

## School Immunization Requirements in Pennsylvania

August 2021

Parents, guardians, or caregivers of students enrolled in grades K-12 are required to have their children immunized against various diseases to protect the health and safety of all students. Regulations issued by the Pennsylvania Department of Health in 2017 require all students to complete the full series of immunizations, or they may not be admitted to school. There are certain exceptions to this general rule, including that students may be exempted from immunization for medical or religious reasons or on the basis of a strong moral or ethical conviction similar to a religious belief. In addition, school administrators *may* admit students who (1) have received all single-dose vaccines before the first day of school and (2) will receive any missing doses of the required multiple dose vaccine series within a “medically appropriate” time period.

### Special Considerations

Immunizations are an important part of your child's regular school physical, and vaccines help protect your child against 14 serious childhood diseases. Due to COVID-19, however, many doctor visits were postponed, and many children missed important opportunities to obtain necessary vaccines. It is important to call your local doctor or health center about where you can go to obtain vaccinations that are required for your child's enrollment and safety. It is also important to communicate with your school about your plan to complete your child's vaccinations.

### Who must be immunized?

The regulations apply to kindergarten, elementary, and secondary students enrolled in a public school, private school, nonpublic school, and students who receive education at home.<sup>1</sup> Students may qualify for free vaccinations through the Pennsylvania Department of Health state health centers or vaccination clinics if they qualify for Medicaid or are underinsured/uninsured.<sup>2</sup>

### Are there any exceptions for children in foster care or those experiencing homelessness?

Yes. If a student is experiencing homelessness, the student is entitled to immediate enrollment in school without any proof of immunizations or other documents normally required for enrollment.<sup>3</sup> **There is no time limit to obtain vaccines for a student experiencing homelessness.**<sup>4</sup>

If a child is in foster care, a parent, foster parent, or representative of the child welfare agency must provide the school with a student's immunization record **within 30 days of a student's**

**admission into school**, or the student may then be excluded from school.<sup>5</sup>

Schools have a legal obligation to assist both students in foster care and those experiencing homelessness to obtaining their immunization records.<sup>6</sup>

### Are there any exceptions for children who are new to the state?

Yes. If a student is moving or transferring into a school in the Commonwealth and is unable to provide immunization records immediately upon enrollment in the school, the child's parent or guardian shall have **30 days** to provide immunization records or a medical certificate, or to complete an exemption.

### Is there any grace period for obtaining immunizations?

Yes. Students have a **five-day provisional period** to obtain required immunizations. If a student has not satisfied the immunization requirements or has not submitted completed exemption forms on or before the date of the expiration of the five-day provisional period, **PDE recommends that school entities consider individual circumstances and consult with their solicitors on this issue.**

### Are there special considerations for students with disabilities?

Yes. If a student is receiving special education services or has been identified as eligible to receive special education services, school administrators must assist parents and legal guardians by informing them, in writing, of local immunization services available in addition to what will happen if they fail to comply with these rules.

### What vaccines are required?

In general, on the first day of school, a student must have the following vaccinations or risk possible exclusion from school: 4 doses of tetanus, diphtheria, and acellular pertussis (1 dose on or after 4<sup>th</sup> birthday, 4 doses of polio (fourth dose on or after 4<sup>th</sup> birthday with at least 6 months after the previous dose was given), 2 doses of measles, mumps, and rubella, and 3 doses of hepatitis B, 2 doses of varicella (chickenpox) or evidence of immunity.<sup>7</sup>

### Are there additional immunization requirements for students in 7<sup>th</sup> Grade and 12<sup>th</sup> Grade?

Yes. In addition to the doses listed above, students must receive the following vaccinations on the first day of 7<sup>th</sup> grade or risk exclusion from school: 1 dose of tetanus, diphtheria, acellular pertussis (Tdap) and 1 dose of meningococcal conjugate vaccine (MCV).<sup>8</sup>

Students must receive the following vaccinations on the first day of 12<sup>th</sup> grade or risk exclusion: 1 dose of MCV, unless the child received this dosage at 16 years of age or older, in which case only one dose is required prior to entering the 12<sup>th</sup> grade.<sup>9</sup>

### Are there exceptions based on religious or moral convictions?

Yes. Immunizations are NOT required if **the student has medical, religious, or strong moral/ethical convictions** against immunization.<sup>10</sup> Your school may have a religious exemption form, or you may use the [state religious exemption form](#).

