

VENTURA COUNTY BOARD OF EDUCATION

ADMINISTRATIVE REGULATION NO. 5112.2

ADOPTED: 08/22/2022

CLASSIFICATION: Students

SUBJECT: Exclusions from Attendance

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

MANDATORY EXCLUSIONS

The County 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 their parent/guardian has been notified of the need to do so, the student shall be excluded until they provide written evidence that the student has received the vaccines due at that time. (Education Code 48216; Health and Safety Code 120335, 120370; 17 CCR 6055)

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

The County 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 County Superintendent or designee in writing that they are satisfied that the contagious or infectious disease no longer exists. (Education Code 49451; 5 CCR 202)

The County 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 VCOE School and Program 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 their 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, they may be excluded for up to five days unless the parent/guardian has presented a waiver or VCOE Schools and Programs has exempted the student from this requirement in accordance with law. (Health and Safety Code 124105)

NOTIFICATIONS TO PARENTS/GUARDIANS

The County 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. Student resides in an area subject to quarantine pursuant to Health and Safety Code 120230.
2. Student is exempt from a medical examination but suffers from a contagious or infectious disease pursuant to Education Code 49451.
3. The County 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 County Superintendent or designee shall send a notice as soon as reasonably possible after the exclusion. (Education Code 48213)

In all other cases, the County 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 their child, a parent/guardian may meet with the County Superintendent or designee to discuss the exclusion. If the parent/guardian disagrees with the decision of the County Superintendent or designee to exclude their child, they may appeal the decision to the County Board.

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

Legal References:

EDUCATION CODE

48210-48216 Persons excluded
49451 Parent's refusal to consent

CODE OF REGULATIONS

17 CCR 6055 School attendance immunization requirements
5 CCR 202 Exclusion of students with a contagious disease

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
124105 Child Health and Disability Prevention Program