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AMENDED IN SENATE AUGUST 12, 2008
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AMENDED IN ASSEMBLY APRIL 24, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

ASSEMBLY BILL

No. 519

Introduced by Assembly Member Portantino

February 21, 2007

~~An act to amend Section 48800 of the Education Code, relating to public school pupils.~~ *An act to add and repeal Section 7362.01 of the Business and Professions Code, relating to barbering and cosmetology, and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 519, as amended, Portantino. ~~Pupils of public high schools: community college enrollment.~~ *Barbering and cosmetology.*

The Barbering and Cosmetology Act provides for licensure and regulation of persons engaged in barbering, cosmetology, or electrolysis by the State Board of Barbering and Cosmetology. Existing law generally requires a licensee of the board to have completed certain coursework in a school approved by the board, including private schools that were regulated by the former Bureau for Private Postsecondary and Vocational Education, which ceased to exist on July 1, 2007. Pursuant to Chapter 635 of the Statutes of 2007, certain transition provisions were enacted to be in effect until July 1, 2008, in anticipation of the establishment of a new Bureau for Private Postsecondary and Vocational Education. Under these provisions, the board was

authorized, until July 1, 2008, to approve a school under specified conditions that had not been licensed by the former bureau.

This bill, notwithstanding the requirement for private schools to be licensed by the former Bureau for Private Postsecondary and Vocational Education, would provide that all schools of barbering, cosmetology, or electrology that have a valid approval to operate, and all instructors holding a valid certificate of authorization from the former bureau as of June 30, 2007, or from the board as of June 30, 2008, would retain those approvals, licenses, or certificates for purposes of the interpretation of other provisions of applicable law that refer or relate to the issuance of a license or registration and meeting qualifications for licensing examinations. The bill would also provide that any approvals made by the board on or before December 31, 2008, of a branch or satellite campus, change of ownership, or the sale or purchase of an approved school of barbering, cosmetology, or electrology would be deemed to be valid and effective on January 1, 2009, provided the school seeking the approval was lawfully operating prior to July 1, 2007. The bill would also authorize the board to review the application of a person desiring to establish a school of barbering, cosmetology, or electrology and issue approval to operate if the applicant is deemed able to comply with all other applicable laws governing school operations, subject to certain requirements. The bill would authorize the board to charge various fees to applicants and approved schools in that regard which would be deposited in the Barbering and Cosmetology Contingent Fund. The bill would make these provisions inoperative and repeal them on January 1, 2010.

The provisions of the bill would be inoperative or would not become operative if SB 823 is enacted.

This bill would declare that it is to take effect immediately as an urgency statute.

~~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.~~

Vote: ~~majority~~^{2/3}. 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 7362.01 is added to the Business and
2 Professions Code, to read:
3 7362.01. (a) Notwithstanding subdivision (a) of Section 7362,
4 all schools of barbering, cosmetology, or electrology that have a
5 valid approval to operate, including, but not necessarily limited
6 to, a license to operate, and all instructors holding a valid
7 certificate of authorization for service or meeting that certification
8 requirement as previously set, from the former Bureau for
9 Postsecondary and Vocational Education as of June 30, 2007, or
10 approved by the board as of June 30, 2008, shall retain those
11 approvals, licenses, or certificates of authorization for purposes
12 of the interpretation of other provisions of applicable law that
13 refer or relate to the issuance of a license or registration and
14 meeting qualifications for licensing examinations. Those approvals
15 shall remain effective, unless superseded by a later enacted statute,
16 or unless the board decides to revoke approval based on
17 noncompliance with the criteria established for new school
18 applications pursuant to paragraph (2) of subdivision (c).
19 (b) Notwithstanding subdivision (a) of Section 7362, any
20 approvals made by the board on or before December 31, 2008, of
21 a branch or satellite campus, change of ownership, or the sale or
22 purchase of an approved school of barbering, cosmetology, or

1 *electrology shall be deemed to be valid and effective on January*
2 *1, 2009, provided the school seeking the approval was lawfully*
3 *operating prior to July 1, 2007.*

4 *(c) (1) Notwithstanding subdivision (a) of Section 7362, the*
5 *board shall be authorized to review the application of a person*
6 *desiring to establish a school of barbering, cosmetology, or*
7 *electrology and issue approval to operate if the applicant is deemed*
8 *able to comply with all other applicable laws governing school*
9 *operations. This authority to review and approve shall remain*
10 *effective, unless superseded by a later enacted statute that vests*
11 *this authority in another governing agency, board, or bureau, in*
12 *which case the school shall be required to seek and obtain approval*
13 *of that successor agency, board, or bureau within six months of*
14 *the date that the successor agency, board, or bureau commences*
15 *operations.*

16 *(2) The board shall consider all relevant information to ensure*
17 *the ability and willingness of the applicant to comply with the*
18 *applicable provisions of this chapter relative to schools and review*
19 *of any problematic practices, especially those dealing with*
20 *students, including, but not limited to, all of the following:*

21 *(A) Misleading or erroneous advertising, including information*
22 *provided to prospective students.*

23 *(B) Unfair or deceptive practices involving financial charges*
24 *and contracts with prospective or enrolled students, including*
25 *cancellation and refund policies.*

26 *(C) Insufficient full-time enrollees, facility or floor space, or*
27 *equipment, or lack of compliance with local building codes or*
28 *permits.*

29 *(D) Insufficient number of competent instructors, as determined*
30 *by industry experience or academic training or credentialing.*

31 *(3) The board shall not approve any application pursuant to*
32 *this subdivision until the board promulgates regulations in that*
33 *regard and implements those regulations with necessary and*
34 *appropriate staff hired to provide an adequate review of the*
35 *requirements of this subdivision.*

