

# AR 5011    **ADMISSION AND CONCURRENT ENROLLMENT OF HIGH SCHOOL AND OTHER YOUNG STUDENTS)**

## **General Provisions**

Admission of Special K-12 Students or other young students allows Santa Monica College (SMC) to provide educational enrichment opportunities for a limited number of eligible students, 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 students by providing them with greater exposure to the collegiate atmosphere. The governing board of a school district may authorize those students, upon recommendation of the principal of the student'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 student and to undertake one or more courses of instruction offered at the community college level.

To be considered for admittance as a special part-time student or a special full-time student, the student must meet the eligibility standards as established in Education Code Sections 48800, 48800.5 and 76001. All required documents can be found on the Admissions and Records website and shall be submitted to Admissions and Records Office for approval.

Santa Monica College may restrict admission or enrollment (Education Code 76002) based on:

- (1) Age;
- (2) Completion of a specified grade level (completion of the 8<sup>th</sup> grade is required); and
- (3) Demonstrated eligibility for instruction using assessment methods and procedures established by Education Code, Section 78210.

SMC will have procedures for maintaining records of enrollment of these students.

SMC may recommend changes to the cap on special admit full-time equivalent students to ensure that regularly admitted students are not being displaced.

SMC may review if available the summary report that includes an assessment of the trends in the growth of special admits; and based upon the data collected pursuant to this section, make recommendations for program improvements or the need for additional student support services to ensure the overall success of these students.

## **Enrollment in Classes**

Enrollment in classes is subject to prerequisite completion and seat availability. Special part-time and full-time students are assigned the lowest enrollment priority consistent with AR 5055 Enrollment Priorities, to avoid displacing regularly admitted students.

- Special part-time students may enroll in up to 11 units per semester (fall and spring), and up to 8 units per intersession (summer and winter), at the discretion of the district.

### **Part of old language**

- Special full-time students may enroll in up to 12 units per semester (fall and spring), and up to 8 units per intersession (summer and winter), at the discretion of the district.

With the exception of courses offered through College and Career Access Pathways (CCAP), courses in which high school and other young students are permitted to enroll will be open to the entire college population (general public), and will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline. Some courses may discuss topics of a sensitive nature.

- Students will no longer have to enroll from a prescribed course list and thus will be able to enroll in any courses as long as they meet prerequisites, if any.

### **Admission of Special Part-Time K-12 Students**

Admission is subject to seat availability. The student must submit:

- District application for admission;
- Concurrent Enrollment or Dual Enrollment application (as applicable), that includes:
  - Signed parental or guardian consent;
  - Counselor and principal signature of approval
    - The principal's signature is only required for summer courses
- A parent or guardian of a pupil who is not enrolled in a public or private school may petition for admission directly without the signature of a counselor or principal.
- Demonstrate that the student has the abilities and sufficient preparation to benefit from instruction at the college. The Dean of Enrollment Services has the authority to make the final decision whether a student can benefit from instruction.

### **Supplemental Admission Requirements for Special Full-Time K-12 Students**

In addition to requirements for special part-time students above, special full-time students must provide a written and signed attestation from the school's principal on school letterhead:

1. declaring that the student has exhausted all opportunities to enroll in equivalent courses, if any, at their school of attendance.
2. Confirm that the school Board has approved the student to attend Santa Monica College as a Special Full-Time Student.
3. demonstration that the student has adequate preparation for full-time college level work.

### **Exceptions for the Admission of Students Not Completing the 8<sup>th</sup> Grade**

The District will consider the admission of students who have not yet completed the 8<sup>th</sup> grade, provided the following additional requirements are met:

- Submission of a complete transcript (or all relevant grade report cards).
- Submission of a written statement from the student indicating how the student has exhausted all opportunities to enroll in equivalent course(s), if any, at their school of attendance and how they would benefit from instruction at Santa Monica College.
- Submission of a letter of support from a school counselor or teacher attesting to the student's demonstrated preparedness for college instruction.
- Submission of a written and signed attestation from the school's principal on school letterhead declaring that the student has:

- 1) exhausted all opportunities to enroll in equivalent course(s), if any, at their school of attendance; and
- 2) the student has the maturity and intellectual capacity to benefit from instruction at the college level.

The Dean of Enrollment Services will review the above materials and meet with the student and parent or guardian as needed, to determine if the student can benefit from instruction offered at the college. Other considerations for admission may include completion of class prerequisites; the welfare and safety of the student and others; requirements for supervision of the minor; times the class(es) meet and the effect on the safety of the minor. Santa Monica College personnel have no responsibility to act in *loco parentis*. The Dean's decision is final, except in instances when a student deemed "highly gifted and talented" (where is this defined) by the school district is denied admission.

### **Denial of Requests for Admission**

If the Dean of Enrollment Services denies an enrollment request for a special part-time student or special full-time student or for a student who is identified a "highly gifted and talented" student is denied admission, the Dean of Enrollment Services in consultation with the Superintendent/President or designee, shall issue a written response for the denial that includes the findings and reasons for the denial to the parent or guardian of the highly gifted and talented student within 30 days of receiving an application packet. The Board of Trustees of the SMCCD must then take action to either confirm or reject this denial at a Board meeting which takes place within 30 days after the written denial has been issued. (see Title 5, section 48800)

If the governing board of a school district denies a request for a special part-time or full-time enrollment at a community college for any session or term for a student who is identified as highly gifted, the governing board shall issue its written recommendation and the reasons for the denial within 30 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. (From Title 5)

*If the Board denies a request for special full-time or part-time enrollment by a student who is identified as highly gifted, the board will record its findings and the reason for denying the request in writing within 60 days.*

*The written recommendation and denial shall be issued at the next regularly scheduled board meeting that occurs at least 30 days after the student submits the request to the District. (From League's template)*

### **Admission of K-12 Students at a Summer Session**

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 students who completed that grade immediately before the time of recommendation.

1. Declaring that the student has exhausted all opportunities to enroll in equivalent course(s), if any, at their school of attendance.
2. Demonstrating that the student has adequate preparation in the discipline(s) to be studied

Enrollment in a course shall not be included in the 5-percent limitations of students allowed if the course in which the student is enrolled is part of a CCAP program and/or the course meets one of the criteria listed below:

- i. The course is a lower division, general education course for the UC or CSU breadth requirements; or
- ii. The course is a college-level, occupational course and part of a sequence of vocational or career technical education courses leading to a degree or certificate

### **College and Career Access Pathways (CCAP)**

The Board of Trustees has adopted all the legal requirements of Education Code Section 76004 in order to participate in the College and Career Access Pathways (CCAP) partnership with the Board of a school district for the purpose of offering or expanding dual enrollment opportunities for students who may not already be college bound or who are underrepresented in higher education, with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school students achieve college and career readiness.

As used in this section, “high school” includes a community school, continuation high school, juvenile court school, or adult education program offering courses for high school diplomas or high school equivalency certificates.

