

1 **Minors on Campus**

2 Draft (10.01.06)

3
4 Educational Policies Committee
5 Academic Senate for California Community Colleges

6
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33 **Executive Summary**

34
35 Fall 2005 enrollment data show approximately 73,000 students under the age of 18
36 enrolled in California community colleges. Of this number only 19,083 had already
37 graduated from high school, and more than 2,500 were under 14. Given that students
38 under the age of 18 are legally considered minors, community college faculty and staff
39 are often uncertain about their roles and responsibilities for these students.

40
41 Laws governing the opportunities for minors on community college campuses and the
42 responsibilities colleges have for them while they are enrolled come from California
43 Education Code, California Penal Code, and California Welfare and Institutions Code.

44
45 Education Code sections 76001 and 76002 authorize colleges to admit minors but also
46 permits colleges to establish criteria for admission based on age, grade level, and

47 eligibility. Penal Code sections 11165 and 11166 include information about child abuse
48 reporting and states that faculty and any community college employee who has direct
49 contact with enrolled minors are considered mandated reporters. The Family Educational
50 Rights and Privacy Act (FERPA) makes it clear that only a student can authorize release
51 of his/her community college records.

52
53 Issues related to minors on community college campuses can be divided into three areas:
54 parental issues, health and safety issues, and curricular issues.

55
56 While parents are expected to be involved in a child's decision to attend a community
57 college, FERPA prevents a parent from accessing a student's grade records without the
58 student's permission. Parents also need to know that admission to a college is not the
59 same as enrollment in a specific course. Many colleges reserve permission to enroll in a
60 course to the instructor.

61
62 Faculty are not obligated to act in loco parentis for minors in their classes. Such students
63 are expected to take primary responsibility for their own safety and conduct. However,
64 faculty are required by law to report suspected child abuse. Some colleges identify
65 minors on course rosters with a special notation.

66
67 Admissions offices generally prepare orientation packets for minors (also known as
68 "special admits") and their parents that make it clear that minors are entering an adult
69 environment. Faculty have control of course curriculum, and course syllabi represent a
70 contract between the instructor and students in the course. Both parents and minor
71 students need to realize that they are bound by the terms of the syllabus in order to earn a
72 grade for the class and that parental approval of the course content or assignments is not
73 required. Parents also need to know that student communication with counseling faculty
74 is confidential.

75
76 The local academic senate should work with relevant college constituencies to create
77 clear policies for the enrollment of minors, including an affirmation that enrollment in a
78 specific course is dependent on instructor approval. Other areas that should be covered
79 include policies explicitly addressing the participation of minors in international
80 programs, athletics, and performing arts. Faculty should also be involved in the
81 development of orientations for minors and their parents.

82
83 In addition to recommendations regarding the involvement of faculty in developing board
84 policies related to the admission and enrollment of minors, the paper includes
85 recommendations for mandated reporter training regarding child abuse for all faculty and
86 clear notification of faculty when there are minors in their courses. The state Academic
87 Senate should work with the System Office for legal clarification on issues of liability
88 related to having minors enrolled on campus and bring the work of the 2003 Minors in
89 Higher Education Task Force to the Consultation Council for review and consideration of
90 further action.

91

92 **Introduction**

93
94 The open door policy for the California community colleges has led to access,
95 educational opportunity, and growth for many Californians. While the primary mission of
96 the community colleges is to serve the needs of adults, one group that has benefited from
97 the excellent educational opportunities at the community colleges in California are those
98 under 18 years of age and who have not yet having achieved a high school diploma. Fall
99 2005 enrollment data for credit and noncredit courses show 791 students 10 years of age
100 or younger, 1,965 between the ages of 11 and 13, and 24,853 between the ages of 14 and
101 16. Of the 46,654 17 year-olds enrolled, only 19,083 had already graduated from high
102 school. (Huffman, 2006) These students are finding their way to colleges across the state
103 in increasing numbers and for a variety of reasons. Some find that their high schools lack
104 advanced course level offerings, some are home schooled, and some seek variety and a
105 head start on college work.

106
107 Given that students under the age of 18 are legally considered minors, community college
108 faculty and staff are often uncertain about their roles and responsibilities for these
109 students. The following examples illustrate some of the safety and educational concerns
110 involved. At one California community college, a 12-year-old student was enrolled in a
111 nighttime mathematics class. The instructor became ill shortly after the class began, and
112 the class had to be dismissed early. The youth couldn't reach her parents and stood alone,
113 outside in the dark, by the parking lot area, where her parents eventually picked her up --
114 three hours later. Faculty have been challenged by parents of minors regarding course
115 content. For a health class, one parent of an adolescent enrolled in the course asked the
116 faculty member not to use the word "penis" in a discussion of human sexuality. For a
117 composition class, the parent of a 13-year-old student asked that the faculty member not
118 use the book *Catcher in the Rye* because it taught children to disrespect their parents.
119 Faculty also often find that the presence of minors in the classroom changes the dynamic
120 of a class. In a California community college, a 12-year-old student was enrolled in a
121 history course. At one point in the semester, what was typically a lively discourse about
122 historical methods of dealing with child birth was hampered by the discomfort of the
123 other students in candidly and graphically discussing labor and birth in front of a child.

