

# Updates to California Immunizations Laws and Related Record-Keeping and Reporting Requirements

One of HSLDA's responsibilities is to keep our members aware of changes that affect homeschooling in California. As a result of the passage of SB 277, there are changes in the California laws and regulations dealing with immunizations that affect private school record keeping and reporting requirements. As you know homeschooling in California is recognized primarily through the private school exemption from public school attendance. Home-based private schools are primarily of two types: 1) the single family private schools, where each family files their own affidavit; and 2) the Private School Satellite Programs, (PSP's) where one affidavit is filed for multiple families.

The following is our effort to bring you up to date on the current immunization laws that impact the record keeping and reporting requirement for our home-based private schools. Last year's passage of the highly publicized Senate Bill 277 meant the demise of personal beliefs exemptions from required vaccines for California school children. While the new law technically took effect on January 1, 2016, it addresses school *entry*, and since most children enter school in the fall, the practical effect of the bill began just over the past couple of months.

Most parents by now know that, with regard to required vaccines for school enrollment, there are four choices for their children:

- 1) be fully immunized,
- 2) have a medical exemption signed by a licensed Medical Doctor (MD) or Doctor of Osteopathic Medicine (DO),
- 3) enroll in a public school ISP that does not include classroom-based instruction, or
- 4) enroll in a home-based private school

In addition, there are new reporting requirements for schools that warrant this update.

## Exceptions to Immunization Requirements

### 1. Prior Personal Beliefs Exemption Already on File with the Campus-Based School

Although the new law requires all students entering a campus-based school for the first time to be immunized or medically exempted, students who have already been attending school will be phased-in over time. Students are categorized in three grade spans:

- A) Birth to preschool.
- B) Kindergarten and grades 1 to 6, inclusive, including transitional kindergarten.
- C) Grades 7 to 12, inclusive.

Children who had filed a personal beliefs exemption prior to January 1, 2016, do not have to comply with the new law until they enter the next grade span. For example, if Johnny has just entered third grade, but his parents filed a personal beliefs exemption for him when he entered 3<sup>rd</sup> grade, that exemption will be effective until Johnny reaches the next "grade span" when he

enters 7<sup>th</sup> grade. At that time, as he enters 7<sup>th</sup> grade, Johnny will have to comply with the new law by being vaccinated or getting a medical exemption.

## 2. Home-Based Private School Students

Homeschoolers can still make their own choices about immunizations because the new law “does not apply to a pupil in a home-based private school” (California Health and Safety Code Section 120335 (f)).

There has been some confusion about whether this exemption applies to homeschooled children who participate in group classes. It does. The full exemption reads, “This section does not apply to a pupil in a home-based private school or a pupil who is enrolled in an independent study program pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 of the Education Code and does not receive classroom-based instruction.” (Highlighting added.) The phrase “and does not receive classroom-based instruction” applies only to children enrolled in a public school independent study program, as described in California Education Code Section 51745: “... the governing board of a school district or a county office of education may offer independent study ...” So children who are enrolled in a home-based private school program can freely participate in co-op classes, church groups, or other group activities.

Thus, parents whose children are enrolled in a home based private school including either a private homeschool or a private school satellite program (PSP) may choose whether to have their children immunized or not, since the law requiring immunizations for school attendance does not apply to them. However, whether immunized or not, *all* school children, including homeschoolers, must comply with the reporting laws.

# Record-keeping and Reporting Requirements

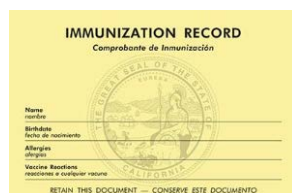
All schools, including private homeschools, are required to keep immunization records for each enrolled child, and are required to provide reports to the California Department of Public Health (CDPH).

## Student Immunization Records

There are two records required for each student. This has not changed in many years, although there are new forms to make record-keeping easier. The first required record is the California School Immunization Record (Form PM286B), often called the “blue card.” The second is the Report of Health Exam for School Entry (PM171A) or Waiver (PM171B).

