Status of Noncredit Adult Education and Economic Development Legislation

The 2001-2002 Legislative Session is over. Here is a summary of the content and status of the noncredit/adult education and economic development bills.

AB 253 (Alquist and Diaz) on Adult Education was held in Assembly Appropriations.
SUMMARY: This bill increases the revenue limits per average daily attendance (ADA) for the adult education provided by K-12 school districts and the noncredit full-time equivalent student funding amount for adult education provided by community college districts, as specified. Specifically, this bill:

1) Requires, beginning with the 2001-02 fiscal year, the funding for a full-time adult education/noncredit students be at least 50 percent of the statewide average base revenue limit for unified school districts.

2) Requires an annual minimum 1% increase, beginning with the 2003-04 fiscal year, in the statewide average unified school district revenue limit received by adult education/noncredit programs, until it reaches 100 percent.

3) Creates the Joint Board Committee on Noncredit and Adult Education, as specified, to coordinate educational efforts, and study and develop recommendations for the improvement of services and instruction. Requires the Department of Employment Development, the CSU and the community college system to provide staff support to the committee.

4) Authorizes school districts and community college districts that offer High School Exit Exam preparation classes, as specified, to submit an application for funding to the Superintendent of Public Instruction (SPI).

AB 259 (Chavez) on Adult Education: Average Daily Attendance Audit was vetoed.
SUMMARY: AB 259 would provide that any average daily attendance adjustment for the 1990-91 through the 1993-94 fiscal year shall be considered null and void if the State Department of Education (SDE) and the Department of Finance (DOF) have not determined whether to waive the audit adjustment by 6/30/02.

(Veto message)

I am returning Assembly Bill 259 without my signature.

Unfortunately, the recently created Education Audit Appeals Panel is not staffed nor budgeted to address adult education audits. I am
directing the Secretary of Education to work with the new Superintendent of Public Instruction to suggest a plan of action to address this issue.

AB 348 (Wright) on Adult and Career Technical Education was vetoed.
SUMMARY: Requires the Superintendent of Public Instruction (SPI) to adopt standards for a career technical education course of study by May 1, 2003. Requires the California State University (CSU), and requests the University of California (UC), to develop procedures that will allow career technical courses to satisfy system admission requirements.

(Veto message)

I am returning Assembly Bill 348 without my signature.

This bill would make various changes regarding curriculum, model academic standards, and the attributes of career technical education courses within grades 7 through 12. These changes include revising the process by which the Superintendent of Public Instruction develops and the State Board of Education adopts curriculum standards, requiring development of model curriculum standards by May 1, 2003 for career technical education courses, and requiring CSU, as well as requesting UC, to develop model academic standards and a high school accreditation process related to recognizing career technical education as university preparation. The bill states it is the intent of the Legislature to appropriate funds for this purpose in the 2001-02 Budget Act.

I am supportive of improving career technical education, as evidenced by the $5.5 million included in the 2001-02 budget for this purpose. I am also supportive of the concept of having a role for employers and stakeholders in developing the model curriculum standards. However, the funds appropriated in the 2001-02 Budget Act could not be used by the Department of Education to develop the model curriculum because they are only available for allocation to local education agencies. As a consequence, this bill would impose new General Fund costs in the hundreds of thousands of dollars on the Department of Education. I am also concerned that this bill may have the potential for significant local assistance cost pressures by compelling districts to change curriculum to meet new requirements of the postsecondary institutions. Given the rapid decline of our economy and a budget shortfall of $1.1 million through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending.

AB 1018 (Liu) on Career Education was signed into law.
SUMMARY: Creates the Industry-Based Certification Incentive Grant Program (Grant Program) for the purpose of awarding grants to selected school districts, county offices of education (COEs) and regional occupational centers and programs (ROC/P) and to establish industry-based certification programs within their career technical programs.

(Signed message)
I am signing Assembly Bill 1018 with a line item veto.

This bill establishes the Industry-Based Certification Incentive Grant Program, which is an innovative approach to using one-time funds for matching the skills that are taught to students with the certification standards that are set by an industry. AB 1018 would allow the Department of Education (SDE) to redirect funds identified in this bill to develop model curriculum standards. Finally, this bill would require the SDE to allocate any savings resulting from this program for the purposes of the School-to-Career Technology Training Center Program, which is contained in AB 769 (Goldberg).

I am signing this bill, with the understanding that the funding earmarked for this bill will fully fund both planning grants and implementation grants, on a one-time basis, for the Industry-Based Certification Incentive Grant Program. I must however, delete the funding which is provided for the SDE for model curriculum standards, as this provision would be in conflict with the constitutional restrictions on the use of Proposition 98 funds. In addition, I am deleting the provision that requires the SDE to allocate any savings from the Industry-Based Certification Incentive Grant Program to the Industry Based Certification Incentive Grant Program. AB 769 would result in significant costs, which I cannot commit to given the fiscal condition of the state.

