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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1451

Introduced by Assembly Member Holden

**(Principal coauthors: Assembly Members Fong, Fox, Hagman,
Linder, Logue, Medina, Nestande, Olsen, Quirk-Silva, Rodriguez,
Ting, Waldron, and Wilk)**

(Principal coauthors: Senators Cannella and Vidak)

January 8, 2014

An act to amend Sections 48800 and 76001 of, ~~and to add Sections 48803 and 76004 to,~~ *and to add and repeal Sections 48803 and 76004 of,* the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1451, as amended, Holden. Public schools: concurrent enrollment in secondary school and community college.

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 or full-time students, subject to parental permission. Existing law, until January 1, 2014, required credit to be awarded to these pupils, as specified, made the authority of a school principal to recommend a pupil for community college summer session contingent upon a determination that the pupil met various criteria, and prohibited the principal from recommending more than 5% of the total number of pupils from any particular grade level who completed that grade immediately before the time of recommendation for summer session attendance, except as specified.

This bill would reinstate these provisions until January 1, ~~2017~~, and ~~would add a specified exception to the 5% limitation~~ 2017. The bill would, *until July 1, 2020*, authorize the governing board of a school district to enter into a concurrent enrollment partnership agreement with a community college district located within its immediate service area to allow pupils to attend community college. The bill would require a community college district and a school district, as a condition of, and before adopting, a concurrent enrollment partnership agreement, to take testimony from the public and approve or disapprove the proposed agreement at a regularly scheduled open public hearing of its respective governing board *after having presented the agreement at a prior open public hearing*. The bill would require the concurrent enrollment partnership agreement to outline the terms of the partnership, as specified. The bill would prohibit a school district from receiving a state allowance or apportionment for an instructional activity for which a community college district has been, or will be, paid an allowance or apportionment under a concurrent enrollment partnership agreement. The bill would authorize a participating high school to monitor the progress of its pupils attending a community college and to obtain the pupils' records from a community college district to do so. The bill would require, for each concurrent enrollment partnership agreement 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.

The bill would also authorize the governing board of a community college district to enter into a partnership with the governing board of a school district located within its service area with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer. The bill would require the partnership agreement to outline the terms of the partnership, as specified, and would require copies of the partnership agreement to

be filed with the Chancellor of the California Community Colleges and the Superintendent of Public Instruction. The bill would authorize a community college district to limit enrollment in a community college course to solely high school pupils under specified circumstances. The bill would authorize specified high school pupils to enroll in up to 15 units if those units are required for these pupils' partnership programs and specified circumstances are satisfied, and would authorize a community college district to exempt special part-time and full-time students taking up to a maximum of 15 units per term from specified fee requirements. The bill would prohibit a community college district from receiving a state allowance or apportionment for an instructional activity for which a school district has been, or will be, paid an allowance or apportionment under a concurrent enrollment partnership agreement. The bill would require, for each partnership agreement 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.

The bill would also make related and conforming changes.

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 defined in statute as
8 special-admits and the programs in which they participate are
9 known as concurrent or dual enrollment programs. The main target
10 of these programs is advanced education and the work completed
11 in them is primarily defined as college-level work.
12 (c) Existing law imposes strict limits on concurrent enrollment
13 programs. No more than 5 percent of the pupils in any particular
14 high school grade level may enroll in a community college during
15 summer sessions. In addition, the types of classes pupils may take
16 pursuant to these programs are generally limited to advanced
17 education classes.

1 (d) Existing law includes statutory reforms and restrictions to
2 prevent abuses regarding this type of enrollment.

3 (e) The current restrictions on concurrent enrollment inhibit the
4 ability of school districts and their pupils to make maximum use
5 of community college facilities and opportunities. By reducing
6 some of the restrictions on concurrent enrollment it will be possible
7 to expand concurrent enrollment opportunities for pupils, including
8 pupils working to improve their college readiness and career
9 technical skills.

