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Contact Information

Melissa Moreno J.D., Dean of Educational Programs
(805) 683-8281

Director, Dual Enrollment Programs
(805) 730-3020

Jesus Vega, M.A., Ed.D. Candidate, Dual Enrollment Program Advisor
(805) 730-4759



SANTA BARBARA CITY COLLEGE

California Education Code and Legislation

EDUCATION CODE SECTION 48800-48802

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

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

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

**Signatures
Principal or designee &
Parent/Guardian Consent
(See CCCCCO Legal
Advisory #24 (05/01))**

CA Education Code 48800-48802

(d) (1) The principal of a school may recommend a pupil for community college summer session only if that pupil meets all 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 prior to 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 (C), 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

CA Education Code 48800-48802

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 prior to the end of his or her senior year, or will complete all remaining graduation requirements during a community college summer session, which he or she is recommended to enroll in, following his or her senior year of high school.

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

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

(6) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2 of Title 2, compliance with this

CA Education Code 48800-48802

subdivision shall not be waived.

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

48800.5. (a) A parent or guardian of a pupil, regardless of the pupil's age or class level, may petition the governing board of the school district in which the pupil is enrolled to authorize the attendance of the pupil at a community college as a special full-time student on the ground that the pupil would benefit from advanced scholastic or vocational work that would thereby be available. If the governing board denies the petition, the pupil's parent or guardian may file an appeal with the county board of education, which shall render a final decision on the petition in writing within 30 days.

(b) A pupil who attends a community college as a special full-time student pursuant to this section is exempt from compulsory school attendance under Chapter 2 (commencing with Section 46100) of Part 26.

(c) A parent or guardian of a pupil who is not enrolled in a public school may directly petition the president of any community college to authorize the attendance of the pupil at the community college as a special part-time or full-time student on the ground that the pupil would benefit from advanced scholastic or vocational work that would thereby be available.

(d) Any pupil authorized to attend a community college as a special full-time student shall, nevertheless, be required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

(e) For purposes of allowances and apportionments from the State

CA Education Code 48800-48802

School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of special full-time students at the community college.

48801. Any student authorized to attend a community college as a special part-time student pursuant to Sections 48800 and 76001 shall, nevertheless, be required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

The student shall also be required to attend school for the minimum schoolday, except as provided for in Section 46145 or 46147. However, the governing board of the school district may permit the student to attend school for such a lesser period of time than the minimum schoolday as the board shall find to be in the student's best interests.

48802. (a) For purposes of allowances and apportionments from Section B of the State School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of pupils at the community college as special part-time students pursuant to this article and as set forth in Section 76002.

(b) A school district whose pupils attend a community college as special part-time students pursuant to this article shall, for purposes of allowances and apportionments from Section A of the State School Fund, continue to receive credit for attendance by those pupils computed in the manner prescribed by law, and a pupil's attendance at school for the minimum schoolday shall be deemed a day of attendance for purposes of making the computation.

<p>See: Santa Barbara School District Memo dated 09/16/96. References SB 292</p>

EDUCATION CODE SECTION 76000-76002 and 76300

76000. The governing board of a community college district shall admit to the community college any California resident, and may admit any nonresident, possessing a high school diploma or the equivalent thereof.

The governing board may admit to the community college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgment of the governing board, is capable of profiting from the instruction offered.

The governing board may by rule determine whether there shall be admitted to the community college any other person who is over 18 years of age and who, in the judgment of the board, is capable of profiting from the instruction offered. If the governing board determines to admit other persons, those persons shall be admitted as provisional students and thereafter shall be required to comply with the rules and regulations prescribed by the board of governors pertaining to the scholastic achievement and other standards to be met by provisional or probationary students, as a condition to being readmitted in any succeeding semester. This paragraph shall not apply to persons in attendance in special classes and programs established for adults pursuant to Section 78401 or to any persons attending on a part-time basis only.

76001. (a) The governing board of a community college district may 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

CA Education Code 76000-76003

is eligible to attend community college pursuant to Section 48800 or 48800.5.

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

(c) 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 Sections 48802 and 76002. Credit for courses completed shall be at the level determined to be appropriate by the school district and community college district governing boards.

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

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

(2) This subdivision does not apply to a student attending a middle college high school as described in Section 11300, if the student is seeking to enroll in a community college course that is required for the student's middle college high school program.

Once a student enrolls in 12 units, they are considered “special full-time student

Low enrollment priority for special part-time or special full-time students.

Middle College students can be given priority registration

CA Education Code 76000-760003

76002. (a) For the purposes of receiving state apportionments, a community college district may include high school pupils who attend a community college within the district pursuant to Sections 48800 and 76001 in the district's report of full-time equivalent students (FTES) only if those pupils are enrolled in community college classes that meet all of the following criteria:

In order for CCC to claim apportionment, it must abide by these guidelines.

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

Need MOU from K12 District(s) to be an open campus (See CCCO Legal Advisory (05/01), #8)

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

- (i) The college catalog.
- (ii) The regular schedule of classes.
- (iii) An addenda to the college catalog or regular schedule of classes.

Classes advertised online must be scheduled 30 days prior to start of term

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

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

(4) If the class is a physical education class, no more than 10 percent of its enrollment may be comprised of special part-time or full-time students. A community college district shall not receive state apportionments for special part-time and full-time students enrolled in physical education courses in excess of 5 percent of the

5% cap on PE courses

CA Education Code 76000-760003

district's total reported full-time equivalent enrollment of special part-time and full-time students.

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

(1) Age.

(2) Completion of a specified grade level.

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

(c) (1) The Chancellor of the California Community Colleges shall prepare and submit to the Department of Finance and the Legislature, on or before March 1, 2004, and March 1 of each year thereafter, a report on the amount of FTES claimed by each community college district for special part-time and special full-time students for the preceding academic year in each of the following class categories:

(A) Noncredit.

(B) Nondegree-applicable.

(C) Degree-applicable, excluding physical education.

(D) Degree-applicable physical education.

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

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

CA Education Code 76000-760003

76003. (a) Notwithstanding Section 76001, the governing board of the Long Beach Community College District may 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 participating in the partnership established pursuant to Article 1.5 (commencing with Section 48810) of Chapter 5 of Part 27 of Division 4 of Title 2.

(b) (1) For the purpose of receiving state apportionments pursuant to Section 76002, the Long Beach Community College District may include high school pupils who attend a community college within the district and participate in the College Promise Partnership Act pursuant to Article 1.5 (commencing with Section 48810) of Chapter 5 of Part 27 of Division 4 of Title 2, provided that no school district has received reimbursement for the same instructional activity.

(2) The Long Beach Community College District shall report to the Chancellor of the California Community Colleges the moneys utilized for the partnership pursuant to Article 1.5 (commencing with Section 48810) of Chapter 5 of Part 27 of Division 4 of Title 2 by no later than November 1 of each year the partnership is in operation.

(c) Credit for partnership courses completed shall be at the level determined to be appropriate by the governing boards of the Long Beach Unified School District and the Long Beach Community College District pursuant to the terms of the partnership established pursuant to Article 1.5 (commencing with Section 48810) of Chapter 5 of Part 27 of Division 4 of Title 2.

(d) The Long Beach Community College District may assign priority for enrollment and course registration to any of the following:

(1) Students pursuing and making satisfactory academic progress

CA Education Code 76000-760003

toward a degree, certificate, transfer, or basic skills objective that is declared or reaffirmed upon enrollment in each academic term.

(2) Students pursuing and making satisfactory academic progress pursuant to an approved individual education plan toward a career development objective that is declared or reaffirmed upon enrollment in each academic term.

(3) Notwithstanding subdivision (e) of Section 76001, students participating in a partnership in accordance with Article 1.5 (commencing with Section 48810) of Chapter 5 of Part 27 of Division 4 of Title 2.

(e) This section shall become inoperative on June 30, 2017, and, as of January 1, 2018, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2018, deletes or extends the dates on which it becomes inoperative and is repealed.

76300 (f) The governing board of a community college district may exempt special part-time students admitted pursuant to Section 76001 from the fee requirement.

<p>Only part-time students are exempt from enrollment fees. See CCCCCO Legal Advisory (05/01) #28</p>
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EDUCATION CODE SECTION 76140-76143

76140. (a) A community college district may admit, and shall charge a tuition fee to, nonresident students, except that a community college district may exempt from all or parts of the fee any person described in paragraph (1), (2), (3), or (4), and shall exempt from all of the fee any person described in paragraph (5):

Exemption of fee for non-resident special part-time students

(1) All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this paragraph shall not be made on an individual basis.

(2) Any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. Not more than 10 percent of the nonresident foreign students attending any community college district may be so exempted. Exemptions made pursuant to this paragraph may be made on an individual basis.

(3) (A) A student who, as of August 29, 2005, was enrolled, or admitted with an intention to enroll, in the fall term of the 2005-06 academic year in a regionally accredited institution of higher education in Alabama, Louisiana, or Mississippi, and who could not continue his or her attendance at that institution as a direct consequence of damage sustained by that institution as a result of Hurricane Katrina.

(B) The chancellor shall develop guidelines for the implementation of this paragraph. These guidelines shall include standards for appropriate documentation of student eligibility to the extent feasible.

CA Education Code 76140-76143

(C) This paragraph shall apply only to the 2005-06 academic year.

(4) A special part-time student admitted pursuant to Section 76001.

(5) A nonresident student who is a United States citizen who resides in a foreign country, if that nonresident meets all of the following requirements:

(A) Demonstrates a financial need for the exemption.

(B) Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act in accordance with Section 1229c of Title 8 of the United States Code. The student shall provide documents from the United States Citizenship and Immigration Services evidencing the deportation or voluntary departure of his or her parent or guardian.

(C) Moved abroad as a result of the deportation or voluntary departure specified in subparagraph (B).

(D) Lived in California immediately before moving abroad. The student shall provide information and evidence that demonstrates the student previously lived in California.

(E) Attended a public or private secondary school, as described in Sections 52 and 53, in the state for three or more years. The student shall provide documents that demonstrate his or her secondary school attendance.

(F) Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education, as that term is defined in subdivision (a) of Section 66010, will be living in California, and will file an affidavit with the institution stating that he or she intends to establish residency in California

CA Education Code 76140-76143

as soon as possible.

(b) A district may contract with a state, a county contiguous to California, the federal government, or a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

(c) Nonresident students shall not be reported as full-time equivalent students (FTES) for state apportionment purposes, except as provided by subdivision (j) or another statute, in which case a nonresident tuition fee may not be charged.

(d) The nonresident tuition fee shall be set by the governing board of each community college district not later than February 1 of each year for the succeeding fiscal year. The governing board of each community college district shall provide nonresident students with notice of nonresident tuition fee changes during the spring term before the fall term in which the change will take effect.

Nonresident tuition fee increases shall be gradual, moderate, and predictable. The fee may be paid in installments, as determined by the governing board of the district.

(e) (1) The fee established by the governing board pursuant to subdivision (d) shall represent for nonresident students enrolled in 30 semester units or 45 quarter units of credit per fiscal year one or more of the following:

(A) The amount that was expended by the district for the expense of education as defined by the California Community College Budget and Accounting Manual in the preceding fiscal year increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the current fiscal

CA Education Code 76140-76143

year and succeeding fiscal year and divided by the FTES (including nonresident students) attending in the district in the preceding fiscal year. However, if for the district's preceding fiscal year FTES of all students attending in the district in noncredit courses is equal to, or greater than, 10 percent of the district's total FTES attending in the district, the district may substitute the data for expense of education in grades 13 and 14 and FTES in grades 13 and 14 attending in the district.

(B) The expense of education in the preceding fiscal year of all districts increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending all districts during the preceding fiscal year. However, if the amount calculated under this paragraph for the succeeding fiscal year is less than the amount established for the current fiscal year or for any of the past four fiscal years, the district may set the nonresident tuition fee at the greater of the current or any of the past four-year amounts.

(C) An amount not to exceed the fee established by the governing board of any contiguous district.

(D) An amount not to exceed the amount that was expended by the district for the expense of education, but in no case less than the statewide average as set forth in subparagraph (B).

(E) An amount no greater than the average of the nonresident tuition fees of public community colleges of no less than 12 states that are comparable to California in cost of living. The determination of comparable states shall be based on a composite

CA Education Code 76140-76143

cost-of-living index as determined by the United States Department of Labor or a cooperating government agency.

(2) The additional revenue generated by the increased nonresident tuition permitted under the amendments made to this subdivision during the 2009-10 Regular Session shall be used to expand and enhance services to resident students. In no event shall the admission of nonresident students come at the expense of resident enrollment.

(f) The governing board of each community college district also shall adopt a tuition fee per unit of credit for nonresident students enrolled in more or less than 15 units of credit per term by dividing the fee determined in subdivision (e) by 30 for colleges operating on the semester system and 45 for colleges operating on the quarter system and rounding to the nearest whole dollar. The same rate shall be uniformly charged nonresident students attending any terms or sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the term or session ends.

(g) Any loss in district revenue generated by the nonresident tuition fee shall not be offset by additional state funding.

(h) Any district that has fewer than 1,500 FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may exempt students from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(i) Any district that has more than 1,500, but less than 3,001, FTES and whose boundary is within 10 miles of another state that has

CA Education Code 76140-76143

a reciprocity agreement with California governing student attendance and fees may, in any one fiscal year, exempt up to 100 FTES from that state from the mandatory fee requirement described in subdivision

(a) for nonresident students.

(j) The attendance of nonresident students who are exempted pursuant to subdivision (h) or (i), or pursuant to paragraph (3) or (5) of subdivision (a), from the mandatory fee requirement described in subdivision (a) for nonresident students may be reported as resident FTES for state apportionment purposes. Any nonresident student reported as resident FTES for state apportionment purposes pursuant to subdivision (h) or (i) shall pay a per unit fee that is three times the amount of the fee established for residents pursuant to Section 76300. That fee is to be included in the FTES adjustments described in Section 76300 for purposes of computing apportionments.

76140.3. (a) The Chancellor's Office of the California Community Colleges shall make available to the Legislative Analyst's Office all of the following data, categorized by community college district and by academic year, commencing with the 2009-10 academic year:

(1) The number of resident students, rendered both as headcount and as full-time equivalent students (FTES), including an identification of any resident enrollment above the district's cap.

(2) The number of nonresident students, rendered both as headcount and as FTES.

(3) The per-unit nonresident tuition rate.

(4) The total amount of revenue received from nonresident tuition.

(5) The total apportionment funding received by the district.

(b) The Legislative Analyst's Office shall include, in its annual

CA Education Code 76140-76143

analysis of the Governor's budget proposal, a summary of the data made available pursuant to subdivision (a), as well as an analysis of the degree to which the affected community colleges have complied with the requirements of paragraph (2) of subdivision (e) of Section 76140.

76140.5. Notwithstanding Section 76140, a community college may classify a nonresident student who has been hired by a public agency, as a resident for purposes of enrollment in and completion of police academy training courses at a community college, if the student has passed all other requirements of the public agency and if written assurances are provided by the public agency that it intends to classify the student as a peace officer upon successful completion of the police academy training course.

76141. (a) In addition to the nonresident tuition fee established pursuant to Section 76140, a community college district may charge to nonresident students an amount not to exceed the amount that was expended by the district for capital outlay in the preceding fiscal year divided by the total full-time equivalent students of the district in the preceding fiscal year.

(b) Any fee charged pursuant to this section shall not exceed 50 percent of the nonresident tuition fee established pursuant to Section 76140.

(c) (1) Any student who can demonstrate economic hardship, or who is a victim of persecution or discrimination in the country in which the student is a citizen and resident, is exempt from this fee.

(2) For purposes of this section, the governing board of each community college district that chooses to impose the fee authorized

CA Education Code 76140-76143

by this section shall adopt a definition of economic hardship that encompasses the financial circumstances of a person who is a recipient of benefits under the Temporary Assistance for Needy Families program described in Part A of Title IV of the Social Security Act (42 U.S.C. Secs. 601 et seq.), the Supplemental Income/State Supplementary Program, or a general assistance program.

(d) Revenue from any fee charged pursuant to this section shall be expended only for purposes of capital outlay, maintenance, and equipment.

76142. (a) A community college district may charge nonresident applicants who are both citizens and residents of a foreign country a processing fee not to exceed the lesser of: (1) the actual cost of processing an application and other documentation required by the federal government, or (2) one hundred dollars (\$100), which may be deducted from the tuition fee at the time of enrollment.

(b) No processing fee shall be charged to an applicant who would be eligible for an exemption from nonresident tuition pursuant to Section 76140 or who can demonstrate economic hardship. For purposes of this section, the governing board of each community college district that chooses to impose the fee authorized by this section shall adopt a definition of economic hardship that includes the financial circumstances of a person who is a victim of persecution or discrimination in the foreign country in which the applicant is a citizen and resident, or who is a recipient of benefits under the Temporary Assistance for Needy Families program described in Parts A and F of Title IV of the Social Security Act (42 U.S.C. Secs. 601 et seq.), the Supplemental Income/State Supplementary Program, or a

CA Education Code 76140-76143

general assistance program.

76143. For purposes of the nonresident tuition fee, a community college district shall disregard the time during which a student living in the district resided outside the state, if:

(1) The change of residence to a place outside the state was due to a job transfer and was made at the request of the employer of the student or the employer of the student's spouse or, in the case of a student who resided with, and was a dependent of, the student's parents, the change of residence was made at the request of an employer of either of the student's parents.

(2) Such absence from the state was for a period of not more than four years.

(3) At the time of application for admission to a college maintained by the district, the student would qualify as a resident if the period of the student's absence from the state was disregarded.

A nonresident tuition fee shall not be charged to a student who meets each of the conditions specified in subdivisions (1) to (3), inclusive.

Bill Number 292 Chaptered

An act to amend Section 46146 of, and to add Section 76002 to, the Education Code, relating to school attendance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 292, Costa. School attendance.

(1) Existing law specifies that a day of attendance for certain pupils who are also enrolled part time in classes of the California State University or the University of California or in a community college, as specified, is 180 minutes. Existing law requires this 180-minute minimum schoolday to be reported as attendance for 3/4 of the full 240-minute minimum schoolday for purposes of computing the average daily attendance of these pupils.

This bill would require that commencing with the 1995-96 fiscal year the attendance in excess of the 180-minute minimum for these pupils be computed and reported by determining the percentage of the full 240-minute minimum schoolday the pupils are actually in attendance and would prohibit the reporting of more than one full day of attendance for these pupils.

(2) Existing law permits the governing board of a community college district to admit to any community college under its jurisdiction as a special part-time student any high school student who is eligible to attend and provides a method for reimbursing community college districts for that attendance. Existing law also permits the governing board of any school district to determine which

CA Senate Bill 292 (1996)

students would benefit from advance scholastic or vocational work and to authorize those students to attend a community college as special part-time students, as specified.

This bill would provide that for the purpose of receiving state apportionments, a community college may only report full-time equivalent students (FTES) for high school pupils permitted to attend a community college as special part-time students if those students are enrolled in community college classes that are open to the general public.

CCCs allowed to claim FTES for special part-time students if classes are open to the public (e.g. on high school campus)

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

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 46146 of the Education Code is amended to read:

46146. (a) A day of attendance in grades 11 and 12 is 180 minutes of attendance if the pupil is also enrolled part time in classes of the California State University or the University of California for which academic credit will be provided upon satisfactory completion of enrolled courses.

(b) A day of attendance for any pupil who is also a special part-time student enrolled in a community college under Article 1 (commencing with Section 48800) of Chapter 5 of Part 27 and who will receive academic credit upon satisfactory completion of enrolled courses is 180 minutes of attendance.

(c) Notwithstanding any other provisions of law, for purposes of computing the average daily attendance of a pupil described in subdivision (a) or (b), the 180-minute minimum schoolday permitted by

CA Senate Bill 292 (1996)

this section shall be computed and reported as attendance for three-quarters of the full 240-minute minimum schoolday prescribed by Section 46141. Commencing with the 1995-96 fiscal year, if a pupil described in subdivision (a) or (b) is in attendance for more than 180 minutes, the average daily attendance of the pupil shall be computed and reported by determining the percentage of the full 240-minute minimum schoolday prescribed by Section 46141 that the pupil was in attendance at the school. No more than one full day of attendance may be reported for any pupil for any schoolday pursuant to this subdivision.

SEC. 2. Section 76002 is added to the Education Code, to read:

76002. For the purposes of receiving state apportionments, a community college may only report full-time equivalent students (FTES) for high school students permitted to attend a community college district pursuant to Sections 48800 and Section 76001 if those students are enrolled in community college classes that are open to the general public.

CCCs allowed to claim FTES for special part-time students if classes are open to the public (e.g. on high school campus)

SEC. 3. Regardless of when this act becomes effective, it is the intent of the Legislature to make changes in state apportionments to school districts for the entire 1995-96 fiscal year. For the purpose of implementing the changes required by Section 1 of this act, the Superintendent of Public Instruction and other public officers shall take all necessary steps to effect the required adjustments, including the authority to adjust allowance computations, as apportionments, and disbursements ordered from Section A of the State School Fund and other public funds.

SEC. 4. This act is an urgency statute necessary for the immediate

CA Senate Bill 292 (1996)

preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to provide continuous education for high school pupils seeking higher education opportunities and to allow school districts proper planning time, it is necessary that this act take effect immediately.

Bill Number 338 Chaptered

An act to amend Sections 48800, 48800.5, 48802, 76001, and 76002 of the Education Code, relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 338, Scott. Concurrent enrollment of pupils in high school and community college.

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 to authorize pupils, with parental permission, who would benefit from advanced scholastic or vocational work to attend community college as special part-time students to undertake one or more courses of instruction at the community college level. Existing law authorizes the parent or guardian of a pupil to petition the governing board of a school district to authorize the attendance of the pupil at a community college as a full-time student on the ground that the pupil would benefit from advanced scholastic or vocational work. Existing law further authorizes the governing board of a community college to admit those students to any community college under its jurisdiction.

Existing law authorizes a community college district, for the

CA Senate Bill 338 (2003)

purposes of receiving state apportionments, to include special part-time and full-time students in the district's report of full-time equivalent students if those pupils are enrolled in community college classes that are open to the general public.

This bill would require those courses to meet several additional criteria in order for the community college district to include the students in the district's report of full-time equivalent students.

The bill would authorize the governing board of a community college district to restrict admissions and enrollment of special part-time and full-time students during any session based on specified criteria.

The bill would require the Chancellor of the California Community Colleges to report to the Department of Finance and the Legislature, on or before March 1, 2004, and March 1 of each year thereafter, on the amount of full-time equivalent students claimed by each community college district for special part-time and full-time students.

The bill would, in addition, revise and recast provisions relating to concurrent enrollment.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

48800. (a) The governing board of a school district may determine which pupils would benefit from advanced scholastic or vocational work. The intent of this section is to provide educational enrichment opportunities for a limited number of eligible pupils, rather than to reduce current course requirements of elementary and secondary schools. The governing board may authorize those pupils,

CA Senate Bill 338 (2003)

upon recommendation of the principal of the pupil's school of attendance, and with parental consent, to attend a community college during any session or term as special part-time or full-time students and to undertake one or more courses of instruction offered at the community college level.

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

(c) The students shall receive credit for community college courses that they complete at the level determined appropriate by the school district and community college district governing boards.

(d) (1) The principal of a school may only recommend a pupil for community college summer session if that pupil meets all 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 may not recommend for community college summer session attendance more than 5 percent of the total number of pupils who completed that grade immediately prior to the time of recommendation.

(3) Notwithstanding Article 3 (commencing with Section 33050) of

CA Senate Bill 338 (2003)

Chapter 1 of Part 20, compliance with this subdivision may not be waived.

SEC. 2. Section 48800.5 of the Education Code is amended to read:

48800.5. (a) A parent or guardian of a pupil, regardless of the pupil's age or class level, may petition the governing board of the school district in which the pupil is enrolled to authorize the attendance of the pupil at a community college as a special full-time student on the ground that the pupil would benefit from advanced scholastic or vocational work that would thereby be available. If the governing board denies the petition, the pupil's parent or guardian may file an appeal with the county board of education, which shall render a final decision on the petition in writing within 30 days.

(b) A pupil who attends a community college as a special full-time student pursuant to this section is exempt from compulsory school attendance under Chapter 2 (commencing with Section 46100) of Part 26.

(c) A parent or guardian of a pupil who is not enrolled in a public school may directly petition the president of any community college to authorize the attendance of the pupil at the community college as a special part-time or full-time student on the ground that the pupil would benefit from advanced scholastic or vocational work that would thereby be available.

(d) Any pupil authorized to attend a community college as a special full-time student shall, nevertheless, be required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

CA Senate Bill 338 (2003)

(e) For purposes of allowances and apportionments from the State School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of special full-time students at the community college.

