

1. TEST CLAIM TITLE

Immunization Records Pertussis

2. CLAIMANT INFORMATION

Twin Rivers Unified School District

Name of Local Agency or School District

Robert Roach

Claimant Contact

Mandated Cost Analyst

Title

3222 Winona Way

Street Address

North Highlands, CA 95660

City, State, Zip

(916) 566-1600, ext. 50136

Telephone Number

None

Fax Number

rob.roach@twinriversusd.org

E-Mail Address

3. CLAIMANT REPRESENTATIVE INFORMATION

Claimant designates the following person to act as its sole representative in this test claim. All correspondence and communications regarding this claim shall be forwarded to this representative. Any change in representation must be authorized by the claimant in writing, and sent to the Commission on State Mandates.

Arthur M. Palkowitz

Claimant Representative Name

Attorney at Law

Title

Stutz Artiano Shinoff & Holtz

Organization

2488 Historic Decatur Road, Suite 200

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San Diego, CA 92106

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Filing Date:

RECEIVED

SEP 26 2011

COMMISSION ON
STATE MANDATES

Test Claim #: 11-TC-02

4. TEST CLAIM STATUTES OR EXECUTIVE ORDERS CITED

Please identify all code sections, statutes, bill numbers, regulations, and/or executive orders that impose the alleged mandate (e.g., Penal Code Section 2045, Statutes 2004, Chapter 54 [AB 290]). When alleging regulations or executive orders, please include the effective date of each one.

2010 Cal. Legislative Chapter 434 (AB354)

Health & Safety Code section 120325

Health & Safety Code section 120335

Copies of all statutes and executive orders cited are attached.

Sections 5, 6, and 7 are attached as follows:
5. Written Narrative: pages 6 to 10.
6. Declarations: pages 11 to 13.
7. Documentation: pages 14 to 36.

SECTION NUMBER: 5
Heading: WRITTEN NARRATIVE

The actual and/or estimated costs resulting from the alleged mandate exceeds one thousand dollars (\$1,000).

- 1. Statutes 2010 Chapter 434 (AB 354):**
- 1. Health and Safety Code section 120325**
 - 2. Health and Safety Code section 120335**

Section A: Detailed description of new activities and costs that arise from the Mandate:

Students entering or advancing to grades seven through twelve in the 2011–12 school year are required to show proof of immunization with a pertussis (whooping cough) vaccine booster called tetanus toxoid, reduced diphtheria toxoid and acellular pertussis vaccine (Tdap). The new requirement affects all students—current, new, and transfers—in public and private schools.

The governing authority shall not unconditionally admit or advance any pupil to the 7th through 12th grade levels, inclusive, of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

The governing authority shall not unconditionally admit any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized. The following are the diseases for which immunizations shall be documented:

- (1) Diphtheria.
- (2) Haemophilus influenzae type b.
- (3) Measles.
- (4) Mumps.

- (5) Pertussis (whooping cough).
- (6) Poliomyelitis.
- (7) Rubella.
- (8) Tetanus.
- (9) Hepatitis B.
- (10) Varicella (chickenpox).

Claimant will be required to inform parents/students of the new immunization requirements and will be required to train staff, obtain, review, maintain student immunization records and contact parents and legal guardians for non-compliance. The law requires school districts to maintain records of immunization of all school age children and report periodically to the state on the immunization status of all new entrants into the schools.

Other activities include:

Request and review lawful exemption or proof of immunization from each pupil seeking admission to school in the state for the first time.

- Record each pupil's immunization for, or exemption from immunization record and maintain the form in the pupil's permanent record.
- Request and review lawful exemption or proof of immunization from each pupil advancing to the seventh grade.
- Periodically review the pupil's immunization record until the pupil is fully immunized.
- Document vaccine doses on the pupil's immunization record as they are administered.
- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented.
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations.
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification.
- Collect data and prepare reports annually on immunization status for the Department of Health Services, and prepare follow-up or additional reports upon request by county health departments and the state.

Section B. A detailed description of existing activities and costs that are modified by the mandate.

Notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority admits or advances any pupil to the 7th grade level of any private or public elementary or secondary school.

Section C. Actual increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate.

Actual increased costs incurred by the claimant during the fiscal year for which the claim was filed to implement the alleged mandate is estimated to be \$25,000.

Section D. The actual or estimated costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed.

The actual or increased costs that will be incurred by the claimant to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed is estimated to be \$25,000.

Section E. The state wide cost estimate of increased costs at all local agencies for school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed.

The state wide cost estimate of increased costs at all local agencies for school districts will incur to implement the alleged mandate during the fiscal year immediately following the fiscal year for which the claim was filed is estimated to be \$6,000,000.

Section F. Identification of all the following funding sources available for this program:

(i) Dedicated state funds

Claimant is unaware at this time of any other dedicated state funds available for this program.

(ii) Dedicated federal funds

Claimant is unaware at this time of any dedicated federal funds available for this program. Federal funds may be available for the State to receive.

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Claimant: **Twin Rivers Unified School District**
Section: **5 - Written Narrative**

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(iii) Other non-local agency funds

Claimant is unaware at this time of other non-local agency funds available for this program.

(iv) The local agency's general purpose funds

Claimant is unaware at this time of any general purpose funds available for this program.

(v) Fee authority to offset costs

Claimant is unaware at this time of any fee authority to offset costs available for this program.

Section G. Identification of prior mandate determinations made by the board of control or the commission on state mandates that may be related to the alleged mandate.

Claimant is aware at this time of the following prior mandate determinations made by the board of control or the commission on state mandates that may be related to the alleged mandate.

IMMUNIZATION RECORDS

Health and Safety Code Division 4, Chapter 7, sections 3380 through 3390 as added by Chapter 1176, Statutes of 1977, provides uniform requirements for immunization of students prior to entering private or public elementary, secondary school, or other specific institutions. In addition, the governing authority of the school or specified institution is required to maintain immunization records on each student and file a written report on the immunization status of new entrants to the school or institution with the State Department of Health Services at times and on forms prescribed by the Department. Chapter 415, Statutes of 1995, has revised the numbering of sections 3380 through 3390 to sections 120335 through 120380.