The following language reflects my veto action:

SEC. 3. (a) (1) Of the amount specified in Schedule (27) of Item 6110-485 of Section 2.00 of the Budget Act of 2001, four million four hundred fifty thousand dollars ($4,350,000) is hereby allocated to the State Department of Education as follows: (1) Four million three hundred fifty thousand dollars ($4,350,000) for purposes of the Industry-Based Certification Incentive Grant Program established by Article 3.5 (commencing with Section 52360) of Chapter 9 of Part 28 of the Education Code. (2) One hundred thousand dollars ($100,000) for purposes of Section 51226 of the Education Code. (b) The State Department of Education shall allocate any of the funds described in subdivision (a) that it determines are not necessary for those purposes to any of the following purposes: (1) Article 3.5 (commencing with Section 52360) of Chapter 9 of Part 28 of the Education Code, Industry-Based Certification Incentive Grant Program. (2) Section 51226 of the Education Code. (3) Chapter 17.1 (commencing with Section 52360) to Chapter 9 of Part 28 of the Education Code, the School-to-Career Technology Training Center Program.

FISCAL EFFECT: According to the Senate Appropriations Committee, $5.5 million from the General Fund (GF) (Proposition 98) appropriated in the 2001-02 Budget Act for the Grant Program with $250,000 initially and up to $75,000 ongoing from GF to the State Department of Education for administrative costs.

AB 1073 (Wesson) on Adult Education Classes in Correctional Facilities was vetoed.
SUMMARY: Allows a school district or county board of education (CBE) to report an increase in average daily attendance (ADA) as specified for school or classes for adults in correctional facilities if that increase is attributable to an increase in domestic violence and substance abuse classes.

(Veto message)

I am returning Assembly Bill 1073 without my signature.

This bill would allow Adult Education in Correctional Facilities programs to increase their Average Daily Attendance (ADA) by up to 5.0 percent above the current statutory increase of 2.5 percent from 2002-03 to 2005-06, inclusive, if the increase is a result of an increase in the number of courses in the prevention of domestic violence and substance abuse. Programs that receive this proposed increase would be required to maintain, for three years, records on inmate enrollment in these courses and completion rates.

I support the Adult Education in Correctional Facilities Program and the services they provide to help reduce recidivism. This bill would triple the statutory growth in funding from 2.5 to 7.5 percent. Given our declining economy and the loss of $1.1 billion in revenues in the first 3 months of the fiscal year alone, we cannot commit to such an increase. In fact, I recently asked all of my departments outside of law enforcement to prepare budget cuts of 15 percent. Finally, if these classes have demonstrated their effectiveness in reducing recidivism, I would expect correctional facilities to provide these classes on a priority basis from within existing resources.

For these reasons, I cannot support this measure.

AB 1131 (Frommer) on Apprenticeship Programs was signed into law.
SUMMARY: This bill restricts state funding of apprenticeship training programs to those programs which have been approved by the Division of Apprenticeship Standards of the State Department of Industrial Relations.

AB 1299 (Pacheco) on Public Education Funding: Bond Act of 2002 (Adult Education) was held in Assembly Appropriations.
SUMMARY: This bill provides that a district that contracts their adult education program to another district can receive its apportionment under the adult education cap even if the students are not directly under the supervision of the teachers in the district.

AB 1412 (Wright and Wyland) on Career Education was signed into law.
SUMMARY: This bill (1) specifies that the terms vocational-technical education and career technical education for purposes of the Education code have the same meaning, as specified; (2) requires the Superintendent of Public Instruction (SPI) to develop and State Board of Education (SBE) to adopt standards for a career technical education course of study by January 1, 2005, and (3) requires the Trustees of the California State University (CSU) and requests the Regents of the
University of California (UC) to develop procedures that will allow courses to satisfy coursework admission requirements.

AB 1462 (Nakano) on Teacher Training was vetoed.
SUMMARY: This bill requires the Superintendent of Public Instruction to convene a 15-member committee of experts to determine programs and processes that will increase the number and improve the quality of career technical education teachers. The study is to be funded by federal funds.

(Veto message)

I am returning Assembly Bill 1462 without my signature.

This bill would require the Superintendent of Public Instruction (SPI) to convene a 15-member committee of experts to develop guidelines and topics needed for conducting an independent study to determine programs and processes that will increase the number of, and improve the quality of, career technical education teachers.

While the study deserves merit, this bill fails to provide the State Board of Education with the opportunity to modify the parameters of questions that would be developed by the advisory committee created by this bill. I believe this bill misses an important step by not allowing the State Board to balance the desires of the committee with current policy direction and the needs of all students.

