

AMENDED IN SENATE AUGUST 12, 2008  
AMENDED IN SENATE SEPTEMBER 7, 2007  
AMENDED IN ASSEMBLY APRIL 24, 2007  
CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 519**

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**Introduced by Assembly Member Portantino  
(~~Coauthor: Assembly Member Cook~~)  
(Coauthor: Senator Perata)**

February 21, 2007

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~~An act to amend Sections 1, 2, 3, 9, and 10 of Chapter 67 of the Statutes of 2007, relating to private postsecondary education, and making an appropriation therefor. An act to amend Section 48800 of the Education Code, relating to public school pupils.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 519, as amended, Portantino. ~~Private postsecondary education. Pupils of public high schools: community college enrollment.~~

*Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Existing law authorizes the establishment of community college districts under the administration of community college governing boards, and authorizes these districts to provide instruction at community college campuses throughout the state.*

*Existing law authorizes the governing board of a school district, upon recommendation of the principal of a pupil's school of attendance, and with parental consent, to authorize a pupil who would benefit from advanced scholastic or vocational work to attend community college as a special part-time student to undertake one or more courses of*

*instruction at the community college level in order to provide educational enrichment opportunities for a limited number of eligible pupils.*

*Existing law prohibits a principal from recommending, for any particular grade level, for community college summer session attendance, more than 5% of the total number of pupils who completed that grade immediately prior to the time of recommendation. The 5% limitation exempts high school pupils who meet specified criteria.*

*Existing law makes inoperative the exemption and related provisions on January 1, 2009.*

*This bill would extend the operation of those provisions by making them inoperative on January 1, 2014.*

~~(1) The former Private Postsecondary and Vocational Education Reform Act of 1989, which became inoperative on July 1, 2007, and is to be repealed on January 1, 2008, generally set minimum standards of instructional quality, ethical and business practices, health and safety, and fiscal responsibility for private postsecondary and vocational educational institutions, as defined. The act established the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs. The former act required the bureau, among other things, to review and investigate all institutions, programs, and courses of instruction approved under the act.~~

~~The former act established the Private Postsecondary and Vocational Education Administration Fund and the continuously appropriated Student Tuition Recovery Fund. The former act specified that certain violations of its provisions were subject to civil penalties and that certain willful violations of the act were punishable as crimes.~~

~~Existing law expresses the intent of the Legislature to provide for the protection of the interests of students who, and institutions which, have pending matters, or any other pending business, before the former bureau as of June 30, 2007.~~

~~Existing law requires that each matter, as defined, pending before the former bureau as of the close of business on June 30, 2007, be deemed to remain pending before the bureau or a successor agency as of February 1, 2008, irrespective of any applicable deadlines. With respect to any deadline applicable to a pending matter, existing law requires that no time be deemed to have elapsed between July 1, 2007, and January 31, 2008, inclusive. Existing law requires that any institution, program, or course of study that is approved by the former bureau, or authorized as prescribed, as of the close of business on June 30, 2007,~~

be deemed to be approved as of February 1, 2008, irrespective of any applicable conditions, deadlines, or additional requirements. Existing law also requires that, with respect to any deadline applicable to the approval or conditional approval of an institution, program, or course of study, no time shall be deemed to have elapsed between July 1, 2007, and January 31, 2008, inclusive.

This bill would extend these provisions so that they apply until July 1, 2008.

(2) Existing law authorizes the Director of Consumer Affairs to enter into voluntary agreements with institutions that state that the institutions agree to comply with state statutes, rules, and regulations applicable to these institutions as of June 30, 2007. Existing law requires institutions to disclose to their current and prospective students in writing whether they entered into, or declined to enter into, a voluntary agreement with the director. These provisions are repealed on February 1, 2008.

This bill would extend these provisions by 5 months, providing for their repeal on July 1, 2008.

This bill would authorize accredited institutions to make specified modifications in their programs with the approval of their accrediting agencies. The bill would authorize the State Board of Barbering and Cosmetology to approve a school meeting prescribed criteria.

These provisions would be repealed on July 1, 2008.

(3) The bill would, until July 1, 2008, continue the existence of the Private Postsecondary and Vocational Education Administration Fund and the continuously appropriated Student Tuition Recovery Fund, thereby making an appropriation.

(4) Existing law continues the approval of private postsecondary institutions for specified purposes until July 1, 2008.

This bill would extend that approval until January 1, 2009.

(5) The bill would establish a Bureau for Private Postsecondary Education in the Department of Consumer Affairs. The bill would specify the duties of the bureau, and would authorize the Director of Consumer Affairs to delegate his or her duties under this bill to a bureau chief, who would be appointed by the Governor and confirmed by a vote of a majority of the membership of the Senate.

