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CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 1409

**Introduced by Assembly Member Portantino
(Coauthor: Assembly Member Fuller)**

February 23, 2007

An act to amend Sections 48800, ~~48800.5~~, ~~48802~~, ~~76001~~, and ~~76002~~ of, and to add and repeal Section ~~48800.1~~ of, and ~~76002~~ of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1409, as amended, Portantino. Pupils: concurrent enrollment in community college and secondary or elementary school.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.

Existing law authorizes the governing board of a school district to authorize pupils, with parental permission, who would benefit from

advanced scholastic or vocational work, to attend community college as special part-time students to undertake one or more courses of instruction at the community college level, in order to provide educational enrichment opportunities for a limited number of eligible pupils.

Existing law prohibits the principal of a secondary school from recommending, for any particular grade level, for community college summer attendance, more than 5% of the total number of pupils who completed that grade immediately prior to the time of recommendation.

~~This bill would authorize school districts to enter into partnerships with community college districts to provide secondary school pupils with the opportunity to benefit from advanced scholastic, career-technical, or vocational work, or other coursework at a campus of the California Community Colleges. The bill would authorize the enrollment of a secondary school pupil in one or more courses of instruction offered by a community college on a high school campus under the terms and conditions imposed by the governing authorities of that high school~~ *instead provide that, from January 1, 2008, to December 31, 2010, inclusive, for any particular grade level, a principal may not recommend for community college summer session attendance more than 10% of the total number of pupils who completed that grade in the school year immediately prior to the time of recommendation.*

~~The bill would prohibit, from January 1, 2008, to December 31, 2008, inclusive, a secondary school principal from recommending, for community college summer attendance, more than 15% of the total number of pupils who completed that grade immediately prior to the time of recommendation. Effective from January 1, 2009, to December 31, 2009, inclusive, the bill would raise the 15% pupil limitation to 20%. Effective January 1, 2010, the bill would raise the 20% limitation to 25% of the total number of pupils who completed that grade immediately prior to the time of recommendation. The bill would specify that pupils meeting specified criteria would not be counted for the purposes of these percentage limitations. The bill would repeal these provisions on January 1, 2011.~~

~~The bill would specify that these pupils would be included in the calculation of full-time equivalent students for the purposes of determining the amount of the state apportionment to be received by a community college district unless a school district has been or is to be paid an allowance or apportionment for the attendance of those pupils at that summer session.~~

(2) Existing law requires the Chancellor of the California Community Colleges to report to the Department of Finance the number of pupils recommended pursuant to specified criteria who enroll in community college summer session courses and who receive a passing grade, and prohibits the board of governors from including enrollment growth attributable to these pupils as part of its annual budget request for the California Community Colleges. Existing law also prohibits the State Board of Education from waiving districts from the requirement of complying with specified provisions relating to the recommendation of high school pupils for attendance at community college summer sessions.

This bill would make these provisions inapplicable after January 1, 2011.

(2)

(3) Existing law requires the Chancellor of the California Community Colleges to prepare and submit to the Department of Finance and the Legislature, on or before March 1 of each year, a report on the amount of full-time equivalent students (FTES) claimed by each community college district for special part-time and special full-time students for the preceding academic year in each of 4 specified class categories.

This bill would ~~instead require the Chancellor of the California Community Colleges to submit to the Department of Finance and the Legislature, on or before November 15, 2008, and on or before December 31 of each year thereafter, a report on the amount of FTES generated by each community college district for special part-time and special full-time students for each academic term, including summer terms, in the preceding academic year. The bill would add career technical education and coursework transferable to the California State University or the University of California to the class categories for which these reports would be made. The bill would require the report to distinguish the total number of special admit FTES enrolled in these categories for the fall, winter, spring, and summer sessions.~~

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 48800 of the Education Code is amended
- 2 to read:
- 3 48800. (a) The governing board of a school district may
- 4 determine which pupils would benefit from advanced scholastic

1 or vocational work. The intent of this section is to provide
2 educational enrichment opportunities for a limited number of
3 eligible pupils, rather than to reduce ~~current~~ course requirements
4 of elementary and secondary schools, and also to help ensure a
5 smoother transition from high school to college for pupils by
6 providing them with greater exposure to the collegiate atmosphere.
7 The governing board may authorize those pupils, upon
8 recommendation of the principal of the pupil's school of
9 attendance, and with parental consent, to attend a community
10 college during any session or term as special part-time or full-time
11 students and to undertake one or more courses of instruction offered
12 at the community college level.

13 (b) If the governing board denies a request for a special part-time
14 or full-time enrollment at a community college for any session or
15 term for a pupil who is identified as highly gifted, the board shall
16 issue its written recommendation and the reasons for the denial
17 within 60 days. The written recommendation and denial shall be
18 issued at the next regularly scheduled board meeting that falls at
19 least 30 days after the request has been submitted.

20 (c) A pupil shall receive credit for community college courses
21 that he or she completes at the level determined appropriate by the
22 school district and community college district governing boards.

23 (d) (1) The principal of a school may recommend a pupil for
24 community college summer session only if that pupil meets all of
25 the following criteria:

26 (A) Demonstrates adequate preparation in the discipline to be
27 studied.

28 (B) Exhausts all opportunities to enroll in an equivalent course,
29 if any, at his or her school of attendance.