On June 20, 1979, the Commission on State Mandates (CSM) determined that Chapter 1176, Statutes of 1977, resulted in state-mandated costs that are reimbursable pursuant to Part 7, (commencing with GC § 17500) of Division 4, Title 2. In addition, on July 28, 1988, the CSM determined that reimbursement of Chapter 1176, Statutes of 1977, and costs will be pursuant to the State Mandate Apportionment System (SMAS).

IMMUNIZATION RECORDS: HEPATITIS B

On August 24, 2000, the Commission on State Mandates (Commission) adopted the Statement of Decision for the Immunization Records: Hepatitis B test claim, finding that Statutes 1978, chapter 325; Statutes 1979, chapter 435; Statutes 1982, chapter 472; Statutes 1991, chapter 984; Statutes 1992, chapter 1300; Statutes 1994, chapter 1172; Statutes 1995, chapters 291 and 415; Statutes 1996, chapter 1023; Statutes 1997, chapters 855 and 882; and California Code of Regulations, title 17, sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075, imposed a new

program or higher level of service within an existing program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514 for the following activities:

- Request and review lawful exemption or proof of immunization against mumps, rubella and hepatitis B from each pupil seeking admission to school in the state for the first time.
- Record each pupil's immunization for, or exemption from, mumps, rubella, and hepatitis B on an immunization record and maintain the form in the pupil's permanent record.
- Request and review lawful exemption or proof of immunization against hepatitis B from each pupil advancing to the seventh grade.
- Conditionally admit any pupil who has not been fully immunized for mumps, rubella and hepatitis B.
- Periodically review the pupil's immunization record until the pupil is fully immunized.
- Document vaccine doses on the pupil's immunization record as they are administered.
- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented.
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations.
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification.
- Collect data and prepare reports annually on immunization status for the Department of Health Services, and prepare follow-up or additional reports upon request by county health departments and the state.

Section H. Identification of a legislatively determined mandate pursuant to Government Code section 17573 that is on the same statute or executive order.

Claimant is unaware at this time of a legislatively determined mandate pursuant to Government Code section 17573 that is on the same statute or executive order.

Test Claim Name: Immunization Records-Pertussis
Claimant: Twin Rivers Unified School District
Section: 6 - Declaration

SECTION NUMBER: 6
Heading: DECLARATION

I, Robert Roach, Mandate Analyst for the Twin Rivers Unified School District, declare as follows:

Section A. The actual or estimated increased costs that will be incurred by the claimant to implement the alleged mandate.

It is estimated the increased costs that will be incurred by the claimant to implement the alleged mandate is approximately \$25,000.

Section B. Identify all local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs;

Claimant is unaware of local, state, or federal funds, and fee authority that may be used to offset the increased costs that will be incurred by the claimant to implement the alleged mandate, including direct and indirect costs.

Section C. Describe new activities performed to implement specified provisions of the new statute or executive order alleged to impose a reimbursable state-mandated program (specific references shall be made to chapters, articles, sections or page numbers alleged to impose a reimbursable state mandated program)

The governing authority shall not unconditionally admit or advance any pupil to the 7th through 12th grade levels, inclusive, of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age. (AB 354, Section 2, Health & Safety Code Section 120335 (d))

As a result, students entering or advancing to grades seven through twelve in the 2011–12 school year are required to show proof of immunization with a pertussis (whooping cough) vaccine booster called tetanus toxoid, reduced diphtheria toxoid and acellular pertussis vaccine (Tdap). The new requirement affects all students—current, new, and transfers—in public and private schools.

The governing authority shall not unconditionally admit any person as a pupil of any

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private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized. The following are the diseases for which immunizations shall be documented: (AB 354, Section 2, Health & Safety Code Section 120335 (b))

- (1) Diphtheria.
- (2) Haemophilus influenzae type b.
- (3) Measles.
- (4) Mumps.
- (5) Pertussis (whooping cough).
- (6) Poliomyelitis.
- (7) Rubella.
- (8) Tetanus.
- (9) Hepatitis B.
- (10) Varicella (chickenpox).

Claimant will be required to inform parents/students of the new immunization requirements, develop procedures, train staff, obtain, review, maintain student immunization records and contact parents and legal guardians. The law requires school districts to maintain records of immunization of all school age children and report periodically to the state on the immunization status of all new entrants into the schools.

Other activities include:

Request and review lawful exemption or proof of immunization from each pupil seeking admission to school in the state for the first time.

- Record each pupil's immunization for, or exemption from immunization record and

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maintain the form in the pupil's permanent record.

- Request and review lawful exemption or proof of immunization from each pupil advancing to the seventh grade.
- Periodically review the pupil's immunization record until the pupil is fully immunized.
- Document vaccine doses on the pupil's immunization record as they are administered.
- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented.
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations.
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification.
- Collect data and prepare reports annually on immunization status for the Department of Health Services, and prepare follow-up or additional reports upon request by county health departments and the state.

Section D.

I declare under penalty of perjury under the laws of the State of California, that this information in this declaration is true and complete to the best of my own knowledge, information or belief.

Dated: September 22, 2011



Robert Roach

Test Claim Name: Immunization Records-Pertussis
Claimant: Twin Rivers Unified School District
Section: 7 - Documentation

BILL NUMBER: AB 354 CHAPTERED
BILL TEXT

CHAPTER 434

FILED WITH SECRETARY OF STATE SEPTEMBER 29, 2010

APPROVED BY GOVERNOR SEPTEMBER 29, 2010

PASSED THE SENATE AUGUST 20, 2010

PASSED THE ASSEMBLY AUGUST 23, 2010

AMENDED IN SENATE AUGUST 17, 2010

AMENDED IN SENATE JUNE 23, 2009

AMENDED IN ASSEMBLY APRIL 28, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

INTRODUCED BY Assembly Members Arambula and Fletcher

FEBRUARY 19, 2009

An act to amend Section 120325 of, and to amend, repeal, and add Section 120335 of, the Health and Safety Code, relating to vaccinations.

