

Pennsylvania Code §23.84 Exemption from Immunization

a.) **Medical Exemption.** Children need not be immunized if a physician or the physician's designee provides a written statement that immunization may be detrimental to the health of the child. When the physician determines that immunization is no longer detrimental to the health of the child, the child shall be immunized according to this subchapter.

b.) **Religious Exemption.** Children need not be immunized if the parent, guardian or emancipated child objects in writing to the immunization on religious grounds or on the basis of strong moral or ethical conviction similar to religious belief.

Source

The provisions of §23.84 amended through September 17, 1982, effective August 1, 1983, 12 PA.B. 3288; amended August 22, 1997, effective August 23, 1997, 27 PA.B.4317. Immediately preceding text appears at serial pages (164332) to (164333) and (129145) .

Cross References

This section cited in 22 PA Code§ 11.20 (relating to non-immunized children); 22 PA Code§ 51.13 (relating to immunization); 28 PA Code§ 23.85 (relating to responsibilities of schools and school administrators); and 28 PA Code§ 27.77 (relating to immunization requirements for children in child care group settings).

Chapter 23 School Health, Subchapter C Immunization

<http://www.pacode.com/secure/data/028/chapter23/chap23toc.html#23.2>

For more information on Pennsylvania state laws regarding vaccinations go to

<http://www.vacolib.org/exempt/pennsylvania.htm>

Statement of Exemption to Immunization Law Commonwealth of Pennsylvania

Name _____

Address _____

Phone _____ Present Grade _____ Date of Birth _____

Signature Parent/Guardian _____ Date _____

Pennsylvania Parent and Student Opt-Out Notice

Please take notice that I _____, as the parent and/or guardian of the following child: _____, am hereby directing that as per 28 PA Code §23.84, and on account of religious beliefs or strongly-held moral conviction, my child is to be excused and exempted for the current school year from the following vaccinations.

Instruction/program/activity to be excused:

[illegible]

I believe the above is clear enough so that the teacher will know when to excuse my child. If for some reason you have a question as to whether a specific instruction/program/activity falls into my request above or not, I'd be glad to work with you. Please notify me in writing and provide the instructional materials you want clarification on as to whether it falls into my request. Thank you!

Keep this signed, written notice on file in my child's cumulative folder.

Child's Name _____ Grade Level _____ Date _____

Parent/Guardian's Name(s) _____

Parent/Guardian's Signature(s) _____

Parent/Guardian's Address _____

Daytime/Evening Phone Number(s) _____

School Name	School District
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Received By (Print Name) _____

Received By (Signature)	Date Received
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My child is exempt from the following immunizations:

All Students

- ☐ 4 doses of Tetanus and Diphtheria (1 dose on or after the 4th birthday)
- ☐ 4 dose of polio (last dose on or after the 4th birthday)
- ☐ 2 dose of Measles, Mumps, Rubella (usually given as MMR)
- ☐ 3 doses of hepatitis B
- ☐ 2 doses of Varicella (chickenpox) or history of disease
- ☐ All vaccines

Students in 7th Grade

- ☐ 1 dose of Tetanus, Diphtheria, Pertussis (Tdap)
- ☐ 1 dose of meningococcal conjugate vaccine (MCV)

Students in 12th Grade

- ☐ 2 dose of MCV (1 dose for 7th grade, 2nd dose for 12th grade entry)

Instructions and Information on Using the Pennsylvania Parent and Student Opt-Out Notice

Note: Opt-Out Notices must be submitted each year. These instructions are designed to assist you as a parent in completing the foregoing notice. These instructions should not be given to the school.

- 1) Make copies and share this Pennsylvania Parent and Student Opt-Out Notice with other parents.
- 2) Refer to "Additional Pennsylvania Laws for Opt-Out and Other Rights" for specific rights you may want to add to your notice.
- 3) Make two copies of the completed notice. Then, sign and date each copy in ink.
- 4) Send the Opt-Out Notice to the school Principal by Certified Mail, email, fax, or any other method whereby delivery can be confirmed. You do not need nor are you asking for "agreement" or "authorization." You only need proof that you delivered the Opt-Out Notice to the school.
- 5) Keep one copy (with the proof of receipt) for your family and ask that the school keep a copy in your child's school records (the cumulative file). Keep a signed copy for yourself.
- 6) Educate your children to report to you attempts to compel them to participate in classes or activities for which you have requested them to be opted out.
- 7) Resubmit a copy of this Opt-Out Notice for each child when you enroll them for the next school year.

Legal Reference: 22 PA Code §4.4

(d) School entities shall adopt policies to assure that parents or guardians have the following:

- (1) Access to information about the curriculum, including academic standards to be achieved, instructional materials and assessment techniques.
- (2) A process for the review of instructional materials.
- (3) The right to have their children excused from specific instruction that conflicts with their religious beliefs, upon receipt by the school entity of a written request from the parent or guardians.

[Editor's Note: You do NOT need to explain why any particular instruction conflicts with your religious beliefs. However, you need to provide sufficient detail of what instruction you want opted-out of, in order to put the school on notice of the instruction and content from which your child is to be excused.]