30 (2) For ~~any particular~~ *each* grade level, a principal may not
31 recommend for community college summer session attendance
32 more than 5 percent of the total number of pupils who completed
33 that grade immediately prior to the time of recommendation.
34 *Effective from January 1, 2008, to December 31, 2010, inclusive,*
35 *for each grade level, a principal may not recommend for*
36 *community college summer session attendance more than 10*
37 *percent of the total number of pupils who completed that grade in*
38 *the school year immediately prior to the time of recommendation.*

39 (3) A high school pupil recommended by his or her principal
40 for enrollment in a course shall not be included in the ~~5 percent~~

1 ~~limitation~~ *limited number* of pupils allowed to be recommended
2 pursuant to paragraph (2) if the course in which the pupil is enrolled
3 meets one of the criterion listed in subparagraphs (A) to (C),
4 inclusive, and the high school principal who recommends the pupil
5 for enrollment provides the Chancellor of the California
6 Community Colleges, upon the request of that office, with the data
7 required for purposes of paragraph (4).

8 (A) The course is a lower division, college-level course for
9 credit that is designated as part of the Intersegmental General
10 Education Transfer Curriculum or applies toward the general
11 education breadth requirements of the California State University.

12 (B) The course is a college-level, occupational course for credit
13 assigned a priority code of “A,” “B,” or “C,” pursuant to the
14 Student Accountability Model, as defined by the Chancellor of the
15 California Community Colleges and reported in the management
16 information system, and the course is part of a sequence of
17 vocational or career technical education courses leading to a degree
18 or certificate in the subject area covered by the sequence.

19 (C) The course is necessary to assist a pupil who has not passed
20 the California High School Exit Examination (CAHSEE), does
21 not offer college credit in English language arts or mathematics,
22 and the pupil meets both of the following requirements:

- 23 (i) The pupil is in his or her senior year.
- 24 (ii) The pupil has completed all other graduation requirements
25 prior to the end of his or her senior year, or will complete all
26 remaining graduation requirements during a community college
27 summer session, which he or she is recommended to enroll in,
28 following his or her senior year of high school.

29 (4) On or before November 1, 2007, and on or before January
30 1 of ~~each year thereafter~~ *2009, 2010, and 2011*, the Chancellor of
31 the California Community Colleges shall report to the Department
32 of Finance the number of pupils recommended pursuant to
33 paragraph (3) who enroll in community college summer session
34 courses and who receive a passing grade.

35 (5) ~~The~~ *From January 1, 2008, to December 31, 2010, inclusive,*
36 *the* Board of Governors of the California Community Colleges
37 may not include enrollment growth attributable to paragraph (3)
38 as part of its annual budget request for the California Community
39 Colleges.

1 (6) Notwithstanding Article 3 (commencing with Section 33050)
2 of Chapter 1 of Part 20, *from January 1, 2008, to December 31,*
3 *2010, inclusive*, compliance with this subdivision may not be
4 waived.

5 ~~(e) Paragraphs (3), (4), and (5) of subdivision (d) shall become~~
6 ~~inoperative on January 1, 2009.~~

7 *SEC. 2. Section 76002 of the Education Code is amended to*
8 *read:*

9 76002. (a) For the purposes of receiving state apportionments,
10 a community college district may include high school pupils who
11 attend a community college within the district pursuant to Sections
12 48800 and 76001 in the district’s report of full-time equivalent
13 students (FTES) only if those pupils are enrolled in community
14 college classes that meet all of the following criteria:

15 (1) The class is open to the general public.

16 (2) (A) The class is advertised as open to the general public in
17 one or more of the following:

18 (i) The college catalog.

19 (ii) The regular schedule of classes.

20 (iii) An addenda to the college catalog or regular schedule of
21 classes.

22 (B) If a decision to offer a class on a high school campus is
23 made after the publication of the regular schedule of classes, and
24 the class is solely advertised to the general public through
25 electronic media, the class shall be so advertised for a minimum
26 of 30 continuous days prior to the first meeting of the class.

27 (3) If the class is offered at a high school campus, the class may
28 not be held during the time the campus is closed to the general
29 public, as defined by the governing board of the school district
30 during a regularly scheduled board meeting.

31 (4) If the class is a physical education class, no more than 10
32 percent of its enrollment may be comprised of special part-time
33 or full-time students. A community college district may not receive
34 state apportionments for special part-time and full-time students
35 enrolled in physical education courses in excess of 5 percent of
36 the district’s total reported full-time equivalent enrollment of
37 special part-time and full-time students.

38 (b) The governing board of a community college district may
39 restrict the admission or enrollment of a special part-time or

1 full-time student during any session based on any of the following
2 criteria:

- 3 (1) Age.
- 4 (2) Completion of a specified grade level.
- 5 (3) Demonstrated eligibility for instruction using assessment
6 methods and procedures established pursuant to Chapter 2
7 (commencing with Section 78210) of Part 48 and regulations
8 adopted by the Board of Governors of the California Community
9 Colleges.

10 (c) The Chancellor of the California Community Colleges shall
11 prepare and submit to the Department of Finance and the
12 Legislature, on or before ~~March 1, 2004,~~ and March 1 of each year
13 thereafter, a report on the amount of FTES claimed by each
14 community college district for special part-time and special
15 full-time students for the preceding academic year in each of the
16 following class categories:

- 17 (1) Noncredit.
- 18 (2) Nondegree-applicable.
- 19 (3) Degree-applicable, excluding physical education.
- 20 (4) Degree-applicable physical education.
- 21 (5) *Career technical education.*
- 22 (6) *Coursework transferable to the California State University*
23 *or the University of California.*

24 (d) *At a minimum, this report shall distinguish the total number*
25 *of special admit FTES enrolled in the categories set forth in*
26 *subdivisions (b) and (c) for the fall, winter, spring, and summer*
27 *sessions.*

28 ~~(d)~~

29 (e) The Board of Governors of the California Community
30 Colleges shall adopt rules and regulations to implement this section.

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**All matter omitted in this version of the bill
appears in the bill as amended in Senate,
July 18, 2007 (JR11)**