

AMENDED IN ASSEMBLY MARCH 25, 2014

AMENDED IN ASSEMBLY MARCH 6, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1451

Introduced by Assembly Member Holden
(Principal coauthor: ~~Assembly Member Hagman~~)
(Principal coauthors: Assembly Members Fox, Hagman, Linder,
Medina, Olsen, Rodriguez, Ting, and Wilk)
(Principal coauthor: Senator Vidak)

January 8, 2014

An act to amend Sections 48800 and 76001 of, and to add Sections 48803 and 76004 to, the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 1451, as amended, Holden. Public schools: concurrent enrollment in secondary school and community college.

Existing law authorizes the governing board of a school district to allow pupils whom the district has determined would benefit from advanced scholastic or vocational work to attend community college as special part-time or full-time students, subject to parental permission. Existing law makes the authority of a school principal to recommend a pupil for community college summer session contingent upon a determination that the pupil meets various criteria and prohibits the principal from recommending more than 5% of the total number of pupils from any particular grade level who completed that grade immediately prior to the time of recommendation for summer session attendance, except as specified.

This bill would authorize the governing board of a school district to enter into a concurrent enrollment partnership agreement with a community college district located within its immediate service area to allow pupils to attend community college. The bill would require a community college district and a school district, as a condition of, and before adopting, a concurrent enrollment partnership agreement, to take testimony from the public and approve or disapprove the proposed agreement at a regularly scheduled open public hearing of their respective governing boards. The bill would require the concurrent enrollment partnership agreement to outline the terms of the partnership, as specified. The bill would prohibit a school district from receiving a state allowance or apportionment for an instructional activity for which a community college district has been, or will be, paid an allowance or apportionment. The bill would authorize a participating high school to monitor the progress of its pupils attending a community college and to obtain the pupils' records from a community college district to do so. The bill would require, for each concurrent enrollment partnership agreement entered into under the bill, the affected community college district and school district to file an annual report, containing specified data, with the Office of the Chancellor of the California Community Colleges.

The bill would also authorize the governing board of a community college district to enter into a partnership with the governing board of a school district located within its service area with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness. The bill would require the partnership agreement to outline the terms of the partnership, as specified, and would require copies of the partnership agreement to be filed with the Chancellor of the California Community Colleges and the Superintendent of Public Instruction. *The bill would authorize a community college district to limit enrollment in a community college course to solely high school pupils under specified circumstances. The bill would authorize specified high school pupils to enroll in up to 15 units if those units are required for these pupils' partnership programs and specified circumstances are satisfied, and would authorize a community college district to exempt special part-time and full-time students taking up to a maximum of 15 units per term from specified fee requirements.* The bill would require, for each partnership agreement

entered into under the bill, the affected community college district and school district to file an annual report, containing specified data, with the Office of the Chancellor of the California Community Colleges.

The bill would also make related and conforming changes.

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. The Legislature finds and declares all of the
2 following:
- 3 (a) Campuses of the California Community Colleges are located
4 throughout California and provide an educational resource for all
5 communities.
- 6 (b) Existing law allows certain high school pupils to take classes
7 at community colleges. These pupils are defined in statute as
8 special-admits and the programs in which they participate are
9 known as concurrent or dual enrollment programs. The main target
10 of these programs is advanced education and the work completed
11 in them is primarily defined as college-level work.
- 12 (c) Existing law imposes strict limits on concurrent enrollment
13 programs. No more than 5 percent of the pupils in any particular
14 high school grade level may enroll in a community college during
15 summer sessions. In addition, the types of classes pupils may take
16 pursuant to these programs are generally limited to advanced
17 education classes.
- 18 (d) Existing law includes statutory reforms and restrictions to
19 prevent abuses regarding this type of enrollment.
- 20 (e) The current restrictions on concurrent enrollment inhibit the
21 ability of school districts and their pupils to make maximum use
22 of community college facilities and opportunities. By reducing
23 some of the restrictions on concurrent enrollment it will be possible
24 to expand concurrent enrollment opportunities for pupils, including
25 pupils working to improve their college readiness and career
26 technical skills.
- 27 (f) Allowing a greater and more varied segment of high school
28 pupils to take community college courses could provide benefits
29 to pupils and to the state in numerous ways, such as reducing high
30 school dropouts, increasing the number of community college
31 students who transfer and complete a degree, shortening time to

1 completion of educational goals, and improving the level of
2 preparation of pupils in the area of career-technical education.