### 1. California School Immunization Record (Form PM286B) — the “blue card”

Most often, when children are vaccinated, their health provider records the vaccination on a card or form, which is given to the parents to keep. While there are a variety of forms that can be used, the most common ones look like one of these:



When a child enrolls in school, the parents show their record to the school, and the school uses the information on it to create a “blue card” for the student. Each student gets his own blue card, and the information on it is taken from a record like the two above or from a similar record which includes the following:

- Student’s name and date of birth
- Date each required vaccine dose was received
- Type of vaccination received
- Name of physician or agency who gave the vaccine

The school official records the pertinent information on the blue card. The blue card stays at the school, in the child’s cumulative record file. The original immunization record stays with the parents. Note that if a parent is privately homeschooling his own children, the blue card is still required to be completed. In this case, of course, the parent completes the blue card because the parent is also the private school official. Each child’s blue card must be filled out with the appropriate dosage of vaccine given, whether some, none, or all.

The blue card looks like this, and is available to Download from the CDPH at this link:

<http://www.cdph.ca.gov/pubsforms/forms/CtrldForms/cdph286.pdf>.

The most recent version of the card is dated 2014, and it includes space for all immunizations required. If you already have an older version, you don’t need to update, but compare it with the new one to see if you need to add newer vaccines. For example, some older versions don’t have space for the 7<sup>th</sup> grade DTaP and MMR boosters. You can get a special sticker to place on your older blue card for these 7<sup>th</sup> grade boosters. They are typically available from your county health department.

There are instructions on the back of the card explaining how to properly complete it.

While it is not required that you print the cards on blue card stock, almost all schools do, and it will probably be easiest to find or to transfer to a new school if you do the same.

## **2. Report of Health Exam for School Entry (PM171A) or Waiver (PM171B)**

Students are required to either have a health exam prior to entry to first grade, or to have a waiver form signed by their parents. Schools are no longer required to report information about the exams or waivers to the CDPH, but a report of exam or waiver is required to be kept in each student's records. The most recent forms appear to be the 2007 versions.

The form for Report of Health Exam for School Entry (PM171A) is available for download at this link:

[http://www.dhcs.ca.gov/formsandpubs/forms/Forms/ChildMedSvcForms/pm171a\(bi\).pdf](http://www.dhcs.ca.gov/formsandpubs/forms/Forms/ChildMedSvcForms/pm171a(bi).pdf).

The Waiver form (PM171B) is available here:

[http://www.dhcs.ca.gov/formsandpubs/forms/Forms/ChildMedSvcForms/pm171b\(bi\).pdf](http://www.dhcs.ca.gov/formsandpubs/forms/Forms/ChildMedSvcForms/pm171b(bi).pdf).

## **Required School Inspections and Reports**

Either the CDPH or your county's health department may ask to inspect your student's health records. Schools should comply with such requests; however, it may be possible to bring the records to the department office for review rather than having the official make the inspection at your home. If you receive a request for inspection of health records, you are welcome to call us for more information about what is required and what to expect.

## **Kindergarten Immunization Assessment**

**Note: since kindergarten is not mandatory in California, homeschool parents and PSPs can opt not to formally enroll students until first grade. Schools which do not offer kindergarten do not need to file the kindergarten immunization assessment report.**

All schools offering instruction at the kindergarten level are required to file the Kindergarten Immunization Assessment each year. The report is usually due by October 15, but for 2016, the date has been extended to November 15, 2016. Schools which have a CDE School Code (called the CDS code on the private school affidavit) must file the report online. Only schools which have six or more students receive a CDS code, so most families operating their own schools don't have one, but many PSPs do. If you don't have a CDS code, contact your county health department and ask for a paper form to file.

Instructions for completing the form (both online and paper formats) are available here:

<http://cairweb.org/calkidshots/KOnlineInstructions.pdf>. If your school offers kindergarten, you must still complete the report, although you will simply indicate zero enrolled students in kindergarten.

## **7<sup>th</sup> Grade Immunization Assessment**

All schools which enroll 7<sup>th</sup> grade students must annually file the 7<sup>th</sup> Grade Immunization Assessment. It is similar to the report for kindergarteners and is also due usually by October 15, but for 2016, the deadline has been extended to November 15, 2016.

The same information about CDS codes that was discussed for the Kindergarten Immunization Assessment also applies to the 7<sup>th</sup> grade report.

Instructions for completing both the online and paper forms for 7<sup>th</sup> grade are available here: <http://cairweb.org/calkidshots/SeventhOnlineInstructions.pdf>.

In addition to the forms and instructions which are available online at the links already provided, there is a lot of additional information available, such as lists of which immunizations are required, the ages and doses required, sample letters to parents explaining the requirements (useful for PSPs), and guidebooks with full details about the requirements. Two websites which contain helpful information are <https://www.cdph.ca.gov/programs/immunize/Pages/Schools-and-Childcare-Centers.aspx> and <http://www.shotsforschool.org/>.