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CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1451

Introduced by Assembly Member Holden
(Principal coauthors: Assembly Members Fong, Fox, Hagman,
Linder, Logue, Medina, Olsen, Quirk-Silva, 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, until January 1, 2014, required credit to be awarded to these pupils, as specified, made~~ the authority of a school principal to recommend a pupil for community college summer session contingent upon a determination that the pupil ~~meets met~~ various ~~criteria and prohibits criteria, and prohibited~~ 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 *reinstate these provisions until January 1, 2017, and would add a specified exception to the 5% limitation. The 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 its respective governing boards. board. 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 a pupil for which whom a community college district has been, or will be, paid an allowance or apportionment. apportionment under a concurrent enrollment partnership agreement. 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 prohibit a community college district from receiving a state allowance or apportionment for a pupil for whom a school district has been, or will be, paid an allowance or apportionment under a concurrent enrollment partnership agreement.* 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

1 of community college facilities and opportunities. By reducing
2 some of the restrictions on concurrent enrollment it will be possible
3 to expand concurrent enrollment opportunities for pupils, including
4 pupils working to improve their college readiness and career
5 technical skills.

6 (f) Allowing a greater and more varied segment of high school
7 pupils to take community college courses could provide benefits
8 to pupils and to the state in numerous ways, such as reducing *the*
9 *number of* high school dropouts, increasing the number of
10 community college students who transfer and complete a degree,
11 shortening time to completion of educational goals, and improving
12 the level of preparation of pupils in the area of career technical
13 education.

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

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

18 SEC. 2. Section 48800 of the Education Code is amended to
19 read:

20 48800. (a) The governing board of a school district may
21 determine which pupils would benefit from concurrent enrollment
22 in a community college, subject to approval of admission by the
23 community college district in accordance with applicable statutes
24 and regulations of the Board of Governors of the California
25 Community Colleges. The intent of this section is to provide
26 educational enrichment opportunities for a limited number of
27 eligible pupils, rather than to reduce current course requirements
28 of elementary and secondary schools, and also to help ensure a
29 smoother transition from high school to college for pupils by
30 providing them with greater exposure to the collegiate experience.
31 The governing board of a school district may authorize those
32 pupils, upon recommendation of the principal of the pupil's school
33 of attendance, or his or her designee, or pursuant to a concurrent
34 enrollment partnership agreement in accordance with Section
35 48803, and with parental consent, to attend a community college
36 during any session or term as special part-time or full-time students
37 and to undertake one or more courses of instruction offered at the
38 community college level.

39 (b) If the governing board of a school district denies a request
40 for a special part-time or full-time enrollment at a community

1 college for any session or term for a pupil who is identified as
2 highly gifted, the governing board of the school district shall issue
3 its written recommendation and the reasons for the denial within
4 60 days. The written recommendation and denial shall be issued
5 at the next regularly scheduled board meeting that falls at least 30
6 days after the request has been submitted.

7 (c) A pupil may receive community college and high school
8 credit for community college courses that he or she ~~completes~~
9 *completes*, as determined *to be* appropriate by the governing boards
10 of the school district and community college district, *and in*
11 *accordance with other state and federal laws*.

12 (d) (1) The principal of a school may recommend a pupil for
13 community college summer session only if that pupil meets both
14 of 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 before 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~~ *criteria* listed in subparagraphs (A) to (D),
28 inclusive, and the high school principal who recommends the pupil
29 for enrollment provides the Chancellor of the California
30 Community Colleges, upon the request of that office, with the data
31 required for the 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 before 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 (D) The course is necessary to address the deficiencies in
14 English language arts or mathematics of a pupil who has not
15 demonstrated college-readiness on an Early Assessment Program
16 assessment or a successor common core-aligned assessment.

17 (4) On or before March 1 of each year, the Chancellor of the
18 California Community Colleges shall report to the Department of
19 Finance the number of pupils recommended pursuant to paragraph
20 (3) who enroll in community college summer session courses and
21 who receive a passing grade. The information in this report may
22 be submitted with the report required by subdivision (c) of Section
23 76002.

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

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

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

30 48803. (a) (1) The governing board of a school district may
31 enter into a concurrent enrollment partnership agreement with the
32 governing board of a community college district located within its
33 immediate service area, with the goal of developing a seamless
34 pathway from high school to community college for
35 career-technical education or preparation for transfer, improving
36 high school graduation rates, or helping high school pupils achieve
37 college and career readiness.

38 (2) A participating school district may adopt a concurrent
39 enrollment partnership agreement with a community college district
40 partner that is approved by the governing boards of both districts.

1 As a condition of, and before adopting, a concurrent enrollment
2 partnership agreement, a community college district and a school
3 district, at a regularly scheduled open public hearing of their
4 respective governing boards, shall take testimony from the public
5 and approve or disapprove the proposed concurrent enrollment
6 partnership agreement.

7 (3) (A) The concurrent enrollment partnership agreement shall
8 outline the terms of the ~~partnership~~ *partnership*, and may include,
9 but *shall* not necessarily be limited to, the scope, nature, and
10 schedule of courses offered, and the criteria to assess the ability
11 of pupils to benefit from those courses. The concurrent enrollment
12 partnership agreement may establish protocols for information
13 sharing, joint facilities use, and parental consent for pupils.

14 (B) The concurrent enrollment partnership agreement shall
15 identify a point of contact for the participating school district and
16 community college district.

