



SB 871: Keep Schools Open and Safe Act

**Principal Coauthors: Senators Newman and Wiener, Assembly Members
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PURPOSE

Dr. Richard Pan's Keep Schools Open and Safe Act protects vulnerable student populations by increasing vaccination rates against COVID-19. Vaccination is the cornerstone of public health's response to the COVID-19 pandemic.

Quality, in-person education is a right. Currently, low vaccination rates are bearing down on the mental health of students across California. High risk students are forced to stay home because school is not safe for them, and there are students forced to attend class in person, even though school is not safe for them, because their parents are essential workers and cannot stay home to supervise virtual schooling. The exceptions are school districts like Los Angeles and San Diego Unified where vaccine mandates and high vaccination rates are keeping schools open and safe. Increasing vaccination rates, coupled with robust testing, masking, and other safety protocols, is our best chance at preventing the death and disability caused by COVID-19.

SB 871 underscores California's responsibility to provide its students with a quality education by keeping schools open and safe.

RELEVANT LAWS AND REGULATIONS

SB 277 (2015-Pan, Allen)

In order to reduce the incidence of vaccine-preventable diseases, SB 277 eliminated the personal belief exemption from school immunization law. This law has been successful in raising vaccination rates and has been upheld by California courts as recently as 2018. Part of that law allowed the California Department of Public Health

(CDPH) to mandate new vaccines with a mandatory personal belief exemption. Only the California Legislature is currently able to add new vaccines without a personal belief exemption.

SB 276 (2019-Pan)

While SB 277 significantly increased vaccination rates, there was also an increase in the number of medical exemptions issued. These medical exemptions were geographically concentrated, contributing to the spread of vaccine-preventable diseases. By requiring CDPH to review medical exemptions from schools who do not reach community immunity and from physicians who submit a large number of exemptions, SB 276 restored integrity to the medical exemption process.

Governor Newsom's COVID-19 Vaccine Mandate

In October of 2020, Governor Newsom announced that he would use the authority provided to CDPH by SB 277 to require COVID-19 vaccination for enrollment in in-person schooling. By law, this mandate requires medical and personal belief exemptions. This mandate will likely go into effect for 7th to 12th graders in July of 2022, and the implementation timeline for K-6 remains uncertain.

CDPH will soon release regulations to guide implementation of this mandate. SB 871 will work to align itself with implementation guidance from CDPH.

SOLUTION

SB 871 does three things:

- 1) It requires students who attend in-person school to be vaccinated against COVID-19.
- 2) It allows CDPH to require a new vaccine for school attendance with no personal belief exemption.
- 3) It restores a consistent hepatitis B vaccine check for students entering 7th grade.

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