

IMMUNIZATION LAW UPDATE

Governor Brown signed a new Immunization Bill (SB 277). Under the new law, beginning January 1, 2016, exemptions based on personal beliefs will no longer be an option for the vaccines that are currently required for entry into childcare, or private and public schools in California. The law requires that all children in California be fully immunized to attend public or private school. Fully immunized means the 10 required immunizations currently required by the state. These are: *Diphtheria, Hepatitis B, Measles, Mumps, Pertussis (whooping cough), Poliomyelitis, Rubella, Tetanus, Varicella and Haemophilus Influenza type b (HIB) for preschool.*

WHAT DOES THE LAW SAY?

Private or public child care centers, preschools, elementary schools and secondary schools cannot admit children unless they are fully immunized.

WHAT DID THE LAW CHANGE?

The law eliminated the personal belief exemption for required vaccinations. This exemption allowed parents to opt out of vaccinating their children by completing a form, signed by a health care practitioner. The law also overrides an allowance for religious exemptions.

ARE THERE EXEMPTIONS TO THE NEW LAW?

Yes, there are two: medical and homeschooling or independent study without classroom instruction.

- 1. Medical:** Young children and students may obtain a written medical exemption to vaccinations from a licensed physician medical doctor (M.D.) or doctor of osteopathic medicine (D.O.) There is no standard medical exemption form but the statement must say:
 - That the physical condition or medical circumstances of the child, which may include family medical history, are such that the required immunization(s) is not indicated
 - Which vaccines are being exempted
 - Whether the medical exemption is permanent or temporary
 - The expiration date, if the exemption is temporary.
- 2. Homeschooling or independent study:** In 2016 and future years, students who attend a home-based private school or an independent study program without classroom-based instruction are not subject to immunization requirements for entry. Home schools and independent study programs are obligated to maintain records of students' immunization status.
- 3. Independent study with classroom instruction:** In 2016, students in independent study programs that include classroom-based instruction will need to meet immunization requirements.

4. **Special Education:** *Health and Safety Code section 120335(h) states that Section 120335 does not prohibit a pupil who qualifies for an individualized education program (IEP), pursuant to federal law and Section 56026 of the Education Code, from accessing any special education and related services required by his or her IEP. Therefore, **special education students must be enrolled even if they are not vaccinated, but that special education students are still required to be vaccinated and the parents of the special education students need to comply with the provisions of Senate Bill 277, thus are subject to exclusion per district protocol.***

WILL TK AND KINDER STUDENTS BE ALLOWED TO ENROLL “CONDITIONALLY” IF THEY HAVE NOT YET COMPLETED THE REQUIRED VACCINATIONS?

Yes. School districts already have their own systems for tracking and following up with kindergartners who are not fully immunized. Whatever systems districts are currently using will remain in place. If students are entering the public school system as Transitional Kindergartners, these rules apply to them as well. TK and Kindergartners may be conditionally admitted with at least one dose of the following vaccines: polio; diphtheria, tetanus and pertussis; measles; hepatitis B; and varicella (chicken pox). There is no conditional enrollment involving the mumps and rubella vaccinations. TK and Kindergartners must have a mumps and a rubella vaccination before enrolling.

WHAT ABOUT CHILDREN WHO CURRENTLY HAVE PERSONAL BELIEF EXEMPTIONS ON FILE?

Children who hold personal belief exemptions to vaccinations before January 1, 2016 are not subject to the new law **until they reach their next vaccination checkpoint**. The law defines these checkpoints or “grade spans,” as follows:

- Birth to preschool,
- Kindergarten and grades 1 to 6, inclusive, including Transitional Kindergarten,
- Grades 7 to 12, inclusive.

Personal belief exemptions filed at a school or child care facility before January 1, 2016 will remain valid until the student enrolls in the next grade span, typically at TK, Kindergarten or 7th grade.

Additional Resources for Parents and Families

- [Governor’s Signing Message](#)
- [Text of SB 277](#)
- [Letter from CDPH Immunization Branch on SB277](#)
- **Source:** *Shots For School*, <http://www.shotsforschool.org/>
California Department of Public Health, Immunization Branch