124
125 In response to the concerns being expressed in the system and among faculty, the
126 Academic Senate passed the following resolution in Fall 2001 (F01 13.03):

127
128 Whereas, K-12 students are eligible for special admission as both part-time and
129 full-time students of California Community Colleges under Education Code
130 §§48800, 48800.5, 76001, 76001.5, and 76002;

131
132 Whereas, The provisions of Education Code §§76001.5 and 76002 leave the
133 determination of admission to the college president, once parental and K-12
134 permission has been granted; apply the same regulations to all K-12 students
135 regardless of grade level; specify that the admissions decision is to be made only
136 by the college president; and provide no guidance to assist in the decision;

137

138 Whereas, The education of minor children involves consideration of content,
139 pedagogy, legal responsibility, and safety provisions different from those
140 involved in the education of adults, which is the primary focus and concern of
141 community colleges; and

142
143 Whereas, The population of K-12 students enrolled in California community
144 colleges is growing and despite, or perhaps because of, the vague language of
145 current law, K-12 admissions policies vary widely across California community
146 college districts;

147
148 Resolved, That the Academic Senate define good practices for admission of and
149 service to minor K-12 students and develop a position paper outlining those good
150 practices and making recommendations if necessary to change Title 5 and the
151 California Education Code on this issue; and

152
153 Resolved, That the Academic Senate request an opinion from the Chancellor’s
154 Office regarding the legal issues surrounding the admission of minor K-12
155 students.

156
157 A digest on minors in the community college system was brought to Consultation
158 Council in the fall of 2002 and a task force was convened to discuss how to address the
159 wide range of issues including health and safety, educational policy, fiscal implications,
160 and legal implications. The task force met several times in the spring of 2003 and drafted
161 recommendations for discussion by the Consultation Council. However, the work of the
162 group was disrupted by legislative concerns over concurrent enrollment, and the
163 recommendations of the task force were put aside.

164
165 In the intervening years, the concerns about minors on community college campuses have
166 remained. The Academic Senate has continued the focus on the issue with discussions at
167 plenary sessions and in *Rostrum* articles. With this paper, the Academic Senate hopes to
168 provide faculty and staff with a clear understanding of the issues involved in having
169 minors on our campuses.

170
171 First, a note about what this paper will NOT cover. Some students who graduate from
172 traditional high schools are 16 or 17 years of age when they begin classes and programs
173 at the colleges and are not the focus of this discussion even though they are considered
174 children for the purposes of child abuse reporting. Some minors attend classes with their
175 parents¹ or come to work with their parents, and the effects these minors have on a
176 campus will not be the addressed here, although the impact of these children on
177 community colleges campuses poses its own set of concerns. Often minors are involved
178 in a college-sponsored program such as summer learning or sports programs offered for
179 children of a specific age or grade level. These students along with students in Middle
180 College High Schools (MCHS) are outside the scope of this paper as well.

181

¹ Throughout this paper, the use of the word “parent” implicitly includes legal guardian as well.

182 What this paper WILL cover are students under the age of 18, who have not yet attained a
183 high school diploma and are attending classes on our campuses. The minor that seeks
184 higher-level or alternate courses from those currently available at his/her school will be
185 the focus for this paper. The paper will focus primarily on issues related to health and
186 safety, educational policy, and legal implications.

187

188 The paper begins with a discussion of Education Code, Title 5 regulation, and legal
189 advisories issued by the Community College System Office. The paper then raises issues
190 related to the presence of minors on campus, which leads to a section on the faculty
191 senate’s role in discussion on local campuses and the creation of policies and procedures
192 that will support the presence of minors on campus while providing campuses with
193 policies and procedures that should be in place. The next section takes the form of
194 “frequently asked questions” (FAQ) to provide faculty and staff with an easy way to find
195 answers to common questions. The paper concludes with recommendations for dealing
196 with issues concerning minors that remain ambiguous.

197

198 **Laws Concerning Minors in Community Colleges**

199

200 Even before minors appear on community college campuses, it is useful to examine laws
201 governing their opportunities and the responsibilities campuses have for them while they
202 are enrolled.

203

204 Although the community colleges are authorized to provide instruction to anyone who
205 has obtained a high school diploma or equivalent or is 18 years of age or older (Education
206 Code section 76000), permission for students younger than 18 (who do not have a high
207 school diploma) to enroll in community colleges is provided through an interplay of
208 different sections of Education Code. Sections 76001 and 76002 authorize local boards to
209 enroll “special admit” students such as those deemed gifted and high school students in
210 general, and section 48800 even allows elementary school children access to community
211 colleges. Under section 48800.5, parents are authorized to petition any governing board
212 to allow a pupil to take courses at a community college.

213

214 While minors are permitted to enroll in community college courses, section 76002 of
215 Education Code allows colleges and districts to explicitly limit enrollment in any course
216 or program based on age or grade level. System Office Legal Advisory 05-01 (CCCCO
217 2005) clarifies:

218

219 Section 76002(b) clearly authorizes districts to restrict either “admission” or
220 “enrollment” based on age, grade level, or results of an assessment. Since
221 enrollment occurs on a course-by-course basis, a district could admit pupils and
222 then impose such limitations in one course but not in another.

223

224 The rights and responsibilities of parents with respect to the enrolled minor are also
225 explained in Education Code. Sections 76032 and 87044 stipulate when parents need to
226 be notified of the actions of a minor, such as in the case of suspension from a class or
227 release of a student to a peace officer. Section 48906 also includes provisions for parental

228 notification when the minor is released to a peace officer as a victim of suspected child
229 abuse.

230

231 Another governing body that provides guidance for dealing with all students on a
232 community college campus is the Family Educational Rights and Privacy Act (FERPA).
233 While protecting the rights and privacy of students, FERPA also identifies institutional
234 rights with regard to release of student information and grades.

235

236 At the postsecondary level, parents have no inherent rights to inspect a student's
237 education records. The right to inspect is limited solely to the student.