SEC. 3. Section 48802 of the Education Code is amended to read:

48802. (a) For purposes of allowances and apportionments from Section B of the State School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of pupils at the community college as special part-time students pursuant to this article and as set forth in Section 76002.

(b) A school district whose pupils attend a community college as special part-time students pursuant to this article shall, for purposes of allowances and apportionments from Section A of the State School Fund, continue to receive credit for attendance by those pupils computed in the manner prescribed by law, and a pupil's attendance at school for the minimum schoolday shall be deemed a day of attendance for purposes of making the computation.

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

76001. (a) The governing board of a community college district may 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 Section 48800 or 48800.5.

(b) If the governing board denies a request for a special part-time or full-time enrollment at a community college for a pupil who is identified as highly gifted, the board shall record its

CA Senate Bill 338 (2003)

findings and the reasons for denial of the request in writing within 60 days. The written recommendation and denial shall be issued at the next regularly scheduled board meeting that falls at least 30 days after the request has been submitted.

(c) 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 Sections 48802 and 76002. Credit for courses completed shall be at the level determined to be appropriate by the school district and community college district governing boards.

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

SEC. 5. Section 76002 of the Education Code is amended to read:

76002. (a) For the purposes of receiving state apportionments, a community college district may include high school pupils who attend a community college within the district pursuant to Sections 48800 and 76001 in the district's report of full-time equivalent students (FTES) only if those pupils are enrolled in community college classes that meet all of the following criteria:

- (1) The class is open to the general public.
- (2) (A) The class is advertised as open to the general public in one or more of the following:
 - (i) The college catalog.
 - (ii) The regular schedule of classes.
 - (iii) An addenda to the college catalog or regular schedule of classes.

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

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

Need MOU from K-12 District(s) allowing concurrent enrollment classes to be open to the public

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

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

(1) Age.

(2) Completion of a specified grade level.

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

(c) The Chancellor of the California Community Colleges shall

CA Senate Bill 338 (2003)

prepare and submit to the Department of Finance and the Legislature, on or before March 1, 2004, and March 1 of each year thereafter, a report on the amount of FTES claimed by each community college district for special part-time and special full-time students for the preceding academic year in each of the following class categories:

- (1) Noncredit.
- (2) Nondegree-applicable.
- (3) Degree-applicable, excluding physical education.
- (4) Degree-applicable physical education.
- (d) The Board of Governors of the California Community Colleges

shall adopt rules and regulations to implement this section.

Bill Number 967 Chaptered

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

LEGISLATIVE COUNSEL'S DIGEST

AB 967, Canciamilla. Concurrent enrollment of pupils in high school and community college.

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 to authorize pupils, with parental permission, who would benefit from advanced scholastic or vocational work, to attend community college as special part-time students 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.

This bill would exempt from this 5% a pupil recommended by his or her principal for enrollment in a college-level advanced scholastic

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summer session course, or in a vocational community college summer session course, if specified criteria are met. The bill would require the Chancellor of the California Community Colleges, on or before January 1, 2007, and on or before January 1 of each year thereafter, to report to the Department of Finance the number of pupils recommended pursuant to that exemption who enroll in community college summer session courses. The bill would prohibit the Board of Governors of the California Community Colleges from including enrollment growth attributable to that exemption as part of its annual budget request for the California Community Colleges.

Existing law also authorizes a parent or guardian of a pupil to petition the governing board of the school district in which the pupil is enrolled to authorize the attendance of the pupil at a community college as a special full-time student on the ground that the pupil would benefit from advanced scholastic or vocational work that would be made available at a community college.

The bill would require the governing board of a community college district to assign a low enrollment priority to special part-time or full-time students in order to ensure that these students do not displace regularly admitted students.

<p>Special part-time or full-time students are assigned lowest enrollment priority</p>

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

48800. (a) The governing board of a school district may determine which pupils would benefit from advanced scholastic or vocational work. The intent of this section is to provide educational enrichment opportunities for a limited number of eligible pupils, rather than to reduce current course requirements of elementary and secondary

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schools, and also to help ensure a smoother transition from high school to college for pupils by providing them with greater exposure to the collegiate atmosphere. The governing board may authorize those pupils, upon recommendation of the principal of the pupil's school of attendance, and with parental consent, to attend a community college during any session or term as special part-time or full-time students and to undertake one or more courses of instruction offered at the community college level.

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

(c) The students shall receive credit for community college courses that they complete at the level determined appropriate by the school district and community college district governing boards.

(d) (1) The principal of a school may recommend a pupil for community college summer session only if that pupil meets all 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 may not recommend for community college summer session attendance more than 5 percent

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of the total number of pupils who completed that grade immediately prior to the time of recommendation.

(3) A pupil recommended by his or her principal for enrollment in a college-level advanced scholastic summer session course or in a vocational community college summer session course shall not be included in determining the 5 percent of pupils recommended if all of the following criteria are met:

(A) The course is offered by a middle college high school or an early college high school, as defined by paragraph (4).

(B) The high school principal who makes the recommendation provides data to the Chancellor of the California Community Colleges at the request of that office for purposes of preparing the annual report pursuant to paragraph (5).

(C) The course meets one of the following criteria:

(i) It is a for credit, lower division, college-level course 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.

(ii) The course is a for credit, college-level, occupational course 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.

(4) For purposes of this section, a "middle college high school" or an "early college high school" means a high school that meets all

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of the following criteria:

(A) The school has an enrollment of 400 or fewer pupils, and is recognized by the department and by the Chancellor of the California Community Colleges as a district school that has been assigned a County-District-School code by the department.

(B) The school's program is sponsored by a legally binding memorandum of understanding or similar formal agreement between a sponsoring local educational agency and a community college district that establishes cogovernance and resource allocation policies and procedures for the cosponsored school. (C) The school serves cohorts of pupils in a coherent high school and community college program of study that includes, as a clearly identified outcome for each pupil, a high school diploma and achievement of, or preparation for, completion of an associate degree, eligibility for transfer to a four-year college or university, or completion of a community college certificate program in a vocational, technical, or business occupation.

(5) On or before January 1, 2007, and on or before January 1 of each year thereafter, the Chancellor of the California Community Colleges shall report to the Department of Finance the number of pupils recommended pursuant to paragraph (3) who enroll in community college summer session courses.

(6) The Board of Governors of the California Community Colleges may not include enrollment growth attributable to paragraph (3) as part of its annual budget request for the California Community Colleges.

(7) Notwithstanding Article 3 (commencing with Section 33050) of

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Chapter 1 of Part 20, compliance with this subdivision may not be waived.

(e) Paragraphs (3), (4), (5), and (6) of subdivision (d) shall become inoperative on January 1, 2011.

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

76001. (a) The governing board of a community college district may 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 Section 48800 or 48800.5.

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

(c) 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 Sections 48802 and 76002. Credit for courses completed shall be at the level determined to be appropriate by the school district and community college district governing boards.

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

(e) *The governing board of a community college district shall*

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assign a low enrollment priority to special part-time or full-time students described in subdivision (a) in order to ensure that these students do not displace regularly admitted students.

**Special part-time or full-time students
are assigned lowest enrollment priority**

Bill Number 1303 Chaptered

An act to amend Section 48800 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 1303, Runner Pupils: concurrent enrollment: high school: community college.

(1) 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. Existing law exempts from the specified 5% a pupil recommended by his or her

CA Senate Bill 1303 (2006)

principal for enrollment in a college-level advanced scholastic summer session course or vocational community college summer session course, if all of the specified criteria are met.

This bill, instead, would exempt from the 5% limitation a pupil recommended by his or her principal for enrollment in a course that does not offer college credit in English language arts or mathematics, but is necessary to assist specified pupils pass the California High School Exit Exam, and the principal who makes the recommendation provides certain data to the Chancellor of the California Community Colleges, as specified.

5% limit exemption will not include students recommended for noncredit math or English courses which will assist in passing CAHSEE

Existing law requires the Chancellor of the California Community Colleges, on or before January 1, 2007, and on or before January 1 of each year thereafter, to report to the Department of Finance the number of pupils recommended pursuant to the above exemption who enroll in community college summer session courses.

This bill would require the chancellor, on or before November 1, 2007, and on or before January 1 of each year thereafter, to also report to the Department of Finance the number of pupils who receive a passing grade in the above community college summer session courses.

(2) Existing law repeals the exemption and related provisions as of January 1, 2011.

This bill would change the repeal date to January 1, 2009.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

48800. (a) The governing board of a school district may determine

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

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

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

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

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

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(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 may not recommend for community college summer session attendance more than 5 percent of the total number of pupils who completed that grade immediately prior to the time of recommendation.

High school Principal or designee are responsible for student recommendation and keeping records of the number of students being recommended

(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 (C), 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.

Developmental classes to assist in passing of CAHSEE but the student must meet eligibility requirements

(C) The course is necessary to assist a pupil who has not passed

CA Senate Bill 1303 (2006)

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.

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

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

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

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

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

Bill Number 1437 Chaptered

An act to amend Section 48800 of, to add Section 71096 to, and to add and repeal Article 2 (commencing with Section 78910.10) of Chapter 7 of Part 48 of Division 7 of Title 3 of, the Education Code, and to amend Section 280 of the Public Utilities Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1437, Padilla. Education technology: California Virtual Campus: pupils of public high schools: community college enrollment.

(1) Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes various programs for the purpose of enhancing and implementing education technology at community college districts.

This bill would, pursuant to funding provided to the Board of Governors of the California Community Colleges, authorize the California Virtual Campus to pursue specified purposes relating to education technology to the extent funding is available. The bill would authorize the California Virtual Campus to partner with other educational entities and community-based organizations to facilitate ongoing collaboration and joint efforts relating to the use of technology resources and Internet connectivity. The bill would authorize the California Virtual Campus grant recipients to accomplish specified objectives relating to online education. The

CA Senate Bill 1437 (2008)

bill would require the board of governors, by February 28, 2009, to require the California Virtual Campus to establish a memorandum of understanding with at least 10 community-based organizations, as specified, that provide residents in low-income neighborhoods with access to high-speed networking and computers. The bill would require that the 10 community-based organizations be selected by a 6-member committee convened by the California Virtual Campus. The bill would require the California Virtual Campus to ensure that pilot program participants have access to adequate technical and operational support. The bill would require, on or before July 1, 2013, the lead agency for the California Virtual Campus to contract for an independent evaluation of, and submit a report to the Public Utilities Commission on, the achievements of the California Virtual Campus' joint efforts with community-based organizations. The bill would limit community college local assistance expenditures to extend high-speed network connectivity to the community-based organizations to \$100,000. The bill would apply to the University of California to the extent that the Regents of the University of California, acting by appropriate resolution, make it applicable. The bill would repeal these provisions of law on January 1, 2014.

(2) Existing law requires the Public Utilities Commission to develop, implement, and administer a program to advance universal service by providing discounted rates to qualifying schools, libraries, hospitals, health clinics, and community organizations, consistent with a specific law.

This bill would specify that a qualifying school under that program must maintain kindergarten or any of grades 1 to 12,

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inclusive, and would make community colleges eligible for receipt of funding under the program. The bill would require the office of the Chancellor of the California Community Colleges to report specified discount amount information to the Department of Finance no later than September 1 of each year for the immediately preceding fiscal year.

(3) 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.

(4) This bill would incorporate additional changes in Section 48800 of the Education Code proposed by AB 1821, that would become operative only if AB 1821 and this bill are both chaptered and become effective on or before January 1, 2009, and this bill is chaptered

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last.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

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

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

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

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(d) (1) The principal of a school may recommend a pupil for community college summer session only if that pupil meets all 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 prior to 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 (C), 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

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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 prior to the end of his or her senior year, or will complete all remaining graduation requirements during a community college summer session, which he or she is recommended to enroll in, following his or her senior year of high school.

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

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

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

(e) Paragraphs (3), (4), and (5) of subdivision (d) shall become

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inoperative on January 1, 2014.

SEC. 1.5. Section 48800 of the Education Code is amended to read:

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

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

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

(d) (1) The principal of a school may recommend a pupil for

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community college summer session only if that pupil meets all 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 prior to 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 (C), 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

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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 prior to the end of his or her senior year, or will complete all remaining graduation requirements during a community college summer session, which he or she is recommended to enroll in, following his or her senior year of high school.

(4) On or before March 1 of each year, the Chancellor of the California Community Colleges shall report to the Department of Finance the number of pupils recommended pursuant to paragraph (3) who enroll in community college summer session courses and who receive a passing grade. The report shall be integrated with the report required in subdivision (c) of Section 76002. The combined report shall maintain the distinction between the two pupil populations referenced in this section and in Section 76002.

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

(6) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20 of Division 2, compliance with this subdivision

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may not be waived.

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

SEC. 2. Section 71096 is added to the Education Code, to read:

71096. The office of the Chancellor of the California Community Colleges shall report to the Department of Finance no later than September 1 of each year for the preceding fiscal year both of the following:

(a) The amount of discounts authorized by Section 280 of the Public Utilities Code for community colleges that reduce community college district costs.

(b) The amount of discounts authorized by Section 280 of the Public Utilities Code that have the effect of reducing the cost of local assistance provided by the office of the chancellor as appropriated pursuant to Schedule (14) of Item 6870-101-0001 of Section 2.00 of the Budget Act of 2007 and any successive appropriations for the same purpose in subsequent fiscal years for maintaining connectivity for the community college districts.

SEC. 3. Article 2 (commencing with Section 78910.10) is added to Chapter 7 of Part 48 of Division 7 of Title 3 of the Education Code, to read:

Article 2. California Virtual Campus

78910.10. (a) (1) The California Virtual Campus, pursuant to funding provided to the Board of Governors of the California Community Colleges for this purpose in the annual Budget Act, may pursue all of the following purposes, to the extent funding is available:

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(A) To enrich formal and informal educational experiences and improve students' academic performance by supporting the development of highly engaging, research-based innovations in teaching and learning in K-12 public schools and the California Community Colleges, the California State University, and the University of California.

(B) To enhance the awareness of, and access to, highly engaging online courses of study, emphasizing courses of study that support a diverse and highly skilled science, technology, engineering, and mathematics workforce.

(C) To support education research, the implementation of research-based practices, and promote economic development through the use of next generation advanced network infrastructure, services, and network technologies that enable collaboration and resource sharing between formal and informal educators in K-12 public schools, the California Community Colleges, the California State University, the University of California, independent colleges and universities, public libraries, and community-based organizations at locations across the state.

(D) To increase access to next generation Internet services, 21st century workforce development programs, and e-government services for students and staff served or employed by education entities and students served primarily online through partnerships with public libraries and community-based organizations.

(E) To enhance access to health care education and training programs to current or future health care workers.

(F) To manage digital assets and develop contracts for services

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necessary to provide the technical and management support needed to maximize the benefits of the high-speed, high-bandwidth network infrastructure available to public higher education entities in California.

(G) Through the aggregation of demand for network enabled technologies and related services from public education entities, and through partnerships with the private sector, to provide education entities with access to technical support and staff who can facilitate statewide efforts that support innovations in teaching and learning that are necessary to provide for a well-educated citizenry, and economic and 21st century workforce development.

(2) To accomplish the purposes of paragraph (1), the California Virtual Campus may partner with local educational agencies, the State Department of Education, the 11 regional California Technology Assistance Projects, the California Community Colleges, the California State University, the University of California, independent colleges and universities, public libraries, and community-based organizations to facilitate ongoing collaboration and joint efforts relating to the use of technology resources and high-speed Internet connectivity to support teaching, learning, workforce development, and research.

(3) Efforts conducted as a result of this chapter shall not prohibit or otherwise exclude the ability of existing or new educational technology programs from being developed, expanded, or enhanced.

(b) For purposes of this article, the following terms have the following meanings:

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(1) "Online courses of study" means any of the following:

(A) Online teaching, learning, and research resources, including, but not necessarily limited to, books, course materials, video materials, interactive lessons, tests, or software, the copyrights of which have expired, or have been released with an intellectual property license that permits their free use or repurposing by others without the permission of the original authors or creators of the learning materials or resources.

(B) Professional development opportunities for formal and informal educators who desire to use the resources in subparagraph (A).

(C) Online instruction.

(2) "Online instruction" means technology enabled online real time (synchronous) interaction between the instructor and the student, near time (asynchronous) interaction between the instructor and the student, or any combination thereof.

(c) The California Virtual Campus grant recipient may accomplish all of the following:

(1) Convene at least four leadership stakeholder group meetings annually comprised of representatives from the State Department of Education, the California Technology Assistance Project, and other related programs administered through the department, local education agencies, including adult education, the California Community Colleges, the California State University, the University of California, independent colleges and universities, the California State Library, and representatives from community-based organizations to ensure the efforts affecting segments represented are appropriately meeting the needs of those segments. The leadership

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stakeholder group shall also coordinate and obtain assistance with the implementation of efforts delineated in this article, to identify and maintain an up-to-date list of the technology resources and tools that are necessary to support innovation in teaching and learning, and to identify opportunities for leveraging resources and expertise for meeting those needs in an efficient and cost-effective manner.

(2) Lead efforts to make online courses of study available across the state that include, but are not limited to, the following:

(A) Developing online courses of study that are pedagogically sound and fully accessible, in compliance with the federal Americans with Disabilities Act (Public Law 101-336), by students with varying learning styles and disabilities.

(i) The development of K-12 online courses pursuant to this subparagraph shall be achieved in partnership with local education agencies and the California Technology Assistance Project.

(ii) Online courses developed for grades K-12 pursuant to this subparagraph shall be aligned to the California academic content standards and guidelines for online courses.

(B) Overseeing the development of at least 12 model online courses of study that, collectively, would allow students to meet the requirements of the Intersegmental General Education Transfer Curriculum (IGETC) and at least two courses that support basic skills education courses in English, English as a second language, or mathematics.

(C) Encouraging the entities listed in paragraph (1) to do both of the following:

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(i) Make accessible to each other their courses of study that are funded by the state.

(ii) Allow their courses of study to be accessible to the general public if they determine access would not inhibit their ability to provide appropriate protection of the state's intellectual property rights.

(3) Ensure that the learning objects created as part of the California Virtual Campus online courses of study with state General Fund revenues are linked to digital content libraries that include information about course content freely available to California educators and students.

(4) Develop formal partnership agreements between the entities listed in paragraph (1) and the California Virtual Campus, including course articulation agreements that allow qualified high school students to accelerate the completion of requirements for a high school diploma and a two-year or four-year degree and agreements that provide opportunities for part-time faculty teaching online to obtain full-time employment teaching online.

(5) Develop formal partnership agreements with the entities listed in paragraph (1) and others to enhance access to professional development courses that introduce faculty, teachers, staff, and college course developers to the conceptual development, creation, and production methodologies that underlie the development of online courses of study and support students' successful completion of those courses. The professional development opportunities may include, but not necessarily be limited to, all of the following:

(A) Addressing issues relating to copyright, permission for the

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use or reuse of material, use of resources in the public domain, and other intellectual property concepts.

(B) Accessibility for students with disabilities.

(C) Factors to ensure that content is culturally relevant to a diverse student body.

(D) Delivery options that incorporate multiple learning styles and strategies.

(6) Develop formal partnership agreements with entities, including, but not limited to, those listed in paragraph (1), to ensure access to online professional learning communities that incorporate the use of Internet-based collaboration tools and to support joint discussions between K-12 educators, higher education faculty and staff, and others to examine student performance data, student learning objectives, curriculum, and other issues that relate to students' academic success and preparation for the workforce.

(7) In partnership with entities, including those listed in paragraph (1), develop an e-portfolio system that allows participating students to demonstrate their attainment of academic learning objectives, skills and knowledge that relate to their career interests, and completion of prerequisites for participation in courses or training programs. The e-portfolio system may do all of the following:

(A) Ensure that student privacy is protected in accordance with existing law.

(B) Comply with accessibility laws for students with disabilities.

(C) Be designed in a manner that supports the use of e-portfolio content in the accreditation requirements of schools, colleges, and

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universities.

(8) In partnership with entities, including those listed in paragraph (1), identify opportunities to enhance students' access to medical education and medical services through the use of high-speed Internet connections to the campuses, and opportunities for education programs and services to support the telemedicine efforts taking place within the state.

(d) The lead agency for the California Virtual Campus, in consultation with the leadership stakeholder group described in paragraph (1) of subdivision (c) if that group is convened by the California Virtual Campus grant recipient, shall contract with an independent third party with expertise in online teaching, learning, and the development of online courses of study, as approved by the board, to evaluate the California Virtual Campus. The evaluation shall include, but not be limited to, an assessment of the number of faculty, teachers, consortia, informal educators, and students that use the online courses of study, the quality of students' experiences, student grades earned, and the cost of the online course content, comparing the online course content with traditional textbooks. The board may require additional information that it determines to be necessary to evaluate the effectiveness and viability of the California Virtual Campus. This evaluation shall be submitted to the Legislature no later than three years of the enactment of this act.

78910.15. (a) By February 28, 2009, the board shall require the California Virtual Campus to establish memorandums of understanding with at least 10 community-based organizations specified in paragraph

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(2) of subdivision (c) of Section 280.5 of the Public Utilities Code, that provide residents in low-income neighborhoods with access to high-speed networking and computers. The memorandum of understanding shall document the California Virtual Campus' commitment to do all of the following:

(1) Provide high-speed network connectivity to the site.

(2) Provide access to online courses of study and tutoring services.

(3) Work with the community-based organization, and partner with local educational agencies, the California Technology Assistance Project, and other state-supported K-12 educational technology programs, as appropriate, to plan and promote joint educational offerings that are delivered online and supported by the staff of a community-based organization that can facilitate student use of technology.

(b) The 10 community-based organizations shall be selected on a competitive basis by a six-member selection committee convened by the California Virtual Campus. Members of the selection committee shall include:

(1) Two representatives of community-based organizations appointed by the Chancellor of the California Community Colleges.

(2) One community college representative appointed by the Chancellor of the California Community Colleges.

(3) One representative from a K-12 school district appointed by the Superintendent of Public Instruction.

(4) One representative from the California State University appointed by the Chancellor of the California State University

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system.

(5) One representative appointed by the California Emerging Technologies Fund Committee.

(c) The selection committee convened pursuant to subdivision (b) shall ensure that no less than one community-based organization is selected from each of the nine economic regions identified by the California Economic Strategy Panel, and that all sites are willing and able to support academic offerings as outlined in the request for proposals.

(d) The California Virtual Campus shall ensure that pilot project participants have access to adequate technical and operational support from an individual or entity under contract with the California Virtual Campus with expertise in the operation and management of community-based organizations to enable the site to successfully meet obligations set forth in the memorandum of understanding.

(e) On or before July 1, 2013, the lead agency for the California Virtual Campus shall contract for an independent evaluation, as approved by the board, and shall submit a report to the Public Utilities Commission, or its designee, that documents the extent to which the California Virtual Campus' joint efforts with the 10 community-based organizations have achieved all of the following:

(1) Increased the range of offerings available at each site to address the digital divide in accordance with subdivision (e) of Section 280.5 of the Public Utilities Code.

(2) Provided for equity of access to high-speed communications networks, the Internet, and other services that provide social

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benefits in accordance with the legislative findings and declarations contained in Section 871.7 of the Public Utilities Code, including, but not necessarily limited to, all of the following:

(A) Improving the quality of life among the residents of California.

(B) Expanding access to public and private resources for education, training, and commerce.

(C) Increasing access to public resources enhancing public health and safety.

(D) Assisting in bridging the digital divide through expanded access to new technologies by low-income, disabled, or otherwise disadvantaged Californians.

(E) Shifting traffic patterns by enabling telecommuting, thereby helping to improve air quality in all areas of the state and mitigating the need for highway expansion.

(3) Supported participation in online offerings provided by the California Virtual Campus in accordance with Section 78910.10.

(f) In the event that the board determines that the joint efforts of the California Virtual Campus and the community-based organizations have been successful pursuant to subdivision (e), the board shall submit a plan to the Legislature and the Governor by January 1, 2015, which contains recommendations for expanding the number of sites partnering with the California Virtual Campus, conditions for expansion, and recommendations for ways of addressing any potential funding requirements.

(g) Community college local assistance expenditures to extend high-speed network connectivity to community-based organizations

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that partner with community colleges for instructional delivery pursuant to this section shall not exceed one hundred thousand dollars (\$100,000).

78910.20. (a) The California Virtual Campus may form a business advisory group to assist with the development of a plan which outlines methods for the California Virtual Campus and the entities listed in paragraph (1) of subdivision (c) of Section 78910.10 to work together to strengthen the preparation of a diverse and highly skilled science, technology, engineering, and mathematics workforce, and to address workforce shortages. The plan shall identify existing resources and programs that will be more accessible due to the use of network enabled technologies, and methods that are effective due to the use of network enabled technologies.

