a person in parental relation applies for the child's admission without a certificate or other acceptable evidence of the child's required immunizations, the principal will inform him or her of the immunization requirements and that the immunization may be administered by any health practitioner or the county health officer, without charge.

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Students

SUBJECT: IMMUNIZATION GUIDELINES (Cont'd.)

- 7) If the person in parental relation does not comply, the District will provide him or her with a form that:
 - a. Notifies him or her that a valid reason must exist to withhold immunization consent;
 - b. Requests consent;
 - c. States that absent a valid reason, consent will be granted for the child to be immunized by a public health officer, the school physician, or the school's registered professional nurse; and
 - d. States that he or she need not execute the form if the child has a valid medical exemption.
- 8) No principal will permit any child to be admitted or to attend school in excess of 14 days without the immunization certificate or some other acceptable evidence of the required immunizations. This period may be extended, however, to not more than 30 days for a child transferring from out-of-state or from another country who can show a good-faith effort to get the necessary certification or other evidence of immunization.

For homeless children, the enrolling school must immediately refer the person in parental relation to the District's homeless liaison, who must assist them in obtaining the necessary immunizations or medical records.
- 9) The District will notify the local health authority of the name and address of excluded children and provide the person in parental relation a statement of his or her duty regarding immunizations as well as a consent form for immunizations prescribed by the Health Commissioner. The District will cooperate with local health authorities to provide a time and place for the immunization of these children.
- 10) If a New York licensed physician certifies that an immunization is detrimental to a child's health, the immunization will not be required. The certification must identify the immunization exempted, its medical contraindication, and the length of time the immunization is expected to be contraindicated. Once not contraindicated, the immunization will be required. Medical exemptions must be reissued annually.

Records and Other Requirements

The District will:

- 1) Retain the original copy of all immunization records and evidence of medical and religious exemptions for 6 years, or 3 years after the individual attains the age of 18, whichever is longer, even if an electronic copy has been made.

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Students

SUBJECT: IMMUNIZATION GUIDELINES (Cont'd.)

- 2) Maintain a complete list of students who are susceptible to vaccine-preventable disease(s) so that they may be readily identified in the event of an outbreak including students who:
 - a. Have not yet completed the required immunizations for entry-attendance (are in process).
 - b. Have a medical exemption.
 - c. Are over the age of 18 who have not been immunized and are still attending school.
- 3) Make these records available to the New York State Department of Health for purposes allowed under Public Health Law, including audits.
- 4) Provide the Health Commissioner a summary regarding its compliance with the immunization requirements each year.

Education Law § 914
Public Health Law §§ 613 and 2164
8 NYCRR §§ 100.2 and 136.3
10 NYCRR Subpart 66-1

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Students

SUBJECT: IMMUNIZATION GUIDELINES

- 1) As used in this regulation, unless the context requires otherwise:
 - a. The term "school" means and includes any public, private or parochial child caring center, day nursery, day care agency, nursery school, kindergarten, elementary, intermediate or secondary school.
 - b. The term "child" shall mean and include any child between the ages of two (2) months and eighteen (18) years and every child entering school.
 - c. The term "person in parental relation to a child" shall mean and include his/her father or mother, by birth or adoption, his/her legally appointed guardian or his/her custodian. A person shall be regarded as the custodian of a child if he/she has assumed the charge and care of the child because the parents or legally appointed guardian of the minor have died, are imprisoned, are mentally ill, or have been committed to an institution, or because they have abandoned or deserted such child, are living outside the state or their whereabouts are unknown, or have designated the person pursuant to General Obligations Law Title 15-A.
- 2) Every person in parental relation to a child in this state shall have administered to such child an adequate dose or doses of an immunizing agent as prescribed by Public Health Law Section 2164.
- 3) The person in parental relation to any such child who has not previously received such immunization shall present the child to a health practitioner and request him/her to administer the necessary immunization.
- 4) If any person in parental relation to such child is unable to pay for the services of a private health practitioner, such person shall present such child to the Health Officer of the county in which the child resides who shall then administer the immunizing agent without charge.
- 5) The health practitioner who administers such immunizing agent to any such child shall give a certificate of such immunization to the person in parental relation to such child.
- 6) In the event that a person in parental relation to a child makes application for admission of such child to a school and there exists no certificate or other acceptable evidence of the child's required immunizations, the principal of the school shall inform such person of the necessity to have the child immunized, that such immunization may be administered by any health practitioner, or that the child may be immunized without charge by the Health Officer in the county where the child resides. If such person does not wish to select a health practitioner to administer the immunization, he/she shall be provided with a form which shall give notice that as

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Students

SUBJECT: IMMUNIZATION GUIDELINES (Cont'd.)

a prerequisite to processing the application for admission to the school, such person shall state a valid reason for withholding consent or consent shall be given for immunization to be administered by a Health Officer in the public employ, or by a school physician or school's registered professional nurse. The form shall provide for the execution of a consent by such person, and it shall also state that such person need not execute such consent if paragraphs 8) or 9) of this regulation apply to such child.

