

AMENDED IN ASSEMBLY MAY 9, 2011  
AMENDED IN ASSEMBLY FEBRUARY 28, 2011  
CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 160**

---

---

**Introduced by Assembly Member Portantino**

January 19, 2011

---

---

An act to amend ~~Sections 48800, 48800.5, 48802, and 76001 of Section 48800 of~~, and to add Sections 48803 and 76002.5 to, the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 160, as amended, Portantino. Concurrent enrollment in secondary school and community college.

(1) Existing law authorizes the governing board of a school district to allow pupils whom the district has determined would benefit from advanced scholastic or vocational work to attend community college as special part-time students, subject to parental permission. Existing law makes the authority of a school principal to recommend a pupil for community college summer session contingent upon a determination that the pupil meets various criteria and prohibits the principal from recommending more than 5% of the total number of pupils from any particular grade level who completed that grade immediately prior to the time of recommendation for summer session attendance, except as specified.

This bill instead would *authorize the governing board of a school district to authorize those pupils to attend a community college upon notification that the secondary school pupil has exhausted all opportunities to enroll in an equivalent course at the high school of*

*attendance, adult education program, continuation school, regional occupational center or program, or any other program offered by that district, as specified.*

*The bill would authorize the governing board of a school community college district to enter into a formal partnership with a community college school district or school districts located within its immediate service area to allow secondary school pupils to attend a community college during any session or term as a special part-time or full-time student and undertake one or more courses of instruction offered at the community college, subject to specified conditions. The bill would delete the existing law provisions regarding summer session. The bill would require the Chancellor of the California Community Colleges, on or before March 1, 2012, and each year thereafter, to report to the Department of Finance and the Legislature the number of pupils who enroll in community college pursuant to these provisions, the courses these pupils enroll in, and the number of these pupils who receive a passing grade. The bill would prohibit a community college district from receiving an allowance or apportionment for an instructional activity for which a school district has been, or will be, paid if those pupils have exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other programs offered by the local governing board of the school district, and if those pupils may benefit from advanced scholastic, career-technical, or vocational coursework. The bill would require the partnership agreement to outline the terms of the partnership, as specified. The bill would require, for each partnership entered into under the bill, the affected community college district and school district to file an annual report, containing specified data, with the Office of the Chancellor of the California Community Colleges.*

(2) Existing law requires the governing board of a community college district to assign a low enrollment priority to ~~the pupils recommended under this provision~~ *a pupil attending community college pursuant to a recommendation from his or her principal or school district or a petition from his or her parents*, in order to ensure that these pupils, admitted as special students, do not displace regularly admitted students.

This bill ~~also would delete this requirement, and instead~~ prohibit the governing board of a community college district from assigning an enrollment priority to ~~these students attending community college~~

*pursuant to a partnership agreement established under the bill to ensure that they do not displace continuing regularly admitted students.*

~~The bill also would make conforming changes.~~

*This bill would prohibit a community college district from receiving an allowance or apportionment for an instructional activity for which a school district has been, or will be, paid.*

*This bill would require the governing board of a community college district to limit enrollment of special part-time or full-time students for summer session attendance to no more than 5% of the total number of pupils who completed a grade immediately prior to the time of attendance, except as specified.*

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. The Legislature finds and declares all of the  
2 following:

3 (a) Campuses of the California Community Colleges are located  
4 throughout California and provide an educational resource for all  
5 communities.

6 (b) Existing law allows certain high school pupils to take classes  
7 at community colleges. These pupils are known as special-admits  
8 and the programs in which they participate are known as concurrent  
9 enrollment programs. The main target of these programs is  
10 advanced education and the work completed in them is primarily  
11 defined as college-level work.

12 (c) Existing law imposes strict limits on concurrent enrollment  
13 programs. Only 5 percent of the pupils in any high school class  
14 may enroll in a community college during summer sessions. In  
15 addition, the types of classes pupils may take pursuant to these  
16 programs are generally limited to advanced education classes.