The District may enter into a CCAP partnership with a school district partner that is governed by a CCAP partnership agreement approved by the governing boards of both districts.

As a condition of adopting a CCAP partnership agreement, the governing board of each district, shall do both of the following:

- For career technical education pathways provided under the partnership, consult with, and consider the input of, the appropriate local workforce development board to determine the extent to which the pathways are aligned with regional and statewide employment needs. The governing board of each district shall have final decision-making authority regarding the career technical education pathways to be provided under the partnership; and
- Present, take comments from the public on, and approve or disapprove the dual enrollment partnership agreement at an open public meeting of the governing board of the district.

The CCAP partnership agreement shall be filed with the Office of the Chancellor of the California Community Colleges and the Chancellor’s Office will submit the agreement to the Department of Finance before the start of the CCAP partnership, and shall:

- outline the terms of the CCAP partnership and shall include, but not necessarily be limited to, the total number of high school students to be served and the total number of full-time equivalent students projected to be claimed by the community college district for those students; the scope, nature, time, location, and listing of community college courses to be offered; and criteria to assess the ability of students to benefit from those courses.

- establish protocols for information sharing, in compliance with all applicable state and federal privacy laws, joint facilities use, and parental consent for high school students to enroll in community college courses.
- identify a point of contact for the participating community college district and school district partner.
- certify that any community college instructor teaching a course on a high school campus has not been convicted of any sex offense as defined in Education Code Section 87010 or any controlled substance offense as defined in Education Code Section 87011.
- certify that any community college instructor teaching a course at the partnering high school campus has not displaced or resulted in the termination of an existing high school teacher teaching the same course on that high school campus.
- certify that a qualified high school teacher teaching a course offered for college credit at a high school campus has not displaced or resulted in the termination of an existing community college faculty member teaching the same course at the partnering community college campus.
- include a certification by the participating community college district of all of the following:
  - A community college course offered for college credit at the partnering high school campus does not reduce access to the same course offered at the partnering community college campus;
  - Participation in a CCAP partnership is consistent with the core mission of the community colleges pursuant to Education Code Section 66010.4, and that students participating in a CCAP partnership will not lead to enrollment displacement of otherwise eligible adults in the community college.
- certify that both the school district and community college district partners comply with local collective bargaining agreements and all state and federal reporting requirements regarding the qualifications of the teacher or faculty member teaching a CCAP partnership course offered for high school credit.
- specify both of the following:
  - Which participating district will be the employer of record for purposes of assignment monitoring and reporting to the county office of education; and
  - Which participating district will assume reporting responsibilities pursuant to applicable federal teacher quality mandates.
- certify that any pretransfer-level course taught by community college faculty at a partnering high school campus shall be offered only to high school students who do not meet their grade level standard in math, English, or both on an interim assessment in grade 10 or 11, as determined by the partnering school district, and shall involve a collaborative effort between high school and community college faculty to deliver an innovative pretransfer course as an intervention in the student's junior or senior year to ensure the student is prepared for college-level work upon graduation.

A community college district participating in a CCAP partnership shall not provide physical education course opportunities to high school students or any other course opportunities that do not assist in the attainment of at least one of the following goals:

- developing seamless pathways from high school to community college for career technical education or preparation for transfer;
- improving high school graduation rates; or
- helping high school students achieve college and career readiness.

The District will not enter into a CCAP partnership with a school district within the service area of another community college district, except where an agreement exists, or is established, between those community college districts authorizing that CCAP partnership.

A high school student enrolled in a course offered through a CCAP partnership shall not be assessed any fee that is prohibited by Education Code Section 49011.

The District may assign priority for enrollment and course registration to a student seeking to enroll in a community college course that is required for the pupil's CCAP partnership program that is equivalent to the priority assigned to a student attending a middle college high school as described in Education Code Section 11300 and consistent with middle college high school provisions in Education Code Section 76001.

The District may limit enrollment in a community college course solely to eligible high school students if the course is offered at a high school campus, either in person or using an online platform, during the regular school day and the community college course is offered pursuant to a CCAP partnership agreement.

The District may allow a special part-time student participating in a CCAP partnership agreement established pursuant to this article to enroll in up to a maximum of 15 units per semester if all of the following circumstances are satisfied:

- The units constitute no more than four community college courses per semester;
- The units are part of an academic program that is part of a CCAP partnership agreement established pursuant to this article; and
- The units are part of an academic program that is designed to award students both a high school diploma and an associate degree or a certificate or credential.

The Board of Trustees exempts special part-time students from the following fee requirements:

- Student representation fee (Education Code Section 76060.5)
- Nonresident tuition fee and corresponding permissible capital outlay fee and/or processing fee (Education Code Section 76140)
- Two transcripts and two verification of student records. (Education Code Section 76223)
- Course enrollment fees (Education Code Section 76300)
- Apprenticeship course fees (Education Code Section 76350)
- Child development center fees (Education Code Section 79121)

The District shall not receive a state allowance or apportionment for an instructional activity for which the partnering district has been, or shall be, paid an allowance or apportionment.

The attendance of a high school student 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 Education Code Section 48802 or 76002, provided that no school district has received reimbursement for the same instructional activity.

For each CCAP partnership agreement entered into pursuant to this section, the community college district and school district shall report annually to the office of the Chancellor of the California Community Colleges, the Legislature, the Director of Finance, and the Superintendent all of the following information:

- The total number of high school students by school site enrolled in each CCAP partnership, aggregated by gender and ethnicity, and reported in compliance with all applicable state and federal privacy laws.
- The total number of community college courses by course category and type and by school site enrolled in by CCAP partnership participants.
- The total number and percentage of successful course completions, by course category and type and by school site, of CCAP partnership participants.
- The total number of full-time equivalent students generated by CCAP partnership community college district participants.
- The total number of full-time equivalent students served online generated by CCAP partnership community college district participants.
- A copy of the CCAP partnership agreement shall be filed with the office of the Chancellor of the California Community Colleges.

### References:

Education Code Sections 48800, 48800.5, 48802, 49011, 52620-21, 66010.4, 76001, 76002, 76004, 76140, 76300 and 84757

Revised: October 2002 (for AR 5440) and April 1, 2015 (for AR 4113)

(AR 5011 replacing AR 4113 and AR 5440), November 29, 2017, March 22, 2023

*Leagues Template dated 2020 Do faculty members know they have minor students in their classes (in case of emergency)?*

**Revised 2/04, 7/11, 6/13, 10/13, 4/15, 4/20**

**NOTE:** Admission of high school and younger students as well as students in a school district adult education program or community college district noncredit program is not mandated by law. However, if the District wishes to do so and there is agreement with the school district, this board policy should identify students who may be admitted (generally by age or grade level) and the status (special part-time [Education Code Section 48800], or special full time [Education Code Section 48800.5]).

Districts may also make a statement regarding summer school attendance. Examples of such policies are listed below.

