

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE APRIL 24, 2013

AMENDED IN SENATE APRIL 8, 2013

**SENATE BILL**

**No. 173**

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**Introduced by Senator Liu**

February 5, 2013

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An act to amend, *repeal, and add* Sections 41976 and 84757 of, and to add Sections ~~33315 and 76382~~ 52524, 76382, and 78402 to, the Education Code, relating to education funding.

LEGISLATIVE COUNSEL'S DIGEST

SB 173, as amended, Liu. Education funding: adult health and safety education.

(1) Existing law establishes the State Department of Education, under the administration of the Superintendent of Public Instruction, to execute numerous statutes and policies relating to the funding and governance of public elementary and secondary schools throughout the state. Existing law authorizes the governing board of a school district maintaining secondary schools to establish and maintain classes for adults, as specified.

This bill would require the department, in conjunction with the Office of the Chancellor of the California Community Colleges, to coordinate and issue assessment policy guidelines regarding assessments to be used by school districts and community college districts for purposes of placement in adult education courses offered by those districts. The bill would also require the department and the chancellor's office to jointly establish and implement a comprehensive performance

accountability system for adult education courses offered by school districts and community college districts in accordance with prescribed requirements.

(2) Existing law authorizes specified classes and courses to be offered by school districts and county superintendents of schools for purposes of apportionments from the adult education fund.

This bill, *commencing on July 1, 2015*, would delete the existing authorization for adult programs in parenting, home economics, and health and safety education, and adult programs for older adults, to receive apportionments from the adult education fund.

(3) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law requires specified noncredit community college courses and classes to be eligible for program-based funding from the state. Existing law requires community college districts to charge students a designated enrollment fee, and authorizes community college districts to charge students specified fees relating to, among other things, health services, parking, transportation, student body center buildings and operations, and physical education courses requiring the use of nondistrict facilities. Existing law also prohibits an adult enrolled in a noncredit course from being required to pay a fee of any kind for a class in English and citizenship for foreigners.

This bill, *commencing on July 1, 2015*, would delete the authorization for noncredit community college parenting, older adults, home economics, and health and safety education courses and classes to receive program-based funding from the state. This bill would authorize the governing board of a community college district to charge a fee for adult education courses, other than classes in English and citizenship, in accordance with specified regulations and procedures.

(4) The bill would require the Commission on Teacher Credentialing and the Academic Senate for California Community Colleges to jointly develop and submit recommendations to specified policy and fiscal committees of the Legislature for modifying or establishing reciprocity standards for instructors of adult education courses by July 1, ~~2014~~ 2015.

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 33315 is added to the Education Code, to~~  
2 ~~read:~~

3 ~~33315. (a) The department, in conjunction with the~~  
4 ~~chancellor's office, shall coordinate and issue assessment policy~~  
5 ~~guidelines regarding assessments to be used by school districts~~  
6 ~~and community college districts for purposes of placement in adult~~  
7 ~~education courses offered pursuant to Sections 41976 and 84757.~~

8 ~~(b) The department and the chancellor's office shall jointly~~  
9 ~~establish and implement a comprehensive performance~~  
10 ~~accountability system for adult education courses offered pursuant~~  
11 ~~to Sections 41976 and 84757. The department and the chancellor's~~  
12 ~~office shall develop guidelines and procedures for all adult~~  
13 ~~education funded providers for assessment, evaluation, and data~~  
14 ~~collection to document participant outcomes and placement, and~~  
15 ~~other performance measures they deem appropriate. Performance~~  
16 ~~measures may include receipt of a secondary school diploma or~~  
17 ~~its recognized equivalent, placement in a postsecondary educational~~  
18 ~~institution, training, and employment. To the extent possible, these~~  
19 ~~performance measures shall be consistent with those required and~~  
20 ~~implemented pursuant to the federal Workforce Investment Act~~  
21 ~~of 1998, Title II, Adult Education and Family Literacy Act (Public~~  
22 ~~Law 105-220). All funded programs shall be required to annually~~  
23 ~~submit demographic and other student-level outcome information.~~

24 ~~(c) As used in this section:~~

25 ~~(1) "Chancellor's office" means the Office of the Chancellor~~  
26 ~~of the California Community Colleges.~~

27 ~~(2) "Department" means the State Department of Education.~~

28 ~~SEC. 2.~~

29 ~~SECTION 1. Section 41976 of the Education Code is amended~~  
30 ~~to read:~~

31 ~~41976. (a) For purposes of this chapter, the following classes~~  
32 ~~and courses are authorized to be offered by school districts and~~  
33 ~~county superintendents of schools for apportionment purposes~~  
34 ~~from the adult education fund:~~

35 ~~(1) Elementary and secondary basic skills and other courses and~~  
36 ~~classes required for the high school diploma. Apportionments for~~  
37 ~~these courses and classes may only be generated by students who~~  
38 ~~do not possess a high school diploma or high school equivalency~~  
39 ~~certification, except for remedial academic courses or classes in~~  
40 ~~reading, mathematics, and language arts.~~

1 (2) English as a second language.  
2 (3) Classes and courses for immigrants eligible for educational  
3 services in citizenship, English as a second language, and  
4 workforce preparation classes in the basic skills of speaking,  
5 listening, reading, writing, mathematics, decisionmaking and  
6 problem solving skills, and other classes required for preparation  
7 to participate in job specific technical training.