(b) By March 1, 2009, the California Virtual Campus may submit the plan developed in accordance with subdivision (a) to the board, the Legislature, and the Governor.

78910.25. No provision of this article shall apply to the University of California except to the extent that the Regents of the University of California, by appropriate resolution, make the provision applicable.

78910.30. This article shall remain in effect until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 4. Section 280 of the Public Utilities Code is amended to read:

280. (a) The commission shall develop, implement, and administer

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a program to advance universal service by providing discounted rates to qualifying schools maintaining kindergarten or any of grades 1 to 12, inclusive, community colleges, libraries, hospitals, health clinics, and community organizations, consistent with Chapter 278 of the Statutes of 1994.

(b) There is hereby created the California Teleconnect Fund Administrative Committee, which is an advisory board to advise the commission regarding the development, implementation, and administration of a program to advance universal service by providing discounted rates to qualifying schools maintaining kindergarten or any of grades 1 to 12, inclusive, community colleges, libraries, hospitals, health clinics, and community organizations, consistent with Chapter 278 of the Statutes of 1994, and to carry out the program pursuant to the commission's direction, control, and approval.

(c) All revenues collected by telephone corporations in rates authorized by the commission to fund the program specified in subdivision (a) shall be submitted to the commission pursuant to a schedule established by the commission. The commission shall transfer the moneys received to the Controller for deposit in the California Teleconnect Fund Administrative Committee Fund. All interest earned by moneys in the fund shall be deposited in the fund.

(d) Moneys appropriated from the California Teleconnect Fund Administrative Committee Fund to the commission shall be utilized exclusively by the commission for the program specified in subdivision (a), including all costs of the board and the commission associated with the administration and oversight of the program and

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the fund.

(e) Moneys loaned from the California Teleconnect Fund Administrative Committee Fund in the Budget Act of 2003 are subject to Section 16320 of the Government Code. If the commission determines a need for moneys in the California Teleconnect Fund Administrative Committee Fund, the commission shall notify the Director of Finance of the need, as specified in Section 16320 of the Government Code. The commission may not increase the rates authorized by the commission to fund the program specified in subdivision (b) while moneys loaned from the California Teleconnect Fund Administrative Committee Fund in the Budget Act of 2003 are outstanding unless both of the following conditions are satisfied:

(1) The Director of Finance, after making a determination pursuant to subdivision (b) of Section 16320 of the Government Code, does not order repayment of all or a portion of any loan from the California Teleconnect Fund Administrative Committee Fund within 30 days of notification by the commission of the need for the moneys.

(2) The commission notifies the Director of Finance and the Chairperson of the Joint Legislative Budget Committee in writing that it intends to increase the rates authorized by the commission to fund the program specified in subdivision (a). The notification required pursuant to this paragraph shall be made 30 days in advance of the intended rate increase.

(f) Subdivision (e) shall become inoperative upon full repayment or discharge of all moneys loaned from the California Teleconnect Fund Administrative Committee Fund in the Budget Act of 2003.

SEC. 5. Section 1.5 of this bill incorporates amendments to

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Section 48800 of the Education Code proposed by both this bill and AB 1821. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2009, (2) each bill amends Section 48800 of the Education Code, and (3) this bill is enacted after AB 1821, in which case Section 1 of this bill shall not become operative.

Bill Number 1316 Chaptered

An act to amend Section 46141 of, and to add Section 46146.5 to, the Education Code, relating to school attendance.

LEGISLATIVE COUNSEL'S DIGEST

SB 1316, Hancock. School attendance: early and middle college high schools.

Existing law provides that the minimum schoolday in any high school is 240 minutes, except for, among other entities, an evening high school, a regional occupational center, or a continuation high school.

This bill would also exempt an early college high school and a middle college high school from the 240-minute minimum schoolday. The bill would instead provide that a day of attendance for an early college high school pupil or middle college high school pupil is 180 minutes if the pupil is a special part-time student enrolled in a community college under specified provisions, or the pupil is in grades 11 and 12 and is also enrolled part time in classes of the California State University or the University of California. The bill would provide that a day of attendance for an early college high school pupil or middle college high school pupil who is neither a special part-time student enrolled in a community college nor enrolled part time in classes of the California State University or the University of California is 240 minutes. The bill would state findings and declarations regarding the pupils for whom an early college high school is designed and the key elements of an early

Exemption to 240 minute school day: 180 minutes only required for Early College or Middle College participants

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college high school.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Early college high schools are innovative partnerships between public secondary schools and local community colleges that allow pupils to earn a high school diploma and two years of college credit in five years or less.

(b) Early college high schools are small, autonomous schools that blend high school and college into a coherent educational program. Pupils begin taking college courses as soon as they demonstrate preparedness, and the credits earned can be applied toward completing an associate's degree, qualifying for transfer to a four-year university, or earning certification in a vocation that provides a family-sustaining wage.

(c) Early college high schools are designed for pupils from communities that are underrepresented in postsecondary education, including pupils who have not had access to the academic preparation needed to meet college readiness standards, pupils for whom the cost of college is prohibitive, pupils of color, first-generation college-bound pupils, and English learners.

(d) Early college high schools can be organized and operated in a variety of ways depending on the local needs of the school district, schoolsite, and community college.

(e) The key elements of an early college high school may include, but not be limited to, the following:

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(1) A commitment to serve pupils underrepresented in postsecondary education.

(2) Being created and sustained by a local educational agency, a postsecondary institution, and the community, all of whom are jointly accountable for pupil success.

(3) In conjunction with postsecondary institution partners and the community, joint development of an integrated academic program so pupils are able to earn one to two years of transferable college credit that leads to college completion.

(4) The opportunity for pupils to earn a high school diploma and at least two years of college credit in five years or less. The two years of college credit should culminate in:

(A) An associate's degree.

(B) Completion of a vocational or occupational training program.

(C) Eligibility to transfer as a junior to a four-year college or university.

(5) A personalized learning environment with an effective pupil support network that develops academic and social skills as well as the behaviors and conditions necessary for college completion and maximum pupil success.

(6) A location on or near the partner community college campus where college services, facilities, and resources are available and welcoming to pupils attending an early college high school.

SEC. 2. Section 46141 of the Education Code is amended to read:

46141. *The minimum schoolday in a high school is 240 minutes, except in an evening high school, an early college high school, a middle college high school, a regional occupational center, an*

Minimum day defined by location

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opportunity school and in opportunity classes, a continuation high school, in continuation education classes, in late afternoon or Saturday occupationally organized vocational training programs conducted under a federally approved plan for vocational education, and for students enrolled in a work experience education program approved under the provisions of Article 7 (commencing with Section 51760) of Chapter 5 of Part 28.

SEC. 3. Section 46146.5 is added to the Education Code, to read:

46146.5. (a) A day of attendance for a pupil enrolled in grades 11 and 12 at an early college high school or middle college high school is 180 minutes of attendance if the pupil is also enrolled part time in classes of the California State University or the University of California for which academic credit will be provided upon satisfactory completion of enrolled courses.

(b) A day of attendance for a pupil enrolled in an early college high school or middle college high school, who is also a special part-time student enrolled in a community college under Article 1 (commencing with Section 48800) of Chapter 5 of Part 27, and who will receive academic credit upon satisfactory completion of enrolled courses, is 180 minutes of attendance.

(c) A day of attendance for a pupil enrolled in an early college high school or middle college high school who does not satisfy subdivision (a) or (b) is 240 minutes of attendance.

Minimum day for Early College or Middle College student with special admit status
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Bill Number 150 Chaptered

An act to amend Section 76140 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 150, Lara. Pupils: concurrent enrollment in secondary school and community college: nonresident tuition exemption.

Existing law authorizes the governing board of a school district to allow pupils whom the school district has determined would benefit from advanced scholastic or vocational work to attend a community college as special part-time or full-time students, as specified. Existing law authorizes community college governing boards to exempt these special part-time students from paying the \$46 per unit per semester enrollment fee.

This bill would authorize a community college district to exempt a pupil attending a community college as a special part-time student from paying nonresident tuition at the community college.

Special or part-time student exempt from paying tuition
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This bill would incorporate changes to this provision proposed by both this bill and SB 141, contingent on the prior enactment of that bill, as specified.

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

SECTION 1.

Section 76140 of the Education Code, as added by Section 66 of Chapter 38 of the Statutes of 2012, is amended to read:

76140.

(a) *A community college district may admit and shall charge a tuition*

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fee to nonresident students. The district may exempt from all or parts of the fee any person described in paragraph (1), (2), (3), or (4):

(1) All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this paragraph shall not be made on an individual basis.

(2) Any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. Not more than 10 percent of the nonresident foreign students attending any community college district may be so exempted. Exemptions made pursuant to this paragraph may be made on an individual basis.

(3) (A) A student who, as of August 29, 2005, was enrolled, or admitted with an intention to enroll, in the fall term of the 2005-06 academic year in a regionally accredited institution of higher education in Alabama, Louisiana, or Mississippi, and who could not continue his or her attendance at that institution as a direct consequence of damage sustained by that institution as a result of Hurricane Katrina.

(B) The chancellor shall develop guidelines for the implementation of this paragraph. These guidelines shall include standards for appropriate documentation of student eligibility to the extent feasible.

(C) This paragraph shall apply only to the 2005-06 academic year.

(4) A special part-time student admitted pursuant to Section 76001.

Dual Enrollment student

(b) A district may contract with a state, a county contiguous to California, the federal government, or a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

(c) Nonresident students shall not be reported as full-time equivalent

CCC cannot claim FTES for nonresident students

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students (FTES) for state apportionment purposes, except as provided by subdivision (j) or another statute, in which case a nonresident tuition fee may not be charged.

(d) The nonresident tuition fee shall be set by the governing board of each community college district not later than February 1 of each year for the succeeding fiscal year. The governing board of each community college district shall provide nonresident students with notice of nonresident tuition fee changes during the spring term before the fall term in which the change will take effect. Nonresident tuition fee increases shall be gradual, moderate, and predictable. The fee may be paid in installments, as determined by the governing board of the district.

(e) (1) The fee established by the governing board pursuant to subdivision (d) shall represent for nonresident students enrolled in 30 semester units or 45 quarter units of credit per fiscal year one or more of the following:

(A) The amount that was expended by the district for the expense of education as defined by the California Community College Budget and Accounting Manual in the preceding fiscal year increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the current fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending in the district in the preceding fiscal year. However, if for the district's preceding fiscal year FTES of all students attending in the district in noncredit courses is equal to, or greater than, 10 percent of the district's total FTES attending in the district, the district may substitute the data for expense of education in grades 13 and 14 and FTES in grades 13 and 14 attending in the district.

(B) The expense of education in the preceding fiscal year of all districts increased

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by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending all districts during the preceding fiscal year. However, if the amount calculated under this paragraph for the succeeding fiscal year is less than the amount established for the current fiscal year or for any of the past four fiscal years, the district may set the nonresident tuition fee at the greater of the current or any of the past four-year amounts.

(C) An amount not to exceed the fee established by the governing board of any contiguous district.

(D) An amount not to exceed the amount that was expended by the district for the expense of education, but in no case less than the statewide average as set forth in subparagraph (B).

(E) An amount no greater than the average of the nonresident tuition fees of public community colleges of no less than 12 states that are comparable to California in cost of living. The determination of comparable states shall be based on a composite cost-of-living index as determined by the United States Department of Labor or a cooperating government agency.

(2) The additional revenue generated by the increased nonresident tuition permitted under the amendments made to this subdivision during the 2009-10 Regular Session shall be used to expand and enhance services to resident students. In no event shall the admission of nonresident students come at the expense of resident enrollment.

(f) The governing board of each community college district also shall adopt a tuition fee per unit of credit for nonresident students enrolled in more or less than 15 units of credit per term by dividing the fee determined in subdivision

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(e) by 30 for colleges operating on the semester system and 45 for colleges operating on the quarter system and rounding to the nearest whole dollar. The same rate shall be uniformly charged nonresident students attending any terms or sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the term or session ends.

(g) Any loss in district revenue generated by the nonresident tuition fee shall not be offset by additional state funding.

(h) Any district that has fewer than 1,500 FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may exempt students from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(i) Any district that has more than 1,500, but less than 3,001, FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may, in any one fiscal year, exempt up to 100 FTES from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(j) The attendance of nonresident students who are exempted pursuant to subdivision (h) or (i), or pursuant to paragraph (3) of subdivision (a), from the mandatory fee requirement described in subdivision (a) for nonresident students may be reported as resident FTES for state apportionment purposes. Any nonresident student reported as resident FTES for state apportionment purposes pursuant to subdivision (h) or (i) shall pay a per unit fee that is three times the amount of the fee established for residents pursuant to Section 76300. That fee is to be included in the FTES adjustments described in Section 76300 for purposes of computing apportionments.

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SEC. 1.5.

Section 76140 of the Education Code, as added by Section 66 of Chapter 38 of the Statutes of 2012, is amended to read:

76140.

(a) A community college district may admit, and shall charge a tuition fee to, nonresident students, except that a community college district may exempt from all or parts of the fee any person described in paragraph (1), (2), (3), or (4), and shall exempt from all of the fee any person described in paragraph (5):

(1) All nonresidents who enroll for six or fewer units. Exemptions made pursuant to this paragraph shall not be made on an individual basis.

(2) Any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. Not more than 10 percent of the nonresident foreign students attending any community college district may be so exempted. Exemptions made pursuant to this paragraph may be made on an individual basis.

(3) (A) A student who, as of August 29, 2005, was enrolled, or admitted with an intention to enroll, in the fall term of the 2005-06 academic year in a regionally accredited institution of higher education in Alabama, Louisiana, or Mississippi, and who could not continue his or her attendance at that institution as a direct consequence of damage sustained by that institution as a result of Hurricane Katrina.

(B) The chancellor shall develop guidelines for the implementation of this paragraph. These guidelines shall include standards for appropriate documentation of student eligibility to the extent feasible.

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(C) This paragraph shall apply only to the 2005-06 academic year.

(4) A special part-time student admitted pursuant to Section 76001.

(5) A nonresident student who is a United States citizen who resides in a foreign country, if that nonresident meets all of the following requirements:

(A) Demonstrates a financial need for the exemption.

(B) Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act in accordance with Section 1229c of Title 8 of the United States Code. The student shall provide documents from the United States Citizenship and Immigration Services evidencing the deportation or voluntary departure of his or her parent or guardian.

(C) Moved abroad as a result of the deportation or voluntary departure specified in subparagraph (B).

(D) Lived in California immediately before moving abroad. The student shall provide information and evidence that demonstrates the student previously lived in California.

(E) Attended a public or private secondary school, as described in Sections 52 and 53, in the state for three or more years. The student shall provide documents that demonstrate his or her secondary school attendance.

(F) Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education, as that term is defined in subdivision (a) of Section 66010, will be living in California, and will file an affidavit with the institution stating that he or she intends to establish residency in California as soon as possible.

(b) A district may contract with a state, a county contiguous to California,

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the federal government, or a foreign country, or an agency thereof, for payment of all or a part of a nonresident student's tuition fee.

(c) Nonresident students shall not be reported as full-time equivalent students (FTES) for state apportionment purposes, except as provided by subdivision (j) or another statute, in which case a nonresident tuition fee may not be charged.

(d) The nonresident tuition fee shall be set by the governing board of each community college district not later than February 1 of each year for the succeeding fiscal year. The governing board of each community college district shall provide nonresident students with notice of nonresident tuition fee changes during the spring term before the fall term in which the change will take effect.

Nonresident tuition fee increases shall be gradual, moderate, and predictable.

The fee may be paid in installments, as determined by the governing board of the district.

(e) (1) The fee established by the governing board pursuant to subdivision (d) shall represent for nonresident students enrolled in 30 semester units or 45 quarter units of credit per fiscal year one or more of the following:

(A) The amount that was expended by the district for the expense of education as defined by the California Community College Budget and Accounting Manual in the preceding fiscal year increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the current fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending in the district in the preceding fiscal year. However, if for the district's preceding fiscal year FTES of all students attending in the district in noncredit courses is equal to,

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or greater than, 10 percent of the district's total FTES attending in the district, the district may substitute the data for expense of education in grades 13 and 14 and FTES in grades 13 and 14 attending in the district.

(B) The expense of education in the preceding fiscal year of all districts increased by the projected percent increase in the United States Consumer Price Index as determined by the Department of Finance for the fiscal year and succeeding fiscal year and divided by the FTES (including nonresident students) attending all districts during the preceding fiscal year. However, if the amount calculated under this paragraph for the succeeding fiscal year is less than the amount established for the current fiscal year or for any of the past four fiscal years, the district may set the nonresident tuition fee at the greater of the current or any of the past four-year amounts.

(C) An amount not to exceed the fee established by the governing board of any contiguous district.

(D) An amount not to exceed the amount that was expended by the district for the expense of education, but in no case less than the statewide average as set forth in subparagraph (B).

(E) An amount no greater than the average of the nonresident tuition fees of public community colleges of no less than 12 states that are comparable to California in cost of living. The determination of comparable states shall be based on a composite cost-of-living index as determined by the United States Department of Labor or a cooperating government agency.

(2) The additional revenue generated by the increased nonresident tuition permitted under the amendments made to this subdivision during the 2009-10 Regular Session

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shall be used to expand and enhance services to resident students. In no event shall the admission of nonresident students come at the expense of resident enrollment.

(f) The governing board of each community college district also shall adopt a tuition fee per unit of credit for nonresident students enrolled in more or less than 15 units of credit per term by dividing the fee determined in subdivision (e) by 30 for colleges operating on the semester system and 45 for colleges operating on the quarter system and rounding to the nearest whole dollar. The same rate shall be uniformly charged nonresident students attending any terms or sessions maintained by the community college. The rate charged shall be the rate established for the fiscal year in which the term or session ends.

(g) Any loss in district revenue generated by the nonresident tuition fee shall not be offset by additional state funding.

(h) Any district that has fewer than 1,500 FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may exempt students from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(i) Any district that has more than 1,500, but less than 3,001, FTES and whose boundary is within 10 miles of another state that has a reciprocity agreement with California governing student attendance and fees may, in any one fiscal year, exempt up to 100 FTES from that state from the mandatory fee requirement described in subdivision (a) for nonresident students.

(j) The attendance of nonresident students who are exempted pursuant to subdivision (h) or (i), or pursuant to paragraph (3) or (5) of subdivision (a), from

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the mandatory fee requirement described in subdivision (a) for nonresident students may be reported as resident FTES for state apportionment purposes. Any nonresident student reported as resident FTES for state apportionment purposes pursuant to subdivision (h) or (i) shall pay a per unit fee that is three times the amount of the fee established for residents pursuant to Section 76300. That fee is to be included in the FTES adjustments described in Section 76300 for purposes of computing apportionments.

SEC. 2.

Section 1.5 of this bill incorporates amendments to Section 76140 of the Education Code proposed by both this bill and Senate Bill 141. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2014, (2) each bill amends Section 76140 of the Education Code, and (3) this bill is enacted after Senate Bill 141, in which case Section 1 of this bill shall not become operative.



SANTA BARBARA CITY COLLEGE

Proposed California Legislation
(Held in Committee)

Bill Number 1409 Held

An act to amend Sections 48800 , 48800.5, 48802, 76001, and 76002 of, and to add and repeal Section 48800.1 of, and 76002 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 1409, as amended, Portantino. Pupils: concurrent enrollment in community college and secondary or elementary school.

(1) 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 to authorize pupils, with parental permission, who would benefit from advanced scholastic or vocational work, to attend community college as special part-time students 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 the principal of a secondary school from recommending, for any particular grade level, for community college summer attendance, more than 5% of the total number of pupils who completed that grade immediately prior to the time of recommendation.

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This bill would authorize school districts to enter into partnerships with community college districts to provide secondary school pupils with the opportunity to benefit from advanced scholastic, career-technical, or vocational work, or other coursework at a campus of the California Community Colleges. The bill would authorize the enrollment of a secondary school pupil in one or more courses of instruction offered by a community college on a high school campus under the terms and conditions imposed by the governing authorities of that high school instead provide that, from January 1, 2008, to December 31, 2010, inclusive, for any particular grade level, a principal may not recommend for community college summer session attendance more than 10% of the total number of pupils who completed that grade in the school year immediately prior to the time of recommendation .

The bill would prohibit, from January 1, 2008, to December 31, 2008, inclusive, a secondary school principal from recommending, for community college summer attendance, more than 15% of the total number of pupils who completed that grade immediately prior to the time of recommendation. Effective from January 1, 2009, to December 31, 2009, inclusive, the bill would raise the 15% pupil limitation to 20%. Effective January 1, 2010, the bill would raise the 20% limitation to 25% of the total number of pupils who completed that grade immediately prior to the time of recommendation. The bill would specify that pupils meeting specified criteria would not be counted for the purposes of these percentage limitations. The bill would repeal these provisions on January 1, 2011.

The bill would specify that these pupils would be included in the

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calculation of full-time equivalent students for the purposes of determining the amount of the state apportionment to be received by a community college district unless a school district has been or is to be paid an allowance or apportionment for the attendance of those pupils at that summer session.

(2) Existing law requires the Chancellor of the California Community Colleges to report to the Department of Finance the number of pupils recommended pursuant to specified criteria who enroll in community college summer session courses and who receive a passing grade, and prohibits the board of governors from including enrollment growth attributable to these pupils as part of its annual budget request for the California Community Colleges. Existing law also prohibits the State Board of Education from waiving districts from the requirement of complying with specified provisions relating to the recommendation of high school pupils for attendance at community college summer sessions.

This bill would make these provisions inapplicable after January 1, 2011.

(2)

(3) 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 each of 4 specified class categories.

This bill would instead require the Chancellor of the

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California Community Colleges to submit to the Department of Finance and the Legislature, on or before November 15, 2008, and on or before December 31 of each year thereafter, a report on the amount of FTES generated by each community college district for special part-time and special full-time students for each academic term, including summer terms, in the preceding academic year. The bill would add career technical education and coursework transferable to the California State University or the University of California to the class categories for which these reports would be made. The bill would require the report to distinguish the total number of special admit FTES enrolled in these categories for the fall, winter, spring, and summer sessions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

48800. (a) The governing board of a school district may determine which pupils would benefit from advanced scholastic or vocational work. The intent of this section is to provide educational enrichment opportunities for a limited number of eligible pupils, rather than to reduce current course requirements of elementary and secondary schools, and also to help ensure a smoother transition from high school to college for pupils by providing them with greater exposure to the collegiate atmosphere. The governing board may authorize those pupils, upon recommendation of the principal of the pupil's school of attendance, and with parental

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consent, to attend a community college during any session or term as special part-time or full-time students and to undertake one or more courses of instruction offered at the community college level.

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

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

(d) (1) The principal of a school may recommend a pupil for community college summer session only if that pupil meets all 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 each grade level, a principal may not recommend for community college summer session attendance more than 5 percent of the total number of pupils who completed that grade immediately prior to the time of recommendation. Effective from January 1, 2008, to December 31, 2010, inclusive, for each grade level, a principal may not recommend for community college summer session attendance more than 10 percent

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of the total number of pupils who completed that grade in the school year immediately prior to 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 limited number 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 (C), 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.

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

(4) On or before November 1, 2007, and on or before January 1 of each year thereafter 2009, 2010, and 2011, the Chancellor of the California Community Colleges shall report to the Department of Finance the number of pupils recommended pursuant to paragraph (3) who enroll in community college summer session courses and who receive a passing grade.

(5) The From January 1, 2008, to December 31, 2010, inclusive, the Board of Governors of the California Community Colleges may not include enrollment growth attributable to paragraph (3) as part of its annual budget request for the California Community Colleges.

(6) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20, from January 1, 2008, to December 31, 2010, inclusive, compliance with this subdivision may not be waived.

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

SEC. 2. Section 76002 of the Education Code is amended to read:

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

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

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

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

(i) The college catalog.

(ii) The regular schedule of classes.

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

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

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

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

(b) The governing board of a community college district may

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restrict the admission or enrollment of a special part-time or full-time student during any session based on any of the following criteria:

(1) Age.

(2) Completion of a specified grade level.

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

(c) The Chancellor of the California Community Colleges shall prepare and submit to the Department of Finance and the Legislature, on or before March 1, 2004, and March 1 of each year thereafter , a report on the amount of FTES claimed by each community college district for special part-time and special full-time students for the preceding academic year in each of the following class categories:

(1) Noncredit.

(2) Nondegree-applicable.

(3) Degree-applicable, excluding physical education.

(4) Degree-applicable physical education.

(5) Career technical education.

(6) Coursework transferable to the California State University or the University of California.

