

AMENDED IN SENATE JULY 8, 2015  
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~~ *Section 76001 of*, and to amend, repeal, and add *Section 76002 of* 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, 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, *until January 1, 2021*, provide that a student attending a middle college high school or early college high 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, is not to be considered as a special part-time or full-time student for purposes of the 10% and 5% limits described above.

*Existing law requires the Chancellor of the California Community Colleges to prepare and submit to the Department of Finance and the Legislature, on or before March 1 of each year, a report on the amount of full-time equivalent students (FTES) claimed by each community college district for special part-time and special full-time students for the preceding academic year in specified class categories.*

*This bill would, until January 1, 2021, additionally require that report to include the amount of FTES claimed by each community college district for students attending a middle college high school or early college high school for the preceding academic year in degree-applicable physical education courses.*

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:

1 76001. (a) The governing board of a community college district  
2 may admit to any community college under its jurisdiction as a  
3 special part-time or full-time student in any session or term any  
4 student who is eligible to attend community college pursuant to  
5 Section 48800 or 48800.5.

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

14 (c) The attendance of a pupil at a community college as a special  
15 part-time or full-time student pursuant to this section is authorized  
16 attendance, for which the community college shall be credited or  
17 reimbursed pursuant to Sections 48802 and 76002. Credit for  
18 courses completed shall be at the level determined to be appropriate  
19 by the school district and community college district governing  
20 boards.

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

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

29 (2) This subdivision does not apply to a student attending a  
30 middle college high school as described in Section 11300, or an  
31 early college high school as described in Section 11302, if the  
32 student is seeking to enroll in a community college course that is  
33 required for the student's middle college or early college high  
34 school program.

35 SEC. 3. Section 76002 of the Education Code is amended to  
36 read:

37 76002. (a) For purposes of receiving state apportionments, a  
38 community college district may include high school pupils who  
39 attend a community college within the community college district  
40 pursuant to Sections 48800 and 76001 in the community college

1 district's report of full-time equivalent students (FTES) only if  
2 those pupils are enrolled in community college classes that meet  
3 all of the following criteria:

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

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

7 (i) The college catalog.

8 (ii) The regular schedule of classes.

9 (iii) An addenda to the college catalog or regular schedule of  
10 classes.

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

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

20 (4) If the class is a physical education class, no more than 10  
21 percent of its enrollment may be comprised of special part-time  
22 or full-time students. A community college district shall not receive  
23 state apportionments for special part-time and full-time students  
24 enrolled in physical education courses in excess of 5 percent of  
25 the community college district's total reported full-time equivalent  
26 enrollment of special part-time and full-time students.

27 (b) A student attending a middle college high school as described  
28 in Section 11300, or an early college high school as described in  
29 Section 11302, who is enrolled in a community college physical  
30 education course that is required for the student's middle college  
31 or early college high school program, shall not be considered a  
32 special part-time or full-time student for purposes of paragraph  
33 (4) of subdivision (a).

34 (c) The governing board of a community college district may  
35 restrict the admission or enrollment of a special part-time or  
36 full-time student during any session based on any of the following  
37 criteria:

38 (1) Age.

39 (2) Completion of a specified grade level.

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

6 (d) (1) The Chancellor of the California Community Colleges  
7 shall prepare and submit to the Department of Finance and the  
8 Legislature, on or before March 1, 2004, and March 1 of each year  
9 thereafter, a report on *both of the following*:~~the~~

10 (A) *The amount of FTES claimed by each community college*  
11 *district for special part-time and special full-time students for the*  
12 *preceding academic year in each of the following class categories:*

13 ~~(A)~~

14 (i) Noncredit.

15 ~~(B)~~

16 (ii) Nondegree-applicable.

17 ~~(C)~~

18 (iii) Degree-applicable, excluding physical education.

19 ~~(D)~~

20 (iv) Degree-applicable physical education.

21 (B) *The amount of FTES claimed by each community college*  
22 *district for students attending a middle college high school as*  
23 *described in Section 11300, or an early college high school as*  
24 *described in 11302 for the preceding academic year in*  
25 *degree-applicable physical education courses.*

26 (2) The report prepared pursuant to paragraph (1) may include  
27 information required to be reported pursuant to paragraph (4) of  
28 subdivision (d) of Section 48800.

29 (3) *A report to be submitted to the Legislature pursuant to*  
30 *paragraph (1) shall be submitted in compliance with Section 9795*  
31 *of the Government Code.*

32 (e) The Board of Governors of the California Community  
33 Colleges shall adopt rules and regulations to implement this section.

34 (f) *This section shall remain in effect only until January 1, 2021,*  
35 *and as of that date is repealed, unless a later enacted statute, that*  
36 *is enacted before January 1, 2021, deletes or extends that date.*

37 SEC. 4. Section 76002 is added to the Education Code, to read:

38 76002. (a) *For purposes of receiving state apportionments, a*  
39 *community college district may include high school pupils who*  
40 *attend a community college within the community college district*

1 pursuant to Sections 48800 and 76001 in the community college  
2 district's report of full-time equivalent students (FTES) only if  
3 those pupils are enrolled in community college classes that meet  
4 all of the following criteria:

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

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

8 (i) The college catalog.

9 (ii) The regular schedule of classes.

10 (iii) An addenda to the college catalog or regular schedule of  
11 classes.

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

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

21 (4) If the class is a physical education class, no more than 10  
22 percent of its enrollment may be comprised of special part-time  
23 or full-time students. A community college district shall not receive  
24 state apportionments for special part-time and full-time students  
25 enrolled in physical education courses in excess of 5 percent of  
26 the community college district's total reported full-time equivalent  
27 enrollment of special part-time and full-time students.

28 (b) The governing board of a community college district may  
29 restrict the admission or enrollment of a special part-time or  
30 full-time student during any session based on any of the following  
31 criteria:

32 (1) Age.

33 (2) Completion of a specified grade level.

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

39 (c) (1) The Chancellor of the California Community Colleges  
40 shall prepare and submit to the Department of Finance and the

- 1 *Legislature, on or before March 1, 2021, and March 1 of each*  
2 *year thereafter, a report on the amount of FTES claimed by each*  
3 *community college district for special part-time and special*  
4 *full-time students for the preceding academic year in each of the*  
5 *following class categories:*
- 6 (A) *Noncredit.*
  - 7 (B) *Nondegree-applicable.*
  - 8 (C) *Degree-applicable, excluding physical education.*
  - 9 (D) *Degree-applicable physical education.*
- 10 (2) *The report prepared pursuant to paragraph (1) may include*  
11 *information required to be reported pursuant to paragraph (4) of*  
12 *subdivision (d) of Section 48800.*
- 13 (3) *A report to be submitted to the Legislature pursuant to*  
14 *paragraph (1) shall be submitted in compliance with Section 9795*  
15 *of the Government Code.*
- 16 (d) *The Board of Governors of the California Community*  
17 *Colleges shall adopt rules and regulations to implement this*  
18 *section.*
- 19 (e) *This section shall become operative on January 1, 2021.*