17 (d) A serious abuse of concurrent enrollment programs by a few  
18 school districts and community college districts several years ago  
19 resulted in statutory reform and restrictions on this type of  
20 enrollment.

21 (e) The current restrictions inhibit the ability of school districts  
22 and their pupils to make maximum use of community college  
23 facilities and opportunities. The time has come to encourage and

1 expand these valuable programs, but with appropriate statutory  
2 prohibitions to guard against a repeat of the abuses of the past.

3 (f) Allowing high school pupils to take community college  
4 courses could provide benefits to pupils and to the state in  
5 numerous ways, including more opportunities for advanced  
6 scholastic work, career-technical partnerships and coursework,  
7 basic skills remediation, preparation for the high school exit  
8 examination, English as a second language, and dropout prevention.

9 (g) Exposure to college classes and the college environment  
10 while in high school improves college participation rates.

11 (h) Concurrent enrollment saves money for both the state and  
12 the pupils and provides for more effective use of facilities.

13 *SEC. 2. Section 48800 of the Education Code is amended to*  
14 *read:*

15 48800. (a) The governing board of a school district may  
16 determine which pupils would benefit from advanced scholastic  
17 or vocational work. The intent of this section is to provide  
18 educational enrichment opportunities for a limited number of  
19 eligible pupils, rather than to reduce current course requirements  
20 of elementary and secondary schools, and also to help ensure a  
21 smoother transition from high school to college for pupils by  
22 providing them with greater exposure to the collegiate atmosphere.  
23 The governing board may authorize those pupils, upon  
24 ~~recommendation~~ *of notification to the principal of the pupil's*  
25 *school of attendance that the secondary school pupil has exhausted*  
26 *all opportunities to enroll in an equivalent course at the high*  
27 *school of attendance, adult education program, continuation*  
28 *school, regional occupational center or program, or any other*  
29 *programs offered by the governing board of that school district,*  
30 *and with parental consent, to attend a community college during*  
31 *any session or term as special part-time or full-time students and*  
32 *to undertake one or more courses of instruction offered at the*  
33 *community college level.*

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

1 (c) A pupil shall receive credit for community college courses  
2 that he or she completes at the level determined appropriate by the  
3 governing boards of the school district and community college  
4 district.

5 (d) (1) ~~The~~ Upon notification to the principal of a pupil's school  
6 ~~may recommend~~ of attendance that he or she has exhausted all  
7 opportunities to enroll in an equivalent course at the high school  
8 of attendance, adult education program, continuation school,  
9 regional occupational center or program, or any other programs  
10 offered by the governing board of that school district, a pupil ~~for~~  
11 may enroll in a community college summer session only if that  
12 pupil meets ~~all~~ both of the following criteria:

13 (A) Demonstrates adequate preparation in the discipline to be  
14 studied.

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

17 (2) For any particular grade level, ~~a principal shall not~~  
18 ~~recommend for community college summer session attendance~~ no  
19 more than 5 percent of the total number of pupils who completed  
20 that grade immediately prior to the time of recommendation may  
21 attend a community college summer session. The school principal  
22 shall notify the local community college district when 5 percent  
23 of the pupils in a particular grade level have notified the principal  
24 that they intend to attend a community college during summer  
25 session.

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

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

39 (B) The course is a college-level, occupational course for credit  
40 assigned a priority code of "A," "B," or "C," pursuant to the

1 Student Accountability Model, as defined by the Chancellor of the  
 2 California Community Colleges and reported in the management  
 3 information system, and the course is part of a sequence of  
 4 vocational or career technical education courses leading to a degree  
 5 or certificate in the subject area covered by the sequence.

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

- 10 (i) The pupil is in his or her senior year of high school.
- 11 (ii) The pupil has completed all other graduation requirements  
 12 prior to the end of his or her senior year, or will complete all  
 13 remaining graduation requirements during a community college  
 14 summer session, which he or she is recommended to enroll in,  
 15 following his or her senior year of high school.

