



This guide has been created to give to California school districts, Superintendents and board members. We hope it is helpful and provides guidance that is useful to school districts, as they navigate implementation of SB 277 and communicate these changes to the families and students they serve.

CLARITY ON SB 277

Our concern is that there is a widespread lack of clarity on the part of both parents and school personnel as to what the new law requires and how it will be enforced. This lack of clarity is causing a sense of panic and distrust among parents. Parents aren't clear about their rights under the new law, and they don't trust equally uninformed school personnel to provide them with accurate information.

○ SB 277 requires students entering kindergarten (or TK) in the 2016-2017 school year to receive 10 enumerated vaccines prior to entry. It removes the ability of parents to obtain a new non-medical exemption (also called a personal belief exemption) from these vaccines. Parents and school personnel may not be aware, however, that if a child has a personal belief exemption currently on file with their school that the exemption will remain valid until the child enters the next grade span. This means that existing exemptions for K-6th grade students will remain valid until the child enters 7th grade, and existing exemptions for 7-12th grade students will remain valid through the end of high school.

○ Parents and staff may also not be aware that new personal belief exemptions may be filed with a child's school up to and including December 31, 2015 and will remain valid until the beginning of the child's next grade span.

MEDICAL EXEMPTION STILL AVAILABLE

○ Medical exemptions are still available under the new law. Parents can obtain a medical exemption from any medical doctor in any state, without restriction. School districts cannot deny admission to students who obtain a temporary or permanent medical exemption to vaccines.

As the December 31st deadline for obtaining a non-medical exemption rapidly approaches, **we request school districts inform parents in writing about the change in the law, and to provide the clarifications mentioned throughout this document.** This information is readily available at www.shotsforschool.org (a website created by the California Department of Public Health). Providing parents with this information is in the best interest of both parents and school districts. It would serve to build trust between parents who are struggling with the new law and their own school staff and administrators. And, it would also save the district a considerable amount of grief from angry parents who miss this deadline for lack of information.



COMMUNICATE AND POST MANDATORY VACCINE LIST

We request that school districts post an accurate list of mandatory vaccinations in their health offices, front offices, enrollment packets and online. We have been notified by parents that they are being told that the HPV vaccine is a mandatory vaccination for enrollment into 7th grade. This is false and proper notification is needed.

WRITTEN PARENTAL CONSENT IN ADMINISTRATION OF ANY MEDICAL PROCEDURE INCLUDING ADMINISTRATION OF VACCINES

SB 277 also contains a provision that allows school personnel to invite physicians and nurses onto school campuses for the purpose of administering vaccines. While the presence of such medical professionals is authorized by the new law, it does not override the requirement for school personnel to obtain written parental consent for the administration of any medical procedure, including the administration of a vaccine.

COMMUNICATE ALTERNATIVE RESOURCES FOR THOSE WHO WISH TO NOT VACCINATE

All school districts should have available resources and provide informational meetings for parents who want to homeschool. (For example, offering Independent Study through the school district and contact information for the Homeschool Association of California.)

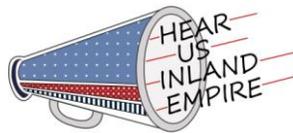
HOMESCHOOL ASSOCIATION OF CALIFORNIA SITE <http://hsc.org/home-page.html>

COMMUNICATE AND POST CONDITIONAL ENROLLMENT INFORMATION

We are requesting that school districts accurately communicate to all school district health clerks, school nurses and staff about the allowance of a conditional entry status for student enrollment. This information should be visibly posted in health offices, front offices, enrollment packets and online.

COMMUNICATE AND POST RIGHT TO A PERSONAL BELIEF EXEMPTION (PBE) FOR FUTURE VACCINES ADDED TO THE LIST OF MANDATORY VACCINES

Per SB277, amendment #11 allows for any future vaccines to be added to the mandatory list. However, **parents have the right to opt out by filing a PBE and should be made aware of this right.** We again request that information is visibly posted in health offices, front offices, enrollment packets and online.



