

BERKELEY UNIFIED SCHOOL DISTRICT
Resolution 19-034 Supporting Senate Bill 276

WHEREAS, Senate Bill (SB) 276, authored by Senator Richard Pan, would require the State Department of Public Health to develop a statewide standardized medical exemption request form, require the State Public Health Officer to approve or deny a medical exemption request based on consistency with established contraindications and precautions against vaccination, require the department to create and maintain a database of approved medical exemption requests, and to make the database accessible to local health officers;

WHEREAS, children in California must be fully vaccinated to attend public or private schools, unless a doctor affirms they have a medical reason not to have all their shots. However, since California's inoculation law was amended in 2015 to eliminate non-medical exemptions, the number of children with medical exemptions has grown considerably. According to public health officials, the rise in medical exemptions is associated with an increase in physicians issuing exemptions for children without medically justified contraindications;

WHEREAS, the new bill, SB 276, would address this loophole by requiring the state health department to vet each medical exemption form written by physicians. The department would also maintain a database of exemptions that would allow officials to monitor which doctors are granting the exemptions, and respond to outbreaks in a more timely and less resource-intensive manner;

WHEREAS, on May 6, 2015, the Berkeley School Board passed a resolution in support of SB 277, Senator Pan's bill to remove personal exemptions and require childhood vaccinations for schools;

WHEREAS, Dr. Pan's bill was introduced and ultimately signed by Governor Brown in response to the unprecedented measles outbreak at Disneyland that same year where 147 people were sickened, including 131 in California. Over 80% of those who contracted measles from this outbreak were not vaccinated. Senator Pan's bill was an important step to increase vaccination rates in California to protect public health for all Californians;

WHEREAS, since that bill was passed, medical exemptions have risen in our state. For example, the number of kindergartners with medical exemptions has more than tripled, rising from 0.2 percent of students in the 2014-15 school year to 0.7 percent of students in 2017-18. Though the percentages of exemptions may seem small overall, the numbers are significant when looked at through the lens of public health. A 2017 analysis found that at almost 750 Californian schools, less than 90% of kindergartners were fully vaccinated. This number is noteworthy because a 90% vaccination rate falls short of the percentage needed to ensure community immunity. Though vaccination rates have jumped overall in California, the number of kindergartners with medical exemptions spiked 441% after the 2015 law took effect;

WHEREAS, the geographic clustering of exemptions within schools and school districts is equally concerning to physicians and public health experts. Concentrated pockets of unvaccinated individuals are one of the primary causes of recent increases in measles cases. A 2017 Los Angeles Times report found that at almost 60 schools in the state, more than ten percent of kindergartners had medical exemptions, with seven schools having exemption rates over twenty percent;

WHEREAS, according to public health officials, the rise in medical exemptions is associated with an increase in physicians issuing exemptions for children without medically-justified contraindications. While the vast majority of physicians continue to uphold standards of care, a small number of physicians have monetized their license by selling medical exemptions for profit;

WHEREAS, currently, California law requires no state-level oversight, approval, or standardization of medical exemptions. As a result, medical exemptions often contain incomplete information and may be issued for reasons other than established, scientifically-valid contraindications. In other words, no regulatory body in California at any level of government is charged with ensuring the exemptions are valid, and no entity currently has the authority to invalidate or reject those which are not justified. Furthermore, state and local health officers have no statewide information upon which to base public health strategies during outbreaks;

WHEREAS, SB 276 will restore integrity to California's medical exemption process and will address the dramatic increase in medical exemptions in two key ways. First, the bill requires all medical exemption applications to be

submitted to the California Department of Public Health. The State Public Health Officer, or its designee, will review and choose to grant or deny exemption requests by physicians. This will ensure all medical exemptions requested will be reviewed and issued by a non-biased medical professional in order to confirm the requested exemption is medically justified. Second, the bill requires that in order to apply for a medical exemption, physicians will use a standardized form which will include the physician's name, medical license number and the reason for the exemption request. This component of the bill includes a second layer of protection for Californians by requiring the establishment of a statewide database of exemptions and allowing state and local health officers to review existing exemptions; and

WHEREAS, this legislation is supported by the American Academy of Pediatrics - California, the California Medical Association, and Vaccinate California.

LET IT THEREFORE BE RESOLVED THAT, the Berkeley School Board calls on the State Legislature and Governor to support Senate Bill (SB) 276.

BE IT FURTHER RESOLVED, that the Board of Education directs the district clerk to transmit official copies of this resolution to the following: the Superintendent of Alameda County, the State Superintendent of Public Instruction, the Governor of California, Congresswoman Barbara Lee, State Senator Nancy Skinner, Assemblymember Buffy Wicks, and Berkeley Mayor Jesse Arreguin.

Passed and adopted by the Board of Education of the Berkeley Unified School District this 8th Day of May, 2019.

Ty Alper, Director/Clerk
Board of Education
Berkeley Unified School District