

AMENDED IN SENATE JUNE 12, 2014

AMENDED IN ASSEMBLY MAY 27, 2014

AMENDED IN ASSEMBLY MARCH 27, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2684**

---

---

**Introduced by Assembly Member Stone**  
**(Coauthors: Assembly Members Cooley and Fong)**  
(Coauthor: Senator Evans)

February 21, 2014

---

---

An act to ~~add Section 1120.5 to the Fish and Game Code, relating to fish.~~ *amend Sections 46300 and 48205 of the Education Code, relating to pupil attendance, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 2684, as amended, Stone. ~~Hatchery practices: salmon and steelhead.~~ *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 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.*

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

~~Existing law requires the Fish and Game Commission to establish fish hatcheries for stocking the waters of California with fish and requires the Department of Fish and Wildlife to maintain and operate such hatcheries. Existing law also authorizes county boards of supervisors to establish and maintain fish hatcheries and authorizes the commission to issue permits to nonprofit organizations to construct and operate anadromous fish hatcheries.~~

~~This bill would require the department to implement specified policies and practices for hatchery chinook salmon reared or released in California waters, including a requirement that hatchery chinook salmon released in California waters be externally marked on the top fin in a percentage to be determined by the department and that hatchery chinook salmon be coded-wire tagged in a percentage to be determined by the department prior to their release. The bill would provide that any contract between the department and an entity responsible for funding a mitigation hatchery operated by the department shall require the responsible entity to pay the costs of coded-wire tagging hatchery chinook salmon to the extent the payment is consistent with the federal license requiring the responsible entity to fund the operation of the mitigation hatchery.~~

Vote: ~~majority~~<sup>2/3</sup>. 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

1 *education* who possessed a valid certification document, registered  
2 as required by law.

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

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

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

20 (c) (1) For purposes of the rehabilitative schools, classes, or  
21 programs described in Section 48917 that require immediate  
22 supervision, “immediate supervision” means that the person to  
23 whom the pupil is required to report for training, counseling,  
24 tutoring, or other prescribed activity shares the responsibility for  
25 the supervision of the pupils in the rehabilitative activities with  
26 certificated personnel of the district.

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

30 (d) (1) For purposes of computing the average daily attendance  
31 of pupils engaged in the educational activities required of high  
32 school pupils who are also enrolled in a regional occupational  
33 center or regional occupational program, the school district shall  
34 receive proportional average daily attendance credit for those  
35 educational activities that are less than the minimum schoolday,  
36 pursuant to regulations adopted by the state board; however, none  
37 of that attendance shall be counted for purposes of computing  
38 attendance pursuant to Section 52324.

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

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

8 (4) Notwithstanding any other ~~provision of~~ law, travel time of  
9 pupils to attend a regional occupational center or regional  
10 occupational program shall not be used in any manner in the  
11 computation of average daily attendance.

12 (e) (1) In computing the average daily attendance of a school  
13 district, there shall also be included the attendance of pupils  
14 participating in independent study conducted pursuant to Article  
15 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for  
16 five or more consecutive schooldays.

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

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

25 (A) *Complete all assignments and tests missed during the  
26 absence. The teacher of any class from which a pupil is absent  
27 shall ensure that the assignments and tests are reasonably  
28 equivalent, but not necessarily identical, to the assignments and  
29 tests that the pupil missed during the absence.*

30 (B) *Complete a report or written assignment on the subject of  
31 the activities engaged in by the pupil while serving as a member  
32 of a precinct board for an election pursuant to Section 12302 of  
33 the Elections Code. The teacher of any class from which a pupil  
34 is absent shall ensure that the report or written assignment is  
35 submitted within a reasonable time after the activities are  
36 completed.*

37 (f) For purposes of cooperative career technical education  
38 programs and community classrooms described in Section 52372.1,  
39 “immediate supervision” means pupil participation in paid and  
40 unpaid on-the-job experiences, as outlined under a training

1 agreement and individualized training plans wherein the supervisor  
2 of the training site and certificated school personnel share the  
3 responsibility for the supervision of on-the-job experiences.

