

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1716** Session of  
1979

INTRODUCED BY FISCHER AND GALLAGHER, SEPTEMBER 19, 1979

REFERRED TO COMMITTEE ON EDUCATION, SEPTEMBER 19, 1979

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
2 act relating to the public school system, including certain  
3 provisions applicable as well to private and parochial  
4 schools; amending, revising, consolidating and changing the  
5 laws relating thereto," further providing for required  
6 immunization against diseases and the admission of beginners.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 1303, act of March 10, 1949 (P.L.30,  
10 No.14), known as the "Public School Code of 1949," added April  
11 11, 1974 (P.L.258, No.67), is amended to read:

12 Section 1303. Immunization Required; Penalty.--(a) Every  
13 child, as a condition of attendance for the first time at any  
14 public, private or parochial school, including kindergarten,  
15 shall be immunized as directed by the Secretary of Health  
16 against such diseases as shall appear on a list to be made, and  
17 from time to time reviewed by the Advisory Health Board.

18 [(a)] (b) It shall be the duty of all school directors,  
19 superintendents, principals, or other persons in charge of any

1 public, private, parochial, or other school including  
2 kindergarten, to ascertain that every child, [prior to] seeking  
3 admission to school for the first time has been immunized[, as  
4 the Secretary of Health may direct, against such diseases as  
5 shall appear on a list to be made and from time to time reviewed  
6 by the Advisory Health Board] as required under the provisions  
7 of this section. All certificates of immunization shall be  
8 issued in accordance with the rules and regulations promulgated  
9 by the Secretary of Health with the sanction and advice of the  
10 Advisory Health Board.

11 [(b)] (c) Any parent or guardian or person in parental  
12 relation, having control or charge for any child or children  
13 being admitted to school for the first time who shall fail,  
14 neglect or refuse to comply with, or who shall violate, any of  
15 the provisions or requirements of this section, except as  
16 hereinafter provided, shall, for every such offense, upon  
17 summary conviction thereof, be sentenced to pay a fine for the  
18 benefit of the school district in which such offending person  
19 resides of not less than five dollars (\$5) nor more than one  
20 hundred dollars (\$100), and in default thereof, to undergo an  
21 imprisonment in the jail of the proper county for a period not  
22 exceeding sixty (60) days. All such fines shall be paid into the  
23 treasury of the school district.

24 [(c)] (d) The provisions of this section shall not apply in  
25 the case of any child deemed to have a medical  
26 [contraindication] reason which may contraindicate immunization  
27 and so certified by a physician. Such certificates may be  
28 accepted in lieu of a certificate of immunization.

29 [(d)] (e) The provisions of this section shall not apply in  
30 the case of any child whose parent or guardian objects in

1 writing to such immunization on religious grounds.

2 (f) The provisions of this section shall not apply in the  
3 case of any child who is not immunized or whose immunization  
4 status is incomplete, provided that, the child is placed on an  
5 immunization plan and receives a dose of vaccine, if appropriate  
6 according to the child's immunization plan, within the time  
7 permitted for the admission of beginners.

8 (g) Any child who has been placed on an immunization plan  
9 but has not received the subsequent dose of vaccine according to  
10 the child's immunization plan within thirty (30) days of the  
11 vaccination date specified in the immunization plan shall be  
12 excluded from attending school until the subsequent dose has  
13 been administered.

14 (h) The Department of Health shall receive immunization  
15 reports from public, private, parochial or other schools,  
16 including kindergarten at times and on forms which the Secretary  
17 of Health shall direct with the sanction and advice of the  
18 Advisory Health Board.

19 Section 2. Section 1304 of the act, amended January 14, 1970  
20 (1969 P.L.468, No.192), is amended to read:

21 Section 1304. Admission of Beginners.--The admission of  
22 beginners to the public schools shall be confined to the first  
23 two weeks of the annual school term in districts operating on an  
24 annual promotion basis, and to the first two weeks of either the  
25 first or the second semester of the school term in districts  
26 operating on a semi-annual promotion basis. Except that, for the  
27 school term of 1979-1980 the admission of beginners who were  
28 excluded from attending school because they had not been  
29 immunized pursuant to section 1303 shall be permitted during the  
30 first two weeks of school following the effective date of this

1 act. Admission shall be limited to beginners who have attained  
2 the age of five years and seven months before the first day of  
3 September if they are to be admitted in the fall, and to those  
4 who have attained the age of five years and seven months before  
5 the first day of February if they are to be admitted at the  
6 beginning of the second semester. The board of school directors  
7 of any school district may admit beginners who are less than  
8 five years and seven months of age, in accordance with standards  
9 prescribed by the State Board of Education. The board of school  
10 directors may refuse to accept or retain beginners who have not  
11 attained a mental age of five years, as determined by the  
12 supervisor of special education or a properly certificated  
13 public school psychologist in accordance with standards  
14 prescribed by the State Board of Education.

15 The term "beginners," as used in this section, shall mean any  
16 child that should enter the lowest grade of the primary school  
17 or the lowest primary class above the kindergarten level.

18 Section 3. This act shall take effect immediately.