16 (4) On or before March 1 of each year, the Chancellor of the  
 17 California Community Colleges shall report to the Department of  
 18 Finance the number of pupils recommended pursuant to paragraph  
 19 (3) who enroll in community college summer session courses and  
 20 who receive a passing grade. The information in this report may  
 21 be submitted with the report required by subdivision (c) of Section  
 22 76002.

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

27 (6) Notwithstanding Article 3 (commencing with Section 33050)  
 28 of Chapter 1 of Part 20 of Division 2 ~~of Title 2~~, compliance with  
 29 this subdivision shall not be waived.

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

32 *SEC. 3. Section 48803 is added to the Education Code, to read:*  
 33 *48803. (a) (1) The governing board of a community college*  
 34 *district may enter into a formal partnership with a school district*  
 35 *or school districts located within its immediate service area in*  
 36 *order to provide secondary school pupils who have exhausted all*  
 37 *opportunities to enroll in an equivalent course at the high school*  
 38 *of attendance, adult education program, continuation school,*  
 39 *regional occupational center or program, or any other programs*  
 40 *offered by the local governing board of the school district with the*

1 *opportunity to benefit from advanced scholastic, career-technical,*  
2 *or vocational coursework. A secondary school pupil, upon*  
3 *notification of the principal of the pupil's school of attendance*  
4 *that the pupil has exhausted all opportunities to enroll in an*  
5 *equivalent course at the high school of attendance, adult education*  
6 *program, continuation school, regional occupational center or*  
7 *program, or any other program offered by the local governing*  
8 *board of the school district, and with parental consent if the pupil*  
9 *is under 18 years of age, may attend a community college during*  
10 *any session or term as a special part-time or full-time student.*

11 (2) *A participating community college district shall adopt a*  
12 *partnership agreement with each school district partner. The*  
13 *partnership agreement shall be approved by the governing board*  
14 *of the community college district and the governing board of the*  
15 *school district.*

16 (3) (A) *The partnership agreement shall outline the terms of*  
17 *the partnership, and may include, but not necessarily be limited*  
18 *to, the scope, nature, and schedule of courses offered. The*  
19 *partnership agreement may establish protocols for information*  
20 *sharing and joint facilities use.*

21 (B) *A copy of the partnership agreement shall be filed with the*  
22 *department and with the office of the Chancellor of the California*  
23 *Community Colleges prior to the start of a program authorized*  
24 *by this article.*

25 (4) *It is the intent of the Legislature, in enacting this section, to*  
26 *provide a smoother transition from high school to college for*  
27 *pupils by providing them with greater exposure to the collegiate*  
28 *atmosphere, and to maximize the educational opportunities*  
29 *available to California's secondary school pupils by encouraging*  
30 *programs and partnerships between school districts and community*  
31 *college districts, including advanced scholastic, vocational, and*  
32 *career-technical coursework, summer school opportunities, and*  
33 *dropout intervention.*

34 (5) *A community college district shall not provide physical*  
35 *education course opportunities to secondary school pupils pursuant*  
36 *to this section.*

37 (6) *A pupil shall receive credit for community college courses*  
38 *that he or she completes at the level determined to be appropriate*  
39 *by the school district and community college governing boards*

1 *pursuant to the partnership agreement as described in paragraph*  
2 *(2).*

3 *(b) (1) A community college district shall not receive a state*  
4 *allowance or apportionment for an instructional activity for which*  
5 *a school district has been, or shall be, paid an allowance or*  
6 *apportionment.*

7 *(2) The attendance of a pupil at a community college as a special*  
8 *part-time or full-time student pursuant to this section is authorized*  
9 *attendance for which the community college shall be credited or*  
10 *reimbursed pursuant to Section 48802 or 76002, provided that no*  
11 *school district has received reimbursement for the same*  
12 *instructional activity. Credit for courses completed shall be at the*  
13 *level determined to be appropriate by the governing boards of the*  
14 *school district and the community college district pursuant to the*  
15 *partnership agreement as described in paragraph (2) of subdivision*  
16 *(a).*

17 *(c) For purposes of this section, a special part-time student may*  
18 *enroll in up to, and including, 11 units per semester, or the*  
19 *equivalent thereof, at the community college he or she attends.*

