

OUCH! – NOW THAT DIDN'T HURT:
THE IMPLEMENTATION OF THE VACCINATION BILL SB 277
IN ORANGE COUNTY SCHOOLS



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SUMMARY

Vaccination requirements for California children in public schools significantly changed in June 2015 with the passage of Senate Bill 277 (SB 277). The law, which went into effect on July 1, 2016, eliminated personal belief exemptions, leaving only physician-authored medical exemptions from vaccinations for all school age children. Orange County school districts have historically included districts with high percentages of vaccinated children and those with low and decreasing vaccination rates. Low rates of vaccinated students put children at risk for a variety of childhood diseases.

School districts in Orange County took the change in law as a challenge. Each district planned well in advance of the change and acted early and successfully in their efforts. Districts that already had high percentages continued to achieve those results by relying on tried and true methods. Districts that started with lower percentages made use of trained staff, direct mail and a variety of outreach methods to educate parents about SB 277, and significantly increased their numbers of vaccinated students.

REASON FOR THE STUDY

On June 30, 2015 SB 277 was passed mandating childhood vaccinations and eliminating personal exemptions to mandatory vaccinations. Only those exemptions required for medical reasons are now allowed. Many Orange County public schools report rates of unvaccinated children below the 92-94% threshold required for herd immunity. Herd immunity is the percent of individuals in a society needed to be vaccinated to prevent the spread of disease. The impact of this increased requirement had the potential to place a large administrative burden on Orange County public schools. In addition, a reduction in enrollment was possible if those parents who had filed personal belief exemptions (PBE) refused to comply with the new law and removed their children from public school. This potential reduction could result in additional fiscal restrictions on school districts and increase the number of students home schooled in certain areas, thus undermining the purpose of public education.

The start of the 2016-17 school year would be the first challenge many school districts faced in ensuring compliance. The Grand Jury wanted to understand how Orange County School Districts sought to ensure compliance with the new law; the methods and effectiveness of communications districts used to inform parents; district plans for vetting students for compliance on the first day of school; any proposed assistance schools offered for acquiring or providing vaccinations; potential resulting loss of average daily attendance (ADA) monies due to non-attendance; and plans to offset any potential financial costs associated with implementation.

METHOD OF STUDY

The Grand Jury investigated a cross section of school districts throughout Orange County to determine how compliance to the new law was implemented, examining districts with both high

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and low vaccination compliance rates, how compliance was achieved, and districts' plans to ensure new students met SB 277 standards.

The Grand Jury familiarized itself with the language of SB 277 and then sought data from California Department of Public Health (CDPH) on the current vaccination rates in Orange County public schools. While SB 277 also applies to private schools, the Grand Jury does not have jurisdiction to investigate them.

Interviews were conducted with experts from the Orange County Health Care Agency (HCA), the Orange County Department of Education (OCDE), a number of school district superintendents and other district personnel involved in the implementation of SB 277 to determine what plans they had put in place to ensure compliance with the new law. Documents responsive to our inquiries were also provided by the districts. These included sample letters sent home to parents notifying them of the change in law, fliers to local health clinics and additional materials concerning vaccinations. Data available from the CDPH on historical vaccination rates was compiled and compared to vaccination rates for the first day of school in 2016 to determine if there were changes in vaccination rates and to measure how well communication efforts on the part of the districts were effective in ensuring compliance.

BACKGROUND AND FACTS

Historical Perspective

Since the 1800's vaccinations have been a public concern, particularly regarding school children, and numerous laws have been implemented for childhood immunizations over the years. In 2014, a measles outbreak involving a number of patients that reported visiting a local theme park prompted the California legislature to revisit the required vaccinations of California school children. Exemptions had been allowed for parents who did not want to vaccinate and the rates of unvaccinated children had slowly increased with some schools reporting dangerously low levels of vaccinated children. For vaccinations to have an impact on eradicating diseases in a society, or what is referred to as herd immunity, a minimum immunization rate is required. On June 30, 2015, Governor Jerry Brown signed a new vaccination law (SB 277) requiring all children enrolled in day-care facilities and public or private schools in California to be fully vaccinated against several communicable diseases (diphtheria, hepatitis B, Haemophilus influenza type B, measles, mumps, pertussis, poliomyelitis, rubella, tetanus, and varicella) and removing most of the exemptions previously allowed. These mandatory vaccinations must be done at specific ages that correspond with the grade level gateways in public schools. There are four distinct stages in a child's life when vaccinations should be administered: birth to preschool (0- 3 years), kindergarten (4-5 years), grades 1-6 (6-11 years), and grades 7-12 (12-18 years).

