Immunization for West Virginia Public Schools

FAQ

1. Are nonmedical exemptions allowable to meet the compulsory immunization laws for admission to schools in the state of West Virginia?

   No, West Virginia only allows for medical exemptions according to W.Va. Public Health Code §16-3-4 which is required to be completed by the local county health officer according to West Virginia Department of Health and Human Resources (WVDHHR) Rule 64CSR95.

2. Does West Virginia allow attendance without completion of all immunizations? NEW

   Yes, West Virginia will allow students to provisionally enter school with at least one dose of each of the required vaccines stipulated in W.Va. Public Health Code §16-3-4, WVDHHR Rule 64CSR95 and West Virginia Board of Education(WVBE) PreK Policy 2525. The provisional period is specific to research-based inoculation timeframes for each required vaccination. The student must complete each provisional enrollment date for immunizations required in order to continue enrollment in WV schools.

   West Virginia Rule 64CSR95 also allows proof of immunity through laboratory testing/titers (starting at section 4.2.d. through 4.9) along with proof of occurrence of prior disease (section 6.4) for some of the required vaccinations. Please reference the rule for applicability of specific vaccines and diseases.

3. Are immunization requirements the same for PreK, Kindergarten and New Enterers of any age group?

   No, PreK immunizations fall under the auspices of three rules, the W.Va. Code §16-3-4, WVDHHR-Interpretive Rule 64CSR95 and the WVBE Rule (Policy 2525). PreK immunization requirements include the addition of Hepatitis A, Prevnar and Hib. The immunization requirements for Kindergarten students and any new enters of all ages fall under W.Va. Code §16-3-4 and the WVDHHR-Immunization Interpretive Rule 64CSR95.

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4. Are the PreK students aged 3, 4 or 5 advancing to the next year’s PreK class required to meet any new immunization laws and/or recommendations for the upcoming year?

No, PreK students advancing yearly through the educational system are only required to meet the immunization rule for the school year in which they initially entered. The advancing PreK student is not required to meet the requirements of any new rules or recommendations. This is not true for a PreK student advancing to Kindergarten. The immunization requirements for kindergarten must be met by the advancing PreK student.

5. What resource/research guides the WVDHHR-Immunization Recommendations for WV Public Schools?

The WVDHHR recommendations are based upon the harmonized schedule jointly promulgated by the Centers for Disease Control and Prevention (CDC), Advisory Committee on Immunization Practices (ACIP) (www.cdc.gov/vaccines/recs/acip), the American Academy of Pediatrics (http://www.aap.org), and the American Academy of Family Physicians (http://www.aafp.org). The harmonized schedule can be found at http://www.cdc.gov/vaccines/recs/schedules/default.htm. The complete recommendations of the ACIP can be found at http://www.cdc.gov/vaccines/recs/acip.

6. Are “slow” immunization schedules allowable to continue provisional enrollment?

No, slow immunization schedules are not supported by research. The current recommendations for immunization administration are guided by the annual CDC/ACIP Immunization Recommendations at http://www.cdc.gov/vaccines/recs/schedules/default.htm.

7. What if a new enterer or new student does not complete the provisional enrollment requirements for immunizations? Please note, provisional enrollment does not apply to required adolescent vaccination since only one dose of each vaccination is required versus a series of timed doses.

After the provisional enrollment has ended and the parent/guardian has been provided with proper notification through education and resources from both the county board of education and the local health department the student will no longer be entitled to a Free Appropriate Public Education (FAPE) or PreK services. If the parent/guardian does not comply with W.Va. Code §16-3-4, WVDHHR rule 64CSR95 and WVBE rules(Policy 2423, 2525 and 4110), if applicable, then the ability to ensure FAPE or PreK services is no longer an obligation of the WV public school system.
8. What if a 7th or 12th grader does not complete the required adolescent vaccinations?

Since the required adolescent vaccinations are only one dose requirements (not a series of vaccinations), there is not a provisional enrollment allowance for 7th and 12th graders. After the parent/guardian is provided with proper notification through education and resources from both the county board of education and the local health department, the student will no longer be entitled to a Free Appropriate Public Education (FAPE). If the parent/guardian does not comply with the WVDHHR rule 64CSR95 and WV Board of Education rule (Policy 2423-Communicable Disease Control), if applicable, then the ability to ensure FAPE is no longer an obligation of the WV public school system.

9. Please explain the case quoted in W.Va. Code §16-3-4, White vs. Linkinoggor, which provides guidance for immunization records of in-state transfers?

