

Introduced by Senator LeyvaFebruary 3, 2016

An act to amend Sections 46300 and 48205 of the Education Code, relating to pupil attendance.

LEGISLATIVE COUNSEL'S DIGEST

SB 946, as introduced, Leyva. Pupil attendance: service on precinct board.

Existing law authorizes a pupil to be excused from school for specified reasons, including for the purpose of serving as a member of a precinct board for an election. Existing law provides that an excused absence for those specified reasons are, nevertheless, absences for the purpose of computing average daily attendance and do not generate state apportionment payments. Existing law also requires that the attendance of pupils participating in independent study for 5 or more consecutive days, as specified, be included in computing the average daily attendance of the school district.

This bill would specify that, for the purpose of computing average daily attendance for pupils in independent study, a pupil serving as a member of a precinct board for an election shall not be required to participate in that activity for 5 or more consecutive days if specified requirements are met, and would specify that an absence for those reasons shall not be considered an absence for purposes of generating state apportionment payments. The bill also would delete an obsolete reference and make other nonsubstantive changes.

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 46300 of the Education Code is amended
2 to read:

3 46300. (a) In computing average daily attendance of a school
4 district or county office of education, there shall be included the
5 attendance of pupils while engaged in educational activities
6 required of those pupils and under the immediate supervision and
7 control of an employee of the *school* district or county office of
8 *education* who possessed a valid certification document, registered
9 as required by law.

10 (b) (1) For purposes of a work experience education program
11 in a secondary school that meets the standards of the California
12 State Plan for Career Technical Education, “immediate
13 supervision,” in the context of off-campus work training stations,
14 means pupil participation in on-the-job training as outlined under
15 a training agreement, coordinated by the school district under a
16 state-approved plan, wherein the employer and certificated school
17 personnel share the responsibility for on-the-job supervision.

18 (2) The pupil-teacher ratio in a work experience program shall
19 not exceed 125 pupils per full-time equivalent certificated teacher
20 coordinator. This ratio may be waived by the state board pursuant
21 to Article 3 (commencing with Section 33050) of Chapter 1 of
22 Part 20 of Division 2 under criteria developed by the state board.

23 (3) A pupil enrolled in a work experience program shall not be
24 credited with more than one day of attendance per calendar day,
25 and shall be a full-time pupil enrolled in regular classes that meet
26 the requirements of Section 46141 or 46144.

27 (c) (1) For purposes of the rehabilitative schools, classes, or
28 programs described in Section 48917 that require immediate
29 supervision, “immediate supervision” means that the person to
30 whom the pupil is required to report for training, counseling,
31 tutoring, or other prescribed activity shares the responsibility for
32 the supervision of the pupils in the rehabilitative activities with
33 certificated personnel of the district.

34 (2) A pupil enrolled in a rehabilitative school, class, or program
35 shall not be credited with more than one day of attendance per
36 calendar day.

37 (d) (1) For purposes of computing the average daily attendance
38 of pupils engaged in the educational activities required of high

1 school pupils who are also enrolled in a regional occupational
2 center or regional occupational program, the school district shall
3 receive proportional average daily attendance credit for those
4 educational activities that are less than the minimum schoolday,
5 pursuant to regulations adopted by the state board; however, none
6 of that attendance shall be counted for purposes of computing
7 attendance pursuant to Section 52324. board.

8 (2) A school district shall not receive proportional average daily
9 attendance credit pursuant to this subdivision for a pupil in
10 attendance for less than 145 minutes each day.

11 (3) The divisor for computing proportional average daily
12 attendance pursuant to this subdivision is 240, except that, in the
13 case of a pupil excused from physical education classes pursuant
14 to Section 52316, the divisor is 180.

15 (4) Notwithstanding any other provision of law, travel time of
16 pupils to attend a regional occupational center or regional
17 occupational program shall not be used in any manner in the
18 computation of average daily attendance.

19 (e) (1) In computing the average daily attendance of a school
20 district, there shall also be included the attendance of pupils
21 participating in independent study conducted pursuant to Article
22 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for
23 five or more consecutive schooldays.

24 (2) A pupil participating in independent study shall not be
25 credited with more than one day of attendance per calendar day.

