

**EXEMPTIONS FROM ATTENDANCE**

Each student between the ages of 6 and 18 shall be subject to compulsory full-time education. (Education Code 48200)

*(cf. 5113.1 - Chronic Absence and Truancy)*

However, the Superintendent or designee may grant exemptions from compulsory attendance to a student as allowed by law and in the best interest of the student. Exemptions shall not be used to remove a student from the school for disciplinary purposes.

*(cf. 5111 - Admission)*

*(cf. 5112.2 - Exclusions from Attendance)*

*(cf. 5112.3 - Student Leave of Absence)*

*(cf. 5113.2 - Work Permits)*

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5144 - Discipline)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5146 - Married/Pregnant/Parenting Students)*

*(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)*

*(cf. 6158 - Independent Study)*

*(cf. 6172.1 - Concurrent Enrollment in College Classes)*

*(cf. 6178.2 - Regional Occupational Center/Program)*

*(cf. 6183 - Home and Hospital Instruction)*

*(cf. 6184 - Continuation Education)*

*(cf. 6200 - Adult Education)*

As needed, the Superintendent or designee may require a student or his/her parent/guardian to submit written documentation that the student fulfills one of the conditions specified in law and administrative regulation for which exemption is authorized.

*(cf. 5125 - Student Records)*

*Legal Reference: (see next page)*

**EXEMPTIONS FROM ATTENDANCE** (continued)

*Legal Reference:*

EDUCATION CODE

33190 Affidavit by persons conducting private school instruction

46100-46147 Minimum school day

46170 Minimum school day, continuation education

48200-48341 Compulsory education law

48400-48454 Compulsory continuation education

48800-48802 Attendance at community college

49110-49119 Permits to work

49130-49135 Permits to work full time

LABOR CODE

1285-1312 Employment of minors

1390-1399 Employment of minors

CODE OF REGULATIONS, TITLE 5

11522 Parental consent for exemption based on high school proficiency certificate

UNITED STATES CODE, TITLE 20

1681-1688 Title IX, discrimination

UNITED STATES CODE, TITLE 29

794 Section 504 of the Rehabilitation Act of 1973

CODE OF FEDERAL REGULATIONS, TITLE 34

106.40 Marital or parental status

COURT DECISIONS

Thomas v. Atascadero Unified School District, (1987) 662 F.Supp. 342

*Management Resources:*

WEB SITES

California Department of Education, Attendance Improvement: <http://www.cde.ca.gov/ls/ai/>

**EXEMPTIONS FROM ATTENDANCE**

**Exemptions from Regular Education Program**

Requests for exemption from compulsory full-time attendance must include satisfactory evidence of conditions upon which an exemption can be legally justified. 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)

*(cf. 5113.2 - Work Permits)*

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)

*(cf. 5112.3 - Student Leave of Absence)*

7. Attends a community college as a special full-time student on the grounds that he/she would benefit from advanced scholastic or vocational work (Education Code 48800.5)

*(cf. 6172.1 - Concurrent Enrollment in College Classes)*

**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

**EXEMPTIONS FROM ATTENDANCE** (continued)

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

*(cf. 6146.2 - Certificate of Proficiency/High School Equivalency)*

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

*(cf. 6200 - Adult Education)*

5. Is attending a regional occupational program or center pursuant to Education Code 48432

*(cf. 6178.2 - Regional Occupational Center/Program)*

6. Is disqualified because of his/her physical or mental condition or because of personal services that must be rendered to his/her dependents

*(cf. 5141.22 - Infectious Diseases)*

*(cf. 5146 - Married/Pregnant/Parenting Students)*

*(cf. 6158 - Independent Study)*

*(cf. 6183 - Home and Hospital Instruction)*

*(cf. 6184 - Continuation Education)*

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)