

AMENDED IN ASSEMBLY AUGUST 8, 2013

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

Introduced by Senator Liu

February 5, 2013

An act to amend, repeal, and add Sections 41976 and 84757 of, and to add Sections 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. *The bill would provide that it does not limit the authority of a school district to offer adult education programs and courses for older adults in health and safety education or programs in parenting, or both, provided that those programs or courses are funded through alternative funding sources, as defined, including fees, if the district is authorized to charge fees for these purposes.*

(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. *The bill would provide that it does not limit the authority of a community college district to offer adult education programs and courses for older adults in health and safety education or programs in parenting, or both, provided that those programs or courses are funded through alternative funding sources, as defined, including fees, if the district is authorized to charge*

fees for these purposes. 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, 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 41976 of the Education Code is amended
2 to read:

3 41976. (a) For purposes of this chapter, the following classes
4 and courses are authorized to be offered by school districts and
5 county superintendents of schools for apportionment purposes
6 from the adult education fund:

7 (1) *Programs in parenting, including parent cooperative*
8 *preschools, and classes in child growth and development and*
9 *parent-child relationships.*

10 ~~(1)~~

11 (2) Elementary and secondary basic skills and other courses and
12 classes required for the high school diploma. Apportionments for
13 these courses and classes may only be generated by students who
14 do not possess a high school diploma or high school equivalency
15 certification, except for remedial academic courses or classes in
16 reading, mathematics, and language arts.

17 ~~(2)~~

18 (3) English as a second language.

19 ~~(3)~~

20 (4) Classes and courses for immigrants eligible for educational
21 services in citizenship, English as a second language, and
22 workforce preparation classes in the basic skills of speaking,
23 listening, reading, writing, mathematics, decisionmaking and
24 problem solving skills, and other classes required for preparation
25 to participate in job specific technical training.

26 ~~(4)~~

- 1 (5) Education programs for adults with disabilities.
- 2 ~~(5)~~
- 3 (6) Short-term career technical education programs with high
- 4 employment potential.
- 5 (7) *Programs for older adults.*
- 6 ~~(6)~~
- 7 (8) Programs for apprentices.
- 8 (9) *Programs in home economics.*
- 9 (10) *Programs in health and safety education.*

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

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

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

17 41976. (a) For purposes of this chapter, the following classes
 18 and courses are authorized to be offered by school districts and
 19 county superintendents of schools for apportionment purposes
 20 from the adult education fund:

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

27 (2) English as a second language.

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

34 (4) Education programs for adults with disabilities.

35 (5) Short-term career technical education programs with high
 36 employment potential.

37 (6) Programs for apprentices.

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

1 (c) *This section does not limit the authority of a school district*
2 *to offer adult education programs and courses for older adults in*
3 *health and safety education or programs in parenting, or both,*
4 *provided that those programs or courses are funded through*
5 *alternative funding sources, including fees, if the school district*
6 *is authorized to charge fees for these purposes.*

7 (d) *As used in this section:*

8 (1) *“Alternative funding sources” include any sources of state*
9 *or nonstate funding other than funding from a state apportionment*
10 *as defined in paragraph (2).*

11 (2) *“State apportionment” includes funds received pursuant to*
12 *Budget Act appropriations for adult education, but does not include*
13 *funds received pursuant to Budget Act appropriations from other*
14 *state or nonstate funding sources or the revenue limit*
15 *apportionment made pursuant to Article 2 (commencing with*
16 *Section 42238) of Chapter 7.*

17 (e)

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

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

20 52524. (a) The department, in conjunction with the
21 chancellor’s office, shall coordinate and issue assessment policy
22 guidelines regarding assessments to be used by school districts
23 and community college districts for purposes of placement in adult
24 education courses offered pursuant to Sections 41976 and 84757.

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

1 submit demographic and other student-level outcome information
2 to the department or the chancellor's office, as appropriate.

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

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

6 76382. In order to ensure that community college districts have
7 the capacity to meet the demand for adult education courses for
8 recent immigrants, the governing board of a community college
9 district may charge a fee, pursuant to regulations adopted by the
10 board of governors and consistent with subdivision (a) of Section
11 52612 and Section 76380, for classes it offers pursuant to Section
12 84757, other than classes in English and citizenship. Any
13 community college district that chooses to charge a fee under this
14 section shall report the amount of the fee, the number of classes,
15 and enrollment in those classes to the Office of the Chancellor of
16 the California Community Colleges. The chancellor's office shall
17 make the information reported under this section available to the
18 Legislative Analyst's Office. The Legislative Analyst's Office
19 shall provide a summary and analysis of the reported information
20 to the Assembly Committee on Budget, the Assembly Committee
21 on Higher Education, the Senate Committee on Budget and Fiscal
22 Review, and the Senate Committee on Education by January 1,
23 2016.