LEGISLATIVE COUNSEL'S DIGEST

AB 354, Arambula. Health: immunizations.

Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases, including hepatitis B, pertussis (whooping cough), and varicella (chickenpox), and any other disease deemed appropriate by the State Department of Public Health, taking into consideration the recommendations of specified entities.

This bill would add to these entities the American Academy of Family Physicians.

This bill would also, in part, remove certain of the age and date restrictions.

Existing law makes these provisions, as they relate to varicella (chickenpox), operative only to the extent that funds are appropriated in the annual Budget Act, and authorizes the department to adopt emergency regulations, as specified.

This bill would, regarding the varicella (chickenpox) provisions, delete the requirement that it be operative only to the extent that funds are appropriated in the annual Budget Act, and delete the department's authorization to adopt emergency regulations.

Existing law prohibits the governing authority from

unconditionally admitting, or advancing, a pupil into the 7th grade unless the pupil has been fully immunized against hepatitis B.

This bill would delete immunizations against hepatitis B as a 7th grade admission or advancement requirement and would, instead, prohibit the governing authority from unconditionally admitting, or advancing, a pupil into the 7th and, for one year, the 8th through 12th grades unless the pupil has been fully immunized, as prescribed, including, but not limited to, having received all pertussis boosters appropriate for that age.

By requiring school districts to comply with these requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 120325 of the Health and Safety Code is amended to read:

120325. In enacting this chapter, but excluding Section 120380, and in enacting Sections 120400, 120405, 120410, and 120415, it is the intent of the Legislature to provide:

(a) A means for the eventual achievement of total immunization of appropriate age groups against the following childhood diseases:

- (1) Diphtheria.
- (2) Hepatitis B.
- (3) Haemophilus influenzae type b.
- (4) Measles.
- (5) Mumps.
- (6) Pertussis (whooping cough).
- (7) Poliomyelitis.
- (8) Rubella.
- (9) Tetanus.
- (10) Varicella (chickenpox).

(11) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(b) That the persons required to be immunized be allowed to obtain immunizations from whatever medical source they so desire, subject only to the condition that the immunization be performed in accordance with the regulations of the department and that a record of the immunization is made in accordance with the regulations.

(c) Exemptions from immunization for medical reasons or because of personal beliefs.

(d) For the keeping of adequate records of immunization so that health departments, schools, and other institutions, parents or guardians, and the persons immunized will be able to ascertain that a child is fully or only partially immunized, and so that appropriate public agencies will be able to ascertain the immunization needs of groups of children in schools or other institutions.

(e) Incentives to public health authorities to design innovative and creative programs that will promote and achieve full and timely immunization of children.

SEC. 2. Section 120335 of the Health and Safety Code is amended to read:

120335. (a) As used in this chapter, but excluding Section 120380, and as used in Sections 120400, 120405, 120410, and 120415, the term "governing authority" means the governing board of each school district or the authority of each other private or public institution responsible for the operation and control of the institution or the principal or administrator of each school or institution.

(b) The governing authority shall not unconditionally admit any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized. The following are the diseases for which immunizations shall be documented:

- (1) Diphtheria.
- (2) Haemophilus influenzae type b.
- (3) Measles.
- (4) Mumps.
- (5) Pertussis (whooping cough).
- (6) Poliomyelitis.
- (7) Rubella.
- (8) Tetanus.
- (9) Hepatitis B.
- (10) Varicella (chickenpox).

(11) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(c) Commencing July 1, 2011, notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority admits or advances any pupil to the 7th grade level of any private or public elementary or secondary school.

(d) Commencing July 1, 2011, the governing authority shall not unconditionally admit or advance any pupil to the 7th through 12th grade levels, inclusive, of any private or public elementary or secondary school unless the pupil has been fully immunized against

pertussis, including all pertussis boosters appropriate for the pupil's age.

(e) The department may specify the immunizing agents which may be utilized and the manner in which immunizations are administered.

(f) This section shall become inoperative on June 30, 2012, and as of January 1, 2013, is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

(g) The department may adopt emergency regulations to implement subdivisions (c) and (d) including, but not limited to, requirements for documentation and immunization status reports, in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The initial adoption of emergency regulations shall be deemed to be an emergency and considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, or general welfare. Emergency regulations adopted pursuant to this subdivision shall remain in effect for no more than 180 days.

SEC. 3. Section 120335 is added to the Health and Safety Code, to read:

120335. (a) As used in this chapter, but excluding Section 120380, and as used in Sections 120400, 120405, 120410, and 120415, the term "governing authority" means the governing board of each school district or the authority of each other private or public institution responsible for the operation and control of the institution or the principal or administrator of each school or institution.

(b) The governing authority shall not unconditionally admit any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized. The following are the diseases for which immunizations shall be documented:

- (1) Diphtheria.
- (2) Haemophilus influenzae type b.
- (3) Measles.
- (4) Mumps.
- (5) Pertussis (whooping cough).
- (6) Poliomyelitis.
- (7) Rubella.
- (8) Tetanus.
- (9) Hepatitis B.
- (10) Varicella (chickenpox).

(11) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(c) Notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority shall admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school.

(d) The governing authority shall not unconditionally admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

(e) The department may specify the immunizing agents which may be utilized and the manner in which immunizations are administered.

(f) This section shall become operative on July 1, 2012.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

2010 Cal. Legis. Serv. Ch. 434 (A.B. 354) (WEST)

CALIFORNIA 2010 LEGISLATIVE SERVICE
2010 Portion of 2009-2010 Regular Session

Additions are indicated by **Text**; deletions by
*******.

