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Another California Court of Appeal Upholds Mandated Vaccinations as Constitutional

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A recent ruling by the California Court of Appeal upheld the constitutionality of Senate Bill No. 277 (SB 277), which in 2016 removed the personal belief exemption to California's immunization requirements for children in schools and child care facilities. The decision in *Love v. State Department of Education* (2018 S.O.S. 5800) is consistent with past California appellate court rulings and provides an overview of the prior decisions upholding SB 277's constitutionality.

The Plaintiffs in this case argued SB 277 violated four separate constitutional rights: substantive due process, right to privacy, right to attend school, and freedom of religion. However, the Court found all of these arguments inconsequential in comparison to the government's interest in maintaining public health. As the Court explained, individual rights are not absolute and "must be balanced against other important interests" and "may be outweighed by supervening public concerns" such as the compelling government interest of promoting the health of children in school and preventing the spread of contagious diseases such as measles.

If you have any questions about the application of SB 277 for students enrolling in your schools, please contact a DWK attorney.

PRACTICE AREAS

- Students and Special Education