(4) The right to review a State assessment in the school entity during convenient hours for parents and guardians, at least 2 weeks prior to their administration, to determine whether a State assessment conflicts with their religious belief. To protect the validity and integrity of the State assessments, each school entity shall have in place procedures to be followed when parents or guardians request to view any State assessment. Procedures must be consistent with guidance provided by the Department in its assessment administration instructions. If upon inspection of a State assessment parents or guardians find the assessment to be in conflict with their religious belief and wish their students to be excused from the assessment, the right of the parents or guardians will not be denied upon written request that states the objection to the applicable school district superintendent, charter school chief executive officer or AVTS director.

(5) The right to have their children excluded from research studies or surveys conducted by entities other than a school entity unless prior written consent has been obtained.

Additional Pennsylvania Laws for Opt-out and Other Rights:

Listed below are other legal provisions that give parents and legal guardians specific rights. If you choose to exercise one of these rights, suggested language is provided.

Instruction regarding prevention of human immunodeficiency virus (HIV) infection/acquired immunodeficiency syndrome (AIDS) and other life-threatening and communicable diseases

—*Pursuant to 22 Pa. Code § 4.29, this serves as notice that my child is to be exempted from participation in instruction regarding prevention of human immunodeficiency virus (HIV) infection/acquired immunodeficiency syndrome (AIDS) and other life-threatening and communicable diseases.

Dating violence education program

*Pursuant to 24 Pa. Stat. § 15-1553(d)(5), this serves as notice that my child is to be exempted from participation in any dating violence education program.

Courses in the literature of religious writings

*Pursuant to 24 Pa. Stat. § 15-1515, this serves as notice that my child is to be exempted from participation in courses in the literature of religious writings.

Course of instruction that involves dissecting, vivisectioning, incubating, capturing or otherwise harming or destroying animals or any parts; education projects or tests that involve harmful or destructive use of animals

*Pursuant to 24 Pa. Stat. § 15-1523, this serves as notice that my child is to be exempted from participation in the course of instruction that involves dissecting, vivisectioning, incubating, capturing or otherwise harming or destroying animals or any parts and any education project or test that involves harmful or destructive use of animals.

Private information – Protection of students' privacy in examination, testing or treatment (applicable where the student is not an adult of emancipated minor)

*Pursuant to 20 U.S.C. § 1232h and 34 CFR §98.4 (Protection of Pupil Rights), absent my PRIOR written consent, I am directing that my child not participate or be requested to submit to any psychiatric or psychological examination, testing or treatment, including the administration of any survey, analysis or evaluation that will reveal any of the following: (1) political affiliations or beliefs of my child or me, (2) mental or psychological problems of my child or his or her family, (3) sexual behavior or attitudes, (4) illegal, anti-social, self-incriminating, or demeaning behavior, (5) critical appraisals of other individuals with whom respondents have close family relationships, (6) legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers, (7) religious practices, affiliations, or beliefs of my child or me, or (8) income (other than required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

Request to Inspect materials relating to examination, testing, treatment, evaluations or surveys

*Pursuant to 20 U.S.C. §1232h(a) and 34 CFR §998.4, I am hereby requesting to inspect all instructional materials (written, digital, internet-based or in any other form), including but not limited to teachers' manuals, films, tapes, and all other supplementary material which will be used in connection with any survey, analysis or evaluation as part of any applicable program.

Religious exemption from medical examination or treatment

*Pursuant to 24 Pa. Stat. § 14-1419 and 28 Pa. Code § 23.45, this serves as notice that my child is to be exempted from regular or special medical examinations or treatments because such examinations or treatments are contrary to the religious beliefs of the parent or guardian of the child.

Parent or guardian presence at and during medical examination or treatment

*Pursuant to 24 Pa. Stat. § 14-1405 and 28 Pa. Code § 23.2, this serves as notice that medical examination or treatment of my child is to be conducted only in the presence of the parent or guardian. Such examination or treatment may not be conducted unless and until I have received sufficient advance notice of any scheduled examination or treatment and am present.

Religious exemption from dental examination or treatment

*Pursuant to 24 Pa. Stat. § 14-1419 and 28 Pa. Code § 23.45, this serves as notice that my child is to be exempted from regular or special dental examinations or treatments because such examinations or treatments are contrary to the religious beliefs of the parent or guardian of the child.

Scoliosis screening

*Pursuant to 28 Pa. Code § 23.10(d), please take notice that my child is under physician care for treatment of scoliosis and is, by my directive, to be exempted from scoliosis screening.

Immunization

*Pursuant to 28 Pa. Code § 23.84, please take notice that my child is to be exempted from immunization on the following grounds:

[] Immunization may be detrimental to the health of the child. (Note: provide a written statement from a physician or the physician's designee that immunization may be detrimental to the health of the child.

[] The parent, guardian or emancipated child objects on religious grounds or on the basis of a strong moral or ethical conviction similar to a religious belief