CHAPTER 434
A.B. No. 354
SOCIAL SERVICES--HEALTH--IMMUNIZATION

AN ACT to amend Section 120325 of, and to amend, repeal, and add Section 120335 of, the Health and Safety Code, relating to vaccinations.

[Filed with Secretary of State September 29, 2010.]

LEGISLATIVE COUNSEL'S DIGEST

AB 354, Arambula. Health: immunizations.

Existing law prohibits the governing authority of a school or other institution from unconditionally admitting any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized against various diseases, including hepatitis B, pertussis (whooping cough), and varicella (chickenpox), and any other disease deemed appropriate by the State Department of Public Health, taking into consideration the recommendations of specified entities.

This bill would add to these entities the American Academy of Family Physicians.

This bill would also, in part, remove certain of the age and date restrictions.

Existing law makes these provisions, as they relate to varicella (chickenpox), operative only to the extent that funds are appropriated in the annual Budget Act, and authorizes the department to adopt emergency regulations, as specified.

This bill would, regarding the varicella (chickenpox) provisions, delete the requirement that it be operative only to the extent that funds are appropriated in the annual Budget Act, and delete the department's authorization to adopt emergency regulations.

Existing law prohibits the governing authority from unconditionally admitting, or advancing, a pupil into the 7th grade unless the pupil has been fully immunized against hepatitis B.

This bill would delete immunizations against hepatitis B as a 7th grade admission or advancement requirement and would, instead, prohibit the governing authority from unconditionally admitting, or advancing, a pupil into the 7th and, for one year, the 8th through 12th grades unless the pupil has been fully immunized, as prescribed, including, but not limited to, having received all pertussis boosters appropriate for that age.

By requiring school districts to comply with these requirements, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

The people of the State of California do enact as follows:

SECTION 1. Section 120325 of the Health and Safety Code is amended to read:

<< CA HLTH & S § 120325 >>

120325. In enacting **this** chapter~~***~~, but excluding Section 120380, and in enacting Sections 120400, 120405, 120410, and 120415, it is the intent of the Legislature to provide:

(a) A means for the eventual achievement of total immunization of appropriate age groups against the following childhood diseases:

- (1) Diphtheria.
- (2) Hepatitis B.
- (3) Haemophilus influenzae type b.
- (4) Measles.
- (5) Mumps.
- (6) Pertussis (whooping cough).
- (7) Poliomyelitis.
- (8) Rubella.
- (9) Tetanus.
- (10) Varicella (chickenpox).~~***~~

(11) Any other disease ~~***~~ **deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States *** Department of Health and *** Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians.**

(b) That the persons required to be immunized be allowed to obtain immunizations from whatever medical source they so desire, subject only to the condition that the immunization be performed in accordance with the regulations of the department and that a record of the immunization is made in accordance with the regulations.

(c) Exemptions from immunization for medical reasons or because of personal beliefs.

(d) For the keeping of adequate records of immunization so that health departments, schools, and other institutions, parents or guardians, and the persons immunized will be able to ascertain that a child is fully or only partially immunized, and so that appropriate public agencies will be able to ascertain the immunization needs of groups of children in schools or other institutions.

(e) Incentives to public health authorities to design innovative and creative programs that will promote and achieve full and timely immunization of children.

SEC. 2. Section 120335 of the Health and Safety Code is amended to read:

<< CA ST § 120335 >>

120335. (a) As used in **this** chapter ~~***~~, but excluding Section 120380 ~~***~~, and as used in Sections 120400, 120405, 120410, and 120415, the term "governing authority" means the governing board of each school district or the authority of each other private or public institution responsible for the operation and control of the institution or the principal or administrator of each school or institution.

(b) The governing authority shall not unconditionally admit any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized. The following are the diseases for which immunizations shall be documented:

- (1) Diphtheria.
- (2) Haemophilus influenzae type b ~~***~~.
- (3) Measles.
- (4) Mumps ~~***~~.
- (5) Pertussis (whooping cough) ~~***~~.
- (6) Poliomyelitis.

(7) Rubella.

(8) Tetanus.

(9) Hepatitis B~~***~~.

(10) Varicella (chickenpox)~~***~~.

(11) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(c) Commencing July 1, 2011, notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority admits or advances any pupil to the 7th grade level of any private or public elementary or secondary school.

(d) Commencing July 1, 2011, the governing authority shall not unconditionally admit or advance any pupil to the 7th through 12th grade levels, inclusive, of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

(e) The department may specify the immunizing agents which may be utilized and the manner in which immunizations are administered.

(f) This section shall become inoperative on June 30, 2012, and as of January 1, 2013, is repealed, unless a later enacted statute, that is enacted before January 1, 2013, deletes or extends that date.

(g) The department may adopt emergency regulations to implement ~~*~~ subdivisions (c) and (d) including, but not limited to, requirements for documentation and immunization status reports, in accordance with the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code). The initial adoption of emergency regulations shall be deemed to be an emergency and considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, or general welfare. Emergency regulations adopted pursuant to this **subdivision** shall remain in effect for no more than 180 days.**

~~***~~

SEC. 3. Section 120335 is added to the Health and Safety Code, to read:

<< CA ST § 120335 >>

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120335. (a) As used in this chapter, but excluding Section 120380, and as used in

Sections 120400, 120405, 120410, and 120415, the term "governing authority" means the governing board of each school district or the authority of each other private or public institution responsible for the operation and control of the institution or the principal or administrator of each school or institution.

(b) The governing authority shall not unconditionally admit any person as a pupil of any private or public elementary or secondary school, child care center, day nursery, nursery school, family day care home, or development center, unless prior to his or her first admission to that institution he or she has been fully immunized. The following are the diseases for which immunizations shall be documented:

(1) Diphtheria.

(2) Haemophilus influenzae type b.

(3) Measles.