3 (g) Exposure to college classes and the college experience while
4 in high school improves college participation rates.

5 (h) Concurrent enrollment saves money for both the state and
6 the pupils and provides for more effective use of facilities.

7 SEC. 2. Section 48800 of the Education Code is amended to
8 read:

9 48800. (a) The governing board of a school district may
10 determine which pupils would benefit from concurrent enrollment
11 in a community college, subject to approval of admission by the
12 community college district in accordance with applicable statutes
13 and regulations of the Board of Governors of the California
14 Community Colleges. The intent of this section is to provide
15 educational enrichment opportunities for a limited number of
16 eligible pupils, rather than to reduce current course requirements
17 of elementary and secondary schools, and also to help ensure a
18 smoother transition from high school to college for pupils by
19 providing them with greater exposure to the collegiate experience.
20 The governing board of a school district may authorize those
21 pupils, upon recommendation of the principal of the pupil's school
22 of attendance, or his or her designee, or pursuant to a concurrent
23 enrollment partnership agreement in accordance with Section
24 48803, and with parental consent, to attend a community college
25 during any session or term as special part-time or full-time students
26 and to undertake one or more courses of instruction offered at the
27 community college level.

28 (b) If the governing board of a school district denies a request
29 for a special part-time or full-time enrollment at a community
30 college for any session or term for a pupil who is identified as
31 highly gifted, the governing board of the school district shall issue
32 its written recommendation and the reasons for the denial within
33 60 days. The written recommendation and denial shall be issued
34 at the next regularly scheduled board meeting that falls at least 30
35 days after the request has been submitted.

36 (c) A pupil may receive community college and high school
37 credit for community college courses that he or she completes as
38 determined appropriate by the governing boards of the school
39 district and community college district.

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

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

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

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

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

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

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

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

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

(ii) The pupil has completed all other graduation requirements before the end of his or her senior year, or will complete all remaining graduation requirements during a community college

1 summer session, which he or she is recommended to enroll in,
2 following his or her senior year of high school.

3 (D) The course is necessary to assist to address the deficiencies
4 in English language arts or mathematics of a pupil who has not
5 demonstrated college-readiness on an Early Assessment Program
6 assessment or a successor common core-aligned assessment.

7 (4) On or before March 1 of each year, the Chancellor of the
8 California Community Colleges shall report to the Department of
9 Finance the number of pupils recommended pursuant to paragraph
10 (3) who enroll in community college summer session courses and
11 who receive a passing grade. The information in this report may
12 be submitted with the report required by subdivision (c) of Section
13 76002.

14 (5) Notwithstanding Article 3 (commencing with Section 33050)
15 of Chapter 1 of Part 20 of Division 2 of Title 2, compliance with
16 this subdivision shall not be waived.

17 (e) Paragraphs (3) and (4) of subdivision (d) shall become
18 inoperative on January 1, 2017.

19 SEC. 3. Section 48803 is added to the Education Code, to read:

20 48803. (a) (1) The governing board of a school district may
21 enter into a concurrent enrollment partnership agreement with the
22 governing board of a community college district located within its
23 immediate service area, with the goal of developing a seamless
24 pathway from high school to community college for
25 career-technical education or preparation for transfer, improving
26 high school graduation rates, or helping high school pupils achieve
27 college and career readiness.