4 (g) (1) In computing the average daily attendance of a school  
5 district, there shall be included the attendance of pupils in  
6 kindergarten after they have completed one school year in  
7 kindergarten or pupils in a transitional kindergarten program after  
8 they have completed one year in that program if one of the  
9 following conditions is met:

10 (A) The school district has on file for each of those pupils an  
11 agreement made pursuant to Section 48011, approved in form and  
12 content by the department and signed by the pupil's parent or  
13 guardian, that the pupil may continue in kindergarten for not more  
14 than one additional school year.

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

17 (2) A school district may not include for apportionment purposes  
18 the attendance of any pupil for more than two years in kindergarten  
19 or for more than two years in a combination of transitional  
20 kindergarten and kindergarten.

21 *SEC. 2. Section 48205 of the Education Code is amended to*  
22 *read:*

23 48205. (a) Notwithstanding Section 48200, a pupil shall be  
24 excused from school when the absence is:

25 (1) Due to his or her illness.

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

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

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

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

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

38 (7) For justifiable personal reasons, including, but not limited  
39 to, an appearance in court, attendance at a funeral service,  
40 observance of a holiday or ceremony of his or her religion,

1 attendance at religious retreats, attendance at an employment  
 2 conference, or attendance at an educational conference on the  
 3 legislative or judicial process offered by a nonprofit organization  
 4 when the pupil’s absence is requested in writing by the parent or  
 5 guardian and approved by the principal or a designated  
 6 representative pursuant to uniform standards established by the  
 7 governing board.

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

10 (9) For the purpose of spending time with a member of the  
 11 pupil’s immediate family, who is an active duty member of the  
 12 uniformed services, as defined in Section 49701, and has been  
 13 called to duty for, is on leave from, or has immediately returned  
 14 from, deployment to a combat zone or combat support position.  
 15 Absences granted pursuant to this paragraph shall be granted for  
 16 a period of time to be determined at the discretion of the  
 17 superintendent of the school district.

18 (b) A pupil absent from school under this section shall be  
 19 allowed to complete all assignments and tests missed during the  
 20 absence that can be reasonably provided and, upon satisfactory  
 21 completion within a reasonable period of time, shall be given full  
 22 credit therefor. The teacher of the class from which a pupil is absent  
 23 shall determine which tests and assignments shall be reasonably  
 24 equivalent to, but not necessarily identical to, the tests and  
 25 assignments that the pupil missed during the absence.

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

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

33 (e) “Immediate family,” as used in this section, has the same  
 34 meaning as set forth in Section 45194, except that references  
 35 ~~therein in that section~~ to “employee” shall be deemed to be  
 36 references to “pupil.”

37 *SEC. 3. This act is an urgency statute necessary for the*  
 38 *immediate preservation of the public peace, health, or safety within*  
 39 *the meaning of Article IV of the Constitution and shall go into*  
 40 *immediate effect. The facts constituting the necessity are:*

1 *In order for the changes proposed by this act to take effect in*  
2 *time for pupils to participate in the November 4, 2014, statewide*  
3 *general election, it is necessary that this act take effect*  
4 *immediately.*

5 SECTION 1. ~~Section 1120.5 is added to the Fish and Game~~  
6 ~~Code, to read:~~

7 ~~1120.5.—(a) The department shall implement policies and~~  
8 ~~practices for hatchery chinook salmon reared or released in~~  
9 ~~California waters by adopting all of the following:~~

10 ~~(1) Hatchery practices that improve the survival and fitness of~~  
11 ~~the hatchery population.~~

12 ~~(2) Hatchery practices that reduce the genetic and ecological~~  
13 ~~risks posed by hatchery juveniles and adults to wild and native~~  
14 ~~populations.~~

15 ~~(3) A requirement that hatchery chinook salmon released in~~  
16 ~~California waters be externally marked on the top fin in a~~  
17 ~~percentage to be determined by the department and that hatchery~~  
18 ~~chinook salmon be coded-wire tagged in a percentage to be~~  
19 ~~determined by the department prior to their release.~~

20 ~~(b) Any contract between the department and an entity~~  
21 ~~responsible for funding a mitigation hatchery operated by the~~  
22 ~~department shall require the responsible entity to pay the costs~~  
23 ~~incurred pursuant to paragraph (3) of subdivision (a) to the extent~~  
24 ~~the payment is consistent with the federal license requiring the~~  
25 ~~responsible entity to fund the operation of the mitigation hatchery.~~