

**TITLE XXXIII [33] EDUCATION
CHAPTER 3313: BOARDS OF EDUCATION
[SCHOOL YEAR]**

ORC Ann. 3313.67 (Anderson 2007)

§ 3313.67 Immunization of pupils; records, reports.

(A)

(1) Except as provided in division (A)(2) of this section, the board of education of each city, exempted village, or local school district may make and enforce such rules to secure the immunization of, and to prevent the spread of communicable diseases among the pupils attending or eligible to attend the schools of the district, as in its opinion the safety and interest of the public require.

(2) A board of education shall not adopt rules under division (A)(1) of this section that are inconsistent with divisions (B) and (C) of section 3313.671 of the Revised Code.

(B) Boards of health, legislative authorities of municipal corporations, and boards of township trustees, on application of the board of education of the district, at the public expense, without delay, shall provide the means of immunization to pupils who are not so provided by their parents or guardians.

(C) The board of education shall keep an immunization record for each pupil, available in writing to the pupil's parent or guardian upon request, which shall include:

(1) Immunizations against the diseases mentioned in division (A) of section 3313.671 of the Revised Code;

(2) Any tuberculin tests given pursuant to section 3313.71 of the Revised Code;

(3) Any other immunizations required by the board pursuant to division (A) of this section.

(D) Annually by the fifteenth day of October, the board shall report a summary, by school, of the immunization records of all initial entry pupils in the district to the director of health, on forms prescribed by the director.

ORC Ann. 3313.671 (Anderson 2007)

3313.671 Proof of required immunizations - exceptions.

(A)

(1) Except as otherwise provided in division (B) of this section, no pupil, at the time of initial entry or at the beginning of each school year, to an elementary or high school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, shall be permitted to remain in school for

more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission, that the pupil has been immunized by a method of immunization approved by the department of health pursuant to section 3701.13 of the Revised Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and rubella or is in the process of being immunized.

(2) Except as provided in division (B) of this section, no pupil who begins kindergarten at an elementary school subject to the state board of education 's minimum standards shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a department of health-approved method of immunization or is in the process of being immunized against both of the following:

- (a) During or after the school year beginning in 1999, hepatitis B;
- (b) During or after the school year beginning in 2006, chicken pox.

(3) As used in divisions (A)(1) and (2) of this section, "in the process of being immunized" means the pupil has been immunized against mumps, rubeola, rubella, and chicken pox, and if the pupil has not been immunized against poliomyelitis, diphtheria, pertussis, tetanus, and hepatitis B, the pupil has received at least the first dose of the immunization sequence, and presents written evidence to the pupil's building principal or chief administrative officer of each subsequent dose required to obtain immunization at the intervals prescribed by the director of health. Any student previously admitted under the "in process of being immunized" provision and who has not complied with the immunization intervals prescribed by the director of health shall be excluded from school on the fifteenth day of the following school year. Any student so excluded shall be readmitted upon showing evidence to the student's building principal or chief administrative officer of progress on the director of health's interval schedule.

(B)

(1) A pupil who has had natural rubeola, and presents a signed statement from the pupil's parent, guardian, or physician to that effect, is not required to be immunized against rubeola.

(2) A pupil who has had natural mumps, and presents a signed statement from the pupil's parent, guardian, or physician to that effect, is not required to be immunized against mumps.

(3) A pupil who has had natural chicken pox, and presents a signed statement from the pupil's parent, guardian, or physician to that effect, is not required to be immunized against chicken pox.

(4) A pupil who presents a written statement of the pupil's parent or guardian in which the parent or guardian declines to have the pupil immunized for reasons of conscience, including religious convictions, is not required to be immunized.

(5) A child whose physician certifies in writing that such immunization against any disease is medically contraindicated is not required to be immunized against that disease.

(C) As used in this division, "chicken pox epidemic" means the occurrence of cases of chicken pox in numbers greater than expected in the school's population or for a particular period of time. Notwithstanding division (B) of this section, a school may deny admission to a pupil otherwise exempted from the chicken pox immunization requirement if the director of the state department of health notifies the school's principal or chief administrative officer that a chicken pox epidemic exists in the school's population. The denial of admission shall cease when the director notifies the principal or officer that the epidemic no longer exists. The board of education or governing body of each school subject to this section shall adopt a policy that prescribes methods whereby the academic standing of a pupil who is denied admission during a chicken pox epidemic may be preserved.

