

AMENDED IN ASSEMBLY MARCH 23, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 542**

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**Introduced by Assembly Member Wilk**

February 23, 2015

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An act to amend Sections 76001 and 76002 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 542, as amended, Wilk. Community colleges: early and 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. Existing law requires the governing board of the community college district to assign a low enrollment priority to the special part-time or full-time students, except for a student attending a middle college high school if the student is seeking to enroll in a community college course that is required for the student's middle college high school program.

This bill would also except from the low enrollment priority requirement a student attending an early college high school if the student is seeking to enroll in a community college course that is required for the student's early college high school program.

Existing law, for purposes of receiving state apportionments, authorizes a community college district to include high school pupils who attend a community college as special part-time or full-time students in its report of full-time equivalent students only if those pupils

are enrolled in community college classes that meet certain ~~criteria~~. *criteria, including that if the class is a physical education class, no more than 10% of its enrollment may be comprised of special part-time or full-time students. Existing law prohibits a community college district from receiving state apportionments for special part-time and full-time students enrolled in physical education courses in excess of 5% of the community college district's total reported full-time equivalent enrollment of special part-time and full-time students.*

This bill would provide that ~~the authorization for a community college district to include high school pupils who attend a community college as special part-time or full-time students in its report of full-time equivalent students does not apply to a student attending a middle college high school or early college high school if the student~~ *school, who is enrolled in a community college physical education course that is required for the student's middle college or early college high school program. program, is not to be considered as a special part-time or full-time student for purposes of the 10% and 5% limits described above.*

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. It is the intent of the Legislature that this act
- 2 eliminate statutory barriers to the operation of existing early and
- 3 middle college high schools and the establishment of new early
- 4 and middle college high schools.
- 5 SEC. 2. Section 76001 of the Education Code is amended to
- 6 read:
- 7 76001. (a) The governing board of a community college district
- 8 may admit to any community college under its jurisdiction as a
- 9 special part-time or full-time student in any session or term any
- 10 student who is eligible to attend community college pursuant to
- 11 Section 48800 or 48800.5.
- 12 (b) If the governing board of the community college district
- 13 denies a request for a special part-time or full-time enrollment at
- 14 a community college for a pupil who is identified as highly gifted,
- 15 the governing board of the community college district shall record
- 16 its findings and the reasons for denial of the request in writing
- 17 within 60 days. The written recommendation and denial shall be

1 issued at the next regularly scheduled board meeting that falls at  
2 least 30 days after the request has been submitted.

3 (c) 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. Credit for  
7 courses completed shall be at the level determined to be appropriate  
8 by the school district and community college district governing  
9 boards.

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

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

18 (2) This subdivision does not apply to a student attending a  
19 middle college high school as described in Section 11300, or an  
20 early college high school as described in Section 11302, if the  
21 student is seeking to enroll in a community college course that is  
22 required for the student's middle college or early college high  
23 school program.

24 SEC. 3. Section 76002 of the Education Code is amended to  
25 read:

26 76002. (a) For purposes of receiving state apportionments, a  
27 community college district may include high school pupils who  
28 attend a community college within the community college district  
29 pursuant to Sections 48800 and 76001 in the community college  
30 district's report of full-time equivalent students (FTES) only if  
31 those pupils are enrolled in community college classes that meet  
32 all of the following criteria:

33 (1) The class is open to the general public.

34 (2) (A) The class is advertised as open to the general public in  
35 one or more of the following:

36 (i) The college catalog.

37 (ii) The regular schedule of classes.

38 (iii) An addenda to the college catalog or regular schedule of  
39 classes.

1 (B) If a decision to offer a class on a high school campus is  
2 made after the publication of the regular schedule of classes, and  
3 the class is solely advertised to the general public through  
4 electronic media, the class shall be so advertised for a minimum  
5 of 30 continuous days before the first meeting of the class.

6 (3) If the class is offered at a high school campus, the class shall  
7 not be held during the time the campus is closed to the general  
8 public, as defined by the governing board of the school district  
9 during a regularly scheduled board meeting.

10 (4) If the class is a physical education class, no more than 10  
11 percent of its enrollment may be comprised of special part-time  
12 or full-time students. A community college district shall not receive  
13 state apportionments for special part-time and full-time students  
14 enrolled in physical education courses in excess of 5 percent of  
15 the community college district's total reported full-time equivalent  
16 enrollment of special part-time and full-time students.

17 (b) ~~Subdivision (a) does not apply to a~~ A student attending a  
18 middle college high school as described in Section 11300, or an  
19 early college high school as described in Section ~~11302~~, ~~if the~~  
20 ~~student 11302, who~~ is enrolled in a community college *physical*  
21 *education* course that is required for the student's middle college  
22 or early college high school ~~program~~. *program, shall not be*  
23 *considered a special part-time or full-time student for purposes*  
24 *of paragraph (4) of subdivision (a).*

25 (c) The governing board of a community college district may  
26 restrict the admission or enrollment of a special part-time or  
27 full-time student during any session based on any of the following  
28 criteria:

29 (1) Age.

30 (2) Completion of a specified grade level.

31 (3) Demonstrated eligibility for instruction using assessment  
32 methods and procedures established pursuant to Chapter 2  
33 (commencing with Section 78210) of Part 48 and regulations  
34 adopted by the Board of Governors of the California Community  
35 Colleges.

36 (d) (1) The Chancellor of the California Community Colleges  
37 shall prepare and submit to the Department of Finance and the  
38 Legislature, on or before March 1, 2004, and March 1 of each year  
39 thereafter, a report on the amount of FTES claimed by each  
40 community college district for special part-time and special

- 1 full-time students for the preceding academic year in each of the
- 2 following class categories:
- 3 (A) Noncredit.
- 4 (B) Nondegree-applicable.
- 5 (C) Degree-applicable, excluding physical education.
- 6 (D) Degree-applicable physical education.
- 7 (2) The report prepared pursuant to paragraph (1) may include
- 8 information required to be reported pursuant to paragraph (4) of
- 9 subdivision (d) of Section 48800.
- 10 (e) The Board of Governors of the California Community
- 11 Colleges shall adopt rules and regulations to implement this section.