Vaccination exemptions also date back to the 1800s. There was a time when parents and guardians had the choice to refuse vaccinations for their children. Some of these decisions were based on the belief that vaccines would not work properly to help eradicate various childhood diseases, or that side effects of the vaccines were more harmful than the vaccine was beneficial. Some parents did not want their children injected with a foreign substance, citing First

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Amendment protection rights. Many exemptions were based on religious or personal beliefs. The government sought vaccination compliance before children attended school, fearing illnesses would spread through a vulnerable population with the potential to destroy entire communities.

When it became clear that parents would not voluntarily immunize their children, it became necessary to legally mandate that vaccinations be administered. Eventually vaccinations became mandatory before children could attend school. However, in many instances parents could still claim a Personal Belief Exemption (PBE), an opt-out practice that parents with strong anti-vaccination beliefs have used for years to avoid immunizing their school-age children against communicable diseases. SB 277 eliminated the PBE. Students entering kindergarten and seventh grade are now required to have up-to-date vaccinations. Medical exemptions are still allowed and require a physician to provide the school district with a letter certifying certain medical concerns including, but not limited to, family medical history (H & S Code Section 120370). A lawsuit to block the law was dismissed by the Court and SB 277 is now state law.

The OCDE and the HCA have no direct role in the implementation of SB 277. Rather, these agencies assume supporting and advisory roles to the school districts. They can be thought of as resources for the districts. However, OCDE is itself a school district, specifically responsible for education of students in the juvenile justice system, high need students, and students in designated alternative schools and in certain charter schools.

Implementation and Outreach

When Governor Jerry Brown signed SB 277 into law in June 2015, Orange County school districts began to determine how to address its implementation, and considered the impact on staffing, enrollment, and other resources. Some districts became very proactive as soon as the law was signed, reviewing it and asking other government agencies such as the OCDE and the HCA for clarification and legal advice. The State of California considers a school district to be in compliance with the law if all of their students are either up-to-date with their vaccination, are conditionally enrolled, have a personal belief exemption grandfathered in, or have a valid medical exemption.

The high level of compliance to SB 277 throughout Orange County can be attributed to outreach provided by school districts and individual schools. OCDE and HCA informed school districts exactly what immunizations the new law required students to have and the possible exemptions available. The HCA's role was to clarify for the individual districts what the requirements of SB 277 were and to provide support as needed. Additionally, the HCA provided resources for school districts to help facilitate the smooth and orderly implementation of the new immunization requirements.

Once these questions were answered, materials were prepared for school staff responsible for the implementation and immunization tracking. Successful districts started their campaigns for vaccinations well in advance of the start of the new school year. Schools reached out, focusing first on families who would be enrolling students in kindergarten, one of the new gateways for immunization verification. With students arriving for kindergarten enrollment representing the

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largest population of unvaccinated students, districts used Kinder-Round-Ups, generally held in March, to inform parents about the kindergarten enrollment process, as well as the new vaccination requirement. This advance contact provided parents with enough time to ensure that children could be fully vaccinated when school began.

Districts realized that personal contact was the best method for information dissemination and compliance. Parents of students transitioning to the 7th grade, who previously had personal belief exemptions, were personally called and advised of the new legislation and the need for vaccinations. While this required extra work by school staff, the benefit was that students arrived at enrollment ready to begin class.

School districts in the county either had school nurses available on site or health clerks in charge of student medical records. Nurses and health clerks periodically notified parents of children who lacked vaccinations that deadlines for compliance were approaching. Those with temporary medical exemptions were notified that they would need to obtain a permanent medical exemption (PME) or comply with the vaccination requirements. Others modified district and school web sites, quoting the new law and informing parents of this new requirement. Resources such as “*Shots for Schools*,” an information platform provided by the CDPH were referenced on web sites as ways for parents to gain a better understanding of the new law. In addition to newsletters and robo-calls, telephone calls from school nurses and health clerks provided a personal touch. A tool that had a major impact in the success of district outreach programs was the use of bilingual school staff to explain in concise terms to non-English speaking parents what was required prior to student enrollment. Social media also made the notification of parents easier since many schools use Facebook to keep parents informed.