(4) Mumps.

(5) Pertussis (whooping cough).

(6) Poliomyelitis.

(7) Rubella.

(8) Tetanus.

(9) Hepatitis B.

(10) Varicella (chickenpox).

(11) Any other disease deemed appropriate by the department, taking into consideration the recommendations of the Advisory Committee on Immunization Practices of the United States Department of Health and Human Services, the American Academy of Pediatrics, and the American Academy of Family Physicians.

(c) Notwithstanding subdivision (b), full immunization against hepatitis B shall not be a condition by which the governing authority shall admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school.

(d) The governing authority shall not unconditionally admit or advance any pupil to the 7th grade level of any private or public elementary or secondary school unless the pupil has been fully immunized against pertussis, including all pertussis boosters appropriate for the pupil's age.

(e) The department may specify the immunizing agents which may be utilized and the manner in which immunizations are administered.

(f) This section shall become operative on July 1, 2012.

SEC. 4. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

CA LEGIS 434 (2010)
END OF DOCUMENT

Copr. (c) West 2008 No Claim to Orig. Govt. Works

Adopted 6-18-80
Amended 12-16-81
Amended 5-27-82
Amended 2-3-83
Amended 3-17-83

W.P. Code: SPG117.SK

Parameters and Guidelines
Chapter 1176, Statutes of 1977
(Immunization Records)

This act mandated that school districts must maintain records of immunization of all school age children and report periodically to the state on the immunization status of all new entrants into the schools. Additional record keeping is required, and follow-up procedures to ensure compliance must be maintained. The State Department of Health, in consultation with the State Department of Education, adopted regulations (as required in Section 3390 of the Health and Safety Code) in September 1978, to implement this act.

A. Board Decision: June 20, 1979 - The State Board of Control determined a mandate exists in Chapter 1176, Statutes of 1977.

B. Period of Claim: Only costs incurred after January 1, 1978 may be claimed. Costs must be submitted by fiscal year.

C. Reimbursement: Local entities will be reimbursed for their increased costs resulting from compliance with Chapter 1176/77. A uniform reimbursement shall be made for each student processed, as specified below:

1. For the 1980-81 FY:

Total Reimbursement = $\$2.39 \times$ Total New Entrants (Total New Entrants = Students entering kindergarten and students transferring from other states.)

2. For the 1981-82 FY:

Total Reimbursement = Rate A \times Total New Entrants (Rate A = $\$2.39 \times$ Gross National Product, Implicit Price Deflator (GNP, IPD) for the 1981-82 FY-- GNP/IPD statistic supplied by the State Department of Finance, Financial Research Unit.)

(Total New Entrants = Students entering kindergarten and students transferring from other states.)

3. For the 1982-83 FY:

Total Reimbursement = $\$2.53 \times$ Total New Entrants (Total New Entrants = Students entering kindergarten and students transferring from other states.)

4. For the 1983-84 FY:

Total Reimbursement = $\$2.68 \times$ Total New Entrants (Total New Entrants = Students entering kindergarten and students transferring from other states.)

5. For fiscal years subsequent to 1983-84 FY:

Use same unit rate of reimbursement as calculated in 1983-84 FY.

D. Presentation of Required Data:

The reimbursement calculation shall be accompanied by supporting data, which shall be presented as indicated in the following format:

School District _____
Fiscal Year Claimed _____

Name of School	Number of Kindergarten Entrants	Number of Out-of-State Transfers	Total New Entrants
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_____ Total New Entrants _____

Total New Entrants _____ x Rate _____ = Claimed Amount _____

No reimbursement will be made if a school district does not submit to the State Department of Health Services, the immunization report required by Chapter 1176, Statutes of 1977.

E. A certification must accompany the claim:

I DO HEREBY CERTIFY:

THAT sections 1090 to 1096, inclusive, of the Government Code and other applicable provisions of the law have been complied with; and

THAT I am the person authorized by the local agency to file claims for funds with the State of California.

Our district has adopted and is enforcing a policy of exclusion of pupils who remain out of compliance with the immunization requirements beyond the time periods allowed in regulations adopted by the State Department of Health Services.

Signature of Authorized Representative Date

Title Telephone Number

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Section 48216, Health and Safety Code Sections 120325, 120335, 120340, and 120375 as amended by Statutes of 1978, Chapter 325, Statutes of 1979, Chapter 435, Statutes of 1982, Chapter 472, Statutes of 1991, Chapter 984, Statutes of 1992, Chapter 1300, Statutes of 1994, Chapter 1172, Statutes of 1995, Chapters 219 and 415, Statutes of 1996, Chapter 1023, and Statutes of 1997, Chapters 855 and 882

Title 17, California Code of Regulations, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075

Filed on August 17, 1998

By the Los Angeles County Office of Education, Claimant.

No. 98-TC-05

Immunization Records - Hepatitis B

STATEMENT OF DECISION PURSUANT
TO GOVERNMENT CODE SECTION
17500 ET SEQ.; TITLE 2, CALIFORNIA
CODE OF REGULATIONS, DIVISION 2,
CHAPTER 2.5, ARTICLE 7

(Adopted on August 24, 2000)

STATEMENT OF DECISION

The attached Statement of Decision of the Commission on State Mandates is hereby adopted in the above-entitled matter.

This Decision shall become effective on August 25, 2000.



Paula Higashi, Executive Director

BEFORE THE
COMMISSION ON STATE MANDATES
STATE OF CALIFORNIA

IN RE TEST CLAIM ON:

Education Code Section 48216, Health and Safety Code Sections 120325, 120335, 120340, and 120375 as amended by Statutes of 1978, Chapter 325, Statutes of 1979, Chapter 435, Statutes of 1982, Chapter 472, Statutes of 1991, Chapter 984, Statutes of 1992, Chapter 1300, Statutes of 1994, Chapter 1172, Statutes of 1995, Chapters 219 and 415, Statutes of 1996, Chapter 1023, and Statutes of 1997, Chapters 855 and 882
Title 17, California Code of Regulations, Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075

Filed on August 17, 1998

By the Los Angeles County Office of Education, Claimant.

