

SB 5841 - S AMD TO S AMD (S-2950.1/19) 374
By Senator Fortunato

NOT CONSIDERED 12/23/2019

1 On page 1, after line 2, insert the following:

2 "Sec. 1. RCW 28A.210.070 and 2017 3rd sp.s. c 6 s 217 are each
3 reenacted and amended to read as follows:

4 As used in RCW 28A.210.060 through 28A.210.170:

5 (1) "Chief administrator" shall mean the person with the
6 authority and responsibility for the immediate supervision of the
7 operation of a school or day care center as defined in this section
8 or, in the alternative, such other person as may hereafter be
9 designated in writing for the purposes of RCW 28A.210.060 through
10 28A.210.170 by the statutory or corporate board of directors of the
11 school district, school, or day care center or, if none, such other
12 persons or person with the authority and responsibility for the
13 general supervision of the operation of the school district, school
14 or day care center.

15 (2) "Child" shall mean any person, regardless of age, in
16 attendance at a public (~~or private~~) school or a licensed day care
17 center.

18 (3) "Day care center" shall mean an agency which regularly
19 provides care for a group of thirteen or more children for periods of
20 less than twenty-four hours and is licensed pursuant to chapter
21 43.216 RCW.

22 (4) "Full immunization" shall mean immunization against certain
23 vaccine-preventable diseases in accordance with schedules and with
24 immunizing agents approved by the state board of health.

25 (5) "Local health department" shall mean the city, town, county,
26 district or combined city-county health department, board of health,
27 or health officer which provides public health services.

28 (6) "School" shall mean and include each building, facility, and
29 location at or within which any or all portions of a preschool,
30 kindergarten and grades one through twelve program of education and
31 related activities are conducted for two or more children by or in
32 behalf of any public school district (~~and by or in behalf of any
33 private school or private institution~~) subject to approval by the

1 state board of education pursuant to RCW 28A.305.130 (~~(, 28A.195.010~~
2 ~~through 28A.195.050,)~~) and 28A.410.120.

3 **Sec. 2.** RCW 28A.210.080 and 2007 c 276 s 1 are each amended to
4 read as follows:

5 (1) The attendance of every child at every public (~~and private~~)
6 school in the state and licensed day care center shall be conditioned
7 upon the presentation before or on each child's first day of
8 attendance at a particular school or center, of proof of either (a)
9 full immunization, (b) the initiation of and compliance with a
10 schedule of immunization, as required by rules of the state board of
11 health, or (c) a certificate of exemption as provided for in RCW
12 28A.210.090. The attendance at the school or the day care center
13 during any subsequent school year of a child who has initiated a
14 schedule of immunization shall be conditioned upon the presentation
15 of proof of compliance with the schedule on the child's first day of
16 attendance during the subsequent school year. Once proof of full
17 immunization or proof of completion of an approved schedule has been
18 presented, no further proof shall be required as a condition to
19 attendance at the particular school or center.

20 (2)(a) Beginning with sixth grade entry, every public (~~and~~
21 ~~private~~) school in the state shall provide parents and guardians
22 with information about meningococcal disease and its vaccine at the
23 beginning of every school year. The information about meningococcal
24 disease shall include:

25 (i) Its causes and symptoms, how meningococcal disease is spread,
26 and the places where parents and guardians may obtain additional
27 information and vaccinations for their children; and

28 (ii) Current recommendations from the United States centers for
29 disease control and prevention regarding the receipt of vaccines for
30 meningococcal disease and where the vaccination can be received.

31 (b) This subsection shall not be construed to require the
32 department of health or the school to provide meningococcal
33 vaccination to students.

34 (c) The department of health shall prepare the informational
35 materials and shall consult with the office of superintendent of
36 public instruction.

37 (d) This subsection does not create a private right of action.

38 (3)(a) Beginning with sixth grade entry, every public school in
39 the state shall provide parents and guardians with information about

1 human papillomavirus disease and its vaccine at the beginning of
2 every school year. The information about human papillomavirus disease
3 shall include:

4 (i) Its causes and symptoms, how human papillomavirus disease is
5 spread, and the places where parents and guardians may obtain
6 additional information and vaccinations for their children; and

7 (ii) Current recommendations from the United States centers for
8 disease control and prevention regarding the receipt of vaccines for
9 human papillomavirus disease and where the vaccination can be
10 received.

11 (b) This subsection shall not be construed to require the
12 department of health or the school to provide human papillomavirus
13 vaccination to students.

14 (c) The department of health shall prepare the informational
15 materials and shall consult with the office of the superintendent of
16 public instruction.

17 (d) This subsection does not create a private right of action.

18 (4) Private schools are required by state law to notify parents
19 that information on the human papillomavirus disease prepared by the
20 department of health is available."

21 Renumber the remaining section consecutively and correct any
22 internal references accordingly.

23 On page 2, after line 21, insert the following:

24 "**Sec. 2.** RCW 28A.210.110 and 1991 c 3 s 291 are each amended to
25 read as follows:

26 A child's proof of immunization or certification of exemption
27 shall be presented to the chief administrator of the public (~~or~~
28 ~~private~~) school or day care center or to his or her designee for
29 that purpose. The chief administrator shall:

30 (1) Retain such records pertaining to each child at the school or
31 day care center for at least the period the child is enrolled in the
32 school or attends such center;

33 (2) Retain a record at the school or day care center of the name,
34 address, and date of exclusion of each child excluded from school or
35 the center pursuant to RCW 28A.210.120 for not less than three years
36 following the date of a child's exclusion;

37 (3) File a written annual report with the department of health on
38 the immunization status of students or children attending the day

1 care center at a time and on forms prescribed by the department of
2 health; and

3 (4) Allow agents of state and local health departments access to
4 the records retained in accordance with this section during business
5 hours for the purposes of inspection and copying.

6 **Sec. 3.** RCW 28A.210.120 and 2006 c 263 s 909 are each amended to
7 read as follows:

8 It shall be the duty of the chief administrator of every public
9 (~~and private~~) school and day care center to prohibit the further
10 presence at the school or day care center for any and all purposes of
11 each child for whom proof of immunization, certification of
12 exemption, or proof of compliance with an approved schedule of
13 immunization has not been provided in accordance with RCW 28A.210.080
14 and to continue to prohibit the child's presence until such proof of
15 immunization, certification of exemption, or approved schedule has
16 been provided. The exclusion of a child from a school shall be
17 accomplished in accordance with rules of the office of the
18 superintendent, in consultation with the state board of health. The
19 exclusion of a child from a day care center shall be accomplished in
20 accordance with rules of the department of social and health
21 services. Prior to the exclusion of a child, each school or day care
22 center shall provide written notice to the parent(s) or legal
23 guardian(s) of each child or to the adult(s) in loco parentis to each
24 child, who is not in compliance with the requirements of RCW
25 28A.210.080. The notice shall fully inform such person(s) of the
26 following: (1) The requirements established by and pursuant to RCW
27 28A.210.060 through 28A.210.170; (2) the fact that the child will be
28 prohibited from further attendance at the school unless RCW
29 28A.210.080 is complied with; (3) such procedural due process rights
30 as are hereafter established pursuant to RCW 28A.210.160 and/or
31 28A.210.170, as appropriate; and (4) the immunization services that
32 are available from or through the local health department and other
33 public agencies."

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1 On page 2, line 26, after "twelve;" strike the remainder of the
2 title and insert "amending RCW 28A.210.080, 28A.210.090, 28A.210.110,
3 and 28A.210.120; and reenacting and amending RCW 28A.210.070."

EFFECT: Removes immunization requirements for students attending private schools.

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