

Chapter H 44

IMMUNIZATION CHECKPOINT LAW

H 44.01	Introduction	H 44.07	Responsibilities of elementary schools
H 44.02	Definitions	H 44.08	Responsibilities of day care centers
H 44.03	Minimum immunization requirements	H 44.09	Responsibilities of local public health agencies
H 44.04	Exemption for health reason	H 44.10	Responsibilities of the division
H 44.05	Exemption for religious reason	H 44.11	Confidentiality
H 44.06	Responsibilities of parents, guardians, or persons providing foster care		

H 44.01 Introduction. (1) **PURPOSE.** The underlying purpose of any immunization activity is the prevention of disease and suffering and permanent disability that may result. The immunization checkpoint law, section 140.05, Wis. Stats., as public policy seeks to identify and immunize those children who are still susceptible to measles, rubella, polio, diphtheria, tetanus, and pertussis upon admission to elementary school or day care center, and to assure the immunizations required to prevent transmission of these diseases.

(2) **CHILDREN INCLUDED IN CHECKPOINT LAW.** The emphasis placed on meeting *minimum* immunization requirements upon entry to an elementary school, or day care center, by section 140.05, Wis. Stats., and these rules, does not reflect a lack of emphasis by the department on the immunization of infants and preschoolers according to accepted immunization schedules as medical policy. The minimum immunization requirements are not intended as a recommended immunization schedule for infants and preschoolers, rather, they are intended only for those children who have not completed such a schedule of immunization in infancy and early childhood.

History: Cr. Register, August, 1976, No. 248, eff. 9-1-76.

H 44.02 Definitions. (1) **FIRST TIME ADMISSION.** First time admission to elementary school means any child enrolling in grades pre-kindergarten through 6 who did not attend a Wisconsin public, private, or parochial elementary school the previous school year.

(2) **ELEMENTARY SCHOOL.** Elementary school means any public, private, or parochial school which includes any grade pre-kindergarten through 6.

(3) **DAY CARE CENTER.** The term day care center as used in these rules shall include any facility defined as a "Day Care Center" in the rules for licensing day care centers for children, Wisconsin Administrative Code PW-CY 40.10.

(4) **LOCAL PUBLIC HEALTH AGENCY.** Local public health agency means any agency providing public health services as defined in sections 140.09, 141.01, 141.015, 141.02, 141.04, 141.06, Wis. Stats., including city, county and city/county health departments, city and county public health or community health nursing agencies.

Register, August, 1976, No. 248
Health

(5) **DEPARTMENT.** Department shall mean the Wisconsin department of health and social services, unless otherwise specified.

(6) **DIVISION.** Division shall mean the Wisconsin division of health, unless otherwise specified.

(7) **IMMUNIZATION HISTORY.** Immunization history means the approximate dates (at least the month and year) each dose of vaccine was administered.

(8) **SCHOOL NURSE.** School nurse means a nurse employed by a local board of education, CESA, or other educational agency, to provide health services to students enrolled in the school system.

(9) **PARENT.** Parent means the parent, parents, or person, or persons, acting in loco parentis of any child.

(10) **COMPLIANCE ALTERNATIVE.** Compliance alternative means one of the 4 conditions specified in section 140.05, Wis. Stats., under which a child may be admitted to an elementary school for the first time or be allowed to attend a day care center. Specifically they are submission by the parent of one of the following to the school or day care center:

(a) An immunization history indicating completion of the minimum immunizations against measles, rubella, polio, diphtheria, tetanus, and pertussis required under section 140.05, Wis. Stats., and prescribed in division guidelines.

(b) Signed intent by the parent to have the child immunized in a prompt and timely manner by the local public health agency or a private physician specified by the parent.

(c) Certification for any medical exemption.

(d) Certification for any religious exemption.

(11) **DATE OF ADMISSION.** Date of admission or admission means the first day of class attendance.

History: Cr. Register, August, 1976, No. 248, eff. 9-1-76.

H 44.03 Minimum immunization requirements. (1) **REQUIREMENTS.** Under the authority provided in section 140.05, Wis. Stats., minimum immunization requirements shall be prescribed by the department in accordance with the recommendations of recognized authorities on immunization.

(a) These requirements shall be published as guidelines, developed, and updated by the division.

(b) The guidelines shall include vaccine-specific minimum immunization requirements for all children covered by section 140.05, Wis. Stats.