- 7) No principal of a school shall permit any child to be admitted to such school or to attend such school in excess of fourteen (14) days without the certificate provided for in paragraph 5) of this regulation or some other acceptable evidence of the required immunization. However, this period may be extended to not more than thirty (30) days for a student transferring from out-of-state or from another country and can show a good faith effort to get the necessary certification or other evidence of immunization.
- 8) If any physician licensed to practice medicine in this state certifies that immunization may be detrimental to a child's health, the requirements of these regulations shall be inapplicable until such immunization is found no longer to be detrimental to the child's health.
- 9) These regulations shall not apply to children whose parent, parents, or guardian hold genuine and sincere religious beliefs which are contrary to the practices herein required, and no certificate shall be required as a prerequisite to such children being admitted or received into school or attending school. The Building Principal is charged with the responsibility of determining, on a case-by-case basis, whether a parent/guardian is entitled to invoke the religious exemption from required immunizations.

A form for parents/guardians to utilize to request a religious exemption to immunizations may be found at website:

<http://www.emsc.nysed.gov/ss/HealthServices/requestreligiouseximmunprocedures.htm>

Current information regarding immunization requirements may be found at website:
<http://schoolhealthservices.org>

NOTE: Refer to Procedure #7511P -- School District Procedure for Implementing Requests for Religious Exemption to Immunization

PROCEDURE

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Students

SUBJECT: SCHOOL DISTRICT PROCEDURE FOR IMPLEMENTING REQUESTS FOR RELIGIOUS EXEMPTION TO IMMUNIZATION

<u>Responsibility</u>	<u>Action</u>
School Nurse or Building Principal's Designee	<ol style="list-style-type: none">1) <ol style="list-style-type: none">a. Upon request, issues to parent/guardian the <i>Request for Religious Exemption to Immunization Form - Parent/Guardian Statement</i>. A form for this use may be found at website: http://www.emsc.nysed.gov/sss/HealthServices/requestreligiousexemptimmunization.htmb. Provides parent/guardian with Centers for Disease Control/NYS Department of Health informational immunization materials.c. Provides guidance, if requested, for the above form's completion. (The parent/guardian is encouraged to meet with the school nurse or Building Principal's designee for this purpose; however, a meeting is not required.)
Parent/Guardian	<ol style="list-style-type: none">2) Returns signed and notarized form to the school nurse or Building Principal's designee.
Building Principal	<ol style="list-style-type: none">3) <ol style="list-style-type: none">a. Reviews each request for a religious exemption to immunization.b. If, after review of the parental/guardian statement, questions remain about the existence of a sincerely held religious belief, pursuant to Department of Health Regulation 10 NYCRR Section 66-1.3(d), may request supporting documents such as:

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PROCEDURE

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Students

SUBJECT: SCHOOL DISTRICT PROCEDURE FOR IMPLEMENTING REQUESTS FOR RELIGIOUS EXEMPTION TO IMMUNIZATION (Cont'd.)

Responsibility

Building Principal (Cont'd.)

Action

- (1) A letter from an authorized representative of the church, temple, religious institution, etc. attended by the parent/guardian; literature from the church, temple, religious institution, etc. explaining doctrine/beliefs that prohibit immunization. (Note: Parents/guardians need not necessarily be a member of an organized religion or religious institution to obtain a religious exemption.);
- (2) Other writings or sources upon which the parent/guardian relied in formulating religious beliefs that prohibit immunization;
- (3) A copy of any parental/guardian statements to healthcare providers or school district officials in a district of prior residence explaining the religious basis for refusing immunization;
- (4) Any documents or other information the parent/guardian may be willing to provide that reflect a sincerely held religious objection to immunization (for example: disclosure of whether the parent/guardian or other children have been immunized, parent/guardian's current position on allowing himself/herself or his/her children to receive or refuse other kinds of medical treatment).

(Continued)

PROCEDURE

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Students

SUBJECT: SCHOOL DISTRICT PROCEDURE FOR IMPLEMENTING REQUESTS FOR RELIGIOUS EXEMPTION TO IMMUNIZATION (Cont'd.)

Responsibility

Action

Parent/Guardian

- 4) May request a meeting with the Building Principal in order to provide further information about his/her sincerely held religious beliefs.

Building Principal

- 5) Informs the parent/guardian in writing regarding the approval or denial of the exemption request with copies to the school nurse or Principal's designee and the School Superintendent. If the request is denied, the parent/guardian notification letter must include the specific reason(s) for denial.