No. 98-TC-05

Immunization Records - Hepatitis B

STATEMENT OF DECISION PURSUANT TO GOVERNMENT CODE SECTION 17500 ET SEQ.; TITLE 2, CALIFORNIA CODE OF REGULATIONS, DIVISION 2, CHAPTER 2.5, ARTICLE 7

(Adopted on August 24, 2000)

STATEMENT OF DECISION

The Commission on State Mandates (Commission) heard and decided this test claim on July 27, 2000 during a regularly scheduled hearing. The Commission approved this test claim on its consent calendar.

The law applicable to the Commission's determination of a reimbursable state mandated program is Government Code section 17500 et seq., article XIII B, section 6 of the California Constitution and related case law.

The Commission, by a vote of 7-0, approved this test claim.

BACKGROUND AND FINDINGS

The Commission noted that an earlier test claim, *Immunization Record*, was filed after the adoption of Statutes of 1977, Chapter 1176, which required school districts to require, maintain, and report on immunization records for diphtheria, pertussis, tetanus, poliomyelitis and measles for each pupil's permanent record. In 1979, the Board of Control, as predecessor

to the Commission, found these requirements constituted a reimbursable state mandate, finding prior law did not require school districts to engage in record keeping, record review, parent notification, or reporting activities related to the specified pupil immunizations.

The current test claim alleges a reimbursable state mandate resulting from legislation and regulations amending pupil immunization record requirements. This claim arises from amendments to Health and Safety Code section 120335, which establishes a list of diseases which an entering student must be immunized against prior to the first admission into the school. Specifically, Statutes of 1979, Chapter 435 amended current section 120335 by adding mumps and rubella to the list of diseases. And, Statutes of 1995, Chapter 291 further amended section 120335 by adding hepatitis B "for all children entering . . . kindergarten level or below on or after August 1, 1997. " The requirement for hepatitis B immunization was further amended pursuant to Statutes of 1997, Chapter 882 to require that:

"On and after July 1, 1999, the governing authority shall not unconditionally admit any pupil to the 7th grade level, nor unconditionally advance any pupil to the 7th grade level, . . . unless the pupil has been fully immunized against hepatitis B ."

In addition to the above amendments to Health and Safety Code section 120335, the test claim legislation amended related statutes and regulations relating to the monitoring, record keeping, reporting and parent notification requirements relative to the enforcement of the pupil immunization requirements.

The claimant contended that the test claim alleges mandated costs reimbursable by the state for meeting immunization record requirements. This claim was uncontested by the Department of Finance which agreed that the statutes result in a reimbursable state mandated local program for new activities related to review and reporting on pupil immunization records.

The sole issue before the Commission was whether the test claim statutes and regulations impose a new program or higher level of service within an existing program upon school districts within the meaning of section 6, article XIII B of the California Constitution¹ and costs mandated by the state pursuant to Government Code section 17514² by adding additional diseases and conditional enrollment policies to pupil immunization requirements?

¹ Section 6, article XIII B of the California Constitution provides: "Whenever the Legislature or any state agency mandates a new program or higher level of service on any local government, the state shall provide a subvention of funds to reimburse such local government for the costs of such program or increased level of service, except that the Legislature may, but need not, provide such subvention of funds for the following mandates:

(a) Legislative mandates requested by the local agency affected; (b) Legislation defining a new crime or changing an existing definition of a crime; or (c) Legislative mandates enacted prior to January 1, 1975, or executive orders or regulations initially implementing legislation enacted prior to January 1, 1975."

² Government Code section 17514 provides: "Costs mandated by the state means any increased costs which a local agency or school district is required to incur after July 1, 1980, as a result of any statute enacted on or after January 1, 1975, or any executive order implementing any statute enacted on or after January 1, 1975, which mandates a new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The Commission found that the test claim legislation and regulations involve the administration of pupil immunization records by school districts. Public education in California is a peculiarly governmental function administered by local agencies as a service to the public. Moreover, the test claim legislation, which requires school districts to review student immunization records and exclude students from school who have not met immunization requirements, imposes unique requirements upon school districts that do not apply generally to all residents and entities of the state. Thus) the Commission found that the administration of pupil immunization records by school districts constitutes a "program" within the meaning of section 6, article XIII B of the California Constitution.³

However, the Commission continued its inquiry to determine if the activities are new or impose a higher level of service and if so, if there are costs mandated by the state.

Prior Law

The Commission recognized that under the original mandate, Statutes of 1977, Chapter 1176, which added former Health and Safety Code section 3380, persons under 18 years of age were required to be immunized against poliomyelitis, measles, diphtheria, pertussis, and tetanus prior to unconditional first admission to a public or private elementary or secondary school, child care center, day nursery, nursery school, or development center. The law required school districts to maintain records of immunization of all school age children and report periodically to the state on the immunization status of all new entrants into the schools."

Test Claim Legislation

Mumps and rubella added to immunization records for kindergarteners and incoming students

Statutes of 1979, Chapter 435, amended former Health and Safety Code sections 3380 and 3381, now renumbered as Health and Safety Code sections 120325 and 120335, by adding mumps and rubella to the list of diseases school districts must screen for and maintain immunization records before unconditionally admitting a kindergarten or out of state transfer student to school. This amendment applied for students 'not already enrolled in school as of January 1, 1980. The Commission found that this requirement was not in effect under prior law.

Hepatitis B added to immunization records for kindergarteners and incoming students

Statutes of 1995, Chapter 291, amended former Health and Safety Code section 3381, now renumbered by Statutes of 1996, Chapter 1023 as Health and Safety Code section 120335. The 1995 amendment added subdivision (b) (9), requiring documentation for hepatitis B for all children entering specified institutions at the kindergarten level or below on or after August 1, 1997. " The Commission found' that this requirement was not in effect under prior law.