10 (f) Allowing a greater and more varied segment of high school
11 pupils to take community college courses could provide benefits
12 to pupils and to the state in numerous ways, such as reducing the
13 number of high school dropouts, increasing the number of
14 community college students who transfer and complete a degree,
15 shortening the time to completion of educational goals, and
16 improving the level of preparation of pupils in the area of career
17 technical education.

18 (g) Exposure to college classes and the college experience while
19 in high school improves college participation rates.

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

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

24 48800. (a) The governing board of a school district may
25 determine which pupils would benefit from concurrent enrollment
26 in a community college, subject to approval of admission by the
27 community college district in accordance with applicable statutes
28 and regulations of the Board of Governors of the California
29 Community Colleges. The intent of this section is to provide
30 educational enrichment opportunities for a limited number of
31 eligible pupils, rather than to reduce current course requirements
32 of elementary and secondary schools, and also to help ensure a
33 smoother transition from high school to college for pupils by
34 providing them with greater exposure to the collegiate experience.
35 The governing board of a school district may authorize those
36 pupils, upon recommendation of the principal of the pupil’s school
37 of attendance, or his or her designee, or pursuant to a concurrent
38 enrollment partnership agreement in accordance with Section
39 48803, and with parental consent, to attend a community college
40 during any session or term as special part-time or full-time students

1 and to undertake one or more courses of instruction offered at the
2 community college level.

3 (b) If the governing board of a school district denies a request
4 for a special part-time or full-time enrollment at a community
5 college for any session or term for a pupil who is identified as
6 highly gifted, the governing board of the school district shall issue
7 its written recommendation and the reasons for the denial within
8 60 days. The written recommendation and denial shall be issued
9 at the next regularly scheduled board meeting that falls at least 30
10 days after the request has been submitted.

11 (c) A pupil may receive community college and high school
12 credit for community college courses that he or she completes, as
13 determined to be appropriate by the governing boards of the school
14 district and community college district, and in accordance with
15 other state and federal laws.

16 (d) (1) The principal of a school may recommend a pupil for
17 community college summer session only if that pupil meets both
18 of the following criteria:

19 (A) Demonstrates adequate preparation in the discipline to be
20 studied.

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

23 (2) For any particular grade level, a principal shall not
24 recommend for community college summer session attendance
25 more than 5 percent of the total number of pupils who completed
26 that grade immediately before the time of recommendation.

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

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

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

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

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

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

18 ~~(D) The course is necessary to address the deficiencies in~~
19 ~~English language arts or mathematics of a pupil who has not~~
20 ~~demonstrated college-readiness on an Early Assessment Program~~
21 ~~assessment or a successor common core-aligned assessment.~~

22 (4) On or before March 1 of each year, the Chancellor of the
23 California Community Colleges shall report to the Department of
24 Finance the number of pupils recommended pursuant to paragraph
25 (3) who enroll in community college summer session courses and
26 who receive a passing grade. The information in this report may
27 be submitted with the report required by subdivision (c) of Section
28 76002.

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

32 (e) Paragraphs (3) and (4) of subdivision (d) shall become
33 inoperative on January 1, 2017.

34 SEC. 3. Section 48803 is added to the Education Code, to read:

35 48803. (a) (1) The governing board of a school district may
36 enter into a concurrent enrollment partnership agreement with the
37 governing board of a community college district located within its
38 immediate service area, with the goal of developing a seamless
39 pathway from high school to community college for
40 career-technical education or preparation for transfer.