Parent/Guardian

- 6) If a request for a religious exemption is denied, may appeal the denial to the Commissioner of Education within thirty (30) days of the decision, pursuant to Education Law Section 310.

RECOMMENDED SCHOOL DISTRICT PROCEDURES for Implementing Requests for Religious Exemption to Immunization

1. Upon request, the school nurse or principal's designee will issue to the parent/guardian seeking a religious exemption to immunization for his or her child the *Request for Religious Exemption to Immunization Form--Parent/Guardian Statement*, will provide the parent/guardian with Centers for Disease Control/NYS Department of Health informational immunization materials, and also will provide guidance if requested for the form's completion. The parent/guardian is encouraged to meet with the school nurse or principal's designee for this purpose; however, a meeting is not required.
2. The parent/guardian will return the signed and notarized form to the school nurse or principal's designee. The form must be signed by the parent/guardian and notarized by a notary public, or it will not be accepted for review and will be returned to the parent/guardian for completion.
3. **The building principal will be responsible for the review of each request for a religious exemption to immunization.** If, after review of the parental/guardian statement, questions remain about the existence of a sincerely held religious belief, Department of Health regulation [10 NYCRR, Section 66-1.3(d)] permits the principal to request supporting documents. Some examples include:
 - A letter from an authorized representative of the church, temple, religious institution, etc. attended by the parent/guardian, literature from the church, temple, religious institution, etc. explaining doctrine/beliefs that prohibit immunization (Note: Parents/guardians need not necessarily be a member of an organized religion or religious institution to obtain a religious exemption);
 - Other writings or sources upon which the parent/guardian relied in formulating religious beliefs that prohibit immunization;
 - A copy of any parental/guardian statements to healthcare providers or school district officials in a district of prior residence explaining the religious basis for refusing immunization;
 - Any documents or other information the parent/guardian may be willing to provide that reflect a sincerely held religious objection to immunization (for example: disclosure of whether parent/guardian or other children have been immunized, parent/guardian's current position on allowing himself or herself or his or her children to receive or refuse other kinds of medical treatment.)
4. The parent/guardian may request a meeting with the principal in order to provide further information about his or her sincerely held religious beliefs.
5. The parent/guardian **must be informed in writing** by the building principal regarding the approval or denial of the exemption request with copies to the school nurse or principal's designee and the school superintendent. **If the request is denied, the parent/guardian notification letter must include the specific reason(s) for denial.**
6. If a request for a religious exemption is denied, a parent/guardian may appeal the denial to the Commissioner of Education within thirty (30) days of the decision, pursuant to Education Law, Section 310.

March 2006

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Please sign in the space provided below and have the document notarized by a notary public where indicated.

I hereby affirm the truthfulness of the forgoing statement and have received **and** reviewed the informational immunization materials provided to me by my child's school.

Signature of Parent/Guardian

Date _____

Sworn to before me this _____ day of _____

Notary Public Seal

You will be notified in writing of the outcome of this request. Please note that if your request for an exemption is denied, you may appeal the denial to the Commissioner of Education within thirty (30) days of the decision, pursuant to Education Law, Section 310.

SECTION BELOW FOR SCHOOL DISTRICT USE ONLY

To the Building Principal:

If, after review of the parental statement, questions remain about the existence of a sincerely held religious belief, Department of Health regulation [10 NYCRR, Section 66-1.3(d)] permits the principal to request supporting documents. Some examples include:

- A letter from an authorized representative of the church, temple, religious institution, etc. attended by the parent/guardian, literature from the church, temple, religious institution, etc. explaining doctrine/beliefs that prohibit immunization (Note: Parents/guardians need not necessarily be a member of an organized religion or religious institution to obtain a religious exemption);
 - Other writings or sources upon which the parent/guardian relied in formulating religious beliefs that prohibit immunization;
 - A copy of any parental/guardian statements to healthcare providers or school district officials in a district of prior residence explaining the religious basis for refusing immunization;
 - Any documents or other information the parent/guardian may be willing to provide that reflect a sincerely held religious objection to immunization (for example: disclosure of whether parent/guardian or other children have been immunized, parent/guardian's current position on allowing himself or herself or his or her children to receive or refuse other kinds of medical treatment.)
-

Reviewer Name (Building Principal) _____

Indicate Result of Request Review:

APPROVED ☐

Date of Approval _____

DENIED ☐

Date of Denial _____

State Specifically Reason(s) for Denial:

You may attach additional sheets if necessary.

Reviewer Signature (Building Principal) _____

- Parent/guardian **must be notified in writing** of the approval or denial of the request. **If the request is denied, the notification letter must include the specific reason(s) for denial.**
- If a religious exemption request is denied, the parent/guardian may appeal the denial to the Commissioner of Education within thirty (30) days of the decision, pursuant to Education Law, Section 310.