³ *Id.*

⁴ The State Board of Control initially determined the amount of the mandate to be: \$2.00 x total K-12 academic year enrollment and \$2.20 x "new entrants. "

Hepatitis B immunization required for all students entering seventh grade

Statutes of 1997, Chapter 882, added subdivision (c) to Health and Safety Code section 120335, which provided:

“On and after July 1, 1999, the governing authority shall not unconditionally admit any pupil to the 7th grade level, nor unconditionally advance any pupil to the 7th grade level, of any of the institutions listed in subdivision (b) unless the pupil has been fully immunized against Hepatitis B.”

The Commission found that this requirement was not in effect under prior law. The Commission also found that this amendment, by adding a new timeframe (entry to seventh grade) to check for an immunization that would not have been screened for previously, requires a district to perform paperwork, parent notifications and file reviews, as they would have to do for a new student to the district.

Documentation and reporting requirements for immunizations listed in section 120335

Health and Safety Code section 120375, as added by Statutes of 1995, Chapter 415 and derived from former Health and Safety Code section 3383, refers back to the list of diseases in Health and Safety Code section 120335, requiring school districts to:

- Maintain documentary proof of pupil's immunization status in the student's permanent record information, including adding subsequent immunizations to the file;
- File reports on state forms regarding the immunization status of entering students; and
- Prohibit further school attendance of conditionally admitted students who either fail to get their immunizations completed or fail to receive an appropriate exemption from immunizations for health or religious reasons.

The Commission found that the above requirements for all immunizations listed under Health and Safety Code section 120335 were not in existence under prior law. The Commission further found that as legislation adds diseases to section 120335, the requirements referred to in section 120375 must be performed for each of the new diseases as part of the immunization records requirements.

Mandatory pupil exclusion and parent notification requirements

Statutes of 1997, Chapter 855 amended and renumbered Education Code section 46010.5, as section 48216, operative after July 1, 1998. Statutes of 1978, Chapter 325, originally added the statute. Section 46010.5 originally provided that the district:

“Shall exclude any, pupil of the district who has not been immunized properly . . . the first five schooldays of the exclusion *shall not* be deemed an absence in computing average daily attendance *if* the following conditions are complied with. ” (Emphasis added.)

The Commission found that the original conditions were that if the school district did not wish an excluded student to be counted absent for the purpose of calculating average daily attendance, the district was to provide notice to the parent or guardian of the excluded student

of the need for the parent to provide evidence of immunization within two weeks, and the district was to refer the parent to a medical source to obtain the required immunizations.

The Commission noted that Education Code section 48216 now provides:

“(a) The county office of education or the governing board of the school district of attendance *shall* exclude any pupil who has not been immunized properly pursuant to Chapter 1 (commencing with Section 120325) of Part 2 of Division 105 of the Health and Safety Code,

“(b) The governing board of the district *shall* notify the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly immunized, or that the pupil is exempted from the immunization requirement pursuant to Section 120365 or 120370 of the Health and Safety Code.

“(c) The governing board of the district, in the notice, *shall* refer the parent or guardian of the pupil to the pupil’s usual source of medical care to obtain the immunization, or if no usual source exists, either refer the parent or guardian to the county health department, or notify the parent or guardian that the immunizations will be administered at a school of the district.” (Emphasis added.)

The Commission found that, substantively, section 48216 removed the exceptions for having immunization exclusions counted ‘against the district for purposes of calculating average daily attendance. In addition, the Commission found that with this amendment, the formerly optional provisions upon school districts for notifying *parents to avoid counting excluded students absent was expressed in mandatory terminology. Thus, following the amendments of Statutes of 1997, Chapter 855, the Commission found that the following new activities are now required:

- Excluding a pupil whose immunizations are not up to date;
- Notifying the parent or guardian of the pupil that they have two weeks to supply evidence either that the pupil has been properly immunized or qualifies for an exemption; and
- Referring the parents to a source of medical care to obtain the immunizations.

Conclusion

The Commission found that the above-described test claim activities were not contained in prior law and thus constitute a new program or higher level of service.

The Commission further found that amendments to Health and Safety Code section 120335 requiring school districts to perform immunization records activities for additional diseases, namely mumps, rubella, and hepatitis B, for incoming kindergartners and students entering the district from out of state increases the paperwork and staff time beyond what was required under prior immunization record requirements and thus constitute a reimbursable state mandate.

The Commission also found that amendments to Health and Safety Code section 120335 requiring school districts to perform immunization records reviews for all incoming seventh graders for hepatitis B, including all students whose immunization records were checked upon entry to school, increases the paperwork and staff time beyond what was required under prior immunization record requirements and thus constitute a reimbursable state mandate.

Finally, the Commission found that the amendments to Education Code section 48216 requiring parental notifications and referrals regarding deficiencies in a pupil's immunization record were altered from optional to mandatory language and thus constitute a reimbursable state mandate.

Test Claim Regulations

The Commission noted that the requirements of Health and Safety Code sections 120325 through 120375 are codified in Title 17, California Code of Regulations, sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075. These regulations contain the requirements for record keeping and reporting on immunization records; for conditionally admitting pupils who have not completed their immunizations; and for pupil exclusion if the unconditional admission conditions are not met. The Commission found that this requirement was not in effect under prior law.

Conclusion

The Commission found that the regulations requiring school districts to perform immunization records checks for additional diseases increases the paperwork and staff time beyond what was required of school districts under prior immunization record requirements and thus constitute a new program or higher level of service and a reimbursable state mandate.

