

AMENDED IN ASSEMBLY APRIL 26, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1362**

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**Introduced by Assembly Member Nestande**  
(Coauthor: Senator Padilla)

February 18, 2011

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An act to add Section 46001 to the Education Code, relating to pupil attendance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1362, as amended, Nestande. Pupil attendance: electronic attendance accounting systems.

Existing law requires that pupil attendance and absence be recorded for certain purposes, including meeting requirements relating to the minimum required school day and calculation of average daily attendance. Existing law requires that records of pupil attendance be kept according to specified provisions of law.

This bill would authorize a local educational agency to use electronic attendance accounting systems that meet certain requirements, and that are approved by the State Department of Education, for purposes of demonstrating that pupils have satisfied the minimum instructional time requirements and for purposes of computing average daily attendance. The bill also would authorize pupil attendance records to be combined from more than one system, including manual and electronic attendance accounting systems. *The bill would specify that its provisions do not authorize the use of radio frequency identification, global positioning systems, biometric information, or any other technology that allows the electronic tracking of pupils or the collection of pupil data, as well as the collection, dissemination, or release of individual pupil data in a*

*manner that violates state or federal privacy law. The bill would state the Legislature’s intent that electronic attendance accounting systems only be used to facilitate the recording and reporting of attendance and absence information by employees of the local educational agency or other individuals lawfully provided access to that information.*

Vote: majority. 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 46001 is added to the Education Code,  
 2 to read:  
 3 46001. (a) Notwithstanding any other ~~provision of~~ law, records  
 4 of cumulative minutes of instruction for an individual pupil may  
 5 be combined from more than one system, including manual and  
 6 electronic attendance accounting systems *approved by the*  
 7 *department*, to satisfy the requirements of Section 44809, to satisfy  
 8 accounting for the minimum school day requirements pursuant to  
 9 Chapter 2 (commencing with Section 46100), and to be used for  
 10 computing average daily attendance pursuant to Chapter 3  
 11 (commencing with Section 46300).  
 12 (b) (1) Local educational agencies may use electronic  
 13 attendance accounting systems approved by the department for  
 14 purposes of demonstrating that pupils have satisfied the minimum  
 15 instructional time requirements and for purposes of computing  
 16 average daily attendance.  
 17 (2) For purposes of this section, electronic attendance accounting  
 18 systems, at a minimum, shall ~~track~~ *allow the teacher or employee*  
 19 *of the local educational agency to record* the original date and  
 20 time that data is entered for each pupil and identify by password  
 21 or other acceptable mechanism the identity of the ~~data recorder.~~  
 22 *individual recording the attendance data.*  
 23 (c) *Nothing in this section shall be interpreted to authorize*  
 24 *either of the following:*  
 25 (1) *The use of radio frequency identification, global positioning*  
 26 *systems, biometric identification, or any other technology that*  
 27 *allows the electronic tracking of pupils or the collection of pupil*  
 28 *data.*  
 29 (2) *The collection, dissemination, or release of individual pupil*  
 30 *data in a manner that violates either state law protecting pupil*

1 *privacy or the federal Family Educational Rights and Privacy Act*  
2 *(20 U.S.C. Sec. 1232g).*  
3 *(d) It is the intent of the Legislature that electronic attendance*  
4 *accounting systems only be used to facilitate the recording and*  
5 *reporting of attendance and absence information by employees of*  
6 *the local educational agency or other individuals provided access*  
7 *to that information under state law protecting pupil privacy or the*  
8 *federal Family Educational Rights and Privacy Act (20 U.S.C.*  
9 *Sec. 1232g).*

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