

	<p><b>Number:</b> <b>4-2018</b></p>
<p><b>Advisory Opinion issued by:</b> Cherise Imai, Executive Director Richard L Masters, General Counsel</p>	<p><b>Dated:</b> October 5, 2018 <b>Approved:</b> November 26, 2018</p>
<p><b>Requestor: State of California</b></p>	
<p><b>Description:</b> Does the Compact's immunization provision allow for a new or transferring student: 1) to enroll and attend the new school, and 2) be provided a period of thirty (30) days to meet the California immunization requirement for a single dose of the Tdap vaccine?</p>	

**I. Background**

Pursuant to Article X, Section C. of the Interstate Compact on Educational Opportunity for Military Children (hereinafter 'Compact') the State of California has submitted a request for an advisory opinion concerning clarification of an issue pertaining to the Compact.

**II. Issue**

The Commissioner from the California has requested guidance from the Military Interstate Children's Compact Commission concerning the Compact's immunization provision for a new or transferring student: 1) to enroll and attend the new school, and 2) be provided a period of thirty (30) days to meet the California immunization requirement for a single dose of the Tdap vaccine?

The State of California requires all children under eighteen years of age that enter a California public or private elementary or secondary school for the first time or transfer between schools to present a written immunization record that includes at least the month and year of receipt of each dose required vaccines (or an exemption to the immunization requirements). Otherwise the child will not be allowed to attend school.

Additionally, students that enter grade seven are required to receive one dose of the Tdap vaccine. Ref: <https://www.cde.ca.gov/ls/he/hn/cefimmunization.asp>

**Note: Tdap** is a combination vaccine that protects against three potentially life-threatening bacterial diseases: tetanus, diphtheria, and pertussis (whooping cough).

### III. **Applicable Compact Provisions or Rules**

Article IV, Educational Records and Enrollment, Section C of the Compact provides as follows:

*Immunizations – Compacting states shall give thirty (30) days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission, for students to obtain any immunization(s) required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within thirty (30) days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.*

### IV. **Review and Analysis**

In October 2009, Assembly Bill 343 (Saladana) was signed into law as Chapter 237, Statutes of 2009. This legislation, codified as [California Education Code \(EC\) sections 49700-49704](#), joined the State of California as member of the Compact, whose purpose is to remove barriers to educational success imposed on children of military families due to the frequent moves and deployment of their parents.

The compact addresses key educational transition issues encountered by military families, including enrollment, placement, attendance, eligibility, and graduation. (Ref. <https://www.cde.ca.gov/ls/pf/mc/index.asp>)

Clearly, the Compact provision provides thirty (days) from the date of enrollment in a public elementary or secondary school for the student to obtain any immunizations required by the State of California.

### V. **Conclusion**

In summary, based on the relevant provisions of the Compact, referenced authorities and analysis, a new military student that will attend a public school in the State of California must be allowed to enroll and attend the new school, and be provided thirty (30) days to obtain the required immunizations and provide documentation to the school.

If the student does not obtain the required immunizations (or start the initial series) within the thirty (30) day window, the school may request that the student not attend until the immunization series has been completed.