

## Chapter HFS 144

### IMMUNIZATION OF STUDENTS

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**Note:** Chapter H 44 as it existed on June 30, 1981, was repealed and a new chapter HSS 144 was created, effective July 1, 1981. **Chapter HSS 144 was renumbered chapter HFS 144 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, June, 1997, No. 498.**

**HFS 144.01 Introduction. (1) PURPOSE AND AUTHORITY.** The purpose of immunization is to prevent disease and suffering and any permanent disability resulting from the disease. These rules implement s. 252.04, Stats., which as public policy seeks to identify and immunize those students who are still susceptible to measles, mumps, rubella, polio, hepatitis B, diphtheria, tetanus and pertussis upon admission to an elementary, middle, junior or senior high school or a day care center, or Haemophilus influenzae b upon admission to a day care center, in order to prevent transmission of these diseases.

**(2) RELATIONSHIP TO INFANT AND PRESCHOOL IMMUNIZATION SCHEDULES.** The emphasis placed in this chapter on meeting minimum immunization requirements upon entry to Wisconsin schools at any grade level or to a day care center complements efforts by the department to promote early immunization of infants and preschoolers according to accepted immunization schedules. Children immunized according to accepted immunization schedules will exceed the minimum requirements set forth herein for all ages and grades.

**History:** Cr. Register, June, 1981, No. 306, eff. 7-1-81; am. (1), Register, June, 1988, No. 390, eff. 7-1-88; correction in (1) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; am. (1), Register, June, 1997, No. 498, eff. 7-1-97.

**HFS 144.02 Definitions. (1)** “Day care center” has the meaning prescribed in s. 48.65, Stats., and includes nursery schools that fit that definition.

**(2)** “Department” means the Wisconsin department of health and family services unless otherwise specified.

**(3)** “DTP/DTaP/DT/Td” means any combination of diphtheria, tetanus, and pertussis vaccine; diphtheria, tetanus and acellular pertussis vaccine; pediatric type diphtheria and tetanus vaccine; or adult type tetanus and diphtheria vaccine.

**(3g)** “Hib” means Haemophilus influenzae type b vaccine.

**(3m)** “Hep B” means hepatitis B vaccine.

**(3r)** “Immunization” means the process of inducing immunity artificially by administering an immunobiologic.

**(4)** “Local health department” means any agency specified in s. 250.01 (4), Stats.

**(4m)** “MMR” means measles, mumps and rubella vaccine administered in combination or as separate vaccines.

**(5)** “Municipality” means any town, village, city or county.

**(6)** “Parent” means the parent, parents, guardian or legal custodian of any minor student.

**(7)** “Physician” means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the medical examining board under s. 448.05 (2), Stats., and holding a license granted by the medical examining board under s. 448.06, Stats.

**(8)** “School” means any public or private elementary, middle, junior or senior high school, which provides educational instruction to students in any grade kindergarten through 12, or in an

ungraded educational setting, or to preschool children enrolled in early childhood programs.

**(9)** “School day” in reference to schools has the meaning prescribed in s. 115.01 (10), Stats. A school day for a day care center is any day that the center is open and caring for children.

**(10)** “Student” means any individual enrolled in a school or day care center or attending a school or day care center.

**(11)** “Subsided” in reference to substantial outbreak means passage of 2 incubation periods for the disease causing the outbreak without additional cases unless a shorter period of time is judged adequate by the department.

**(12)** “Substantial outbreak” means an occurrence of a vaccine-preventable disease covered by s. 252.04, Stats., in a given school, day care center or municipality with an incidence exceeding one of the following:

(a) For substantial outbreaks in a municipality, twice the incidence of that disease in the nation as a whole.

(b) For substantial outbreaks in a school or day care center population, the following absolute limits:

1. Measles, one case.

2. Mumps, 2% of the unvaccinated population.

3. Rubella, one case.

4. Polio, one case.

5. Pertussis, 2 cases in a 30-day period.

6. Diphtheria, one case.

7. Haemophilus influenzae b, one case in a day care center population.

**(13)** “Vaccine provider” means a health care facility, as defined in s. 155.01 (6), Stats., which administers vaccines, or a local health department or a physician’s office which administers vaccines.

**(14)** “Written evidence of immunization” means a record of at least the month and year that each required dose of vaccine was administered or the results of a laboratory test indicating immunity to the disease. Students who have not previously attended a Wisconsin school and who enter after the 1980-81 school year must provide the month, day and year for each required dose of vaccine.

