

SCOPE Meeting Minutes from April 6, 2006

Legislative Impact-Arnold Bray of Educational Services presented the legislation that is being discussed in the capitol that may impact Physical Education and Athletics. Please see the copies of his the bills below attached to the bottom of these notes.

Arnold Bray Notes from Aracely Mora

Governor's proposed budget includes \$80 million for K-12 Physical Education. Legislature may not be supportive. Proposed State Budget looks better for Community Colleges and includes 3% growth money. Problem however, is that growth money (68-69 million) is being left on the table because many community colleges across the State are not growing.

Concurrent enrollment is still a problem for physical education. The bridge issue has left a stigma. A window exists through (SB 1303 Runner) which lifts the 5% summer school cap for classes which meet a certain criteria. Physical education courses which meet the criteria would benefit from this bill.

Another bill to watch is AB 2055 which allows concurrent enrollment. San Jose Evergreen is involved in a pilot program testing concurrent enrollment. The purpose of the program is to improve high school graduation. The issue focuses on the number of students who will not pass the H.S. exit exam.

AB 2165 La Seur excludes convicted criminals from participating in intercollegiate athletics until punishment and probation are completed. The Bill made it out of committee without opposition. Next step is Senate Education Committee. Arnold Bray and Carlyle Carter will meet with Senator Scott to express opposition to this bill. Issues associated with cost of implementing this bill are significant. Who and how will criminal checks be conducted? Who will pay for the criminal checks? Athletes will be the only students subjected to this scrutiny. Membership is encouraged to write letters in opposition.

Treasurers/Membership Report-Sue Beers reported that our memberships are down and due to that our treasury is not in good shape. We need to continue to solicit memberships so we can pay our bills this year.

Minimum Qualifications-Diane Henry of Cypress, Ellie Bewley of Rio Hondo and Jim Forkum of Sierra College will be working on a position paper for SCOPE relative to a proposal to the Statewide Academic Senate next year. They will also try to attend any senate meetings that will discuss these recommendations in our disciplines.

Student Learning Objectives-Sue Long of Mt San Antonio College presented information on Student Learning Objectives (SLO's) in Physical Education. As everyone knows this is now a major component of Accreditation. Handouts are attached to the bottom of these notes. Please find below some of the main points of her presentation:

- 1) Physical Education needs to partner with the rest of campus to develop successful SLO's.
- 2) Middle management is the most important person in the SLO process.
- 3) Divisions need a risk free environment for processing SLO's.
- 4) The goal of SLO's is improved teaching and learning.
- 5) The main end result of SLO's is accreditation.
- 6) To have a successful process there needs to be resources from the upper administration.
- 7) Need to have access to accurate and valid data in the SLO process.

Data for Physical Education and Athletics-It was suggested that we work with CCCADA to come up with a survey that all colleges can use to determine data from their institution which can help the COA Executive Director when he meets with the statewide Academic Senate or other groups in his promotion of our discipline and athletics. Cheryl Sears of LBCC has volunteered to help as a liaison with the Academic Senate since she worked with the Senate for 20 years.

SCOPE Educators of the Year-The 2006 SCOPE Physical Educators of the Year are:

Dance Educator-Alicia Okouchi-Guy-Fullerton College
Health Educator-No winner
Adapted Educator-Ron Hastings-Saddleback
General Educator-Debi Woelke-Fullerton College
Fitness/Exercise Physiology-No winner
Administrator-Aracely Mora-Santa Ana College
Staff-Bonnie Plein-Palomar

The 2007 nomination forms will be on the SCOPE web site very shortly.

Nominations for the 2007-09 President-Elect and Treasurer will be on the web site shortly.

Agenda Items for our next meeting-

- 1) **Compressed Calendar**-It was suggested that we discuss compressed academic calendars at our spring meeting.
- 2) **Classified contracts for coaches**-currently Citrus and Chaffey are using these for coaches.

BILL ANALYSIS

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Date of Hearing: March 28, 2006

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Carol Liu, Chair
AB 2165 (LaSuer) - As Introduced: February 21, 2006

SUBJECT : Public postsecondary education: intercollegiate athletics

SUMMARY : Prohibits participation in intercollegiate athletics by students who have been prosecuted and convicted of certain violent felonies. Specifically, this bill :

Prohibits any student athlete at the University of California (UC), California State University (CSU) or the California Community Colleges (CCC) from participating as a member of any intercollegiate athletic team or event, if he or she, at any time after his or her enrollment as a college or university student is prosecuted and convicted of murder, kidnapping, robbery, battery against a sports official, assault, rape, burglary or attempted murder.

EXISTING LAW does not specifically prohibit those convicted of such crimes from participating in intercollegiate athletics, but does provide UC, CSU and the CCC with discretion to determine eligibility for and participation in intercollegiate athletics.