Boards that admit special part-time or full-time students must comply with the requirements of Education Code Section 76001 subdivision (b) regarding findings and reasons for denying any such request by pupils who are identified as highly gifted. Language is included below. Apportionment for the concurrent enrollment of high school students can only be claimed if the enrollment meets the criteria of Education Code Section 76002. Language is included below.

## **AP 5011 Admission and Concurrent Enrollment of High School and Other Young Students**

**NOTE:** This procedure is **legally required** if the District admits high school students or younger students. Local practice may be inserted. For Districts that are non-CCAP track, the procedures should, at a minimum, address or include:

The [ **CEO** ] shall establish procedures regarding ability to benefit and admission of high school and younger students.

Admission criteria and procedures for younger students enrolling in the community college:

- Special part-time students (if applicable and as defined in Board Policy)
- Special full-time students (if applicable and as defined in Board Policy)
- Summer school students (if applicable and as defined in Board Policy)
- Agreements between school District(s) and community college District
- Credit granted for courses
- Limits on the number of units for which special part-time students may enroll [ *See Education Code Section 76001 subdivision (d) for specific language* ]
- Procedures for denial of request for full-time enrollment, including time constraints [ *See Education Code Section 76001 subdivision (b) for specific language* ]
- **Procedures for recording board findings and** reasons for denial of a request for admission by a student identified as highly gifted.
- Procedures for assigning a low enrollment priority to special part-time or full-time students, except for students attending a middle college high school if the student is seeking to enroll in a course that is required for the student's middle college high school program, to ensure they do not displace regularly admitted students.
- Procedures for maintaining records of enrollment of these students for apportionment purposes.
- Procedures for ensuring that claims for state apportionment for K-12 students meet all of the following criteria:
  - The class is open to the general public
  - The class is advertised as open to the general public in one or more of the following:
    - The college catalog
    - The regular schedule of classes
    - An addenda to the catalog or schedule

If the decision to offer a class on a high school campus is made after publication of the District's regular schedule of classes, and the class is only advertised to the general public through electronic media, the class must be advertised for a minimum of 30 continuous days prior to the first meeting of the class.

If the class is offered 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 school board.

If the class is a physical education class, no more than 10 percent of the enrollment of the class may consist of special part-time or full-time students.

**NOTE:** *The following is an illustrative example of procedures. Legally required and legally advised clauses are indicated.*

**Required** To be considered for admittance as a special part-time student, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001.

**Legally advised** Admission is subject to seat availability. The student must submit:



- district application for admission;
- written and signed parental or guardian consent;
- written and signed approval of his/her/their principal **NOTE: A parent or guardian of a pupil who is not enrolled in a public or private school may petition directly without the signature of a principal.**
- demonstration that the student is capable of profiting from instruction. The [ **designate** ] has the authority to make the final decision whether a student can benefit from instruction.

**Required** To be considered for admission as a special full-time student, the student must meet the eligibility standards as established in Education Code Section 48800.5.

**Legally advised** Admission is subject to seat availability. The student must submit:

- district application for admission;
- written and signed parental or guardian consent;
- written and signed acknowledgment of his/her/their principal. **[NOTE: A pupil who is not enrolled in a public or private school does not need to provide written acknowledgment from his/her/their school principal.];**
- demonstration that the student is capable of profiting from instruction;
- written approval of the governing board of the school district of attendance. The [ **designate** ] has the authority to make the final decision whether a student can benefit from instruction.

**Required** To be considered for admission as a special summer session student, the student must meet the eligibility standards as established in Education Code Sections 48800 and 76001. Students will not be admitted unless they have availed themselves of all opportunities to enroll in equivalent courses at their schools of attendance.

**Legally advised** The student must submit:

- written and signed parental or guardian consent;
- written and signed approval of his/her/their principal that the student has availed himself/herself/themself of all opportunities to enroll in an equivalent course at his/her/their school of attendance; and
- demonstration that the student has adequate preparation in the disciplines to be studied.

All required documents shall be sent to the [ **designate** ].

**Legally advised**

**High School Students:** For students attending high school, [ **designate** ] will review the materials, and will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college. The decision of the [ **designate** ] shall be final. This determination may be done by [ **one or more of the following options** ]:

- a review of the materials submitted by the student;
- meeting with the student and his/her/their parent or guardian;
- consultation with [ **designate appropriate college staff** ];
- consideration of the welfare and safety of the student and others; or
- consideration of local, state, or federal laws.

**Middle and Lower School Students:** For students attending middle and lower schools, the determination shall be made by [ **designate** ]. The school must provide transcripts and a letter signed by the principal indicating how in his/her/their opinion the student can benefit from instruction. The [ **designate** ] will determine if the student has the abilities and sufficient preparation to benefit from instruction at a community college, and that the student's safety and that of others will not be affected. The decision of the [ **designate position** ] shall be final. Once a decision has been made, the student, his/her/their parent or guardian and the school principal shall be informed of the decision. This determination may be done by applying the following criteria [ **one or more of the following options** ]:

- a review of the materials submitted by the student;
- meeting with the student and his/her/their parent or guardian;
- consultation with [ **designate appropriate college staff** ];
- consideration of the welfare and safety of the student and others;
- consideration of local, state, or federal laws;
- review of the content of the class in terms of sensitivity and possible effects on the minor;
- requirements for supervision of the minor; or
- times the class(es) meet and the effect on the safety of the minor.

**Required** Courses in which high school and other young students are permitted to enroll will be open to the entire college population, and will be taught with the rigor appropriate to college-level courses in accordance with the approved course outline.

**Required** If a request for special part-time or full-time enrollment is denied for a pupil who has been identified as highly gifted, the Board shall provide written findings and reasons for the denial within 60 days. A recommendation regarding the request for admission, and the denial shall be submitted to the Board at a regularly scheduled meeting that falls at least 30 days after the request for admission has been submitted.

**Denial of Requests for Admission** – If the Board denies a request for special full-time or part-time enrollment by a pupil who is identified as highly gifted, the board will record its findings and the reason for denying the request in writing within 60 days.

The written recommendation and denial shall be issued at the next regularly scheduled board meeting that occurs at least 30 days after the pupil submits the request to the District.

The [ **CEO** ] shall establish procedures regarding evaluation of requests for special full-time or part-time enrollment by a pupil who is identified as highly gifted.

**Claims for State Apportionment for Concurrent Enrollment** – Claims for state apportionment

**NOTE:** *Nonresident students, including international students, are addressed in BP 5020 Nonresident Tuition. The District is not required to admit nonresident students, and thus is not required to admit international students. However, if the District admits nonresident students, it should not exclude international students as a matter of policy based on that status alone, because the district has no authority to discriminate on the basis of national origin.*

**NOTE:** *Districts may also decide to trigger AB 288 benefits through CCAP Partnership Agreements by adopting all the legal requirements of Education Code Section 76004. For Districts that are CCAP track, this procedure should contain, at a minimum, the following language:*

**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 of a school district 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 of a school district 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 the pupil 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 community college summer session only if that pupil meets both of the following criteria:

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

(B) Exhausts all opportunities to enroll in an equivalent course, if any, at the pupil's school of attendance.