CONCLUSION

The Commission concluded that the test claim legislation and regulations impose a new program or higher level of service within an existing program upon school districts within the meaning of section 6, article XIII B of the California Constitution and costs mandated by the state pursuant to Government Code section 17514 for the following activities:

- Request and review lawful exemption or proof of immunization against mumps, rubella and hepatitis B from each pupil seeking admission to school in the state for the first time;
- Record each pupil's immunization for, or exemption from, mumps, rubella, and hepatitis B on an immunization record and maintain the form in the pupil's permanent record;
- Request and review lawful exemption or proof of immunization against hepatitis B from each pupil advancing to the seventh grade;
- Conditionally admit any pupil who has not been fully immunized for mumps, rubella and hepatitis B;
- Periodically review the pupil's immunization record until the pupil is fully immunized;
- Document vaccine doses on the pupil's immunization record as they are administered;

- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented;
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations;
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification; and
- Collect data and prepare reports annually on immunization status for the Department of Health Services, and prepare follow-up or additional reports upon request by county health departments and the state.

PARAMETERS AND GUIDELINES

Education Code Section 48216
Health and Safety Code Sections 120325, 120335, 120340, and 120375

Statutes 1978, Chapter 325
Statutes 1979, Chapter 435
Statutes 1982, Chapter 472
Statutes 1991, Chapter 984
Statutes 1992, Chapter 1300
Statutes 1994, Chapter 1172
Statutes 1995, Chapters 291 and 415
Statutes 1996, Chapter 1023
Statutes 1997, Chapters 855 and 882

California Code of Regulations, Title 17
Sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075

Immunization Records – Hepatitis B

I. SUMMARY OF THE MANDATE

Statutes 1977, chapter 1176, required persons under 18 years of age to be immunized against poliomyelitis (polio); measles; and diphtheria, pertussis, and tetanus (DPT) prior to unconditional first admission to a public or private elementary or secondary school, child care center, day nursery, nursery school, or development center. The law required school districts to maintain records of immunization of all school age children and report periodically to the state on the immunization status of all new entrants into the schools. On June 20, 1979, the Board of Control (predecessor to the Commission) adopted the Statement of Decision for the *Immunization Records* test claim, finding that Statutes 1977, chapter 1176 imposed a reimbursable state-mandated program. On July 28, 1988, the Commission determined that costs incurred for compliance with Statutes 1977, chapter 1176 would be reimbursed through the State Mandates Apportionment System (SMAS), which was enacted by the Legislature to allow certain ongoing state-mandated programs to be funded automatically through the State Budget process, without the need for local governments to file annual claims for those costs with the State Controller.

On August 24, 2000, the Commission on State Mandates (Commission) adopted the Statement of Decision for the *Immunization Records: Hepatitis B* test claim, finding that Statutes 1978, chapter 325; Statutes 1979, chapter 435; Statutes 1982, chapter 472; Statutes 1991, chapter 984; Statutes 1992, chapter 1300; Statutes 1994, chapter 1172; Statutes 1995, chapters 291 and 415; Statutes 1996, chapter 1023; Statutes 1997, chapters 855 and 882; and California Code of Regulations, title 17, sections 6020, 6035, 6040, 6055, 6065, 6070, and 6075, imposed a new program or higher level of service within an existing program upon school districts within the meaning of article XIII B, section 6 of the California Constitution and costs mandated by the state pursuant to Government Code section 17514 for the following activities:

- Request and review lawful exemption or proof of immunization against mumps, rubella and hepatitis B from each pupil seeking admission to school in the state for the first time.
- Record each pupil's immunization for, or exemption from, mumps, rubella, and hepatitis B on an immunization record and maintain the form in the pupil's permanent record.
- Request and review lawful exemption or proof of immunization against hepatitis B from each pupil advancing to the seventh grade.
- Conditionally admit any pupil who has not been fully immunized for mumps, rubella and hepatitis B.
- Periodically review the pupil's immunization record until the pupil is fully immunized.
- Document vaccine doses on the pupil's immunization record as they are administered.
- Notify parents or guardians of the requirement to exclude the pupil from school if written evidence of the required immunizations are not timely presented.
- Refer the parents or guardians to a physician, nurse, or county health department for review of immunization records and provision of required immunizations.
- Exclude pupils from school attendance when written evidence of additional doses is not presented within ten days of parental notification.
- Collect data and prepare reports annually on immunization status for the Department of Health Services, and prepare follow-up or additional reports upon request by county health departments and the state.

II. ELIGIBLE CLAIMANTS

Any school district, as defined in Government Code section 17519, except for community colleges, that incurs increased costs as a result of this mandate is eligible to claim reimbursement.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557, prior to its amendment by Statutes 1998, chapter 681 (effective September 22, 1998), provided that a test claim must be submitted on or before December 31 following a given fiscal year to establish eligibility for that fiscal year.

The test claim for *Immunization Records: Hepatitis B* was submitted on August 17, 1998. Therefore all mandated costs incurred on or after July 1, 1997 for compliance with Statutes 1978, chapter 325, Statutes 1979, chapter 435, Statutes 1982, chapter 472, Statutes 1991, chapter 984, Statutes 1992, chapter 1300, Statutes 1994, chapter 1172, Statutes 1995, chapters 291 and 415, and Statutes 1996, chapter 1023 are eligible for reimbursement.

Statutes 1997, chapter 855 had a delayed operative date of July 1, 1998. Therefore, costs incurred on or after July 1, 1998, for compliance with Statutes 1997, chapter 855, are eligible for reimbursement.

8. CLAIM CERTIFICATION

*Read, sign, and date this section and insert at the end of the test claim submission. **

This test claim alleges the existence of a reimbursable state-mandated program within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514. I hereby declare, under penalty of perjury under the laws of the State of California, that the information in this test claim submission is true and complete to the best of my own knowledge or information or belief.

Robert Roach

Print or Type Name of Authorized Local Agency
or School District Official



Signature of Authorized Local Agency or
School District Official

Mandated Cost Analyst

Print or Type Title

September 22, 2011

Date

** If the declarant for this Claim Certification is different from the Claimant contact identified in section 2 of the test claim form, please provide the declarant's address, telephone number, fax number, and e-mail address below.*