

ASSEMBLY BILL

No. 1713

Introduced by Assembly Member Furutani

February 2, 2010

An act to amend Sections 1330, 48800, 66725.3, 69655, and 84760.5 of, and to repeal Sections 10701 and 89343 of, the Education Code, relating to public education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1713, as introduced, Furutani. Public education: reporting requirements.

(1) The California Constitution provides for the election of the Superintendent of Public Instruction, and existing statutory law prescribes the Superintendent's powers and duties. Existing law also establishes the segments of the public postsecondary education system in the state, which include the University of California, which is administered by the Regents of the University of California, the California State University, which is administered by the Trustees of the California State University, and the California Community Colleges, which is administered by the Board of Governors of the California Community Colleges.

Existing law requests the University of California, and requires the Superintendent, the California State University, and the California Community Colleges, to submit various reports on specified topics to the Legislature or the Governor, or both.

(2) Existing law establishes the School Employees Fund, and requires school employers that elect to pay the cost of specified benefits into the Unemployment Fund to remit to the Treasurer, for deposit in the School Employees Fund, charges for unemployment compensation benefits

and other expenses of unemployment insurance for school employees. Existing law requires the Director of Employment Development, which is the administrator of the School Employees Fund, to transfer a specified sum based on the number of covered employees in participating districts to the Superintendent of the board of governors, as appropriate. Existing law requires this transfer to be based on annual reports received from the Superintendent and the board of governors and prescribes the contents of those reports.

This bill would make these requirements related to the annual reports inapplicable to the board of governors.

(3) Existing law requires the Chancellor of the California Community Colleges and the Superintendent to convene a working group of adult education and data experts to review adult education and noncredit instruction data systems and to report on the feasibility, design, and cost of a common data set in adult education.

This bill would delete these requirements.

(4) Existing law authorizes a school district to authorize pupils to attend a community college as special part-time or full-time students, and authorizes the principal of a school to recommend a pupil for a community college summer session only if the pupil meets prescribed criteria. Existing law requires the Chancellor of the California Community Colleges to report, on or before November 1, 2007, and by January 1 of each year thereafter, to the Department of Finance the number of pupils recommended for a summer session that enroll in summer session courses and receive a passing grade.

This bill instead, would, require the chancellor to provide the report by March 1 of each year and would authorize the information in that report to be consolidated with another specified report.

(5) Existing law requires the board of governors and the trustees, and requests the regents, by June 30, 2006, to report on the status of activities in their respective segments relating to the adoption of a common course numbering system.

This bill would delete that requirement from an annual report and request.

(6) Existing law requires the Chancellor of the California Community Colleges to annually report to the Legislature regarding the number of students served by the Community College Extended Opportunity Programs and Services and the number of those students who achieve their educational objectives.

This bill would change that reporting requirement to a biennial report.

(7) Existing law requires the Chancellor of the California Community Colleges to prepare and submit to the Department of Finance and the Legislature, by May 1 of each year, a specified report on career development and college preparation classes that are eligible for apportionment funding.

This bill would change the due date of that report from May 1 of each year to July 1 of each year.

(8) Existing law requires the trustees and the board of governors to evaluate the extent to which their current programs are meeting the needs of foster youth and how outreach and retention services can be improved.

This bill would delete that requirement.

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 1330 of the Education Code is amended
2 to read:

3 1330. (a) ~~The Superintendent of Public Instruction~~ or the Board
4 of Governors of the California Community Colleges, as
5 appropriate, shall represent, and exercise rights of appeal to the
6 Unemployment Insurance Appeals Board under this part on behalf
7 of school employers held under Section 1336 of the Unemployment
8 Insurance Code.

9 (b) ~~The Superintendent of Public Instruction~~ or Board of
10 Governors of the California Community Colleges is hereby
11 authorized to obtain pertinent personnel records and data from any
12 school employer and to act as an agent individually or collectively
13 for school employers in matters pertaining to unemployment
14 insurance.

15 (c) Each county superintendent of schools shall have the
16 responsibility of establishing, coordinating, and maintaining, either
17 directly or by contract, an unemployment insurance management
18 system for each school employer participating in the School
19 Employees Fund under Article 6 (commencing with Section 821)
20 of Chapter 3 of Part 1 of Division 1 of the Unemployment
21 Insurance Code. A management system shall include general
22 administration, claims management, appointment of hearing
23 representatives, representation of school employers at hearings,

1 and other duties related to the unemployment insurance program
2 in their jurisdiction. These duties and responsibilities may be
3 delegated to any school district, community college district, another
4 county superintendent of schools, or any combination of these
5 entities, including programs under joint powers agreements for
6 the purpose of consolidation for economy and employment of
7 specialists, including the services of a regional data center operated
8 by a county superintendent of schools or the data-processing
9 services of a school district or a community college district. School
10 employers not participating in the School Employees Fund shall
11 be responsible for the development and maintenance of their own
12 unemployment insurance management system required by this
13 subdivision.