**History:** Cr. Register, June, 1981, No. 306, eff. 7-1-81; r. and recr. (12) (b), Register, June, 1988, No. 390, eff. 7-1-88; correction in (12) made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; am. (3), cr. (3g), (3m), (3r), (4m) and (13), r. and recr. (4), (6), (7) and (12), renum. (13) to be (14), Register, June, 1997, No. 498, eff. 7-1-97.

#### HFS 144.03 Minimum immunization requirements.

**(1) INDIVIDUALS INCLUDED.** The minimum immunization requirements authorized by s. 252.04, Stats., apply to any student admitted to a Wisconsin elementary, middle, junior or senior high school or to a Wisconsin day care center.

**(2) REQUIREMENTS FOR 1997-98 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE 1997-98 SCHOOL YEAR.** (a) Table 144.03-A as qualified by pars. (b) to (e) lists the number of doses of each required vaccine that each student in the 1997-98 school year and following school years shall have received since birth for the age or grade of the student. These comprise the minimum basic and

booster immunizations required under s. 252.04 (2), Stats. They do not, however, represent all the recommended immunizations for those individuals who begin immunizations in infancy and fol-

low currently accepted immunization schedules.

(b) Immunization against measles, mumps and rubella shall have been received on or after the date of the first birthday.

TABLE 144.03-A  
REQUIRED IMMUNIZATIONS FOR THE 1997-98 SCHOOL YEAR AND  
THE FOLLOWING SCHOOL YEARS

Age/Grade	Required Immunizations (Number of Doses)				
5 months through 11 months	2 DTP/DTaP/DT	2 Polio	—	2 Hep B	2 Hib
12 months through 23 months	3 DTP/DTaP/DT	2 Polio	1 MMR	2 Hep B	3 Hib <sup>3</sup>
2 years through 4 years	4 DTP/DTaP/DT	3 Polio	1 MMR	3 Hep B	3 Hib <sup>3</sup>
Kindergarten through grade 12	4 DTP/DTaP/DT/Td <sup>1</sup>	4 Polio	2 MMR	3 Hep B <sup>2</sup>	

1. At least one dose to be received after 4 years of age unless medically contraindicated.
2. Required on entrance to kindergarten and 7th grade, beginning 1997-98 school year. See sub. (3) for phase-in of other grades.
3. At least one dose to be received after 12 months of age unless medically contraindicated.

(c) Exceptions may be made in requirements for the fourth dose of DTP/DT/DTaP/Td vaccine and the fourth dose of polio vaccine. Students who receive the third dose of either of these vaccines after their fourth birthday are not required to receive a fourth dose of that vaccine.

(d) For students in ungraded schools or students age 5 or older in day care centers, the immunization requirements are those for the grade which would normally correspond to the individual's age. Immunization against measles, mumps and rubella is also required for all students age 19 or older.

(e) Exceptions may be made in requirements for Hib vaccine. Students who began the Hib series at 12 to 14 months are only required to receive 2 doses at least 2 months apart. Students who received one dose of Hib at 15 months of age or after are not required to obtain additional doses.

**(3) HEP B VACCINE COVERAGE PHASE-IN.** (a) Beginning with the 1997-98 school year, students entering day care centers, kindergarten and 7th grade shall have received Hep B vaccine in addition to the other required vaccines listed in Table 144.03-A as qualified by sub. (2) (b) to (e).

(b) For the 1998-99 school year, the requirements for Hep B vaccine listed in par. (a) that apply to students in grade K and 7 shall apply to students in grades K, 1, 7, and 8; to students in grades K through 2 and 7 through 9 in 1999-2000; to students in grades K through 3 and 7 through 10 in 2000-01; to students in grades K through 4 and 7 through 11 in 2001-02; to students in grades K through 5 and 7 through 12 in 2002-03; and to students in grades K through 12 in 2003-04 and thereafter.

**(4) FIRST DEADLINE.** Within 30 school days after having been admitted to a school or day care center, each student who has not filed a waiver form shall submit written evidence of having completed at least the first dose of each vaccine required for that student's age or grade, as outlined in Table HFS 144.03-A.

**(5) SECOND DEADLINE.** Within 90 school days after having been admitted to a school or day care center, each student who has not filed a waiver form shall submit written evidence of having received the second dose of each vaccine required for that student's age or grade, as outlined in Table HFS 144.03-A.