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

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

1     SECTION 1. Section 48800 of the Education Code is amended  
 2 to read:

3     48800. (a) The governing board of a school district may  
 4 determine which pupils would benefit from advanced scholastic  
 5 or vocational work. The intent of this section is to provide  
 6 educational enrichment opportunities for a limited number of  
 7 eligible pupils, rather than to reduce current course requirements  
 8 of elementary and secondary schools, and also to help ensure a  
 9 smoother transition from high school to college for pupils by  
 10 providing them with greater exposure to the collegiate atmosphere.  
 11 The governing board may authorize those pupils, upon  
 12 recommendation of the principal of the pupil’s school of  
 13 attendance, and with parental consent, to attend a community  
 14 college during any session or term as special part-time or full-time  
 15 students and to undertake one or more courses of instruction offered  
 16 at the community college level.

17     (b) If the governing board denies a request for a special part-time  
 18 or full-time enrollment at a community college for any session or  
 19 term for a pupil who is identified as highly gifted, the *governing*  
 20 board shall issue its written recommendation and the reasons for  
 21 the denial within 60 days. The written recommendation and denial  
 22 shall be issued at the next regularly scheduled board meeting that  
 23 falls at least 30 days after the request has been submitted.

24     (c) A pupil shall receive credit for community college courses  
 25 that he or she completes at the level determined appropriate by the  
 26 *governing boards of the* school district and community college  
 27 ~~district governing boards.~~

28     (d) (1) The principal of a school may recommend a pupil for  
 29 community college summer session only if that pupil meets all of  
 30 the following criteria:

31     (A) Demonstrates adequate preparation in the discipline to be  
 32 studied.

33     (B) Exhausts all opportunities to enroll in an equivalent course,  
 34 if any, at his or her school of attendance.

35     (2) For any particular grade level, a principal ~~may~~ *shall* not  
 36 recommend for community college summer session attendance  
 37 more than 5 percent of the total number of pupils who completed  
 38 that grade immediately prior to the time of recommendation.

1 (3) A high school pupil recommended by his or her principal  
2 for enrollment in a course shall not be included in the 5 percent  
3 limitation of pupils allowed to be recommended pursuant to  
4 paragraph (2) if the course in which the pupil is enrolled meets  
5 one of the criterion listed in subparagraphs (A) to (C), inclusive,  
6 and the high school principal who recommends the pupil for  
7 enrollment provides the Chancellor of the California Community  
8 Colleges, upon the request of that office, with the data required  
9 for purposes of paragraph (4).

10 (A) The course is a lower division, college-level course for  
11 credit that is designated as part of the Intersegmental General  
12 Education Transfer Curriculum or applies toward the general  
13 education breadth requirements of the California State University.

14 (B) The course is a college-level, occupational course for credit  
15 assigned a priority code of “A,” “B,” or “C,” pursuant to the  
16 Student Accountability Model, as defined by the Chancellor of the  
17 California Community Colleges and reported in the management  
18 information system, and the course is part of a sequence of  
19 vocational or career technical education courses leading to a degree  
20 or certificate in the subject area covered by the sequence.

21 (C) The course is necessary to assist a pupil who has not passed  
22 the California High School Exit Examination (CAHSEE), does  
23 not offer college credit in English language arts or mathematics,  
24 and the pupil meets both of the following requirements:

25 (i) The pupil is in his or her senior year *of high school*.

26 (ii) The pupil has completed all other graduation requirements  
27 prior to the end of his or her senior year, or will complete all  
28 remaining graduation requirements during a community college  
29 summer session, which he or she is recommended to enroll in,  
30 following his or her senior year of high school.

31 (4) On or before November 1, 2007, and on or before January  
32 1 of each year thereafter, the Chancellor of the California  
33 Community Colleges shall report to the Department of Finance  
34 the number of pupils recommended pursuant to paragraph (3) who  
35 enroll in community college summer session courses and who  
36 receive a passing grade.

37 (5) The Board of Governors of the California Community  
38 Colleges ~~may~~ *shall* not include enrollment growth attributable to  
39 paragraph (3) as part of its annual budget request for the California  
40 Community Colleges.

1 (6) Notwithstanding Article 3 (commencing with Section 33050)  
2 of Chapter 1 of Part 20 of *Division 2*, compliance with this  
3 subdivision ~~may~~ *shall* not be waived.

4 (e) Paragraphs (3), (4), and (5) of subdivision (d) shall become  
5 inoperative on January 1, ~~2009~~ 2014.

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate, September 7, 2007. (JR11)**