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

25 78402. (a) The chancellor's office, in conjunction with the
26 department, shall coordinate and issue assessment policy guidelines
27 regarding assessments to be used by school districts and community
28 college districts for purposes of placement in adult education
29 courses offered pursuant to Sections 41976 and 84757.

30 (b) The department and the chancellor's office shall jointly
31 establish and implement a comprehensive performance
32 accountability system for adult education courses offered pursuant
33 to Sections 41976 and 84757. The department and the chancellor's
34 office shall develop guidelines and procedures for all adult
35 education-funded providers for assessment, evaluation, and data
36 collection to document participant outcomes and placement, and
37 other performance measures they deem appropriate. Performance
38 measures may include receipt of a secondary school diploma or
39 its recognized equivalent, placement in a postsecondary educational
40 institution, training, and employment. To the extent possible, these

1 performance measures shall be consistent with those required and
2 implemented pursuant to the federal Workforce Investment Act
3 of 1998, Title II, Adult Education and Family Literacy Act (Public
4 Law 105-220). All funded programs shall be required to annually
5 submit demographic and other student-level outcome information
6 to the department or the chancellor’s office, as appropriate.

7 (c) As used in this section, “department” means the State
8 Department of Education.

9 SEC. 6. Section 84757 of the Education Code is amended to
10 read:

11 84757. (a) For purposes of this chapter, the following noncredit
12 adult education courses and classes shall be eligible for funding:

13 (1) *Parenting, including parent cooperative preschools, and*
14 *classes in child growth and development and parent-child*
15 *relationships.*

16 ~~(1)~~

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

20 ~~(2)~~

21 (3) English as a second language.

22 ~~(3)~~

23 (4) Classes and courses for immigrants eligible for educational
24 services in citizenship, English as a second language, and work
25 force preparation classes in the basic skills of speaking, listening,
26 reading, writing, mathematics, decisionmaking and problem solving
27 skills, and other classes required for preparation to participate in
28 job-specific technical training.

29 ~~(4)~~

30 (5) Education programs for persons with substantial disabilities.

31 ~~(5)~~

32 (6) Short-term vocational programs with high employment
33 potential.

34 (7) *Programs for older adults.*

35 (8) *Programs in home economics.*

36 (9) *Programs in health and safety education.*

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

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

5 SEC. 7. Section 84757 is added to the Education Code, to read:

6 84757. (a) For purposes of this chapter, the following noncredit
7 adult education courses and classes shall be eligible for funding:

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

11 (2) English as a second language.

12 (3) Classes and courses for immigrants eligible for educational
13 services in citizenship, English as a second language, and work
14 force preparation classes in the basic skills of speaking, listening,
15 reading, writing, mathematics, decisionmaking and problem solving
16 skills, and other classes required for preparation to participate in
17 job-specific technical training.

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

19 (5) Short-term vocational programs with high employment
20 potential.

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

24 (c) *This section does not limit the authority of a community
25 college district to offer adult education programs and courses for
26 older adults in health and safety education or programs in
27 parenting, or both, provided that those programs or courses are
28 funded through alternative funding sources, including fees, if the
29 community college district is authorized to charge fees for these
30 purposes.*

31 (d) *As used in this section:*

32 (1) *“Alternative funding sources” include any sources of state
33 or nonstate funding other than funding from a state apportionment
34 as defined in paragraph (2).*

35 (2) *“State apportionment” includes funds received pursuant to
36 Budget Act appropriations for adult education, but does not include
37 funds received pursuant to Budget Act appropriations from other
38 state or nonstate funding sources.*

39 (e)

40 (e) This section shall become operative on July 1, 2015.

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

8 SEC. 9. ~~(a) It is the intent of the Legislature that nothing in
9 the act that adds this section be construed to limit the authority of
10 school districts and community college districts to offer adult
11 education programs and courses other than those listed in Sections
12 41976 and 84757 of the Education Code, provided that those
13 programs or courses are funded through alternative funding sources,
14 including fees, if the district is authorized to charge fees.~~

15 ~~(b) It is the further intent of the Legislature to evaluate the
16 performance accountability system established pursuant to Sections
17 52524 and 78402 of the Education Code and to consider allocating
18 base adult education funds and noncredit adult education funds to
19 providers on the basis of a combination of enrollment and
20 performance in courses offered pursuant to Sections 41976 and
21 84757 of the Education Code.~~