



CDSS

WILL LIGHTBOURNE  
DIRECTOR

STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY  
**DEPARTMENT OF SOCIAL SERVICES**

744 P Street • Sacramento, CA 95814 • [www.cdss.ca.gov](http://www.cdss.ca.gov)



EDMUND G. BROWN JR.  
GOVERNOR

AUGUST 11, 2017

ALL COUNTY LETTER (ACL) NO. 17-86

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY CHILD CARE COORDINATORS  
ALL WELFARE TO WORK COORDINATORS  
ALL CONSORTIA REPRESENTATIVES

SUBJECT: CALIFORNIA WORK OPPORTUNITY AND RESPONSIBILITY TO KIDS  
(CaWORKs) CHILD CARE PROGRAMS –PUBLIC HEALTH:  
IMMUNIZATIONS

REFERENCE: [SENATE BILL \(SB\) 277 \(CHAPTER 35, STATUTES OF 2015\)](#);  
[MANAGEMENT BULLETIN 16-05](#); [ALL COUNTY LETTERS \(ACL\) 14-98](#),  
[97-70](#), [98-35](#), [98-35E](#), AND [09-14](#); [EDUCATION CODE SECTION 56026](#);  
[HEALTH AND SAFETY CODE SECTION 120335](#); [CALIFORNIA CODE OF](#)  
[REGULATIONS, TITLE 22, DIVISION 12, CHAPTER 1, ARTICLE 6](#),  
[MANUAL OF POLICIES AND PROCEDURES \(MPP\) Section 40-105.4](#);  
[COMMUNITY CARE LICENSING DIVISION IMPLEMENTATION PLAN](#)  
[FOR 2015](#); [CW 101-CALWORKS IMMUNIZATION RULES FORM](#), [CW](#)  
[2209-IMMUNIZATION GOOD CAUSE REQUEST FORM](#)

This letter provides information on SB 277 which eliminated the non-medical/ personal belief exemption from the requirement that children receive immunization against certain diseases prior to being admitted to any public or private elementary or secondary school, child care center, nursery school, family child care home, or child development center. SB 277 became effective January 1, 2016.

### **BACKGROUND**

Prior to the passage of SB 277, a parent, guardian, or adult who was responsible for a child, was permitted to opt out of immunizing that child if immunization was contrary to their personal beliefs. They were required to submit a letter or affidavit to the governing authority along with a separate form prescribed by the California Department of Public Health. The governing authority, as defined in SB 277, is the governing board of each school district or the authority of each private or public institution responsible for the operation and control of the institution or the principal or administrator of each school or institution. The form included a signed attestation from their physician that the parents had been provided with information regarding the benefits and risk of immunizations and the health risks of communicable diseases. Parents

### **REASON FOR THIS TRANSMITTAL**

- ☒ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

were also required to submit a signed written statement which indicated that the signer had received the above information.

### **CHANGE TO THE IMMUNIZATION REQUIREMENTS**

Effective January 1, 2016 children who, prior to January 1, 2016, submitted a letter or affidavit on file at a private or public elementary or secondary school, child care center, nursery school, family child care home, or child development center stating beliefs opposed to immunization are allowed enrollment to any of the above settings until the child enrolls in the next grade span. Grade span is defined as birth to preschool, kindergarten (including transitional kindergarten) to grade 6, and grades 7 to 12.

### **SPECIAL EDUCATION ACCESS**

Children who qualify for an Individualized Education Program (IEP), pursuant to federal law and Section 56026 of Education Code, are not prohibited from accessing any special education and related services required by his or her IEP.

### **EXEMPTIONS FOR MEDICAL REASONS**

SB 277 clarifies that a child is exempt from immunization requirements if a written statement by a licensed physician is obtained stating that immunization is not considered safe due to the physical condition of the child.

### **IMPACT TO CHILDREN IN LICENSE-EXEMPT CARE**

SB 277 requires that children must be immunized prior to enrollment into the next grade span, as defined above. Health and Safety Code Section 120335 creates vaccination requirements for child care centers and family child care homes licensed in accordance with Title 22, Division 12, Chapter 1, Article 6 of the California Code of Regulations.

The immunization requirements of SB 277 do not apply to children in license-exempt care. However, if families transition their children to licensed care or to the next grade span, the requirements will apply.

### **CALIFORNIA DEPARTMENT OF EDUCATION (CDE) NOTIFICATION**

The CDE has issued [Management Bulletin 16-05](#) which informs CDE Early Education and Support Division contractors of the child immunizations requirements prior to admission at specified educational facilities.

### **CALIFORNIA DEPARTMENT OF SOCIAL SERVICES, COMMUNITY CARE LICENSING DIVISION NOTIFICATION**

The Community Care Licensing Division (CCLD) published an Implementation Plan for child care centers and family child care homes that outline what action is required effective January 1, 2016. The plan is available on the CCLD website in [Appendix A-CHAPTERED](#)

[LEGISLATION 2015, Title 16APX-19-Child Care Centers and Family Child Care Homes](#)

**CalWORKs IMMUNIZATION REQUIREMENT**

SB 277 will not have any impact or change regarding the CalWORKs Immunization requirement. The requirement is for CalWORKs eligibility purposes only and applies to aided children under six years of age. County Welfare Departments shall continue to provide the CW 101 CalWORKs Immunization Rules form to all CalWORKs applicants and recipients for informational purposes and the CW 2209 Immunization Good Cause Request Form as directed in ACL 14-98. The CalWORKs recipients are still able to claim a personal belief exemption and other good cause claims allowable under the CalWORKs program immunization rule using the CW 2209 Immunization Good Cause Request Form.

For more information regarding the CalWORKs immunization rule, in addition to [ACL 14-98](#), please refer to ACLs [97-70](#), [98-35](#), [98-35E](#), [09-14](#) and [MPP Section 40-105.4](#).

If you have any questions regarding this letter, please contact the Child Care Programs Bureau at (916) 657-2144. For questions regarding the CalWORKs immunization requirement, please contact the CalWORKs Eligibility Bureau at (916) 654-1322.

Sincerely,

**Original Document Signed By:**

TODD BLAND  
Deputy Director  
Family Engagement and Empower Division

c: CWDA