238

239 Records may be released to parents only under the following circumstances: 1)
240 through the written consent of the student, 2) in compliance with a subpoena, and
241 3) by submission of evidence that the parents declare the student as a dependent
242 on their most recent Federal Income Tax form. An institution is not required to
243 disclose information from the student's education record to the parents of a
244 dependent student. It may, however, exercise its discretion to do so. (AACRAO,
245 1995)

246

247 California Penal Code Section 11165 and 11166 include information about child abuse
248 reporting requirements and who is considered a mandated reporter. Faculty are
249 considered mandated reporters, and any community college employee who has direct
250 contact with minors may also be considered a mandated reporter of child abuse or
251 neglect.

252

253 **Issues Related to Minors on Community College Campuses**

254

255 Parental Issues

256

257 Central to this discussion of minors on campus is an understanding of why minors and
258 their parents want them to enroll in college courses. The majority of minors on campus
259 are concurrently enrolled in a high school and are taking courses at a community college
260 for a variety of reasons. Many are enrolled in community college courses because their
261 high schools are not able to offer classes in a particular subject or at a particular level.
262 Some high schools do not offer Advance Placement (AP) courses, so high school students
263 enroll in college courses in order to earn college credit prior to graduation. Some high
264 school students are enrolled in vocational programs articulated between the high school
265 and community college, and these involve enrollment in college courses while in high
266 school as part of the agreement.

267

268 While high school students often make the decision to take college courses on their own,
269 there is a significant parental role in situations where minors younger than high school
270 age enroll in community college courses. Some of these younger minors are labeled
271 "gifted" and "talented," and parents enroll them in college-level courses because of their
272 advanced abilities and the need to be challenged in their education. The other major
273 group of younger minors has been home-schooled.

274

275 While parents of high school students are involved in their children's decision to enroll in
276 college classes, the level of involvement is generally greater with children younger than
277 high-school age. In both situations, parental involvement, while important and to be
278 expected, can present challenges for a community college.

279

280 The first significant challenge may come from a parent's expectation that his/her child is
281 entitled to enroll in a community college course. Colleges retain the right to determine
282 admission of minors into the college, and board policy should affirm that individual
283 instructors retain the right to determine enrollment of minors into their courses.
284 Therefore, it is essential for colleges to have clear policies and procedures for the
285 admission and enrollment of minors that explicitly spell out all the conditions and caveats
286 for taking college courses.

287

288 The second significant challenge, especially for parents of minors younger than high-
289 school age, may come from a parent's expectation of involvement in his/her child's
290 coursework. Some parents want to accompany their child to class. Others want to be able
291 to review course assignments and their child's work for the course. Most want to be
292 apprised of the child's progress and the grades he/she receives for assignments and the
293 course. Again, college policies need to clarify a parent's role in the child's coursework.
294 Most college policies prohibit family members from accompanying students to class. For
295 the most part, this policy addresses the issue of students bringing children to class;
296 however, the policy may also apply to students bringing their parents to class. FERPA
297 clearly spells out that the records of a student enrolled in higher education are under the
298 control of the student him/herself. However, many colleges include on enrollment forms
299 a space where a minor may authorize access to college records by a parent.

300

301 Most colleges require meetings with the parents of minors planning to enroll in college
302 courses. At such meetings, an orientation that clarifies these issues and the ones in the
303 following sections goes a long way to reducing the chance for misunderstanding. In
304 addition, colleges may use such meetings to better evaluate whether or not college
305 coursework is appropriate for the minor applicant. While most parents have the best
306 interests of their children at heart, faculty and staff have cited problems that enrolled
307 minors have with lack of maturity, inability to work independently, and immature
308 cognitive development, issues that are not always perceived clearly by the parents.

309

310 Health and Safety Issues

311

312 Many faculty and staff are concerned about a minor's safety while on campus. While
313 community college staff and faculty have some measure of responsibility for the safety of
314 their students, the degree of responsibility is less than that in K-12 situations since
315 community college students are adults. Therefore, while faculty and staff take
316 responsibility for routing students to exits in the case of fire drills or cautioning students
317 about leaving unattended articles in the library because of recent thefts, faculty and staff
318 do not take a count of students in fire drills nor do they constantly monitor a student's

319 belongings. Community college students are expected to take primary responsibility for
320 their own safety and conduct, and this applies to minors on campus as well.

321
322 Faculty are not always aware that they have minors in their classrooms. A common
323 observation among faculty is that the students look younger every year. As a result,
324 faculty often cannot distinguish between an 18-year-old and a 15-year-old since both look
325 very young to them. Some colleges provide a notation on course rosters to show which
326 students are under the age of 18. This informs a faculty member that child abuse
327 reporting requirements come into play. Furthermore, should an emergency occur, the
328 faculty member knows to contact the admissions office for emergency contact
329 information for the minor.

330
331 Beyond the classroom, however, there are other questions of safety; and there are no clear
332 cut answers. Who monitors a minor's interaction with other students outside of the
333 classroom? What happens if a minor is stranded at the college because his/her ride is
334 delayed? What happens if an instructor releases a class earlier than expected? In general,
335 the expectation is that the parents have discussed with the minor how being on a college
336 campus is different than being in school. Such a discussion would include what to do in
337 an emergency, common sense safety precautions, and where to wait if class ends early or
338 a ride is late.