### Are there temporary waivers in the event of vaccine shortages or national disasters?

Yes, in cases of national vaccine shortages or a disaster that impacts the ability to provide immunization records, the Secretary of Health may issue a temporary immunization waiver pursuant to 28 Pa. Code § 23.85(h).

## When Can a Student Be Excluded from School?

- If a child does not have all the doses listed above and/or needs additional doses, the child must receive the first required immunization within the first five days of school, or under the new law, the student *shall* be subject to exclusion from school.<sup>11</sup>
- Notice of potential exclusion and a list of the vaccines required must be provided to the parent in a language the parent understands.
- If a child does not have all the doses listed above, needs additional doses, and the next dose is “not medically appropriate,” the child must provide a medical plan (red and white card) within the first five days of school for obtaining the required immunizations.<sup>12</sup>
- If it is not medically appropriate for the student to receive the next dose in a multiple-dose vaccine series within five days of the student’s first day of school, the student must provide a [medical certificate](#) that sets out the schedule for the remaining doses.<sup>13</sup> The medical certificate must be reviewed at least every 30 days.<sup>14</sup>

## What can parents do avoid school exclusions?

It is important to communicate with your school regarding your efforts to comply with vaccine requirements. You must respond promptly to any notices you receive regarding immunizations and provide a medical plan for addressing the issue. If you are claiming that your child has a medical, religious, or moral/ethical conviction against immunizations, you should provide a statement to that effect in writing. Ask that the school date stamp this submission and retain a copy of the document for your files.

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The Education Law Center-PA (ELC) is a nonprofit, legal advocacy organization with offices in Philadelphia and Pittsburgh, dedicated to ensuring that all children in Pennsylvania have access to a quality public education. Through legal representation, impact litigation, community engagement, and policy advocacy, ELC advances the rights of underserved children, including children living in poverty, children of color, children in the foster care and juvenile justice systems, children with disabilities, English learners, LGBTQ students, and children experiencing homelessness.

ELC’s publications provide a general statement of the law. However, each situation is different. If questions remain about how the law applies to a particular situation, contact ELC’s Helpline for information and advice – visit [www.elc-pa.org/contact](http://www.elc-pa.org/contact) or call 215-238-6970 (Eastern and Central PA) or 412-258-2120 (Western PA) – or contact another attorney of your choice.

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<sup>1</sup> 28 PA. CODE § 23.83(a).

<sup>2</sup> *Id.*

<sup>3</sup> 42 U.S.C. § 11432(g)(3)(C)(I).

<sup>4</sup> 28 PA. CODE § 23.85(g)(1).

<sup>5</sup> *Id.* § 23.85(g)(3).

<sup>6</sup> Students experiencing homelessness qualify for assistance in obtaining immunization records. 42 U.S.C. § 11432(g)(3)(C)(iii). Students in foster care qualify for assistance in obtaining immunization records under the Every Student Succeeds Act of 2015 (ESSA). 20 U.S.C. § 1111(g)(1)(e).

<sup>7</sup> 28 PA. CODE § 23.83(b).

<sup>8</sup> 28 PA. CODE § 23.83(c)(1).

<sup>9</sup> 28 PA. CODE § 23.83(c)(2).

<sup>10</sup> 28 PA. CODE § 23.84(b).

<sup>11</sup> 28 PA. CODE § 23.85(c)(iii).

<sup>12</sup> 28 PA. CODE § 23.85(d).

<sup>13</sup> 28 PA. CODE § 23.85(e)(iii).

<sup>14</sup> 28 PA. CODE § 23.85(e)(3).