

AMENDED IN ASSEMBLY JANUARY 15, 2010

AMENDED IN ASSEMBLY OCTOBER 26, 2009

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 317

Introduced by Assembly Member Solorio

February 18, 2009

An act to add Section ~~46011.3~~ 46393 to the Education Code, relating to school attendance, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 317, as amended, Solorio. ~~School attendance~~ *attendance: H1N1 (2009) influenza virus.*

Existing law establishes the system of public elementary and secondary schools in this state, as well as the statutory scheme for the provision of funding for this system. State apportionments to school districts, the amounts of which are computed based on the average daily attendance of pupils in the schools operated by those districts, among other factors, constitute a major source of school funding. Existing law generally requires that the total days of attendance of a pupil at the schools and classes maintained by a school district is the number of days school was actually taught for not less than the minimum schooldays during the fiscal year less the sum of his or her absences.

Existing law requires that, whenever the average daily attendance of any school district, county office of education, or regional occupational center or program during any fiscal year has been materially decreased because of, among other things, an epidemic, that the Superintendent

of Public Instruction estimate what the average daily attendance of that entity would have been had the epidemic not occurred and credit that amount of average daily attendance to that entity.

~~This bill would provide that pupil absences certified as related to the H1N1 (2009) influenza virus, in accordance with the procedures established pursuant to the bill, not be deemed as absences under this provision and not affect the calculation of state apportionments. The bill would further authorize the governing board of a school district in which any public elementary or secondary school that has 50 or more pupils who have missed at least one day of school because of the H1N1 virus apply to the Superintendent for a waiver of qualifying pupil absences for apportionment purposes as defined, in any public elementary or secondary school be deemed to be an epidemic for the purposes of the provisions described above.~~

~~The bill would require the Superintendent of Public Instruction to adopt, and inform school districts about, guidelines and procedures to govern the processing of waiver applications submitted by school districts and the certification of pupil absences in applicant school districts as related to the H1N1 (2009) influenza virus.~~

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 46393 is added to the Education Code,
- 2 to read:
- 3 46393. (a) For the 2009–10 and 2010–11 fiscal years, a pupil’s
- 4 absence related to the H1N1 (2009) influenza virus in any public
- 5 elementary or secondary school shall be deemed to be an epidemic
- 6 for the purposes of this article and for the purposes of Section
- 7 41422.
- 8 (b) Notwithstanding any regulation enacted pursuant to this
- 9 chapter, a decrease in average daily attendance resulting from a
- 10 pupil absence related to the H1N1 (2009) influenza virus is
- 11 material for the purposes of this article.
- 12 (c) For purposes of this section:
- 13 (1) “H1N1 (2009) influenza virus” means the virus also
- 14 commonly known in 2009 as “pandemic influenza” or “swine flu.”

1 (2) “Pupil absence related to the H1N1 (2009) influenza virus”
2 includes, but is not necessarily limited to, both of the following:

3 (A) An absence of a pupil who has tested positive for the H1N1
4 (2009) influenza virus.

5 (B) An absence of a pupil who has not tested positive for the
6 H1N1 (2009) influenza virus, but whose reason for absence is
7 consistent with the symptoms of the H1N1 (2009) influenza virus.

8 SEC. 2. This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety within
10 the meaning of Article IV of the Constitution and shall go into
11 immediate effect. The facts constituting the necessity are:

12 The incidence of the H1N1 (2009) influenza virus is an
13 international health problem that pupils, parents, and school
14 personnel cannot control. In order to prevent fiscal hardship to
15 schools that experience widespread absenteeism due to the H1N1
16 (2009) influenza virus, it is necessary that this act take effect
17 immediately.

18 SECTION 1. Section 46011.3 is added to the Education Code,
19 to read:

20 46011.3. Notwithstanding any other provision of law:

21 (a) Pupil absences certified as related to the H1N1 (2009)
22 influenza virus, in accordance with the procedures established
23 pursuant to this section, shall not be deemed to be absences within
24 the meaning of Section 46010 and shall not affect the calculation
25 of apportionments.

26 (b) Pupil absences related to the H1N1 (2009) influenza virus
27 in any public elementary or secondary school where 50 or more
28 pupils have missed at least one day of school for a reason within
29 the meaning of paragraph (2) of subdivision (d) are eligible to be
30 waived in accordance with this section. The governing board of a
31 school district in which any elementary or secondary school
32 meeting the 50-pupil standard specified in this subdivision is
33 located may apply to the Superintendent for a waiver of qualifying
34 pupil absences in that district for apportionment purposes pursuant
35 to this section.

36 (c) The Superintendent shall adopt, and inform school districts
37 about, guidelines and procedures to govern the processing of
38 applications submitted pursuant to subdivision (b) and the
39 certification of pupil absences in an applicant school district as
40 related to the H1N1 (2009) influenza virus.

1 ~~(d) As used in this section:~~

2 ~~(1) “H1N1 (2009) influenza virus” means the virus also~~
3 ~~commonly known as “pandemic influenza” or “swine flu.”~~

4 ~~(2) “Pupil absences related to the H1N1 (2009) influenza virus”~~
5 ~~include, but are not necessarily limited to, both of the following:~~

6 ~~(A) Absences of pupils who tested positive for the H1N1 (2009)~~
7 ~~influenza virus.~~

8 ~~(B) Absences of pupils who have not tested positive for the~~
9 ~~H1N1 (2009) influenza virus, but whose absence occurs during~~
10 ~~an outbreak of that virus that leads either to a complete or partial~~
11 ~~closure of their school or to their parents or guardians reasonably~~
12 ~~concluding that school attendance would subject those pupils to a~~
13 ~~heightened danger of being stricken with that virus.~~