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

(3) (A) Except as provided in subparagraph (B) (*highly gifted*), a high school pupil recommended by the pupil's 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 is part of a College and Career Access Pathways (CCAP) program established pursuant to Section 76004 in which a majority of the pupils served are unduplicated pupils, as defined in Section 42238.02, the course meets one of the criteria listed in clauses (i) and (ii), 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 (5).

(i) 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.

(ii) 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.

(B) The 5-percent limitation of pupils allowed to be recommended pursuant to paragraph (2) shall apply to all physical education courses.

(4) (A) Except as provided in subparagraph (B), a high school pupil recommended by the pupil's 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 is either of the following:

(i) 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.

(ii) 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.

(B) The 5-percent limitation of pupils allowed to be recommended pursuant to paragraph (2) shall apply to all physical education courses.

(5) 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 paragraphs (3) and (4) 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.

(6) The Board of Governors of the California Community Colleges shall not include enrollment growth attributable to paragraphs (3) and (4) 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 of Division 2, compliance with this subdivision shall not be waived.

#### **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 school day, 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 school day 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 school day shall be deemed a day of attendance for purposes of making the computation.

#### **48811**

(a) The purpose of the partnership authorized by Section 48810.5 shall be to provide a seamless bridge to college for pupils not already college bound and to reduce the time needed for advanced students to complete programs.

(b) **A pupil who elects to participate in the partnership authorized by Section 48810.5 shall complete the grade 11 achievement test provided for in Section 60640, or a successor test approved by the state board, to determine readiness for college-level coursework,** and shall enroll in coursework during grade 12 to remedy any deficiencies diagnosed by the achievement test. The consent of a parent or guardian of a pupil shall be required prior to a pupil's participation in the partnership.

(c) Article 1 (commencing with Section 48800) does not apply to pupils enrolled in a partnership operating pursuant to this article.

*(Amended by Stats. 2017, Ch. 762, Sec. 1. (AB 1533) Effective October 13, 2017.)*

Pupil Fees [49010 - 49014]

#### **52620**

The governing board of a school district overseeing an adult education program or the governing board of a community college district overseeing a noncredit program may authorize a student pursuing a high school diploma or a high school equivalency certificate, upon recommendation of the administrator of the student's adult school or noncredit program of attendance, to attend a community college during any session or term as a special part-time student, and the community college district shall be credited or reimbursed pursuant to Section 48802 or 76002, provided that no school district has received reimbursement for the same instructional activity. The intent of this section is to better facilitate streamlined enrollment in colocated credit college courses on adult education and noncredit program sites and to help ensure a smoother transition from secondary education to college for adult high school equivalency students by providing them with greater exposure to the collegiate atmosphere.

#### **52621**

(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 students at the community college as special part-time students.

(b) The attendance of a high school student 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.

#### **66010.4**

The missions and functions of California's public and independent segments, and their respective institutions of higher education, shall be differentiated as follows:

(a) (1) The California Community Colleges shall, as a primary mission, offer academic and vocational instruction at the lower division level for both younger and older students, including those persons returning to school. Public community colleges shall offer instruction through but not beyond the second year of college. These institutions may grant the associate in arts and the associate in science degree.

(2) The community colleges' mission shall include all of the following:

(A) The provision of instruction and additional learning supports to close learning gaps for those who need it, instruction in English as a second language, adult noncredit instruction, and support services that help students succeed at the postsecondary level.

(B) The provision of adult noncredit education curricula in areas defined as being in the state's interest is an essential and important function of the community colleges.

(C) The provision of community services courses and programs is an authorized function of the community colleges so long as their provision is compatible with an institution's ability to meet its obligations in its primary missions.

(D) The provision of student support services to facilitate academic success and achievement.

(3) A primary mission of the California Community Colleges is to advance California's economic growth and global competitiveness through education, training, and services that contribute to continuous workforce improvement.

**(4) The California Community Colleges may conduct institutional research concerning student learning and retention, and community college programming to facilitate its educational mission.**

**(5) The provision of instruction and support to close learning gaps authorized by subparagraph (A) of paragraph (2) shall be provided in the form of concurrent support, unless college data and research demonstrates that even with concurrent support a student is highly unlikely to succeed in the course.**

(b) The California State University shall offer undergraduate and graduate instruction through the master's degree in the liberal arts and sciences and professional education, including teacher education. Presently established two-year programs in agriculture are authorized, but other two-year programs shall be permitted only when mutually agreed upon by the Trustees of the California State University and the Board of Governors of the California Community Colleges. The doctoral degree may be awarded jointly with the University of California, as provided in subdivision (c) and pursuant to Section 66904. The doctoral degree may also be awarded jointly with one or more independent institutions of higher education, provided that the proposed doctoral program is approved by the California Postsecondary Education Commission. Research, scholarship, and creative activity in support of its undergraduate and graduate instructional mission is authorized in the California State

University and shall be supported by the state. The primary mission of the California State University is undergraduate and graduate instruction through the master's degree.

(c) The University of California may provide undergraduate and graduate instruction in the liberal arts and sciences and in the professions, including the teaching professions. It shall have exclusive jurisdiction in public higher education over instruction in the profession of law and over graduate instruction in the professions of medicine, dentistry, and veterinary medicine. It has the sole authority in public higher education to award the doctoral degree in all fields of learning, except that it may agree with the California State University to award joint doctoral degrees in selected fields. The University of California shall be the primary state-supported academic agency for research.

(d) The independent institutions of higher education shall provide undergraduate and graduate instruction and research in accordance with their respective missions.

#### **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 52620.

**(b) If the governing board denies a request for a special part-time or full-time enrollment at a community college, 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 student 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, 52621, 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.

## **76002**

(a) For purposes of receiving state apportionments, a community college district may include high school students who attend a community college within the district pursuant to Sections 48800, 52620, and 76001 in the district's report of full-time equivalent students (FTES) only if those students 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 before 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 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.

#### **76004**

Notwithstanding Section 76001 or any other law:

(a) (1) The governing board of a community college district may enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district or a county office of education for the purpose of offering or expanding dual enrollment opportunities for pupils who may not already be college bound or who are underrepresented in higher education, with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness.

(2) As used in this section, "high school" includes a community school, continuation high school, juvenile court school, or adult education program offering courses for high school diplomas or high school equivalency certificates.

(b) A participating community college district may enter into a CCAP partnership with a school district or county office of education partner that is governed by a CCAP partnership agreement approved by the governing boards of both partners. As a condition of adopting a CCAP partnership agreement, the governing board of each partner shall do both of the following:

(1) For career technical education pathways to be provided under the partnership, consult with, and consider the input of, the appropriate local workforce development board to determine the extent to which the pathways are aligned with regional and statewide employment needs. The governing board of each partner shall have final decision-making authority regarding the career technical education pathways to be provided under the partnership.

