

CLIENT NEWS BRIEF

Student Attendance Issues in Response to COVID-19

The coronavirus disease 2019 (COVID-19) is a novel respiratory disease that has affected communities worldwide. Cases of COVID-19 have recently appeared in several California communities, prompting a significant number of school closures around the state. In the coming weeks, as schools begin to re-open, they may encounter issues regarding student attendance and exclusions. This news brief provides K-12 districts with general guidance relating to these issues.

Excluding Students from School

Whenever there is good reason to believe that a student has contracted COVID-19, they must be sent home and may not be permitted to return to school until school authorities are satisfied that the disease no longer exists. Further, any students who have been subject to strict isolation or a quarantine by a health officer may not attend school unless they have received written permission from a health officer to do so. A principal or his or her designee may also exclude students from school if the principal or designee believes that the student's presence constitutes a clear and present danger to the life, safety, or health of other pupils or school personnel.

When a student is excluded from school for any of the above reasons, a district need not issue prior notice of the exclusion to the student's parent or guardian, however, the district must send notice of the exclusion as soon as is reasonably possible after the exclusion.

Student Absences

A student absence must be excused when the student is absent for any of the following reasons: 1) the student is ill; 2) the student cannot attend school due to a quarantine implemented by a county or city health officer; or 3) the student is receiving medical services. Additionally, the law has recently been amended to allow school administrators to excuse absences that they deem to be valid in light of a student's individual circumstances.

This means that students who are absent from school because they have contracted COVID-19 and/or are receiving treatment for COVID-19 must be excused. Also, students who cannot attend school due to a quarantine implemented in response to COVID-19 must be excused. Students who have not contracted COVID-19, are not receiving treatment for COVID-19, and are not quarantined, but who nevertheless decline to come to school due to concerns about the spread of disease, need not be excused, though, school administrators have discretion to excuse these absences if they deem the absences to be valid. Special situations may exist for students with compromised immune systems.

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As the information contained herein is necessarily general, its application to a particular set of facts and circumstances may vary. For this reason, this News Brief does not constitute legal advice. We recommend that you consult with your counsel prior to acting on the information contained herein.

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Takeaways

When school districts reopen, they will likely face a number of issues regarding student absences and exclusions. If school districts believe that students have contracted COVID-19, they must exclude these students from school. Further, absences must be excused for students who have contracted COVID-19, are being treated for COVID-19, or have been quarantined. If parents elect to keep their children home from school as a precautionary measure, these absences need not be excused, but may be excused pursuant to the discretion of school administrators. Districts are advised to consult with legal counsel if they have questions about their discretion to excuse absences.

School districts should keep apprised of guidance issued by CDPH and the California Department of Education regarding proper methods for responding to COVID-19. CDPH guidance can be found here: <https://www.cdph.ca.gov/Programs/OPA/Pages/New-Release-2020.aspx>.

For more information on issues arising from the COVID-19 outbreak, please contact one of our [eight offices](#) located statewide. You can also subscribe to our [podcast](#), follow us on [Facebook](#), [Twitter](#) and [LinkedIn](#) or download our [mobile app](#).