1 (2) A participating school district may adopt a concurrent
2 enrollment partnership agreement with a community college district
3 partner that is approved by the governing boards of both districts.
4 As a condition of, and before adopting, a concurrent enrollment
5 partnership agreement, ~~a community college district and a school~~
6 ~~district, at a regularly scheduled open public hearing of their~~
7 ~~respective governing boards, shall take testimony from the public~~
8 ~~and approve or disapprove the proposed concurrent enrollment~~
9 ~~partnership agreement.~~ *the governing board of each district, at an*
10 *open public meeting of that board, shall present the concurrent*
11 *enrollment partnership agreement as an informational item. The*
12 *governing board of each district, at a subsequent open public*
13 *meeting of that board, shall take testimony from the public and*
14 *shall approve or disapprove the agreement.*

15 (3) (A) The concurrent enrollment partnership agreement shall
16 outline the terms of the partnership, and ~~may~~ *shall* include, but
17 ~~shall not necessarily~~ *not* be limited to, the scope, nature, and
18 schedule of courses offered, and the criteria to assess the ability
19 of pupils to benefit from those courses. The concurrent enrollment
20 partnership agreement may establish protocols for information
21 sharing, joint facilities use, and parental consent for pupils.

22 (B) The concurrent enrollment partnership agreement shall
23 identify a point of contact for the participating school district and
24 community college district.

25 (C) The concurrent enrollment partnership agreement shall
26 ~~certify~~ *include a certification by the participating community*
27 *college district* that any community college instructor teaching a
28 course on a high school campus has not been convicted of any sex
29 offense, as defined in Section 87010, or any controlled substance
30 offense, as defined in Section 87011.

31 (D) Copies of the concurrent enrollment partnership agreement
32 shall be filed with the Superintendent and the Chancellor of the
33 California Community Colleges before the start of a program *or*
34 *course* authorized by this article.

35 (E) No high school course that satisfies the requirements of an
36 a-g course shall be supplanted by an equivalent community college
37 course offered through the concurrent enrollment partnership
38 agreement.

39 (F) No high school course listed on the school district's master
40 schedule shall be supplanted by an equivalent community college

1 course offered through the concurrent enrollment partnership
2 agreement.

3 (G) *A community college district shall include in the concurrent*
4 *enrollment partnership agreement a self-certification that*
5 *participation in the concurrent enrollment partnership program*
6 *is in compliance with the core mission of community colleges*
7 *pursuant to Section 66010.4 and that pupils participating in the*
8 *concurrent enrollment partnership program will not lead to*
9 *enrollment displacement of otherwise eligible adults in the*
10 *community college.*

11 (4) A community college district shall not provide physical
12 education course opportunities to secondary school pupils pursuant
13 to this section.

14 (5) A pupil may receive community college and high school
15 credit for community college courses that he or she completes, as
16 determined to be appropriate by the governing boards of the school
17 district and the community college district, and in accordance with
18 other state and federal laws.

19 (6) A pupil shall not be assessed any fees prohibited by Section
20 49011 for community college courses that he or she completes
21 through a concurrent enrollment partnership agreement.

22 (b) A participating school district shall not receive a state
23 allowance or apportionment for an instructional activity for which
24 a community college district has been, or shall be, paid an
25 allowance or apportionment.

26 (c) A participating high school may monitor the progress of its
27 pupils attending a community college under this section, and may
28 obtain the pupils' records from the community college district to
29 do so.

30 (d) (1) For each concurrent enrollment partnership agreement
31 entered into pursuant to this section, the affected community
32 college district and school district shall report annually to the Office
33 of the Chancellor of the California Community Colleges all of the
34 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 (D) The total number of community college courses offered,
5 classified based on the following:

6 (i) Equivalency to the University of California a-g requirements.

7 (ii) Equivalency to courses on the school district's master
8 schedule.

9 (E) Whether any of the district's course offerings that satisfy
10 the criteria in clauses (i) and (ii) of subparagraph (D) have been
11 reduced, and an explanation for that reduction.

12 (2) The annual report required by this subdivision shall also be
13 transmitted to all of the following:

14 (A) The Legislature, in compliance with Section 9795 of the
15 Government Code.

16 (B) The Director of Finance.

17 (C) The Superintendent.

