

House Bill 2744

Sponsored by Representative NOBLE, Senators BOQUIST, LINTHICUM; Representative STARK, Senator THATCHER (at the request of Brittany Ruiz)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies provisions relating to immunization records required for children attending schools and children's facilities. Requires administrator to review records for compliance with requirements before beginning of each school year and exclude children whose records do not meet requirements.

Modifies, to limit exclusion to periods of disease outbreak, provisions requiring administrator of school or children's facility to exclude child or employee when administrator has reason to suspect child or employee has, or has been exposed to and shows symptoms of, restrictable disease.

A BILL FOR AN ACT

1
2 Relating to equal treatment in education of persons with regard to restrictable diseases; creating
3 new provisions; and amending ORS 329.105, 433.255, 433.260, 433.267 and 433.269.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 433.267 is amended to read:

6 433.267. (1) As a condition of attendance in any school or children's facility in this state, every
7 child through grade 12 shall submit to the administrator, unless the school or facility the child at-
8 tends already has on file a record that indicates that the child has received immunizations against
9 the restrictable diseases prescribed by rules of the Oregon Health Authority as provided in ORS
10 433.273, one of the following:

11 (a) A document signed by the parent, a practitioner of the healing arts who has within the scope
12 of the practitioner's license the authority to administer immunizations or a representative of the
13 local health department certifying the immunizations the child has received;

14 (b) A document signed by a physician or a representative of the local health department stating
15 that the child should be exempted from receiving specified immunization because of indicated med-
16 ical diagnosis; or

17 (c) A document, on a form prescribed by the authority by rule and signed by the parent of the
18 child, stating that the parent is declining one or more immunizations on behalf of the child. A doc-
19 ument submitted under this paragraph:

20 (A) May include the reason for declining the immunization, including whether the parent is de-
21 clining the immunization because of a religious or philosophical belief; and

22 (B) Must include either:

23 (i) A signature from a health care practitioner verifying that the health care practitioner has
24 reviewed with the parent information about the risks and benefits of immunization that is consistent
25 with information published by the Centers for Disease Control and Prevention and the contents of
26 the vaccine educational module approved by the authority pursuant to rules adopted under ORS
27 433.273; or

28 (ii) A certificate verifying that the parent has completed a vaccine educational module approved

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 by the authority pursuant to rules adopted under ORS 433.273.

2 [(2)(a) A newly entering child or a transferring child shall be required to submit the document
3 described in subsection (1) of this section prior to attending the school or facility.]

4 [(b) Notwithstanding paragraph (a) of this subsection, a child transferring from a school in the
5 United States must submit the document required by subsection (1) of this section not later than the
6 exclusion date set by rule of the authority.]

7 [(3) Persons who have been emancipated pursuant to ORS 419B.558 or who have reached the age
8 of consent for medical care pursuant to ORS 109.640 may sign those documents on their own behalf
9 otherwise requiring the signatures of parents under subsection (1) of this section.]

10 [(4) The administrator shall conduct a primary evaluation of the records submitted pursuant to
11 subsection (1) of this section to determine whether the child is entitled to begin attendance by reason
12 of having submitted a document that complies with the requirements of subsection (1) of this section.]

13 [(5) If the records do not meet the initial minimum requirements established by rule, the child may
14 not be allowed to attend until the requirements are met. If the records meet the initial minimum re-
15 quirements, the child shall be allowed to attend.]

16 [(6) At the time specified by the authority by rule, records for children meeting the initial minimum
17 requirements and records previously on file shall be reviewed for completion of requirements by the
18 administrator to determine whether the child is entitled to continue in attendance. If the records do not
19 comply, the administrator shall notify the local health department and shall transmit any records con-
20 cerning the child's immunization status to the local health department.]

21 [(7) The local health department shall provide for a secondary evaluation of the records to deter-
22 mine whether the child should be excluded for noncompliance with the requirements stated in sub-
23 section (1) of this section. If the child is determined to be in noncompliance, the local health department
24 shall issue an exclusion order and shall send copies of the order to the parent or the person who is
25 emancipated or has reached the age of majority and the administrator. On the effective date of the or-
26 der, the administrator shall exclude the child from the school or facility and not allow the child to at-
27 tend the school or facility until the requirements of this section have been met.]

28 [(8) The administrator shall readmit the child to the school or facility when in the judgment of the
29 local health department the child is in compliance with the requirements of this section.]