(2) Present, take comments from the public on, and approve or disapprove the dual enrollment partnership agreement at an open public meeting of the governing board of the partner.

(c) (1) The CCAP partnership agreement shall outline the terms of the CCAP partnership, and shall include, but not necessarily be limited to, the total number of high school pupils to be served and the total number of full-time equivalent students projected to be claimed by the community college district for those pupils; the scope, nature, time, location, and listing of community college courses to be offered; and criteria to assess the ability of pupils to benefit from those courses.

The CCAP partnership agreement shall also establish protocols for information sharing, in compliance with all applicable state and federal privacy laws, joint facilities use, and parental consent for high school pupils to enroll in community college courses. The protocols shall only require a high school pupil participating in a CCAP partnership to submit one parental consent form and principal recommendation for the duration of the pupil's participation in the CCAP partnership.

(2) The CCAP partnership agreement shall identify a point of contact for the participating community college district and school district or county office of education partner.

(3) A copy of the CCAP partnership agreement shall be filed with the office of the Chancellor of the California Community Colleges and with the department before the start of the CCAP partnership. The chancellor may void any CCAP partnership agreement it determines has not complied with the intent of the requirements of this section.

(d) A community college district participating in a CCAP partnership shall not provide physical education course opportunities to high school pupils pursuant to this section or any other course opportunities that do not assist in the attainment of at least one of the goals listed in subdivision (a).

(e) A community college district shall not enter into a CCAP partnership with a school district or a county office of education within the service area of another community college district, except where an agreement exists, or is established, between those community college districts authorizing that CCAP partnership.

(f) A high school pupil enrolled in a course offered through a CCAP partnership shall not be assessed any fee that is prohibited by Section 49011.

(g) (1) A community college district participating in a CCAP partnership may assign priority for enrollment and course registration to a pupil seeking to enroll in a community college course that is required for the pupil's CCAP partnership program that is equivalent to the priority assigned to a pupil attending a middle college high school as described in Section 11300 and consistent with the middle college high school provisions in Section 76001.

(2) Units completed by a pupil pursuant to a CCAP partnership agreement may count towards determining a pupil's registration priority for enrollment and course registration at a community college.

(h) The CCAP partnership agreement shall certify that any community college instructor teaching a course on a high school campus has not been convicted of any sex offense as defined in Section 87010, or convicted of any controlled substance offense as defined in Section 87011.

(i) The CCAP partnership agreement shall certify that any community college instructor teaching a course at the partnering high school campus has not displaced or resulted in the termination of an existing high school teacher teaching the same course on that high school campus.

(j) The CCAP partnership agreement shall certify that a qualified high school teacher teaching a course offered for college credit at a high school campus has not displaced or resulted in the termination of an existing community college faculty member teaching the same course at the partnering community college campus.

(k) The CCAP partnership agreement shall include a plan by the participating community college district to ensure both of the following:

- (1) A community college course offered for college credit at the partnering high school campus does not reduce access to the same course offered at the partnering community college campus.
- (2) Participation in a CCAP partnership is consistent with the core mission of the community colleges as described in Section 66010.4, and that pupils participating in a CCAP partnership will not lead to enrollment displacement of otherwise eligible adults in the community college.
- (l) The CCAP partnership agreement shall certify that both the school district or county office of education and community college district partners comply with local collective bargaining agreements and all state and federal reporting requirements regarding the qualifications of the teacher or faculty member teaching a CCAP partnership course offered for high school credit.
- (m) The CCAP partnership agreement shall specify both of the following:
- (1) Which partner will be the employer of record for purposes of assignment monitoring and reporting to the county office of education.
  - (2) Which partner will assume reporting responsibilities pursuant to applicable federal teacher quality mandates.
- (n) The CCAP partnership agreement shall certify that any pretransfer-level course taught by community college faculty at a partnering high school campus shall be offered only to high school pupils who do not meet their grade level standard in mathematics, English, or both on an interim assessment in grade 10 or 11, as determined by the partnering school district or county office of education, and shall involve a collaborative effort between high school and community college faculty to deliver an innovative pretransfer course as an intervention in the pupil's junior or senior year to ensure that the pupil is prepared for college-level work upon graduation.
- (o) (1) A community college district may limit enrollment in a community college course solely to eligible high school pupils if the course is offered at a high school campus, either in person or using an online platform, during the regular school day and the community college course is offered pursuant to a CCAP partnership agreement.
- (2) For purposes of allowances and apportionments from Section B of the State School Fund, a community college district conducting a closed course on a high school campus pursuant to paragraph (1) shall be credited with those units of full-time equivalent students attributable to the attendance of eligible high school pupils.
- (p) A community college district may allow a special part-time student participating in a CCAP partnership agreement established pursuant to this article to enroll in up to a maximum of 15 units per term if all of the following circumstances are satisfied:
- (1) The units constitute no more than four community college courses per term.
  - (2) The units are part of an academic program that is part of a CCAP partnership agreement established pursuant to this article.
  - (3) The units are part of an academic program that is designed to award students both a high school diploma and an associate degree or a certificate or credential.
- (q) The governing board of a community college district participating in a CCAP partnership agreement established pursuant to this article shall exempt special part-time students described

in subdivision (p) from the fee requirements in Sections 76060.5, 76223, 76300, 76350, and 79121.

(r) A district or county office of education shall not receive a state allowance or apportionment for an instructional activity for which the partner has been, or shall be, paid an allowance or apportionment.

(s) (1) The attendance of a high school 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 or county office of education has received reimbursement for the same instructional activity.

(2) For purposes of calculating classroom-based average daily attendance for classroom-based instruction apportionments, at least 80 percent of the instructional time offered by a charter school pursuant to an authorized CCAP partnership agreement shall be at the school site, and the charter school shall require the attendance of a pupil for a minimum of 50 percent of the minimum instructional time required to be offered pursuant to paragraph (1) of subdivision (a) of Section 47612.5, if the pupil is also a special part-time student enrolled in a community college pursuant to this section and the pupil will receive academic credit upon satisfactory completion of enrolled courses.

(t) (1) For each CCAP partnership agreement entered into pursuant to this section, the affected community college district and school district or county office of education shall report annually to the office of the Chancellor of the California Community Colleges all of the following information:

(A) The total number of high school pupils by school site enrolled in each CCAP partnership, aggregated by gender and ethnicity, and reported in compliance with all applicable state and federal privacy laws.

(B) The total number of community college courses by course category and type and by school site enrolled in by CCAP partnership participants.

(C) The total number and percentage of successful course completions, by course category and type and by school site, of CCAP partnership participants.

(D) The total number of full-time equivalent students generated by CCAP partnership community college district participants.

(E) The total number of full-time equivalent students served online generated by CCAP partnership community college district participants.

(2) On or before January 1, 2021, the chancellor shall prepare a summary report that includes an evaluation of the CCAP partnerships, an assessment of trends in the growth of special admits systemwide and by campus, and, based upon the data collected pursuant to this section, recommendations for program improvements, including, but not necessarily limited to, both of the following:

(A) Any recommended changes to the statewide cap on special admit full-time equivalent students to ensure that adults are not being displaced.