(c) Minimum immunization requirements shall apply to all students being admitted for the first time to any Wisconsin public, private, or parochial elementary school, and to all children attending any day care center in the state.

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Register, August, 1976, No. 248
Health

H 44.04 Exemption for health reason. (1) **EXEMPTION CERTIFICATION.** Upon certification by a licensed physician (as defined in section 448.02, Wis. Stats.) that, in the opinion of that physician, a particular immunization required under section 140.05, Wis. Stats., is or may be detrimental to the health of a particular child, the requirements for that particular immunization shall be waived by the department for that child until it is found to be no longer detrimental to health of the child.

History: Cr. Register, August, 1976, No. 248, eff. 9-1-76.

H 44.05 Exemption for religious reason. (1) **EXEMPTION CERTIFICATION.** Upon certification by an official of a religious organization that a particular child is an adherent to a religious belief or teaching which precludes immunization, the immunization requirements under section 140.05, Wis. Stats., shall be waived by the department for that child.

History: Cr. Register, August, 1976, No. 248, eff. 9-1-76.

H 44.06 Responsibilities of parents. (1) **RESPONSIBILITIES.** The parent of any child shall secure for that child the immunizations required under section 140.05, Wis. Stats., from available medical sources such as private physicians and public health agencies.

(a) The parent of any child planning to attend a day care center or being admitted to a Wisconsin elementary school for the first time shall submit a complete and accurate immunization history within 30 days of admission. That history shall be in the format prescribed by the division.

(b) If, at that time, the history indicates that the child does not meet the minimum immunization requirements under section 140.05, Wis. Stats., as described in the current guidelines issued by the division, the parent of that child shall provide one of the following:

1. Certification for any medical exemption;
2. Certification for any religious exemption;
3. Signed intent to have the child immunized in a prompt and timely manner by the local public health agency or a private physician specified by the parent.

(c) By November 15 or within 75 days after admission, the parent of any child who has not previously received measles or rubella or polio or DTP vaccine shall notify the school that the child has received measles and rubella vaccine and at least one dose each of DTP and polio vaccines. The parent shall also notify the school promptly as each subsequent dose of DTP and polio vaccines are administered to the child, until the minimum required doses are complete.

(d) The parent shall notify the school or day care center promptly of the type and date of any immunization required under section 140.05, Wis. Stats., which is administered to their child after the immunization history has been submitted to the school or day care center.

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H 44.07 Responsibilities of elementary schools. (1) RESPONSIBILITIES. The responsibilities assigned to elementary schools under these rules shall be those of the local school board and the school administrator. The administrator or school board may delegate certain tasks to other school employes (i.e., teachers, clerks, school nurses) but the responsibility for compliance with these requirements remains with the administrator and the school board.

(a) No principal, teacher, or administrator of any elementary school shall admit any child who does not meet the requirements for admission as prescribed by the department under section 140.05, Wis. Stats., and as further delineated in (b), (c), and (d) below.

(b) As a part of the enrollment process for each first time admission, the school shall obtain from the parent an accurate and complete immunization history for that child in the format prescribed by the division.

(c) If, at that time, the history indicates that the child does not meet the minimum requirements under section 140.05, Wis. Stats., and these rules, the school shall obtain one of the compliance alternatives as stated under H 44.06 (1) (b).

(d) The school shall exclude any student whose parent has not submitted the information required in (b) and (c) above by September 30 or within 30 days after admission and such exclusion shall continue until the information is provided.

(e) By October 15 or within 45 days after admission for any particular student the school shall submit a report to the local public health agency indicating the name, immunization status, and the compliance alternative selected for each student who does not meet the minimum immunization requirements under section 140.05, Wis. Stats. The initial report by October 15 shall be in a format prescribed by the division and shall also include statistical information concerning the compliance alternative selected for all first time admissions.

(f) The school shall maintain on file the immunization histories of children entering school for the first time and the compliance alternatives (as outlined in H 44.06 (1) (b)) selected by the parent of each child who does not meet the minimum immunization requirements.

(g) The school shall update these immunization histories with information supplied by the local public health agency, parents, or private physicians.

(h) The health record of any student who transfers from one school to another shall be forwarded to the new school.

(i) Any student not holding a valid medical or religious exemption who has not been immunized against measles and rubella and received at least one dose each of polio and DTP vaccine within 75 days after admission shall be excluded until such immunization is completed. The school shall also exclude any student who does not continue and complete the required immunizations against polio, diphtheria, tetanus, and pertussis according to schedules recommended for that

particular child's age group by recognized authorities on immunization. This exclusion shall last until the immunizations are resumed.