339

340 Curricular Issues

341

342 Since the community college environment addresses the learning needs of adults, there
343 are some concerns to consider when parents and their children are added to the mix: the
344 possibly controversial content of courses, the maturity level of minor students that
345 enables them to learn the content and perform as equals to the adults in the classroom, the
346 ability for minors to perform out-of-class assignments that may require travel or
347 admission to adult environments such as R-rated movies. Communication to the parents
348 and minor students about the nature of college courses and the adult environment at a
349 college campus is a shared responsibility of the admissions office through documents
350 provided to "special admit" or minor students and their parents, the faculty through the
351 course syllabi, the board through its policies, and the counseling office through
352 orientations for parents of "special admit" students.

353

354 The admissions office at each college has prepared materials to provide to parents of
355 "special admit" students and their parents. These materials probably include regular
356 admissions forms such as for residency and enrollment. Included should also be a
357 description of the college environment and considerations for a minor entering a largely
358 adult environment. In addition, there should be an explanation of orientation options and
359 a general statement about the fact that the minor is establishing a college transcript, a
360 document that will stay with the individual for the rest of his/her life. Counselors have an
361 important role to play here. Some colleges, like Diablo Valley College, require that a
362 parent signs the form affirming that the information was provided to them that describes
363 the college environment and some of the obvious consequences of participating in it. A

364 parent signature seems to be a minimal requirement but a useful step in communicating
365 the critical aspects of participation of a minor in an environment designed for adults.

366
367 Faculty will communicate to minors and their parents the nature of the course through
368 syllabi. The content for a college course is determined by the faculty of the discipline and
369 approved through the college Curriculum Committee and other locally determined
370 processes. Faculty establish syllabi for the course, which include the course content or
371 objectives, assignments, a general guide to the pacing of the course, and information
372 about how grades will be determined. Once a student receives the syllabi for the course
373 from the instructor, and the student decides to remain enrolled in the course, the syllabus
374 becomes the contract between the student and teacher. It is non-negotiable, although
375 faculty retain the authority to make accommodations for students as required by law (as
376 in provisions for more testing time or a notetaker for students with disabilities).

377
378 Acceptance of the syllabus as a contract is an important consideration for minor students
379 and their parents. Where parents may have found other school systems more likely to
380 negotiate the extent or type of assignments or due dates for these assignments, this is not
381 likely to be the case on a college campus. Both parents and minor students need to realize
382 that they are bound by the terms of the syllabus in order to earn a grade for the class, that
383 parental approval of the assignments is not required, and that alternate assignments are
384 offered at the sole discretion of the instructor. It is recommended that the parent and
385 minor student carefully review the syllabus for the course to ascertain the student's
386 ability to fully participate in the class. An instructor may wish to request a second parent
387 signature on the course syllabus prior to enrollment of the child to indicate that the parent
388 understands the contractual nature of the syllabus.

389
390 The importance of the primacy of the faculty member over course content cannot be over
391 emphasized. Not only the parents of enrolled minors but individual adult students have
392 objected to particular course content. It may be obvious that some courses in biology (e.g.
393 human sexuality), religious studies, or in the arts and humanities may be challenging and
394 perceived as inappropriate for minors by their parents; but even apparently non-
395 controversial courses can be problematic. At the college of one of the Educational
396 Policies Committee members, a third-semester Spanish course was targeted by parents of
397 a minor for its discussion of Frida Kahlo, an individual important to Mexican culture but
398 controversial to some because of her sexuality. However, course content is not the only
399 potential issue. Class discussions may enter into areas objectionable to certain
400 individuals. Senates may want to encourage faculty to include a disclaimer on all syllabi
401 that states that all classes are designed for adults, and minors will be exposed to adult
402 language and themes without warning.

403
404 Counseling faculty have a potentially difficult role to play. While counselors are required
405 by law to report suspected child abuse, other communications with a student, whether a
406 minor or not, are considered confidential. Such communications may involve issues such
407 as substance abuse, sexual activity, or pregnancy. Parents should be apprised of the
408 confidentiality of such information as a part of the orientation to college life.

409

410 **The Role of the Local Academic Senate**

411

412 In order to develop policies that address the needs of minors enrolled at the college,
413 faculty, and staff, the process should be undertaken with the involvement of the faculty
414 senate and other relevant college constituencies. At a minimum, governing boards should
415 adopt policies on admissions, enrollment, child abuse reporting, the authority of faculty
416 in the classroom, and required matriculation as each relates to minors.

417

418 In consultation with the academic senate, local boards should discuss admissions
419 requirements for minors. Some issues to be considered include whether different
420 requirements should be established for high school students and those younger than high-
421 school age, whether a consent to release a minor’s academic records to parents be
422 included on the special admissions form, and clarification of the number of units that
423 minors may take each term.

424

425 Enrollment policies are especially needful of consultation with the faculty senate. Key
426 provisions should include the provision that enrollment in a course is dependent upon
427 instructor approval and admission of non-registered persons to the classroom takes place
428 only with instructor approval. The contractual nature of the syllabus can also be included
429 in a board policy that identifies “special admit” students or in a policy that communicates
430 the board’s position on academic freedom. Statements emphasizing that minors are
431 entering an adult environment are also useful in preserving the integrity of the curriculum
432 and the authority of the instructor over course content. Districts may also want to include
433 policies explicitly addressing the participation of minors in international programs,
434 athletics, and performing arts.

435

436 Senates will want to consult collegially with local governing boards about how to best
437 communicate the information through board policies. While the Community College
438 League of California (CCLC) provides templates to get started with the development of
439 policies, specific provisions are not provided, so local senates may need to be the
440 initiators of the recommended language for local policies.