8 (4) Education programs for adults with disabilities.

9 (5) Short-term career technical education programs with high  
10 employment potential.

11 (6) Programs for apprentices.

12 (b) State apportionment shall not be made for any course or  
13 class that is not set forth in subdivision (a).

14 (c) *This section shall become inoperative on July 1, 2015, and,*  
15 *as of January 1, 2016, is repealed, unless a later enacted statute,*  
16 *that becomes operative on or before January 1, 2016, deletes or*  
17 *extends the dates on which it becomes inoperative and is repealed.*

18 SEC. 2. Section 41976 is added to the Education Code, to read:

19 41976. (a) *For purposes of this chapter, the following classes*  
20 *and courses are authorized to be offered by school districts and*  
21 *county superintendents of schools for apportionment purposes*  
22 *from the adult education fund:*

23 (1) *Elementary and secondary basic skills and other courses*  
24 *and classes required for the high school diploma. Apportionments*  
25 *for these courses and classes may only be generated by students*  
26 *who do not possess a high school diploma or high school*  
27 *equivalency certification, except for remedial academic courses*  
28 *or classes in reading, mathematics, and language arts.*

29 (2) *English as a second language.*

30 (3) *Classes and courses for immigrants eligible for educational*  
31 *services in citizenship, English as a second language, and*  
32 *workforce preparation classes in the basic skills of speaking,*  
33 *listening, reading, writing, mathematics, decisionmaking and*  
34 *problem solving skills, and other classes required for preparation*  
35 *to participate in job specific technical training.*

36 (4) *Education programs for adults with disabilities.*

37 (5) *Short-term career technical education programs with high*  
38 *employment potential.*

39 (6) *Programs for apprentices.*

1 (b) State apportionment shall not be made for any course or  
2 class that is not set forth in subdivision (a).

3 (c) This section shall become operative on July 1, 2015.

4 SEC. 3. Section 52524 is added to the Education Code, to read:

5 52524. (a) The department, in conjunction with the  
6 chancellor's office, shall coordinate and issue assessment policy  
7 guidelines regarding assessments to be used by school districts  
8 and community college districts for purposes of placement in adult  
9 education courses offered pursuant to Sections 41976 and 84757.

10 (b) The department and the chancellor's office shall jointly  
11 establish and implement a comprehensive performance  
12 accountability system for adult education courses offered pursuant  
13 to Sections 41976 and 84757. The department and the chancellor's  
14 office shall develop guidelines and procedures for all adult  
15 education-funded providers for assessment, evaluation, and data  
16 collection to document participant outcomes and placement, and  
17 other performance measures they deem appropriate. Performance  
18 measures may include receipt of a secondary school diploma or  
19 its recognized equivalent, placement in a postsecondary  
20 educational institution, training, and employment. To the extent  
21 possible, these performance measures shall be consistent with  
22 those required and implemented pursuant to the federal Workforce  
23 Investment Act of 1998, Title II, Adult Education and Family  
24 Literacy Act (Public Law 105-220). All funded programs shall be  
25 required to annually submit demographic and other student-level  
26 outcome information to the department or the chancellor's office,  
27 as appropriate.

28 (c) As used in this section, "chancellor's office" means the  
29 Office of the Chancellor of the California Community Colleges.

30 ~~SEC. 3.~~

31 SEC. 4. Section 76382 is added to the Education Code, to read:

32 76382. In order to ensure that community college districts have  
33 the capacity to meet the demand for adult education courses for  
34 recent immigrants, the governing board of a community college  
35 district may charge a fee, pursuant to regulations adopted by the  
36 board of governors and consistent with subdivision (a) of Section  
37 52612 and Section 76380, for classes it offers pursuant to Section  
38 84757, other than classes in English and citizenship. Any  
39 community college district that chooses to charge a fee under this  
40 section shall report the amount of the fee, the number of classes,

1 and enrollment in those classes to the Office of the Chancellor of  
 2 the California Community Colleges. The chancellor's office shall  
 3 make the information reported under this section available to the  
 4 Legislative Analyst's Office. The Legislative Analyst's Office  
 5 shall provide a summary and analysis of the reported information  
 6 to the Assembly Committee on Budget, ~~the Assembly Committee~~  
 7 ~~on Education~~, the Assembly Committee on Higher Education, the  
 8 Senate Committee on Budget and Fiscal Review, and the Senate  
 9 Committee on Education by January 1, 2016.

