

Change in Vaccination Laws Informational Brief for Parents

With this last legislative cycle, new laws were passed that amend existing laws around school vaccination and medical exemption requirements. I wanted to take the opportunity to summarize the implications of these laws so families can anticipate any resulting effect on their students.

For students who are fully immunized and/or are following the vaccination schedule recommended by their health care provider, the new legislation will have no effect. The vaccine requirements themselves have not changed, and student's vaccination records will continue to be reported to the State of California.

For students who have existing medical exemptions or who are seeking a new medical exemption, the process will change and will become standardized.

Beginning January 1, 2021, for any student seeking a new medical exemption, this process will now be standardized through a specific template that is completed by licensed medical professional and then submitted directly to the State Department of Health Services for review and endorsement. The state would then be able to deny a new medical exemption issued by a doctor. If denied, a parent has 30 days to either begin the recommended immunization schedule or appeal the decision with the state. If the parent appeals and that appeal is denied, the expectation is that the child will be conditionally admitted and become fully immunized in line with the recommended schedule.

For students with existing medical exemptions (issued before 1/1/20), there is a grandfather clause in the legislation that covers the student until they enroll in the next grade span (grade spans are TK-6 and 7-12). When a student enters the next grade span, they must file a medical exemption form that complies with the Department of Health Services process described above. The law states that medical exemptions issued before January 1, 2020 shall not be revoked unless the exemption was issued by a physician or surgeon that has been subject to disciplinary action. In these limited instances, the state could then accept the exemption or revoke it, in which case the family could file an appeal or pursue full immunization for the child. Continued admission is contingent upon documentation of receipt of the required immunizations in line with the schedule provided by law.

For students seeking new medical exemptions between January 1, 2020 and January 1, 2021, the current system remains in place, but upon enrollment in the next grade span, the medical exemption does not have the narrow protection provided to those exemptions issued before January 1, 2020. Upon admission in the next grade span, the Department of Health Services would have more discretion to revoke the medical exemption. In that instance, the appeal process would be available. If denied, the student would need to undergo the required immunizations in line with the schedule provided by law.

Since these new laws are just now going in to effect, there is not complete clarity as to how the new exemptions and follow up will work, but we will share new information as it becomes available.

For reference:

Senate Bill 276

Senate Bill 714

17 California Code of Regulations § 6035

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