441

442 Academic senates should also work with counseling faculty in development of
443 orientations for minors and their parents. Such orientations can communicate to parents
444 and minor students the expectations for participating in the adult environment on a
445 college campus, the rigor of college classes, personal responsibility and independence,
446 and the importance of a creating a college transcript. Senates may want to argue for
447 mandatory participation by parents in such sessions as a prerequisite to enrollment for
448 their minor children in any college course. Middle College High School programs
449 generally have mandated meetings with parents and can provide models for the creation
450 of such orientation sessions.

451

452 **Frequently Asked Questions**

453

454 *Are community colleges required to admit minors?*

455

456 Education Code sections 76001 and 76002 make it clear that colleges are not required to
457 admit a “special part-time or full-time student,” a student that is given permission by a
458 local school board to enroll in a community college. Colleges may establish admissions
459 restrictions for minors based on age, grade level, and demonstrated eligibility. However,
460 if the college denies admission to a minor that is identified as “highly gifted,” the Board
461 must record the reasons for denial within 60 days.

462

463 *What is a special admit?*

464

465 This term is often used to refer to minors that are admitted to community colleges and is
466 based on the language from Education Code section 76001. The term is used differently
467 on different campuses, so a single definition is not possible. For some colleges, special
468 admits include all minors enrolled at the college. For other colleges, special admits refer
469 only to minors that are not currently enrolled in a high school.

470

471 *What is the youngest age that can be admitted to a community college?*

472

473 There is no age threshold for admission to a community college as a special admit.
474 Education Code authorizes even elementary age children to enroll in a community
475 college. However, districts are authorized to limit admissions and enrollments based on
476 age and grade level. Several districts specify an age threshold of twelve for admission.
477 Many districts also establish different admissions policies for minors in different age
478 ranges, e.g. over 15 (high school age), 12-15 (middle school age), under 12.

479

480 *How can a faculty member know that a student is a minor?*

481

482 At this point, most colleges do not inform faculty that there are minors in their
483 classrooms. However, given that faculty are mandated reporters for child abuse and given
484 the concerns outlined in this paper, faculty should have access to this information. One
485 college adds a symbol next to names on course rosters to show which students are
486 minors.

487

488 *Even though a college’s admissions policy permits the admission of minors, is an
489 individual instructor obligated to enroll a minor in a specific course?*

490

491 The Academic Senate supports the right of a faculty member to deny enrollment to an
492 individual student if the faculty member deems the student unable to benefit from
493 instruction. However, the right of a faculty member to have final say in enrollment of
494 minors, and students in general, should be made clear in board policy. See the resource
495 section in the appendices for samples of such language.

496

497 *A faculty member has allowed a thirteen-year-old to enroll in her course. A few weeks
498 into the term, the student’s mother accompanies him and requests to sit in on the class.
499 What should the faculty member do in this situation?*

500

501 All districts should have in board policy stipulations about non-enrolled persons
502 attending a course. Most of these policies are in place to limit a district's liability, but
503 such policies can also be used in situations such as this. Some policies prohibit non-
504 enrolled persons from attending a course. A few policies leave such decisions to the
505 discretion of the instructor. In general, however, instructors are empowered in board
506 policies to deny such a request. Faculty are encouraged to review their board policies in
507 this area and to discuss with their local senates changes that may need to be made.

508

509 *The parent of a minor enrolled in a course at your college has requested a copy of the*
510 *syllabus and that he/she be regularly informed of the student's progress and grades. Is*
511 *the college required to pass on this information to the parent?*

512

513 The Family Educational Rights and Privacy Act (FERPA) stipulates that students
514 enrolled in a post-secondary institution have sole rights to their educational records. Most
515 parents are probably not aware of FERPA requirements and may assume that since the
516 situation concerns a minor they automatically have authority with regards to the
517 educational records of their children or other minors in their care. It is the responsibility
518 of colleges and districts to adequately inform parents of this change in practice once the
519 minors in their care become college students. It is the responsibility of academic senates
520 to communicate to faculty that they are not required to provide information about any
521 students to family members, whether they are minors or not.

522

523 *When minors are enrolled in a course, does the instructor act "in loco parentis," i.e. act*
524 *with the authority and responsibility of the absent parent?*

525

526 At this time, we have no definitive answer to this question. However, beyond the socially
527 expected responsibility an adult would take for any child, there does not appear to be any
528 legal precedent assigning especial responsibility for the health and safety of a minor
529 enrolled in a course to the instructor.

530

531 *Does a district need special policies to deal with minors enrolled in distance education*
532 *courses?*

533

534 No. General policies for admission and enrollment of minors should also cover
535 enrollment in distance education courses. Parents should be aware of course content prior
536 to enrollment, and faculty should be aware that a student is a minor, just as for a face-to-
537 face course.

538

539 *Are faculty required under the law to report suspected child abuse of minors enrolled in*
540 *their courses?*

541

542 Yes, they are. Based on a legal opinion from the System Office (CCCCO 2002), which
543 itself was based on a ruling by the Attorney General in 1989, the term "teacher" used in
544 Penal Code section 11165.7 regarding mandated reporters, while arguably a reference to
545 K-12 and not community colleges, should not be construed narrowly and applies to

546 community college faculty. Counseling faculty are explicitly enjoined to report abuse in
547 Education Code section 72621.

