

Students

EXCLUSIONS FROM ATTENDANCE

Children may be excluded from attendance in the schools of this District for any of the following reasons:

Students under six years of age are excluded from the public schools except as otherwise provided in the Education Code.

The Governing Board may exclude children of filthy or vicious habits, or children suffering from contagious or infectious diseases.

The Board may exclude any student who does not present evidence of immunization from certain infectious diseases as required by law unless the parent/legal guardian requests, in a written statement, exemption from the requirement on the basis of the physical condition of the student or conflict with the religious beliefs of the parent/legal guardian. (Health & Safety Code 3381)

Any student who resides where any contagious, infectious, or communicable disease exists, or has existed, which is subject to quarantine, shall not be permitted to attend school without written permission of the health officer. (Health & Safety Code 311.8)

Prior notice is not required if the student is excluded because:

He/she resides in an area subject to quarantine.

He/she is exempt from a medical examination but suffers from a contagious or infectious disease.

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

The Governing Board may exclude any student whose parent(s)/legal guardian(s) are found no longer to meet the residency requirements for school attendance within the District.

1. Notice of Intended Exclusion and Right to Hearing

A notice shall be sent to the parent/legal guardian of the student regarding the intended exclusion and right to a hearing. Such notice will contain the following information:

- A statement of the facts and evidence leading to a decision to propose exclusion of the student.

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- A statement that the parent/legal guardian of the student has a right to meet with the Superintendent's designee in a hearing to discuss the intended exclusion within ten school days of the date of the notice proposing exclusion.
- A statement of the right to rebut at a hearing the facts stated in the Notice. A statement of the right to review the district's evidence and question witnesses.
- A statement of the right to present documentary and oral evidence on behalf of the student.
- A statement of the right to be represented by legal counsel at the parent/legal guardian's expense.
- A statement of the right to bring an interpreter to the hearing at the parent/legal guardian's expense.
- A statement of the right to appeal to the Board of Education the decision of the Superintendent's designee within ten school days of the date of that decision.
- A copy of the District's residency requirements.
- A statement that the parent/legal guardian shall be given ten school days from the date of the Notice in which to schedule a hearing with the Superintendent's designee.

2. Service of Notice

A copy of the notice will be given to the student and will be mailed first class postage to the last known address of the parent/legal guardian.

3. Right to Hearing

The parent/legal guardian of the student has a right to meet with the Superintendent's designee in a hearing to discuss the intended exclusion, as outlined in #1 above.

a. Failure to Request a Hearing

If the parent/legal guardian fails to schedule a meeting with the Superintendent's designee within the ten day period indicated in the Notice, the student shall be excluded effective eleven school days following the date of the Notice of the intended exclusion.

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b. Continuance of a Hearing date

For good cause, the Superintendent's designee may continue the date of the hearing for an additional ten days to permit the parent/legal guardian to obtain appropriate documentation.

c. Administrative Hearing

At the hearing, the Superintendent's designee shall review with the parent/legal guardian of the student information as contained in "Notice of Intended Exclusion and Right to Hearing" (see #1 above). The Superintendent's designee shall determine whether exclusion is appropriate. In the event that such determination is made, the Superintendent's designee shall notify the parent/legal guardian of the right to appeal the decision to the Board of Education.

Following the hearing, the Superintendent's designee shall prepare a written summary of the intended exclusion containing findings which shall be forwarded to the Board of Education as a recommendation which can be accepted and ratified, rejected, or remanded to the hearing officer for further evidence.

4. Notification of Decision

A copy of the decision of the Superintendent's designee shall be mailed first class postage to the last known address of the parent/legal guardian. This shall include a statement of the student's right to appeal the decision to the Board of Education within ten days of the date of the decision.

5. Appeal of decision to the Board of Education

Any parent/legal guardian receiving a decision of exclusion may appeal such decision to the Board of Education within ten days of the decision by putting such appeal in writing and directing it to the Superintendent. If no appeal is filed, the decision regarding exclusion shall be final and the student shall be excluded on the eleventh day following the date of the decision.

a. Rights on Appeal

Any parent/legal guardian filing an appeal with the Board of Education shall be accorded the following rights:

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- The student may continue to attend school during the period of the appeal.
- The parent/legal guardian shall have the right to have a representative present to assist in presenting the appeal to the Board of Education, and the right to an interpreter afforded at the parent/legal guardian's expense.
- The parent/legal guardian shall have the right to rebut any evidence and question any witnesses presented by the district.

b. Hearing on Appeal

The appeal before the Board of Education shall be limited to a review of all evidence considered at the time of the hearing. Except in cases where good cause is shown, the Board of Education will not reopen the record to consider evidence or argument not presented at the time of the administrative hearing.

Upon review of the decision of the Superintendent's designee, the Board of Education may approve, reject, or remand the matter to the same Superintendent's designee for additional evidence. The decision of the Board of Education shall be final and effective immediately. Such decision shall be mailed first class postage to the last known address of the parent/legal guardian as soon as practical.

The Board shall, at least annually, review its decisions to exclude students pursuant to Education Code 48211. The Superintendent or designee shall report to the Board at least annually on the status of each such excluded student. (Education Code 48214)