

Oregon Administrative Rules
Department of Human Services, Public Health Division
Chapter 333

DIVISION 50

SCHOOL IMMUNIZATION RULES

333-050-0020

Purpose and Intent

- (1) The purpose of these rules is to implement ORS 433.235 through 433.284, which require evidence of immunization or a medical, immunity, or religious exemption for each child as a condition of attendance in any school or facility, and which require exclusion from school or facility attendance until such requirements are met.
- (2) The intent of the school and facility immunization statutes and these rules is to require that:
 - (a) A new enterer provide a signed and dated Certificate of Immunization Status form documenting either: evidence of immunization or a religious, and/or medical or immunity exemption. If age appropriate, required for the child's grade level, and the child has not claimed an exemption, a minimum of one dose each of the following vaccines must be received prior to attendance: Polio, Measles, Mumps, Rubella, Hepatitis B, Hepatitis A, Varicella, ~~Haemophilus influenzae Type b vaccine~~ and Diphtheria/Tetanus/Pertussis containing vaccine. (See Primary Review Table);
 - (b) A transferring child provide evidence of immunization or an exemption:
 - (A) Within 30 days of initial attendance if records will be requested from a school in the United States;
 - (B) Prior to initial attendance, as specified in OAR 333-050-0020(2)(a), if records will not be requested from a school in the United States;
 - (C) Prior to initial attendance, as specified in OAR 333-050-0020(2)(a), if the child is transferring from one facility to another;
 - (c) A child currently attending not be allowed to continue in attendance without complete or up-to-date evidence of immunization, or an exemption.
- (3) The only exception is for family child care homes, either registered or exempt from registration, providing child care, six weeks of age to kindergarten entry, in a residential or nonresidential setting. These programs are exempt from all requirements except an up-to-date Certificate of Immunization Status form on each child in attendance.
- (4) All schools are required to comply with these rules, including public schools, private schools, charter schools, and alternative education programs. Any program that provides educational instruction designed to lead to a high school diploma or transfer into a regular high school program must also comply with these rules.
- (5) Nothing prohibits a school, children's facility, or post-secondary educational institution from adopting additional or more stringent requirements than the statutes or rules as long as medical, immunity, and religious exemptions are included and the requirements are in compliance with the recommendations of the Advisory Committee on Immunization Practices, Department of Health and Human Services, Centers for Disease Control and Prevention.
- (6) Public schools are required to allow transferring students at least 30 days to provide an immunization record.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

333-050-0050

Immunization Requirements

- (1) For purposes of this section, immunization against the following diseases means receipt of any vaccine licensed by the United States Food and Drug Administration (or their foreign equivalent) for the prevention of that disease.
- (2) For purposes of ORS 433.267(1), immunizations are required as follows (see Primary Review Table to determine the number of required doses for a child's age or grade):
 - (a) Diphtheria/Tetanus/Pertussis containing vaccine (DTaP) -- Five doses must be received unless:
 - (A) The fourth dose was given at or after the fourth birthday, in which case the child is complete with four doses; or
 - (B) The third dose of Diphtheria/Tetanus containing vaccine was received on or after the seventh birthday, in which case the child is complete with three doses.
 - (b) Polio -- Four doses must be received unless:
 - (A) The third dose was given at or after the fourth birthday, in which case the child is complete with three doses of polio vaccine; or
 - (B) The student is 18 years of age or older. Polio vaccination at or after the 18th birthday is not required.
 - (c) Measles -- Two doses must be received at or after 12 months of age, or in the same month and year as the child's first birthday. Second dose must be received at least 28 days after first dose.
 - (d) Rubella -- One dose must be received at or after 12 months of age, or in the same month and year as the child's first birthday.
 - (e) Mumps -- One dose must be received at or after 12 months of age, or in the same month and year as the child's first birthday.
 - ~~(f) *Haemophilus influenzae* Type b (Hib) vaccine -- Up to four doses depending on the child's current age and when previous doses were administered.~~
 - (f) Hepatitis B -- Up to three doses must be received. If the first dose was received at or after 11 years of age and the second dose is received at least four months after dose one, the child is complete with two doses.
 - (g) Varicella -- Up to two doses must be received, depending on the child's age when the first dose was administered. The first dose must be received at or after 12 months of age or in the same month and year as the child's first birthday, and after March 1995, the date the vaccine was licensed in the United States. Second dose, if required, must be received at least 28 days after first dose.
 - (h) Hepatitis A -- Two doses must be received at or after 12 months of age, or in the same month and year as the child's first birthday. Beginning school year 2008-2009, the requirement for Hepatitis A vaccine will be phased in by grade. (See Primary Review Table.)
 - (i) Tetanus/Diphtheria/Pertussis booster (Tdap) -- One dose must be received at or after 10 years of age, unless the last Diphtheria/Tetanus containing vaccine was given less than five years ago. Beginning school year 2008-2009, the requirement for Tdap will be phased in by grade. (See Primary Review Table.)