(d) At a minimum, this report shall distinguish the total number of special admit FTES enrolled in the categories set forth in subdivisions (b) and (c) for the fall, winter, spring, and summer sessions.

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(d)

(e) The Board of Governors of the California Community

Colleges shall adopt rules and regulations to implement this section.

All matter omitted in this version of the bill appears in the bill

as amended in Senate, July 18, 2007 (JR11)

Bill Number 78 Held

An act to amend Sections 48800, 48800.5, 48802, and 76001 of , and to add Section 48800.6 to, the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

AB 78, as amended, Portantino. Pupils: concurrent enrollment in community college and secondary or elementary school.

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 to determine which pupils would benefit from advanced scholastic or vocational work. In addition, existing law authorizes the governing board of a school district to authorize these pupils, with parental permission, to attend community college as special part-time students to undertake one or more courses of instruction at the community college level, in order to provide these eligible pupils with educational enrichment opportunities.

This bill instead would authorize school districts to enter into partnerships with community college districts to provide secondary school pupils who have exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other program offered by the local governing board

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with the opportunity to benefit from advanced scholastic, career-technical, or other coursework at a campus of the California Community Colleges. The bill would, on or before January 1, 2011, and each year thereafter, require the Chancellor of the California Community Colleges to report to the Department of Finance and the Legislature the number of pupils who enroll in community college pursuant to these provisions, the courses these pupils enroll in, and the number of these pupils who receive a passing grade.

Existing law requires the principal of a school to determine whether a pupil meets various criteria before recommending the pupil for community college summer session, and prohibits the principal from recommending for community college summer session attendance 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, except as specified.

This bill would delete those provisions. The bill would provide a procedure for a pupil who has not yet attained secondary school level to receive approval from a school district governing board in order to attend a community college. The bill would specify that these pupils would be included in the calculation of full-time equivalent students for the purposes of determining the amount of the state apportionment to be received by a community college district.

The bill would prohibit a community college district from receiving an allowance or apportionment for an instructional activity for which a school district has been, or will be, paid.

The bill would also make conforming changes.

CCCs could not collect FTES for Dual Enrollment courses
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Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Campuses of the California Community Colleges are located throughout California, providing an educational resource for all communities.

(b) Some high school students are allowed to take classes at community colleges. These students are called "special-admits" and they participate in "concurrent enrollment programs," mainly targeted at "advanced education," primarily defined as college-level work.

(c) There are strict limits on this activity in law, providing these opportunities to only 5 percent of any high school class during summer sessions, and restricting the types of classes students may take to include only "advanced education" in most cases.

(d) A serious abuse of concurrent enrollment by a few school and community college districts several years ago resulted in statutory reform and restriction on this type of enrollment.

(e) The current restrictions inhibit local ability to make maximum use of community college facilities and opportunities, and the time has come to encourage and expand these valuable programs, but with appropriate statutory prohibitions to guard against a repeat of the abuses of the past.

(f) Allowing high school pupils to take community college courses could provide benefits to pupils and to the state in a wide array of opportunities, including more opportunities for advanced scholastic

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work, career-technical partnerships and coursework, basic skills remediation, preparation for the high school exit examination, English as a second language, and dropout prevention.

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

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

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

48800. (a) (1) The governing board of a school district may enter into a partnership with a community college district to provide secondary school pupils who have exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other programs offered by the local governing board with the opportunity to benefit from advanced scholastic, career-technical, or other coursework at a campus of the California Community Colleges. *The intent of this section is to provide a smoother transition from high school to college for pupils by providing them with greater exposure to the collegiate atmosphere, and to maximize the educational opportunities available to California's secondary school pupils by encouraging programs and partnerships between school districts and community college districts, including, but not limited to, advanced scholastic, college-level, and career-technical coursework, summer school opportunities, high school exit examination preparation, English as a second language, basic skills remediation, and dropout intervention.*

<p>Special admit students would be able to enroll in ANY class at a CCC</p>
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(2) A secondary school pupil, upon notification of the principal of the pupil's school of attendance that the pupil has exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other program offered by the local governing board, and with parental consent if the pupil is under 18 years of age, may attend a community college during any session or term as a special part-time or full-time student and undertake one or more courses of instruction offered at the community college.

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

(c) On or before January 1, 2011, and each year thereafter, the Chancellor of the California Community Colleges shall report to the Department of Finance and the Legislature the number of pupils who enrolled in community college pursuant to subdivision (a), the courses that these pupils enrolled in, and the number of these pupils who received a passing grade.

SEC. 3. Section 48800.5 of the Education Code is amended to read:

48800.5. (a) A parent or guardian of a pupil, regardless of the pupil's age or class level, may petition the governing board of the school district in which the pupil is enrolled to authorize the attendance of the pupil at a community college as a special full-time student on the ground that the pupil would benefit from the instruction that would thereby be available. If the governing board

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denies the petition, the pupil's parent or guardian may file an appeal with the county board of education, which shall render a final decision on the petition in writing within 30 days.

(b) A pupil who attends a community college as a special full-time student pursuant to this section is exempt from compulsory school attendance under Chapter 2 (commencing with Section 46100) of Part 26.

(c) A parent or guardian of a pupil who is not enrolled in a public school may directly petition the president of any community college to authorize the attendance of the pupil at the community college as a special part-time or full-time student on the ground that the pupil would benefit from the instruction that would thereby be available.

(d) Any pupil authorized to attend a community college as a special full-time student shall, nevertheless, be required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

(e) For purposes of allowances and apportionments from the State School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of special full-time students at the community college.

SEC. 4. Section 48800.6 is added to the Education Code, to read:

48800.6. (a) A pupil who has not yet attained secondary school level shall receive approval from the governing board of the school district that he or she attends before enrolling at a community college. A parent or guardian of a pupil who has not yet attained

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secondary school level may petition the governing board of the school district in which the pupil is enrolled in accordance with subdivision (a) of Section 48800.5.

(b) A parent or guardian of a pupil who has not yet attained secondary school level may directly petition the president of any community college to authorize the attendance of the pupil at the community college as a special part-time or full-time student on the ground that the pupil would benefit from the instruction that would thereby be available.

SEC. 5. SEC. 4. Section 48802 of the Education Code is amended to read:

48802. (a) For purposes of allowances and apportionments from Section B of the State School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of pupils at the community college as special part-time students pursuant to this article and as set forth in Section 76002.

(b) A school district whose pupils attend a community college as special part-time students pursuant to this article shall, for purposes of allowances and apportionments from Section A of the State School Fund, continue to receive credit for attendance by those pupils computed in the manner prescribed by law, and a pupil's attendance at school for the minimum schoolday shall be deemed a day of attendance for purposes of making the computation.

240 minutes required for minimum school day
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(c) A community college district shall not receive an allowance or an apportionment for an instructional activity for which a school district has been, or shall be, paid an allowance or an

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apportionment.

SEC. 6. SEC. 5. Section 76001 of the Education Code is amended to read:

76001. (a) The governing board of a community college district may 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 Section 48800, 48800.5, or 48800.6. Section 48800 or 48800.5.

(b) 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 Sections 48802 and 76002, provided that no school district has received reimbursement for the same instructional activity. Credit for courses completed shall be at the level determined to be appropriate by the school district and community college district governing boards.

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

(d) The governing board of a community college district shall not assign a high priority for registration or enrollment to special part-time or full-time students described in subdivision (a) in order to ensure that these students do not displace regularly admitted students.

Outside of the 240 minutes

Bill Number 555 Held

An act to add and repeal Article 1.5 (commencing with Section 48805) of Chapter 5 of Part 27 of Division 4 of Title 2 of the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

AB 555, as amended, Portantino. Community colleges: attendance by secondary school pupils: partnerships.

Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges, and requires the board to appoint an executive officer, known as the Chancellor 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 to authorize pupils, with parental permission, who would benefit from advanced scholastic or vocational work, to attend community college as special part-time students 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.

This bill would authorize the Kern, Long Beach, Los Angeles, Los Rios, and San Jose-Evergreen community college districts to enter into partnerships with school districts to provide secondary school

Ability to create a partnership between K12 and CCC
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pupils who have exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other program offered by the local governing board with the opportunity to benefit from advanced scholastic, career-technical, or vocational coursework.

The bill would require, for each partnership entered into pursuant to the bill, the affected community college district and school district to submit an annual report containing prescribed data.

The bill would require the Chancellor of the California Community Colleges to conduct an evaluation of the pilot project and submit it to the Legislature, the Director of Finance, and the Superintendent of Public Instruction by December 1, 2013.

These provisions would be repealed on January 1, 2015.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Campuses of the California Community Colleges are located throughout California, providing an educational resource for all communities.

(b) Some secondary school pupils are allowed to take classes at community colleges. These pupils are called "special-admits," and they participate in "concurrent enrollment programs," mainly targeted at "advanced education," primarily defined as college-level work.

(c) There are strict limits on this activity in law, providing

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these opportunities to only 5 percent of any high school class and restricting the types of classes pupils may take to include only "advanced education" in most cases.

(d) The current restrictions inhibit local ability to make maximum use of community college facilities and opportunities, and the time has come to encourage and expand these valuable programs.

(e) Allowing high school pupils to take community college courses could provide benefits to pupils and to the state in a wide array of opportunities, including more opportunities for advanced scholastic work, career-technical partnerships and coursework, and dropout prevention.

(f) Exposure to college classes and the college environment while in high school improves college participation rates.

(g) Concurrent enrollment saves money for both the state and the students through increased time to completion and provides for more effective use of facilities through joint use.

SEC. 2. Article 1.5 (commencing with Section 48805) is added to Chapter 5 of Part 27 of Division 4 of Title 2 of the Education Code, to read:

Article 1.5. Partnerships Between Community College Districts and School Districts

48805. The following community college districts shall be the only districts eligible to enter into a partnership under this article:

- (a) Kern.
- (b) Long Beach.
- (c) Los Angeles.

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(d) Los Rios.

(e) San Jose-Evergreen.

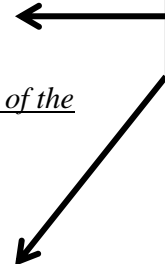
48806. (a) (1) The Notwithstanding

Section 48800, the governing board of a community college district may enter into a formal partnership with a school district or school districts located within its immediate service area to provide elementary and secondary school pupils who have exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other programs offered by the local governing board with the opportunity to benefit from advanced scholastic, career-technical, or vocational coursework. A secondary school pupil, upon notification of the principal of the pupil's school of attendance that the pupil has exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other program offered by the local governing board, and with parental consent if the pupil is under 18 years of age, may attend a community college during any session or term as a special part-time or full-time student.

(2) A participating community college district shall adopt a partnership agreement with each school district partner. The partnership agreement shall be approved by the governing board of the community college district and the governing board of the school district.

(3) (A) The partnership agreement shall outline the terms of the

Proposed agreement would require an MOU between both entities



Assembly Bill 555 (2009)

partnership, and may include, but not necessarily be limited to, the scope, nature, and schedule of courses offered. The partnership agreement may establish protocols for information sharing and joint facilities use.

(B) A copy of the partnership agreement shall be filed with the State Department of Education and with the office of the Chancellor of the California Community Colleges prior to the start of a program authorized by this article.

(4) Notwithstanding any other provision of law, any applicable open course and facilities requirements that are operative either in statute or in regulations of the Board of Governors of the California Community Colleges shall be waived for any community college district that enters into an agreement pursuant to this article for instruction for secondary school pupils on a campus of the partner school district.

(4) It is the intent of the Legislature, in enacting this article, to provide a smoother transition from high school to college for pupils by providing them with greater exposure to the collegiate atmosphere, and to maximize the educational opportunities available to California's secondary school pupils by encouraging programs and partnerships between school districts and community college districts, including advanced scholastic, vocational, and career-technical coursework, summer school opportunities, and dropout intervention.

(5) A community college district shall not provide physical education course opportunities to secondary school pupils pursuant to this article.

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(6) A pupil shall receive credit for community college courses that he or she completes at the level determined to be appropriate by the school district and community college governing boards pursuant to the partnership agreement as described in paragraph (2).

(b) For purposes of state apportionments, a community college district shall be credited additional full-time equivalent students attributable to the attendance of pupils in community college courses as special part-time students pursuant to this article.

(c) A school district the pupils of which attend community college courses as special part-time students pursuant to this article shall, for purposes of state apportionments, continue to receive credit for attendance by those pupils computed in the manner prescribed by law. A pupil's attendance at school for the minimum schoolday shall be deemed a day of attendance for purposes of making the computation.

(d) (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 article 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. Credit for courses completed shall be at the level determined to be appropriate by the governing boards of the school

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district and the community college district pursuant to the partnership agreement as described in paragraph (2) of subdivision (a).

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

(f) The governing board of a community college district shall not assign a high priority for registration or enrollment to a special part-time or full-time student attending community college pursuant to this article in order to ensure that the special students do not displace regularly admitted students.

48807. (a) For each partnership entered into pursuant to this article, the affected community college district and school district shall report annually to the office of the Chancellor of the California Community Colleges all of the following information:

(1) The total number of secondary school pupils enrolled in each program, classified by school district.

(2) The total number of successful course completions of secondary school pupils enrolled in each program, classified by school district.

(3) The total number of successful course completions of students in courses equivalent to those courses tracked under paragraph (2) in the general community college curriculum.

(b) The annual report required by this section shall be transmitted to all of the following:

(1) The Legislature.

(2) The Director of Finance.

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(3) The Superintendent.

(4) The governing boards of each of the following community college districts:

(A) Kern.

(B) Long Beach.

(C) Los Angeles.

(D) Los Rios.

(E) San Jose-Evergreen.

(5) The governing board of each participating school district.

(c) The Chancellor of the California Community Colleges shall conduct an evaluation of the pilot project established by this article. The evaluation shall incorporate, but shall not be limited to, the data submitted pursuant to subdivision (a) and shall include a method to evaluate the effectiveness of the partnerships in supporting postsecondary readiness, enrollment, and student success. The evaluation shall include a mechanism to determine the cost benefits of concurrent enrollment for participating pupils and the state. The evaluation shall be submitted to the Legislature, the Director of Finance, and the Superintendent of Public Instruction by no later than December 1, 2013.

48808. This article shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.

Bill Number 160 Held

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

LEGISLATIVE COUNSEL'S DIGEST

AB 160, as amended, Portantino. Concurrent enrollment in secondary school and community college.

(1) 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 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 authorize a pupil, upon the recommendation from a community college dean of a career technical education department or other appropriate community college career technical education administrator, and with parental consent, to attend a community college during any session or term as a special part-time or full-time student and to undertake one or more courses of career technical education offered at the community college.

Would allow for Basic Skills, CAHSEE, ESL, and courses designed to prevent dropout

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The bill also would authorize the governing board of a community college district to enter into a formal partnership with a school district or school districts located within its immediate service area to allow secondary school pupils to attend a community college if those pupils have exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other programs offered by the governing board of the school district, and if those pupils may benefit from advanced scholastic, career-technical, or vocational coursework courses, courses in basic skills remediation, preparation for the high school exit examination, or English as a 2nd language, and courses designed to prevent pupils from dropping out of high school . The bill would require the partnership agreement to outline the terms of the partnership, as specified. The bill would require a community college district and a school district, as a condition of and before adopting a partnership agreement, to take testimony from the public and approve or disapprove the proposed partnership agreement at a regularly scheduled open public hearing of their respective governing boards. The bill would require, for each partnership 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.

(2) Existing law requires the governing board of a community college district to assign a low enrollment priority to a pupil

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attending community college pursuant to a recommendation from his or her principal or school district or a petition from his or her parents, in order to ensure that these pupils, admitted as special students, do not displace regularly admitted students.

This bill would authorize the governing board of a community college district to assign an enrollment priority to students attending community college pursuant to a partnership agreement established under the bill.

Priority Registration

The bill would prohibit a community college district from receiving an allowance or apportionment for an instructional activity for which a school district has been, or will be, paid.

No FTES for CCCs if high school collects ADA

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) Campuses of the California Community Colleges are located throughout California and provide an educational resource for all communities.

(b) Existing law allows certain high school pupils to take classes at community colleges. These pupils are known as special-admits and the programs in which they participate are known as concurrent enrollment programs. The main target of these programs is advanced education and the work completed in them is primarily defined as college-level work.

(c) Existing law imposes strict limits on concurrent enrollment programs. Only 5 percent of the pupils in any high school class may

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enroll in a community college during summer sessions. In addition, the types of classes pupils may take pursuant to these programs are generally limited to advanced education classes.

(d) A serious abuse of concurrent enrollment programs by a few school districts and community college districts several years ago resulted in statutory reform and restrictions on this type of enrollment.

(e) The current restrictions inhibit the ability of school districts and their pupils to make maximum use of community college facilities and opportunities. The time has come to encourage and expand these valuable programs, but with appropriate statutory prohibitions to guard against a repeat of the abuses of the past.

(f) Allowing high school pupils to take community college courses could provide benefits to pupils and to the state in numerous ways, including more opportunities for advanced scholastic work, career-technical partnerships and coursework, basic skills remediation, preparation for the high school exit examination, English as a second language, and dropout prevention.

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

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

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

48800. (a) The governing board of a school district may determine which pupils would benefit from advanced scholastic or vocational work. The intent of this section is to provide educational enrichment opportunities for a limited number of eligible pupils, rather than

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to reduce current course requirements of elementary and secondary schools, and also to help ensure a smoother transition from high school to college for pupils by providing them with greater exposure to the collegiate atmosphere. The governing board may authorize those pupils, upon recommendation of the principal of the pupil's school of attendance, and with parental consent, to attend a community college during any session or term as special part-time or full-time students and to undertake one or more courses of instruction offered at the community college level.

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

(c) The governing board of a school district may authorize a pupil, upon the recommendation from a community college dean of a career technical education department or other appropriate community college career technical education administrator, and with parental consent, to attend a community college during any session or term as a special part-time or full-time student and to undertake one or more courses of career technical education offered at the community college.

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

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district.

(e) (1) The principal of a school may recommend a pupil for community college summer session only if that pupil meets all 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 prior to 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 (C), 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

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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 prior to the end of his or her senior year, or will complete all remaining graduation requirements during a community college summer session, which he or she is recommended to enroll in, following his or her senior year of high school.

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

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

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

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

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

48803. (a) (1) The governing board of a community college district may enter into a formal partnership with a school district or school districts located within its immediate service area in order to provide secondary school pupils who have exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other programs offered by the governing board of the school district with the opportunity to benefit from advanced scholastic, career-technical, or vocational coursework courses, courses in basic skills remediation, preparation for the high school exit examination, or English as a second language, and courses designed to prevent pupils from dropping out of high school . A secondary school pupil, upon notification of the principal of the pupil's school of attendance that the pupil has exhausted all opportunities to enroll in an equivalent course at the high school of attendance, adult education program, continuation school, regional occupational center or program, or any other program offered by the governing board of the school district, and with parental consent if the pupil is under 18 years of age, may attend a community college during any session or term as a special part-time or full-time student.

(2) A participating community college district shall adopt a partnership agreement with each school district partner. The partnership agreement shall be approved by the governing board of the

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community college district and the governing board of the school district. As a condition of and before adopting a partnership agreement, a community college district and a school district, at a regularly scheduled open public hearing of their respective governing boards, shall take testimony from the public and approve or disapprove the proposed partnership agreement.

(3) (A) The partnership agreement shall outline the terms of the partnership and may include, but not necessarily be limited to, the scope, nature, and schedule of courses offered , the academic readiness of pupils that is necessary for them to benefit from the courses offered, and the ability of pupils to benefit from those courses . The partnership agreement may establish protocols for information sharing and joint facilities use.

(B) A copy of the partnership agreement shall be filed with the department and with the Office of the Chancellor of the California Community Colleges before the start of a program authorized by this article.

(4) It is the intent of the Legislature, in enacting this section, to provide a smoother transition from high school to college for pupils by providing them with greater exposure to the collegiate atmosphere and to maximize the educational opportunities available to California's secondary school pupils by encouraging programs and partnerships between school districts and community college districts, including advanced scholastic, vocational, and career-technical coursework, summer school opportunities, and dropout intervention.

(5) A community college district shall not provide physical

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education course opportunities to secondary school pupils pursuant to this section.

(6) A pupil shall receive credit for community college courses that he or she completes at the level determined to be appropriate by the governing boards of the school district and the community college district pursuant to the partnership agreement as described in paragraph (2).

(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. Credit for courses completed shall be at the level determined to be appropriate by the governing boards of the school district and the community college district pursuant to the partnership agreement as described in paragraph (2) of subdivision (a).

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

(d) Notwithstanding subdivision (e) of Section 76001, for purposes of this section, the governing board of a community college district may assign an enrollment priority to pupils admitted as special

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part-time or full-time students under this section.

(e) Community college districts and school districts that enter into a partnership pursuant to this section shall be exempt from concurrent enrollment provisions pursuant to subdivisions (a) and (b) of, and paragraphs (1), (2), and (3) of subdivision (d) of, Section 48800.

(f) (1) For each partnership entered into pursuant to this section, the affected community college district and school district shall report annually to the Office of the Chancellor of the California Community Colleges all of the following information:

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

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

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

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

(A) The Legislature.

(B) The Director of Finance.

(C) The Superintendent.

(D) The governing board of each participating community college district.

(E) The governing board of each participating school district.



SANTA BARBARA CITY COLLEGE

Advisories and Memorandums



Service and Leadership
4400 Cathedral Oaks Road, P.O. Box 6307, Santa Barbara, California 93160-6307
(805) 964-4711 • FAX: (805) 683-4778 • Direct Dial: 683-4420 plus extension

RECEIVED

School Business Advisory Services

September 16, 1996

SBAS-4591
SANTA BARBARA CITY COLLEGE
RECEIVED

SEP 19 1996

To: K-12 School Districts
Attention: Chief Business Officials
From: Molly Marino, Administrative Services Manager
Subject: **SB 292; Concurrently Enrolled High School Pupils in College Courses**

PRESIDENT'S OFFICE

SB 292 was signed into law (Chaptered Law 298) on July 26, 1996 allowing full ADA for high school students who are attending college courses. The bill is retroactive to the 1995-96 school year and many districts may want to submit amendments to their 1995-96 P-2 based on this new law. Please review the attached description of the new legislation provided by School Services of California for details on how to take advantage of the additional ADA.

To receive the full ADA, the high school must offer 360 minutes of instruction and the student must be enrolled for a minimum day (240 minutes). Also, the college courses taken must be open to the public. Some concern has been raised, by the way the bill was written, as to whether or not hourly attendance tracking of the currently enrolled pupil will be required. Christy White of SSC has informed us that the state intends to allow one time attendance tracking so schools can take full advantage of the new legislation.

Please call me if you have further questions.

mw
attachment

SCHOOL SERVICES OF CALIFORNIA, INC.
FISCAL REPORT
July 26, 1996

**BIG WIN FOR CONCURRENTLY ENROLLED
HIGH SCHOOL PUPILS
IN COLLEGE COURSES -- GOVERNOR SIGNS SB 292**

Spawned by the controversy over an interpretation of law holding that only 3/4 ADA funding could be claimed for students enrolled part-time in public college courses, Governor Pete Wilson signed SB 292 (Costa, D-Fresno) into law, on July 26, 1996, now allowing for full ADA funding based on a 240 minute minimum day. Spearheaded by the efforts of the Butte County Office of Education and its legislative coalition members, this bill is a big win for high schools that were being forced financially, under the 3/4 interpretation, to prohibit their pupils from taking courses through local colleges or otherwise bear the cost of apportionment lost.

SB 292 contained an urgency measure making its provisions effective immediately. The new law is also retroactive to the 1995-96 school year. School districts may now go back and claim full apportionment attendance for part-time college pupils so long as the pupils are enrolled in the K-12 program for 240 minutes or more.

In addition, 11th and 12th grade pupils may be enrolled and attend the K-12 program for as little as 180 minutes and receive 3/4 funding (180/240) or any proportional amount for minutes attended between 180 and 240. For example, enrollment and attendance in a 200 minute high school program would yield 83% of full K-12 funding (200/240). Before prorating ADA for K-12 funding, understand that:

- * The pupil must actually be in attendance not simply enrolled and, thus, clock hour attendance accounting would be necessary. The clock hour requirement is like the attendance accounting requirement for concurrent ROC/P pupils who attend the K-12 program less than a 240 minute minimum day.
- * The ability to prorate attendance is only applicable to 11th and 12th graders. Pupils in grades K - 10 must be enrolled for their respective minimum number of minutes in order to receive funding.

School districts that have reduced ADA reported on the 1995-96 J-18/19 attendance reports will need to amend the reports and pick up full ADA or more proportional ADA, as appropriate. Additionally, school district business officials should communicate with their auditors that there has been a change in law that now makes portions of the K-12 audit guide, relative to the 3/4 funding issue, obsolete. Expect that the State Controller's Office will distribute revised compliance requirements or instructions in the near future.