548
549 *Are other staff at community colleges required under the law to report suspected child*
550 *abuse and neglect of minors on campus?*

551
552 System Office Legal Opinion 02-03 also stresses a broad understanding of the term
553 “school” in the same Penal Code section 11165.7 which includes “A classified employee
554 of any public school” as a mandated reporter. Therefore, the responsibility for reporting
555 “includes community college district classified employees if their scope of employment
556 places them in similar contact with children on a regular and continuous basis such that
557 evidence of child abuse or neglect would be readily apparent.” (CCCCO 2002)

558
559 Beyond this, the language is less clear. Another group of mandated reporters is
560 “administrator[s] or employee[s] of a public or private organization whose duties require
561 direct contact and supervision of children.” This language potentially encompasses all
562 other college/district employees on a campus who fit the definition.

563
564 *What is required of a “mandated reporter” of suspected child abuse?*

565
566 When there is an informed suspicion of child abuse, mandated reporters are required to
567 make an initial report immediately (see below for whom to report to). This initial report
568 can be made by telephone, but must be followed by a written report within 36 hours. The
569 report should include information concerning the incident and any “nonprivileged
570 documentary evidence...related to the incident.” (Penal Code 11166)

571
572 *Since faculty are “mandated reporters” of suspected child abuse, are districts required*
573 *to provide faculty with training in the identification of child abuse and neglect?*

574
575 No, they are not. Penal Code section 11165.7(c) encourages employers to provide such
576 training, but it does not require such training. Employers are required to ensure that
577 employees have read Penal Code section 11166, which details the circumstances and
578 procedure for child abuse reporting. In addition, districts that do not provide such training
579 must report to the State Department of Education the reasons why this training is not
580 provided.

581
582 *Many districts ask faculty to sign a document certifying that they have read Penal Code*
583 *section 11166. Is this signature a condition of employment in a community college?*

584
585 No. The signature is not required by law or regulation and is not a condition of
586 employment. However, regardless of whether a faculty member signs such a document,
587 he/she is still a mandated reporter of suspected child abuse.

588
589 *Whom should faculty and staff report suspected child abuse or neglect to?*

590

591 It is not enough to simply report suspicions to a supervisor or administrator. Reports must
592 be made personally to a police or sheriff's department or a county welfare department.
593 Campus police departments are explicitly not included as places to make such a report.
594 (Penal Code 11165.9). However, one exception to this provision is when a campus police
595 officer is a sworn officer of the peace. In such a situation, a report may be made to this
596 member of the campus police.

597

598 **Recommendations**

599

600 The Academic Senate for California Community Colleges should bring to the
601 Consultation Council the recommendations of the 2003 Minors in Higher Education Task
602 Force for review and consideration of further action (see Appendix B).

603

604 The Academic Senate should continue to work with the System Office on a legal
605 advisory to clarify issues of liability related to having minors enrolled on campus.

606

607 Districts should ensure that faculty are informed as to minors enrolled in their courses.

608

609 Districts should provide mandated reporter training regarding suspected child abuse to all
610 faculty.

611

612 Local senates should ensure that faculty are aware of current board policy regarding
613 enrollment of minors and the authority of the instructor in the classroom.

614

615 Local Senates should work with the governing boards of their colleges to develop clear
616 policies for the enrollment of high school students and other minors in college courses.
617 Such policies should make clear the possible limitations on enrollment, the right of the
618 instructor to refuse to accept a minor in the course, rights of the parent to student records,
619 and the fact that the minor is entering an adult environment and that curriculum and
620 college processes will not be changed to accommodate the minor.

621

622 **Sources**

623

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625 1995. *Guidelines for Postsecondary Institutions for Implementation of the Family*
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629 *03 Child Abuse Reporting*. Sacramento. February 25, 2002. Available at
630 <http://www.cccco.edu/divisions/legal/opinions/attachments/02-03.pdf>.

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633 *01 Questions and Answers Re. Concurrent Enrollment*. Sacramento. January 4, 2005.
634 Available at

635 <http://www.cccco.edu/divisions/legal/notices/attachments/Advisory%2005-01.pdf>.

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637 Consultation Council. 2002. Consultation Digest: *Minors in the Community College*
638 *System*. Consultation Council. Sacramento. October 31, 2002.
639
640 Consultation Council. 2003. Report to Consultation from the Minors in Higher Education
641 Task Force Meeting 8 April, 2003. Sacramento. April 17, 2003.
642
643 Huffman, Myrna. 2006. Email response to request of Chancellor's Office for system
644 enrollment data for minors. August 6, 2006.
645

646 **Appendices**

647 A. Resources

648
649
650 Although districts are not mandated to provide training for mandated reporters of child
651 abuse, Sonoma State University offers a two-hour online training for educators. You can
652 get more information about their training at <http://www.sonoma.edu/cihs/mr/index.html>.
653

654 Two sources for information about FERPA are:

- 655 • American Associate of Collegiate Registrars and Admissions Officers
656 (AACRAO). 1995. *Guidelines for Postsecondary Institutions for Implementation*
657 *of the Family Educational Rights and Privacy Act of 1974 as Amended*.
658 Washington, D.C.
- 659 • Van Dusen, Jr., William R. 2004. *FERPA: Basic Guidelines for Faculty and Staff*
660 *A Simple Step-by-Step Approach For Compliance*. National Academic Advising
661 Association. Available from [http://www.nacada.ksu.edu/Resources/FERPA-](http://www.nacada.ksu.edu/Resources/FERPA-Overview.htm)
662 [Overview.htm](http://www.nacada.ksu.edu/Resources/FERPA-Overview.htm).
663

664 The Attorney General's Office offers a document *Child Abuse: Educator's*
665 *Responsibilities*, which is used for mandated reporter training at Mission College. You
666 can access the document at <http://www.safestate.org/shop/files/CAEd.Resp.pdf> .
667

