

105 CMR: DEPARTMENT OF PUBLIC HEALTH

105 CMR 220.000: IMMUNIZATION OF STUDENTS BEFORE ADMISSION TO SCHOOL

Section

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220.300: Scope

105 CMR 220.000 applies to all students attending public or private elementary schools, secondary schools, postsecondary institutions of higher education, and certain pre-schools in the Commonwealth, including students from other states and countries.

220.400: Definitions

Certificate of Immunization means either:

- (a) a form or letter signed and dated by a physician, nurse practitioner, physician assistant or designee which specifies the month and year of administration and the type/name of the vaccine(s) administered to the student; or
- (b) a dated report from the Massachusetts Immunization Information System which specifies the month and year of administration and the type/name of the vaccine(s) administered to the student.

Department means the Massachusetts Department of Public Health.

Elementary School means a program offered by a public or private school system on a regular basis, which provides care and custody, separate from parents, and typically includes grades kindergarten through 4, 5 or 6; also referred to as grade school or grammar school.

High School means a program offered by a public or private school system on a regular basis, which provides care and custody separate from parents, and typically includes grades 9 through 12.

Middle School means a program offered by a public or private school system on a regular basis, which provides care and custody separate from parents, and typically includes grades 5 through 7 or 8.

Postsecondary Institution means a college, university, institute, or other school of higher education (education beyond the secondary level; especially education provided by a college or university), whether accredited or not, that is enrolling students.

Preschool means a program offered by a public or private school system on a regular basis, whether known as day care, pre-school or other term, which provides care and custody during all or part of the day, separate from parents, for pre-kindergarten children and is not regulated by the Department of Early Education and Care.

Secondary School means a middle school or high school.

Student means any individual attending, or enrolled or registered to attend, preschool, elementary school, secondary school, or a postsecondary institution, as defined in 105 CMR 220.400, provided the educational program is offered in Massachusetts. Student also includes any individual from another country attending or visiting classes or educational programs as part of an academic visitation or exchange program.

220.500: Immunization Requirements for Preschool, Elementary, and Secondary School Students

(A) No student shall attend a preschool, elementary school or secondary school program without a certificate of immunization documenting that the child has been successfully immunized in accordance with current Department required immunization schedules, developed in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, or any successor committee serving a comparable function.

(B) Immunizations. (Reserved).

(C) The requirements in 105 CMR 220.500(A) shall not apply where:

(1) the student, or the student's parent or guardian if the student is a minor, provides written documentation that he or she meets the standards for medical or religious exemption set forth in M.G.L. c. 76, § 15;

(2) the student, or the student's parent or guardian if the student is a minor, provides appropriate documentation, including a copy of a school immunization record, indicating receipt of the required immunizations; or

(3) the student provides written documentation that he or she is immune, as defined in Department guidelines.

220.600: Immunization Requirements for Postsecondary Students

(A) No student shall attend a postsecondary institution without a certification of immunization documenting that the student has been successfully immunized in accordance with required Department immunization schedules developed in accordance with the recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, or any successor committee serving a comparable function.

(B) The following students are subject to the requirements of 105 CMR 220.600(A):

(1) full-time undergraduate and graduate students;

(2) part-time undergraduate and graduate students in a health science program who may be in contact with patients; and

(3) full or part-time student attending a postsecondary institution in Massachusetts while on a student or other visa, including a student attending or visiting classes or programs as part of an academic visitation or exchange program.

(C) Immunizations. (Reserved).

(D) The requirements of 105 CMR 220.600 shall not apply where the student meets one of the criteria set forth in 105 CMR 220.500(C);

(E) Whenever possible, such immunizations are to be obtained prior to enrollment or registration. However, students subject to 105 CMR 220.600 may be enrolled or registered provided that the required immunizations are obtained within 30 days of registration and provided, further, that the postsecondary institution has policies and procedures for ascertaining which students have failed to obtain the necessary immunizations within 30 days, and for taking appropriate follow up action to ensure compliance with 105 CMR 220.000.

220.700: Meningococcal Vaccine Requirement for Students at Secondary and Postsecondary Schools that Provide or License Housing

(A) No newly enrolled full-time student attending a secondary school or postsecondary institution who will be living in a dormitory or comparable congregate living arrangement licensed or approved by the secondary school or postsecondary institution may be registered without a certificate of immunization documenting that the student has received the meningococcal vaccine. No student shall begin classes without this certificate, except as provided in 105 CMR 220.700(C).

220.700: continued

(B) Each secondary school and postsecondary institution, at the time of initial enrollment, shall provide each newly enrolled full-time student who will be living in a dormitory or comparable congregate living arrangement licensed or approved by that secondary school or postsecondary institution with detailed information on the risks associated with meningococcal disease and the availability and effectiveness of vaccines against the disease, if he or she is 18 years of age or older, or to the student's parents or guardian, if the student is a minor.

(C) A student may register and begin classes without a certificate of immunization against meningococcal disease in the following situations:

- (1) the student, or the student's parent or guardian if the student is a minor, provides written certification from a physician, nurse practitioner or physician assistant who has personally examined the student that the student's health would be endangered by the immunization;
- (2) the student, or the student's parent or guardian if the student is a minor, states in writing, in the absence of an emergency or disease epidemic, that immunization would violate his or her religious beliefs; or
- (3) the student, or the student's parent or guardian if the student is a minor, signs a waiver approved by the Department stating that the student has received information about the risks and dangers of meningococcal disease, has reviewed the information provided and has elected to decline the vaccine.

(D) Whenever possible, the student must obtain the required immunization prior to registration. However, a student subject to 105 CMR 220.700 may be registered without a certificate of immunization, provided that the student supplies a certificate of immunization within 30 days of registration and provided, further, that the secondary school or postsecondary institution has policies and procedures for ascertaining which students have failed to provide the required certification within 30 days and for taking appropriate follow up action to ensure compliance with 105 CMR 220.700.

#### REGULATORY AUTHORITY

105 CMR 220.000: M.G.L. c.76, §§ 15, 15C and 15D; c.111, §§ 5, 6 and 7.