18 (e) *This section shall remain in effect only until January 1, 2020,*
19 *and as of that date is repealed, unless a later enacted statute, that*
20 *is enacted before January 1, 2020, deletes or extends that date.*

21 SEC. 4. Section 76001 of the Education Code is amended to
22 read:

23 76001. (a) The governing board of a community college district
24 may admit to any community college under its jurisdiction as a
25 special part-time or full-time student in any session or term any
26 student who is eligible to attend community college pursuant to
27 Section 48800 or 48800.5.

28 (b) If the governing board denies a request for a special part-time
29 or full-time enrollment at a community college for a pupil who is
30 identified as highly gifted, the board shall record its findings and
31 the reasons for denial of the request in writing within 60 days. The
32 written recommendation and denial shall be issued at the next
33 regularly scheduled board meeting that falls at least 30 days after
34 the request has been submitted.

35 (c) The attendance of a pupil at a community college as a special
36 part-time or full-time student pursuant to this section is authorized
37 attendance, for which the community college shall be credited or
38 reimbursed pursuant to Sections 48802 and 76002. Credit for
39 courses completed shall be at the level determined to be appropriate

1 by the school district and community college district governing
2 boards.

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

6 (e) (1) Except as provided in paragraph (2), the governing board
7 of a community college district shall assign a low enrollment
8 priority to special part-time or full-time students described in
9 subdivision (a) in order to ensure that these students do not displace
10 regularly admitted students.

11 (2) This subdivision does not apply to a student attending a
12 middle college high school as described in Section 11300, an early
13 college high school as described in Section 11302, or pursuant to
14 a concurrent enrollment partnership agreement as described in
15 Section 48803, if the student is seeking to enroll in a community
16 college course that is required for the student's middle college
17 high school, early college high school, or concurrent enrollment
18 partnership program.

19 (f) Notwithstanding Section 48800 and subdivision (d), a
20 community college district may allow a pupil attending a middle
21 college high school, as defined in Section 11300, or early college
22 high school, as defined in Section 11302, or a pupil participating
23 in a concurrent enrollment partnership agreement established
24 pursuant to Section 76004, to enroll in up to a maximum of 15
25 units if those units are required for the pupil's program, and if
26 either of the following circumstances is satisfied:

27 (1) The units constitute no more than four community college
28 courses per term.

29 (2) The units are part of an academic program offered at the
30 middle college high school or the early college high school that is
31 designed to allow students to earn enough credit to graduate with
32 an associate's degree or career technical education certificate, or
33 are part of a concurrent enrollment partnership agreement
34 established pursuant to Section 76004.

35 (g) The attendance of a pupil at a community college as a special
36 part-time or full-time student pursuant to this section is authorized
37 attendance for which the community college shall be credited or
38 reimbursed pursuant to Section 48802 or 76002, provided that no
39 school district has received reimbursement for the same
40 instructional activity.

1 SEC. 5. Section 76004 is added to the Education Code, to read:

2 76004. (a) (1) The governing board of a community college
3 district may enter into a partnership with the governing board of
4 a school district located within its service area with the goal of
5 developing seamless pathways from high school to community
6 college for career technical education or preparation for transfer.

7 (2) A participating community college district may adopt a
8 partnership agreement with a school district partner that is approved
9 by the governing boards of both districts. As a condition of, and
10 before adopting, a partnership agreement, ~~a community college~~
11 ~~district and a school district, at a regularly scheduled open public~~
12 ~~hearing of their respective governing boards, shall take testimony~~
13 ~~from the public and approve or disapprove the proposed partnership~~
14 ~~agreement.~~ *the governing board of each district, at an open public*
15 *meeting of that board, shall present the concurrent enrollment*
16 *partnership agreement as an informational item. The governing*
17 *board of each district, at a subsequent open public meeting of that*
18 *board, shall take testimony from the public and shall approve or*
19 *disapprove the agreement.*

20 (3) (A) The partnership agreement shall outline the terms of
21 the partnership and ~~may shall include, but shall not necessarily~~
22 ~~not~~ be limited to, the scope, nature, and listing of community
23 college courses to be offered, and criteria to assess the ability of
24 pupils to benefit from those courses. The partnership agreement
25 may establish protocols for information sharing, joint facilities
26 use, and parental consent for pupils to enroll in community college
27 courses.

