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Pennsylvania Association of School Administrators

2608 Market Place ~ Harrisburg, PA 17110-9358
(717) 540-4448 (717) 540-4405 fax www.pasa-net.org

May 6, 2016

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

Dear Ms. Findley:

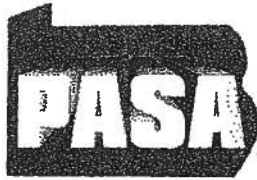
The Pennsylvania Association of School Administrators (PASA), whose members include school district superintendents and other school district leaders, offers the following comments regarding the proposed revisions to 28 PA. Code Chapter 23 School Immunizations published in the April 9, 2016 edition of the Pennsylvania Bulletin.

PASA fully supports efforts to increase immunization rates of school-aged children. Doing so will decrease the risk of exposure to communicable disease to students, staff, parents and visitors to public schools. Without adequate immunization of school-age children, the potential for outbreaks of serious communicable disease is increased, along with the potential for a major disruption of student learning. It also has the potential to increase the cost of operating schools to taxpayers during an outbreak by requiring schools to hire substitute teachers and other staff to fill in for staff impacted by the communicable disease. With public schools serving as one of the largest public gathering places of children and adults in each community, opportunities for exposure to a communicable disease is increased simply due to the number of people who gathered together in school buildings and at school facilities.

Immunization Requirements

PASA supports the proposed revisions to update required immunizations to reflect current availability and practice. PASA also supports the change to the requirements necessary to document immunity to require laboratory testing for measles and rubella and a statement from a physician, nurse practitioner or physician's assistant for mumps disease and varicella.

PASA supports the addition of the meningitis vaccine for entry into 12th grade or in the school year in which the student is 18 years of age. With nearly 70 percent of Pennsylvania high school graduates planning to pursue post-secondary education opportunities, the additional immunization will ensure they are protected from this potentially life threatening disease.



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May 6, 2016

Ms. Karen Molchanow
Executive Director
State Board of Education
333 Market Street, First Floor
Harrisburg, PA 17126-0333

Dear Ms. Molchanow:

The Pennsylvania Association of School Administrators (PASA), whose members include school district superintendents and other school district leaders, offers the following comments regarding the proposed revisions to 24 PA. Code Chapter 11 Nonimmunized Children and 28 PA. Code Chapter 23 School Immunizations published in the April 9, 2016 edition of the Pennsylvania Bulletin.

In addition to the comments outlined in the enclosed letter to the Pennsylvania Department of Health, PASA respectfully requests the State Board address and clarify in its regulations the obligations, if any, of a school district or other public school entity when a student with a disability is excluded from school attendance due to the parent's or guardian's negligence in not obtaining the required immunizations or providing an exemption. If the school excludes such a student for more than 10 days is the district required to convene the IEP team to approve the change in placement? Is the district responsible to continue to provide educational services to the student even when excluded from school attendance and enrollment? PASA believes addressing this issue by the Board in regulation or requesting the Department to address it in guidance would be of value to PASA members and other school administrators as they implement the new regulations.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric Eshbach".

Eric Eshbach
Chair
PASA Legislative Committee

A handwritten signature in black ink, appearing to read "Jim Buckheit".

Jim Buckheit
Executive Director

Provisional Enrollment Period

PASA supports reducing and revising the requirements for the provisional enrollment period in which students may continue to attend school for eight months while they obtain required immunizations. However, PASA believes the proposed five-day provisional enrollment period is far too short. The five-day provisional enrollment period is unrealistic given limitations on the ability of parents to schedule appointments, particularly in rural communities with limited access, and take time off from work. We believe the short five-day provisional enrollment period will result in considerable disruption of student learning and parental work and other obligations. PASA suggests providing a 30-day provisional enrollment period as an interim step in moving towards a stricter timeframe required for compliance. The 30-day period comports with federal requirements under the McKinney-Vento Homeless Education Assistance Improvements Act of 2001, therefore creating a uniform standard that applies to all students, current residents, new residents or students defined as homeless.

Likewise PASA believes the proposed change for the review of students enrolled on a provisional basis from 60 to 30 days is too burdensome given the realities of current resources and administrative capacity in school districts and school entities across the state. Since 2011 school districts, due to budgetary reasons, have shed more than 600 administrators and administrative positions. Reducing the review period, while noble in its objective, ignores the realities of already overstressed and limited administrative capacity of school districts. As an interim step, we suggest a 45-day review period. The 45-day review will provide for improved monitoring of compliance with the immunization schedule while reducing the administrative burden and costs associated with the shorter review period.

Administrative Burden

PASA urges the Department, as it develops the final regulations, to carefully consider and balance the budgetary limitations and administrative capacity of school districts and other school entities to carry out the new requirements against the public health policy objective to maximize compliance with required childhood immunizations. We believe the Cost and Paperwork Estimate provided in the proposed regulation significantly understates the increased administrative and paperwork burden the proposed regulations place on schools. Since 2011, school districts throughout the state have eliminated more than 23,000 positions, including more than 600 administrative positions. School districts will continue to face severe budgetary pressures for the foreseeable future. Any policy change that requires increased staff time to oversee, track, intervene and report on compliance with childhood immunization requirements will either require existing staff to shift existing priorities or require the district or school to add staff, perhaps at the expense of addressing other critical needs. The positive intent of this change in regulations is too important to be lost in the administrative burden that will undoubtedly occur as school districts work to manage the myriad of unfunded mandates that are passed down in the form of regulations and legislation.

School Reporting

PASA applauds and supports the proposed revision to extend the deadline for submission of reports to the Department of Health from October 15 to December 31 (electronically) and December 15 (paper). The two-month extension until December of each year is reasonable and certainly provides local educational agencies with a more practical time frame to make these reports. The additional time will also likely improve the quality of the data submitted. We urge the Department to ensure all data collected is absolutely necessary and that the electronic reporting system is easy to use and designed to

minimize the reporting burden imposed on local educational agencies. In addition, training in the use of the new system should utilize approaches, such as webinars or on-demand videos, that minimize staff travel and time required.

PASA also suggests that the regulation make clear that, while the responsibility for compliance with the regulation is that of the local education agency chief administrator, such as the district superintendent, it is a local decision, in compliance with state professional certification and licensure requirements, that determines which personnel may be delegated responsibility and assigned to perform the responsibilities on behalf of the administrator.

Temporary Waiver

PASA supports providing the Secretary temporary waiver authority to permit students to continue their enrollment without interruption when there is nationwide shortage of a particular vaccine or in the event of a disaster that requires students to transfer to another school.

Effective Date

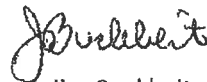
PASA urges the Department of Health to delay the effective date of the new regulations until July 1, 2017. Any attempt to put these requirements in place for the 2016-17 school year will likely cause considerable confusion and disruption. School entities will not have adequate time to develop policies, implement procedures or communicate with parents and guardians about the new requirements prior to the start of the new school year. Delaying the effective date will provide sufficient time for school entities to plan, implement policies and communicate with parents/guardians about the new requirements.

We would be pleased to discuss the issues outlined by our comments more fully at your convenience.

Sincerely,



Eric Eshbach
Chair
PASA Legislative Committee



Jim Buckheit
Executive Director