

April 15, 2015

Educational Committee Heard proposed bill SB 277

The following concerns were raised and unanswered by authors:

- No public health crisis.
- Creates public education crisis.
- High vaccination rates in California.
- Small percentage claim PBE.

- Religious rights violated by SB277.
- Discriminates against low income, single families.
- Denies public education.
- Violates California State Constitution
- Creates separate but unequal education in violation of Brown vs. Education.

- Selectively vaccinated counted as "unvaccinated".
- Violates informed consent
- SB277 pits two constitutional rights against each other.
- Places the right of public education of a small number of students with medical exemptions (0.019%?) above the larger number of students with PBE (2.5%).

- Public schools are not the only place children congregate regularly.
- No "compelling state interest" of magnitude of smallpox vaccination.
- Limits homeschooling to family members only.

- Allows adding unlimited vaccines without the checks and balance of the legislative process.
- Removes personal freedom and subjects citizens to government mandates.
- Forces children out of the education system based upon personal beliefs.

- No evidence of harm threshold met.
- Infinitesimal risk to the vaccinated children and small number of medically exempt children.

- Less restrictive educational solution needed.
- Throws thousands of kids out of school without providing fiscal alternative for education.
- Violates IDEA and denies access to special education for children with disabilities.
- Would the state be required to provide private tutors?

- Removes Governor Brown's Executive Order granting Religious Exemption.
- Provides no separate religious exemption.

BIT OF TRIVA

April 15 Education committee hearing public comments:

6 minutes SUPPORT: 47 adults with 18 groups represented

2.5 hours OPPOSITION: 623 adults, 134 children and 31 groups represented.

Quotes and Partial Quotes from Committee Members expressing Concerns As transcribed by Jasmine Marshall

Questions from the Committee:

Start at 2 hours and 40 minutes.

Hancock:

“Nothing you can do if you don’t want to vaccinate except to personally homeschool them (children) with only the members of the family.

Is this the best way to build a community consensus around it?”

Lui:

You (Pan) say that we have statistics that define which school districts have this 55-92%, whatever the state average is about 92-95%”

“Why didn’t you pinpoint the efforts here to immunize those communities or make sure there were programs etc., to focus on those communities that were not living up to the standards and making it a blanket rule that everybody had to be, you eliminated the personal belief exemption?”

“The bigger question here is the penalty for not immunizing their kids you have to homeschool or take the kid out of public schools and I don’t think that’s a solution to the problem”

“How do you justify the public purpose of the public safety and the right to have everyone have access? “

Levy:

“I have a real concern about the education piece and that’s why we here to contemplate today as part of the EC. Homeschooling my kids would not have been an option”...”they are college graduates and that’s because they had a great education. SO I think we need to address that because from my understanding if this bill passes and becomes a law, not only would parents who don’t vaccinate their children would have to HS them they would not be able to get the curriculum from the school district.”

So I can go to the school district and get the curriculum for them? That’s not have I read the bill.

Hancock:

“I’m interested in the medical information. I had always assumed that if my child was immunized against lets say the measles, that the reasons I was doing the immunization was that when they went to school if there was somebody there with the measles they wouldn’t catch it. I get the community immunity.....” “My reading of the community immunity levels is that we’re pretty much there in California and that one of the reasons why we might not be there we count a child as unimmunized unless they are fully immunized for everything. Can you clarify that?”

“This bill will except a home based private school from the prohibition if all the schools pupils are residence of the household or members of a single family. That seems to me to rule out a great deal of homeschools”....”Many homeschooling parents combine their efforts and have place where you can take a physics class or something that the home isn’t really the appropriate place to do that”. .. “They would obviously fall under this rubric”.....” I don’t understand why that’s in there and I don’t understand why even you want to categorically exclude all private schools from this. There may be a compelling reason for public schools? ”

Pan:

If you have a whole bunch of children who are continuously together and there’s a low vaccination rate that’s when you’re at risk of outbreak and then those children not only stay in school but they go home they go shopping they get taken to different places and then you have an outbreak spreading through the community.

Lui:

So with that logic I don't see the exemption to homeschooling being an advantage to the public health.

Pan:

It is an advantage because it decreases the opportunity for treat because you don't have the group in contact with exposure. Intermittent is probably much lower...." "If the homeschool becomes a homeschool of 100 families that are all together then we're back in the same situation we were before. But having families, even several families that get together for lets say a field trip, that's a much lower risk."

Hancock:

"On page 3 of the bill and it list all the different immunizations that would be required, there are 10 of them and then t says any other disease the department deems appropriate by the department.... "I really think that adding diseases when there is this level of questioning, it really should be done by the legislator, not just a blanket permission to add...". "I'm sure there will be many new vaccines developed over time and I'm not comfortable with that lack of scrutiny."

Huff:

What about the parents, for whatever reason, are not going to inoculate their children. As an education panel and some of my colleagues have brought this up, how do we treat them? Are we basically going to be setting up a framework or regulations that forces them outside of the public education system? Because that's what it seems right now..." "They can't go to public school anymore, as I understand it they can't do homeschool traditional because that's an independent study of public school in California. .." "I'm concerned we are setting up a framework that exclude a significant portion of people that we have mandated, because we said it's in our best interest to have an educated population, we've mandated that they have compulsory education, they either have to choose to get inoculated which they believe for religious or personal reason they should not do that, then we now have said you are second class citizens because you might infect someone that has lupus etc..."

"So now you can only do these other things which may or may not be realistic options for them..." "I've worked with autistic kids in college"... "and they need to be socialized and in being socialized we are saying as its written today that they are going to be in a non-social or less social situations...."

"What is the warning when they get both chicken pox inoculations?"

"Why is whooping cough spread so easily when we have so many vaccinated kids?"

Block:

"If you got parents that cant homeschool their kids, this says if you don't vaccinate you have to be guilty of keeping them truant from school...". There is no other option. There must be some other option."

(Blocks main question!*)

"I haven't seen be given evidence of what is the likely hood of harm if we continue as we're doing now, of harm to the students that are vaccinated who go to school with non-vaccinated students. Is it 100% that they'll all come down with deadly diseases? Of course not. Is it 90% certain, is it 40% certain, is it 2% certain. What percent does it take to say that homeschool only is the most non-restrictive educational solution?"

Lui "If I were you I would not take a vote today. I would try to get answers to all the questions that have been raised and get answered back to every member that have raised these questions. We can do a vote only next week.

Otherwise I don't think your bill proceeds out of this committee. I'm going to count to 5 and I don't see it. What is your pleasure?"