

Introduced by Senator Hancock

February 22, 2013

An act to *amend Sections 76001 and 76300 of, and to add Section 48803 to, the Education Code, relating to school districts.*

LEGISLATIVE COUNSEL'S DIGEST

SB 730, as amended, Hancock. School districts: ~~middle college high schools.~~ *pupil attendance at community college.*

~~Under existing law, the Legislature declares that the goal of the middle college high school is to select at-risk high school pupils who are performing below their academic potential and place them in an alternative high school located on a community college campus in order to reduce the likelihood that the pupils will drop out of school before graduation. Existing law requires the California Community Colleges and the State Department of Education to collaborate with each other and their respective local community colleges and local school districts to ensure the continued success of existing middle college high schools and to promote the establishment of new middle college high schools.~~

Existing law authorizes the governing board of a community college district to admit to any community college under its jurisdiction as a special part-time or full-time student in any session or term any student who is eligible to attend community college pursuant to authorization given by the governing board of a school district, as specified.

~~This bill would, as a condition of participation in the middle college high school program, require~~ *would authorize* the governing board of a community college district to enter into a formal partnership with a school district or school districts located within the service area of the

community college district in order to provide high school pupils with specified academic opportunities. The bill would require ~~the a partnership agreement entered into under the bill to outline the terms scope and nature of the partnership and authorize the partnership agreement to include other terms.~~ The bill would authorize the governing board of a community college district participating in a ~~middle college high school partnership program~~ to exempt pupils from *enrollment fees for services, as specified*, and to assign a higher enrollment priority to ~~middle college high school pupils: a student participating in a partnership program if that course is required for the student's program of study.~~ The bill would also make conforming changes. ~~The bill would require a community college district and school district that enter into a partnership agreement to provide for an independent evaluation of the partnership and would require the evaluation, which would include specified information, to be presented to the Chancellor of the California Community Colleges and the State Department of Education, on or before January 1, 2017. By requiring a district that participates in the middle college high school program on the effective date of this act to either enter into a partnership agreement or unwind an ongoing program, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: *yes-no*.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section ~~H302 48803~~ is added to the Education
- 2 Code, to read:
- 3 H302:
- 4 48803. (a) The governing board of a community college district
- 5 may enter into a formal partnership agreement with a school district
- 6 or school districts located within the service area of the community
- 7 college district in order to provide high school pupils with the
- 8 opportunity to benefit from all of the following:

- 1 (1) Advanced scholastic courses.
- 2 (2) Career-technical pathway courses.
- 3 (3) Vocational courses.
- 4 (4) Basic skills remediation courses.
- 5 (5) High school exit examination preparation.
- 6 (6) College preparation.
- 7 (7) English as a second language courses.
- 8 (8) Courses designed to prevent pupils from dropping out of
- 9 school, including an alternative high school pursuant to this
- 10 chapter. *school.*
- 11 ~~(b) (1) As a condition of participation in the middle college~~
- 12 ~~high school program, a community college district shall enter into~~
- 13 ~~a partnership agreement with each school district partner.~~
- 14 ~~(2) The~~
- 15 ~~(b) A partnership agreement entered into under this section shall~~
- 16 ~~outline the terms of the partnership and may include, but is not~~
- 17 ~~necessarily limited to, all of the following: scope and nature of~~
- 18 ~~the partnership as a contract education program or other cohort~~
- 19 ~~program.~~
- 20 ~~(A) The scope and nature of the partnership as a fully established~~
- 21 ~~middle college high school or contract education program.~~
- 22 ~~(B) The funding mechanisms and transfer of apportionments~~
- 23 ~~from the school district to the community college district for~~
- 24 ~~additional pupil services.~~
- 25 ~~(C) Enrollment fees.~~
- 26 ~~(D) Fee waivers.~~
- 27 ~~(E) Processes for sharing information, including information~~
- 28 ~~related to pupils.~~
- 29 ~~(e) (1) The governing board of a community college district~~
- 30 ~~that is a party to a partnership agreement may, in whole or in part,~~
- 31 ~~exempt pupils from fees for services, including, but not limited~~
- 32 ~~to, fees charged pursuant to Section 66060, 76060.5, 76223, or~~
- 33 ~~79121, or Article 2 (commencing with Section 76350) of Chapter~~
- 34 ~~2 of Part 47 of Division 7 of Title 3.~~
- 35 ~~(2) Pursuant to paragraph (2) of subdivision (e) of Section~~
- 36 ~~76001, the~~
- 37 ~~(c) The governing board of a community college district~~
- 38 ~~participating in a partnership program pursuant to this section~~
- 39 ~~may, in whole or in part, exempt special part-time or full-time~~

1 students taking more than 11 units per semester from the fee
2 required by Section 76300.

