



Senate Fiscal Agency
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BILL



ANALYSIS

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House Bill 5094 (Substitute H-2 as reported without amendment)

Sponsor: Representative William R. Bryant, Jr.

House Committee: Education

Senate Committee: Education

Date Completed: 6-18-96

RATIONALE

The Revised School Code, the State School Aid Act, and the Public Health Code provide for reporting the immunization status of students entering school districts for the first time during a school year. Although these statutes require the filing of initial and follow-up reports, there is some variation among the immunization provisions of the statutes. Some people believe that the Revised School Code's provisions should be consistent with the immunization reporting requirements found in the Public Health Code and the State School Aid Act.

CONTENT

The bill would amend the Revised School Code to revise provisions that require the submission of statements on the immunization of a child entering a public or nonpublic school for the first time, and that require the submission of the immunization status and a vision report of each child entering school or kindergarten.

Currently, a child enrolling in a public or nonpublic school in the State for the first time must submit one of the following: a statement signed by a physician that the child has been tested for and immunized or protected against diseases specified by the Director of Public Health; a statement signed by a parent or guardian to the effect that the child has not been immunized because of religious convictions or other objection to immunization; or, a request signed by a parent or guardian that the local health department give the needed protective injections. The bill would delete the provision that a parent or guardian may request a local health department to give the needed injections. The bill provides instead that a physician could submit a signed statement that

certified that the child was in the process of complying with all immunization requirements.

The Code requires that before November 1 of each year, the administrator of each school provide the Director with the immunization status and a vision report of each entering child. Under the bill, the administrator would have to provide to the Director no later than November 1 the immunization status of each entering child and a vision report of each child entering kindergarten. In addition, by February 1 of each year, the administrator of each school would have to provide an update to the list submitted the previous November to show the additional immunizations received by each child since entering.

The bill also would delete the current requirement that the Director of Public Health appoint an advisory board consisting of equal numbers of ophthalmologists and optometrists to advise and assist the Director with vision programs.

The bill would replace references to the Department of Public Health with references to the Department of Community Health.

MCL 380.1177

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The State School Aid Act requires the Department of Education in cooperation with the Department of Public Health (now within the Department of Community Health) to develop plans and assist

local and intermediate school districts and local county health departments to comply with a student immunization status and vision report required in the School Code. Under the Act, a local or intermediate district must report by November 1 and February 1 of each school year to a local health department on the immunization status of each kindergarten to 12th grade student who enrolled in the district for the first time. The Revised School Code requires a child enrolling in a public or nonpublic school for the first time to submit certain information, including a statement signed by a doctor that the child has been tested for and immunized or protected against diseases specified by the Director. The administrator of each school is required, by November 1 of each year, to provide the Director with the immunization status and vision report of each entering child. Under the bill, an administrator would have to provide by November 1 the immunization status of each entering child and a vision report for each child entering kindergarten. In addition, an administrator would have to provide an updated list by February 1 of each year. By clarifying the reporting requirements, the bill would attempt to reconcile the variations in reporting requirements between these statutes.

Response: It appears that there still would be some incongruity among the immunization reporting requirements in the Revised School Code, the School Aid Act, and the Public Health Code. The School Aid Act, for example, requires immunization status reporting on first-time enrollees in kindergarten through 12th grade. The bill, however, would require this information to be provided for each “entering child”. In addition, the Department of Education notes that it has been the practice to gather information on the immunization status of all students entering a school district, including children entering preschool. In addition, the Public Health Code requires that the immunization status for “new entering kindergarten and first grade students” be submitted yearly by November 1, and an update of this list be submitted by February 1 for additional immunizations received by “each child since entering the school”. Thus, it is not clear as to what grade levels the reporting requirements would apply.

Supporting Argument

The bill would delete the provision that permits a parent or guardian of a child enrolling in a public or nonpublic school for the first time to submit a signed statement requesting that the local health department give the needed protective injections. According to the Department of Education, this

deletion would eliminate parents’ interpreting this provision as requiring a school to take a child to a local health department facility to obtain the immunizations. While parents may take their children on their own to a doctor or a local health department for the immunizations, the Department has explained, it is not a school district’s responsibility to do so.

Legislative Analyst: L. Arasim

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: E. Pratt

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.