

Students

Exclusions from Attendance

Children may be excluded from attendance in the programs of the county office as follows:

1. Children under six years of age are excluded from the county office programs except as otherwise provided in the Education Code.
2. The superintendent or county board may exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases.
3. The superintendent or county board may exclude any child whose physical or mental disability is such as to cause his/her attendance to be inimical to the welfare of the other pupils.
4. The superintendent or county board may exclude any pupil who does not present evidence of immunization from certain infectious diseases as required by law unless the parent or guardian requests, in a written statement, exemption from the requirement on the basis of the physical condition of the pupil or conflict with the religious beliefs of the parent or guardian.
5. Any pupil who resides where any contagious, infectious, or communicable disease exists, or has existed, which is subject to quarantine, shall not be permitted to participate in county office programs.

Prior to excluding a pupil from attendance, the county superintendent or county board shall send a notice to the parent or guardian of the pupil. The notice shall contain each of the following:

1. a statement of the facts leading to a decision to propose exclusion;
2. a statement that the parent or guardian has a right to meet with the superintendent or county board to discuss the proposed exclusion;
3. a statement that at any such meeting the parent or guardian shall have an opportunity to
  - a. inspect all documents on which the superintendent or county board is basing his/her/its decisions to propose exclusion;
  - b. challenge any evidence and confront and question any witness presented by the superintendent or county board;
  - c. present oral and documentary evidence on the pupil's behalf, including witnesses;
  - d. have one or more representatives of the parent or guardian present at said meeting;

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4. a statement that the decision to exclude the child is subject to periodic review and a statement of its procedures for such periodic review.

If a child is excluded because of a contagious, infectious, or communicable disease, and if it is determined by the superintendent or his/her designee that the pupil would constitute a clear and present danger to the life, safety, or health of pupils or school personnel, the superintendent shall not be required to send prior notice of the exclusion to the parent or guardian. However, the superintendent shall send a notice as soon as reasonably possible after the exclusion.

The superintendent or county board shall periodically review his/her/its decisions to exclude students at least annually, and the superintendent may report to the board annually (or more often if circumstances warrant) on the status of each excluded student.

Legal Reference: Education Code  
48210-48214 Persons excluded  
49451 Parents refusal to consent (re exclusion for communicable disease)

Health and Safety Code  
3118 (re exclusion for communicable disease)  
3380-3390 Immunization against communicable diseases

Policy

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