**(6) FINAL DEADLINE.** Within 30 school days after having been admitted to a school or day care center for the following school year, each student who has not filed a waiver form shall submit written evidence of having received the third and, if required, the fourth dose of both DTP/DTaP/DT/Td and polio vaccines and the third dose of Hep B in grades required under sub. (3) and, for students in day care centers, the final dose of Hib vaccine, if a dose has not been received at or after 15 months of age.

**(7) RECORDS OF VACCINATION.** Any person who immunizes a student under s. 252.04, Stats., shall maintain records identifying the manufacturer and lot number of the vaccine used, the date of immunization and the name and title of the person who immunized the student.

**(10) RELEASE OF IMMUNIZATION INFORMATION.** (a) *Between vaccine providers and schools or day care centers.* Vaccine providers may disclose a student's immunization information, including the student's name, date of birth and gender and the day, month, year and name of vaccine administered, to a school or day care center upon written or verbal request from the school or day care center. Written or verbal permission from a student or parent is not required to release this information to a school or day care center.

(b) *Among vaccine providers.* Immunization information, including the student's name, date of birth and gender and the day, month, year and name of vaccine administered, may be provided by one vaccine provider to another without written or verbal permission from the student or the parent.

**History:** Cr. Register, June, 1981, No. 306, eff. 7-1-81; r. and recr. (2) and (3), am. (4) to (6), Register, June, 1988, No. 390, eff. 7-1-88; am. (2) (a) to (d), (3) (a) and (b), r. (2) (e), Register, January, 1989, No. 397, eff. 2-1-89; am. (2) (a), (4) and (5), r. and recr. (3), tables 144.03-A and B, Register, July, 1990, No. 415, eff. 8-1-90; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; r. and recr. (2) (a), Table 144.03-A and (3), am. (2) (c) and (4) to (7), cr. (2) (e) and (10), r. Table 144.03-B, Register, June, 1997, No. 498, eff. 7-1-97.

**HFS 144.04 Waiver for health reasons.** Upon certification by a licensed physician that an immunization required under s. 252.04, Stats., is or may be harmful to the health of a student, the requirements for that immunization shall be waived by the department. Written evidence of any required immunization which the student has previously received shall be submitted to the school or day care center with the waiver form.

**History:** Cr. Register, June, 1981, No. 306, eff. 7-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476.

**HFS 144.05 Waiver for reason of religious or personal conviction.** Immunization requirements under s. 252.04, Stats., shall be waived by the department upon presentation of a signed statement by the parent of a minor student or by the adult student which declares an objection to immunization on religious or personal conviction grounds. Written evidence of any required immunization which the student has previously received shall be submitted to the school or day care center with the waiver form.

**History:** Cr. Register, June, 1981, No. 306, eff. 7-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; am. Register, June, 1997, No. 498, eff. 7-1-97.

**HFS 144.06 Responsibilities of parents and adult students.** The parent of any minor student or the student, if an

adult, shall secure the immunizations required under s. 252.04, Stats., from available health care sources such as physicians' offices, hospitals or local health departments, or shall submit the waiver form.

**History:** Cr. Register, June, 1981, No. 306, eff. 7-1-81; correction made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; **am. Register, June, 1997, No. 498, eff. 7-1-97.**

**HFS 144.07 Responsibilities of schools and day care centers.** (1) The responsibilities of schools under these rules shall be those of the local school board and the school administrator. The licensee for each day care center shall be responsible for compliance with these rules. The school or day care center shall assure compliance with s. 252.04 (2), Stats.

(1m) By the 15th school day after a child or adult is admitted to a school or day care center and again by the 25th school day after a child or adult is admitted to a school or day care center, the school or day care center shall notify the adult student or the parent of any minor student who has not submitted either written evidence of immunization or a waiver form. Notification shall include instructions for complying with the requirements of s. 252.04 (2), Stats., including a list of missing immunizations, the availability of waivers for reasons of health, religion or personal conviction, and an explanation of the penalty for noncompliance.

(2) For any student who has received the first dose of each immunization required for that student's age or grade under s. HFS 144.03, but who has not received all of the required doses, the school shall obtain written evidence that the student has received the required subsequent doses of immunization as they are administered, but no later than the deadlines described in s. HFS 144.03.

(3) If any minor student for whom a waiver form is not filed fails to comply with the immunization requirements described in s. HFS 144.03 by the date of admission to the school or day care center, the school or day care center shall, within 60 school days of that failure to comply, notify the district attorney in writing, with the notice to include the student's name and the name and address of the student's parent, and request the district attorney to seek a court order under s. 48.13 (13), Stats. The school or day care center shall keep the district attorney apprised of the subsequent compliance of a student initially reported to the district attorney.