Santa Barbara County of Education Memorandum on SB 292 (1996)

SB 292 also made one change as to when colleges may report and receive full-time equivalent students (FTES) for concurrent high school pupils. The new law requires that the community college course, in which the pupil is enrolled, be open to the general public as a condition of claiming FTES apportionment for the K-12 pupil. Interestingly, there is no similar requirement when the pupil enrolls in a university level course but this appears to be a drafting oversight and may be corrected at some later date.

Bottom line? Once the requirements of SB 292 are satisfied, both the K-12 school district and the college may report appropriate levels of apportionment. However, be aware that it has always been the Legislature's intent "to provide educational enrichment opportunities (through college level coursework) for a limited number of eligible pupils, rather than to reduce current course requirements of elementary and secondary schools." (Ref. Education Code Section 48800.)

At long last, school agencies can breathe a sigh of relief that their pupils may attend college on a part-time basis and not be penalized financially.

-- Christy White and Arnold Bray

[Posted 7/26/96]

[Editor's Note: The K-16 community has the following organizations and individuals to thank for this successful piece of legislation: the Butte County Office of Education, on behalf of a coalition of school districts and community colleges, and lobbied by SSC's Arnold Bray and Christy White; the bill's author, Senator Jim Costa (D-Fresno); Assembly Member Tom Woods (R-Shasta); Senator Tim Leslie (R-Carnelian Bay); Assembly Member Bernie Richter (R-Chico); and the Governor and his staff.]

CCCCO Legal Advisory 05-01: Q & A

STATE OF CALIFORNIA
CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE
1102 Q STREET
SACRAMENTO, CA 95814-6511
(916) 445-8752
HTTP://WWW.CCCCO.EDU



January 4, 2005

TO: Chief Executive Officers
Chief Instructional Officers
Chief Student Services Officers
Admissions and Records Officers
Transfer Center Directors
Matriculation Coordinators
Financial Aid Directors

FROM: Steven Bruckman
Interim General Counsel

SUBJECT: Questions and Answers Re. Concurrent enrollment
Legal Advisory 05-01

In December 2003, the Chancellor's Office issued an advisory to address questions regarding the interpretation and implementation of the law on concurrent enrollment as amended by SB 338, which was passed by the Legislature and signed by the Governor in 2003. The Chancellor's Office has had the opportunity to address additional aspects of the law in the past year, and is sharing that additional information through this revised advisory. The primary additional areas concern the means for ensuring that pupils who do not attend public schools are prepared for college level coursework, and the admissions standards for pupils who are 18 years of age or older and enrolled in high school.¹

Answers to major questions concerning the law appear below. The answers represent the considered judgment of the Chancellor's Office and reflect our experience in recent audits and minimum condition reviews on the subject of concurrent enrollment. The policies and procedures discussed here are not binding on districts. However, districts that follow the advice given here will generally be deemed to comply with the law in the event of a review by the Chancellor's Office.

BASIC ELIGIBILITY REQUIREMENTS

Question 1. Which community college courses are considered advanced scholastic or vocational work?

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Answer. The Chancellor's Office has advised on several occasions that the terms "advanced scholastic or vocational work," "community college level," or simply "college level" refer to college credit courses acceptable toward the associate degree which have been properly approved pursuant to California Code of Regulations, title 5, section 55002(a). (See Legal Opinions 98-17 and 02-16, available at <http://www.cccco.edu/divisions/legal/opinions/opinions.htm>.) Thus, under Education Code section 48800(a), the K-12 school district is responsible for determining whether a pupil is prepared to undertake degree-applicable credit coursework as a precondition to recommending the pupil for admission to a college. Colleges are encouraged to work with local K-12 districts to ensure that they are familiar with the degree-applicable credit course offerings at the college so that this determination can be accurately made.

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Question 2. Does the reference to advanced scholastic and vocational work in Education Code section 48800 mean that pupils cannot take noncredit courses at a community college?

Answer. No. A different statute, Education Code section 78401, permits colleges to admit minors to their noncredit programs. Under that provision, the community college district makes the determination of which pupils can benefit from its noncredit courses without any requirement for involvement by the K-12 school district or any need to find the pupil eligible for advanced scholastic or vocational work.

Question 3. What happens if the K-12 school board determines that a pupil may benefit from advanced scholastic or vocational work but the community college district disagrees based on criteria contained in Education Code section 76002(b)?

Answer. First, in order for a K-12 pupil to attend a community college district, the school district must determine that the pupil is capable of benefiting from advanced scholastic or vocational (college level) work. However, even if the K-12 district does make this determination, it does not guarantee the pupil's admission to the college. This is because a community college may admit such pupils, but is not required to do so. So long as it does not reject pupils on a discriminatory basis and has a rational basis for differentiating among K-12 pupils, a college could accept some pupils recommended by the K-12 school district and decline to accept others. For example, a college could

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determine that it will admit K-12 pupils who are district residents, but not other K-12 pupils. District residency is not a protected group under nondiscrimination laws, and a college may have a legitimate basis for needing to limit the number of K-12 pupils it will admit.

Second, if a K-12 district does certify that a pupil would benefit from college level work, section 76002 now permits a college to ultimately decide otherwise based on age, grade level, or assessment standards established by the college district. See the answers to Questions 9 through 14 for a full discussion of these new provisions.

Question 4. How does a community college evaluate the readiness of private school pupils and home-schooled minors seeking admission? What are the criteria?

Answer. The parent or guardian of a private school pupil may petition the president of the college. The criteria for admission are the same as if the pupil were enrolled in a public school: the pupil must be able to benefit from degree-applicable college coursework. Colleges have options for determining the readiness of private school pupils seeking admission.

Colleges may require the assessment of a private school representative (like the principal) to verify the readiness of the private school pupil for college level coursework. In this regard, a college could probably use the same certification of readiness that it uses for public school pupils.

Alternatively, the college could make its own determination of whether the pupil is prepared for college level work through assessment methods and procedures (which could include evaluation of the pupil's prior coursework) under Education Code section 76002(b)(3). Colleges making their own assessments must employ multiple measures and comply with other aspects of the matriculation regulations adopted by the Board of Governors. (Cal Code Regs., tit. 5, §§ 55500 et seq.) Thus, the college might review records of coursework the pupil has completed and combine this review with results from one or more appropriate assessment instruments approved by the Chancellor's Office.

Home schooling is instruction by a tutor or other person (including the pupil's parent) who does not have a valid California teaching credential. The determination that the home schooled pupil is able to benefit from "advanced scholastic or vocational work" can be satisfied in several ways.

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A college is free to accept home schooling as if it were schooling in a private full-time day school if the college determines that a proper affidavit has been filed with the Superintendent of Public Instruction. Private full-time day schools must file an annual affidavit setting out various information about the private school instruction. The Superintendent of Public Instruction publishes a list of private schools that includes the name and address of the school and the name of the school owner or administrator. (Ed. Code, § 33190.) If a home school has filed a proper affidavit, a college may accept the assessment of a home school representative to verify the readiness of the pupil for college level coursework.

Local high schools are charged with determining whether to accept home schooling as valid attendance. Therefore, community college districts that are asked to consider admitting a minor who has been home schooled may confer with the public high school the pupil would have attended if not home schooled. If that public school accepts or would accept home schooling as valid school attendance, the public school may also be willing to determine whether the pupil has completed coursework sufficient to prepare him or her to undertake college level coursework.

However, the Education Code still provides that the parent or guardian of a pupil not enrolled in public school may directly petition the president of any community college for admission. Thus, the position of a K-12 school district regarding home schooling is not binding on the college. As with pupils who attend a private school, the college could make its own determination as to whether a pupil is prepared for college level work. As noted above, the college would make an assessment using multiple measures and comply with other aspects of the matriculation regulations adopted by the Board of Governors. (Cal. Code Regs., tit. 5, §§ 55500 et seq.) The college can review records of coursework the pupil has completed and combine this review with results from one or more appropriate assessment instruments approved by the Chancellor's Office.

Finally, the college may accept the opinion of the pupil's parents as to whether the pupil is prepared for college level coursework.

In selecting methods for assessing pupil preparation for college level coursework, colleges should consider that they may be challenged for rejecting some pupils and accepting others. Uniformity of

approach may help insulate colleges from claims that the decisions are inconsistent or unfair. Because the use of college-administered assessments is most likely to result in uniformity, this method of assessing preparation for advanced study may be the most defensible.

Question 5. May persons who are 18 years of age or older and still enrolled in high school be admitted to community colleges under the general admissions provisions or must they be admitted under the provisions applicable to students who are attending community college classes as "concurrent enrollment" or "special admit" students?

Answer. Persons who are 18 years of age or older and still enrolled in high school may be admitted under either set of admissions provisions. However, if a district intends to claim their attendance for apportionment purposes, such persons must be admitted under the concurrent enrollment provisions.

Two statutory structures address the admission to community colleges of persons who are 18 years old or older and still enrolled in high school. General admission standards appear at Education Code section 76000. The general admission standards carry fewer conditions than do the concurrent enrollment standards set out in sections 76001, 76002, and 48800.

Under the general admission standards of section 76000, individuals who are over 18 years of age but do not have high school diplomas may be admitted if they can "profit from instruction." The general admission standards do not require recommendations from principals, parental consent, or express limitations on the types or numbers of classes that may be taken.

However, the general admission standards do not address apportionment for the attendance of persons who are 18 years or older and still enrolled in high school. The concurrent enrollment provisions specifically address when apportionment can be claimed for attendance of such pupils, so the concurrent enrollment provisions control if a district wishes to claim apportionment.

Accordingly, districts may choose which admission standards to apply when persons who are 18 years of age or older and still in high school seek admission. The general admission standards are clearly less complicated to implement. However, the more detailed requirements of the concurrent

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enrollment provisions must be followed if the district claims the attendance for apportionment purposes. (See Legal Opinion O 04-13 available at <http://www.cccco.edu/divisions/legal/opinions/opinions.htm>.)

OPEN COURSE REQUIREMENTS

Question 6. What steps should a college take to ensure that courses are properly advertised and open to the general public?

Answer. All sections of all community college courses should be open to the general public, regardless of whether some of the students may be special part-time or special full-time pupils or whether the course is held at a high school campus. In order for a course to be truly open to the general public, it must be advertised in a manner such that anyone who might be interested in enrolling in a particular course section will know it is available and understand that enrollment is open to anyone who meets properly established prerequisites or enrollment limitations.

Each course should be published in the official college catalog or addenda thereto and each section of the course should be listed in the regular schedule of classes or an addendum thereto. If the exact time or location of a course section is not known when the schedule or addenda is printed, or an instructor has not yet been assigned, the notation TBA (to be assigned) should be used.

Question 7. How should a college advertise a course if the decision to offer the course was made after the last addendum to the catalog or schedule of classes is published?

Answer. As discussed in the answer to Question 6, the general rule is that each course should be described in the official catalog or an addendum thereto and that each section of each course should be listed in the schedule of classes or an addendum thereto. However, it may sometimes happen that a course is newly approved after the most recent addendum to the catalog has been printed. Should this occur, the college should update any online catalog it may maintain and, of course, list each section of the course to be offered in the schedule of classes or an addendum thereto.

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In those rare instances where the decision to offer a new course is made so late that it cannot even be listed in the last addendum to the schedule of classes, California Code of Regulations, title 5, section 58104 still requires that the course be "reasonably well publicized" to the general public.

The Chancellor's Office advises that districts should not rely exclusively on posting course offerings on the Internet to satisfy the requirement that the course is "reasonably well publicized." Some students still do not have ready access to the Internet and, in the event of an audit, it may be difficult for the District to demonstrate that a particular course offering was actually posted on its website at a given point in time. If districts do choose to rely on posting on the Internet, they should observe the following:

1. The class must be advertised for a minimum of 30 continuous days prior to the first meeting of the class.
2. The district's website must comply with standards for accessibility to persons with disabilities required by section 508 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794d) and Government Code section 11135. If course descriptions are posted in Portable Document Format (PDF) they should also be available in a more easily accessible format such as HTML, Microsoft Word, or ASCII.
3. The district should maintain dated hardcopy printouts of the web postings on file for audit purposes for a period of at least three years.
4. The district should maintain a list of individuals who wish to receive printed course announcements and send such announcements to those on the list, even if it does not publish and widely distribute another addendum to the schedule of courses.
5. The District should still use readily available traditional methods of ensuring that students have information about classes, such as ensuring that academic counselors and the Admissions and Records Office are aware of the courses, and that information is still

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available through print distributions such as handouts, bulletin board postings, or campus newspaper announcements.

Question 8. Does SB 338 prohibit holding a college course on a high school campus during the hours the high school operates classes?

Answer. No. The law has long provided that a course which is claimed for state apportionment by the community college district must be open to the general public. SB 338 merely emphasized this point by amending Education Code section 76002 so that it now provides that if a course is held on a high school campus, "the class may not be held during the time the campus is closed to the general public, as defined by the governing board of the school district." Thus, the issue is when the high school campus is specifically closed to the general public, rather than whether or not high school classes are offered during the same time period. However, it must be emphasized that this restriction only applies if state apportionment is to be claimed for the class. If the class is conducted as contract education and paid for by the K-12 school district, then it may be housed at the high school campus and be held at any time of day, regardless of whether or not the campus is open to the general public.

GENERAL LIMITATIONS ON ADMISSION OR ENROLLMENT

Question 9. Once a student is admitted to the college, is he or she limited to taking only degree-applicable courses?

Answer. No. If a college decides to admit a special full-time or part-time pupil pursuant to Education Code sections 76001 and 76002, he or she may, like any other student, enroll in any course subject to properly established prerequisites or enrollment limitations. In addition, as discussed below, section 76002 now authorizes colleges to explicitly limit enrollment in any course or program based on age or grade level.

Question 10. Does SB 338 authorize community college districts to limit admission or enrollment of minors based on age or grade level?

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Answer. Yes. Prior to passage of SB 338, community college districts were precluded from imposing restrictions on admission of minors based on age because of the federal Age Discrimination Act of 1975 (42 U.S.C. § 6101 et seq.) which prohibits discrimination on the basis of age in programs or activities receiving federal financial assistance. However, the Act does not apply to age distinctions described by state statutes to establish criteria for participation in age-related terms. (34 C.F.R. § 110.2(b)(1)(ii).) SB 338 revised Education Code section 76002 to provide the express statutory authority needed to qualify for this exception to the federal law. Thus, a college may now establish admissions and/or enrollment limitations that prevent special admit pupils below a certain age or grade level from being admitted or from enrolling in certain courses or programs.

Question 11. Can a community college district restrict the admission of a highly gifted pupil based on the criteria of subsection (b) of Education Code section 76002?

Answer. Yes. The Legislature has authorized imposition of these restrictions on admission of all special part-time and special full-time pupils, regardless of whether or not they are considered highly gifted. However, under section 76001(b), the district would be required to provide a written statement of the reasons for the denial.

Question 12. Can a college impose age or grade level restrictions on pupils who are not enrolled in a public school and who directly petition the college for admission pursuant to Education Code section 48800.5?

Answer. Yes. Section 48800.5 says a parent or guardian of a pupil who is not in a public school can petition the community college president for admission of the pupil to the community college regardless of that pupil's age or grade level. However, section 76002(b) now explicitly allows a district to restrict admission or enrollment based on a pupil's age or grade level. This is not a contradiction. The fact that a parent or guardian may file a petition on behalf of their child does not guarantee that the college will admit the pupil.

Question 13. May a community college district restrict admission based on the criteria of subsection (b) of Education Code section 76002 in some classes, but not all?

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Answer. Yes. Section 76002(b) clearly authorizes districts to restrict either "admission" or "enrollment" based on age, grade level, or results of an assessment. Since enrollment occurs on a course-by-course basis, a district could admit pupils and then impose such limitations in one course but not in another.

Question 14. Can a district restrict admission or enrollment based on high school GPA?

Answer. No. Section 76002(b) authorizes restricting admission or enrollment on three grounds. One of the bases is the use of assessment instruments, methods or procedures used in accordance with the regulations implementing the Matriculation Act of 1986. California Code of Regulations, title 5, section 55521 prohibits placement based only on a single measure. Thus, a college could evaluate a pupil's high school GPA as part of its assessment, but some other assessment instrument, method or procedure would also have to be used. This might include an appropriate assessment test, which is on the list of instruments approved by the Chancellor's Office.

It is also important to note that once a K-12 pupil has been admitted, the ability to limit enrollment in particular courses or programs based on use of assessment procedures must be carried out consistent with the regulations adopted by the Board of Governors concerning the establishment of prerequisites. In other words, after admission, an assessment involving the use of multiple measures can only be used to restrict enrollment in a particular course or program if the assessment is tied to a properly established prerequisite.

Question 15. Can a college give adult students priority in the registration process?

Answer. Yes. Under California Code of Regulations, title 5, section 58108, a district may establish a priority registration system which would accord adult students higher registration priority in order to ensure that they are not being displaced by special admit pupils.

RULES RELATED TO SUMMER SESSIONS

Question 16. Are there additional requirements that apply to admission of K-12 students to summer session?

Answer. Yes. SB 338 moved the requirements for summer session from the community college portion of the code to the K-12 portion of the code with slight modifications. For summer session the following specific criteria are in effect, in addition to other rules related to all concurrent enrollment. The principal may only recommend a student if that pupil meets all of the following criteria, which are specific to summer session only

1. The pupil demonstrates adequate preparation in the discipline to be studied.
2. The pupil exhausts all opportunities to enroll in an equivalent course, if any, at his or her school of attendance.
3. The recommendation of this pupil will not result in recommendations for more than 5% of the total number of pupils who completed that grade immediately prior to the time of recommendation.²

NOTE: SB 1303 (9/26/06) eliminated the 5% Summer enrollment cap
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Question 17. Who enforces the 5 percent limitation on summer session enrollments in Education Code section 48800(d)?

Answer. It is the responsibility of the K-12 district to ensure that the 5 percent limitation on summer school enrollments is honored.

Question 18. Should basic skills or remedial course work at the community colleges be open to K-12 summer students?

Answer. As discussed in the answer to Question 1, the K-12 school district must determine that a pupil is prepared to undertake college level work, meaning degree-applicable credit courses at the community college. A pupil who is truly prepared to take college level work should generally not be in need of nondegree-applicable coursework. However, as noted in the answer to Question 9, once a student is admitted to the college, he or she may take any course subject to properly established

prerequisites or enrollment limitations. These principles apply to pupils enrolled in summer session courses as well as to those enrolled in courses during the regular academic year.

2. SB 905 would have deleted the 5% limit on pupils recommended by a principal to attend community colleges during summer sessions. The Governor vetoed the bill in September 2004. He stated that the bill would eliminate important reforms to concurrent enrollment practices. He also stated that the California Performance Review raised important issues regarding concurrent enrollment and therefore this bill was premature until these issues are addressed.

RESTRICTIONS ON PHYSICAL EDUCATION COURSES

Question 19. Does the 10 percent limit on enrollment of special admit pupils in physical education classes apply to each class section or to the class enrollment as a whole?

Answer. Although the statutory language is not altogether consistent throughout SB 338, it is clear that the Legislature and the Administration intended that the 10 percent limitation of Education Code section 76002(a)(4) applies to each class or course section. The structure of the section largely requires this conclusion. Section 76002(a) describes those classes that are eligible for apportionment: each class must be open to the public, each class must be advertised as open, each class at a high school campus must be held during certain times, and if the class is a physical education class, its enrollment may not include more than 10 percent special part-time or full-time students. Each condition appears to apply to the individual class sections, so the 10 percent limit also applies to each class section, as opposed to the total number of students enrolled in all sections of the same course. It should also be noted that, in the view of the Chancellor's Office, this provision was intended to serve as a limit on how many students may be claimed for apportionment, not how many may actually be enrolled in a class section. Thus, if a district wished, it could allow the enrollment of special full-time or part-time students to exceed 10 percent in a particular section of a physical education course, but it would have to ensure that the 10 percent limitation is observed when preparing the apportionment claim for that class.

Question 20. Is the 10 percent limitation on enrollment in a particular physical education course determined at a given point in time?

Answer. As discussed in the answer to Question 19, the 10 percent limit should be viewed as a restriction on how many students may be claimed for apportionment purposes. Thus, if a district wishes, it could allow special full-time or part-time students to enroll in a physical education course without regard for the 10 percent limit and simply apply the limit when preparing its apportionment claim.

Of course, some districts may not want to permit enrollment for which they will not be able to claim apportionment. This will require some mechanism for monitoring enrollment. In practice, it would be difficult to ensure that this limitation is satisfied each time a student enrolls because many students may be registering simultaneously. The Chancellor's Office recommends that districts limit the number of special admit pupils in each physical education class section to 10 percent of the maximum enrollment specified for that section of the course.

Question 21. Do the restrictions in Education Code section 76002 on enrollment of special K-12 students in physical education courses apply where a college has a certificate program in physical education?

Answer. Yes. The statute does not distinguish between physical education courses that are part of a certificate program and those which are not. Thus, even where a college has an established certificate program in physical education, each course and course section in that program is subject to the limitations. However, as discussed below, certain vocational courses in closely related fields should not be considered to be "physical education."

Question 22. Which courses or programs should be considered "physical education" for purposes of the restrictions imposed by SB 338?

Answer. For purposes of implementing SB 338, "physical education" is considered by the Chancellor's Office generally to mean any course bearing Taxonomy of Programs code 0835.00, or

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any of its subcodes (0835.10, 0835.30, 0835.50), and any other course whose content, as expressed in the course outline, would reasonably be considered within the discipline of physical education. The bill applies to both activity and theory courses in physical education. However, for this purpose "physical education" is not considered to include vocational courses that are part personal trainer, or similar program with a specific occupational outcome.

DOCUMENTATION

Question 23. Are community colleges required to maintain records for auditing purposes of a school board's determination that the pupil would benefit from advanced scholastic or vocational work?

Answer. Yes. A community college district is only authorized to admit K-12 pupils to the extent that the K-12 school district has made a determination that the student is prepared for college level coursework. Therefore, the college should require the K-12 school district to complete a document certifying that this determination has been made for that student and the record should be kept on file for audit purposes as prescribed by California Code of Regulations, title 5, section 59026(b).

Question 24. Can a college accept a certification document signed by someone other than the school principal?

Answer. Yes. If a K-12 school district wishes, it may allow its principals to delegate the responsibility for determining if a pupil should be recommended for college admission to a designee.

In general, it is up to the K-12 school district to determine who can be designated to act in place of the principal. However, in some cases, colleges employ high school faculty to teach college courses. If a high school instructor is employed by a college to teach a college class and that instructor will receive additional compensation to teach the college course, the instructor will have a direct financial interest in the outcome of the eligibility determination. Based on this direct financial interest, the high school instructor has a conflict of interest in making eligibility determinations. Under such circumstances, colleges should decline to accept recommendations signed only by such an instructor.

Question 25. Should the principal of the school provide community colleges with a list of his/her designated signatories so the community college can check K-12 pupil admissions and enrollment documents?

Answer. Yes. Otherwise, a college has no way of knowing whether the person signing the document is authorized to do so. This documentation will be especially important in the event of an audit.

Question 26. For audit purposes, what mechanisms should a community college have in place to monitor a K-12 district's compliance with the 5 percent limit on summer session enrollment?

Answer. As noted in the answer to Question 17, ensuring compliance with the 5 percent limitation for summer session admissions of special full-time or part-time pupils is the responsibility of the K-12 school district. Nevertheless, in Legal Opinion M 02-20 (available at <http://www.cccco.edu/divisions/legal/opinions/opinions.htm>), the Chancellor's Office advised colleges admitting minors as special students in summer school credit courses to obtain certification from school principals that the number of students recommended to attend college courses does not exceed the five percent statutory limit. Administrative records containing the principal's five percent certification in addition to parental consent and the principal's recommendation as specified in the statute would constitute thorough documentation of efforts to ensure that the law has been followed in the event of an attendance accounting review.

OTHER ISSUES

Question 27. Can pupils receive credit at both the K-12 and the college level?

Answer. Yes. The Chancellor's Office has issued several legal opinions holding that this is permissible (e.g., Legal Opinion M 98-17, available at <http://www.cccco.edu/divisions/legal/opinions/opinions.htm>). However, an outdated regulation adopted many years ago by the state Board of Education has never been changed to conform to current law. This may lead some K-12 districts to conclude that they cannot grant high school credit for coursework completed at a community college.

Question 28. May full-time students be exempted from paying the enrollment fee?