(B) Any recommendation concerning the need for additional student assistance or academic resources to ensure the overall success of the CCAP partnerships.

(3) The chancellor shall ensure that the number of full-time equivalent students generated by CCAP partnerships is reported pursuant to the reporting requirements in Section 76002.

(4) On or before July 31, 2020, the chancellor shall revise the special part-time student application process to allow a pupil to complete one application for the duration of the pupil's attendance at a community college as a special part-time student participating in a CCAP partnership agreement.

(u) The annual report required by subdivision (t) shall also be transmitted to all of the following:

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

(2) The Director of Finance.

(3) The Superintendent.

(v) A community college district that violates this article, including, but not necessarily limited to, any restriction imposed by the board of governors pursuant to this article, shall be subject to the same penalty as may be imposed pursuant to subdivision (d) of Section 78032.

(w) This section is not intended to affect a dual enrollment partnership agreement existing on the effective date of this section under which an early college high school, a middle college high school, or a California Career Pathways Trust existing on the effective date of this section is operated. An early college high school, middle college high school, or California Career Pathways Trust partnership agreement existing on the effective date of this section shall not operate as a CCAP partnership unless it complies with this section.

(x) The governing body of a charter school may enter into a CCAP partnership agreement with the governing board of a community college district pursuant to this section. That CCAP partnership agreement shall comply with all applicable requirements of this section.

*(Amended by Stats. 2022, Ch. 902, Sec. 2.5. (AB 102) Effective January 1, 2023.)*

## **76038. Removal, Suspension, or Expulsion**

### **76140 Fees**

(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 (6), and shall exempt from all of the fee any person described in paragraph (4), (5), or (7):

(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 the student's 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**, other than a person excluded from the term "immigrant," for purposes of the federal Immigration and Nationality Act (8 U.S.C. Sec. 1101), pursuant to paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, admitted pursuant to Section 76001, 76003, or 76004.

**(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 the student's 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 the student's secondary school attendance.

(F) Upon enrollment, the student will be in the student's 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 the student intends to establish residency in California as soon as possible.

**(6)** (A) A student who attends Lake Tahoe Community College and who has residence, pursuant to subparagraph (B), in one of the following communities in Nevada:

(i) Incline Village.

(ii) Kingsbury.

(iii) Round Hill.

(iv) Skyland.

(v) Stateline.

(vi) Zephyr Cove.

(B) Residence shall be determined pursuant to Article 5 (commencing with Section 68060) of Chapter 1 of Part 41 of Division 5. A person shall have residence in one of the communities listed in subparagraph (A) if the person has lived in the community for more than one year immediately before seeking the fee exemption pursuant to this paragraph.

(C) The governing board of the Lake Tahoe Community College District shall adopt rules and regulations for determining a student's residence classification and for establishing procedures for an appeal and review of the residence classification. No more than 200 students shall be exempted from payment of a nonresident tuition fee under this paragraph in any academic year.

**(7)** (A) A nonresident student who enrolls in a credit English as a second language (ESL) course at a California Community College and who is any of the following:

(i) A recent immigrant, as defined in Section 1101(a)(15) of Title 8 of the United States Code.

(ii) A recent refugee, as defined in Section 1101(a)(42) of Title 8 of the United States Code.

(iii) A person who has been granted asylum by the United States, as defined in Section 1158 of Title 8 of the United States Code.

(B) This exemption shall apply only to individuals who, upon entering the United States, settled in California and who have resided in California for less than one year.

(C) This exemption shall apply only to the tuition fee for credit ESL courses.

(b) A community college 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 shall not be charged.

(d) The nonresident tuition fee shall be set by the governing board of each community college district not later than March 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 of a community college district 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 community college district for the expense of education as defined by the California Community Colleges 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 community college district in the preceding fiscal year. However, if for the community college district's preceding fiscal year FTES of all students attending in the community college district in noncredit courses is equal to, or greater than, 10 percent of the community college district's total FTES attending in the community college district, the community college district may substitute the data for expense of education in grades 13 and 14 and FTES in grades 13 and 14 attending in the community college district.

(B) The expense of education in the preceding fiscal year of all community college 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 community college 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 community college 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 community college district.

(D) An amount not to exceed the amount that was expended by the community college 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. The admission of nonresident students shall not 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 to 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 community college district revenue generated by the nonresident tuition fee shall not be offset by additional state funding.

(h) Any community college district that has fewer than 1,500 FTES and whose boundary is within 10 miles of another state that either (1) has a reciprocity agreement with California governing student attendance and fees, or (2) participates in the Western Undergraduate Exchange, may exempt students from that state, or may exempt students from those states



that participate in the Western Undergraduate Exchange, from the mandatory fee requirement described in subdivision (a) for nonresident students.

(i) Any community college district that has more than 1,500, but fewer than 3,001, FTES and whose boundary is within 10 miles of another state that either (1) has a reciprocity agreement with California governing student attendance and fees, or (2) participates in the Western Undergraduate Exchange, may, in any one fiscal year, exempt up to 100 FTES from that state or from states that participate in the Western Undergraduate Exchange 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), (4), (5), or (6) 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 who is exempt pursuant to paragraph (6) of subdivision (a), or pursuant to subdivision (h) or (i), shall pay a **per-unit fee that is one and one-half times the amount of the fee established for residents** pursuant to Section 76300. That fee shall be included in the FTES adjustments described in Section 76300 for purposes of computing apportionments.

*(Amended by Stats. 2022, Ch. 512, Sec. 1.5. (AB 1232) Effective January 1, 2023.)*

### **76300**

(a) The governing board of each community college district shall charge each student a fee pursuant to this section.

(b) (1) The fee prescribed by this section shall be forty-six dollars (\$46) per unit per semester, effective with the summer term of the 2012 calendar year.

(2) The board of governors shall proportionately adjust the amount of the fee for term lengths based upon a quarter system, and also shall proportionately adjust the amount of the fee for summer sessions, intersessions, and other short-term courses. In making these adjustments, the board of governors may round the per unit fee and the per term or per session fee to the nearest dollar.

(c) For the purposes of computing apportionments to community college districts pursuant to Section 84750.4 or 84750.5, as applicable, the board of governors shall subtract, from the total revenue owed to each district, 98 percent of the revenues received by districts from charging a fee pursuant to this section.

(d) The board of governors shall reduce apportionments by up to 10 percent to any district that does not collect the fees prescribed by this section.

(e) The fee requirement does not apply to any of the following:

(1) Students enrolled in the noncredit courses designated by Section 84757.

(2) California State University or University of California students enrolled in pretransfer classes provided by a community college district on a campus of the University of California or a campus of the California State University, for whom the district claims an attendance apportionment pursuant to an agreement between the district and the California State University or the University of California.