28 (2) A participating school district may adopt a concurrent
29 enrollment partnership agreement with a community college district
30 partner that is approved by the governing boards of both districts.
31 As a condition of, and before adopting, a concurrent enrollment
32 partnership agreement, a community college district and a school
33 district, at a regularly scheduled open public hearing of their
34 respective governing boards, shall take testimony from the public
35 and approve or disapprove the proposed concurrent enrollment
36 partnership agreement.

37 (3) (A) The concurrent enrollment partnership agreement shall
38 outline the terms of the partnership and may include, but not
39 necessarily be limited to, the scope, nature, and schedule of courses
40 offered, and the criteria to assess the ability of pupils to benefit

1 from those courses. The concurrent enrollment partnership
2 agreement may establish protocols for information sharing, joint
3 facilities use, and parental consent for pupils.

4 (B) The concurrent enrollment partnership agreement shall
5 identify a point of contact for the participating school district and
6 community college district.

7 (C) Copies of the concurrent enrollment partnership agreement
8 shall be filed with the Superintendent and the Chancellor of the
9 California Community Colleges before the start of a program
10 authorized by this article.

11 (4) A community college district shall not provide physical
12 education course opportunities to secondary school pupils pursuant
13 to this section.

14 (5) A pupil may receive community college and high school
15 credit for community college courses that he or she completes, as
16 determined to be appropriate by the governing boards of the school
17 district and the community college district.

18 (b) A participating school district shall not receive a state
19 allowance or apportionment for an instructional activity for which
20 a community college district has been, or shall be, paid an
21 allowance or apportionment.

22 (c) A participating high school may monitor the progress of its
23 pupils attending a community college under this section, and may
24 obtain the pupils' records from the community college district to
25 do so.

26 (d) (1) For each concurrent enrollment partnership agreement
27 entered into pursuant to this section, the affected community
28 college district and school district shall report annually to the Office
29 of the Chancellor of the California Community Colleges all of the
30 following information:

31 (A) The total number of secondary school pupils enrolled in
32 each program, classified by the school district.

33 (B) The total number of successful course completions of
34 secondary school pupils enrolled in each program, classified by
35 the school district.

36 (C) The total number of successful course completions of
37 students in courses equivalent to those courses tracked under
38 subparagraph (B) in the general community college curriculum.

39 (2) The annual report required by this subdivision shall also be
40 transmitted to all of the following:

1 (A) The Legislature, in compliance with Section 9795 of the
2 Government Code.

3 (B) The Director of Finance.

4 (C) The Superintendent.

5 SEC. 4. 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 denies a request for a special part-time
13 or full-time enrollment at a community college for a pupil who is
14 identified as highly gifted, the board shall record its findings and
15 the reasons for denial of the request in writing within 60 days. The
16 written recommendation and denial shall be issued at the next
17 regularly scheduled board meeting that falls at least 30 days after
18 the request has been submitted.

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

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

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

34 (2) This subdivision does not apply to a student attending a
35 middle college high school as described in Section 11300, an early
36 college high school as described in Section 11302, or pursuant to
37 a concurrent enrollment partnership agreement as described in
38 Section 48803, if the student is seeking to enroll in a community
39 college course that is required for the student's middle college

1 high school, early college high school, or concurrent enrollment
2 partnership program.

3 SEC. 5. Section 76004 is added to the Education Code, to read:

4 76004. (a) (1) The governing board of a community college
5 district may enter into a partnership with the governing board of
6 a school district located within its service area with the goal of
7 developing seamless pathways from high school to community
8 college for career technical education or preparation for transfer,
9 improving high school graduation rates, or helping high school
10 pupils achieve college and career readiness.

11 (2) A participating community college district may adopt a
12 partnership agreement with a school district partner that is approved
13 by the governing boards of both districts. As a condition of, and
14 before adopting, a partnership agreement, a community college
15 district and a school district, at a regularly scheduled open public
16 hearing of their respective governing boards, shall take testimony
17 from the public and approve or disapprove the proposed partnership
18 agreement.

