

Proposed Strategy

“Removal of Students for Non-Compliance with College COVID Policy”

Instead of relying on our Student Discipline Procedures (AP 5520), we propose to invoke a removal from in person presence on campus for protection from contagious and infectious diseases.

“Due to the current pandemic, in order to assure the health and safety of students and employees on the Mt. San Antonio College campus, all students attending and participating in person, on campus, are required to submit proof of not being contagious or having an infectious disease (COVID-19 and related variants). The college may exclude students from attending in person instruction and labs, and from participating in on campus services (counseling, tutoring, library, and the like) until submission of documentation consisting of either proof of COVID vaccination or completion of weekly COVID testing. Repeated non-compliance may result in a referral for student discipline.”

[Education Code 76020¹; BP 5500; AP 5520]

Chancellor’s Office Legal Opinion L-07-07

Education Code section 76020 addresses the exclusion of students as follows: “(a) The governing body of any community college district may exclude students of filthy or vicious habits, or students suffering from contagious or infectious diseases. (b) The governing board of the community college may exclude from attendance in regular classes any student whose physical or mental disability is such as to cause his or her attendance to be inimical to the welfare of other students.”² Predecessor language for section 76020 was analyzed in 1966 by the California Attorney General. The Attorney General noted that the “exclusion of pupils under the foregoing provisions is authorized not as punishment but to provide school authorities a means to protect other pupils.” (48 Ops.Cal.Atty.Gen. 4 (1966) [Opinion No. 66-23].)

¹ **EDUCATION CODE - EDC**

ARTICLE 2. Exclusion of Students [76020- 76020.]

(Heading of Article 2 amended by Stats. 1976, Ch. 1011.)

76020.

(a) The governing body of any community college district may exclude students of filthy or vicious habits, or students suffering from contagious or infectious diseases.

(b) The governing board of the community college may exclude from attendance on regular classes any student whose physical or mental disability is such as to cause his or her attendance to be inimical to the welfare of other students.

(Amended by Stats. 1990, Ch. 1372, Sec. 420.)