26 (3) *For purposes of this subdivision, a pupil serving as a member*
27 *of a precinct board for an election pursuant to Section 12302 of*
28 *the Elections Code consistent with subdivision (a) of Section 51745*
29 *shall not be required to participate in that activity for five or more*
30 *consecutive schooldays if the pupil absent from school under this*
31 *paragraph is required to do both of the following:*

32 (A) *Complete all assignments and tests missed during the*
33 *absence. The teacher of any class from which a pupil is absent*
34 *shall ensure that the assignments and tests are reasonably*
35 *equivalent, but not necessarily identical, to the assignments and*
36 *tests that the pupil missed during the absence.*

37 (B) *Complete a report or written assignment on the subject of*
38 *the activities engaged in by the pupil while serving as a member*
39 *of a precinct board for an election pursuant to Section 12302 of*
40 *the Elections Code. The teacher of any class from which a pupil*

1 *is absent shall ensure that the report or written assignment is*
2 *submitted within a reasonable time after the activities are*
3 *completed.*

4 (f) For purposes of cooperative career technical education
5 programs and community classrooms described in Section 52372.1,
6 “immediate supervision” means pupil participation in paid and
7 unpaid on-the-job experiences, as outlined under a training
8 agreement and individualized training plans wherein the supervisor
9 of the training site and certificated school personnel share the
10 responsibility for the supervision of on-the-job experiences.

11 (g) (1) In computing the average daily attendance of a school
12 district, there shall be included the attendance of pupils in
13 kindergarten after they have completed one school year in
14 kindergarten or pupils in a transitional kindergarten program after
15 they have completed one year in that program if one of the
16 following conditions is met:

17 (A) The school district has on file for each of those pupils an
18 agreement made pursuant to Section 48011, approved in form and
19 content by the department and signed by the pupil’s parent or
20 guardian, that the pupil may continue in kindergarten for not more
21 than one additional school year.

22 (B) The pupils participated in a transitional kindergarten
23 program pursuant to subdivision (c) of Section 48000.

24 (2) A school district may not include for apportionment purposes
25 the attendance of any pupil for more than two years in kindergarten
26 or for more than two years in a combination of transitional
27 kindergarten and kindergarten.

28 SEC. 2. Section 48205 of the Education Code is amended to
29 read:

30 48205. (a) Notwithstanding Section 48200, a pupil shall be
31 excused from school when the absence is:

32 (1) Due to his or her illness.

33 (2) Due to quarantine under the direction of a county or city
34 health officer.

35 (3) For the purpose of having medical, dental, optometrical, or
36 chiropractic services rendered.

37 (4) For the purpose of attending the funeral services of a member
38 of his or her immediate family, so long as the absence is not more
39 than one day if the service is conducted in California and not more
40 than three days if the service is conducted outside California.

1 (5) For the purpose of jury duty in the manner provided for by
2 law.

3 (6) Due to the illness or medical appointment during school
4 hours of a child of whom the pupil is the custodial parent.

5 (7) For justifiable personal reasons, including, but not limited
6 to, an appearance in court, attendance at a funeral service,
7 observance of a holiday or ceremony of his or her religion,
8 attendance at religious retreats, attendance at an employment
9 conference, or attendance at an educational conference on the
10 legislative or judicial process offered by a nonprofit organization
11 when the pupil's absence is requested in writing by the parent or
12 guardian and approved by the principal or a designated
13 representative pursuant to uniform standards established by the
14 governing board.

15 (8) For the purpose of serving as a member of a precinct board
16 for an election pursuant to Section 12302 of the Elections Code.

17 (9) For the purpose of spending time with a member of the
18 pupil's immediate family, who is an active duty member of the
19 uniformed services, as defined in Section 49701, and has been
20 called to duty for, is on leave from, or has immediately returned
21 from, deployment to a combat zone or combat support position.
22 Absences granted pursuant to this paragraph shall be granted for
23 a period of time to be determined at the discretion of the
24 superintendent of the school district.

25 (b) A pupil absent from school under this section shall be
26 allowed to complete all assignments and tests missed during the
27 absence that can be reasonably provided and, upon satisfactory
28 completion within a reasonable period of time, shall be given full
29 credit therefor. The teacher of the class from which a pupil is absent
30 shall determine which tests and assignments shall be reasonably
31 equivalent to, but not necessarily identical to, the tests and
32 assignments that the pupil missed during the absence.

33 (c) For purposes of this section, attendance at religious retreats
34 shall not exceed four hours per semester.

35 (d) Absences pursuant to this section are deemed to be absences
36 in computing average daily attendance and shall not generate state
37 apportionment ~~payments~~: *payments, except for a pupil serving as*
38 *a member of a precinct board for an election in accordance with*
39 *paragraph (3) of subdivision (e) of Section 46300.*

1 (e) “Immediate family,” as used in this section, has the same
2 meaning as set forth in Section 45194, except that references
3 ~~therein~~ *in that section* to “employee” shall be deemed to be
4 references to “pupil.”

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