19 (3) (A) The partnership agreement shall outline the terms of
20 the partnership and may include, but *shall* not necessarily be
21 limited to, the scope, nature, and ~~schedule listing of community~~
22 ~~college courses to be offered~~, and criteria to assess the ability of
23 students to benefit from those courses. The partnership agreement
24 may establish protocols for information sharing, joint facilities
25 use, and parental consent for pupils ~~who are under 18 years of age~~
26 *to enroll in community college courses*.

27 (B) The partnership agreement shall identify a point of contact
28 for the participating community college district and school district
29 partner.

30 (C) A copy of the partnership agreement shall be filed with the
31 chancellor and the Superintendent before the start of a program
32 authorized by this article.

33 (4) A community college district shall not provide physical
34 education course opportunities to secondary school pupils pursuant
35 to this section *or any other course opportunities that do not assist*
36 *in the attainment of the goals listed in paragraph (1)*.

37 (5) A student may receive community college and high school
38 credit for community college courses that he or she completes as
39 determined to be appropriate by the governing boards of the
40 community college district and the school district.

(6) (A) Notwithstanding subdivision (a) of Section 76002 or any other open course provision in statute, or regulations adopted by the Board of Governors of the California Community Colleges, a community college district may limit enrollment in a community college course to solely high school pupils if the course is offered at a high school campus, is not otherwise offered at the high school, and one or more of the following circumstances are satisfied:

(i) The community college course is offered by a middle college high school as defined in Section 11300.

(ii) The community college course is offered by an early college high school as defined in Section 11302.

(iii) The community college course is offered pursuant to a partnership agreement established pursuant to this article.

(B) For purposes of allowances and apportionments from Section B of the State School Fund, a community college district conducting a closed course on a high school campus shall be credited with additional units of FTES attributable to the attendance of eligible high school pupils.

(7) Notwithstanding Section 48800 and subdivision (d) of Section 76001, a community college district may allow a pupil attending a middle college high school, as defined in Section 11300, or early college high school, as defined in Section 11302, or a pupil participating in a partnership agreement established pursuant to this article, to enroll in up to a maximum of 15 units if those units are required for the pupil's partnership program, and if either of the following circumstances is satisfied:

(A) The units constitute no more than four community college courses per term.

(B) The units are part of an academic program offered at the middle college high school or the early college high school that is designed to allow students to earn enough credit to graduate with an associate's degree or career technical education certificate, or are part of a partnership agreement established pursuant to this article.

(8) Notwithstanding subdivision (d) of Section 76001 and subdivision (f) of Section 76300, the governing board of a community college district participating in a partnership agreement established pursuant to this article may, in whole or in part, exempt special part-time or full-time students taking up to a maximum of

1 *15 units per term from the fee requirements in Sections 76060.5,*
2 *76140, 76223, 76300, 76350, and 79121.*

3 (b) (1) A community college district shall not receive a state
4 allowance or apportionment for an instructional activity for which
5 a school district has been, or shall be, paid an allowance or
6 apportionment.

7 (2) The attendance of a pupil at a community college as a special
8 part-time or full-time student pursuant to this section is authorized
9 attendance for which the community college shall be credited or
10 reimbursed pursuant to Section 48802 or 76002, provided that no
11 school district has received reimbursement for the same
12 instructional activity.

13 (c) (1) For each partnership entered into pursuant to this section,
14 the affected community college district and school district shall
15 report annually to the chancellor all of the following information:

16 (A) The total number of secondary school pupils enrolled in
17 each partnership.

18 (B) The total number of community college courses enrolled in
19 by partnership participants.

20 (C) The total number and percentage of successful course
21 completions, *by course category and type*, of partnership
22 participants.

23 (2) The annual report required by this subdivision shall also be
24 transmitted to all of the following:

25 (A) The Legislature, in compliance with Section 9795 of the
26 Government Code.

27 (B) The Director of Finance.

28 (C) The Superintendent.