Answer. Education Code section 76300 provides that special part-time students may be exempted, as a group, from paying the \$26 per unit enrollment fee. There is no such authority for the special-admit full-time student and thus a college or district may not exempt all such students as a group. Each special-admit full-time student may be individually considered for a BOG Fee Waiver however. Colleges may use the existing short-form application for BOG Fee Waiver for Part A and Part B fee waivers. If the family does not qualify using the short form, the college may also provide the family with a FAFSA and make a local calculation of potential financial need (using a commuter budget and a hand-calculated EFC). If the student shows need in this manner the student may receive a Part C waiver. Please note: these are not "new" rules. These rules have been in effect for many years.

SB:RB:VAR:sj

cc: Cabinet

CALIFORNIA COMMUNITY COLLEGES
SYSTEM OFFICE

1102 Q STREET
SACRAMENTO, CA 95814-6511
(916) 445-8752
<http://www.cccco.edu>



October 6, 2005

To: Members, Board of Governors
System Colleagues

From: Mark Drummond
Chancellor

A handwritten signature in black ink, appearing to read "Mark Drummond", written over the printed name and title.

Subject: **Information on AB 967 (Canciamilla)
Exemption To The Five Percent (5%) Concurrent Enrollment Cap for
Middle College High School and Early College High School Students**

Assembly Bill 967 by Assemblymember Joseph Canciamilla was recently signed by Governor Schwarzenegger. AB 967 will become law on January 1, 2006, and will help Middle College High Schools and Early College High Schools fulfill their missions of encouraging high school and college completion. This memo is offered to assist you in understanding this measure. Also, for your reference, is an attachment that shows the affected and related sections of the Education Code.

Current law, as described in Education Code Section 48800, limits the number of students that a high school principal may recommend for summer session community college enrollment to five percent (5%) of the total number of students who completed a grade. AB 967 amended Education Code Section 48800 to provide an exemption from the 5% summer enrollment cap for Middle College High School and Early College High School students who enroll in advanced scholastic or vocational community college courses. The criteria that must be met for the exemption includes:

- 1) The course is offered by Middle College High School or an Early College High School. AB 967 defines Middle College High School and Early College High School. For the definition see amended part of Education Code Section 48800 (d)(4),
- 2) The high school that makes the recommendation provides data to the Chancellor's Office as requested,
- 3) The course meets one of the following criteria:
 - a) It is a for-credit, lower-division, college-level course that is designated as part of the Intersegmental General Education Transfer Curriculum (IGETC), or applies toward the general education breadth requirements of the California State University
 - b) It is a for-credit, college-level, occupational course assigned a Priority code of "A," "B," or "C," pursuant to the Student Accountability Model as defined by the Chancellor's Office, 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.

AB 967 also requires the Chancellor's Office to report to the Department of Finance the number of pupils recommended by the K-12 principals who enroll in the community college summer session. Please note that in signing AB 967, the Governor stated that he had concerns that the accountability and reporting requirements of the bill were insufficient. The Governor reached an understanding with Assemblymember Canciamilla, that the author will pursue clean up legislation specifying that the Chancellor's Office will include in our reports the types of summer courses taken by students that AB 967 applies to.

A provision in the bill states that the Board of Governors may not include enrollment growth attributable to AB 967 as part of the System's annual budget request (see amended part 48800 (d)(6)). This should not be a problem because of the small number of affected high schools and the relatively small amount of enrollment growth (in statewide terms) that is potentially involved. From a district perspective, districts should understand that FTES attendance of students affected by the provisions of AB 967 is eligible for state apportionment, subject to the general limitations of state law and available funds for general apportionment and enrollment growth. All of the new provisions in Section 48800 will expire on January 1, 2011.

Finally, AB 967 amends Education Code Section 76001. This amendment requires community college districts to assign a low enrollment priority to all K-12 "special admit" students. This is to ensure that these students do not displace regularly admitted students.

Please be sure to also review the attachment. If you have questions on this or any other measure, please contact my Interim Director for State Government Relations, Angelo Williams at (916) 445-1804, or Mike Magee at (916) 322-0186.

Attachment

ATTACHMENT
RELATED EDUCATION CODE SECTIONS FOR AB 967 (CANCIAMILLA)

Education Code sections 48800 and 76001 will be amended by AB 967 (Canciamilla). With Governor Schwarzenegger's signature on this bill, the amendments to these sections of the Education Code by AB 967 (Canciamilla) will become effective January 1, 2006.

Education Code Section 48800 is in Part 27, Chapter 5, Attendance At Community College. Education Code Sections 48800.5 through 48802 are related sections that were not amended. These sections are included below for reference.

Education Code Section 76001, amended by AB 967 (Canciamilla) is in Part 47, Chapter 1, Students, General Provisions, Article 1. Admission of Students. Education Code sections 76000 and 76002 are also in that article but were not amended. These sections are included below for reference.

THIS SECTION, 48800, WILL BE AMENDED BY AB 967 (CANCIAMILLA)

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

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

(c) The students shall receive credit for community college courses that they complete at the level determined appropriate by the school district and community college district governing boards.

(d) (1) The principal of a school may only recommend a pupil for community college summer session only if that pupil meets all 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 may not recommend for community college summer session attendance more than 5 percent of the total number of pupils who completed that grade immediately prior to the time of recommendation.

(3) A pupil recommended by his or her principal for enrollment in a college-level advanced scholastic summer session course or in a vocational community college summer session course

CCC Information on AB 967 (2005)

shall not be included in determining the 5 percent of pupils recommended if all of the following criteria are met:

(A) The course is offered by a middle college high school or an early college high school, as defined by paragraph (4).

(B) The high school principal who makes the recommendation provides data to the Chancellor of the California Community Colleges at the request of that office for purposes of preparing the annual report pursuant to paragraph (5).

(C) The course meets one of the following criteria:

(i) It is a for credit, lower division, college-level course 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.

(ii) The course is a for credit, college-level, occupational course 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.

(4) For purposes of this section, a "middle college high school" or an "early college high school" means a high school that meets all of the following criteria:

(A) The school has an enrollment of 400 or fewer pupils, and is recognized by the department and by the Chancellor of the California Community Colleges as a district school that has been assigned a County-District-School code by the department.

(B) The school's program is sponsored by a legally binding memorandum of understanding or similar formal agreement between a sponsoring local educational agency and a community college district that establishes cogovernance and resource allocation policies and procedures for the cosponsored school.
(C) The school serves cohorts of pupils in a coherent high school and community college program of study that includes, as a clearly identified outcome for each pupil, a high school diploma and achievement of, or preparation for, completion of an associate degree, eligibility for transfer to a four-year college or university, or completion of a community college certificate program in a vocational, technical, or business occupation.

(5) On or before January 1, 2007, and on or before January 1 of each year thereafter, the Chancellor of the California Community Colleges shall report to the Department of Finance the number of pupils recommended pursuant to paragraph (3) who enroll in community college summer session courses.

(6) The Board of Governors of the California Community Colleges may not include enrollment growth attributable to paragraph (3) as part of its annual budget request for the California Community Colleges.

(7) Notwithstanding Article 3 (commencing with Section 33050) of Chapter 1 of Part 20, compliance with this subdivision may not be waived.

(e) Paragraphs (3), (4), (5), and (6) of subdivision (d) shall become inoperative on January 1, 2011.

EDUCATION CODE SECTIONS 48800.5 THROUGH 48802 WERE NOT AMENDED.

48800.5. (a) A parent or guardian of a pupil, regardless of the pupil's age or class level, may petition the governing board of the school district in which the pupil is enrolled to authorize the attendance of the pupil at a community college as a special full-time student on the ground that the pupil would benefit from advanced scholastic or vocational work that would thereby be

available. If the governing board denies the petition, the pupil's parent or guardian may file an appeal with the county board of education, which shall render a final decision on the petition in writing within 30 days.

(b) A pupil who attends a community college as a special full-time student pursuant to this section is exempt from compulsory school attendance under Chapter 2 (commencing with Section 46100) of Part 26.

(c) A parent or guardian of a pupil who is not enrolled in a public school may directly petition the president of any community college to authorize the attendance of the pupil at the community college as a special part-time or full-time student on the ground that the pupil would benefit from advanced scholastic or vocational work that would thereby be available.

(d) Any pupil authorized to attend a community college as a special full-time student shall, nevertheless, be required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

(e) For purposes of allowances and apportionments from the State School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of special full-time students at the community college.

48801. Any student authorized to attend a community college as a special part-time student pursuant to Sections 48800 and 76001 shall, nevertheless, be required to undertake courses of instruction of a scope and duration sufficient to satisfy the requirements of law.

The student shall also be required to attend school for the minimum schoolday, except as provided for in Section 46145 or 46147. However, the governing board of the school district may permit the student to attend school for such a lesser period of time than the minimum schoolday as the board shall find to be in the student's best interests.

48802. (a) For purposes of allowances and apportionments from Section B of the State School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of pupils at the community college as special part-time students pursuant to this article and as set forth in Section 76002.

(b) A school district whose pupils attend a community college as special part-time students pursuant to this article shall, for purposes of allowances and apportionments from Section A of the State School Fund, continue to receive credit for attendance by those pupils computed in the manner prescribed by law, and a pupil's attendance at school for the minimum schoolday shall be deemed a day of attendance for purposes of making the computation.

EDUCATION CODE SECTIONS 76000 AND 76002 WERE NOT AMENDED, SECTION 76001 WILL BE AMENDED BY AB 967. SECTIONS 76000-76002 MAKE UP PART 47, CHAPTER 1, GENERAL PROVISIONS, STUDENTS
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76000. The governing board of a community college district shall admit to the community college any California resident, and may admit any nonresident, possessing a high school diploma or the equivalent thereof.

The governing board may admit to the community college any apprentice, as defined in Section 3077 of the Labor Code, who, in the judgment of the governing board, is capable of profiting from the instruction offered.

CCC Information on AB 967 (2005)

The governing board may by rule determine whether there shall be admitted to the community college any other person who is over 18 years of age and who, in the judgment of the board, is capable of profiting from the instruction offered. If the governing board determines to admit other persons, those persons shall be admitted as provisional students and thereafter shall be required to comply with the rules and regulations prescribed by the board of governors pertaining to the scholastic achievement and other standards to be met by provisional or probationary students, as a condition to being readmitted in any succeeding semester. This paragraph shall not apply to persons in attendance in special classes and programs established for adults pursuant to Section 78401 or to any persons attending on a part-time basis only.

THIS SECTION WILL BE AMENDED BY AB 967 (CANCIAMILLA)

76001. (a) The governing board of a community college district may 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 Section 48800 or 48800.5.

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

(c) 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 Sections 48802 and 76002. Credit for courses completed shall be at the level determined to be appropriate by the school district and community college district governing boards.

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

(e) The governing board of a community college district shall assign a low enrollment priority to special part-time or full-time students described in subdivision (a) in order to ensure that these students do not displace regularly admitted students.

76002. (a) For the purposes of receiving state apportionments, a community college district may include high school pupils who attend a community college within the district pursuant to Sections 48800 and 76001 in the district's report of full-time equivalent students (FTES) only if those pupils are enrolled in community college classes that meet all of the following criteria:

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

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

(i) The college catalog.

(ii) The regular schedule of classes.

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

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

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

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

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

(1) Age.

(2) Completion of a specified grade level.

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

(c) The Chancellor of the California Community Colleges shall prepare and submit to the Department of Finance and the Legislature, on or before March 1, 2004, and March 1 of each year thereafter, a report on the amount of FTES claimed by each community college district for special part-time and special full-time students for the preceding academic year in each of the following class categories:

(1) Noncredit.

(2) Nondegree-applicable.

(3) Degree-applicable, excluding physical education.

(4) Degree-applicable physical education.

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

STATE OF CALIFORNIA

BRICE W. HARRIS, CHANCELLOR

CALIFORNIA COMMUNITY COLLEGES
CHANCELLOR'S OFFICE

1102 Q STREET
SACRAMENTO, CA 95811-6549
(916) 322-4005
<http://www.cccco.edu>



February 12, 2014

TO: Admissions and Records Officers
Chief Student Services Officers
Chief Business Officers

FROM: Dan Troy, Vice Chancellor
Fiscal Policy

Linda Michalowski, Vice Chancellor
Student Services and Special Programs

SUBJECT: Implementation of Senate Bill 150 (Correa) and Senate Bill 141 (Lara)

With the Governor's signing of Senate Bill (SB) 150 and SB 141, several colleges have raised questions about implementation, impact on apportionment funding, and effective date of implementation. The following summary is intended to provide clarification on these new provisions of law pertaining to two categories of nonresident students.

As doubled-joined bills SB 141 and SB 150, which both amended California Education Code section 76140, provide two new exemptions from nonresident tuition for specified students described below. Both of the new exemptions became effective January 1, 2014, so students determined to be eligible for either exemption who paid nonresident tuition for terms or sessions starting on or after that date (i.e., students who enrolled for a 2014 term prior to January 1, 2014) are entitled to a refund of those fees.

SB 150: Community college districts are permitted to exempt nonresident special part-time students from the requirement to pay nonresident tuition for community college credit courses. The term "special part-time student" refers to students who have been recommended by the principal of the pupil's school and have parental permission to attend a community college during any session or term and who enroll in 11.99 or fewer units per semester, or the quarter equivalent, in accordance with Education Code section 76001. The exemption does not apply to special full-time students.

Implementation of Senate Bill 150 and Senate Bill 141 (2014)

Districts that elect to provide this exemption should develop, adopt, and publish a policy for consistently granting the exemption. As it relates to the development of the local policy, it is our belief that this exemption is not intended to apply to categories of students who would be precluded from qualifying for the AB 540 nonresident tuition exemption; i.e., a) students who actually reside outside of California and enroll via Distance Education and b) students on most nonimmigrant visas. There is an exception for “T” and “U” nonimmigrant visa holders who were recently made eligible for the AB 540 nonresident tuition exemption under Education Code Section 68122, so a district policy could permit students holding either of these two nonimmigrant visa types to also qualify for this new non-resident tuition exemption.

It is important to note that this exemption does not authorize districts to claim apportionment funding for nonresident special part-time students who are exempted from nonresident tuition under this provision.

A student receiving a nonresident tuition exemption under SB 150 does not receive resident status for the purpose of fees or financial aid. Rather they are exempt from nonresident tuition fees under this law. These students do not qualify for the BOG Fee Waiver or any other financial aid. However, please note that districts are permitted to exempt special part-time students, including those that have nonresident status, from the per unit enrollment fee pursuant to Education Code Section 76300(f).

SB 141: Districts are required to exempt from nonresident tuition a nonresident student who is a U.S. citizen and who resides in a foreign country, if that student meets all of the following requirements:

- i. Demonstrates a financial need for the exemption.
- ii. Has a parent or guardian who has been deported or was permitted to depart voluntarily under the federal Immigration and Nationality Act.
- iii. Moved abroad as a result of the deportation or voluntary departure.
- iv. Lived in California immediately before moving abroad.
- v. Attended a public or private secondary school in California for three or more years.
- vi. Upon enrollment, will be in his or her first academic year as a matriculated student in California public higher education.
- vii. Will be living in California and will file an affidavit with the community college stating that he or she intends to establish residency in California as soon as possible.
- viii. Documentation shall be provided by the student as required by statute as specified in Education Code section 76140(a)(5).

Districts are authorized to claim state apportionment for FTES generated by nonresident students exempted under this provision and their attendance should be reported as resident FTES for state apportionment purposes.

A student receiving a nonresident tuition exemption under SB 141 does not receive resident status for the purpose of fees or financial aid. Rather they are exempt from nonresident tuition fees under this law. These students do not qualify for the BOG Fee Waiver or any other state financial aid until they

Implementation of Senate Bill 150 and Senate Bill 141 (2014)

establish California residency. As citizens, SB 141 students may apply and qualify for federal financial assistance such as Pell, FSEOG and federal student loans.

Status: SB 141 and SB 150 were signed by the Governor on October 5, 2013 and became effective on January 1, 2014.

Contact: For questions concerning attendance accounting and reporting for apportionment purposes, please contact Elias Regalado at eregalad@cccco.edu or (916) 445-1165. For other admissions questions, please contact Mia Keeley at mkeeley@cccco.edu or (916) 323-5953. For questions concerning BOG fee waivers/financial aid, please contact Tim Bonnel at tbommel@cccco.edu or (916) 445-0104, or Rhonda Mohr at rmohr@cccco.edu or (916) 323-6894.

Links:

[Senate Bill 150](#)

[Senate Bill 141](#)



SANTA BARBARA CITY COLLEGE

Santa Barbara City College Board Policy
and
Sample Concurrent (Dual) Enrollment
Forms

BP 5120 DUAL (CONCURRENT) ENROLLMENT POLICY

Reference(s): Education Code Section 48800-48802; 76000-76002

The Superintendent/President, in consultation with appropriate participatory governance groups as stipulated in BP 2510, shall establish procedures defining the admission of high school or younger students at SBCC which shall be legally compliant.

Board History: Formerly BP 5120 Dual Enrollment (K12) Revised: BP 512028 formerly BP 312028, 1/22/87; BP 512074 formerly 312074, 12/16/94; Revised Policy was approved by the Board of Trustees on Sept. 22, 2005; Revised Policy was approved by the Board of Trustees on February 24, 2011.

AP 5120 DUAL (CONCURRENT) ENROLLMENT

Students concurrently enrolled in a California public or private school:

- (a) may enroll in a maximum of 9.0 college units (Seniors up to 12 units) in order to enrich their educational experience
- (b) must have official written approval of the counselor or administrative official of the school the student attends;
- (c) must have written parental consent;
- (d) must have availed himself/herself of all opportunities to enroll in an equivalent course at his or her school of attendance;
- (e) must enroll in courses classified at the college level, as determined by the college district;
- (f) must have satisfied skills eligibility and/or prerequisites. In the absence of a transcript demonstrating academic achievement, the College shall require assessment in English and/or math to evaluate the student's ability to undertake college level work;
- (g) home school students deemed eligible must meet one of the following criteria:
 - 1) affiliation with a county department of education program,
 - 2) must be taught by a person holding a California Teaching Credential,
 - 3) must hold a current private school affidavit filed with the State Superintendent of Public Instruction (Ed. Code 33190).

The College may delineate courses which are not available to high school students.

Dual enrollment students demonstrating advanced scholastic standing may appeal maximum unit limitations limiting enrollment to non-senior dual enrollment students to a maximum of 9 semester units and senior dual enrollment students to a maximum of 12 semester units. This appeal process would allow students to register in a maximum of 12 units OR a maximum of 3 courses.

Criteria for Appeal:

- 1) Student must establish and maintain a minimum GPA of 3.0 with no grade below a "C" in an academic class (high school and college, if applicable, transcript required).
- 2) Student must demonstrate eligibility for ENG 110/120 and MATH 107.
- 3) Appeal and approval process is term based.

Board History: Formerly BP 5120 Dual Enrollment (K12) Revised: BP 512028 formerly BP 312028, 1/22/87; BP 512074 formerly 312074, 12/16/94 Revised Policy was approved by the Board of Trustees on September 22, 2005; Reviewed at the February 10, 2011 Study Session

SBCC District Policy regarding Dual Enrollment (2011)

- 4) Dual Enrollment students registering in over 11.9 units would be subject to payment of all enrollment fees.
- 5) The appeal process will be administered through the Dual Enrollment Office.

Students eligible to enter 9th grade or higher but who are not enrolled in a regular (public or private) school:

- (a) must petition the Superintendent/President or designee, the Director, Admissions and Records, to authorize the attendance of the student as a special part-time or full-time student on the grounds that the pupil would benefit from advanced scholastic or vocational work that would thereby be available;
- (b) must submit the recommendation of the administrator of the school last attended by the student;
- (c) must submit a written request and be available for a personal interview by the designated college official;
- (d) must satisfy all prerequisites
- (e) must have scores from SBCC assessment (indicating eligibility for English 110 and higher than intermediate algebra, Math 107);
- (f) may be required to submit additional evidence of the student's academic ability.

The college may delineate courses which are not available to students eligible to enter 9th grade or higher but who are not enrolled in a regular (public or private) school.

Students not eligible to enter 9th grade or higher:

- (a) must submit a petition to the Superintendent/President, or designee, the Director, Admissions and Records, for evaluation;
- (b) must submit a written request from parent or guardian;
- (c) must submit a written request from administrator of the school student attends;
- (d) must have scores from SBCC assessment (indicating eligibility for English 110 and higher than intermediate algebra, Math 107);
- (e) must have demonstrated advanced standing in the discipline. In general, advanced standing refers to eligibility for transfer level and for courses for which an entry level college course is a prerequisite;
- (f) must demonstrate compelling and extenuating reasons to attend SBCC (i.e. educational opportunity not available);
- (g) must participate in a personal interview by the designated college official.

The college may delineate courses which are not available to students ineligible for ninth grade or higher.

After qualifying through the assessment test(s), the request will be evaluated based upon:

- (a) submitted documents;
- (b) all school transcripts;
- (c) evaluation of college's liability;
- (d) approval based on reasonable pedagogic and instructional criteria of Educational Programs Dean, Department Chairperson and faculty member;

SBCC District Policy regarding Dual Enrollment (2011)

(e) interview with the Dean of Educational Programs or designee.

Students not eligible to enter 9th grade or higher may enroll into Music 132-133, Theater Arts 141-144, 175 without completing the steps above.

Special part-time and full-time student shall receive credit for the community college courses completed in the same manner as regularly enrolled community college students.

Special part-time students who are legal residents of the State of California will be admitted tuition free.

In accordance with *Education Code Section 76001*, special part-time students (enrolled up to and including 11.9 units) enrolled in the secondary schools and attending Santa Barbara City College are exempt from paying the enrollment fee. Mandatory fees that are required for on campus courses are the health fee, transportation fee, and tuition, as applicable. Special-admit full-time students (12.0 units and above per semester) may not be exempted from the enrollment fee; they may, however, be individually considered for the BOG Fee Waivers Part A, B or C. Special-admit full-time students who do not qualify for a BOG Fee Waiver will be required to pay the enrollment fee.

In accordance with *Education Code Section 76002(a)(4)* enrollment in physical education classes will be limited to no more than 10 percent per class section of special part-time or full-time dual enrollment students.

In accordance with *Education Code Section 48800(d)* summer session enrollments will be limited to 5% of the total number of pupils who completed that grade immediately prior to the time of recommendation for enrollment. It is the responsibility of the K-12 district to ensure that this limitation summer school enrollment is honored.

In accordance with *Education Code Section 76002* courses offered on a high school campus will:

- (a) be open to the general public;
- (b) be advertised as open to the general public in one or more of the following ways:
 - (i) The college catalog;
 - (ii) The regular schedule of classes;
 - (iii) The web schedule of classes for a minimum of 30 days prior to the first meeting of the class.

California Nonresident Tuition Exemption
For Eligible California High School Graduates
(The law passed by the Legislature in 2001 as “AB 540”)

GENERAL INFORMATION

Any student, other than a nonimmigrant alien, who meets all of the following requirements, shall be exempt from paying nonresident tuition at the California Community Colleges, the University of California, and the California State University (all public colleges and universities in California).

- Requirements:
 - o The student must have attended a high school (public or private) in California for three or more years.
 - o The student must have graduated from a California high school or attained the equivalent prior to the start of the term (for example, passing the GED or California High School Proficiency exam).
 - o An alien student who is without lawful immigration status must file an affidavit with the college or university stating that he or she has filed an application to legalize his or her immigration status, or will file an application as soon as he or she is eligible to do so.
- Students who are nonimmigrants [for example, those who hold F (student) visas, B (visitor) visas, etc.] are not eligible for this exemption.
- The student must file an exemption request including a signed affidavit with the college that indicates the student has met all applicable conditions described above. Student information obtained in this process is strictly confidential unless disclosure is required under law.
- Students eligible for this exemption who are transferring to another California public college or university must submit a new request (and documentation if required) to each college under consideration.
- Nonresident students meeting the criteria will be exempted from the payment of nonresident tuition, but they will *not* be classified as California residents. They continue to be “nonresidents.”
- AB540 does not provide student financial aid eligibility for undocumented alien students. These students remain ineligible for state and federal financial aid.

**PROCEDURES FOR REQUESTING THIS
EXEMPTION FROM NONRESIDENT TUITION**

California Community Colleges: Complete the form on the reverse. Submit it to the Admissions Office at the community college where you are enrolled or intend to enroll. You may be required to submit additional documentation. Call the college Admissions Office if you have questions.

