

MIDDLETOWN UNIFIED SCHOOL DISTRICT

Regulation 5112.2: Exclusions From Attendance

Adopted Date: 12/13/2023

The Superintendent or designee shall ensure that each child entering a district school at any grade level adheres to district admission requirements and enrollment procedures.

Mandatory Exclusions

The Superintendent or designee shall not unconditionally admit any student to an elementary or secondary school, preschool, or child care and development program for the first time, nor, after July 1, 2016, admit or advance any student to grade 7 unless the student has been fully immunized in accordance with Health and Safety Code 120335 and BP/AR 5141.31 - Immunizations or is exempted by law.

If a conditionally admitted student has not received required immunizations within 10 days after his/her parent/guardian has been notified of the need to do so, the student shall be excluded until he/she provides written evidence that he/she has received the vaccines due at that time. (Education Code 48216; Health and Safety Code 120335, 120370; 17 CCR 6055)

The Superintendent or designee shall not admit a student who is reasonably suspected of having active tuberculosis. He/she shall be denied admission until the local health officer or licensed medical practitioner informs the district, in writing, that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 121485, 121495, 121505)

The Superintendent or designee shall exclude a student who is infected with any contagious or infectious disease. The student shall be permitted to return to school when a medical provider informs the Superintendent or designee in writing that he/she is satisfied that the contagious or infectious disease no longer exists. (Education Code 49451; 5 CCR 202)

The Superintendent or designee shall exclude a student who resides where any contagious, infectious, or communicable disease subject to quarantine exists or has recently existed and who is subject to strict isolation or quarantine of contacts, unless written permission of the health officer is provided. (Health and Safety Code 120230)

Permissive Exclusions

A student may be excluded from attendance at a district school under either of the following circumstances:

1. If there is good cause to believe that the student has been exposed to any disease stated in Health and Safety Code 120335 and his/her documentation of immunization does not show proof of immunization against that disease, the student may be temporarily excluded from the school until the local health officer is satisfied that the student is no longer at risk of developing or transmitting the disease. (Health and Safety Code 120335, 120370)
2. If the student has not had the health screening specified in Health and Safety Code 124040 before or within the first 90 days of attending first grade, he/she may be excluded for up to five days unless the parent/guardian has presented a waiver or the district has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

Notifications to Parents/Guardians

The Superintendent or designee may exclude a student without prior notice to the parent/guardian if the student is excluded for any of the following reasons: (Education Code 48213)

1. He/she resides in an area subject to quarantine pursuant to Health and Safety Code 120230.
2. He/she is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.
3. The Superintendent or designee determines that the presence of the student would constitute a clear and present danger to the safety or health of other students or school personnel.

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

In all other cases, the Superintendent or designee shall send a notice to the student's parent/guardian stating the facts leading to the exclusion, prior to excluding the student from attendance.

Appeals from Exclusion

Upon exclusion of his/her child, a parent/guardian may meet with the Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the Superintendent or designee to exclude his/her child, he/she may appeal the decision to the Governing Board.

The parent/guardian shall have an opportunity to inspect all documents upon which the district is basing its decision, to challenge any evidence and question any witness presented by the district, to present oral and documentary evidence on the student's behalf, and to have one or more representatives present at the meeting.

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	Description
17 CCR 6000-6075	School attendance immunization requirements
5 CCR 202	Exclusion of students with a contagious disease
Ed. Code 48210-48216	Persons excluded
Ed. Code 49076	Access to records by persons without written consent or under judicial order
Ed. Code 49408	Student emergency information
Ed. Code 49451	Parent's refusal to consent
H&S Code 120230	Exclusion for communicable disease
H&S Code 120325-120380	Immunization against communicable diseases

H&S Code 121475-121520

H&S Code 124025-124110

Management Resources

CSBA Publication

Website

Website

Website

Website

Website

[Tuberculosis tests for students](#)

[Child Health and Disability Prevention Program](#)

Description

Recent Legislation on Vaccines: SB 277, Fact Sheet, August 2015

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

[California Department of Public Health, Immunization Branch](#)

[California Healthy Kids Resource Center](#)

[Centers for Disease Control and Prevention](#)

[CSBA](#)

Cross References

Code

4119.41

4219.41

4319.41

5111

5111

5111.1

5111.1

5113

5113

5116

5117

5117

5125

5125

5141.22

5141.22

5141.26

5141.3

5141.3

5141.31

5141.31

Description

[Employees With Infectious Disease](#)

[Employees With Infectious Disease](#)

[Employees With Infectious Disease](#)

[Admission](#)

[Admission](#)

[District Residency](#)

[District Residency](#)

[Absences And Excuses](#)

[Absences And Excuses](#)

[School Attendance Boundaries](#)

[Interdistrict Attendance](#)

[Interdistrict Attendance](#)

[Student Records](#)

[Student Records](#)

[Infectious Diseases](#)

[Infectious Diseases](#)

[Tuberculosis Testing](#)

[Health Examinations](#)

[Health Examinations](#)

[Immunizations](#)

[Immunizations](#)

5141.32	<u>Health Screening For School Entry</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>
6183	<u>Home And Hospital Instruction</u>