History: Cr. Register, August, 1976, No. 248, eff. 9-1-76.

H 44.08 Responsibilities of day care centers. (1) RESPONSIBILITIES. The board of directors and owners of each day care center shall be responsible for compliance with the rules and regulations pertaining to minimum immunization requirements.

(a) No director, administrator, members of the board of directors, or owner of a day care center shall admit any child who does not meet minimum immunization requirements as prescribed by the department under section 140.05, Wis. Stats., and these rules.

(b) Within 30 days after admission, the day care center shall obtain from the parent of each child an accurate and complete immunization history for that child in the format prescribed by the division.

(c) If, at that time, the history indicates that the child does not meet the minimum immunization requirements under section 140.05, Wis. Stats., and these rules, the day care center shall also require the parent to select one of the compliance alternatives as stated under H 44.06 (1) (b).

(d) The day care center shall exclude any child whose parent has not submitted the information required in (b) and (c) above within 30 days after admission and such exclusion shall continue until the information is provided.

(e) Any child not holding a valid medical or religious exemption who has not been immunized against measles and rubella within 30 days after admission shall be excluded until such immunization is completed. Those children who lack required doses of DTP and polio vaccine need not be excluded provided that they continue to receive, and complete, the required doses at time intervals specified in recognized immunization schedules.

(f) Within 30 days of the first day of exclusion of any particular child, the day care center shall notify the licensing supervisor in writing of:

1. The child's name;
2. The reason for exclusion;
3. The dates of the first and last day of exclusion.

This report shall be forwarded through the division of family services regional office to the division of health.

(g) Twice a year, in conjunction with the visits by a licensing supervisor, each day care center shall provide statistical information concerning the degree of compliance with section 140.05, Wis. Stats., among children attending the center. This information shall be provided in a format prescribed by the division.

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H 44.09 Responsibilities of local public health agencies. (1) RESPONSIBILITIES. Each local public health agency shall be responsible

Register, August, 1976, No. 248
Health

for making available those immunizations required under section 140.05, Wis. Stats. Those vaccines available free from the division shall be administered without charge.

(a) By mutual agreement, responsibility for making the needed immunizations available may be transferred from the local public health agency to any school.

(b) By November 15 each local public health agency shall report to the division statistical information concerning the degree of compliance with section 140.05, Wis. Stats., among first time admission to each elementary school within the geographic service area of that local public health agency. These reports will be made on forms prescribed by the division.

(c) The local public health agency shall assist the division in informing schools and day care centers of provision in section 140.05, Wis. Stats., and these rules.

History: Cr. Register, August, 1976, No. 248, eff. 9-1-76.

H 44.10 Responsibilities of the division. (1) **RESPONSIBILITIES.** The division shall develop, maintain, and update guidelines for the interpretation of these rules. These guidelines shall include vaccine-specific minimum immunization requirements for children covered by section 140.05, Wis. Stats.

(a) The division shall assist local public health agencies in developing solutions to problems which develop in the implementation of section 140.05, Wis. Stats., and these rules.

(b) The division shall have the authority to evaluate the compliance of the schools and day care centers with section 140.05, Wis. Stats., using any school and day care center records that are necessary.

History: Cr. Register, August, 1976, No. 248, eff. 9-1-76.

H 44.11 Confidentiality. (1) **ACCESS TO SCHOOL RECORDS.** Access to school records concerning immunization histories and the compliance alternatives selected under section 140.05, Wis. Stats., shall be limited to school administrators and their designees, local public health agencies, and those division employees involved in the implementation of section 140.05, Wis. Stats.

(2) **ACCESS TO DAY CARE CENTER RECORDS.** Access to day care center records concerning immunization histories and the compliance alternatives selected under section 140.05, Wis. Stats., shall be limited to day care center administrators and their designees, local public health agencies, and those division of family services and division of health employees involved in the implementation of section 140.05, Wis. Stats.

(3) **CHILD AND/OR PARENTAL ACCESS TO RECORDS.** The child and/or parent of that child shall also have access to those records pertaining to that child's compliance with section 140.05, Wis. Stats.

History: Cr. Register, August, 1976, No. 248, eff. 9-1-76.

Register, August, 1976, No. 248
Health