

TO: State Council on Developmental Disabilities
Legislation and Public Policy Committee Meeting
November 10, 2015

RE: Public Comment on SB-277 - Public Health - Vaccinations
Implementation

I am the parent of an 12 year old boy who has an Autism diagnosis, and also had vaccine reactions. As a result, he hasn't been vaccinated since he was 3 ½ years old. I was involved with trying to defeat SB-277 while it was going through the California Legislature. Since it passed, I've been focused on conversations regarding the implementation of the law, especially with LAUSD.

My primary concerns are with LAUSD because it's my son's school district, as well as the largest school district in the state. I'm sure how ever LAUSD implements SB-277 will have a great impact on other school district policies.

How are LAUSD and other school districts going to interpret SB-277 in regard to special education students? There have been discrepancies, so far, in interpretations.

- A July 2nd California Department of Public Health letter regarding SB-277 states that "immunization requirements are removed for: access to special education specified in an individualized education program" .
http://www.csno.org/uploads/1/7/2/4/17248852/sb_277_letter_-_2016_effective_date_070215_final-1.pdf
- On August 19th, the Orange County Department of Education's legal counsel sent out a memo that specifies that "children with special education must be enrolled even if they are not vaccinated, but special education students are still required to be vaccinated and the parents of special education students need to comply with the provisions of SB-277". They add that, "school districts may contact the Orange County Health Care Agency for assistance or seek a court order ordering parents to vaccinate their children". <https://assets.documentcloud.org/documents/2429711/8-19-15-sb277-q-and-a.pdf>

If LAUSD and other school districts decide on the same policy with regards to their special education students as Orange County, this would be unacceptable and disturbing to many parents.

Another crucial concern would be regarding those children who have had a vaccine reaction, and their parents stop vaccinating them as a result. How are they going to get services from the school district if the district will not enroll them due to their incomplete vaccination record? How will unvaccinated/partially vaccinated students get an initial diagnosis or tested for special education and IEPs?

Action items: I urge you to monitor the law closely with regards to implementation during the rest of the 2015-2016 school year, especially if there are any more interpretations that echo the Orange County memo. LAUSD should also be closely monitored, especially any correspondence sent to LAUSD families regarding the law. Another essential area to monitor, are complaints from families of children who have a need for special education (who may or may not have a diagnosis) and get denied enrollment because of their unvaccinated or partially vaccinated status, and therefore are unable to get services.

I feel that these concerns are significant and appreciate your consideration as a matter of public comment. Thank you for your time.

Sincerely,

Safika Erselcuk
Los Angeles, CA



State of California—Health and Human Services Agency
California Department of Public Health



KAREN L. SMITH, MD, MPH
Director and State Health Officer

EDMUND G. BROWN JR.
Governor

July 2, 2015

TO: Interested Parties

FROM: Sarah Royce, M.D., M.P.H, Chief 
Center for Infectious Diseases
Division of Communicable Disease Control, Immunization Branch

SUBJECT: **Senate Bill 277**

Governor Brown signed Senate Bill (SB) 277 on June 30, 2015. Effective one year from now in July 2016, SB 277 will:

- No longer permit immunization exemptions based on personal beliefs for children in child care and public and private schools;
- Permit personal belief exemptions submitted before January 1, 2016 to remain valid until a pupil reaches kindergarten or 7th grade;
- Remove immunization requirements for:
 - Students in home-based private schools
 - Students enrolled in an independent study program who do not receive classroom-based instruction
 - Access to special education and related services specified in an individualized education program

Students in the above categories will still need to provide immunization records to their schools before entry, and schools will still need to report to the California Department of Public Health (CDPH) the immunization status of all students at the existing checkpoints of child care, kindergarten and 7th grade;

- Allow medical and personal beliefs exemptions from any new immunization requirement initiated by CDPH for attendance at school or child care.

Additional information about the implementation of **SB 277** will become available by 2016.

The language of SB 277 is available at
https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB277.

The Governor's signing message is available at
http://gov.ca.gov/docs/SB_277_Signing_Message.pdf.

Immunization laws currently in effect may be found at
<http://www.shotsforschool.org/immunizationlaws/>.