University of California: The University of California (UC) system has its own nonresident tuition exemption application and affidavit form, but it will accept the exemption request form used by the California Community Colleges and the California State University. Your campus has established deadlines for submission of exemption requests; however, requests are not to be submitted until you have been admitted to a UC campus. Some students, such as transfer, graduate, and professional

AB 540 General Information (2007)

students, also must submit their official high school transcripts; check your campus for specific instructions. Once you are determined to be eligible for the exemption, you will continue to receive it as long as you fulfill the eligibility requirements or until the University no longer offers this exemption. The exemption covers the Nonresident Tuition Fee and the Educational Fee differential charged to nonresident students. Applying for the exemption does not alter your responsibility to pay by the campus deadline any nonresident tuition and associated fees that may be due before your eligibility is determined. For general information, visit the following website:

www.ucop.edu/sas/sfs/ppolicies/ab540faqs.htm. For campus-specific instructions regarding documentation and deadline dates, contact the campus Office of the Registrar.

California State University: Complete the form on the reverse. Contact the Office of Admissions and Records at the CSU campus where you are enrolled or intend to enroll for instructions on submission, deadline information, and additional requirements. You will be required to submit final high school transcripts and appropriate records of high school graduation or the equivalent, if you have not done so already. Call the Office of Admissions and Records at the campus if you have questions.

Revised Sept 2003, Dec 2007

Dual Enrollment Student Welcome Letter (On Campus Students)



TO: High School Students Enrolled Spring 2014/Summer 2014
FROM: SBCC Dual Enrollment
RE: Important SBCC Information

Congratulations on your participation in SBCC's Dual Enrollment program for high school students! You'll be earning both college and high school credit, so it's important that you're aware of your responsibilities as a Santa Barbara City College student, as well as the policies and procedures that are important to your success.

What are your next steps:

Step 1:

Apply to the college at www.sbcc.edu/apply. Be sure to select "Dual Enrollment" as the response to the Student Type question.

Step 2:

Once you have acquired the approval signature and list of specified course from your high school counselor, and your parent's approval signature please submit the completed Dual Enrollment Approval form to the Admissions & Records office. Students will not be eligible to register in courses not specified on the Dual Enrollment Approval Form.

Step 3:

Log on to your student SBCC Campus Pipeline account to register for your course(s). Please note, that submitting your approval form and application to Admissions and Records **does not** register you in the course. It is the student's responsibility to register for the course(s) in Pipeline.

Forgot your username and password, or need to log on to pipeline for the first time? Just go to: www.sbcc.edu and click on:



Then "Find my user name". Answer the questions and the system will provide you with your account information. Proceed to "Registration", then "Register, Add or Drop Classes" on the date of Open Registration for high school students or anytime thereafter, and register online.

Step 3:

Pay your Health and Transportation fees online or in person. High school students are not required to pay SBCC enrollment fees (to view current fees, please visit www.sbcc.edu/fees). Out of state students pay tuition. However, students taking courses on the SBCC Campus are required to pay the Health and Transportation Fee. **IMPORTANT NOTE: If a student is enrolled only in online class (es), or classes on a high school campus, and does not come to SBCC for instruction, the Transportation and Health fees are not charged. Failure to pay fees within 7 days of registration will result in your classes being dropped for non-payment of fees.**

Step 4:

Purchase Textbooks /course material. Students are responsible for purchasing course text books and any material that is required for their course. Some courses may have special fees, such as Ceramics, which assesses art clay fees of \$30. Textbooks are generally available for purchase two to three weeks prior to the beginning of the semester. View text lists or buy textbooks at www.sbcccbooks.com.

Dual Enrollment Student Welcome Letter (On Campus Students)

Step 5:

Attend Class. Students are expected to attend classes regularly. If you miss the first class missing the instructor may drop you and give your seat to another student. An instructor may drop students at any time for excessive absences. As a guideline, absence is considered excessive if a student misses three class meetings, or the equivalent of one week of class.

IMPORTANT INFORMATION FOR YOUR SUCCESS AT SANTA BARBARA CITY COLLEGE

Grade / Transcripts:

The grade you earn in your SBCC class(es) will become a part of your official college academic record, which means those grades will be on transcripts sent to any other college you may later attend. SBCC sends a final grade report to the Registrar of the high school you listed on your application unless you opted out on your semester Dual Enrollment Approval Form; it is, however, your responsibility to make sure you have received high school credit. You may want to check with your High School Registrar to assure your SBCC grade(s) has been posted to your high school transcript. Students may also view their course grades by logging into their SBCC Pipeline account.

Dropping a class:

As the student, you are responsible for dropping classes by the stated deadlines. If you register in a class and later change your mind, it is your responsibility to drop the class. Review your Schedule/Bill for course deadlines. If you stop attending class, and don't officially withdraw, you may end up with a failing grade. Don't let that happen to you! You may withdraw from classes if you are not doing well. You may officially withdraw through your pipeline account. Then, instead of a grade, a neutral symbol "W" appears on your transcript indicating withdrawal – not failure. Log into <http://pipeline.sbcc.edu> and go to Registration and Student Records. Follow the instructions on the Add/Drop Classes page for dropping a class. Since the high schools cannot monitor the progress of high school students attending classes at SBCC, a student who drops a SBCC class must notify their high school counselor of this action.

***Helpful Tips for Dual Enrollment Parents ***

Family Educational Rights & Privacy Act (FERPA)

FERPA rights transfer from the parent to the student at the time the student attains the age of 18 OR begins attending an institution of higher education, regardless of age. FERPA prevents a parent from accessing student information without the student's permission. Under Section 49061 of the Education Code, parents of community college students do not have a right of access to their children's student records, regardless of whether the student is under the age of 18. In accordance with this regulation, students' college records will be released to parents only with the written consent of the student.

Maturity Level / Parent Involvement

Dual Enrollment students need to have the maturity and ability to work independently in a college environment. All SBCC students are expected to demonstrate advanced scholastic and self-responsibility regardless of age. All SBCC students are subject to college policies and procedures. Parents often ask, can I contact my son or daughter's instructor regarding course content, assignments and/or grading policy? Your student is enrolled in a college course and it is important to understand that instructors only work directly with students, as opposed to the type of parent interventions you may be accustomed to at the high school level. Under FERPA, instructors cannot discuss performance or other student-related issues with parents. The college does not accommodate parental requests to contact instructors or represent the student on any college matter.

SBCC Clarification of CA Ed Code on Dual Enrollment

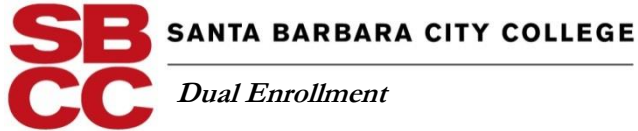


SBCC Clarification of California Education Code regulating K12 Concurrent (Dual) Enrollment

Pursuant to California Education Code Sections 48800 through 48802 and 76001 through 76002 and as amended by Senate Bill No. 338, Assembly Bill No. 967, and Senate Bill 1303, Santa Barbara City College clarifies its high school campus Dual Enrollment Program procedures as:

1. Both the college and high school may claim state apportionment for students attending SBCC dual enrollment courses offered on the high school campus so long as that student attends at least 240 minutes of non-college instruction during the regular school day. (Ed Code 48800, Sec. 3, 48802, Santa Barbara County Schools memorandum dated 9/16/96 referencing SB 292)
2. The regular school day does not include college courses offered during: zero period, after school or cooperative work education instruction conducted during the lunch time. (see above regarding "regular school day")
3. The college will maintain current Memoranda of Understanding with each high school district allowing all dual enrollment SBCC courses offered on high school campuses to be open to the general public. The MOU will stipulate that the high school may require non-high school enrollees to adhere to campus policies. (Ed Code 76002, Sec. 5, A & B. Note: 76002 was amended in SB 338, 10/11/03)
4. The college will maintain "Request for SBCC Section" forms for all courses to be offered on high school campuses. These forms will be required every semester and must be signed by the high school principal, high school department chair, SBCC dean and SBCC department chair. (SBCC Dual Enrollment office procedure)
5. For all special-admit K12 students, the college will secure parent/guardian signatures as well as signature from the high school principal or designee for each semester of enrollment in SBCC courses regardless of location of the course. (Ed Code 48800, a, CCCCCO Legal Advisory 05-01, #24)
6. The Dual Enrollment office will maintain print copies of all high school campus dual enrollment sections advertised on the SBCC website for a period of at least three years. (CCCCO Legal Advisory 05-01, #7)
7. The Dual Enrollment office will create high school campus section requests at least 30 days prior to the first class meeting date. (same as above)
8. The Dual Enrollment office will ensure that all high school campus dual enrollment courses are listed, by high school, in a special section of the printed SBCC Schedule of Classes each semester. (same as above)
9. The Dual Enrollment office will maintain records of all students enrolled in a high school campus dual enrollment summer course for a period of three years. (same as above-not specifically required, but will become an SBCC Dual Enrollment office procedure)
10. The Dual Enrollment office will ensure that all K12 special-admit students who achieve special-admit full-time status (12 units or more) will pay the state-mandated enrollment fee for all college units. Such students will be notified that they may be entitled to a BOG waiver and will be referred Dual Enrollment staff to determine BOG eligibility. (CCCCO Legal Advisory 05-01, #28)

Memorandum of Understanding with Carpinteria High School



MEMORANDUM OF UNDERSTANDING

Carpinteria Unified School District has entered into a concurrent enrollment partnership with Santa Barbara City College. This partnership shall adhere to California Education Code provisions governing concurrent enrollment, specified in Section 48800 and subsection 48802 (a and b) as well as Section 76002 (3). The referenced Sections are detailed below taken directly from California Education Code:

48802. (a) For purposes of allowances and apportionments From Section B of the State School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of pupils at the community college as special part-time students pursuant to this article and as set forth in Section 76002.

(b) A school district whose pupils attend a community college as special part-time students pursuant to this article shall, for purposes of allowances and apportionments from Section A of the State School Fund, continue to receive credit for attendance by those pupils computed in the manner prescribed by law, and a pupil's attendance at school for the minimum school day shall be deemed a day of attendance for purposes of making the computation.

[Santa Barbara County Education Office Business Advisory Services Memorandum dated September 16, 1996 states that pursuant to SB 292..."to receive full ADA, the high school must offer 360 minutes of instruction and the student must be enrolled for a minimum day (240 minutes). Also, the college courses taken must be open to the public."]

76002(3) If the [community college] class is offered at a high school campus, the class shall not be held during the time the campus is closed to the general public, as defined by the governing board of the school district during a regularly scheduled board meeting.

For the purposes of the concurrent enrollment partnership, Carpinteria Unified School District defines a "regular school day" as at least 240 minutes of instruction in high school credit only courses. Also, for the purposes of this partnership, the Carpinteria Unified School District allows all concurrent enrollment Santa Barbara City College courses offered on the high school campus to be open to the general public. The high school campus may require non-high school students to adhere to all campus policies.

Paul Cordeiro, Superintendent
Carpinteria Unified School District

Date approved by CUSD Board

CUSD Board Approved Resolution Regarding Concurrent Enrollment

RESOLUTION NO. 13-697

**Governing Board of the
Carpinteria Unified School District**

**RESOLUTION REGARDING CONCURRENT ENROLLMENT
Education Code § 76002(a)(3)**

WHEREAS, the Carpinteria Unified School District (CUSD) maintains a concurrent enrollment partnership with Santa Barbara Community College District (SBCC), which benefits CUSD students, SBCC students and the public at-large; and

WHEREAS, various operational aspects of the concurrent enrollment partnership are incorporated in a Memorandum of Understanding, dated November 2, 2006, the provisions of which establish adherence to various Education Code requirements pertaining to, among other things, allowances, apportionments and enrollment; and

WHEREAS, high schools hosting community college courses must comply with Education Code section 76002(a)(3), which provides that “[i]f a class is offered at a high school campus, the class shall not be held during the time the campus is closed to the general public, as defined by the governing board of the school district during a regularly scheduled board meeting”; and

WHEREAS, in order to fulfill the requirement of Education Code section 76002(a)(3) and to ensure the provision of access to members of the public for attendance of concurrent enrollment courses held on a CUSD campus;

NOW, THEREFORE, BE IT RESOLVED as follows:

The Carpinteria Unified School District Governing Board declares that community college classes shall not be offered on a high school campus at any time in which the campus is closed to the general public. If a community college class is offered during the regular school day, any member of the general public enrolled in the community college class shall have access to the campus equal to the high school students attending the high school.

PASSED AND ADOPTED at a meeting of the Carpinteria Unified School District Governing Board, Santa Barbara County, Santa Barbara, California, held on the 27th day of August, 2013, by the following vote:

Ayes:	<u>4</u>
Noes:	<u>0</u>
Abstain:	<u>0</u>
Absent:	<u>1</u>

By Terry Hickey Banks Date 8/27/2013
Terry Hickey Banks
Clerk to the Carpinteria Unified School District Governing Board

Memorandum of Understanding with Santa Barbara Unified School District



MEMORANDUM OF UNDERSTANDING

Santa Barbara Unified School District has entered into a concurrent enrollment partnership with Santa Barbara City College. This partnership shall adhere to California Education Code provisions governing concurrent enrollment, specified in Section 48800 and subsection 48802 (a and b) as well as Section 76002 (3). The referenced Sections are detailed below taken directly from California Education Code:

CA Education Code 48802 (a) For purposes of allowances and apportionments from Section B of the State School Fund, a community college shall be credited with additional units of average daily attendance attributable to the attendance of pupils at the community college as special part-time students pursuant to this article and as set forth in Section 76002.

(b) A school district whose pupils attend a community college as special part-time students pursuant to this article shall, for purposes of allowances and apportionments from Section A of the State School Fund, continue to receive credit for attendance by those pupils computed in the manner prescribed by law, and a pupil's attendance at school for the minimum school day shall be deemed a day of attendance for purposes of making the computation.

[Note: Santa Barbara County Education Office Business Advisory Services Memorandum dated September 16, 1996 states that pursuant to SB 292...”to receive full ADA, the high school must offer 360 minutes of instruction and the student must be enrolled for a minimum day (240 minutes). Also, the college courses taken must be open to the public.”]

CA Education Code 76002(3) If the [community college] class is offered at a high school campus, the class shall not be held during the time the campus is closed to the general public, as defined by the governing board of the school district during a regularly scheduled board meeting.

For the purposes of the concurrent enrollment partnership, Santa Barbara Unified School District defines a “regular school day” as at least 240 minutes of instruction in high school credit-only courses. Also, for the purposes of this partnership, the Santa Barbara Unified School District allows all concurrent enrollment Santa Barbara City College courses offered on the high school campus to be open to the general public. The high school campus may require non-high school students to adhere to all campus policies.

David Cash, Superintendent
Santa Barbara Unified School District

Date approved by SBUSD Board

SBUSD Board Approved Resolution Regarding Concurrent Enrollment

RESOLUTION NO. 2013/2014-12

**Board of Education
Santa Barbara Unified School District**

**RESOLUTION REGARDING CONCURRENT ENROLLMENT
Education Code § 76002(a)(3)**

WHEREAS, the Santa Barbara Unified School District (SBUSD) maintains a concurrent enrollment partnership with Santa Barbara Community College District (SBCC), which benefits SBUSD students, SBCC students and the public at-large; and

WHEREAS, various operational aspects of the concurrent enrollment partnership are incorporated in a Memorandum of Understanding, dated November 2, 2006, the provisions of which establish adherence to various Education Code requirements pertaining to, among other things, allowances, apportionments and enrollment; and

WHEREAS, high schools hosting community college courses must comply with Education Code section 76002(a)(3), which provides that “[i]f a class is offered at a high school campus, the class shall not be held during the time the campus is closed to the general public, as defined by the governing board of the school district during a regularly scheduled board meeting”; and

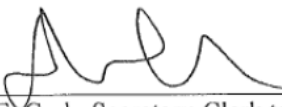
WHEREAS, in order to fulfill the requirement of Education Code section 76002(a)(3) and to ensure the provision of access to members of the public for attendance of concurrent enrollment courses held on SBUSD campuses;

NOW, THEREFORE, BE IT RESOLVED as follows:

The Santa Barbara Unified School District Board of Education declares that community college classes shall not be offered on a high school campus at any time in which the campus is closed to the general public. If a community college class is offered during the regular school day, any member of the general public enrolled in the community college class shall have access to the campus equal to the high school students attending the high school.

PASSED AND ADOPTED at a meeting of the Santa Barbara Unified School District Board of Education, Santa Barbara County, Santa Barbara, California, held on the 13th day of August, 2013, by the following vote:

Ayes:	<u>4</u>
Noes:	<u>0</u>
Abstain:	<u>0</u>
Absent:	<u>1</u>

By:  Date 8/13/13
Dr. David E. Cash, Secretary-Clerk to
Board of Education of the Santa Barbara Unified School District

SBCC Course Request Form



For SBCC use only:

_____	_____	_____
SBCC Department Chair	Signature	Date
_____	_____	_____
SBCC Dean	Signature	Date
CRN #: _____		

Request for Santa Barbara City College Credit Course

Please circle one: New Course Request or Course Renewal

High School: _____

SBCC Course Requested (Name & Number): _____

Days course is to be taught: _____ Hours: _____ Room: _____

Course Beginning Date: _____ Course Ending Date: _____

Semester course is to be taught (circle one): Fall Spring Summer Year _____

(Note: SBCC course can coincide with high school calendar)

High School Equivalent Course (Name & Number) if applicable: _____

Expected enrolled: _____

(Note: SBCC must have enrollment of 20 to offer dual credit, if SBCC is paying the instructor's salary)

Do you want one of your high school teachers to teach the course? Yes No

If "yes", please print the following teacher information:

- Name: _____
- Email: _____
- Home Phone: _____
- Work Phone: _____
- Cell Phone: _____
- Does the teacher possess a master's degree in the subject area? Yes No

Do you want an SBCC instructor to teach this course? Yes No

Would you like this to be a permanent course offering at your school? Yes No Maybe

Are you requesting a particular SBCC instructor?

- Name: _____

High School Approvals:			
_____	_____	_____	_____
Principal Signature	Date	HS Teacher <u>or</u> SBCC Teacher	Date
_____	_____	_____	_____
HS Department Chair <u>or</u> ROP Director	Date	HS Counselor (Only for Personal Development Classes)	Date

Please return form to the:

Dual Enrollment Program, Santa Barbara City College, 721 Cliff Drive, Santa Barbara, CA 93109

**SANTA BARBARA CITY COLLEGE
DUAL ENROLLMENT APPLICATION FOR ADMISSION**

Term Applying For:

Summer Fall Spring 20__

Full Legal Name:

Last Name _____

First Name _____

Middle Name _____

Previous Name on Academic Records: (Full Legal Name)

Personal Information:

Social Security Number: _____

Date of Birth (MM/DD/YYYY) _____

Gender M F

Email Address _____

Mailing Address:

Street Address _____

City _____

State _____ Zip/Postal Code _____

Country if other than U.S. _____

Telephone Number () _____

Permanent Address:

Check here if same as mailing address

Street Address _____

City _____

State _____ Zip/Postal Code _____

Country if other than U.S. _____

Telephone Number () _____

Student Type:

- 1 First-Time Student in College
- 2 First-Time Transfer (attended another College)
- 3 Returning Student to SBCC
- 6 Dual Enrollment (Enrolling in H.S. and College at the same time)

Education Goal:

- A Transfer with AA/AS Degree
- B Transfer without AA/AS Degree
- C Associate Degree without Transfer
- D Vocational Degree without Transfer
- E Vocational Certificate without Transfer
- F Discover Career Interests/Goals
- G New Career/Develop Job Skills
- H Improve Present Job Skills
- I Maintain Certificate/License
- J Personal Enrichment
- K Basic Skills/English, Reading, Math
- L Achieve High School Diploma
- M Undecided on Goal at this time

Program of Study/Major: X X - D U A L E N -

(Refer to application cover sheet for list)

**Applications can be completed online in English
and Spanish at: www.sbcc.edu/apply**

Education Level:

- 0 - Not enrolled/did not Graduate High School
- 1 - Enrolling in High School and College
- 2 - Enrolled in Adult High School
- 3 - Received high school diploma
- 4 - GED/H.S. Equivalency Certificate
- 5 - CA H.S. Proficiency Certificate (CHSPE)
- 6 - Foreign Secondary School Diploma
- 7 - Associate Degree
- 8 - Bachelor Degree or higher

Citizenship:

- 1 - U.S. Citizen
- 2 - Permanent Resident
- 3 - Temporary Resident
- 4 - Refugee/Asylee

If 2, 3 or 4: (REQUIRED)

Alien Registration Number _____

Issue Date (MM/DD/YYYY) _____

Expiration Date (MM/DD/YYYY) _____

6 - Other Status

If 6: (REQUIRED)

Visa Type _____

Visa Number _____

Issue Date (MM/DD/YYYY) _____

Expiration Date (MM/DD/YYYY) _____

Ethnicity:

- | | |
|---|---|
| <input type="checkbox"/> A. Asian | <input type="checkbox"/> HM Mexican, Mexican-American |
| <input type="checkbox"/> AC Chinese | <input type="checkbox"/> HR Central American |
| <input type="checkbox"/> AI Asian Indian | <input type="checkbox"/> HS South American |
| <input type="checkbox"/> AJ Japanese | <input type="checkbox"/> HX Other Hispanic |
| <input type="checkbox"/> AK Korean | <input type="checkbox"/> N American Indian/Alaskan Native |
| <input type="checkbox"/> AL Laotian | <input type="checkbox"/> O. Other Non-White |
| <input type="checkbox"/> AM Cambodian | <input type="checkbox"/> P. Pacific Islander |
| <input type="checkbox"/> AV Vietnamese | <input type="checkbox"/> PG Guamanian |
| <input type="checkbox"/> AX Other Asian | <input type="checkbox"/> PH Hawaiian |
| <input type="checkbox"/> B. African-American Non-Hispanic | <input type="checkbox"/> PS Samoan |
| <input type="checkbox"/> F. Filipino | <input type="checkbox"/> PX Other Pacific Islander |
| <input type="checkbox"/> H. Hispanic | <input type="checkbox"/> W. White Non-Hispanic |

High School Currently Attending:

High School Name _____

City _____ State _____

Country if other than U.S. _____

Graduation Date (MM/DD/YYYY) _____

Parent/Guardian Information 1: (Required if under 19 years of age)

Last Name _____

First Name _____

Relationship: Father Mother Guardian

Check here if same as Permanent address.

Street Address _____

City _____

State _____ Zip/Postal Code _____

Country if other than U.S. _____

Telephone Number () _____

SBCC Dual Enrollment Application

Parent/Guardian Information 2: (Required if under 19 years of age)

Last Name _____
 First Name _____
 Relationship: Father Mother Guardian
 Check here if same as Parent / Guardian #1 address
 Street Address _____
 City _____
 State _____ Zip/Postal Code _____
 Country if other than U.S. _____
 Telephone Number () _____

Veteran Status:

N - Not a Veteran
 D - Dependent of a Veteran
 V - Veteran

Primary Language:

01 - English 05 - Spanish
 02 - Chinese 06 - Vietnamese
 03 - Farsi 07 - Other
 04 - Japanese

Transfer Plans:

00 - No Transfer Plans
 01 - Out of State/ Foreign 11 - Community college
 02 - UCSB 12 - CSU, Channel Islands
 03 - UC Berkeley 13 - UC Davis
 04 - UCLA 14 - UC Irvine
 05 - Other UC campuses 15 - UC San Diego
 06 - Cal Poly, SLO 16 - UC Santa Cruz
 07 - CSU, Northridge 17 - San Diego State
 08 - Other CSU campuses 18 - CSU, Long Beach
 09 - Westmont College 19 - San Francisco State
 10 - CA private college 20 - USC

For Office use only

Banner I.D.: K _____
 Residency: 5 - CA 6 - OS 8 - INTL 7 - AB540
 Entered by: _____ Date: _____

Residency Questionnaire

This information will be used for residency determination. It will not be used in making admissions decisions and will not be used for a discriminatory purpose.

Select one of the following:

I am at least 19 years of age OR married.
 I am under 19 years of age AND unmarried.

All applicants must answer the following questions. If you are under 19 years of age and unmarried you must answer for your parent or guardian.

Have you lived in California for at least the last two years?

Yes No If no, when did your present stay begin? ___/___/___

Are you a full-time employee, or spouse or dependent of a full-time employee of any of the following colleges/universities?

• California Community College • California State University
 or College • University of California • Maritime Academy

Yes No

Is the applicant a full-time credentialed employee of a California public school enrolling in college for purpose of fulfilling credential-related requirements?

Yes No

Have you been employed as a seasonal agricultural worker for at least a total of two months of each of the past two years?

Yes No

During the last 2 years, have you:

Declared residency in another state for state income tax purposes?

Yes No If Yes, _____ Years _____ State

Registered to vote in another state?

Yes No If Yes, _____ Years _____ State

Declared residency at an out-of-state college or university?