14 (d) Each school employer shall perform pursuant to the type of
15 financing elected, and shall, as required, respond to the
16 Superintendent of ~~Public Instruction~~ or Board of Governors of the
17 California Community Colleges and the county superintendent of
18 schools or designated agency as soon as possible, in no case later
19 than 48 hours, to inquiries made on behalf of the county
20 superintendent or the Superintendent of ~~Public Instruction~~ or Board
21 of Governors of the California Community Colleges in reference
22 to any aspect of eligibility, notice of claim or appeal under the
23 unemployment insurance program. Each county superintendent or
24 agent thereof who is responsible for administering the
25 unemployment insurance program shall be responsible for timely
26 responses to any inquiry by the administrator, Superintendent of
27 ~~Public Instruction~~, State Treasurer, Controller, or other officer or
28 person responsible for disbursements from the School Employees
29 Fund in the State Treasury as established by Section 822 of the
30 Unemployment Insurance Code, or the Unemployment Fund in
31 the State Treasury. Any school employer ~~which~~ *that* fails to pay
32 the contributions, interest, charges or levies within the time
33 required shall be liable for interest on moneys due at the rate of 1
34 percent per month or fraction thereof from and after the date of
35 delinquency until paid. If the school employer fails, without good
36 cause, to pay any sums required within the time required, a penalty
37 of 10 percent of the amount noticed, billed or required shall be
38 made by the administrator. The administrator may for good cause
39 waive all or a portion of interest and penalty.

1 (e) The administrator of the School Employees Fund shall, from
2 available interest earnings, pursuant to investments authorized by
3 Section 822 of the Unemployment Insurance Code, transfer each
4 year an amount equal to two dollars (\$2) per covered employee
5 for all districts participating in the School Employees Fund under
6 Article 6 (commencing with Section 821) of Chapter 3 of Part 1
7 of Division 1 of the Unemployment Insurance Code, to the
8 Superintendent of ~~Public Instruction~~ or the Board of Governors of
9 the California Community Colleges, as appropriate. The
10 Superintendent of ~~Public Instruction~~ or the Board of Governors of
11 the California Community Colleges, as appropriate, shall apportion
12 the two dollars (\$2) per covered employee amount, less actual state
13 administrative costs not to exceed five cents (\$0.05) per covered
14 employee, to the county superintendent of schools to cover costs
15 of administering the unemployment insurance management system
16 specified in subdivision (c).

17 (f) For ~~the each~~ fiscal year ~~1978-79~~, and each fiscal year
18 ~~thereafter~~, the administrator of the School Employees Fund shall
19 transfer the funds by December 31 of each year based on the reports
20 received from the Superintendent of ~~Public Instruction or Board~~
21 ~~of Governors of the California Community Colleges~~ by November
22 30 of each year. The reports shall be compiled from the number
23 of covered employees as reported by the county superintendent of
24 schools ~~or community colleges, as appropriate~~, to the
25 Superintendent of ~~Public Instruction or the Board of Governors of~~
26 ~~the California Community Colleges~~ by November 1 of each year,
27 based on the covered employees employed in the preceding
28 calendar month. The funds shall be apportioned by the
29 Superintendent of ~~Public Instruction and the Board of Governors~~
30 ~~of the California Community Colleges~~ prior to January 31 of each
31 year to the county superintendent of schools, less the actual
32 administrative costs of the Superintendent of ~~Public Instruction or~~
33 ~~the Board of Governors of the California Community Colleges~~,
34 which shall not exceed an aggregate amount of five cents (\$0.05)
35 per covered employee. Funds for the cost of administering the
36 unemployment insurance management system shall be apportioned
37 to each county superintendent of schools according to the number
38 of covered employees in each district reported by him or her, and
39 shall be used only for the purpose of covering actual administrative
40 costs incurred pursuant to ~~Section 1330~~ *this section*.