I continue to support the need to provide high quality instruction and professional development to California's teachers. However, as the federal regulations for No Child Left Behind are not finalized, this bill is premature. In light of the State's current fiscal condition, I believe it is important to focus available funds on programs that have already been determined to be beneficial to our students in meeting their core academic needs. Therefore, I am unable to support this bill, which could direct funds away from these programs.

AB 1794 (Chavez) on High School Exit Examination was vetoed.
SUMMARY: This bill allows a school district to include in its adult education program courses of supplemental instruction in preparation for the high school exit examination (HSEE) for persons who complete grade 11 and have not passed the HSEE.

(Veto message)

I am returning Assembly Bill 1794 without my signature.

This bill would:
1. Authorize an adult education program to offer supplemental instruction in preparation for the California high school exit examination (CAHSEE), notwithstanding any other provision of law, exclusively to a person who completed grade 11, and be reimbursed for instruction hours through the
supplemental instruction program currently provided for pupils enrolled in grade 7 through 12.

2. Authorize reimbursements from supplemental instruction entitlements for pupil hours attributable to any adult or high school student enrolled in supplemental instruction in preparation for the CAHSEE. It is unclear whether the reimbursement could be claimed by the adult education program or the regular K-12 district.

3. Increase the percent of adult education funds that could be provided for alternative methods of delivery, such as distance education and independent study from 5 percent to 10 percent.

4. Require that any pupil who successfully passes the CAHSEE after completing grade 12 be eligible for a regular high school diploma.

I am concerned that this bill would create Proposition 98 General Fund costs in the tens of millions of dollars annually by allowing Adult Education programs to receive funding provided to the Supplemental Instruction Program. Furthermore, it appears that adult education programs would be authorized to receive both adult education funds and supplemental instruction funds for any adult, as well as grade 12 students enrolled in adult education courses designated as CAHSEE preparation. Such an incentive of double funding for the same student could lead to districts redefining related existing courses as CAHSEE preparation to gain additional funding for course that they already provide.

Furthermore, by authorizing grade 11 completers to enroll in adult education programs for CAHSEE preparation notwithstanding any other provision of law, this bill appears to waive existing laws that cap the level of concurrently enrolled and funded high school students in adult education programs. This change would erode adult education reforms of the early 1990s, further increasing state costs per student.

I would also note that by increasing the percentage of adult education funds that could be delivered through alternative instructional methods, this bill is inconsistent with recent policies governing independent study to reduce funding and discourage its expansion. I am not aware of any evidence demonstrating that alternative methods of delivering instruction are more effective than classroom instruction and therefore believe that the existing five percent cap is warranted.

For these reasons, I am unable to support this measure.

AB 2152 (Leslie) on Inmate Education was held in Assembly Appropriations.
SUMMARY: This bill waives the requirement that school districts repay funds originally received for adult education programs from 1994-95 to 1999-2000, but used ultimately to operate a continuation education program.

AB 2541 (Negrete McLeod) on School-to-Career Initiatives was signed into law.
SUMMARY: This bill requires an applicant for a School-to-Career Interagency Partnership grant, to demonstrate, in addition to other existing requirements, an instructional program advising pupils of an employee’s and an employer’s rights and obligations in the workplace.

**AB 2750 (Wesson) on Adult Education: Classes in Correctional Facilities was signed into law.**

SUMMARY: This bill permits increases in the average daily attendance calculations for classes for adults in correctional facilities.

**ACR 158 (Wiggins) on Career and Vocational Education was signed into law.**

SUMMARY: This resolution states that the Legislature is committed to improving career and technical education programs and practices and ensuring that they are a major component in efforts to improve K-12 education.

**SB 218 (Dunn) on Adult Education was held in Assembly Higher Education.**

SUMMARY: This bill would authorize a school district to report for state apportionments average daily attendance in classes for adults that are not open to the general public if the classes are held in the workplace, are intended solely to help students develop English language skills, and are instructed by an employee of the district appropriately credentialed for the cost being offered.

**SB 874 (Dunn) on Adult Education was held in Assembly Appropriations.**

SUMMARY: This bill allows a school district to report for state apportionment average daily attendance (ADA) adult education classes that are not open to the general public under specified conditions. Specifically, this bill:

1) Allow a school district to report for state apportionment average daily attendance adult education classes that are not open to the general public if the classes are:

   a) Offered at a worksite primarily for the benefit of employees at the worksite;

   b) Intended to primarily help students develop literacy and English language skills; and,

   c) Instructed by an employee of the school district who is appropriately credentialed for the course being offered.

2) Define worksite as the student's place of employment or any other area designated by the student's employer.