Yes No If Yes, _____ Years _____ State

Petitioned for a lawsuit or a divorce as a resident in another state?

Yes No If Yes, _____ Years _____ State

Military Status

None apply to me
 Currently active military
 Dependent of current active military
 Member discharged within the last year
 Member discharged over a year ago (veteran)

Home State of record: _____

Currently stationed in California?

Yes No

If stationed in California, is the Duty for educational purposes ONLY?

Yes No

To Be Signed by all Students

I declare under penalty of perjury that the statements submitted by me are true and correct. All materials submitted by me for the purposes of admission become the property of Santa Barbara City College. I understand that falsification, withholding pertinent data, or failure to report change in residence may result in my dismissal.

Students Signature _____ Date _____

Applications can be completed online in English and Spanish at: www.sbccc.edu/apply

SBCC Dual Enrollment Approval Form



High School Dual Enrollment Approval Form

The intent of the SBCC Dual Enrollment program is to provide educational enrichment opportunities for a limited number of eligible high school students, rather than to reduce current course requirements of secondary schools, and also to help ensure a smoother transition from high school to college for students by providing them with greater exposure to the collegiate atmosphere. (California Education Code 48800).

PART A: STUDENT INFORMATION

NAME: _____ BIRTH DATE: _____
 SBCC ID (i.e. K00123456): _____ OR SSN: _____

PART B: STUDENT SCHOOL INFORMATION

- I am submitting this approval form for the following semester and year: FALL SPRING SUMMER 20__
- I am currently enrolled at the following public or private high school: _____ Grade _____
- I am an eligible 9-12 grade home school student enrolled at: _____
 (Note: A copy of the Home School Affidavit **MUST** be attached to this form. Every person, firm, association, partnership, or corporation offering or conducting a full-time day or boarding school at the elementary or high school level must file an Affidavit (California Education Code Section 33190).

PART C: HIGH SCHOOL APPROVAL

See Schedule of Classes for specific course information. Registration is subject to course enrollment caps.			
APPROVED COURSES		ALTERNATE COURSES	
COURSE TITLE & NUMBER (i.e. BIO 100)	UNITS (9 MAX)*	COURSE TITLE & NUMBER	UNITS (9 MAX)*
1.		1.	
2.		2.	
3.		3.	
* High School seniors may register in (12 units max.). Please note those that exceed 11.9 units will be assessed full tuition.			
As Principal or Designee: Pursuant to Education Code 48800, I have reviewed the academic record of the above-named student and certify that the student demonstrates adequate preparation in the course(s) listed and can benefit from advanced scholastic and vocational education at SBCC.			
SUMMER ONLY: I certify that I am limiting the number of recommendations to no more than five percent of the total number of pupils who completed the grade immediately prior to the time of the recommendation for summer session.			
_____	_____	_____	
Signature of Principal / High School Counselor	Date	School/Office Telephone Number	
SIGNATURE OF JUNIOR HIGH PRINCIPAL/COUNSELOR REQUIRED FOR INCOMING 9 th GRADE STUDENTS:			
_____	_____	_____	
Signature of Principal / Junior High School Counselor	Date	School/Office Telephone Number	

For Office Use Only: Banner Student ID: _____ SBCC Admissions & Records Signature _____ Date _____

SBCC Dual Enrollment Approval Form

PART D: STUDENT AGREEMENT

The college has the right to restrict enrollment for reasons of health and safety, preparedness of the student, availability and college board policy. Please review the program policies below to ensure you have a successful experience at SBCC. (References- California Education Code: Sections 48800-48802, 76001, 76300)

- Maximum Units:** Santa Barbara City College allows eligible 9th – 12th grade students to register in a *maximum* of 9.0 college units during the fall and spring semesters (Seniors a maximum of 12.0 units) in order to enrich their educational experience. **Students may submit the Petition: Dual Enrollment Request for Maximum Unit Exception to the Dual Enrollment office for consideration to exceed unit limit (go to <http://sbcc.edu/dualenrollment/forms.php> to download form).**
- Restricted Courses:** Students may enroll in most *college level* courses, provided they meet the necessary prerequisites. The following classes *may not* be taken by high school students: English 60-100; Math 1-104; ESL 29-100; DSPS courses; Health 101 is open to students 17 years of age or older. Additional course restrictions may be included at the discretion of the college.
- Pre-Requisite Requirements:** When a course has a pre-requisite requirement, it means that a student must demonstrate pre-existing knowledge and/or skills to be successful in the course. To petition to satisfy a pre-requisite by means other than a qualifying SBCC assessment level or a qualified SBCC course go to <http://www.sbcc.edu/prerequisitepolicy/>.
- Assessment:** All students planning to enroll in English or math classes must qualify on the SBCC assessment tests (see http://www.sbcc.edu/assessmentcenter/Assessment_Center.php for details on testing hours and exemptions) or college English or math course work.
- Fees:** High school students are not required to pay SBCC enrollment fees. However, students taking courses on the SBCC Campus are required to pay a Health Fee and a Transportation Fee, in addition those seniors that enroll in 12 units or more will be assessed the per unit fee. Out of state students pay tuition. For a current list of fees, please visit <http://www.sbcc.edu/fees>. Other costs, such as materials and books, are to be paid by the student. **IMPORTANT NOTE: If a student is enrolled only in online class (es), or classes on a high school campus, and does not come to SBCC for instruction, the Transportation and Health fees are not assessed.**
- Course Registration:** For courses taught on the SBCC Campus, it is the student's responsibility to log into his or her SBCC Campus Pipeline account to register for course(s). Please note, that submitting this approval form and application to Admissions & Records **does not** register you in the course. It is the student's responsibility to register for the course(s) in Pipeline in accordance with all college deadlines.
- Rules & Regulations:** All SBCC Dual Enrollment students are responsible for complying with the rules and regulations of the college as published in the SBCC college Catalog and schedule of classes.
- Grades:** The grade(s) you earn in your SBCC class(es) will become a part of your official college academic record. For students attending local service-area high schools, SBCC sends a final semester grade report to the Registrar of the high school you listed on your application for admission. It is your responsibility to make sure you have received high school credit. Check with your Registrar to be sure your SBCC grade(s) has been posted to your high school transcript. Students may also view their course grades by logging into their SBCC Pipeline account. Please note students must make satisfactory academic progress (minimum cumulative GPA of 2.0 and completion of 67% of courses attempted) to maintain eligibility for financial aid when they begin SBCC as a full-time college student.

YOU MUST SELECT ONE OF THE FOLLOWING:

I authorize SBCC to release my final grades to my high school Registrar.

I DO NOT authorize SBCC to release my final grades to my high school Registrar.

NOTE: If you opt out, your high school may request that you provide the registrar with an official SBCC transcript before giving credit towards high school requirements/graduation.

I have read, understand and agree to the above policies and requirements.

Student Signature

Date

PART E: PARENT AGREEMENT

- Student Responsibilities:** Students must act on their own behalf. Parents, guardians, relatives or friends of SBCC students are not permitted to enroll, drop, or add classes on behalf of the student. The same applies to requesting transcripts or grade verifications.
- Student Records:** Under Section 49061 of the Education Code, parents of community college students do not have a right of access to their children's student records, regardless of whether the student is under the age of 18. In accordance with this regulation, students' college records will be released to parents only with the written consent of the student. (Authorization for Release of Information form may be obtained at www.sbcc.edu/forms or from Admissions & Records)
- Contacting Instructors:** Your student is enrolled in a college course and it is important to understand that instructors work directly with students, as opposed to the type of parent interventions you may be accustomed to at the high school level. Under FERPA (Family Educational Rights and Privacy Act) instructors are not required to discuss student performance or other student-related issues with parents. SBCC does not accommodate parent requests to contact instructors.
- Course Content/ Material:** SBCC is an adult learning environment. As such, discussion topics and course materials are generally designed for adult students and may not be appropriate for younger students.
- SBCC assumes no responsibility for the supervision of minor students outside of the classroom setting. Parents are responsible for providing transportation and ensuring that their children are appropriately supervised before and after class.

Your signature on this document certifies that you have read, understand and agree to the above policies and requirements. Furthermore, you have also reviewed and assessed your son/daughter's ability to succeed in the classes recommended by the high school; and that he/she has your approval to enroll in SBCC courses.

Parent/Guardian Signature

Date

For questions, or for more information regarding Dual Enrollment call:

Dual Enrollment Director
Phone: (805) 730-3020
Email: lawntermeyer@sbcc.edu

Dual Enrollment Student Program Advisor
Phone: (805) 730-4759
E-mail: vega@sbcc.edu

Petition: Dual Enrollment Request for Maximum Unit Exception



SANTA BARBARA CITY COLLEGE

Dual Enrollment Petition: Dual Enrollment Request for Maximum Unit Exception

According to Santa Barbara Community College District Board Policy and Administrative Procedure 5120 eligible Dual Enrollment students may enroll in a maximum of 9.0 (Seniors up to 12 units) college units in Fall and Spring semesters to enrich their educational experience.

Dual Enrollment students demonstrating advanced scholastic standing may appeal BP 5120 which limits enrollment to non-senior dual enrollment students to a maximum of 9 semester units and senior dual enrollment students to a maximum of 12 semester units. The appeal, if approved, would allow a Dual Enrollment student to enroll in a maximum of three courses for which the unit total exceeds 9 (for students in grades 9-11) or 12 (for students in 12th grade).

Step 1: Complete the following student personal information.

Name _____ SBCC ID K _____

Pipeline Email _____@pipeline.sbcc.edu Phone _____

Step 2: The criteria and documentation for requesting to appeal BP 5120 are:

- Student must establish and maintain a minimum GPA of 3.0 with no grade below a "C" in an academic class (student must provide a high school transcript and a college transcript, if available).
- Student must demonstrate eligibility for ENG 110 and MATH 107 through SBCC English and math placement assessments or acceptable equivalencies such as AP/SAT/ACT/EAP scores. Attach proof of eligibility from your Pipeline account (go to Student Records).
- Student registering in over 11.9 units will be subject to payment of all enrollment fees in addition to mandatory fees if applicable. Attach a list of the three courses and the total units in which you would like to register.
- As the student, I acknowledge that the appeal and approval process is term based and a new petition form along with documentation is required every semester.

Step 3: Student Acknowledgement

I understand that the decision to exceed the maximum number of units is based on my advanced academic abilities, and I further acknowledge that all course work is my responsibility alone. I am aware of, and will adhere to, all college regulations and registration timelines. No exceptions will be made for me as a Dual Enrollment student.

X _____
Student Acknowledgement / Signature Date

Step 4: Parent Acknowledgement

I understand that in accordance with FERPA (<http://www.sbcc.edu/admissions/ferpastudentprivacy.php>) regulations, I may not act on my student's behalf. I further acknowledge that if my student registers in more than 11.9 units, they will be required to pay full tuition.

X _____
Parent Acknowledgement / Signature Date

Step 5: Submit Petition: Dual Enrollment Request for Maximum Unit Exception and required supporting documentation to the Dual Enrollment Office. See www.sbcc.edu/dualenrollment for contact information. Please initial below to indicate your understanding:

__ I acknowledge that the Dual Enrollment Office will send the results of my Petition: Dual Enrollment Request for Maximum Unit Exception to my Pipeline email account.

__ I acknowledge that petition approval does not guarantee me a seat in the course and that my registration is dependent on satisfactory completion and clearance of stated prerequisites.

For Office Use Only:		
__Approved	__Denied	__Incomplete Petition/No Action
A & R SFAREGS _____		Processed by: _____
Comments _____		
_____ Director Dual Enrollment Programs	_____ Date	Notified: _____

High School vs. SBCC Regulations

High School vs. College Regulations

Differences in Governance

High School:

High Schools are governed by the Individuals with Disabilities Education Act (IDEA).

Colleges:

Colleges are governed by the ADA and the Rehabilitation Act but not governed by IDEA.

High School:

Parents are notified and required by law to give permission for any decisions regarding their son or daughter.

College:

The Family Educational Rights and Privacy Act (FERPA) mandates that the College cannot release any information concerning an adult over the age of 18 unless the student has given explicit written permission.

Differences in Responsibility

High School:

The school is responsible for the right to education for all children.

College:

The student is responsible to choose whether or not to attend College, to demonstrate qualifications for College attendance, and to compete with other adults for classroom seats.

High School:

The school is responsible for a free disability evaluation and documentation.

College:

The student is responsible for providing current documentation of their disability to the college.

High School:

The school is responsible for an Individual Educational Plan (IEP) that determines placement and appropriate support services.

College:

The student is responsible for planning his/her own education, identifying resources, and requesting reasonable accommodations.

High School:

The school is responsible for implementing the IEP, making services available and including them in the schedule.

College:

The student is responsible for implementing their own academic plan and requesting services each time they are needed.

High School vs. SBCC Regulations

High School:

The school is responsible for fundamental curriculum alterations to allow individualized goals and objectives.

College:

The student is responsible for meeting the unaltered fundamental College academic standards, standard course objectives, code of conduct, and program requirements.

High School:

The school is responsible to provide personal services such as transportation, mobility between classes, or content tutoring beyond that offered by the regular classes.

College:

The student is responsible to provide their own personal services to assure their own independence and safety.

High School:

The school administrators, teachers and parents advocate for students.

College:

The student is responsible to advocate for him/herself.

Academic Differences

High School:

The school establishes a class schedule that fills most of the time during the school day.

College:

The student is responsible to plan how to use free time between College classes.

High School:

High school teachers provide a lot of assistance with reading and studying.

College:

The student is responsible for reading text-books, memorizing information, applying concepts, studying, thinking critically, and writing on their own.

High School:

High school teachers provide regular homework.

College:

The student is responsible for independent learning such as reviewing notes, or studying outside sources in the library or online. College professors may require only one or two out-of-class assignment per semester.

High School:

The school expects students to spend about 2 or 3 hours a day on homework.

College:

The student is responsible for studying an additional 3 hours for every hour in a College class. This may mean 6 or more hours of studying per day.

High School vs. SBCC Regulations

High School:

High school teachers give tests on a regular basis.

College:

The student is responsible to prepare for fewer opportunities to pass tests. College professors may only give a mid-term and a final test.

Resources and Links

Students with disabilities preparing for post-secondary education: know your rights and responsibilities.

U.S. Department of Education

www.ed.gov/ocr/transition.html

SBCC Dual Enrollment Policy Overview

Topic: Maximum allowable units

Current SBCC Board Policy:

3121.1 Students concurrently enrolled in a public or private school: (a) may enroll in a maximum of 9.0 units (graduating Seniors up to 12 units) in order to enrich their educational experience.

CA Education Code:

76001 (d) a special part-time student may enroll in up to, and including, 11 units per semester, or the equivalent thereof, at the community college.

Recommendation:

Leave board language as is. Change Administrative Procedure and advertising material to allow all seniors to exceed the 9.0 unit max. The 9.0 unit max rule is a local district decision.

Topic: Undocumented Dual Enrollment on SBCC/ HS Campus

Current SBCC Board Policy:

3121 Students who are legal residents within the SBCC District may attend SBCC while concurrently enrolled as a regular student in a secondary school program

CA Education Code:

76140 (a-2) The district may exempt from all or parts of the fee any nonresident who is both a citizen and resident of a foreign country, if the nonresident has demonstrated a financial need for the exemption. Not more than 10 percent of the nonresident foreign students attending any community college district may be so exempted. Exemptions made pursuant to this paragraph may be made on an individual basis.

Recommendation:

As an administrative procedure (not board policy) non-residence dual enrollment students both on and off SBCC campus, may request a fee exemption which will be evaluated on an individual basis by AOS Coordinator or Dual Enrollment Coordinator in collaboration with the Financial Aid office. SBCC may not exempt more than 10 percent of the nonresident foreign students attending SBCC. Student must demonstrate Financial Need as determined by the Financial Aid office (BOG Waiver)

Topic: Enrollment into remedial Math and English courses on the SBCC Campus

Current SBCC Board Policy:

3121.1 (e) Shall have availed himself/herself of all opportunities to enroll in an equivalent course at

SBCC Dual Enrollment Policy Overview

his or her school of attendance; (f) shall enroll in courses classified at the college level, as determined by the college district; (g) shall have satisfied skills eligibility and/or prerequisites.

3121.2 The College may delineate courses which are not available to high school students.

CA Education Code:

The Chancellor's Office has advised that the terms "college level" refer to college credit courses acceptable toward the associate degree which have been properly approved pursuant to California Code of Regulations, title 5, section 55002(a).

Recommendation:

Currently the Dual Enrollment administrative procedure is to allow students the opportunity to enroll in English 100 or higher, as well as Math 100 or higher. These courses are the minimum course level required for AA or AS degrees. As such, the administrative procedure will remain unchanged.

In addition, Dual Enrollment students Should NOT be allowed to enroll in an ESL level beneath 100. ESL courses listed at 100 or above are both degree and CSU/UC transferable courses.

(Administrative Procedure)

Topic: Dual Enrollment students not being dropped for non-payment of fees

Current SBCC Practice:

Students would enroll at the SBCC campus and would not pay their Health and Transportation fees. Even for those students that eventually dropped the course(s) the fees would remain on their record as a student finance block. The rule that was setup for banner did not drop students from courses who had a debt of less than \$54.00. The financial hold was preventing the students from enrolling in Dual Enrollment courses on their high school campus.

Recommendation:

The student finance department is currently rewriting the Banner Script so that students will be dropped from courses so long as there is a balance due indicated on a student's account as a result of registering into courses.

Topic: Allowing Students to obtain their "999" ID number over the phone

Current SBCC Practice:

Students who wish to obtain their "999" ID number must come in person to Admissions and Records and present a valid photo ID to obtain their "999" ID number. Has created a challenge for Dual Enrollment students who were issued "999" ID numbers and apply as first-time freshman using their SSN.

Recommendation:

A & R will develop a set of questions that may be asked of the STUDENT by an

SBCC Dual Enrollment Policy Overview

A& R staff member, AOS or Dual Enrollment staff member. Provided that the student can answer the questions, a staff member would be allowed to give the student their “999” ID number over the phone. Possible Questions:

Full Name, DOB, Address, HS Attended, Parent Name etc.

Topic: Enrollment in SBCC Courses for SBCC’s STEP Program

Current SBCC Board Policy:

3121 Students who are legal residents within the SBCC District may attend SBCC while concurrently enrolled as a regular student in a secondary school program (full-time or part-time), or as a special part-time or full-time student if not enrolled in a secondary school under the following conditions: (Ed. Codes 48800, 48800.5, 76000, 76001, 76001.5, 76002).

3121.1 Students concurrently enrolled in a public or private school: (a) may enroll in a maximum of 9.0 units (graduating Seniors up to 12 units) in order to enrich their educational experience.

CA Education Code:

33190 Ed Code states that if not a public or private accredited high school than; Every person, firm, association, partnership or corporation offering or conducting private school instruction on the elementary or high school level shall file with the Superintendent of Public Instruction an affidavit.

The Adult High School program claims that they are an accredited high school program through SBCC under WASC. They are also approved through the state to grant high school diplomas.

Recommendation:

At this point we have not been able to find any legal documentation providing evidence that they are an approved high school program by The Chancellor’s Office. However, there is also ~~no not any~~ language in Ed Code that would not allow the SBCC District to make a local decision to allow these students to enroll as Special Part-time (Dual Enrollment)

Topic: Home School Enrollment in SBCC Courses

Current SBCC Board Policy:

3121.1 (h) if home schooled, the student shall provide a copy of the Private School Affidavit filed with the Superintendent of Public Instruction.

CA Education Code:

33190 Every person, firm, association, partnership or corporation offering or conducting private school instruction on the elementary or high school level shall file with the Superintendent of Public Instruction an affidavit.

SBCC Dual Enrollment Policy Overview

Recommendation:

Adjustment to wording in current SBCC board policy to read:

Home school students deemed eligible must meet one of the following criteria:

1) affiliation with a county department of education program, 2) must be taught by a person holding a California Teaching Credential, 3) must hold a current private school affidavit filed with the State Superintendent of Public Instruction. (Ed Code 33190)

Topic: Special Student Status Petition (K-8)

Current SBCC Board Policy:

3122 Students not eligible to enter 9th grade or higher (a) Shall submit a petition to the Superintendent/President, or designee, the Coordinator, Admissions Outreach Services, for evaluation: (b) shall submit a written request from parent or guardian; (c) shall submit a written request from administrator of the school student attends; (shall have scores from SBCC assessment (indicating eligibility for English 110 and/or higher than intermediate algebra, Math 107; (d) shall have demonstrated advanced standing in the discipline. In general, advanced standing refers to eligibility for transfer level and for courses for which an entry level college course is a prerequisite; (e) shall demonstrate compelling and extenuating reasons to attend SBCC (i.e. educational opportunity not available); (f) shall participate in a personal interview by the designated college official.

CA Education Code:

Local district decision (76000-76002)

Recommendation:

Add language to board policy that would allow summer only special performance courses such as: Music, TA 141-144, 175. Enrollment into these designated courses would not require the Special Student Status Petition.

Topic: Dual Enrollment Students taking courses outside of the college district

Current SBCC Board Policy:

3121 Students who are legal residents within the SBCC District may attend SBCC while concurrently enrolled as a regular student in a secondary school program

CA Education Code:

Recommendation:

Remove language: "Legal Residents" and "SBCC District"

SBCC Dual Enrollment Policy Overview

To be replaced with: “High school students may attend SBCC while concurrently enrolled as a regular student in a secondary school program....”

Topic: Should the signature and approval of a SBCC Counselor be required on the Dual Enrollment Approval Form?

Current SBCC Board Policy:

3121.1(d) Shall have written approval of the SBCC counselor to take advanced scholastic and vocational courses for which student is qualified and has satisfied prerequisites;

CA Education Code:

The CA Education Code does not require the authorizing signature of the community college counselor.

Recommendation:

Such a policy was implemented by SBCC to ensure the students were selecting appropriate coursework as well as following college policies, procedures, and course prerequisites.

Below is feedback from various SBCC counselors addressing the importance/ non-importance of SBCC Counselors approving Dual Enrollment Courses:

Response 1:

1) Revise the Dual Enrollment Approval Form (DEAF) to include a maximum number of units allowed to be determined by the SBCC counselor. Currently, students are often requesting a SBCC counselor's signature on multiple closed courses because they're not sure which one they might be able to add. This allows students to potentially enroll in all of them.

2) The "Dual Enrollment Letter" that is given to students upon securing a SBCC counselor's signature on the DEAF should be part of the original application packet. Students and parents would benefit from reading and understanding this information prior to submitting the Dual Enrollment Application. The DEAF should be revised to reflect that both parent and student have read and understood the information on the letter.

3) Continue to require the SBCC's counselor signature to ensure that the courses are appropriate, to ensure that students repair substandard grades before taking on new courses and to establish a unit limitation. However, if recommendation #2 above is implemented then there is no need for us to interact with the parent (sometimes student) to secure the signature. The front desk could print out a Reports page for continuing students and provide that to us with a request for our signature. Since students and parents have already acknowledged by their signatures that they read and understood the information on the letter; once again, there is no need for us to interact directly with the signature seeker- saving valuable time for all involved. More importantly, parents and students accept accountability for the consequences of their choices.

Response 2:

SBCC Dual Enrollment Policy Overview

If they don't have to get a counselor's signature, I think someone at SBCC needs to review their choices and advise them appropriately. Of course Mike and Charles should be able to sign off on this (and possibly Kiko as well). High school counselors don't always pass on the details that we need students to know.

Response 3:

I have had occasions where students would have taken classes inappropriately. Examples are trying to take 12 units their first semester of dual enrollment, or Eng 70, or on probation and not repeating any courses just digging the hole deeper. All of these students had signatures and were surprised by the information that I was giving to them. I think we should still sign.

Response 4:

I believe it is important that the form be signed off on. Often times, students enter their own desired classes, try to sign up for too many classes, or have already failed a previous class. We do a disservice to the student if we don't check it. I even go so far as to spend a few minutes finding out if it's the first time the student has taken a class and if so make sure they understand the Drop and Withdrawal dates, and the personal responsibility required of them that is different from their current high school classes.

Response 5:

My short opinion is, No counselor approval required.

With the caveat that we develop guidelines as to when a counselor approval would be needed (i.e. if the coursework requested is challenging or the course advisory appears not to be met).

Response 6:

For what it is worth I believe that, as a former high school counselor, that the student need only the high school's consent to take a SBCC class. The counselor should be the one to evaluate the transcript for units and grade progress in certain areas. The only advantage to us looking it over is to look for appropriate placements into certain classes. The high school counselor would be benefitted by looking up the classes in the catalog to become familiar with what SBCC offers and making a determination on the level of work. Courses such as economics should be scrutinized with care.

So, in a nutshell, the high school has more information on the student yet we have more information on the courses.