COMMUNICATE AND POST VACCINE ADVERSE EVENTS REPORTING SYSTEM (VAERS) INFORMATION

We request that school districts post VAERS (Vaccine Adverse Events Reporting System) information for parents to access if and when their child may suffer from vaccine injury or death. This should be posted in all health clerks' offices, front offices, enrollment packets and online. VAERS SITE: <https://vaers.hhs.gov/csub/step1>

STUDENTS ON AN IEP

SB 277 Removes immunization requirements for access to special education and related services specified in an individualized education program

SB 277 in regards to students on an IEP is still quite unclear. A recent memo came out of Orange County legal counsel giving advice as to how to implement SB 277 in districts in Orange County. And another local school district in Riverside County interpreted SB 277 to mean they could send non-complying parents to truancy court where they would face a fine or jail or both.

During the final hearing on SB 277 in Assembly Health on June 9, 2015, the language of the amendment regarding students on an IEP was released that morning. Everyone up in Sacramento wanting to testify in opposition to the bill did not have the opportunity to see the amendment. We could solely listen during the hearing about what the amendment said. And from all indications during the live hearing, we were led to believe that the amendment stated that students on an IEP were exempt from SB 277. Upon reviewing the actual language of the amendment it has become clear that the language is very vague and a whole host of questions have come to mind. Though never in our wildest dreams did we think it would mean that districts would be given the latitude of seeking a court order forcing parents to vaccinate their children. Many children on an IEP are children that have had vaccine injury in the past. Not all of course, but many have.

During the Senate Judiciary hearing, Mary Holland brought forward the question of what measures would be taken in the way of enforcement and she asked a series of rhetorical questions including "will you be willing to throw non-vaccinating parents in prison?" for which she was admonished by the chair of the committee, Senator Jackson, who said there is no "allegation of people" going to be "put in prison" and further she stated Ms. Holland should not "suggest things that are nowhere contemplated by anybody and which all they do is inflame this discussion which doesn't need to be inflamed further." In this Memo put out by OC county counsel we see just that. If parents of children on an IEP refuse to comply with a court order issued by a school district and refuse to vaccinate their children they face a fine or jail or both. Many of our parents saw regression with our children who were developing normally until they received their vaccinations. This puts them in an unattainable situation where they face jail, fines or are forced to vaccinate, with possible further injury to the child.

EdSource recently covered this issue and they reported that "The legal opinion of the Orange County Department of Education is not the final word. The California Department of Public Health said that with regard to special education students, it "is reviewing the new law and meeting with partners to determine what guidance might be needed.""



As such we implore school districts to reach out to the California Department of Education and California Department of Public Health to ensure that students on an IEP are exempt from SB 277, just as legislators were led to be the case with the amendment added the morning of that final hearing. We implore you not to put families in a position of facing forced vaccination through court order/truancy court or jail time and/or fines. We implore you to do what is right for the families and children on an IEP that you serve.

VACCINE SHEDDING

Flu Mist vaccines are being administered at some school campuses. The Flu Mist vaccine contains a live virus that is known to shed for up three weeks. As you may or may not know, administering the vaccine on a school campus places immune compromised students, as well as, teachers and staff at that school location at great risk. **To protect these vulnerable students from the harmful effects of live virus shedding, we request that school districts offer reasonable accommodations to immune compromised students in the form of independent study or home/hospital instruction during the period of shedding and that districts notify parents of this option in written form.**

PERTUSSIS WHOPPING COUGH VACCINE

Several school districts have sent out notification to 6th grade parents this past month to get their pertussis vaccination now, as it will be required for 7th grade admission. **We would like to request that school districts give this information out right before summer or during summer, as opposed to during the school year. Research has shown that those vaccinated with pertussis can become asymptomatic carriers of whooping cough or pertussis which may lead to outbreaks at school campuses because of the recently vaccinated.**

We have information here on both the Flu Mist as well as pertussis
<http://www.educateadvocateca.com/hearus-inland-empire>

We thank you for taking the time to read this guide.