(3) Students enrolled in credit contract education courses pursuant to Section 78021, if the entire cost of the course, including administrative costs, is paid by the public or private agency, corporation, or association with which the district is contracting and if these

students are not included in the calculation of the full-time equivalent students (FTES) of that district.

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

(g) (1) The fee requirements of this section shall be waived for any student who meets all of the following requirements:

(A) Meets minimum academic and progress standards adopted by the board of governors that fulfill the requirements outlined in this paragraph and paragraphs (2) to (5), inclusive. Any minimum academic and progress standards adopted pursuant to this section shall be uniform across all community college districts and campuses. These standards shall not include a maximum unit cap, and community college districts and colleges shall not impose requirements for fee waiver eligibility other than the minimum academic and progress standards adopted by the board of governors and the requirements of subparagraph (B).

(B) Meets one of the following criteria:

(i) At the time of enrollment, is a recipient of benefits under the Temporary Assistance for Needy Families program, the Supplemental Security Income/State Supplementary Payment Program, or a general assistance program.

(ii) Demonstrates eligibility according to income standards established by regulations of the board of governors.

(iii) Demonstrates financial need in accordance with the methodology set forth in federal law or regulation for determining the expected family contribution of students seeking financial aid.

(iv) At the time of enrollment, is a homeless youth or a former homeless youth as defined in subdivision (b) of Section 66025.9.

(2) (A) The board of governors, in consultation with students, faculty, and other key stakeholders, shall consider all of the following in the development and adoption of minimum academic and progress standards pursuant to subparagraph (A) of paragraph (1):

(i) Minimum uniform academic and progress standards that do not unfairly disadvantage financially needy students in pursuing their education.

(ii) Criteria for reviewing extenuating circumstances and granting appeals that, at a minimum, take into account and do not penalize a student for circumstances outside the student's control, such as reductions in student support services or changes to the economic situation of the student.

(iii) A process for reestablishing fee waiver eligibility that provides a student with a reasonable opportunity to continue or resume the student's enrollment at a community college.

(B) To ensure that students are not unfairly impacted by the requirements of subparagraph (A) of paragraph (1), the board of governors shall establish a reasonable implementation period that commences no sooner than one year from adoption of the minimum academic and progress standards, or any subsequent changes to these standards, pursuant to subparagraph (A) of paragraph (1) and that is phased in to

provide students adequate notification of this requirement and information about available support resources.

(3) It is the intent of the Legislature that minimum academic and progress standards adopted pursuant to subparagraph (A) of paragraph (1) be implemented only as campuses develop and implement the student support services and interventions necessary to ensure no disproportionate impact to students based on ethnicity, gender, disability, or socioeconomic status. The board of governors shall consider the ability of community college districts to meet the requirements of this paragraph before adopting minimum academic and progress standards, or any subsequent changes to these standards, pursuant to subparagraph (A) of paragraph (1).

(4) It is the intent of the Legislature to ensure that a student shall not lose fee waiver eligibility without a community college campus first demonstrating a reasonable effort to provide a student with adequate notification and assistance in maintaining the student's fee waiver eligibility. The board of governors shall adopt regulations to implement this paragraph that ensure all of the following:

(A) Students are provided information about the available student support services to assist them in maintaining fee waiver eligibility.

(B) Community college district policies and course catalogs reflect the minimum academic and progress standards adopted pursuant to subparagraph (A) of paragraph (1) and that appropriate notice is provided to students before the policies are put into effect.

(C) A student does not lose fee waiver eligibility unless the student has not met minimum academic and progress standards adopted pursuant to subparagraph (A) of paragraph (1) for a period of no less than two consecutive academic terms.

(5) The board of governors shall provide notification of a proposed action to adopt regulations pursuant to this subdivision to the appropriate policy and fiscal committees of the Legislature in accordance with the requirements of paragraph (1) of subdivision (a) of Section 70901.5. This notification shall include, but not be limited to, all of the following:

(A) The proposed minimum academic and progress standards and information detailing how the requirements of paragraphs (1) to (4), inclusive, have been or will be satisfied.

(B) How many students may lose fee waiver eligibility by ethnicity, gender, disability, and, to the extent relevant data is available, by socioeconomic status.

(C) The criteria for reviewing extenuating circumstances, granting appeals, and reestablishing fee waiver eligibility pursuant to paragraph (2).

(h) The fee requirements of this section shall be waived for any student who, at the time of enrollment, is a dependent or surviving spouse who has not remarried, of any member of the California National Guard who, in the line of duty and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in the active service of the state, or is permanently disabled as a result of an event that occurred while in the active service of the state. "Active service of the state," for the purposes of this subdivision, refers to a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

(i) The fee requirements of this section shall be waived for any student who is the surviving spouse or the child, natural or adopted, of a deceased person who met all of the requirements of Section 68120 or 68120.3.

(j) The fee requirements of this section shall be waived for any student in an undergraduate program, including a student who has previously graduated from another undergraduate or graduate program, who is the dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if that dependent meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the following applies:

(1) The dependent was a resident of California on September 11, 2001.

(2) The individual killed in the attacks was a resident of California on September 11, 2001.

(k) A determination of whether a person is a resident of California on September 11, 2001, for purposes of subdivision (j) shall be based on the criteria set forth in Chapter 1 (commencing with Section 68000) of Part 41 of Division 5 for determining nonresident and resident tuition.

(l) (1) "Dependent," for purposes of subdivision (j), is a person who, because of the person's relationship to an individual killed as a result of injuries sustained during the terrorist attacks of September 11, 2001, qualifies for compensation under the federal September 11th Victim Compensation Fund of 2001 (Title IV (commencing with Section 401) of Public Law 107-42).

(2) A dependent who is the surviving spouse of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers provided in this section until January 1, 2013.

(3) A dependent who is the surviving child, natural or adopted, of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers under subdivision (j) until that person attains 30 years of age.

(4) A dependent of an individual killed in the terrorist attacks of September 11, 2001, who is determined to be eligible by the California Victim Compensation Board, is also entitled to the waivers provided in this section until January 1, 2013.

(m) (1) It is the intent of the Legislature that sufficient funds be provided to support the provision of a fee waiver for every student who demonstrates eligibility pursuant to subdivisions (g) to (j), inclusive.

(2) From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to 2 percent of the fees waived pursuant to subdivisions (g) to (j), inclusive. From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (g) to (j), inclusive. It is the intent of the Legislature that funds provided pursuant to this subdivision be used to support the determination of financial need and delivery of student financial aid services, on the basis of the number of students for whom fees are waived. It also is the intent of the Legislature that the funds provided pursuant to this subdivision directly offset mandated costs claimed by community college districts pursuant to Commission on State Mandates consolidated Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15 (Enrollment Fee Waivers). Funds allocated to a community college district for determination of financial need and delivery of

student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1992–93 fiscal year.

(n) (1) A community college district may use available emergency relief funds provided by the federal government to waive the fee requirements established pursuant to this section for a student who has not paid the fee due to the impacts of the COVID-19 pandemic.

