

MIDDLETOWN UNIFIED SCHOOL DISTRICT

Regulation 5112.1: Exemptions From Attendance

Adopted Date: 12/13/2023

Exemptions from Regular Education Program

A student may be exempted from full-time attendance in the district's regular education program if he/she:

1. Is being instructed in a private full-time school and the Superintendent or designee verifies that the private school has filed an affidavit pursuant to Education Code 33190 (Education Code 48222, 48223)
2. Is being instructed by a private tutor who holds a valid state credential for the grade taught, provided that the instruction consists of study and recitation for at least three hours a day for 175 days of each calendar year (Education Code 48224)
3. Holds a work permit to work temporarily in the entertainment or allied industries (Education Code 48225, 48225.5)
4. Holds a work permit and attends part-time classes (Education Code 48230)
5. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term (Education Code 48231)
6. Is at least age 15 and is taking a leave of absence for up to one semester for the purpose of supervised travel, study, training, or work not available to the student under another educational option (Education Code 48232)
7. Attends a community college as a special full-time student on the grounds that they would benefit from advanced scholastic or vocational work (Education Code 48800.5)

Exemptions from Continuation Education

A student who would otherwise be subject to compulsory continuation education pursuant to Education Code 48400 or 48402 may be exempted if he/she: (Education Code 48410)

1. Has graduated from a public high school maintaining a four-year course above grade 8 or has had an equal amount of education in a private school or from a private tutor

In the case of a private school, the exemption shall be granted only if the Superintendent or designee has verified that the private school has filed an affidavit pursuant to Education Code 33190. (Education Code 48415)
2. Has successfully demonstrated proficiency equal to or greater than standards established by the California Department of Education and has verified approval submitted by his/her parent/guardian

3. Is attending a public or private full-time day school or satisfactory part-time classes maintained by other agencies
4. Is attending adult school for not less than four hours per calendar week
5. Is attending a regional occupational program or center pursuant to Education Code 48432
6. Is disqualified because of his/her physical or mental condition or because of personal services that must be rendered to his/her dependents
7. Is between the ages of 12 and 18 and enters a school attendance area from another state within 10 days of the end of the school term, with the exemption applicable for the remainder of the term pursuant to Education Code 48231

In addition, a student who is between the ages of 16 and 18 may be exempted from continuation education if he/she is taking a leave of absence for up to two semesters for the purpose of supervised travel, study, training, or work not available to the student under another educational option. (Education Code 48416)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

5 CCR 11522

Description

Parental consent for exemption based on high school proficiency certificate

Ed. Code 33190

[Affidavit by persons conducting private school instruction](#)

Ed. Code 46100-46147

[Minimum school day](#)

Ed. Code 46170

[Minimum school day; continuation education](#)

Ed. Code 48200-48341

[Compulsory education law](#)

Ed. Code 48400-48454

[Compulsory continuation education](#)

Ed. Code 48800-48802

[Attendance at community college](#)

Ed. Code 49110-49119

[Permits to work](#)

Ed. Code 49130-49135

[Permits to work full time](#)

Lab. Code 1285-1312

[Employment of minors](#)

Lab. Code 1390-1399

[Employment of minors](#)

Federal

20 USC 1681-1688

Description

Title IX of the Education Amendments of 1972; discrimination based on sex

29 USC 794

Rehabilitation Act of 1973; Section 504

34 CFR 106.40

Marital or parental status

Management Resources

Description

Court Decision

Thomas v. Atascadero Unified School District, (1986) 662 F.Supp. 376

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[California Department of Education, Attendance Improvement](#)

Cross References

| Code | Description |
|-------------|--|
| 5111 | Admission |
| 5111 | Admission |
| 5112.3 | Student Leave Of Absence |
| 5112.3 | Student Leave Of Absence |
| 5112.5 | Open/Closed Campus |
| 5113 | Absences And Excuses |
| 5113 | Absences And Excuses |
| 5113.1 | Chronic Absence And Truancy |
| 5113.1 | Chronic Absence And Truancy |
| 5113.11 | Attendance Supervision |
| 5113.2 | Work Permits |
| 5113.2 | Work Permits |
| 5125 | Student Records |
| 5125 | Student Records |
| 5141.22 | Infectious Diseases |
| 5141.22 | Infectious Diseases |
| 5141.31 | Immunizations |
| 5141.31 | Immunizations |
| 5144 | Discipline |
| 5144 | Discipline |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5144.1 | Suspension And Expulsion/Due Process |
| 5146 | Married/Pregnant/Parenting Students |
| 6146.2 | Certificate Of Proficiency/High School Equivalency |
| 6146.2 | Certificate Of Proficiency/High School Equivalency |
| 6146.2-E(1) | Certificate Of Proficiency/High School Equivalency |

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|--------|---|
| 6172.1 | <u>Concurrent Enrollment In College Classes</u> |
| 6172.1 | <u>Concurrent Enrollment In College Classes</u> |
| 6178.2 | <u>Regional Occupational Center/Program</u> |
| 6184 | <u>Continuation Education</u> |
| 6184 | <u>Continuation Education</u> |