668 The Community College League of California (CCLC) provides templates to help faculty
669 senates and boards develop policies related to minors on campus. In particular, districts
670 that subscribe to this service may want to refer to the models for board policy on
671 Admissions (BP 5010), Child Abuse Reporting (BP 3518), Children on Campus (BP
672 3840), Student Records and Directory Information (BP 5040), and Student Records and
673 Privacy (AP 5040).
674

675 The following examples of special admissions materials, forms, and relevant board
676 policies are intended to show how some community colleges have addressed issues raised
677 in this paper.
678

- 679 • Diablo Valley has a comprehensive enrollment form for minors. It includes an
680 explicit statement about the fact that the student is entering an adult environment
681 and clarifies the limited access parents may have to student records. You can

682 access the form at
683 http://www.dvc.edu/admissions/pdf/Special_Admission_Form.pdf.

684

685 • Foothill Middle College requires interviews with prospective Middle College
686 High School participants and meetings with their parents. Materials related to
687 application and participation in the program are available at
688 <http://www.mvla.net/MiddleCollege/index.html>.

689

690 • Palomar College Board Policy 400 makes clear that enrollment in a course is
691 dependent upon instructor approval, and admission to the classroom takes place
692 only with instructor approval. It also states that persons not registered for the
693 course are considered visitors, and may attend a course only with the permission
694 of the instructor. You can access the Palomar College Governing Board Manual,
695 which includes all board policies, at
696 <http://www.palomar.edu/GB/manuals/BoardMan.pdf>.

697

698 • The Santa Barbara City College policy section related to the enrollment of minors
699 provides an example of a provision that the student and parent submit evidence of
700 the student's academic ability (3121.2(g)), and special provisions for minors
701 younger than high school age. You can access the section at
702 <http://www.sbcc.edu/policies/index.php?sec=1567>.

703

704 B. Recommendations from the Minors in Higher Education Task Force – for
705 consideration by the Consultation Council (April 2003)

706

707 Potential Recommendations

- 708 1) Draft or revise Education Code, Regulations, and/or Board Guidelines adding
709 optional district authority for admission to community colleges pupils who are
710 under age 18 and who lack a high school diploma (or equivalent); such admission
711 would be based on (a) existing code that requires the high school district to make
712 a “determination of ability to benefit” and (b) community college district
713 determination of “eligibility” through placement test, audition, or portfolio
- 714 2) Design a uniform (district use optional) K-12 “access form” that provides a
715 checklist for all community college districts to use enumerating the various means
716 through which a minor may qualify for consideration for admission to the
717 community college system
- 718 3) Design a health and safety “sign-off” form for parents of minors attending
719 community colleges that is comprehensive with regard to adult college
720 environment, mature content of some courses, responsibilities of student, rights of
721 privacy for student, oversight expectations with respect to normal campus access
722 and emergency situations
- 723 4) Prepare, through the Chancellor's Office, a concurrent enrollment manual
724 including procedures for qualifying minors as able to benefit and eligible for
725 admission as well as the circumstances under which such pupils participate in the
726 college community, the programs/courses for which enrollment of minors is
727 appropriate, and apportionment rules

728

729 Supporting Research and Additional Activities (ongoing)

- 730 • Prepare a context statement describing the place of minors in the community
- 731 college mission; issues raised by the presence of minors on college campuses;
- 732 provide relevant definitions; and delineate the scope of the task force
- 733 recommendations (credit, noncredit, not for credit, community service)
- 734 • Review Education Code and Title 5 relative to determination of “ability to
- 735 benefit” and “eligibility for admission”
- 736 • Formulate comprehensive list of health and safety issues for parental release form
- 737 • Identify the various means by which minors (and their parents) seek admission to
- 738 community colleges (traditional high school programs, sanctioned and
- 739 unsanctioned home schooling situations, international student status)
- 740 • Look into potential minimum age or grade level consistent with law for admission
- 741 of minors - consult and coordinate with K-12 and Child Protective Services to
- 742 develop guidelines for identification and training of mandated reporters on
- 743 campuses
- 744 • Demonstrate how these proposed solutions address the concurrent enrollment
- 745 issue and provide a mechanism to eliminate any potential “double dipping” while
- 746 retaining needed outreach and appropriate programs and courses
- 747 • Suggest amendments for current budget trailer language addressing the concurrent
- 748 enrollment issue

749

750 C. Code and Regulation (accessed from <http://www.leginfo.ca.gov/calaw.html>)

751

752 California Education Code

753

754 **48800.** (a) The governing board of a school district may determine
755 which pupils would benefit from advanced scholastic or vocational
756 work. The intent of this section is to provide educational enrichment
757 opportunities for a limited number of eligible pupils, rather than
758 to reduce current course requirements of elementary and secondary
759 schools, and also to help ensure a smoother transition from high
760 school to college for pupils by providing them with greater exposure
761 to the collegiate atmosphere. The governing board may authorize
762 those pupils, upon recommendation of the principal of the pupil's
763 school of attendance, and with parental consent, to attend a
764 community college during any session or term as special part-time or
765 full-time students and to undertake one or more courses of
766 instruction offered at the community college level.

767 (b) If the governing board denies a request for a special
768 part-time or full-time enrollment at a community college for any
769 session or term for a pupil who is identified as highly gifted, the
770 board shall issue its written recommendation and the reasons for the
771 denial within 60 days. The written recommendation and denial shall be
772 issued at the next regularly scheduled board meeting that falls at
773 least 30 days after the request has been submitted.

