

## IMMUNIZATION IN SCHOOLS

### ACCESS TO STUDENT RECORDS AND TO SCHOOLS

#### **Public Schools:**

By virtue of an order of the Minister of Education, made under the authority of s.88 of the *School Act*, school boards must make student records available to someone planning to provide health services to a student, and must make a medical room available to the Community Health Nurse during scheduled and special visits.

It is on the basis of these orders that Public Health requests that public schools provide class lists, and that Public Health nurses may expect to have access to public schools for the purpose of immunization clinics.

#### **Independent Schools:**

By virtue of the Student Records Order (Inspector's Order 1/07), made under the authority of the Independent School Regulation, s. 9, independent school authorities must permit access to student records to a person planning for the delivery of health services to students. There is not, however, any order requiring that authorities make a room available for the delivery of health services. Accordingly, although Public Health may require information about students from independent schools, there is no basis upon which to require access to an independent school for the purposes of health services. At most, these services may be offered.

There is an electronic notice board upon which notices can be posted about public health services, such as immunization clinics, which are available to independent school students. Such a notice has been posted with respect to the HPV vaccine.

In the case of both types of schools, if a PHN has been collected by a school and is in the school record of a student, this information could be requested with the class lists.

#### **Consent to Immunization:**

The process for obtaining consent for the immunization of students is the same regardless of the type of school.

In the case of younger children, the consent of the child's parent or guardian will be required. The consent of the parent or guardian must be informed, so the person who consents must have been provided with sufficient information about the immunization to allow them to make a reasoned decision. This would include information such as the following:

- The type of vaccine;
- The reasons for the immunization;

- The risks and benefits of vaccination;
- The nature of potential adverse reactions; and
- The risks of refusal.

Parents and guardians should be asked about any health information which might make administration of the vaccine inappropriate or dangerous.

One parent or guardian may provide consent to immunization. If a public health nurse is aware that there is disagreement between a child's parents or guardians, the nurse should not proceed to immunize the student.

In the case of older children, they may be able to provide consent on their own behalf, depending upon their level of maturity. The person administering the vaccine will need to satisfy herself or himself that the youth understands the nature of the vaccine, why it is required, the benefits and risks of receiving it, what to do in the event of an adverse reaction and the consequences of refusal. The same matters about which a parent or guardian needs to be informed. A youth with sufficient understanding to consent on his or her own behalf is commonly referred to as a mature minor.

A mature minor may consent to an immunization even if her or his parents' consent has not been obtained or it has been refused. Similarly, a nurse should not immunize a mature minor against the minor's wishes even if the minor's parents have consented to the immunization.

### **Foster children:**

The consent to the immunization of a student who is a foster child may be provided by the child's foster parent. A child in foster care with sufficient maturity may consent to her or his own immunization. The same rules apply to a student in foster care as to other mature students.

### **Foreign Students:**

A foreign student with sufficient maturity will be able to consent to immunization on his or her own behalf. The house parent of a foreign student may also consent to immunization if so authorized by the student's parents or guardian. A public health nurse is not required to go behind a consent given by a house parent to determine if the house parent has the authority to grant consent to immunization.

### **Access to the public health records of students:**

Parents, guardians and foster parents may request access to a child's public health records unless the child is able to do so on her or his own behalf. In a situation where a student has consented on his or her own behalf to immunization, it is likely that he or she is able to request access to his or her own records. Accordingly, a request by a parent or guardian to those records would likely be denied.