The Impact of SB 277 on Orange County School Districts

Although the tightening of vaccination requirements for all California schools was predicted to be troublesome, it proved to be the opposite. While it was thought that public school enrollment in the county would decline, losing students to home schooling, the numbers of student remained essentially unchanged. Statistics provided by the CDPH for the 2016-2017 school year indicate that there was no decline in total kindergarten enrollment in the county due to the implementation of SB277.

Orange County Kindergarten – Total Enrollment Public & Private Campuses

	<u>2016-2017</u>	<u>% of Total</u>	<u>% Change</u>	<u>2015-2016</u>	<u>% of Total</u>
Total Students	42,389			42,007	
# w/All Shots	40,490	95.5%	+3%	38,848	92.5%
Conditionals	847	2.0%	-2.2%	1,749	4.2%
PME’s	348	0.8%	+0.6%	92	0.2%
PBE’s	269	0.6%	-2.4%	1,270	3.0%

The financial impact to Orange County schools was minimal. By anticipating implementation, the personnel and resources required for the change in the law were already in place. Overall,

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vaccination rates rose in Orange County school districts with historically low vaccination participation and remained high in the others.

To quantify the impact of SB277 on Orange County school districts, a four year digital picture was created from the CDPH immunization status report. The objective was to track changes in kindergarten compliance percentages and conditional enrollment from 2013 to 2017 in light of changes in immunization exemptions.

PUBLIC SCHOOL IMMUNIZATION STATUS AT KINDERGARTEN ENROLLMENT
2013 through 2017 School District Immunization and Conditional Enrollment Statistics

School District	2013-2014**	2014-2015**	2015-2016**	2016-2017*
	%Immunized/%Conditional	%Immunized/%Conditional	%Immunized/%Conditional	%Immunized/%Conditional
Anaheim City	98%/1.5%	96.0%/3.8%	96.2%/3.3%	97.9%/1.5%
Brea-Olinda Uni.	94.4%/3.7%	91.4%/5.8%	96.4%/1.3%	96.5%/2.2%
Buena Park Elem.	98.2%/1.1%	95.6%/3.6%	94.6%/5.1%	97.8%/1.7%
Capistrano Uni.	72.9%/15.9%	79.7%/10.5%	84.4%/4.7%	90.2%/3.9%
Centralia Elem.	91.8%/6.4%	94.1%/4.5%	97.1%/2.6%	97.4%/1.4%
Cypress Elem.	95.2%/2.9%	89.2%/9.3%	95.4%/4.4%	96.8%/2.8%
Fountain Valley Elem.	89.5%/6.5%	93.9%/3.3%	93.6%/3.3%	97.4%/1.9%
Fullerton Elem.	94.4% /2.2%	96.7%/0.7%	96.2%/1.0%	97.0%/2.2%
Garden Grove Uni.	95.9% /3.0%	94.8%/4.2%	96.7%/2.5%	97.1%/2.7%
Huntington Beach	82.7%/10.2%	83.8%/9.1%	85.3%/7.8%	93%/2.3%
Irvine Unified	84.5%/10.6%	87.9%/9.1%	91.3%/5.4%	94.5%/4.1%
La Habra Elem.	96.7%/1.0%	96.9%/2.3%	97.1%/1.6%	98.8%/1.3%
Laguna Beach Uni.	71.1%/13.2%	76.9%/17.4%	81.2%/3.0%	86.5%/0.5%
Los Alamitos Unified	92.6%/3.3%	95.2%/0.7%	96.4%/0.6%	98.2%/1.2%
Magnolia Elem.	95.8%/3.7%	94.3%/4.9%	98.6%/1.0%	98.1%/1.8%
Newport-Mesa Uni.	83.4%/9.9%	82.4%/12.3%	85.6%/8.3%	94.8%/3.0%
Ocean View	89.9%/4.2%	92.0%/4.6%	92.2%/5.3%	95.9%/2.5%
Orange Unified	84.7%/12.5%	90.2%/7.0%	94.4%/3.3%	95.7%/3.4%
Placentia-YL	88.1%/7.6%	91.5%/4.8%	93.7%/3.1%	96.4%/3.0%
Saddleback Valley	82.6%/10.3%	80.8%/14.8%	85.7%/10.6%	94.4%/2.6%
Santa Ana Unified	93.8%/5.5%	93.9%/5.3%	96.0%/2.9%	97.5%/1.2%
Savanna Elem.	87.4%/11.7%	85.1%/14.6%	87.9%/12.1%	97.5%/1.75%
Tustin Unified	87.8%/9.3%	90.9%/5.7%	91.9%/4.2%	95.6%/2.9%
Westminster Elem.	93.4%/4.8%	96.3%/1.6%	96.4%/2.6%	97.2%/2.5%

School District numbers in **Red** indicate historic trends of kindergarten immunization percentages below CDC recommended herd immunity levels of 92-94%. Conditional students are those who do not meet all vaccination requirements. The vaccination schedules for these students require timely follow-up by school health or office staff, because the student lacks (i.e., is not yet due for) at least one vaccination, does not have a personal belief or permanent medical exemption, or has a physician affidavit of Temporary Medical Exemption for one or more vaccinations; or is a transfer student who has no vaccination record available yet.

