

# FactSheet

January 2016

## Recent Legislation on Vaccines: SB 277

In June 2015, Gov. Jerry Brown signed Senate Bill 277 into law. The legislation stipulates that parents/guardians will no longer be able to refuse to vaccinate their children based on a personal belief exemption if their children attend public or private school. Senator Richard Pan (D-Sacramento), who is also a pediatrician, and Senator Ben Allen (D-Santa Monica), a former president of the Santa Monica-Malibu Unified School District board, coauthored this bill and CSBA supported the measure. SB 277 will go into effect for the 2016-2017 school year. Parents/guardians can still file for a temporary vaccine exemption for their children based on their personal beliefs until January 1, 2016. This fact sheet explains how SB 277 will be implemented. CSBA sample board policy and administrative regulation BP/AR 5141.31 - Immunizations and AR 5112.2 - Exclusions from Attendance, were updated in October 2015. Also see CSBA's March 2015 Governance Brief, Measles (and other infectious diseases.)

### What does not change under SB 277

As a condition of school enrollment, current law requires students at specified age and grade levels to provide documentation that they have been immunized against certain diseases. However, exemptions have been available based on the beliefs of parents/guardians or due to medical reasons.

#### *Personal beliefs exemption*

Until January 1, 2016, students can receive exemptions for immunizations based on the beliefs of their parents/guardians. If parents/guardians choose not to vaccinate their children because of personal beliefs, they must work with a health care provider to submit a Personal Beliefs Exemption Form (<http://bit.ly/1gZXI0X>) in place of immunization records.

#### *Medical exemption*

If a student is exempted for medical reasons, parents/guardians need to submit a letter from a health care provider documenting the medical exemption in place of immunization records.

#### *Students with individual education programs*

Students who have an individual education program (IEP) should continue to receive all necessary services identified in their IEP regardless of their vaccination status.

#### *Immunization record checkpoints*

State regulation sets two checkpoints for districts to ensure that students are receiving the proper immunizations and therefore protecting public health. Districts should have a process in place for checking immunization records for students when they enroll in the district, when they enroll in transitional kindergarten/kindergarten (if already enrolled in preschool), and when they advance to seventh grade (if already enrolled).

#### *Exclusions from school*

Students who are exempted from being immunized may be required to stay away from school following a confirmed case of an infectious disease at their school for which they have not been vaccinated.

#### *Conditional enrollment*

If students cannot show proof of immunization, or have not submitted an exemption form, they may be conditionally enrolled for 30 days. When necessary, a transfer student may be conditionally admitted for up to 30 school

days while his/her immunization records are being transferred from a previous school. In addition, state and federal law require districts to immediately enroll homeless students, foster youth, and students of military families even if their immunization records are missing or unavailable at the time of enrollment.

Conditionally enrolling students who have not been vaccinated or who opted for but have not completed the exemption magnifies the need to have good administrative procedures in place. If a school conditionally admits a student who has not been vaccinated but does not follow up to ensure the immunization has been received, that student's health, as well as the health of other students, could be at risk.

## What is new under SB 277

Effective July 1, 2016, students who have a personal belief exemption on file before January 1, 2016 and who attend public or private school can no longer be exempted from vaccinations because of the beliefs of their parents when they hit a mandated checkpoint for ensuring immunizations: kindergarten and seventh grade. For example, a first grader who has a personal belief exemption on file before January 1, 2016, may remain in school without being vaccinated until he or she starts seventh grade. An eighth grader who has a personal belief exemption on file before January 1, 2016, may remain in a school without being vaccinated for the remainder of schooling. Unless otherwise exempt, all other students must have their vaccines up to date at the start of the 2016-17 school year.

### *Home-based private school and independent study programs*

SB 277 provides that a student can go without vaccinations if he or she is enrolled in a home-based private school or independent study program and does not receive classroom-based instruction. Some online-based programs require some classroom based work. Vaccinations would be required in order to participate in the classroom component.

### *Coming soon*

More detailed guidance is expected from the California Department of Education, which will collaborate with the California Department of Public Health in 2016.

### *Role of the board*

"The health and safety of students are always a board's first priority," said CSBA Assistant Executive Director Naomi Eason. "This must be the foundation of a district's guiding vision." Boards adopt policies that set expectations for healthy practices and ensure compliance with law. It is crucial that board members fully support the district's overall message on health and safety.

Districts should consider the following questions:

Does our district have sound plans and policies in place for health and safety, and do our plans include strategies for preventing the spread of infectious diseases?

What is the status of our medical records and what staff resources have we committed to maintaining those records?

What is our protocol for providing services to students who are excluded from attendance?

What are our policies regarding non-classroom based independent study options and how will we communicate them to our students and their families?

What is our relationship with local and state public health agencies? Who is our key contact? What resources do they have that we need to help us ensure the health and safety of our students?