3 (d) The governing board of a community college district that
4 is a party to a partnership agreement may assign a higher
5 enrollment priority to pupils attending a middle college high school
6 a student participating in a partnership program as described in
7 this chapter section if that course is required for the student's
8 program of study.

9 ~~(3) A pupil participating in a cohort pursuant to this chapter
10 may attend and earn college course credit and precollegiate credit
11 either at his or her middle college high school or at the participating
12 community college.~~

13 ~~(d) If a community college district enters into a partnership
14 agreement with a school district pursuant to this section, the
15 community college district and school district shall provide for an
16 independent evaluation of the partnership. On or before January
17 1, 2017, the independent evaluation shall be provided to the
18 Chancellor of the California Community Colleges and the
19 department. The independent evaluation shall include, but is not
20 limited to, all of the following:~~

21 ~~(1) Recommendations for the improvement of, and issues related
22 to, admitting middle college high school pupils, enrolling middle
23 college high school pupils, and course priority provided to middle
24 college high school pupils.~~

25 ~~(2) A review and analysis of the partnership, including, but not
26 limited to, the number of pupils participating in each cohort, the
27 number of pupils who continue in the middle college high school
28 program in the following school year, and other indicators of pupil
29 success.~~

30 *SEC. 2. Section 76001 of the Education Code is amended to*
31 *read:*

32 76001. (a) The governing board of a community college district
33 may admit to any community college under its jurisdiction as a
34 special part-time or full-time student in any session or term any
35 student who is eligible to attend community college pursuant to
36 Section 48800-~~or~~, 48800.5, *or* 48803.

37 (b) If the governing board denies a request for a special part-time
38 or full-time enrollment at a community college for a pupil who is
39 identified as highly gifted, the board shall record its findings and
40 the reasons for denial of the request in writing within 60 days. The

1 written recommendation and denial shall be issued at the next
2 regularly scheduled board meeting that falls at least 30 days after
3 the request has been submitted.

4 (c) The attendance of a pupil at a community college as a special
5 part-time or full-time student pursuant to this section is authorized
6 attendance, for which the community college shall be credited or
7 reimbursed pursuant to Sections 48802 and 76002. Credit for
8 courses completed shall be at the level determined to be appropriate
9 by the school district and community college district governing
10 boards.

11 (d) For purposes of this section, *and except as provided in*
12 *subdivision (c) of Section 48803*, a special part-time student may
13 enroll in up to, and including, 11 units per semester, or the
14 equivalent thereof, at the community college.

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

20 (2) This subdivision does not apply to a student attending a
21 middle college high school as described in Section 11300, if the
22 student is seeking to enroll in a community college course that is
23 required for the student's middle college high school program.

24 *SEC. 3. Section 76300 of the Education Code, as amended by*
25 *Section 2 of Chapter 624 of the Statutes of 2012, is amended to*
26 *read:*

27 76300. (a) The governing board of each community college
28 district shall charge each student a fee pursuant to this section.

29 (b) (1) The fee prescribed by this section shall be forty-six
30 dollars (\$46) per unit per semester, effective with the summer term
31 of the 2012 calendar year.

32 (2) The board of governors shall proportionately adjust the
33 amount of the fee for term lengths based upon a quarter system,
34 and also shall proportionately adjust the amount of the fee for
35 summer sessions, intersessions, and other short-term courses. In
36 making these adjustments, the board of governors may round the
37 per unit fee and the per term or per session fee to the nearest dollar.

38 (c) For the purposes of computing apportionments to community
39 college districts pursuant to Section 84750.5, the board of
40 governors shall subtract, from the total revenue owed to each

1 district, 98 percent of the revenues received by districts from
2 charging a fee pursuant to this section.

3 (d) The board of governors shall reduce apportionments by up
4 to 10 percent to any district that does not collect the fees prescribed
5 by this section.

6 (e) The fee requirement does not apply to any of the following:

7 (1) Students enrolled in the noncredit courses designated by
8 Section 84757.

9 (2) California State University or University of California
10 students enrolled in remedial classes provided by a community
11 college district on a campus of the University of California or a
12 campus of the California State University, for whom the district
13 claims an attendance apportionment pursuant to an agreement
14 between the district and the California State University or the
15 University of California.

16 (3) Students enrolled in credit contract education courses
17 pursuant to Section 78021, if the entire cost of the course, including
18 administrative costs, is paid by the public or private agency,
19 corporation, or association with which the district is contracting
20 and if these students are not included in the calculation of the
21 full-time equivalent students (FTES) of that district.