1 SEC. 2. Section 10701 of the Education Code is repealed.

2 ~~10701. The Chancellor of the California Community Colleges~~
3 ~~and the superintendent, using existing resources, shall convene a~~
4 ~~working group of adult education and data experts to review the~~
5 ~~separate, existing adult education and noncredit instruction data~~
6 ~~systems, and report to the Legislature and the Governor by July~~
7 ~~1, 2007, on the feasibility, design, and cost of a common data set~~
8 ~~in adult education.~~

9 SEC. 3. Section 48800 of the Education Code is amended to
10 read:

11 48800. (a) The governing board of a school district may
12 determine which pupils would benefit from advanced scholastic
13 or vocational work. The intent of this section is to provide
14 educational enrichment opportunities for a limited number of
15 eligible pupils, rather than to reduce current course requirements
16 of elementary and secondary schools, and also to help ensure a
17 smoother transition from high school to college for pupils by
18 providing them with greater exposure to the collegiate atmosphere.
19 The governing board may authorize those pupils, upon
20 recommendation of the principal of the pupil's school of
21 attendance, and with parental consent, to attend a community
22 college during any session or term as special part-time or full-time
23 students and to undertake one or more courses of instruction offered
24 at the community college level.

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

32 (c) A pupil shall receive credit for community college courses
33 that he or she completes at the level determined appropriate by the
34 governing boards of the school district and community college
35 district.

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

39 (A) Demonstrates adequate preparation in the discipline to be
40 studied.

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

3 (2) For any particular grade level, a principal shall not
4 recommend for community college summer session attendance
5 more than 5 percent of the total number of pupils who completed
6 that grade immediately prior to the time of recommendation.

7 (3) A high school pupil recommended by his or her principal
8 for enrollment in a course shall not be included in the 5 percent
9 limitation of pupils allowed to be recommended pursuant to
10 paragraph (2) if the course in which the pupil is enrolled meets
11 one of the criterion listed in subparagraphs (A) to (C), inclusive,
12 and the high school principal who recommends the pupil for
13 enrollment provides the Chancellor of the California Community
14 Colleges, upon the request of that office, with the data required
15 for purposes of paragraph (4).

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

20 (B) The course is a college-level, occupational course for credit
21 assigned a priority code of "A," "B," or "C," pursuant to the
22 Student Accountability Model, as defined by the Chancellor of the
23 California Community Colleges and reported in the management
24 information system, and the course is part of a sequence of
25 vocational or career technical education courses leading to a degree
26 or certificate in the subject area covered by the sequence.

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

31 (i) The pupil is in his or her senior year of high school.

32 (ii) The pupil has completed all other graduation requirements
33 prior to the end of his or her senior year, or will complete all
34 remaining graduation requirements during a community college
35 summer session, which he or she is recommended to enroll in,
36 following his or her senior year of high school.

37 (4) On or before ~~November 1, 2007, and on or before January~~
38 ~~1 of each year thereafter, March 1 of each year,~~ the Chancellor of
39 the California Community Colleges shall report to the Department
40 of Finance the number of pupils recommended pursuant to

1 paragraph (3) who enroll in community college summer session
2 courses and who receive a passing grade. *The information in this*
3 *report may be submitted with the report required by subdivision*
4 *(c) of Section 76002.*

5 (5) The Board of Governors of the California Community
6 Colleges shall not include enrollment growth attributable to
7 paragraph (3) as part of its annual budget request for the California
8 Community Colleges.

9 (6) Notwithstanding Article 3 (commencing with Section 33050)
10 of Chapter 1 of Part 20 of Division 2, compliance with this
11 subdivision shall not be waived.

12 (e) Paragraphs (3), (4), and (5) of subdivision (d) shall become
13 inoperative on January 1, 2014.

14 SEC. 4. Section 66725.3 of the Education Code is amended to
15 read:

16 66725.3. (a) Not later than June 1, 2006, the California
17 Community Colleges and the California State University shall
18 adopt, and the University of California and private postsecondary
19 institutions may adopt, a common course numbering system for
20 the 20 highest-demand majors in the respective segments.

21 ~~(b) Not later than June 30, 2006, the Board of Governors of the~~
22 ~~California Community Colleges and the Trustees of the California~~
23 ~~State University shall, and the Regents of the University of~~
24 ~~California are requested to, report to the Legislature on the status~~
25 ~~of the activities of their respective segments as they relate to~~
26 ~~subdivision (a) and on the plans of their respective segments to~~
27 ~~implement a common course numbering system for the majors~~
28 ~~that are not covered by subdivision (a).~~

29 (e)

30 (b) Each campus of a public postsecondary educational
31 institution shall incorporate the common course numbering system
32 in its catalogue. This incorporation into a campus catalogue shall
33 occur at the next adoption of a campus catalogue after June 1,
34 2006.

