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Vaccine Bill SB 277 Becomes Law

On June 30, 2015, Governor Jerry Brown signed California bill SB 277 into law. This law eliminates the personal belief exemption to the immunization requirements for all public and private school students in California under the Health and Safety Code Section 120325(c). SB 277 maintains an exemption to the vaccine requirements for students who have medical necessity. SB 277 becomes law on January 1, 2016.

Under the new law, vaccinations will be required of children first entering public school, or when they enter the seventh grade, after July 1, 2016. However, this law also provides a physician with authority to grant a medical exemption to the vaccination requirement when a physician believes that medical circumstances of the child, in her judgment and discretion warrant such an exemption. The statute specifically states that the physician may consider the child's family medical history in determining whether to grant the exemption.

SB 277 exempts from its requirements students who are privately homeschooled or who are enrolled in independent study public schools **if** the students do not receive classroom-based instruction. However, the law does not specifically define whether attending any amount of classes as part of an independent study program constitutes participation in "classroom-based" instruction for purpose of this exemption. We understand that the Department of Health will be providing guidance on SB 277 and this exemption and regulations may be adopted. YMC will be providing further guidance on this issue once we have had the opportunity to further study the SB 277 and consider the Department of Health guidance.

The passage of SB 277 does not prohibit a student who qualifies for an Individualized Education Program from accessing any special education and related services required by his/her Individualized Education program.

This Legal Alert provides an overview of the upcoming **deadlines** and **requirements** which classroom-based charter schools (and its students) must follow in order to be in compliance with the new law:

Important Deadlines Regarding SB-277:

- If a student has filed a letter or affidavit with the school before **January 1, 2016** stating beliefs opposed to immunization, that student may continue to be enrolled without showing proof of the required immunizations until the student enrolls in the next grade span. Under the law, "grade span" is defined as: birth to preschool; kindergarten and grades 1-6, inclusive, including transitional kindergarten; and grades 7-12 inclusive.
- On and after **July 1, 2016**, schools shall not unconditionally admit for the first time, or admit or advance any student to the 7th grade, unless the student presents documentary

proof that they have been immunized for his or her age. Schools must also record the immunizations of each new student in the student's permanent enrollment and scholarship record on a form provided by the Department of Health and Safety.

- A school must periodically review the immunization records of each new student admitted conditionally pursuant to Health and Safety Code Section 120340 (for example, because of a temporary medical condition or if the student has received some but not all required immunization doses and are not currently due for any doses at the time of admission) to ensure that the student has been fully immunized against the specified diseases listed in Health and Safety Code section 120335 within the time periods designated by regulation of the Department of Health and Safety. A school must prohibit further attendance of any student admitted conditionally who fails to obtain the required immunizations within the time limits allowed in Health and Safety Regulations.

Should you have any questions about this Legal Alert or the passage of SB-277, please contact Lisa Corr (lcorr@mycharterlaw.com), Janelle Ruley (jruley@mycharterlaw.com), Sarah Kollman (skollman@mycharterlaw.com), or Megan Moore (mmoore@mycharterlaw.com).

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