

Supplemental Memorandum

To: STATE BOARD MEMBERS

Date: 4/28/03

From: Judy Pinegar

Re: ITEM #W-3

Subject CONCURRENT ENROLLMENT COMMUNITY COLLEGE/HIGH SCHOOL

[Attached](#) is the supplemental recommendation regarding Windsor School District.

GENERAL WAIVER COVER SHEET
CALIFORNIA STATE BOARD OF EDUCATION
MAY 2003 AGENDA
Item No. W-3

<p>TITLE: Request by Windsor Unified School District to waive <i>Education Code</i> (E.C.) Section 76001(i), the five percent (5%) limit on the number of high school students a principal may recommend for summer school enrollment in a community college. The request is to go up to 12%.</p> <p>CDSIS: CDSIS-22-2-2003</p>	<p><u> X </u> ACTION</p> <p><u> </u> INFORMATION</p> <p><u> </u> PUBLIC HEARING</p> <p><u> </u> CONSENT</p>
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RECOMMENDATION: The Department recommends: DENIAL, E.C. 33051(a)(1), educational needs of pupils, and 33051(a)(6) the request would substantially increase state costs.

Summary of Previous State Board of Education Discussion and Action:

A waiver of this type has never before been heard by the State Board of Education (SBE), although three waivers of this type have been received, the other two were withdrawn by the district.

Summary of Key Issue(s):

Windsor Unified School District (WUSD) is requesting a waiver related to **summer school enrollment in a community college for a concurrently enrolled high school student**. E.C. 76001(i) specifies that *“The principal of a school shall not recommend a number of pupils who have completed a particular grade in excess of 5 percent of the total number of pupils in the school who have completed that grade immediately prior to the time of recommendation.”* Windsor Unified School District (WUSD) wants to waive the 5% limit, and be allowed to go up to an enrollment of 12% of students completing a grade level by a condition of the waiver (revised downward from 25%).

The intent of WUSD’s wavier request is to enable students to enrich their educational experience and encourage them to give serious consideration to a post-secondary education. In WUSD’s letter regarding the waiver request the Superintendent states, “As a new school, it has very few vocational education courses available to students. Many District students take vocational education courses at the local junior college. Windsor Unified School District is requesting that the wavier extend from June 1, 2003 to September 1, 2003 – this summer school session only in the “hopes that legislative changes can be enacted to more fully address the enrollment cap issue.”

The district further assures that they will comply with Education Code Section 48800(a). This section provides an opportunity for a limited number of high school students to take *“advanced scholastic or vocational work”* at the community college level. WUSD’s wavier request includes a chart showing enrollment of district high school students who took classes

at the college during the summer 2002 term to be 99 or 8.2% of all students enrolled in grades 9-12.

At first glance this might appear to be a good thing to consider, since the summer school programs in high schools are being more limited to focusing on remediation, rather than enrichment classes. However, there is substantial statute restricting the intent and implementation of such concurrent enrollment.

The Governor has proposed an \$80 million dollar reduction in apportionments to California's community colleges to account for what he considers inappropriate student FTEs in concurrent enrollments with the K-12 system. It is the Governor's concern that these enrollment programs are being double reported or claimed. The Department of Finance, in cooperation with Thomas Nussbaum, Chancellor of the California Community Colleges, is currently investigating the Governor's concerns. If student FTEs have been double claimed, the community colleges would need to reduce the apportionments accordingly.

If the Governor and the legislature move forward with the \$80 million reduction, the community colleges will be serving 50,000-60,000 student FTEs with no funding support. The Interim Vice-Chancellor of Educational Service for the California Community Colleges has informed Chief Financial Officers that the Governor has started an audit of high school concurrent enrollment at community colleges. The chancellor's office has asked all campuses for a "self-study" of their concurrent enrollment practices and to document all activity in this area.

California Education Code 76001(h)(3) specifies a community college district may admit to the summer session a student, "*Who has availed himself or herself of all opportunities to enroll in an equivalent course at his or her school of attendance.*" This provision allows students the opportunity to enroll in courses not offered at his or her school of attendance. The EC does not intend for students to take a course during a summer term at a community college that the student has the opportunity to take during the year in his or her school of attendance. A problem would also be created in ensuring that community college courses align with state frameworks and state-adopted content and performance standards. This could also put a high school district governing board in the position of adopting instructional materials used in the college class as is required under California Education Code 60400.

This request is not consistent with the intent of California Education Code 48800 (a). "*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.*" This section of the EC provides an opportunity for a **limited number** of high school students to take "*advanced scholastic or vocational work*" at the community college level. The EC does not imply that students be given an opportunity to take college classes in lieu of required high school classes. In today's atmosphere of academic accountability and fiscal limitations, it would be imprudent to shift this academic responsibility (not to mention the additional state fiscal support) from the secondary school districts to the community colleges.

Justification for Denial

The department recommends denial of this waiver on the basis of the EC violations mentioned above (which are not waived) as well as two of the seven reasons for denial of a General Waiver in statute:

- 1) E.C. 33051(a)(1) **the educational needs of the pupils are not adequately addressed.** The high school is shifting this obligation over to the community college by shifting 12% of their student body to the community college. The 5% cap on concurrent enrollment reflects a limitation designed to meet the conditions of the law. Students under 18 are not part of the community college's mission in California.
- 3) E.C. 33051(a)(6) **the request would substantially increase state costs.** Governor Gray Davis has proposed an \$80 million dollar reduction in apportionments to California's community colleges to account for what he considers inappropriate student FTEs in concurrent enrollments with the K-12 system. The Governor has a current proposal to reduce apportionment in support of concurrent enrollment at community colleges by \$80 million. The Department of Finance, in cooperation with the Chancellor of the California Community Colleges, is currently investigating the Governor's concerns. The Interim Vice-Chancellor of Educational Service for the California Community Colleges has informed Chief Financial Officers that the Governor has started an audit of high school concurrent enrollment at community colleges. If the Governor's estimate of \$80 million is correct and if high schools have complied with current state law in limiting community college enrollment to 5% the fiscal impact would be significant.

Bargaining unit(s) consulted on:

Position of bargaining unit (choose only one): Windsor Area Teachers' Assoc. (HATA)
 Neutral Support Oppose

Name of bargaining unit representative: Windsor District Educator's Association, CSEA 673

Public hearing identified by (choose one or more):
 posting in a newspaper posting at each school other (District Office)

Public hearing held on: 3/4/03 Local board approval date: 3/4/03

Advisory committee(s) consulted:

Objections raised (choose one): None Objections are attached on separate sheet

Date consulted: 2/19/03

Effective dates of request: June 1, 2003 to September 1, 2003

Fiscal Analysis (as appropriate): Exact fiscal consequences for this waiver only cannot be calculated at this time

Background Information: Waiver request forms and supporting documents are attached.