30 **(2) A person who has been emancipated pursuant to ORS 419B.558 or who has reached**
31 **the age of consent for medical care pursuant to ORS 109.640 may sign a document requiring**
32 **a parent's signature under subsection (1) of this section on their own behalf.**

33 **(3)(a)(A) Before the beginning of each school year, the administrator shall review the**
34 **records of each child enrolled to attend the school or facility to determine if the records of**
35 **the child meet the requirements of subsection (1) of this section.**

36 **(B) If a school or facility operates year-round, the administrator shall set a date for the**
37 **beginning of the school year for purposes of this paragraph.**

38 **(b) A child who is initially attending a school or facility after the beginning of the school**
39 **year must submit the document described in subsection (1) of this section before attending**
40 **the school or facility. Before allowing the child to attend the school or facility, the adminis-**
41 **trator shall review the records of the child to determine whether the records of the child**
42 **meet the requirements of subsection (1) of this section.**

43 **(c) If the administrator determines under paragraph (a) or (b) of this subsection that a**
44 **child's records do not meet the requirements of subsection (1) of this section, the adminis-**
45 **trator may not allow the child to attend the school or facility until the administrator deter-**

1 **mines that the child’s records meet the requirements of subsection (1) of this section.**

2 [(9)] (4) The administrator [*shall be*] **is** responsible for updating the document described in sub-
 3 section (1)(a) of this section as necessary to reflect the current status of the immunization of the
 4 child and the time at which the child comes into compliance with immunizations against the
 5 restrictable diseases prescribed by rules of the authority pursuant to ORS 433.273.

6 [(10)] (5) Nothing in this section shall be construed as relieving agencies, in addition to school
 7 districts, which are involved in the maintenance and evaluation of immunization records on April
 8 27, 1981, from continuing responsibility for these activities.

9 [(11)] (6) All documents required by this section [*shall*] **must** be on forms approved or provided
 10 by the authority.

11 [(12)] (7) In lieu of signed documents from practitioners, the authority may accept immunization
 12 record updates using practitioner documented immunization records generated by electronic means
 13 or on unsigned practitioner letterhead if the authority determines [*such*] **the** records are accurate.

14 [(13) *As used in this section:*]

15 [(a) *“Newly entering child” means a child who is initially attending:*]

16 [(A) *A facility in this state;*]

17 [(B) *A school at the entry grade level;*]

18 [(C) *Either a school at any grade level or a facility from homeschooling; or*]

19 [(D) *A school at any grade level or a facility after entering the United States from another*
 20 *country.*]

21 [(b) *“Transferring child” means a child moving from:*]

22 [(A) *One facility to another facility;*]

23 [(B) *One school in this state to another school in this state when the move is not the result of a*
 24 *normal progression of grade level; or*]

25 [(C) *A school in another state to a school in this state.*]

26 **SECTION 2.** ORS 433.269 is amended to read:

27 433.269. (1) Local health departments shall make immunizations available for administration
 28 under the direction of a local health officer in convenient areas and at convenient times. A local
 29 health department may not refuse to administer an immunization to a person because the person is
 30 unable to pay for the immunization.

31 (2)(a) Each local health department, school and children’s facility shall report annually to the
 32 Oregon Health Authority on:

33 (A) The number of children in the area served by the local health department, school or
 34 children’s facility; and

35 (B) The number of children in the area served by the local health department, school or
 36 children’s facility who [*are susceptible to restrictable disease as prescribed by the authority’s rules*
 37 *pursuant to ORS 433.273*] **had a restrictable disease, as provided in rules of the authority under**
 38 **ORS 433.273, or were exposed to a restrictable disease and showed symptoms of the disease.**

39 (b) Each school and children’s facility shall report annually to the authority on the number of
 40 children [*in the area served by the school or children’s facility who are in attendance at*] **who are**
 41 **disallowed from attending** the school or children’s facility [*conditionally because of an incomplete*
 42 *immunization schedule*] **under ORS 433.267.**

43 (c) Each local health department shall make available to each school and children’s facility in
 44 the area served by the local health department data on the immunization rate, by disease, of chil-
 45 dren in the area. Upon request, the authority shall assist local health departments in compiling data

1 for purposes of this paragraph.