The White versus Linkinogg or case of 1986, quoted in the annotations to W.Va. Code §16-3-4, ruled no student should be denied enrollment if transferring within the state of WV (county to county whether private or public) and in-state transfers should be provisionally enrolled under the presumption that the immunization laws have been followed.

10. When is a county required to provide home/hospital services for students not meeting the immunization requirements of W.Va. Code §16-3-4, as mentioned in WVBE Policy 2510-Assuring Quality Education, Section 6.2.4. (g)?

WVBE Policy 2510- Assuring Quality of Education: Regulations for Education Programs states, “Home/hospital services may also be provided temporarily at the direction of the county superintendent for students who have not met the immunization requirements of W. Va. Code §16-3-4”. This statement was added to meet the provisions of the federal McKinney-Vento Act for homeless children transferring from out-of-state without immunization records. Homeless students should automatically be enrolled and provided home bound instruction within 3 days to ensure educational services are immediately provided while records or the first dose of all required immunizations are being administered to the student. Please refer to the Homeless brochure, “You Can Still Enroll” at [http://wvde.state.wv.us/institutional/Homeless/McKinney-Vento%20Act.pdf](http://wvde.state.wv.us/institutional/Homeless/McKinney-Vento%20Act.pdf) or contact the West Virginia Department of Education (WVDE)-Attendance Coordinator at (304)558-8833. Further explanation regarding the Section 6.2.4. (g) can be found in the July 28, 2005 Superintendent Interpretation located at [http://wvde.state.wv.us/interpretations/view/8/227/interpretation.html](http://wvde.state.wv.us/interpretations/view/8/227/interpretation.html).

The above is also true for the 2011 Interstate Compact on Educational Opportunity for Military Children (House Bill 2550 or W.Va. Code §18-10F-1) to decrease barriers to educational success imposed by frequent moves from one-state to another and deployment of their parents. The law clearly defines the
criteria for students to meet this definition as they transfer from an out-of-state school. The public school system would need to automatically enroll the student and provide home bound services within 3 days to ensure educational services are immediately provided while the first dose of all required immunizations to enter public school are proven completed through proof of immunization/medical records.

11. Do West Virginia Public Schools mandate adolescent immunizations? NEW

Yes, WVDHHR Rule 64CSR95 requires vaccinations for entry into grades 7 and 12 starting in the School Year of 2012/13. Please note this is a first dose entry which will not provide a provisional enrollment period. WVDHHR and WVDE are working together to ensure schools and medical providers have information to inform, educate and vaccinate parents of children in these age groups to ensure a seamless entry into grades 7 and 12. Adolescent health continues to wane throughout the state of WV with low participation in well child visits and vaccinations. Communities and schools should continue to educate and encourage well child visits through a student’s medical home to promote health and wellness along with vaccinations for adolescents.

12. What happens on the first day of school if a 7th and 12th grader does not show proof of their vaccinations?

If students arrive in 7th and 12th grade without vaccinations, the school should:

- Notify the parent/guardian of the new requirements along with the one-time 2 week grace period allowance by the State Medical Officer, Dr. Swinker;
- Assist parents with finding adolescent vaccination records on the West Virginia Statewide Immunization Information System (WVSIIIS)/Registry or through a local medical providers office;
- Refer parents/guardians to local vaccination sites such as their family physician/practice, community health centers/school-based health centers and the local health departments; and
- Continue to work with the local health department to educate and inform parents on adolescent vaccinations.

13. May I use the WV Statewide Immunization Information System (WVSIIIS) as the official proof/documentation for student immunization records and requirements?

Yes, WVSIIIS is a statewide electronic data repository for all immunization records. It is recommended to work with the local medical community to move toward the goal of paperless immunization records to prevent excess time and documentation of a paper record. The WVSIIIS data can be entered as an option into the West Virginia Education Information System (WVEIS) to ensure timely identification and removal of students during a communicable disease outbreak.
The WVBE Policy 2423-Communicable Disease Control NO LONGER requires immunization data entry into WVEIS. Immunization records are public health records and required under a public health rule. These records shall be provided to the local or state health department to be entered into the Statewide Immunization Registry (WVSIIS) to serve as the public repository of all students’ immunization records. WVDE and WVDHHR are working together to develop or purchase reporting software conducive to schools and county boards of education. At this time WVSIIS reports are only student and county specific as a county needs school grouped aggregated student data for compliance and outbreaks.

14. May I share student immunization records with the state or local health department? May I also share student immunization records with private medical providers in the community?

Yes, immunization records are public health records required by W.Va. Code §16-3-4 and covered under HIPAA. These records may be shared with the state or local health department to be entered into the Statewide Immunization Registry (WVSIIS) according to WVBE Policy 2423-Communicable Disease Control.