20 *(d) Notwithstanding subdivision (e) of Section 76001, for*  
21 *purposes of this section, the governing board of a community*  
22 *college district shall not assign an enrollment priority to pupils*  
23 *admitted as special part-time or full-time students under this*  
24 *section in order to ensure that these students do not displace*  
25 *regularly admitted students.*

26 *(e) Community college districts and school districts that enter*  
27 *into a partnership pursuant to this section shall be exempt from*  
28 *concurrent enrollment provisions pursuant to subdivisions (a) and*  
29 *(b) of, and paragraphs (1), (2), and (3) of subdivision (d) of,*  
30 *Section 48800.*

31 *(f) (1) For each partnership entered into pursuant to this*  
32 *section, the affected community college district and school district*  
33 *shall report annually to the Office of the Chancellor of the*  
34 *California Community Colleges all of the following information:*

35 *(A) The total number of secondary school pupils enrolled in*  
36 *each program, classified by the school district.*

37 *(B) The total number of successful course completions of*  
38 *secondary school pupils enrolled in each program, classified by*  
39 *the school district.*

1 (C) *The total number of successful course completions of*  
2 *students in courses equivalent to those courses tracked under*  
3 *subparagraph (B) in the general community college curriculum.*

4 (2) *The annual report required by this subdivision shall be*  
5 *transmitted to all of the following:*

6 (A) *The Legislature.*

7 (B) *The Director of Finance.*

8 (C) *The Superintendent.*

9 (D) *The governing board of each participating community*  
10 *college district.*

11 (E) *The governing board of each participating school district.*

12 SEC. 4. *Section 76002.5 is added to the Education Code, to*  
13 *read:*

14 76002.5. *Pursuant to subdivision (d) of Section 48800, the*  
15 *governing board of a community college district shall limit*  
16 *enrollment of special part-time or full-time students for summer*  
17 *session attendance to no more than 5 percent of the total number*  
18 *of pupils who completed that grade immediately prior to the time*  
19 *of attendance, except as provided in subparagraphs (A), (B), and*  
20 *(C) of paragraph (3) of subdivision (d) of Section 48800.*

21 ~~SEC. 2. Section 48800 of the Education Code is amended to~~  
22 ~~read:~~

23 ~~48800. (a) (1) The governing board of a school district may~~  
24 ~~enter into a partnership with a community college district to provide~~  
25 ~~secondary school pupils who have exhausted all opportunities to~~  
26 ~~enroll in an equivalent course at the high school of attendance,~~  
27 ~~adult education program, continuation school, regional occupational~~  
28 ~~center or program, or any other programs offered by the local~~  
29 ~~governing board with the opportunity to benefit from advanced~~  
30 ~~scholastic, career-technical, or other coursework at a campus of~~  
31 ~~the California Community Colleges. The intent of this section is~~  
32 ~~to provide a smoother transition from high school to college for~~  
33 ~~pupils by providing them with greater exposure to the collegiate~~  
34 ~~atmosphere, and to maximize the educational opportunities~~  
35 ~~available to California's secondary school pupils by encouraging~~  
36 ~~programs and partnerships between school districts and community~~  
37 ~~college districts, including, but not limited to, advanced scholastic,~~  
38 ~~college-level, and career-technical coursework, summer school~~  
39 ~~opportunities, high school exit examination preparation, English~~

1 as a second language, basic skills remediation, and dropout  
2 intervention.

3 (2) A secondary school pupil may attend a community college  
4 during any session or term as a special part-time or full-time  
5 student and undertake one or more courses of instruction offered  
6 at the community college upon notification of the principal of the  
7 pupil's school of attendance that the pupil has exhausted all  
8 opportunities to enroll in an equivalent course at the high school  
9 of attendance, adult education program, continuation school,  
10 regional occupational center or program, or any other program  
11 offered by the local governing board, and with parental consent if  
12 the pupil is under 18 years of age.

13 (b) A pupil shall receive credit for community college courses  
14 that he or she completes at the level determined appropriate by the  
15 governing boards of the school district and community college  
16 district.