2 *[(d) A child exempted under ORS 433.267 is susceptible to restrictable disease for purposes of this*
 3 *subsection.]*

4 (3)(a) For the purpose of providing parents with the information necessary to protect their
 5 children’s health, each school and children’s facility shall make available the information reported
 6 and received by the school and children’s facility pursuant to subsection (2) of this section:

7 (A) At the main office of the school or children’s facility;

8 (B) On the school’s or school district’s website or on the children’s facility’s website, if avail-
 9 able; and

10 (C) To the parents of the children who attend the school or children’s facility, in the form of a
 11 paper document or electronic communication that includes the information in a clear and easy to
 12 understand manner.

13 (b) The information required to be made available under paragraph (a) of this subsection must
 14 be made available *[at the beginning of each school year and not later than one month after the date*
 15 *that children may be excluded as provided by ORS 433.267]* **as soon as possible after the beginning**
 16 **of the school year as provided in ORS 433.267.**

17 (4) The administrator of a school or children’s facility shall maintain immunization records of
 18 children, including *[children who are in attendance at the school or children’s facility conditionally*
 19 *because of an incomplete immunization schedule and]* children who are exempted **from receiving**
 20 **immunization** as described in ORS 433.267 (1)(b) and (c).

21 **SECTION 3.** ORS 433.255 is amended to read:

22 433.255. Except in strict conformity with the rules of the Oregon Health Authority, no child or
 23 employee shall be permitted to be in any school or children’s facility when:

24 (1) That child or employee has any restrictable disease; **or**

25 *[(2) That child or employee comes from any house in which exists any restrictable disease; or]*

26 (3) That child *[has been excluded as provided in ORS 433.267 (5) or (7)]* **is disallowed from at-**
 27 **tending under ORS 433.267.**

28 **SECTION 4.** ORS 433.260 is amended to read:

29 433.260. *[(1) Whenever any administrator has reason to suspect that any child or employee has or*
 30 *has been exposed to any restrictable disease and is required by the rules of the Oregon Health Au-*
 31 *thority to be excluded from a school or children’s facility, the administrator shall send such person*
 32 *home and, if the disease is one that must be reported to the authority, report the occurrence to the local*
 33 *health department by the most direct means available.]*

34 (1) **During a disease outbreak, as defined in ORS 431A.005, when an administrator has**
 35 **notice that a child or employee has a restrictable disease as provided in rules of the Oregon**
 36 **Health Authority under ORS 433.273, or has been exposed to a restrictable disease and shows**
 37 **symptoms of the disease, the administrator shall exclude the child or employee from the**
 38 **school or children’s facility.**

39 (2) Any person excluded under subsection (1) of this section may not be permitted to be in the
 40 school or facility until the person presents a certificate from a physician, physician assistant li-
 41 censed under ORS 677.505 to 677.525, nurse practitioner licensed under ORS 678.375 to 678.390, local
 42 health department nurse or school nurse stating that the person does not have *[or is not a carrier*
 43 *of]* any restrictable disease.

44 **SECTION 5.** ORS 329.105 is amended to read:

45 329.105. (1) The Superintendent of Public Instruction shall collect data and produce annual

1 school district and school performance reports to provide information to parents and to improve
2 schools.

3 (2) The superintendent shall include in the school district and school performance reports data
4 for the following areas, for each school or district, that are available to the Department of Educa-
5 tion from the most recent school year:

6 (a) Data required by the federal Every Student Succeeds Act (P.L. 114-95, 129 Stat. 1802);

7 (b) Information about how to access the website that is maintained by the State Department of
8 Geology and Mineral Industries as provided by ORS 516.030 (6)(b);

9 (c) Information related to the number of children served in the district and the number of chil-
10 dren who [*are susceptible to restrictable disease*] **had a restrictable disease, or were exposed to**
11 **a restrictable disease and showed symptoms of the disease**, as reported under ORS 433.269
12 (2)(a); and

13 (d) Any other data identified by the Department of Education as required by federal law to be
14 in the reports.

15 (3) In addition to the data required by subsection (2) of this section, the superintendent may
16 include other data on the school district and school performance reports.

17 (4) The department shall work with stakeholders to:

18 (a) Design and implement an accountability system of progressive interventions for schools and
19 school districts that do not demonstrate improvement; and

20 (b) Provide technical assistance to schools and school districts that do not demonstrate im-
21 provement.

22 **SECTION 6. The amendments to ORS 329.105, 433.267 and 433.269 by sections 1, 2 and 5**
23 **of this 2019 Act first apply to school years beginning on or after July 1, 2020, as provided in**
24 **ORS 433.267.**