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By the EdLaw Group at Lindabury

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*The EDUCATION LAW GROUP at Lindabury has extensive experience in the area of school law. We serve as general counsel, special education counsel, and labor counsel for boards of education throughout the State.*

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## New DYFS Law and Immunization Rules

*DYFS Notification – Student Absences and Transfers*

**By Jennifer A. Osborne**

On January 4, Governor Corzine signed legislation (A-868) requiring school districts to investigate certain unexcused student absences from school and to notify the Division of Youth and Family Services (“DYFS”) in the Department of Children and Families if abuse or neglect is suspected. The New Jersey Department of Education has yet to issue regulations to implement the law.

The law is partially in response to the 2003 case of three Newark children found by the police to be abused and neglected in a basement. It specifically provides that if any child enrolled in a school district has an unexcused absence for five consecutive school days, the attendance officer of the district is to investigate the absence and notify the district superintendent of the absence. If the investigation leads the district superintendent to believe the child has been abused or neglected, he or she is to notify DYFS for its determination as to whether action is warranted.

Additionally, the law includes procedures to be followed when a child transfers to another district. It specifically provides that when a parent, guardian, or other person having control of a child notifies a school district that the child will be withdrawing from the district and transferring to another school district, the principal of the school from which the child is withdrawing is to request the name and location of the school district in which the child will subsequently be enrolled as well as the expected date of enrollment. The principal is then required to provide this information to the district superintendent. Five days following the expected date of enrollment, the superintendent of the district of last attendance is to contact the school district to which the child is transferring to determine if the child has enrolled in the district. If the child has not enrolled, the attendance officer of the transfer district is required to investigate and notify the superintendent of the student’s failure to enroll. If the investigation leads the district superintendent to believe the child has been abused or neglected, he or she is to notify DYFS for its determination as to whether action is warranted.

Based on the above, districts may wish to consider (cont’d ►)

revising their policies and handbooks to reflect the aforementioned notification requirements in the event of long-term student absences and/or transfers to other districts.

## **New Immunizations Required in September 2008**

On December 10, 2007, the Public Health Council recommended approval of an amendment and new rules related to Immunization of Pupils in Schools. The rules will be filed with the Office of Administrative Law for publication.

On December 14, 2007, New Jersey Health and Senior Services Commissioner Fred M. Jacobs, M.D., J.D., approved amendments to the State immunization rules. These amendments will require four (4) additional immunizations for children beginning in September 2008.

The administrative rules will require children attending licensed child care centers and preschools to receive annual influenza vaccinations and a pneumococcal vaccine beginning in September 2008.

Also, children born after January 1, 1997, and enrolled in grade six or transferring into a New Jersey school from

another state or country will be required to receive a booster dose of the diphtheria, tetanus, and pertussis vaccine as well as one dose of the meningococcal vaccine.

The regulations were amended by the Department of Health and Senior Services (“Department”) after receiving advice from a number of national organizations as well as recommendations from the Advisory Committee on Immunization Practices and the federal Centers for Disease Control and Prevention (CDC).

In a December 18, 2007, press release issued by the Department, Commissioner Jacobs stated, “The amendments to the rules governing immunizations will have a direct impact on reducing illnesses, hospitalizations and deaths in one of New Jersey’s most vulnerable populations – our children. Vaccinations have proven to be one of the most effective and safe forms of disease prevention.”



*The information provided here is necessarily general and is not intended as legal advice or a substitute for legal advice. If you have any questions regarding this Alert, please contact Anthony P. Sciarrillo of the EdLaw Group at [edlawgroup@lindabury.com](mailto:edlawgroup@lindabury.com).*