(4) (a) The school shall report to the local health department and the day care center shall report to both the local health department and the department:

1. The degree of compliance with s. 252.04, Stats., and this chapter by students in that school or day care center.

2. The name and immunization history of any incompletely immunized student, including those students with waivers and those students in the process of being immunized.

(b) These reports shall be in a format prescribed by the department and shall be made by schools within 40 school days after the beginning of the term and by day care centers at intervals prescribed by the department. Updated reports shall be filed by the school on students who are in the process of being immunized. These updated reports shall be filed within 10 school days after the deadlines listed in s. HFS 144.03.

(5) The school and the day care center shall maintain on file the immunization history for each student and any waiver form submitted. Immunization histories shall be updated with information supplied by the local health department, parents or private physicians.

(6) The school or day care center shall maintain a current roster listing the name and immunization history of each student who does not meet all immunization requirements for that student's grade or age.

(7) The immunization record of any new student who transfers from one school or day care center to another shall be for-

warded to the new school or day care center within 10 school days of the request for record transfer. The records of a day care student shall be transferred to a school if requested by either the admitting school or the parent.

(8) All suspected cases of diseases covered by 252.04 (2), Stats., or this chapter which occur among students or staff shall be reported immediately by telephone to the local health department.

(9) If one of the diseases covered by s. 252.04 (2), Stats., or this chapter occurs in a student or staff member, the school or day care center shall assist the local health department and the department in immediately identifying any unimmunized students, notifying their parents of the possible exposure and facilitating the disease control activities.

(10) If a substantial outbreak as defined in s. HFS 144.02 (12) occurs in a school or day care center, or in the municipality in which a school or day care center is located, the school or day care center shall exclude students who have not received all required immunizations against the disease, including students in all grades who have not had 2 doses of measles vaccine when it is an outbreak of measles that is occurring, when ordered to do so by the department. The exclusion shall last until the student is immunized or until the department determines that the outbreak has subsided.

**History:** Cr. Register, June, 1981, No. 306, eff. 7-1-81; am. (10), Register, July, 1990, No. 415, eff. 8-1-90; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; **renum. (intro.) and (1) to be (1) and (1m) and am. (1m), am. (3), (4) (intro.), (a), (5) and (7) to (9), Register, June, 1997, No. 498, eff. 7-1-97.**

**HFS 144.08 Responsibilities of local health departments.** (1) Each local health department shall make available the immunizations required under s. 252.04 (2), Stats., insofar as the vaccine is available without charge from the department under ch. HFS 146. Vaccines made available free from the department under ch. HFS 146 shall be administered without charge for the cost of the biologic. By mutual agreement, responsibility for making the needed immunizations available may be transferred from the local health department to a school or day care center.

(2) By November 15 of each year, each local health department shall report to the department statistical information concerning the degree of compliance with s. 252.04, Stats., of students within its service area. These reports shall be on a form prescribed by the department.

(3) The local health department shall assist the department in informing schools and day care centers of the provisions of s. 252.04, Stats., and this chapter.

**History:** Cr. Register, June, 1981, No. 306, eff. 7-1-81; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; **am. Register, June, 1997, No. 498, eff. 7-1-97.**

**HFS 144.09 Responsibilities of the department.** (1) (a) The department, in cooperation with local boards of health and health officers, local school boards and school and day care center administrators and other agencies, as appropriate, shall provide guidance to parents, physicians, schools and day care centers and local health departments in understanding the minimum immunization requirements under s. 252.04, Stats., and this chapter, the reasons behind their establishment and the process for implementing them.

(b) The department shall undertake a public education campaign to inform parents of students about requirements and rights under s. 252.04, Stats., and this chapter.

(c) The department shall prepare the reporting and waiver forms required under this chapter, and shall make copies of those forms available without charge.

**Note:** For copies of required reporting and waiver forms, write Immunization Program, Division of Health, P.O. Box 309, Madison, WI 53707-0309.

(2) The department shall maintain a surveillance system designed to detect occurrences of vaccine-preventable diseases listed in s. 252.04 (2), Stats., and this chapter and shall investigate outbreaks of these diseases to confirm the diagnosis, determine

the source and probable pattern of spread of the infection and guide implementation of appropriate control measures.

**History:** Cr. Register, June, 1981, No. 306, eff. 7-1-81; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, August, 1995, No. 476; r. and recr. Register, June, 1997, No. 498, eff. 7-1-97.