

**ASSEMBLY BILL**

**No. 2780**

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**Introduced by Assembly Member Chavez**

February 24, 2006

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An act to amend Section 46190, and to amend, repeal, and add Sections 52517 and 78401 of, and to add Section 52616.25, and to add Article 10.2 (commencing with Section 17077.20) to Chapter 12.5 of Part 10 of, the Education Code, relating to adult education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2780, as introduced, Chavez. Adult education.

(1) Existing law authorizes the governing board of a high school district or unified school district to establish and maintain one or more adult schools by resolution of the governing board.

Existing law provides that a day of attendance in classes for adults is 180 minutes of attendance.

This bill would reduce the day of attendance from 180 minutes to 145 minutes of attendance.

(2) Existing law prohibits a high school or unified school district, or a community college district attended by high school pupils, from reporting for state apportionments average daily attendance in classes for adults if the district receives full compensation for the classes from any public or private agency, individual or group of individuals or the classes are not located in facilities clearly identified in a manner, and established by appropriate procedures, to ensure that attendance in the classes is open to the general public, with specified exceptions.

This bill would, until July 1, 2011, authorize a school district to report for state apportionments average daily attendance, and a community college district to report for state apportionments for full-time equivalent students, in classes for adults that are not open to

the general public if the classes are offered at a worksite primarily for the benefit of employees, intended primarily to develop literacy and English language skills, and instructed by a credentialed employee of the school district, or, in the case of a community college district, a person determined by the board of governors of the district to be qualified to teach adult education classes offered, as specified. The bill would limit those classes to 2% of all adult education apportionments for the community college district or for the school district.

(3) Existing law provides for the method of funding school districts that operate adult education programs and claim adult education state apportionments, based on the district's adult education average daily attendance.

This bill would authorize school districts offering adult education to claim those hours spent providing counseling, guidance, testing, and assessment services to students who are enrolled in an adult education program towards their average daily attendance apportionments. The bill would limit those claims to a maximum of 5% of the district's total adult education entitlement.

(4) Existing law, the Leroy F. Greene School Facilities Act of 1998, establishes a program in which the State Allocation Board is required to provide state per-pupil funding, including hardship funding, for new school facilities construction and school facilities modernization for applicant school districts.

This bill would require a school district that submits an application to the State Allocation Board for funding for a new construction or modernization project to, at the time of submission of its final drawings to the Division of the State Architect, certify that the facility needs of adult school facilities have been considered.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

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

1 SECTION 1. Article 10.2 (commencing with Section  
2 17077.20) is added to Chapter 12.5 of Part 10 of the Education  
3 Code, to read:

Article 10.2. Adult School Facilities

17077.20. As part of the requirements for submission of an application to the State Allocation Board for funding pursuant to this chapter for any new construction or modernization project, the applicant school district shall, at the time of submission of the final drawings to the Division of the State Architect, certify that the facility needs for adult school facilities have been considered.

SEC. 2. Section 46190 of the Education Code is amended to read:

46190. In classes for adults, a day of attendance is ~~180~~ 145 minutes of attendance but no student shall be credited with more than 15 clock hours of attendance per school week, proportionately reduced for those school weeks having weekday holidays on which classes are not held unless he or she is enrolled in a class in elementary subjects, a class for which high school credit is given, a class in English for foreigners, a class in citizenship, or a class in a trade or industrial subject as trade or industrial subject is defined by the ~~State Board of Education~~ state board for grades 7 to 12, inclusive.

SEC. 3. Section 52517 of the Education Code is amended to read:

52517. ~~No~~ (a) A high school or unified school district shall not report for state apportionments average daily attendance, and a community college district shall not report for state apportionments for full-time equivalent students, in classes in any of the following circumstances: ~~(1) if the~~

(1) The district receives full compensation for ~~such class~~ the classes from any public or private agency, individual or group of individuals, except fees authorized by Section 52612; ~~or if such.~~

(2) The classes are not located in facilities clearly identified in such a manner, and established by appropriate procedures, to ~~insure~~ ensure that attendance in ~~such~~ the classes is open to the general public, except those authorized pursuant to Section 52570 and those in state hospitals. ~~The~~

(b) (1) Notwithstanding paragraph (2) of subdivision (a), a school district may report for state apportionments average daily attendance, and a community college district may report for state apportionments for full-time equivalent students, in classes that

1 are not open to the general public if all of the following  
 2 conditions are met:

3 (A) The classes are offered at a worksite primarily for the  
 4 benefit of employees at that worksite. For purposes of this  
 5 section, “worksite” means the pupil’s or the student’s place of  
 6 employment or any other area designated by the pupil’s or the  
 7 student’s employer.

8 (B) The classes are intended primarily to develop literacy and  
 9 English language skills.

10 (C) The classes are instructed by a credentialed employee of  
 11 the district or, in the case of a community college district, a  
 12 person determined by the board of governors of the district to be  
 13 qualified to teach adult education courses offered pursuant to  
 14 Section 78401.