22 (f) The governing board of a community college district may
23 exempt special part-time students admitted pursuant to Section
24 76001 from the fee requirement. *However, the governing board*
25 *of a community college district participating in a partnership*
26 *program pursuant to Section 48803 may, in whole or in part,*
27 *exempt special part-time or full-time students taking more than*
28 *11 units per semester from the fee requirement.*

29 (g) (1) The fee requirements of this section shall be waived for
30 any student who meets all of the following requirements:

31 (A) Meets minimum academic and progress standards adopted
32 by the board of governors, which fulfill the requirements outlined
33 in this paragraph and paragraphs (2) to (5), inclusive. Any
34 minimum academic and progress standards adopted pursuant to
35 this section shall be uniform across all community college districts
36 and campuses. These standards shall not include a maximum unit
37 cap, and community college districts and colleges shall not impose
38 requirements for fee waiver eligibility other than the minimum
39 academic and progress standards adopted by the board of governors
40 and the requirements of subparagraph (B).

1 (B) Meets one of the following criteria:

2 (i) At the time of enrollment, is a recipient of benefits under the
3 Temporary Assistance for Needy Families program, the
4 Supplemental Security Income/State Supplementary Payment
5 Program, or a general assistance program.

6 (ii) Demonstrates eligibility according to income standards
7 established by regulations of the board of governors.

8 (iii) Demonstrates financial need in accordance with the
9 methodology set forth in federal law or regulation for determining
10 the expected family contribution of students seeking financial aid.

11 (2) (A) The board of governors, in consultation with students,
12 faculty, and other key stakeholders, shall consider all of the
13 following in the development and adoption of minimum academic
14 and progress standards pursuant to subparagraph (A) of paragraph
15 (1):

16 (i) Minimum uniform academic and progress standards that do
17 not unfairly disadvantage financially needy students in pursuing
18 their education.

19 (ii) Criteria for reviewing extenuating circumstances and
20 granting appeals that, at a minimum, take into account and do not
21 penalize a student for circumstances outside his or her control,
22 such as reductions in student support services or changes to the
23 economic situation of the student.

24 (iii) A process for reestablishing fee waiver eligibility that
25 provides a student with a reasonable opportunity to continue or
26 resume his or her enrollment at a community college.

27 (B) To ensure that students are not unfairly impacted by the
28 requirements of subparagraph (A) of paragraph (1), the board of
29 governors shall establish a reasonable implementation period that
30 commences no sooner than one year from adoption of the minimum
31 academic and progress standards, or any subsequent changes to
32 these standards, pursuant to subparagraph (A) of paragraph (1)
33 and that is phased in to provide students adequate notification of
34 this requirement and information about available support resources.

35 (3) It is the intent of the Legislature that minimum academic
36 and progress standards adopted pursuant to subparagraph (A) of
37 paragraph (1) be implemented only as campuses develop and
38 implement the student support services and interventions necessary
39 to ensure no disproportionate impact to students based on ethnicity,
40 gender, disability, or socioeconomic status. The board of governors

1 shall consider the ability of community college districts to meet
2 the requirements of this paragraph before adopting minimum
3 academic and progress standards, or any subsequent changes to
4 these standards, pursuant to subparagraph (A) of paragraph (1).

5 (4) It is the intent of the Legislature to ensure that a student shall
6 not lose fee waiver eligibility without a community college campus
7 first demonstrating a reasonable effort to provide a student with
8 adequate notification and assistance in maintaining his or her fee
9 waiver eligibility. The board of governors shall adopt regulations
10 to implement this paragraph that ensure all of the following:

11 (A) Students are provided information about the available
12 student support services to assist them in maintaining fee waiver
13 eligibility.

14 (B) Community college district policies and course catalogs
15 reflect the minimum academic and progress standards adopted
16 pursuant to subparagraph (A) of paragraph (1) and that appropriate
17 notice is provided to students before the policies are put into effect.

18 (C) A student does not lose fee waiver eligibility unless he or
19 she has not met minimum academic and progress standards adopted
20 pursuant to subparagraph (A) of paragraph (1) for a period of no
21 less than two consecutive academic terms.

22 (5) The board of governors shall provide notification of a
23 proposed action to adopt regulations pursuant to this subdivision
24 to the appropriate policy and fiscal committees of the Legislature
25 in accordance with the requirements of paragraph (1) of subdivision
26 (a) of Section 70901.5. This notification shall include, but not be
27 limited to, all of the following:

28 (A) The proposed minimum academic and progress standards
29 and information detailing how the requirements of paragraphs (1)
30 to (4), inclusive, have been or will be satisfied.

31 (B) How many students may lose fee waiver eligibility by
32 ethnicity, gender, disability, and, to the extent relevant data is
33 available, by socioeconomic status.