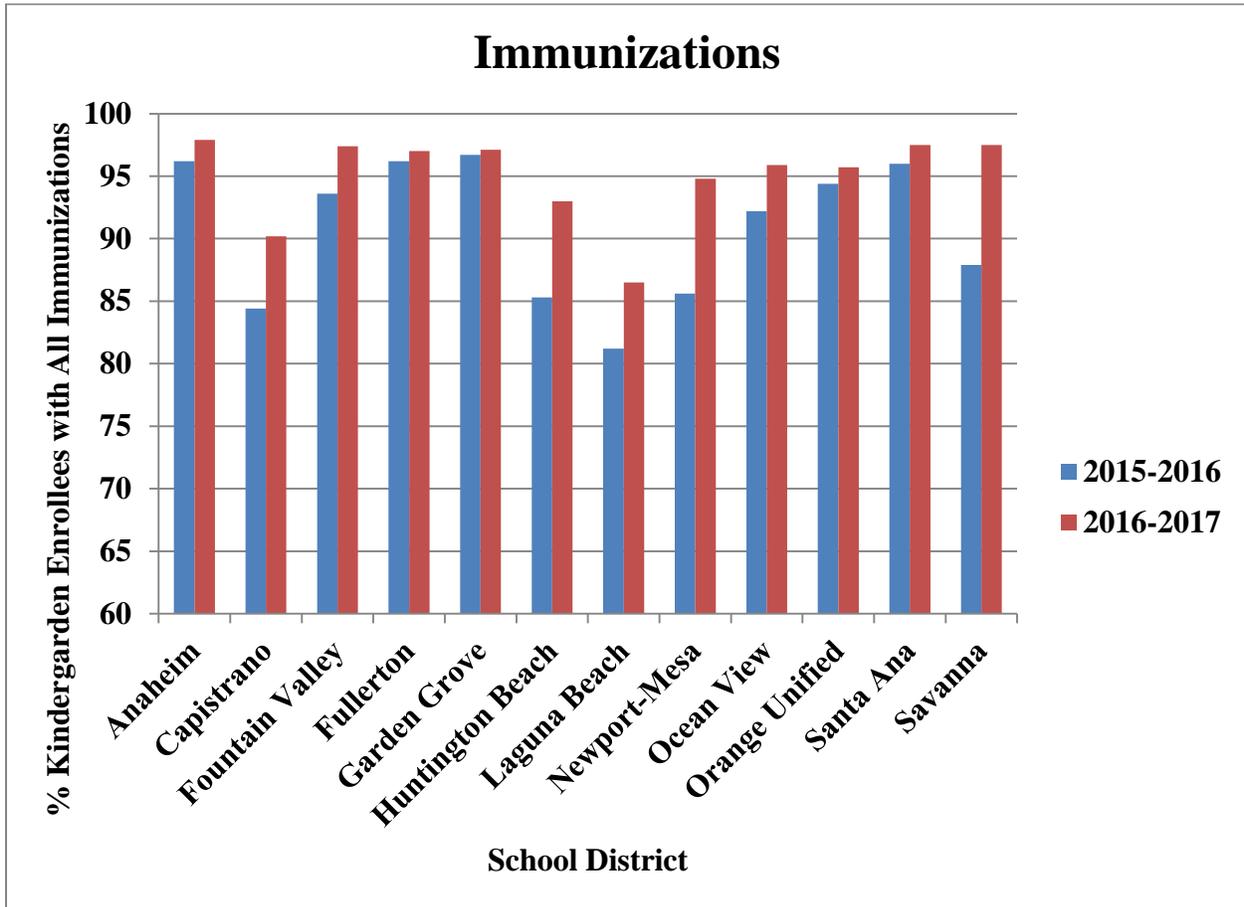
School District Data Sources: State of California, Immunization Branch & County of Orange, Health Care Agency

**Data Prepared by: County of Orange, Health Care Agency

*Data from California Department of Public Health (Averaged from data from all public schools in the district)

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For the twelve Districts surveyed, increases in vaccination compliance ranged from .4% to 9.6%. Even districts with previously high levels of compliance increased the number of students with up-to-date vaccinations. Two districts that had previous low vaccination rates made significant increases of 7.7% and 9.6% and are now above the herd immunity threshold. Two others increased the number of vaccinated students, but remained below the recommended herd immunity threshold.