35 SEC. 5. Section 69655 of the Education Code is amended to
36 read:

37 69655. (a) Pursuant to Section 69648, the Chancellor of the
38 California Community Colleges shall determine the elements of
39 a statewide data base for the Community College Extended
40 Opportunity Programs and Services, which shall be used for

1 periodic evaluation of the programs and services. The data base
2 shall include all information necessary to demonstrate the statewide
3 progress towards achieving the program goals identified in Section
4 69640, and program objectives adopted pursuant to Section 69648
5 including, but not limited to, all of the following:

6 (1) The annual number of extended opportunity programs and
7 services (EOPS) students and non-EOPS students who complete
8 degree or certificate programs, transfer programs, or other
9 programs, as determined by state and local matriculation policies.

10 (2) The annual number of EOPS and non-EOPS students who
11 transfer to institutions which award the baccalaureate degree. In
12 implementing this paragraph, the chancellor shall work in
13 cooperation with the California Postsecondary Education
14 Commission, the President of the University of California, the
15 Chancellor of the California State University, and the Association
16 of Independent Colleges and Universities to establish methods for
17 obtaining the necessary data.

18 (3) The annual number of EOPS and non-EOPS students
19 completing occupational programs who find career employment.

20 In implementing this paragraph, the chancellor shall integrate
21 the data collection with existing data collection requirements
22 pertaining to vocational education.

23 (b) Beginning in January 1987, the chancellor shall ~~annually~~
24 *biennially* report to the Legislature regarding the number of
25 students served by the Community College Extended Opportunity
26 Programs and Services and the number of EOPS students who
27 achieve their educational objectives.

28 SEC. 6. Section 84760.5 of the Education Code is amended to
29 read:

30 84760.5. (a) For purposes of this chapter, the following career
31 development and college preparation courses and classes for which
32 no credit is given, and that are offered in a sequence of courses
33 leading to a certificate of completion, that lead to improved
34 employability or job placement opportunities, or to a certificate
35 of competency in a recognized career field by articulating with
36 college-level coursework, completion of an associate of arts degree,
37 or for transfer to a four-year degree program, shall be eligible for
38 funding subject to subdivision (b):

39 (1) Classes and courses in elementary and secondary basic skills.

1 (2) Classes and courses for students, eligible for educational
2 services in workforce preparation classes, in the basic skills of
3 speaking, listening, reading, writing, mathematics, decisionmaking,
4 and problem solving skills that are necessary to participate in
5 job-specific technical training.

6 (3) Short-term vocational programs with high employment
7 potential, as determined by the chancellor in consultation with the
8 Employment Development Department utilizing job demand data
9 provided by that department.

10 (4) Classes and courses in English as a second language and
11 vocational English as a second language.

12 (b) The board of governors shall adopt criteria and standards
13 for the identification of career development and college preparation
14 courses and the eligibility of these courses for funding, including
15 the definition of courses eligible for funding pursuant to
16 subdivision (a). The criteria and standards shall be based on
17 recommendations from the chancellor, the statewide academic
18 senate, and the statewide association of chief instructional officers.
19 The career and college preparation courses to be identified for this
20 higher rate of funding should include suitable courses that meet
21 one or more of the qualifications described in subdivision (a).

22 (c) A district that offers courses described in subdivision (a),
23 but that is not eligible for funding under subdivision (b), shall be
24 eligible for funding under Section 84757.

25 (d) The chancellor, in consultation with the Department of
26 Finance and the Office of the Legislative Analyst, shall develop
27 specific outcome measures for career development and college
28 preparation courses for incorporation into the annual report required
29 by subdivision (b) of Section 84754.5.

30 (e) The chancellor shall prepare and submit to the Department
31 of Finance and the Legislature, on or before ~~May~~ *July* 1 of each
32 year, a report that details, at a minimum, the following:

33 (1) The amount of FTES claimed by each community college
34 district for career development and college preparation courses
35 and classes.

36 (2) The specific certificate programs and course titles of career
37 development and college preparation courses and classes receiving
38 additional funding pursuant to this section, as well as the number
39 of those courses and classes receiving additional funding.

40 SEC. 7. Section 89343 of the Education Code is repealed.

1 ~~89343. The Trustees of the California State University and~~
2 ~~Board of Governors of the California Community Colleges shall~~
3 ~~evaluate the extent to which their current programs are meeting~~
4 ~~the needs of foster youth and how those outreach and retention~~
5 ~~services can be improved.~~

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