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Kathy Cooper

From: John Callahan <John.Callahan@psba.org>
Sent: Wednesday, May 04, 2016 10:17 AM
To: Government Affairs; Steve Robinson; Nathan Mains
Subject: PSBA Comments on School Immunization Regulations

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Good morning,

Attached are comments from the Pennsylvania School Boards Association to the Department of Health and the State Board of Education regarding the proposed changes to the sets of state regulations regarding student immunization respectively under Title 28, Chapter 23 and Title 22, Chapter 11 that were published in the April 9, 2016, issue of the Pennsylvania Bulletin. (IRRC Number 3147 and IRRC Number 3146).



May 4, 2016

Cynthia Findley, Director, Division of Immunization
 Department of Health
 625 Forster Street, Health and Welfare Building
 Room 1026
 Harrisburg, PA 17120

Karen Molchanow, Executive Director
 State Board of Education
 333 Market Street
 First Floor
 Harrisburg, PA 17126

Dear Ms. Findley and Ms. Molchanow,

The Pennsylvania School Boards Association appreciates this opportunity to submit comments to the Department of Health and the State Board of Education on the proposed changes to the sets of state regulations regarding student immunization respectively under Title 28, Chapter 23 and Title 22, Chapter 11 that were published in the April 9, 2016, issue of the *Pennsylvania Bulletin*. (IRRC Number 3147 and IRRC Number 3146).

PSBA recognizes that the amendments proposed by the State Board of Education to its Chapter 11 regulations are made to provide clarity and consistency with substantive revisions proposed by the Department of Health to Chapter 23. Because the proposals cross two state agencies and are being considered simultaneously, the association is offering its comments in a joint letter.

PSBA fully supports the goals and approach of the proposed changes to take steps to ensure that children are appropriately vaccinated in order to safeguard the school community from the spread of certain diseases. With this

in mind, the association offers the following comments and suggestions that we believe will help to enable school districts to implement an efficient and successful process that will be consistent across the state.

Five-day provisional period for immunizations – Revisions to Chapter 23, Section 23.83, allow a child who needs the next or final dose of a multiple dose vaccine just five school days to obtain the next or final dose before being excluded from school. Parents must provide certificate of immunization on or before the fifth day. A child needing more than one dose of a multiple-dose vaccine series beyond the five days can attend school if the parent submits a medical certificate from the child's health care provider outlining the dates for additional vaccination.

PSBA supports replacing the current eight-month provisional period with a shorter timeframe. However, establishing five school days for compliance will be challenging for many reasons from a practical standpoint. Through no fault of their own, parents may have difficulty in scheduling an appointment with their health care provider within that timeframe, may have to make arrangements to be absent from work, or have other commitments or circumstances that would prevent them from being able to comply within five days. Schools will have to develop education and communications procedures and notices for families to ensure that they are aware of, and fully understand, the rule and consequences for noncompliance.

The association recommends a provisional period of 15 school days. This will allow a more reasonable and realistic timeframe for notification and compliance. States surrounding Pennsylvania have established a similar provisional period: Maryland allows 20 days, New Jersey and Ohio allow 15 days, and Delaware and New York allow 14 days. PSBA believes that a longer provisional period will ultimately be more successful in reaching the goals of the regulation.

Shortened timeframe for school review of student compliance – The proposal changes the time for the school administrator or designee to review the medical certificate and the child's compliance from every 60 days to every 30 days. While PSBA supports a narrower timeframe as a method to seek greater parental accountability, the increased requirement to monitor and contact parents on a monthly basis will create an administrative burden for school district staff who will have to schedule additional time to review individual files and communicate with parents. The association suggests that the department consider an alternate timeframe shorter than the 60 days, but more than the proposed 30 days. For example, a 45-day period would still allow for school district staff to conduct a timely, regular review and communication process.

Extension of the deadline for schools to submit immunization report – PSBA supports the proposed change to extend the deadline for schools to report immunization data to the Department of Health from Oct. 15 to Dec. 31. This will allow schools time to gather more accurate data on the number of children receiving immunizations at the beginning of the school year. It also serves to make consistent current practice for the department to grant extensions from the October deadline upon individual district request.

Effective date of the regulation/implementation – The departments intend for these regulations to take effect at the beginning of the school year after they are approved. The effective date of the regulation will raise numerous logistical concerns for school districts depending on when that may be. In order for this to happen, school districts and their administrators will need adequate time to prepare for proper implementation.

For example, if the regulations become effective in July 2016 and the new school year begins the following month in late August, districts would not have enough time to develop all of the necessary pieces for successful implementation. This includes changes to district policies and administrative regulations. In addition, districts will have to revise and reprint enrollment packets, handbooks, health forms, and various letters/communications to parents.

Also important to keep in mind is that districts will have to be able to ensure that all of those informational pieces are available in a format that is understood by all families in the district, including those with limited English proficiency and disabilities. Further, if the regulations are effective in July, there would be inconsistencies with the

information already given to current, transfer and newly-enrolled kindergarten students. This will also impact students entering 12th grade due to the new requirement for the Meningococcal Conjugate Vaccine (MCV) for entry into that grade. This requirement in particular will need more communication since there are no vaccines currently required specifically for entry into 12th grade, and students in this grade often postpone medical visits to prepare for any medical documentation and additional vaccinations required for college.

Regarding the proposed new medical certificate, time will be needed for the Department of Health to create the document and make it available. Doctors, school administrators and parents will have to be educated on the new requirements and use of the certificate. PSBA recommends that the department develop and provide training and education materials to school entities and families to assist in this implementation.

All of these considerations require sufficient time for the most smooth and successful implementation of the new rules. PSBA asks the Department of Health and State Board of Education to take these factors into consideration as they relate to the timing for full implementation of the regulations.

In closing, PSBA would like to emphasize our support for the intent of the proposed changes to the regulations impacting student immunizations and school attendance. We believe some further refinement to the proposal will give school districts across the state sufficient time to update the mechanisms used to implement these issues. We appreciate the opportunity to comment on the proposal and will continue to be involved as the process continues.

Sincerely,



John M. Callahan
Assistant Executive Director

Copies: Sen. Lloyd Smucker
Sen. Andrew Dinniman
Rep. Stan Saylor
Rep. James Roebuck
Independent Regulatory Review Commission