36 *(4) The board may consider the certification and approval of*
37 *national accrediting agencies recognized by the United States*
38 *Department of Education, such as the National Accrediting*
39 *Commission of Cosmetology Arts and Sciences, when determining*

1 *the fitness of the applicant to meet all relevant and necessary*
2 *approval criteria.*

3 *(5) The board shall charge the applicant a fee commensurate*
4 *with costs associated with the review of the application. The fee*
5 *shall be payable whether or not the application is approved. The*
6 *board may also charge an annual fee to enforce ongoing*
7 *compliance of all schools approved under this subdivision.*

8 *(d) This section shall remain in effect only until January 1, 2010,*
9 *and as of that date is repealed, unless a later enacted statute, that*
10 *is enacted before January 1, 2010, deletes or extends that date.*

11 *SEC. 2. (a) If Senate Bill 823 of the 2007-08 Regular Session*
12 *is enacted prior to this bill, the provisions of this bill shall not*
13 *become operative.*

14 *(b) If Senate Bill 823 of the 2007-08 Regular Session is enacted*
15 *after this bill, the provisions of this bill shall become inoperative*
16 *on the date of enactment of SB 823.*

17 *SEC. 3. This act is an urgency statute necessary for the*
18 *immediate preservation of the public peace, health, or safety within*
19 *the meaning of Article IV of the Constitution and shall go into*
20 *immediate effect. The facts constituting the necessity are:*

21 *In order to provide for the existence and regulation of approved*
22 *schools for barbering, cosmetology, or electrology, it is necessary*
23 *that this act take effect immediately.*

24 ~~SECTION 1. Section 48800 of the Education Code is amended~~
25 ~~to read:~~

26 ~~48800. (a) The governing board of a school district may~~
27 ~~determine which pupils would benefit from advanced scholastic~~
28 ~~or vocational work. The intent of this section is to provide~~
29 ~~educational enrichment opportunities for a limited number of~~
30 ~~eligible pupils, rather than to reduce current course requirements~~
31 ~~of elementary and secondary schools, and also to help ensure a~~
32 ~~smoother transition from high school to college for pupils by~~
33 ~~providing them with greater exposure to the collegiate atmosphere.~~
34 ~~The governing board may authorize those pupils, upon~~
35 ~~recommendation of the principal of the pupil's school of~~
36 ~~attendance, and with parental consent, to attend a community~~
37 ~~college during any session or term as special part-time or full-time~~
38 ~~students and to undertake one or more courses of instruction offered~~
39 ~~at the community college level.~~

1 (b) If the governing board denies a request for a special part-time
 2 or full-time enrollment at a community college for any session or
 3 term for a pupil who is identified as highly gifted, the governing
 4 board shall issue its written recommendation and the reasons for
 5 the denial within 60 days. The written recommendation and denial
 6 shall be issued at the next regularly scheduled board meeting that
 7 falls at least 30 days after the request has been submitted.

8 (c) A pupil shall receive credit for community college courses
 9 that he or she completes at the level determined appropriate by the
 10 governing boards of the school district and community college
 11 district.

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

15 (A) Demonstrates adequate preparation in the discipline to be
 16 studied.

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

19 (2) For any particular grade level, a principal shall not
 20 recommend for community college summer session attendance
 21 more than 5 percent of the total number of pupils who completed
 22 that grade immediately prior to the time of recommendation.

23 (3) A high school pupil recommended by his or her principal
 24 for enrollment in a course shall not be included in the 5 percent
 25 limitation of pupils allowed to be recommended pursuant to
 26 paragraph (2) if the course in which the pupil is enrolled meets
 27 one of the criterion listed in subparagraphs (A) to (C), inclusive,
 28 and the high school principal who recommends the pupil for
 29 enrollment provides the Chancellor of the California Community
 30 Colleges, upon the request of that office, with the data required
 31 for purposes of paragraph (4):

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

36 (B) The course is a college-level, occupational course for credit
 37 assigned a priority code of "A," "B," or "C," pursuant to the
 38 Student Accountability Model, as defined by the Chancellor of the
 39 California Community Colleges and reported in the management
 40 information system, and the course is part of a sequence of

1 vocational or career technical education courses leading to a degree
2 or certificate in the subject area covered by the sequence.
3 (C) The course is necessary to assist a pupil who has not passed
4 the California High School Exit Examination (CAHSEE), does
5 not offer college credit in English language arts or mathematics,
6 and the pupil meets both of the following requirements:
7 (i) The pupil is in his or her senior year of high school.
8 (ii) The pupil has completed all other graduation requirements
9 prior to the end of his or her senior year, or will complete all
10 remaining graduation requirements during a community college
11 summer session, which he or she is recommended to enroll in,
12 following his or her senior year of high school.
13 (4) On or before November 1, 2007, and on or before January
14 1 of each year thereafter, the Chancellor of the California
15 Community Colleges shall report to the Department of Finance
16 the number of pupils recommended pursuant to paragraph (3) who
17 enroll in community college summer session courses and who
18 receive a passing grade.
19 (5) The Board of Governors of the California Community
20 Colleges shall not include enrollment growth attributable to
21 paragraph (3) as part of its annual budget request for the California
22 Community Colleges.
23 (6) Notwithstanding Article 3 (commencing with Section 33050)
24 of Chapter 1 of Part 20 of Division 2, compliance with this
25 subdivision shall not be waived.
26 (e) Paragraphs (3), (4), and (5) of subdivision (d) shall become
27 inoperative on January 1, 2014.