28 (B) The partnership agreement shall identify a point of contact
29 for the participating community college district and school district
30 partner.

31 (C) A copy of the partnership agreement shall be filed with the
32 chancellor and the Superintendent before the start of a program *or*
33 *course* authorized by this article.

34 (D) The concurrent enrollment partnership agreement shall
35 ~~certify~~ *include a certification by the participating community*
36 *college district* that any community college instructor teaching a
37 course on a high school campus, pursuant to this section, has not
38 been convicted of any sex offense, as defined in Section 87010,
39 or any controlled substance offense, as defined in Section 87011.

1 (E) A community college district shall include in the concurrent
2 enrollment partnership agreement a self-certification that
3 participation in the concurrent enrollment partnership program
4 is in compliance with the core mission of community colleges
5 pursuant to Section 66010.4 and that pupils participating in the
6 concurrent enrollment partnership program will not lead to
7 enrollment displacement of otherwise eligible adults in the
8 community college.

9 (4) A community college district shall not provide physical
10 education course opportunities to secondary school pupils pursuant
11 to this section or any other course opportunities that do not assist
12 in the attainment of the goals listed in paragraph (1).

13 (5) A pupil may receive community college and high school
14 credit for community college courses that he or she completes as
15 determined to be appropriate by the governing boards of the
16 community college district and the school district, and in
17 accordance with other state and federal laws.

18 (6) A pupil shall not be assessed any fees prohibited by Section
19 49011 for community college courses that he or she completes
20 that are offered through a partnership agreement.

21 (7) (A) Notwithstanding subdivision (a) of Section 76002 or
22 any other open course provision in statute, or regulations adopted
23 by the Board of Governors of the California Community Colleges,
24 a community college district may limit enrollment in a community
25 college course to solely high school pupils if the course is offered
26 at a high school campus, is not otherwise offered at the high school,
27 and one or more of the following circumstances are satisfied:

28 (i) The community college course is offered by a middle college
29 high school as defined in Section 11300.

30 (ii) The community college course is offered by an early college
31 high school as defined in Section 11302.

32 (iii) The community college course is offered pursuant to a
33 partnership agreement established pursuant to this article.

34 (B) For purposes of allowances and apportionments from Section
35 B of the State School Fund, a community college district
36 conducting a closed course on a high school campus shall be
37 credited with additional units of FTES attributable to the attendance
38 of eligible high school pupils.

39 (8) Notwithstanding subdivision (d) of Section 76001 and
40 subdivision (f) of Section 76300, the governing board of a

1 community college district participating in a concurrent enrollment
2 partnership agreement established pursuant to this section may, in
3 whole or in part, exempt special part-time or full-time pupils taking
4 up to a maximum of 15 units per term from the fee requirements
5 in Sections 76060.5, 76140, 76223, 76300, 76350, and 79121.

6 (b) A community college district shall not receive a state
7 allowance or apportionment for an instructional activity for which
8 a school district has been, or shall be, paid an allowance or
9 apportionment.

10 (c) (1) For each partnership entered into pursuant to this section,
11 the affected community college district and school district shall
12 report annually to the chancellor all of the following information:

13 (A) The total number of secondary school pupils enrolled in
14 each partnership.

15 (B) The total number of community college courses enrolled in
16 by partnership participants.

17 (C) The total number and percentage of successful course
18 completions, by course category and type, of partnership
19 participants.

20 (2) The annual report required by this subdivision shall also be
21 transmitted to all of the following:

22 (A) The Legislature, in compliance with Section 9795 of the
23 Government Code.

24 (B) The Director of Finance.

25 (C) The Superintendent.

26 (d) *This section shall remain in effect only until January 1, 2020,*
27 *and as of that date is repealed, unless a later enacted statute, that*
28 *is enacted before January 1, 2020, deletes or extends that date.*