17 (e) On or before March 1, 2012, and on or before January 1 of  
18 each year thereafter, the Chancellor of the California Community  
19 Colleges shall report to the Department of Finance the number of  
20 pupils who enrolled in a community college pursuant to subdivision  
21 (a), the courses that these pupils enrolled in, and the number of  
22 these pupils who received a passing grade. The information in this  
23 report may be submitted with the report required by subdivision  
24 (e) of Section 76002.

25 SEC. 3. Section 48800.5 of the Education Code is amended to  
26 read:

27 48800.5. (a) A parent or guardian of a pupil, regardless of the  
28 pupil's age or class level, may petition the governing board of the  
29 school district in which the pupil is enrolled to authorize the  
30 attendance of the pupil at a community college as a special  
31 full-time student on the ground that the pupil would benefit from  
32 the instruction that would thereby be available. If the governing  
33 board denies the petition, the pupil's parent or guardian may file  
34 an appeal with the county board of education, which shall render  
35 a final decision on the petition in writing within 30 days.

36 (b) A pupil who attends a community college as a special  
37 full-time student pursuant to this section is exempt from  
38 compulsory school attendance under Chapter 2 (commencing with  
39 Section 46100) of Part 26.

1 (e) A parent or guardian of a pupil who is not enrolled in a public  
2 school may directly petition the president of any community  
3 college to authorize the attendance of the pupil at the community  
4 college as a special part-time or full-time student on the ground  
5 that the pupil would benefit from the instruction that would thereby  
6 be available.

7 (d) Any pupil authorized to attend a community college as a  
8 special full-time student shall, nevertheless, be required to  
9 undertake courses of instruction of a scope and duration sufficient  
10 to satisfy the requirements of law.

11 (e) For purposes of allowances and apportionments from the  
12 State School Fund, a community college shall be credited with  
13 additional units of average daily attendance attributable to the  
14 attendance of special full-time students at the community college.

15 SEC. 4. Section 48802 of the Education Code is amended to  
16 read:

17 48802. (a) For purposes of allowances and apportionments  
18 from Section B of the State School Fund, a community college  
19 shall be credited with additional units of average daily attendance  
20 attributable to the attendance of pupils at the community college  
21 as special part-time students pursuant to this article and as set forth  
22 in Section 76002.

23 (b) A school district whose pupils attend a community college  
24 as special part-time students pursuant to this article shall, for  
25 purposes of allowances and apportionments from Section A of the  
26 State School Fund, continue to receive credit for attendance by  
27 those pupils computed in the manner prescribed by law, and a  
28 pupil's attendance at school for the minimum schoolday shall be  
29 deemed a day of attendance for purposes of making the  
30 computation.

31 (c) A community college district shall not receive an allowance  
32 or an apportionment for an instructional activity for which a school  
33 district has been, or shall be, paid an allowance or an  
34 apportionment.

35 SEC. 5. Section 76001 of the Education Code is amended to  
36 read:

37 76001. (a) The governing board of a community college district  
38 may admit to any community college under its jurisdiction as a  
39 special part-time or full-time student in any session or term any

1 student who is eligible to attend community college pursuant to  
2 Section 48800 or 48800.5.

3 (b) ~~The attendance of a pupil at a community college as a special  
4 part-time or full-time student pursuant to this section is authorized  
5 attendance, for which the community college shall be credited or  
6 reimbursed pursuant to Sections 48802 and 76002, provided that  
7 no school district has received reimbursement for the same  
8 instructional activity. Credit for courses completed shall be at the  
9 level determined to be appropriate by the school district and  
10 community college district governing boards.~~

11 (c) ~~For purposes of this section, a special part-time student may  
12 enroll in up to, and including, 11 units per semester, or the  
13 equivalent thereof, at the community college.~~

14 (d) ~~The governing board of a community college district shall  
15 not assign an enrollment priority to pupils admitted as special  
16 part-time or full-time students, as described in subdivision (a), in  
17 order to ensure that these students do not displace continuing  
18 students.~~