FISCAL EFFECT : Unknown. To the extent this bill would create new duties for CCC districts or local jurisdictions with respect to determining eligibility for intercollegiate athletics, this bill would impose a state-mandated local program.

COMMENTS :
What events led to the introduction of this bill ? This bill stems from an incident in the fall of 2004. A young man who seriously injured by football players who attended Grossmont College. These football players pleaded guilty to assault charges in the spring of 2005 but were not sentenced until October 2005. In the intervening months, the football players continued at Grossmont College and continued to play on the Grossmont football team until they were actually sentenced and remanded into custody. The administration at Grossmont did not know the players had pleaded guilty and conducted an investigation to

They determine if the football coach knew of their guilty plea.
 They could find no proof that he knew.

What is the purpose of this bill ? The author indicates
 this bill is necessary for positive role modeling. He states,
 "The example set for young people is critical because
 traditionally speaking, athletes are considered role models --- on campus
 and in society. It is important, therefore, that the laws that
 govern student athletes' eligibility represent the highest
 and standards, to demonstrate the importance California citizens
 and lawmakers place on student athletes' character, integrity,
 and socially appropriate behavior. Laws that reflect these
 values serve as complement to the aims of socialization, safety and
 public good for which public institutions of higher education
 were established and now exist."

Additionally the author notes that both the Commission on
 Athletics of the Community College League of California (COA)
 and the National Collegiate Athletic Association (NCAA)
 provide codes of ethics, but leave decisions about interpretation and
 application of guidelines up to the local institutions and
 and/or coaches. He states that in the absence of specific COA
 NCAA rules there is confusion on local campuses about legal
 rights and responsibilities.

Is this bill constitutional ? The Executive Director of
 the COA questions the state constitutionality of this bill because he
 asserts the Constitution of the State of California (the
 Constitution) guarantees the right to education. There is no
 expressly stated right to higher education in the rights
 guaranteed in the Constitution, nor is there an expressly
 stated right to play intercollegiate athletics. The segments of
 higher education are allowed to set eligibility rules for

intercollegiate athletics (such as academic eligibility) and are further required to comply with eligibility criteria established by the NCAA where appropriate. Additionally, the Education Code (Section 76030 et seq.,) authorizes CCCs to expel a student for "good cause" (utilizing due process) and defines "good cause" to include assault or violence upon a student or college personnel.

How will colleges and universities know if an athlete has been prosecuted and convicted of one of these felonies ? This bill prohibits participation by those who committed one (or more) of these crimes at any time after his or her enrollment in a college or university (not necessarily the institution of

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current enrollment). There are three methods that might be used to determine student-athlete eligibility. First, each college could run a background check by completing a "live scan" on each potential athlete. This procedure, including staff time involved, is estimated to cost \$50 per student; there are more than 25,000 student athletes in California public colleges and universities per the COA. Alternatively, law enforcement jurisdictions could be required to obtain enrollment information from arrestees and report to the college or university, which could monitor the case through to the conviction phase. This method would rely upon information supplied by the student as to his or her enrollment history in higher education. Either of these first two options might result in state-mandated local costs. A third method might require a student statement provided under penalty of perjury as a precondition to athletic

eligibility, perhaps combined with some sampling of such statements through a live scan.

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Staff Recommended Amendment : In the absence of statutory direction, there will be confusion regarding obligation of colleges and universities to conduct background checks on each student athlete. In order to be clear on the institutions' obligations the following amendment is suggested:

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Add to Section 67362: "Colleges and universities may upon student statements, provided under penalty of to determine a student's eligibility in this regard and allowed, at their discretion, to seek independent confirmation of the truth of any or all student statements."

Do any California public colleges or universities currently have such restrictions ? Some institutions have adopted codes of conduct for student athletes and some institutions would exclude participation under these circumstances. For example, College of the Sequoias and CSU Fresno have specific codes that require immediate expulsion from an athletic team upon conviction of a felony offense.

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Should such a prohibition be permanent ? As currently this bill prohibits participation at any time in the future after conviction for these crimes. Some argue students should be allowed to return to athletics after the sentence has been served, stating that participation in athletics can be

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beneficial in rehabilitation and prevention of recidivism. Page 4
Others argue conviction of a crime of this serious nature indicates character problems that warrant permanent exclusion on the grounds of public safety.

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Author's Amendment : The author has agreed to amend bill to allow convicted students to reestablish their eligibility and proposes to add the following language:
Add to Section 67362: "After successfully completing the

entire term of his or her probationary grant or
successfully completing his or her entire assigned
prison
term and parole period, a student convicted of a
violation(s) as cited in this section may again be
eligible
to participate as a member of an intercollegiate
athletic
team."