Schools may only share student immunization records with private medical providers within their community with parent/guardian consent. The Family Educational Rights and Privacy Act (FERPA) will not allow schools (third parties) to share immunization records with any entity outside of the educational system without a parent/guardian consented release. Please note, schools may share health records without consent, including immunization records, in the event of imminent danger or for the health and safety emergency of students.

15. May medical providers or the local health department share immunization records with the public school system?

Yes, under the Health Insurance Portability and Accountability Act (HIPAA) immunization records may be shared with schools by any medical provider. Also, school personnel and PreK personnel may have “read only” access to the West Virginia Statewide Immunization Information System (WVSIIIS). Please contact the WVDHHR/BPH-Immunization Services at 1-800-642-3634 to inquire about “read-only” access to WVSIIIS. The State Immunization Registry (WVSIIIS) allows medical providers to enter student immunization records into a statewide electronic data base for immediate access through a record repository.

16. Are West Virginia Public Schools required to maintain immunization records in the West Virginia Education Information System (WVEIS)?

No, immunization records are NO LONGER required to be entered into WVEIS by WVBE Policy 2423-Communicable Disease Control. The entry of immunization records into WVEIS is an OPTION for each county. At this time WVDE and WVDHHR/BPH are reviewing reporting programs to assist schools...
17. **May school nurses submit the immunization records of new enterers to the WVDHHR-WVSIIS Program so they may be entered into WVSIIS?**

Yes, immunization records are now considered a public health record as required by W.Va. Code §16-3-4. The county will need to work with the local health department to determine if they have the capacity to enter immunization records into the Statewide Registry (WVSIIS) or send them to the State Health Department for entry. This decision will have to be made at the local level and based on the capacity of each local health department. The WVBE Policy 2423-Communicable Disease Control was revised in June 2012 to reflect this new process.

Continued efforts to build the immunization repository will ensure easy admissions to schools (public, private, parochial and higher education), student transfers (in-state and out-of-state), prevent duplication in the administration of vaccination while providing students and parents easy accessibility to immunization records at anytime without concerns of chasing the medical provider for past records. The Statewide Registry (WVSIIS) supports a seamless medical and health record while preventing duplication and ensuring proper storage and accessibility.

18. **Are the dose requirements for PreK the same as Kindergarten?**

No, PreK students range from the ages of 3 to 5 years thus making the minimum immunization requirements different from the new enterers for k-12. Hence the title of the immunization requirement document, “Minimum Immunizations for Pre-Kindergarten Entry” at [http://www.dhhr.wv.gov/oeps/immunization/requirements/Documents/school.pdf](http://www.dhhr.wv.gov/oeps/immunization/requirements/Documents/school.pdf). Please note the different requirements for PreK entry when compared to new enterer/kindergarten:

- **DTaP** with 4 doses **WITHOUT** booster dose after 4th birthday. The booster dose for this age group will be a 5th dose between ages 4-6 years per [CDC-ACIP schedule](http://www.cdc.gov/vaccines/schedules/hcp/child-teen).  
- **IPV** with 3 doses **WITHOUT** booster dose after 4th birthday. The booster dose being a 4th dose between the ages of 4-6 years per [CDC-ACIP schedule](http://www.cdc.gov/vaccines/schedules/hcp/child-teen).  
- **Varicella** with only one dose required for PreK entry.  
- **MMR** with only one dose required for PreK entry.
19. Do out-of-state transfer students need to meet these immunization requirements prior to entry? What if the student was previously enrolled in West Virginia Public School System?

Yes, out-of-state transfers are considered new enterers once they have transferred their records to an out-of-state educational facility per WV State Board of Education Policy 4110-Attendance, section 4.14. The out-of-state transfer must meet all new immunization requirements prior to enrolling into a WV public school. Students who were previously enrolled and transferred educational records to an out-of-state educational facility are required to meet the requirements of the new February 28, 2008 WVDHHR-Immunization Interpretive Rule (64CSR95).

20. Are students entering from private, parochial and home schools required to meet the immunization requirements? NEW

Yes, the WVDHHR-Immunization Interpretive Rule (64CSR95) defines a “New School Enterer” in section 2.8. If the student is an in-state transfer and entered kindergarten prior to 2008 then they would be bound to meet past law requirements. All out-of-state transfers must meet the 2008 immunization requirements. The definition is as follows:

“2.8. New School Enterer – means any child entering a school building housing kindergarten through twelfth grade students to attend classes or programs or to participate in extracurricular activities taking place in the school building and includes children entering for pre-school programs as well as all students in grades kindergarten through twelfth grade and students who transfer into a West Virginia school from another state.”