3) Allow community colleges to offer adult education courses primarily intended to help students develop English language skills that are offered at a worksite and may be limited to employees of that worksite.

**SB 1051 (McPherson) on Career Technical Education was vetoed.**
SUMMARY: SB 1051 requires the Superintendent of Public Instruction (SPI) to develop a curriculum framework that offers a blueprint for implementation of the career and technical education foundation. The State Board of Education (SBE) shall adopt the framework no later than June 1, 2004. Specifically, this bill:

1) Requires the SPI, in developing a curriculum framework for career and technical education, to work in consultation and coordination with an advisory group including, but not limited to, representatives from all of the following:
   a) Business and industry;
   b) Labor;
   c) The California Community Colleges;
   d) The University of California;
   e) The California State University;
   f) Classroom teachers;
   g) School administrators;
   h) Parents and guardians;
   i) Representatives of the Legislature;
   j) SDE; and,
   aa) Department of Industrial Relations.

1) Requires school districts maintaining high schools to prescribe a course of study to provide the skills and knowledge required for adult life, including a course of study that offers all pupils a curriculum that integrates academic and career skills and that incorporates applied learning in all disciplines.

2) States legislative intent that the specified curriculum framework be accomplished with available federal funds.

3) Appropriates $5 million for School to Career Partnerships.

(Veto message)

I am returning Senate Bill 1051 without my signature.

This bill required the Superintendent of Public Instruction (SPI) to develop a career/technical education curriculum framework by June 1, 2004, and required local districts with high schools to provide a course of study that integrates academic and career skills in all disciplines that prepares students for graduation, career entry, college-level studies, and adult life. The bill would also appropriate $5 million to expand the existing School-to-Career Initiative (Proposition 98) within the Office of the Secretary of Education (OSE).

This bill would result in General Fund costs of $600,000 to develop the prescribed curriculum and up to $400,000 for each additional curriculum framework. Furthermore, this bill creates a reimbursable state mandated program with costs in the millions of dollars to require local governing boards of any school district with a high school to change courses of study to conform with the prescribed curriculum.
The bill also appropriates $5 million General Fund to the School-to-Career program. Due to the rapid decline of our economy and a budget shortfall of $1.1 billion through the first three months of this fiscal year alone, I have no choice but to oppose additional General Fund spending. However, as I am supportive of the School-to-Career program, I am directing the Health and Human Services Agency to look for alternative funding to expand the program.

For these reasons, I cannot support this measure.

SB 1289 (Haynes) on Riverside Unified School District and Alvord Unified School District: Adult Education was vetoed.
SUMMARY: SB 1289 authorizes the State Board of Education to waive the Education Code for one situation. Specifically, this bill permits SBE to waive appropriate provisions of the education code only to allow Riverside and Alvord Unified school districts to fulfill their 2001-02 adult education contract.

(Veto message)
I am returning Senate Bill 1289 without my signature.

SB 1289 would specify that for the 2001-02 fiscal year only, for the contract between Alvord Unified School District and Riverside Unified School District to provide adult education services, the State Board of Education (SBE) would be authorized to allocate average daily attendance (ADA) for apportionment to the district contracting for the education services (Alvord) rather than the district providing the services (Riverside).

I am pleased that the Riverside Unified School District is operating a successful adult education course. In these difficult times, we are unable to provide more reimbursement than current law allows.

For this reason, I am unable to support this bill.

SB 1566 (Polanco) on California Community Colleges Economic and Workforce Development Program was signed into law.
SUMMARY: This bill reauthorizes the California Community Colleges Economic Development Program (also known as the EdNet program) as the California Community Colleges Economic and Workforce Development Program and extends the program’s sunset date to January 1, 2008.

SB 1921 (Romero) on Adult Education: Average Daily Attendance Audits was held in Assembly Appropriations.
SUMMARY: This bill authorizes the waiver of any adult education average daily attendance (ADA) audit finding for any fiscal year, if the Superintendent of Public Instruction (SPI), with the approval of the Director of Finance (DOF) or the State Auditor, determines that the audit exception was minor and inadvertent, or both. In addition, the bill:
1) Requires any ADA audit adjustment for adult education to be null and void and waived, if the SPI or DOF, or alternatively the SPI and the State Auditor, have not determined whether to waive the ADA audit adjustment within 10-years of the receipt by the Controller of the audit containing the audit exception.

2) Prohibits the DOF from conducting a compliance audit under statutes that were not effective and operative for the fiscal year being audited. A pending audit using statutes that were not effective and operative, as specified, is null and void.

FISCAL EFFECT: General Fund (Proposition 98) costs of at least $10 million from waiving ADA audit adjustments. These funds would otherwise be available, under Proposition 98, for other legislative educational priorities.