Are there additional violations of the Penal Code that
should be
reviewed included in this bill ? Public safety experts who have
this bill suggest the inclusion of additional sections of the
Penal Code that deal with various forms of rape, including
gang
rape, as well as other sexual assaults and acts.

Author's Amendment : Following the advice of these
public
safety experts, the author proposes the following
amendment:

Add to Section 67362, the following Penal Code Sections:
220, 261, 262, 264.1, 286, 288, 288a, 288.5, and 289.

Does this bill prohibit students convicted of these felonies
from attending sports events ? The language in the bill
prohibits student athletes, convicted of certain felonies,
from
participating as a member of a team or as a participant in
any
event. This language could be construed to prohibit
attendance
at an event. The author does not desire to prohibit this
activity and has proposed the following amendment to clarify
his
intent:

Author's Amendment : Section 67362: Notwithstanding
Section
78223 or any other provision of law, no student athlete
enrolled at any campus of the University of California,
the
California State University, or the California Community
Colleges may participate as a member of any
intercollegiate
athletic team, or as a participant in any
intercollegiate

general athletic event, except in a manner available to the public, if he or she, at any time after his or her enrollment as a college or university student, is prosecuted as an adult and is convicted of a violation?

Opponents What are the arguments in opposition to this bill ?
 CCC indicate COA is highly effective in governing athletics in districts and already has the authority to enact these provisions. The opponents state this bill unfairly discriminates against student athletes by not including other voluntary activities at colleges and universities. Finally, the opponents cite concern regarding the lack of an appropriation to pay for state-mandated costs associated with background checks and say it is possible the enactment of this measure could result in dropping of athletic programs.

REGISTERED SUPPORT / OPPOSITION :

Support

California Association for Health, Physical Education,
 Recreation and Dance
 California College and University Police Chiefs Association

Opposition

Fullerton College Athletic Department
 Los Angeles Valley College Athletic Department

Analysis Prepared by : Mary Gill / HIGHER ED. / (916)
 319-3960

BILL ANALYSIS

2005-2006 Regular Session

BILL NO: SB 1303
AUTHOR: Runner
INTRODUCED: February 16, 2006
FISCAL COMM: Yes HEARING DATE: April 5, 2006
URGENCY: No CONSULTANT: Nancy Anton

SUBJECT : Community Colleges: Concurrent Enrollment of High School Students

SUMMARY

This bill, essentially, eliminates the 5 percent "enrollment cap" on the admission of K-12 students to a community college summer session.

BACKGROUND

Current law provides for the admission of currently enrolled K-12 students to the California Community College (CCC). Specifically, a school district governing board, with a principal's recommendation and parental consent, may authorize pupils who would benefit from advanced scholastic or vocational work to attend a community college during any session as special part-time or full-time students.

Current law also prohibits the principal of a school from recommending more than 5 percent of the total number of students in any grade level, as specified, for community college summer session attendance. Students participating in a middle college high school or early college high school program, as defined, are generally exempted from the 5 percent cap.

ANALYSIS

This bill essentially eliminates the 5 percent enrollment cap on the admission of K-12 students to a community college summer session.

Specifically, current law lists seven specific criteria all

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of which must be met for a student to be exempt from the 5 percent cap. These criteria include the requirement that (a) the course be a middle college or early college high school course, (b) the principal provide specified data to

the CCC Chancellor's office, upon request and (c) the course be a for credit, lower division, college-level course that meets California State University (CSU) general education requirements. This bill deletes the requirement that all of certain criteria be met and, instead, requires only that any one of the criteria be met to have the student's enrollment be exempt from the 5 percent cap.

STAFF COMMENTS

- 1) Why the 5 percent limit on concurrent enrollment in summer session ? According to the CCC Chancellor's Office, the 5 percent restriction language was added to the Education Code in 1963 (Chapter 934, Statutes of 1963). However, the rationale for the original establishment of the 5 percent limit is unknown. The Chancellor's Office has noted that conditions have changed considerably since the law was first enacted including year-round schools, greater year-round use of facilities, an increase in the 'A-G' course requirements to qualify for admission to UC and CSU, and an increased focus on advanced coursework for admission to more competitive colleges.
- 2) Will lifting the 5 percent cap inundate CCC's with high school students ? Current law authorizes local CCC districts to provide enrollment opportunities for high school students. Although the bill's provisions essentially remove the 5 percent cap, authorization to enroll would still remain with each CCC district. Current law also prohibits the CCC Chancellor's office from including any concurrent enrollment as part of its annual budget request for enrollment growth funding.
- 3) In the News . A report just released (March 22, 2006) from the UCLA Institute for Democracy, Education and Access found that one in eight California high schools include three specific significant "roadblocks" for students to become college prepared: limited access to counselors, lack of college prep courses, and

ill-trained teachers. The report also found that these problems are far more likely to occur in high schools serving minorities, poor, and immigrants still learning English. At a minimum, should the 5 percent cap be lifted for students attending low-performing high schools thereby removing a potential significant

barrier to access to college prep and advanced courses?