One curious item noted during data collection for the 2015-2016 period was the fact that larger districts with 20 to 40 campuses and 2,600 to 4,600 kindergarten enrollees were able to obtain high levels of vaccination compliance, while some smaller districts with fewer than 10 campuses and 700 kindergarten enrollees were unable to increase their compliance numbers significantly.

CONCLUSION

SB 277 is being principally implemented at the school district level. Investigation of representative school districts spread across Orange County paints a picture of timely and orderly response to the law. There is tremendous oversight today from the school districts to ensure that parents are in compliance with the vaccination law. Free clinics are available offering vaccinations, pamphlets of information are circulated and school administrators have been available by phone and in person to answer any questions or concerns.

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School districts in Orange County will still need to track students with grandfathered personal belief exemptions to ensure these students have the required vaccinations before they reach the next reporting levels. In addition, districts should continue to monitor student vaccination percentages to maintain the threshold defined by the CDPH.

FINDINGS

In accordance with California Penal Code Sections 933 and 933.05, the 2016-2017 Grand Jury requires (or, as noted, requests) responses from each agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based on its investigation of the Implementation of the Vaccination Bill, SB 277, in Orange County Schools, the 2016-2017 Orange County Grand Jury has arrived at five principal findings, as follows:

Findings for Impact of SB 277 on school districts:

F.1 The impact of SB 277 on school districts in Orange County was minimal. Districts were prepared and staffed with well trained personnel.

F.2 There were very few problems that arose with medical exemptions for vaccinations. Health clerks and school nurses were able to handle any discrepancies.

F.3 Personal belief exemptions that were grandfathered in are professionally tracked with timely notifications to parents as to when vaccinations are due to be completed.

F.4. Orange County school districts made every effort to make vaccination information available using social media, direct mailings and links on school websites to clinics in the area.

F.5 School nurses, LVN's and health clerks directly notified the parents of students with vaccination lapses and those requiring boosters for pre-K, kindergarten and 7th grade well in advance of the due dates.

Penal Code §933 and §933.05 require governing bodies and elected officials to which a report is directed to respond to findings and recommendations. Responses are requested from departments of local agencies and their non-elected department heads.

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RECOMMENDATIONS

In accordance with *California Penal Code* §933 and §933.05, the 2016-2017 Grand Jury requires (or, as noted, requests) responses from each agency affected by the recommendations presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court

Based on its investigation titled, “*Ouch! - Now That Didn't Hurt: The Implementation of the Vaccination Bill, SB 277 in Orange County Schools*” the 2016-2017 Orange County Grand Jury has 2 recommendations.

R.1 School districts should continue to track students with grandfathered personal belief exemptions to ensure these students have the required vaccinations before they reach the next reporting levels.

R.2 .Districts should continue to monitor student vaccination percentages to maintain the threshold defined by the CDPH

REQUIRED RESPONSES

The *California Penal Code* §933 requires the governing body of any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the governing body. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court). Additionally, in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such elected County official shall comment on the findings and recommendations pertaining to the matters under that elected official's control within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Section §933.05 (a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each Grand Jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.
- (b) As to each Grand Jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to

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be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the Grand Jury report.

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

(c) If a finding or recommendation of the Grand Jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the Grand Jury, but the response of the Board of Supervisors shall address only those budgetary /or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with Penal Code section §933.05 are required from the governing body of each of the following districts within 90 days of the date of publication of this report:

Anaheim Elementary School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)
Capistrano Unified School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)
Fountain Valley School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)
Fullerton Elementary School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)
Garden Grove Unified School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)
Huntington Beach City School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)
Laguna Beach Unified School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)
Newport-Mesa Unified School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)
Ocean View School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)
Orange Unified School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)
Santa Ana Unified School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)
Savanna School District, Findings (F.1 – F.5.) and Recommendations (R.1 & R.2)

Responses are requested from the following within 90 days of the date of publication of this report:

None requested.