

CHAPTER 4

Immunization of School Children

SECTIONS

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§ 401. Short title.

This chapter is known and may be cited as “The School Entry Immunization Act of the Federated States of Micronesia.”

Source: PL 1-122 § 1.

§ 402. Definitions.

As used in this chapter, unless the context otherwise requires:

(1) “Department of Social Services” means that Department with the executive branch of the Federated States of Micronesia which is responsible for health and education matters of the National Government.

(2) “Division of Health Services” means that Department within the executive branch of each State government within the Federated States of Micronesia which is responsible for health matters within a respective State.

(3) “Emancipated child” means a minor child whose parents have impliedly or expressly surrendered the right to the care and custody of the child and renounced their parental duties without placing the child in the care and custody of a specific guardian.

(4) “School” means a public, private, or parochial nursery school, day care center, child care facility, family care home, Head Start program, kindergarten, elementary, or secondary school through grade twelve.

Source: PL 1-122 § 2.

Editor's note: Subsections rearranged in alphabetical order in the 1982 edition of this code.

§ 403. Immunization prior to attending school.

Except as provided in section 404 of this chapter; on or after January 1, 1981, no child shall attend any school within the Federated States of Micronesia unless such child shall have presented to an appropriate official of the school, a certificate of immunization against such communicable diseases as may be specified by the Department of Social Services in accordance with the provisions of section 405 of this chapter or, in lieu of the certification, a written request by one parent or guardian of the child or the emancipated child directing local health officials to administer to the child the required inoculation(s) or the first of the next required series of inoculations within 30 days of the date of submission of the written request.

Source: PL 1-122 § 3.

Cross-reference: FSM Const., art. IX, § 2(r), as amended, states as follows:

Section 2. The following powers are expressly delegated to Congress:

...

(r) to promote education and health by setting minimum standards, coordinating state activities relating to foreign assistance, providing training and assistance to the states and providing support for post-secondary educational programs and projects.

...

FSM Const., art. XIII, § 1 states as follows:

Section 1. The national government of the Federated States of Micronesia recognizes the right of the people to education, health care, and legal services and shall take every step reasonable and necessary to provide these services.

The provisions of the Constitution are found in Part I of this code.

§ 404. Exemption from immunization requirements.

(1) A child may be exempted from receiving the required immunization (s) upon submission of a statement in writing from a licensed physician that the present condition of the child is such that required immunization(s) would endanger the life or health of the child.

(2) The Department of Health Services may provide, by regulation, further exemptions based upon sound medical practice.

Source: PL 1-122 § 4; PL 8-128 § 1.

§ 405. Immunization rules and regulations authorized.

(1) The Department of Social Services shall promulgate and publish such rules and regulations as may be necessary for the effective implementation and administration of this chapter.

(2) Rules and regulations promulgated pursuant hereto shall include but not be limited to:

(a) the identification of each disease against which immunization is required;

(b) the manner and frequency of administration of each immunizing agent;

(c) the manner in which the schools shall report all incidences of noncompliance and other information needed for statistical purposes to the Department of Social Services and the respective Divisions of Health Services.

(3) All procedures relating to immunization required by rules and regulations promulgated pursuant hereto shall be consistent with recognized standard medical practices. The Department of Social Services is empowered to administer and enforce the immunization program established pursuant to this chapter and, in furtherance thereof, may issue notices of suspension from any school to those not in compliance.

(4) All rule-making authority granted to the Department of Social Services under the provisions of this section is granted on the condition that the Congress of the Federated States of Micronesia reserves the power to amend or rescind any rule promulgated by the Department of Social Services.

Source: PL 1-122 § 5.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on the Congress of the Federated States of Micronesia are found in title 3 of this code.

The website of the FSM National Government contains announcements, press releases, news, forms, and other information on the National Government at <http://fsmgov.org>.

The official website of the Congress of the Federated States of Micronesia contains the public laws enacted by the Congress, sessions, committee hearings, rules, and other Congressional information at <http://www.fsmcongress.fm/>.

§ 406. Certificate of immunization.

(1) The Department of Social Services shall provide such official forms as may be necessary to certify the immunizations required pursuant to this chapter to the director of each Division of Health Services, who shall distribute such forms to appropriate parties within the State. Any immunization record signed by a licensed physician, licensed nurse, or public health official may be accepted as verification of immunization. All relevant information contained in such immunization record shall be transferred to an official certificate of immunization and verified to the fullest extent possible by an appropriate school official.

(2) Each school shall maintain on file an official certificate of immunization for each child enrolled therein. The official certificate of immunization shall be returned to the parent(s) or guardian(s) of each child, or the emancipated child, who is withdrawn, transferred, promoted out of, or who otherwise leaves the school. The school shall also include a copy of the said certificate with the child's school record when such records are forwarded to any school.

(3) The Department of Social Services or the Division of Health Services may examine, audit, and verify the records of immunizations maintained by each school within a State.

Source: PL 1-122 § 6.

§ 407. Noncompliance.

(1) Each child attending a school in the Federated States of Micronesia after January 1, 1981, shall be in compliance with the provisions of this chapter and rules and regulations issued pursuant hereto or be suspended from school. Children enrolling for the first time in a school in the Federated States of Micronesia after January 1, 1981, shall comply with the provisions of this chapter and rules and regulations issued pursuant hereto or be excluded from school.

(2) Prior to the suspension or exclusion of any child for failure to comply with the provisions of this chapter, there shall be direct personal notification by an appropriate school official to the child's parent(s) or guardian(s) or to the emancipated child of noncompliance with this chapter, and of the provisions of sections 403 and 404 of this chapter. In the event of suspension or exclusion, school officials shall notify the Department of Social Services and the Division of Health Services. An agent of the Division of Health Services shall then attempt to secure compliance with this chapter, in order for the child to return to school expeditiously.

Source: PL 1-122 § 7.

§ 408. Emergency powers in the event of an epidemic.

If at any time there is, in the opinion of the Division of Health Services, danger of an epidemic from any of the communicable diseases for which an immunization is required pursuant to the rules and regulations promulgated pursuant to section 405 of this chapter, exemptions or exceptions to the requirement of immunization against such disease may be disregarded and suspension from school by the Division of Health Services is hereby authorized as a means of lessening the danger of an epidemic. Such suspension shall remain in effect no longer than is necessary, in accordance with accepted standard medical practices.

Source: PL 1-122 § 8.

§ 409. Grounds for suspension and denial of admission.

Any suspension or exclusion from admission for failure to comply with the provisions of this chapter or rules and regulations issued pursuant hereto shall not be recorded as a disciplinary action, but shall be noted in the child's

school record with all relevant information.

Source: PL 1-122 § 9.