17 (C) *The concurrent enrollment partnership agreement shall*
18 *certify that any community college instructor teaching a course*
19 *on a high school campus has not been convicted of any sex offense,*
20 *as defined in Section 87010, or any controlled substance offense,*
21 *as defined in Section 87011.*

22 ~~(C)~~
23 (D) Copies of the concurrent enrollment partnership agreement
24 shall be filed with the Superintendent and the Chancellor of the
25 California Community Colleges before the start of a program
26 authorized by this article.

27 (E) *No high school course that satisfies the requirements of an*
28 *a-g course shall be supplanted by an equivalent community college*
29 *course offered through the concurrent enrollment partnership*
30 *agreement.*

31 (F) *No high school course listed on the school district's master*
32 *schedule shall be supplanted by an equivalent community college*
33 *course offered through the concurrent enrollment partnership*
34 *agreement.*

35 (4) A community college district shall not provide physical
36 education course opportunities to secondary school pupils pursuant
37 to this section.

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

1 district and the community college district, *and in accordance with*
2 *other state and federal laws.*

3 (6) *A pupil shall not be assessed any fees prohibited by Section*
4 *49011 for community college courses that he or she completes*
5 *through a concurrent enrollment partnership agreement.*

6 (b) A participating school district shall not receive a state
7 allowance or apportionment for an instructional activity for which
8 a community college district has been, or shall be, paid an
9 allowance or apportionment.

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

14 (d) (1) For each concurrent enrollment partnership agreement
15 entered into pursuant to this section, the affected community
16 college district and school district shall report annually to the Office
17 of the Chancellor of the California Community Colleges all of the
18 following information:

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

21 (B) The total number of successful course completions of
22 secondary school pupils enrolled in each program, classified by
23 the school district.

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

27 (D) *The total number of community college courses offered,*
28 *classified based on the following:*

29 (i) *Equivalency to the University of California a-g requirements.*

30 (ii) *Equivalency to courses on the school district's master*
31 *schedule.*

32 (E) *Whether any of the district's course offerings that satisfy*
33 *the criteria in clauses (i) and (ii) of subparagraph (D) have been*
34 *reduced, and an explanation for that reduction.*

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

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

39 (B) The Director of Finance.

40 (C) The Superintendent.

1 SEC. 4. Section 76001 of the Education Code is amended to
2 read:

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

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

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

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

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

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

38 (f) *Notwithstanding Section 48800 and subdivision (d), a*
39 *community college district may allow a pupil attending a middle*
40 *college high school, as defined in Section 11300, or early college*

1 *high school, as defined in Section 11302, or a pupil participating*
2 *in a concurrent enrollment partnership agreement established*
3 *pursuant to Section 76004, to enroll in up to a maximum of 15*
4 *units if those units are required for the pupil's program, and if*
5 *either of the following circumstances is satisfied:*

6 *(1) The units constitute no more than four community college*
7 *courses per term.*

8 *(2) The units are part of an academic program offered at the*
9 *middle college high school or the early college high school that*
10 *is designed to allow students to earn enough credit to graduate*
11 *with an associate's degree or career technical education*
12 *certificate, or are part of a concurrent enrollment partnership*
13 *agreement established pursuant to Section 76004.*

14 *(g) 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 Section 48802 or 76002, provided that no*
18 *school district has received reimbursement for the same*
19 *instructional activity.*

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

21 76004. (a) (1) The governing board of a community college
22 district may enter into a partnership with the governing board of
23 a school district located within its service area with the goal of
24 developing seamless pathways from high school to community
25 college for career technical education or preparation for transfer,
26 improving high school graduation rates, or helping high school
27 pupils achieve college and career readiness.

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

36 (3) (A) The partnership agreement shall outline the terms of
37 the partnership and may include, but shall not necessarily be limited
38 to, the scope, nature, and listing of community college courses to
39 be offered, and criteria to assess the ability of ~~students~~ *pupils* to
40 benefit from those courses. The partnership agreement may

1 establish protocols for information sharing, joint facilities use, and
2 parental consent for pupils to enroll in community college courses.

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

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

9 *(D) The concurrent enrollment partnership agreement shall*
10 *certify that any community college instructor teaching a course*
11 *on a high school campus, pursuant to this section, has not been*
12 *convicted of any sex offense, as defined in Section 87010, or any*
13 *controlled substance offense, as defined in Section 87011.*

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

18 (5) ~~A student~~ *pupil* may receive community college and high
19 school credit for community college courses that he or she
20 completes as determined to be appropriate by the governing boards
21 of the community college district and the school district, *and in*
22 *accordance with other state and federal laws.*

23 (6) *A pupil shall not be assessed any fees prohibited by Section*
24 *49011 for community college courses that he or she completes that*
25 *are offered through a partnership agreement.*

26 ~~(6)~~

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

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

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

38 (iii) The community college course is offered pursuant to a
39 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 *concurrent enrollment* partnership agreement established pursuant to this ~~article~~ *section* may, in whole or in part, exempt special part-time or full-time ~~students~~ *pupils* taking up to a maximum of 15 units per term from the fee requirements in Sections 76060.5, 76140, 76223, 76300, 76350, and 79121.

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

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

~~(e)~~

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

4 (A) The total number of secondary school pupils enrolled in
5 each partnership.

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

8 (C) The total number and percentage of successful course
9 completions, by course category and type, of partnership
10 participants.

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

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

15 (B) The Director of Finance.

16 (C) The Superintendent.