

EXCLUSIONS FROM ATTENDANCE

The Governing Board may grant exemptions from compulsory attendance to students as allowed by law and in the best interest of the student. Parents/guardians of students granted exemptions shall not incur penalties for violations of the compulsory attendance laws.

Exemptions shall not be used to remove students who are disciplinary problems. Suspension, expulsion, transfers to alternative programs and other administrative measures shall be used with these students.

A. Purpose and Scope

1. Requests for exemption from compulsory full-time attendance must include satisfactory evidence of conditions upon which an exemption can be legally justified.
 - a. Children who are being instructed in a private full-time school. The attendance supervisor or designee shall verify that the private school complies with Education Code 33190 before such exemptions are valid. (Education Code 48222, 48223)
 - b. Children who are being instructed by a tutor who holds a valid state credential for the grade taught. The instruction shall consist of study and recitation for at least three (3) hours a day for one hundred seventy-five (175) days of each calendar year. (Education Code 48224)
 - c. Children holding work permits shall be exempted from full-time attendance, but must attend part-time classes. (Education Code 48230)
 - d. Students between the ages of twelve (12) and eighteen (18) who enter a school attendance area from another state within ten (10) days of the end of the school term shall be exempted for the remainder of the term. (Education Code 48231)
 - e. Students who have graduated from a public or private high school maintaining a four (4) year course above the eighth grade. (Education Code 48410)

EXCLUSIONS FROM ATTENDANCE (Continued)

- f. Students who have successfully demonstrated proficiency equal or greater than standards established by the State Department of Education and have verified approval submitted by their parent/guardian. (Education Code 48410)

B. General

Students may be excluded from attendance at district schools if they:

1. Are under the legal age of attendance, except as otherwise provided by law. (Education Code 48210)
2. Do not present evidence of immunization from certain infectious diseases as required by law. Such a student shall not be excluded, however, if the parent/guardian, in writing, requests exemption from the immunization requirement on the basis of the student's physical condition or a conflict with the parent/guardian's religious beliefs. (Health and Safety Code 120335, 120365)
3. Are reasonably suspected of having active tuberculosis. (Health and Safety Code 121485, 121495 and 121505)
4. Reside where any contagious, infectious, or communicable diseases subject to quarantine exists or has recently existed, unless written permission of the health officer is provided. (Health and Safety Code 120230)
5. Have not had a health screening before or within the first 90 days of attending first grade. Such students may be excluded for up to five days unless the parent/guardian has presented an appropriate waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)
6. Have filthy or vicious habits, or suffer from contagious or infectious diseases. (Education Code 48211, Code of Regulations, Title 5, Section 202)

C. Forms

None

EXCLUSIONS FROM ATTENDANCE (Continued)**D. Procedures**

The Governing Board shall periodically review its decisions to exclude students of filthy or vicious habits or suffering from contagious or infectious diseases. (Education Code 48214)

1. Board Review
2. Exclusion Process

Before excluding any such student, the Superintendent or designee shall send a notice to the parent/guardian of the student. This notice shall state the facts leading to a decision to propose exclusion and shall further state that: (Education Code 48213)

- a. The parent/guardian has a right to meet with the Board to discuss the proposed exclusion.
- b. At this meeting, the parent/guardian shall have an opportunity to:
 - (1) Inspect all documents upon which the district is basing its decision to propose exclusion
 - (2) Challenge any evidence and question any witness presented by the Board
 - (3) Present oral and documentary evidence on the student's behalf
 - (4) Have one or more representatives present at the meeting
- c. The decision to exclude the child is subject to periodic review and the procedures for such periodic review.

The Superintendent or designee is not required to send prior notice of exclusion to the parent/guardian if the student is excluded because: (Education Code 48213)

- a. He/she resides in an area subject to quarantine.
- b. He/she is exempt from a medical examination but suffers from a contagious or infectious disease.

EXCLUSIONS FROM ATTENDANCE (Continued)

- c. It is determined that the presence of the student would constitute a clear and present danger to the life, safety, or health of students or school personnel.

However, the Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. (Education Code 48213)

2. Partial Day Attendance

Normally a person should be eighteen (18) years or older to enroll in the Tracy Adult School on a full time basis. However, certain minors may enroll in the adult school. To enroll full-time, the student must comply with the following requirements.

- a. Obtain permission of his/her parents or guardian.
 - b. Obtain permission from the High School Administration, Duncan Russell, Principal, and the Tracy Adult School Principal.
 - c. Students who transfer from other districts' adult school may enroll in Tracy Adult School programs at any time with Tracy Adult School Principal's permission.
4. Under 18 years of Age Enrollment in Adult School Students under eighteen (18) may appeal the decision made by the above-mentioned school authorities to the district superintendent or his designee.

Students under eighteen (18) years of age who want to attend the adult school part time and attend either Tracy High Schools or Duncan-Russell High School must first obtain permission from their counselor. The class teacher must then grant permission and finally the adult school counselor/administrator must grant approval.

E. Reports Required

None

F. Record Retention

Yes

EXCLUSIONS FROM ATTENDANCE (Continued)

G. Responsible Unit

Educational Services