- (3) Interrupted series: If there is a lapse of time between doses longer than that recommended by the standard described in OAR 333-050-0120, the schedule should not be restarted. Immunization may resume with the next dose in the series.
- (4) Partial doses: Because the efficacy of immunizing with partial doses of the vaccines listed in this rule is not known, this procedure does not satisfy the requirements of these rules.
- (5) A child shall not be excluded from school for failing to receive a required vaccine if the State Health Officer has determined that there is a vaccine shortage and that is the reason the child has not received the vaccine. Any vaccine that has been waived due to a vaccine shortage will be required at the next review cycle, once the shortage has been lifted. The Public Health Division shall notify local health departments, schools and facilities of any shortages that affect their procedures under these rules.
- (6) The local public health officer, after consultation with the Public Health Division, may allow a child to attend a school or facility without meeting the minimum immunization requirements in case of temporary local vaccine shortage.
- (a) The local health department shall provide a letter signed by the local health officer to the parent of the affected student detailing which vaccines the student is being exempted from. The letter must state that the student will receive an Exclusion Order if the student's record is not updated with the missing doses prior to the next exclusion cycle.
- (b) A copy of the letter must be attached to the student's Certificate of Immunization Status on file at the school or facility.
- (c) A photocopied form letter signed by the local health officer may be used by the local health department when the shortage is expected to affect more than one child.
- (d) If the vaccine is still unavailable at the next exclusion cycle, the local health department, with the agreement of the Public Health Division, will not issue Exclusion Orders for the unavailable vaccine.
- (7) The following immunity exemptions satisfy the immunization requirements for the specified vaccines:
- (a) Exemption for Measles, Mumps or Rubella vaccination due to a disease history may be certified by a physician or an authorized representative of the local health department for a child who has immunity based on a health care practitioner's diagnosis;
- (b) Exemption for Measles, Mumps or Rubella vaccination due to a documented immune titer may be certified by a physician or an authorized representative of the local health department;
- (c) Exemption for Hib conjugate vaccination may be certified by a physician or authorized representative of the local health department for a child who experienced invasive Haemophilus influenzae Type b disease at 24 months of age or older;
- (d) Exemption for Varicella vaccine may be signed by the parent for history of varicella. The date of the disease is not required. This exemption will be automatically authorized by the local health department.
- (e) Exemption for Varicella based on laboratory confirmation of immunity may be certified by a physician or authorized representative of the local health department;
- (f) Exemption for Hepatitis B vaccination based on laboratory confirmation of immunity or confirmation of carrier status may be certified by a physician or authorized representative of the local health department; and
- (g) Exemption for Hepatitis A vaccination based on laboratory confirmation of immunity may be certified by a physician or authorized representative of the local health department.

(8) Children possessing the following medical exemptions are susceptible to the diseases for which they are exempt from vaccination:

(a) Exemption for measles, mumps, rubella or varicella vaccination may be certified by a physician or an authorized representative of the local health department for a post-pubertal female when she is currently pregnant or there is a significant risk of her becoming pregnant within one month; and

(b) Exemption for one or more immunizations shall be established by a diagnosis based on a specific medical contraindication certified in a letter from the physician or an authorized representative of the local health department. The vaccines, medical diagnosis, practitioner's name, address and phone number must be documented and attached to the record.

(9) Exemptions submitted to the school or facility must be in English.

(10) A child may attend a school or facility under ORS 433.267(1) if the child is up-to-date and remains up-to-date and in compliance with immunization schedules for spacing between doses presented in OAR 333-050-0120.

(11) If evidence is presented to the local health department that an Exclusion Order was issued in error because a vaccine was given within the four-day grace period recommended by the Advisory Committee on Immunization Practices as published in the General Recommendations on Immunization, the local health department shall rescind the Exclusion Order. The local health department shall notify the child's school or facility when an Exclusion Order is rescinded.

(12) In situations where a child's vaccine history presents an unusual problem not covered by these rules, the local health department may use its judgment to make a final determination of the child's immunization status.

(13) Religious exemption from immunization requirement is allowed for one or more of the vaccines. Parents must select which vaccines a child is being exempted from by checking the appropriate boxes on the Certificate of Immunization Status.

(14) A child may not be excluded from school until kindergarten for not having the fifth dose of Diphtheria/Tetanus/Pertussis containing vaccine, fourth dose of Polio vaccine or second dose of Measles vaccine.

(15) A child may not be excluded from school until seventh grade for not having Tdap vaccine.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284

333-050-0120

Immunizations Schedules for Spacing of Doses

See **Primary Review Table** for the judgment of compliance or non-compliance with the required immunizations.

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 433.004 & 433.273

Stats. Implemented: ORS 433.001, 433.004, 433.006 & 433.235 - 433.284