34 (C) The criteria for reviewing extenuating circumstances,
35 granting appeals, and reestablishing fee waiver eligibility pursuant
36 to paragraph (2).

37 (h) The fee requirements of this section shall be waived for any
38 student who, at the time of enrollment, is a dependent or surviving
39 spouse who has not remarried, of any member of the California
40 National Guard who, in the line of duty and while in the active

1 service of the state, was killed, died of a disability resulting from
2 an event that occurred while in the active service of the state, or
3 is permanently disabled as a result of an event that occurred while
4 in the active service of the state. “Active service of the state,” for
5 the purposes of this subdivision, refers to a member of the
6 California National Guard activated pursuant to Section 146 of
7 the Military and Veterans Code.

8 (i) The fee requirements of this section shall be waived for any
9 student who is the surviving spouse or the child, natural or adopted,
10 of a deceased person who met all of the requirements of Section
11 68120.

12 (j) The fee requirements of this section shall be waived for any
13 student in an undergraduate program, including a student who has
14 previously graduated from another undergraduate or graduate
15 program, who is the dependent of any individual killed in the
16 September 11, 2001, terrorist attacks on the World Trade Center
17 and the Pentagon or the crash of United Airlines Flight 93 in
18 southwestern Pennsylvania, if that dependent meets the financial
19 need requirements set forth in Section 69432.7 for the Cal Grant
20 A Program and either of the following applies:

21 (1) The dependent was a resident of California on September
22 11, 2001.

23 (2) The individual killed in the attacks was a resident of
24 California on September 11, 2001.

25 (k) A determination of whether a person is a resident of
26 California on September 11, 2001, for purposes of subdivision (j)
27 shall be based on the criteria set forth in Chapter 1 (commencing
28 with Section 68000) of Part 41 of Division 5 for determining
29 nonresident and resident tuition.

30 (l) (1) “Dependent,” for purposes of subdivision (j), is a person
31 who, because of his or her relationship to an individual killed as
32 a result of injuries sustained during the terrorist attacks of
33 September 11, 2001, qualifies for compensation under the federal
34 September 11th Victim Compensation Fund of 2001 (Title IV
35 (commencing with Section 401) of Public Law 107-42).

36 (2) A dependent who is the surviving spouse of an individual
37 killed in the terrorist attacks of September 11, 2001, is entitled to
38 the waivers provided in this section until January 1, 2013.

39 (3) A dependent who is the surviving child, natural or adopted,
40 of an individual killed in the terrorist attacks of September 11,

1 2001, is entitled to the waivers under subdivision (j) until that
2 person attains 30 years of age.

3 (4) A dependent of an individual killed in the terrorist attacks
4 of September 11, 2001, who is determined to be eligible by the
5 California Victim Compensation and Government Claims Board,
6 is also entitled to the waivers provided in this section until January
7 1, 2013.

8 (m) (1) It is the intent of the Legislature that sufficient funds
9 be provided to support the provision of a fee waiver for every
10 student who demonstrates eligibility pursuant to subdivisions (g)
11 to (j), inclusive.

12 (2) From funds provided in the annual Budget Act, the board
13 of governors shall allocate to community college districts, pursuant
14 to this subdivision, an amount equal to 2 percent of the fees waived
15 pursuant to subdivisions (g) to (j), inclusive. From funds provided
16 in the annual Budget Act, the board of governors shall allocate to
17 community college districts, pursuant to this subdivision, an
18 amount equal to ninety-one cents (\$0.91) per credit unit waived
19 pursuant to subdivisions (g) to (j), inclusive. It is the intent of the
20 Legislature that funds provided pursuant to this subdivision be
21 used to support the determination of financial need and delivery
22 of student financial aid services, on the basis of the number of
23 students for whom fees are waived. It also is the intent of the
24 Legislature that the funds provided pursuant to this subdivision
25 directly offset mandated costs claimed by community college
26 districts pursuant to Commission on State Mandates consolidated
27 Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15
28 (Enrollment Fee Waivers). Funds allocated to a community college
29 district for determination of financial need and delivery of student
30 financial aid services shall supplement, and shall not supplant, the
31 level of funds allocated for the administration of student financial
32 aid programs during the 1992–93 fiscal year.

33 (n) The board of governors shall adopt regulations implementing
34 this section.

35 (o) This section shall become operative on May 1, 2012, only
36 if subdivision (b) of Section 3.94 of the Budget Act of 2011 is
37 operative.

38 ~~SEC. 2.—If the Commission on State Mandates determines that~~
39 ~~this act contains costs mandated by the state, reimbursement to~~
40 ~~local agencies and school districts for those costs shall be made~~

1 pursuant to Part 7 (commencing with Section 17500) of Division
2 4 of Title 2 of the Government Code.

O