SUPPORT

Board of Governors of the California Community Colleges
California Community Colleges
California Federation of Teachers
College of the Canyons
Community College League of California
Contra Costa Community College District
Folsom Lake College
Foothill-Deana CCC District
Los Medians College
Rancho Santiago Community College District
Riverside Community College District
Santa Barbara City College
Small School Districts' Association
West Contra Costa Unified School District
William S. Hart Union High School District

OPPOSITION

None received.

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Date of Hearing: April 5, 2006

ASSEMBLY COMMITTEE ON EDUCATION
Jackie Goldberg, Chair
AB 2050 (Canciamilla) - As Amended: March 29, 2006

SUBJECT : Concurrent enrollment in high school and
community
college

SUMMARY : Requires community colleges to be credited with
additional units of average daily attendance (ADA)
attributable

to the attendance of a pupil at a community college for the
minimum school day and provides that for school districts,
the
attendance of a pupil at a community college for the minimum
school day is to be deemed a day of attendance. Specifically,
this bill :

- 1) Provides that for purposes of calculating allowances and
apportionments from Section B of the State School Fund, a
community college is to be credited with additional units
of
average daily attendance attributable to the attendance of
a
pupil at a community college for the minimum school day.
- 2) Provides that for purposes of calculating allowances and
apportionments from Section A of the State School Fund, the
attendance of a pupil at a community college for the
minimum
school day is to be deemed a day of attendance.
- 3) Requires the Chancellor of the California Community
Colleges
to include in an annual report to the Department of
Finance, a
summary of the number and types of courses taken by
students
enrolled in college-level advanced scholastic or vocational
community college summer sessions.

EXISTING LAW

- 1) Authorizes the governing board of a school district to
benefit
authorize pupils, with parental permission, who would
from advanced scholastic or vocational work, to attend
community college as special part time students to
undertake
one or more courses of instruction at the community college
level.

- 2) Provides that a community college shall be credited with
additional units of average daily attendance attributable
to

the attendance of pupils at community colleges as special part-time students.

3)Requires students authorized to attend community colleges as special part-time students to attend school for the minimum schoolday and requires students in grade 12 to be enrolled in at least five courses each semester except for students who are enrolled in regional occupational programs, regional occupational centers, courses at accredited postsecondary educational institutions, independent study, special education programs, continuation education classes, work experience education programs, or any other course of study authorized by the governing board which is equivalent to the approved high school course of study.

4)Requires the Chancellor of the California Community Colleges, on or before January 1, 2007, to report to the Department of Finance, the number of students recommended to participate and who enroll in college-level advanced scholastic or vocational community college summer sessions.

FISCAL EFFECT : Unknown.

COMMENTS : The Legislative Analyst Office's Analysis of the 2006-2007 Budget states that in 2002, the state took statutory and budgetary action to reduce concurrent enrollment levels after concerns were raised about a number of community college districts inappropriately claiming state funding for an increasing number of concurrently enrolled high school students.

While state statute still permits districts to enroll some K-12

students, the Legislature and Governor adopted new
restrictions
on concurrent enrollment to prevent districts from abusing
the
provision.

According to the author, this bill "seeks to change the
Education Code to permit coordinated enrollment at a
community
college of special part-time students to also satisfy the
minimum attendance for ADA purposes at secondary schools.
There
is no reason to penalize a high school for students who, for
vocational purposes, spend the majority of their enrollment
day
at the community college campus- just as there is reason to
require students to enroll in particular courses just to
satisfy
a minimum for ADA. For many students, including those who
face
poverty and the need to work to support their families,
allowing
an accelerated enrollment program is not just a benefit; it
may

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well be a necessity for their careers."

Previous legislation:

AB 967 (Canciamilla, Chapter 399, Statutes of 2005) exempts
from
an enrollment cap on concurrent enrollment at the California
Community Colleges, a student recommended by his/her
principal
for enrollment in a college level advanced scholastic summer
session course, or in a vocational community college summer
session course, if specified criteria are met.

SB 338 (Scott, Chapter 786, Statutes of 2003) specified that
if
a community college class is a physical education (PE) class,
no
more than 10% of its enrollment may be comprised of special
part-time or full-time students and that a community college
district may not receive state apportionments for special

part-time and full-time students enrolled in PE courses in excess of 5% of the district's total reported full-time equivalent enrollment of special part-time and full-time students.

REGISTERED SUPPORT / OPPOSITION :

Support

Small School Districts Association

Opposition

None on file.

Analysis Prepared by : Marisol Avi?a / ED. / (916) 319-2087