15 (D) The employer has established a class size, in advance,  
 16 which is included in all applications for establishing a class at a  
 17 worksite. Employees at the worksite are given first priority in  
 18 enrollment. Second priority in enrollment is given to members of  
 19 the employees’ families. Third priority in enrollment is given to  
 20 members of the public.

21 (2) The classes offered pursuant to paragraph (1) shall be  
 22 limited to 2 percent of all adult education apportionments for the  
 23 community college district or the school district.

24 (c) The State Board of Education may adopt such regulations  
 25 as may be necessary to enforce this section.

26 (d) This section shall become inoperative on July 1, 2011, and,  
 27 as of January 1, 2012, is repealed, unless a later enacted statute  
 28 that is enacted before January 1, 2012, deletes or extends the  
 29 dates on which it becomes inoperative and is repealed.

30 SEC. 4. Section 52517 is added to the Education Code, to  
 31 read:

32 52517. (a) A high school or unified school district may not  
 33 report for state apportionments average daily attendance in  
 34 classes in any of the following circumstances:

35 (1) The district receives full compensation for the classes from  
 36 any public or private agency, individual or group of individuals,  
 37 except fees authorized by Section 52612.

38 (2) The classes are not located in facilities clearly identified in  
 39 a manner, and established by appropriate procedures, to ensure  
 40 that attendance in the classes is open to the general public, except

1 those authorized pursuant to Section 52570 and those in state  
2 hospitals.

3 (b) The state board may adopt regulations necessary to enforce  
4 this section.

5 (c) This section shall become operative July 1, 2011.

6 SEC. 5. Section 52616.25 is added to the Education Code, to  
7 read:

8 52616.25. A school district offering adult education may  
9 claim hours spent providing counseling, guidance, testing, and  
10 assessment services to students who are enrolled in an adult  
11 education program for purposes of its average daily attendance  
12 apportionments. Hours claimed pursuant to this section are  
13 limited to a maximum of 5 percent of the total adult education  
14 entitlement for the school district.

15 SEC. 6. Section 78401 of the Education Code is amended to  
16 read:

17 78401. (a) The governing board of any community college  
18 district ~~shall have power~~ *may*, with the approval of the board of  
19 governors ~~to~~, establish and maintain classes for adults for the  
20 purpose of providing instruction in civic, vocational, literacy,  
21 health, homemaking, technical and general education.

22 (b) Classes for adults shall conform to any course of study and  
23 graduation requirements otherwise imposed by law or under the  
24 authority of law.

25 (c) ~~Classes~~ *Except for classes described by subdivision (b) of*  
26 *Section 52517, classes for adults shall be open for the admission*  
27 *of adults and of any minors who, in the judgment of the*  
28 *governing board, may be qualified for admission thereto. Classes*  
29 *described by subdivision (b) of Section 52517 may be offered at a*  
30 *worksite primarily for the benefit of employees at that worksite.*  
31 *For purposes of this section, "worksite" means the student's*  
32 *place of employment or any other area designated by the*  
33 *student's employer. The employer shall establish a class size, in*  
34 *advance, which shall be included in all applications for*  
35 *establishing a class at a worksite. Employees at the worksite*  
36 *shall be given first priority in enrollment. Second priority in*  
37 *enrollment shall be given to members of the employees' families.*  
38 *Third priority in enrollment shall be given to members of the*  
39 *public.*

1 (d) The board of governors shall establish standards, including  
2 standards of attendance, curriculum, administration, and  
3 guidance and counseling service for classes for adults as a basis  
4 for the several apportionments of state funds provided herein for  
5 the support of these classes.

6 (e) The governing board of any community college district  
7 maintaining an adult school shall prescribe the requirements for  
8 the granting of diplomas.

9 *(f) This section shall become inoperative on July 1, 2011, and,  
10 as of January 1, 2012, is repealed, unless a later enacted statute  
11 that is enacted before January 1, 2012, deletes or extends the  
12 dates on which it becomes inoperative and is repealed.*

13 SEC. 7. Section 78401 is added to the Education Code, to  
14 read:

15 78401. (a) The governing board of any community college  
16 district may, with the approval of the board of governors,  
17 establish and maintain classes for adults for the purpose of  
18 providing instruction in civic, vocational, literacy, health,  
19 homemaking, technical and general education.

20 (b) Classes for adults shall conform to any course of study and  
21 graduation requirements otherwise imposed by law or under the  
22 authority of law.

23 (c) Classes for adults shall be open for the admission of adults  
24 and of any minors who, in the judgment of the governing board,  
25 may be qualified for admission thereto.

26 (d) The board of governors shall establish standards, including  
27 standards of attendance, curriculum, administration, and  
28 guidance and counseling service for classes for adults as a basis  
29 for the several apportionments of state funds provided herein for  
30 the support of these classes.

31 (e) The governing board of any community college district  
32 maintaining an adult school shall prescribe the requirements for  
33 the granting of diplomas.

34 (f) This section shall become operative July 1, 2011.