

AMENDED IN ASSEMBLY MARCH 18, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

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 amended, 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~~

~~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)~~

~~(2) 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, *until January 1, 2014*, 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)~~

~~(3) 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)~~

(4) 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)~~

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

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

13 ~~(c) Each county superintendent of schools shall have the~~
14 ~~responsibility of establishing, coordinating, and maintaining, either~~
15 ~~directly or by contract, an unemployment insurance management~~
16 ~~system for each school employer participating in the School~~
17 ~~Employees Fund under Article 6 (commencing with Section 821)~~

1 of Chapter 3 of Part 1 of Division 1 of the Unemployment
2 Insurance Code. A management system shall include general
3 administration, claims management, appointment of hearing
4 representatives, representation of school employers at hearings,
5 and other duties related to the unemployment insurance program
6 in their jurisdiction. These duties and responsibilities may be
7 delegated to any school district, community college district, another
8 county superintendent of schools, or any combination of these
9 entities, including programs under joint powers agreements for
10 the purpose of consolidation for economy and employment of
11 specialists, including the services of a regional data center operated
12 by a county superintendent of schools or the data processing
13 services of a school district or a community college district. School
14 employers not participating in the School Employees Fund shall
15 be responsible for the development and maintenance of their own
16 unemployment insurance management system required by this
17 subdivision.

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

1 made by the administrator. The administrator may for good cause
2 waive all or a portion of interest and penalty.

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

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

37 ~~SEC. 2.~~

38 *SECTION 1.* Section 10701 of the Education Code is repealed.

1 ~~SEC. 3.~~

2 SEC. 2. Section 48800 of the Education Code is amended to
3 read:

4 48800. (a) The governing board of a school district may
5 determine which pupils would benefit from advanced scholastic
6 or vocational work. The intent of this section is to provide
7 educational enrichment opportunities for a limited number of
8 eligible pupils, rather than to reduce current course requirements
9 of elementary and secondary schools, and also to help ensure a
10 smoother transition from high school to college for pupils by
11 providing them with greater exposure to the collegiate atmosphere.
12 The governing board may authorize those pupils, upon
13 recommendation of the principal of the pupil's school of
14 attendance, and with parental consent, to attend a community
15 college during any session or term as special part-time or full-time
16 students and to undertake one or more courses of instruction offered
17 at the community college level.

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

25 (c) A pupil shall receive credit for community college courses
26 that he or she completes at the level determined appropriate by the
27 governing boards of the school district and community college
28 district.

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

32 (A) Demonstrates adequate preparation in the discipline to be
33 studied.

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

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

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

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

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

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

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

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

31 (4) On or before March 1 of each year, the Chancellor of the
32 California Community Colleges shall report to the Department of
33 Finance the number of pupils recommended pursuant to paragraph
34 (3) who enroll in community college summer session courses and
35 who receive a passing grade. The information in this report may
36 be submitted with the report required by subdivision (c) of Section
37 76002.

38 (5) The Board of Governors of the California Community
39 Colleges shall not include enrollment growth attributable to

1 paragraph (3) as part of its annual budget request for the California
2 Community Colleges.

3 (6) Notwithstanding Article 3 (commencing with Section 33050)
4 of Chapter 1 of Part 20 of Division 2 of *Title 2*, compliance with
5 this subdivision shall not be waived.

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

8 ~~SEC. 4.~~

9 *SEC. 3.* Section 66725.3 of the Education Code is amended to
10 read:

11 66725.3. (a) Not later than June 1, 2006, the California
12 Community Colleges and the California State University shall
13 adopt, and the University of California and private postsecondary
14 institutions may adopt, a common course numbering system for
15 the 20 highest-demand majors in the respective segments.

16 (b) Each campus of a public postsecondary educational
17 institution shall incorporate the common course numbering system
18 in its catalog. This incorporation into a campus catalog shall occur
19 at the next adoption of a campus catalog after June 1, 2006.

20 ~~SEC. 5.~~ Section 69655 of the Education Code is amended to
21 read:

22 ~~69655.~~ (a) Pursuant to Section 69648, the Chancellor of the
23 California Community Colleges shall determine the elements of
24 a statewide data base for the Community College Extended
25 Opportunity Programs and Services, which shall be used for
26 periodic evaluation of the programs and services. The data base
27 shall include all information necessary to demonstrate the statewide
28 progress towards achieving the program goals identified in Section
29 69640, and program objectives adopted pursuant to Section 69648
30 including, but not limited to, all of the following:

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

35 (2) The annual number of EOPS and non-EOPS students who
36 transfer to institutions which award the baccalaureate degree. In
37 implementing this paragraph, the chancellor shall work in
38 cooperation with the California Postsecondary Education
39 Commission, the President of the University of California, the
40 Chancellor of the California State University, and the Association

1 of Independent Colleges and Universities to establish methods for
2 obtaining the necessary data.

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

5 ~~In implementing this paragraph, the chancellor shall integrate~~
6 ~~the data collection with existing data collection requirements~~
7 ~~pertaining to vocational education.~~

8 ~~(b) Beginning in January 1987, the chancellor shall biennially~~
9 ~~report to the Legislature regarding the number of students served~~
10 ~~by the Community College Extended Opportunity Programs and~~
11 ~~Services and the number of EOPS students who achieve their~~
12 ~~educational objectives.~~

13 ~~SEC. 6.~~

14 ~~SEC. 4.~~ Section 84760.5 of the Education Code is amended to
15 read:

16 84760.5. (a) For purposes of this chapter, the following career
17 development and college preparation courses and classes for which
18 no credit is given, and that are offered in a sequence of courses
19 leading to a certificate of completion, that lead to improved
20 employability or job placement opportunities, or to a certificate
21 of competency in a recognized career field by articulating with
22 college-level coursework, completion of an associate of arts degree,
23 or for transfer to a four-year degree program, shall be eligible for
24 funding subject to subdivision (b):

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

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

31 (3) Short-term vocational programs with high-employment
32 potential, as determined by the chancellor in consultation with the
33 Employment Development Department utilizing job demand data
34 provided by that department.

35 (4) Classes and courses in English as a second language and
36 vocational English as a second language.

37 (b) The board of governors shall adopt criteria and standards
38 for the identification of career development and college preparation
39 courses and the eligibility of these courses for funding, including
40 the definition of courses eligible for funding pursuant to

1 subdivision (a). The criteria and standards shall be based on
 2 recommendations from the chancellor, the statewide academic
 3 senate, and the statewide association of chief instructional officers.
 4 The career and college preparation courses to be identified for this
 5 higher rate of funding should include suitable courses that meet
 6 one or more of the qualifications described in subdivision (a).

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

10 (d) The chancellor, in consultation with the Department of
 11 Finance and the Office of the Legislative Analyst, shall develop
 12 specific outcome measures for career development and college
 13 preparation courses for incorporation into the annual report required
 14 by subdivision (b) of Section 84754.5.

15 (e) The chancellor shall prepare and submit to the Department
 16 of Finance and the Legislature, on or before July 1 of each year,
 17 a report that details, at a minimum, the following:

18 (1) The amount of FTES claimed by each community college
 19 district for career development and college preparation courses
 20 and classes.

21 (2) The specific certificate programs and course titles of career
 22 development and college preparation courses and classes receiving
 23 additional funding pursuant to this section, as well as the number
 24 of those courses and classes receiving additional funding.

25 ~~SEC. 7.~~

26 *SEC. 5.* Section 89343 of the Education Code is repealed.