(D) Boards of health, legislative authorities of municipal corporations, and boards of township trustees on application of the board of education of the district or proper authority of any school affected by this section, shall provide at the public expense, without delay, the means of immunization against mumps, poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, and hepatitis B to pupils who are not so provided by their parents or guardians.

OHIO ADMINISTRATIVE CODE

CHAPTER 5101:2 DIVISION OF SOCIAL SERVICES CHAPTER 5101:2-12 LICENSING OF CHILD CARE CENTERS

OAC 5101:2-12-37 (2007)

§ 5101:2-12-37 Children's medical and enrollment records for licensed child care centers.

(A) Each child attending the center who is not attending a grade of kindergarten or above shall secure and have on file verification of a medical exam.

(1) The medical statement shall verify a date of exam within the past twelve months and be on file within thirty days of the child's date of admission and every thirteen months thereafter, until the children are attending a grade of kindergarten or above.

(2) The medical statement shall contain the following information:

(a) The child's name and birth date.

(b) The date of examination.

(c) The signature, business address and telephone number of the licensed physician, physician's assistant or certified nurse practitioner who examined the child.

(d) The statement that a record of the immunizations that the child has had, specifying the month, day and year of each immunization is included and that the physician, physician's assistant or certified nurse practitioner has reviewed the child's record against the

immunizations recommended by the Ohio department of health. The Ohio department of health's recommended immunization schedule is available as appendix A to this rule.

(e) The statement that the child has been examined and is in suitable condition for participation in group care.

(B) Centers shall maintain enrollment records which include health records, emergency transportation information, and parent or guardian roster permissions for all children attending the center on the JFS 01234 "Child Enrollment and Health Information" (rev. 09/2006).

(1) The center shall secure and have on file all children's enrollment records no later than the first day of attendance. All records shall be immediately accessible to the administrator or designee, and shall be reviewed and updated annually.

(2) Immunizations may be waived by the administrator for religious reasons upon submission of the parent or guardian's written request for exemption or for medical reasons upon submission of a physician's or certified nurse practitioner's written request for exemption. These statements shall be on file at the center.

(3) The center shall set its own policy regarding the admittance of children whose parents or guardians refuse to grant consent for transportation for emergency treatment.

(C) Children's records shall be confidential, except that they shall be available to the director's representative for the purpose of administering Chapter 5104. of the Revised Code and Chapter 5101:2-12 of the Administrative Code. The immunization records shall be subject to review by the health department's representative for disease outbreak control and for immunization level assessment purposes.

TITLE XVII [17] CORPORATIONS-PARTNERSHIP CHAPTER 1713: EDUCATIONAL CORPORATIONS

ORC Ann. 1713.55 (Anderson 2007)

§ 1713.55 Meningitis and hepatitis B vaccination.

(A) As used in this section:

(1) "Nonprofit institution of higher education" or "institution" means a nonprofit college, university, or other institution that offers instruction in the arts and sciences, business administration, engineering, philosophy, literature, fine arts, law, medicine, nursing, social work, theology, and other recognized academic and professional fields of study, and awards degrees for fulfilling requirements of academic work beyond high school.

(2) "On-campus student housing" means a dormitory or other student residence that is owned or operated by or located on the campus of a nonprofit institution of higher education.

(3) "Parent" means either parent, except that if one parent has sole custody, "parent"

means the parent with custody. "Parent" also includes a guardian or, in the absence of a parent or guardian, another person who has accepted responsibility for the care of the student.

(B) Beginning with the academic year that commences on or after July 1, 2005, a nonprofit institution of higher education shall not permit a student to reside in on-campus student housing unless the student, or, if the student is younger than eighteen years of age, the student's parent, discloses to the institution whether the student has been vaccinated against meningococcal meningitis and hepatitis B by submitting to the institution the meningitis and hepatitis B vaccination status statement described in division (B) of section 3701.133 of the Revised Code or a meningitis status statement form provided by the institution that meets the requirements of division (B) of section 3701.133 of the Revised Code. The statement may be submitted in written form or, if the institution has a secure web site, in electronic form.

(C) On receipt of an application for residence in on-campus student housing, a nonprofit institution of higher education shall do both of the following:

- (1) Inform the student of the disclosure requirement;
- (2) Provide the student in either written or, if the school has a secure web site, electronic form the meningitis and hepatitis B vaccination status statement described in division (B) of section 3701.133 of the Revised Code or a meningitis status statement form provided by the institution that meets the requirements of division (B) of section 3701.133 of the Revised Code.

(D) This section does not require an institution to provide or pay for a meningococcal meningitis or hepatitis B vaccination for any student.