10 *SEC. 5. Section 78402 is added to the Education Code, to read:*

11 *78402. (a) The chancellor's office, in conjunction with the*  
 12 *department, shall coordinate and issue assessment policy*  
 13 *guidelines regarding assessments to be used by school districts*  
 14 *and community college districts for purposes of placement in adult*  
 15 *education courses offered pursuant to Sections 41976 and 84757.*

16 *(b) The department and the chancellor's office shall jointly*  
 17 *establish and implement a comprehensive performance*  
 18 *accountability system for adult education courses offered pursuant*  
 19 *to Sections 41976 and 84757. The department and the chancellor's*  
 20 *office shall develop guidelines and procedures for all adult*  
 21 *education-funded providers for assessment, evaluation, and data*  
 22 *collection to document participant outcomes and placement, and*  
 23 *other performance measures they deem appropriate. Performance*  
 24 *measures may include receipt of a secondary school diploma or*  
 25 *its recognized equivalent, placement in a postsecondary*  
 26 *educational institution, training, and employment. To the extent*  
 27 *possible, these performance measures shall be consistent with*  
 28 *those required and implemented pursuant to the federal Workforce*  
 29 *Investment Act of 1998, Title II, Adult Education and Family*  
 30 *Literacy Act (Public Law 105-220). All funded programs shall be*  
 31 *required to annually submit demographic and other student-level*  
 32 *outcome information to the department or the chancellor's office,*  
 33 *as appropriate.*

34 *(c) As used in this section, "department" means the State*  
 35 *Department of Education.*

36 ~~SEC. 4.~~

37 *SEC. 6. Section 84757 of the Education Code is amended to*  
 38 *read:*

39 *84757. (a) For purposes of this chapter, the following noncredit*  
 40 *adult education courses and classes shall be eligible for funding:*

1 (1) Elementary and secondary basic skills and other courses and  
2 classes such as remedial academic courses or classes in reading,  
3 mathematics, and language arts.

4 (2) English as a second language.

5 (3) Classes and courses for immigrants eligible for educational  
6 services in citizenship, English as a second language, and work  
7 force preparation classes in the basic skills of speaking, listening,  
8 reading, writing, mathematics, decisionmaking and problem solving  
9 skills, and other classes required for preparation to participate in  
10 job-specific technical training.

11 (4) Education programs for persons with substantial disabilities.

12 (5) Short-term vocational programs with high employment  
13 potential.

14 (b) State apportionment shall not be made for any course or  
15 class that is not set forth in subdivision (a) and for which no credit  
16 is given.

17 (c) *This section shall become inoperative on July 1, 2015, and,*  
18 *as of January 1, 2016, is repealed, unless a later enacted statute,*  
19 *that becomes operative on or before January 1, 2016, deletes or*  
20 *extends the dates on which it becomes inoperative and is repealed.*

21 *SEC. 7. Section 84757 is added to the Education Code, to read:*  
22 *84757. (a) For purposes of this chapter, the following*  
23 *noncredit adult education courses and classes shall be eligible for*  
24 *funding:*

25 (1) *Elementary and secondary basic skills and other courses*  
26 *and classes such as remedial academic courses or classes in*  
27 *reading, mathematics, and language arts.*

28 (2) *English as a second language.*

29 (3) *Classes and courses for immigrants eligible for educational*  
30 *services in citizenship, English as a second language, and work*  
31 *force preparation classes in the basic skills of speaking, listening,*  
32 *reading, writing, mathematics, decisionmaking and problem*  
33 *solving skills, and other classes required for preparation to*  
34 *participate in job-specific technical training.*

35 (4) *Education programs for persons with substantial disabilities.*

36 (5) *Short-term vocational programs with high employment*  
37 *potential.*

38 (b) *State apportionment shall not be made for any course or*  
39 *class that is not set forth in subdivision (a) and for which no credit*  
40 *is given.*

1 (c) *This section shall become operative on July 1, 2015.*

2 ~~SEC. 5.~~

3 *SEC. 8.* The Commission on Teacher Credentialing and the  
4 Academic Senate for California Community Colleges shall meet  
5 to review their current requirements for noncredit adult education  
6 and adult education instructors, and shall develop and submit  
7 recommendations to the appropriate policy and fiscal committees  
8 of the Legislature for modifying or establishing reciprocity  
9 standards for instructors of adult education courses by July 1, ~~2014~~  
10 *2015.*

11 ~~SEC. 6.~~ It is the intent of the Legislature that:

12 ~~(a) Nothing in the act that adds this section be construed to limit~~

13 *SEC. 9. (a) It is the intent of the Legislature that nothing in*  
14 *the act that adds this section be construed to limit* the authority  
15 of school districts and community college districts to offer adult  
16 education programs and courses other than those listed in Sections  
17 41976 and 84757 of the Education Code, provided that those  
18 programs or courses are funded through alternative funding sources,  
19 including fees, if the district is authorized to charge fees.

20 ~~(b) Beginning in the 2015–16 fiscal year, It is the further intent~~  
21 *of the Legislature to evaluate the performance accountability*  
22 *system established pursuant to Sections 52524 and 78402 of the*  
23 *Education Code and to consider allocating base adult education*  
24 *funds and noncredit adult education funds shall be allocated* to  
25 providers on the basis of a combination of enrollment and  
26 performance in courses offered pursuant to Sections 41976 and  
27 84757 of the Education Code.