

STUDENTS

Exclusions from Attendance

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)

(cf. 5111 - Admission)

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)

(cf. 5141.31 - Immunizations)

3. Are reasonably suspected of having active tuberculosis. (Health and Safety Code 121485, 121495 and 121505)

(cf. 5141.26 - Tuberculosis Testing)

4. Reside where any contagious, infectious, or communicable disease 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)

(cf. 5141.32 - Child Health and Disability Prevention Program)

6. Have filthy or vicious habits, or suffer from contagious or infectious diseases. (Education Code 48211; 5 CCR 202)

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)

(cf. 5141.22 - Infectious Diseases)

(cf. 5141.33 - Head Lice)

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.
- 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)

Legal Reference:

EDUCATION CODE

48210-48214 Persons excluded

49076 Access to records by persons without written consent or under judicial order

49408 Information of use in emergencies

49451 Parent's refusal to consent

HEALTH AND SAFETY CODE

120230 Exclusion of persons from school

120325-120380 Educational and child care facility immunization requirements

121475-121520 Tuberculosis tests for students

124025-124110 Child Health and Disability Prevention Program

CODE OF REGULATIONS, TITLE 5

202 Exclusion of students with a contagious disease

Regulation approved: 7/05