(2) A community college district may use the authorization established pursuant to this subdivision only to waive the fees of students that are unpaid due to the impacts of the COVID-19 pandemic. A participating community college district shall first waive the unpaid fees of low-income students and students from underrepresented communities.

(o) The board of governors shall adopt regulations implementing this section.

*(Amended by Stats. 2022, Ch. 465, Sec. 5. (AB 2973) Effective January 1, 2023.)*

### **84757**

(a) For purposes of this chapter, the following noncredit courses, noncredit classes, and support services shall be eligible for funding:

(1) Parenting, including parent cooperative preschools, classes in child growth and development and parent-child relationships.

(2) Elementary and secondary foundational skills and other courses and classes such as pretransfer-level academic courses or classes in reading, mathematics, and language arts.

(3) English as a second language.

(4) Classes and courses for immigrants eligible for educational services in citizenship, English as a second language, and workforce preparation classes in the foundational skills of speaking, listening, reading, writing, mathematics, decision-making and problem solving skills, and other classes required for preparation to participate in job-specific technical training.

(5) Education programs for persons with substantial disabilities.

(6) Short-term vocational programs with high employment potential.

(7) Education programs for older adults.

(8) Education programs for home economics.

(9) Health and safety education.

(10) Supervised tutoring for foundational skills and for degree-applicable and transfer-level courses, as authorized pursuant to regulations adopted by the board of governors on or before July 31, 2023. These regulations shall ensure that community colleges are compliant with Section 78213 in the implementation of supervised tutoring pursuant to this paragraph.

(b) No state apportionment shall be made for any class or course that is not set forth in subdivision (a) and for which no credit is given.

*(Amended by Stats. 2022, Ch. 927, Sec. 1.5. (AB 1187) Effective January 1, 2023.)*

**AB 102** Holden. Pupil attendance at community colleges: College and Career Access Pathways partnerships: county offices of education.

Existing law authorizes the governing board of a school district to authorize a pupil who meets specified criteria to attend community college. Existing law limits the number of pupils a principal is authorized to recommend for a community college summer session pursuant to those provisions to 5% of the total number of pupils in any grade level, as specified. Existing law, until January 1, 2027, exempts from the 5% limitation pupils who meet specified requirements, prohibits the Board of Governors of the California Community Colleges from including enrollment growth attributable to pupils enrolled pursuant to these provisions as part of its annual budget request for the California Community Colleges, and requires the Chancellor of the California Community Colleges to report to the Department of Finance the number of pupils who enrolled and received a passing grade in a community college summer session course under these provisions.

This bill would extend those provisions indefinitely.

Existing law, until January 1, 2027, authorizes the governing board of a community college district to enter into a College and Career Access Pathways (CCAP) partnership with the governing board of a school district or the governing body of a charter school with the goal of developing seamless pathways from high school to community college for career technical education or preparation for transfer, improving high school graduation rates, or helping high school pupils achieve college and career readiness. Existing law requires a CCAP partnership agreement to, among other things, certify that any remedial course taught by community college faculty at a partnering high school campus to be offered only to high school pupils who do not meet their grade level standard in mathematics, English, or both on an interim assessment in grade 10 or 11, as determined by the partnering school district or county office of education, and to involve a collaborative effort between high school and community college faculty to deliver an innovative remediation course as an intervention in the pupil's junior or senior year to ensure that the pupil is prepared for college-level work upon graduation. Existing law limits the statewide number of full-time equivalent students claimed as special admits to 10% of the total number of full-time equivalent students claimed statewide.

This bill would specify that "high school," for purposes of a CCAP partnership, includes a community school, juvenile court school, or adult education program, as specified. The bill would authorize county offices of education to enter into CCAP partnerships with the governing boards of community college districts in accordance with these provisions. The bill would require the above-described certification requirement for certain remedial courses to instead apply to certain pretransfer-level courses, as provided. The bill would extend the provisions authorizing CCAP partnerships indefinitely and would remove the statewide limit for full-time equivalent students claimed as special admits. The bill would also make nonsubstantive conforming changes.

This bill would incorporate additional changes to Section 76004 of the Education Code proposed by AB 2973 to be operative only if this bill and AB 2973 are enacted and this bill is enacted last.

**AB 2973**, Committee on Higher Education. Postsecondary education: omnibus bill.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, the California State University, under the administration of the Trustees of the California State University, and the University of California, under the administration of the Regents of the University of California, as the 3 segments of public postsecondary education in this state.

Existing law sets forth the missions and functions of California's public and independent segments of higher education, and details the ways in which their respective institutions are to be differentiated. Existing law specifies that community colleges shall only offer instruction through, but not beyond, the 2nd year of college, and includes in the mission of the community colleges, among other things, the provision of remedial instruction for those in need of it.

This bill would revise the mission of the community colleges to instead include the provision of instruction and additional learning supports to close learning gaps for those in need of it, and would additionally include the provision of student support services to facilitate academic success and achievement. The bill would also change the term “remedial” to “pretransfer” and the term “basic skills” to “foundational skills” and would make nonsubstantive and conforming changes to these and other provisions.

Effective for academic terms beginning on or after August 1, 2021, existing law exempts a student enrolled at a campus of the California Community Colleges or the California State University from paying nonresident tuition or any other fee that exclusively applies to nonresident students if the student resides in California, meets the definition of “covered individual” under federal law, and is eligible for education benefits under 3 specified categories of beneficiaries under the federal GI Bill, as the federal law read on January 5, 2021.

This bill would additionally include the Survivors’ and Dependents’ Educational Assistance program in the list of specified categories of beneficiaries under the federal GI Bill.

To the extent these provisions would create new duties for community college districts, the bill would impose a state-mandated local program.

Existing law provides that the name “California State University” and the names of various campuses of the California State University, and abbreviations of those names, are the property of the state, and prohibits the use of any of these names without the permission of the trustees. Under existing law, a violation of this provision is punishable as a misdemeanor.

This bill would additionally include “California State Polytechnic University, Humboldt” in the list of names of various campuses of the California State University that are the property of the state. By expanding the scope of a crime, the bill would create a state-mandated local program.

Existing law requires the Trustees of the California State University to ensure that a change in the criteria for admission to a campus of the university complies with specified community notice and consultation requirements. Existing law requires that these community notice and consultation requirements apply to determinations regarding impactation of majors.

This bill would provide that a change in the criteria for admission that requires community notice and consultation includes determinations regarding establishing or modifying admission criteria for impacted majors. The bill would authorize a decision to discontinue additional admission criteria for an impacted program or campus to be implemented without following the community notice and consultation requirements, provided that the decision is published on the campus internet website, distributed to community officials and local high schools, and submitted to the Chancellor of the California State University for approval.

This bill would incorporate additional changes to Section 76004 of the Education Code proposed by AB 102 to be operative only if this bill and AB 102 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 84757 of the Education Code proposed by AB 1187 to be operative only if this bill and AB 1187 are enacted and this bill is enacted last.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.