774 (c) The students shall receive credit for community college
775 courses that they complete at the level determined appropriate by the
776 school district and community college district governing boards.

777 (d) (1) The principal of a school may recommend a pupil for
778 community college summer session only if that pupil meets all of the

779 following criteria:

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

782 (B) Exhausts all opportunities to enroll in an equivalent course,
783 if any, at his or her school of attendance.

784 (2) For any particular grade level, a principal may not recommend
785 for community college summer session attendance more than 5 percent
786 of the total number of pupils who completed that grade immediately
787 prior to the time of recommendation.

788 (3) A pupil recommended by his or her principal for enrollment in
789 a college-level advanced scholastic summer session course or in a
790 vocational community college summer session course shall not be
791 included in determining the 5 percent of pupils recommended if all
792 of the following criteria are met:

793 (A) The course is offered by a middle college high school or an
794 early college high school, as defined by paragraph (4).

795 (B) The high school principal who makes the recommendation
796 provides data to the Chancellor of the California Community Colleges
797 at the request of that office for purposes of preparing the annual
798 report pursuant to paragraph (5).

799 (C) The course meets one of the following criteria:

800 (i) It is a for credit, lower division, college-level course that
801 is designated as part of the Intersegmental General Education
802 Transfer Curriculum or applies toward the general education breadth
803 requirements of the California State University.

804 (ii) The course is a for credit, college-level, occupational
805 course assigned a Priority code of "A," "B," or "C," pursuant to the
806 Student Accountability Model, as defined by the Chancellor of the
807 California Community Colleges and reported in the management
808 information system, and the course is part of a sequence of
809 vocational or career technical education courses leading to a degree
810 or certificate in the subject area covered by the sequence.

811 (4) For purposes of this section, a "middle college high school"
812 or an "early college high school" means a high school that meets all
813 of the following criteria:

814 (A) The school has an enrollment of 400 or fewer pupils, and is
815 recognized by the department and by the Chancellor of the California
816 Community Colleges as a district school that has been assigned a
817 County-District-School code by the department.

818 (B) The school's program is sponsored by a legally binding
819 memorandum of understanding or similar formal agreement between a
820 sponsoring local educational agency and a community college district
821 that establishes cogovernance and resource allocation policies and
822 procedures for the cosponsored school. (C) The school serves cohorts
823 of pupils in a coherent high school and community college program of
824 study that includes, as a clearly identified outcome for each pupil,
825 a high school diploma and achievement of, or preparation for,
826 completion of an associate degree, eligibility for transfer to a
827 four-year college or university, or completion of a community college
828 certificate program in a vocational, technical, or business
829 occupation.

830 (5) On or before January 1, 2007, and on or before January 1 of
831 each year thereafter, the Chancellor of the California Community
832 Colleges shall report to the Department of Finance the number of
833 pupils recommended pursuant to paragraph (3) who enroll in community
834 college summer session courses.

835 (6) The Board of Governors of the California Community Colleges

836 may not include enrollment growth attributable to paragraph (3) as
837 part of its annual budget request for the California Community
838 Colleges.

839 (7) Notwithstanding Article 3 (commencing with Section 33050) of
840 Chapter 1 of Part 20, compliance with this subdivision may not be
841 waived.

842 (e) Paragraphs (3), (4), (5), and (6) of subdivision (d) shall
843 become inoperative on January 1, 2011.

844
845 **48800.5.** (a) A parent or guardian of a pupil, regardless of the
846 pupil's age or class level, may petition the governing board of the
847 school district in which the pupil is enrolled to authorize the
848 attendance of the pupil at a community college as a special full-time
849 student on the ground that the pupil would benefit from advanced
850 scholastic or vocational work that would thereby be available. If
851 the governing board denies the petition, the pupil's parent or
852 guardian may file an appeal with the county board of education, which
853 shall render a final decision on the petition in writing within 30
854 days.

855 (b) A pupil who attends a community college as a special full-time
856 student pursuant to this section is exempt from compulsory school
857 attendance under Chapter 2 (commencing with Section 46100) of Part
858 26.

859 (c) A parent or guardian of a pupil who is not enrolled in a
860 public school may directly petition the president of any community
861 college to authorize the attendance of the pupil at the community
862 college as a special part-time or full-time student on the ground
863 that the pupil would benefit from advanced scholastic or vocational
864 work that would thereby be available.

865 (d) Any pupil authorized to attend a community college as a
866 special full-time student shall, nevertheless, be required to
867 undertake courses of instruction of a scope and duration sufficient
868 to satisfy the requirements of law.

869 (e) For purposes of allowances and apportionments from the State
870 School Fund, a community college shall be credited with additional
871 units of average daily attendance attributable to the attendance of
872 special full-time students at the community college.

873
874 **48906.** When a principal or other school official releases a minor
875 pupil to a peace officer for the purpose of removing the minor from
876 the school premises, the school official shall take immediate steps
877 to notify the parent, guardian, or responsible relative of the minor
878 regarding the release of the minor to the officer, and regarding the
879 place to which the minor is reportedly being taken, except when a
880 minor has been taken into custody as a victim of suspected child
881 abuse, as defined in Section 11165.6 of the Penal Code, or pursuant
882 to Section 305 of the Welfare and Institutions Code. In those cases,
883 the school official shall provide the peace officer with the address
884 and telephone number of the minor's parent or guardian. The peace
885 officer shall take immediate steps to notify the parent, guardian, or
886 responsible relative of the minor that the minor is in custody and
887 the place where he or she is being held. If the officer has a
888 reasonable belief that the minor would be endangered by a disclosure
889 of the place where the minor is being held, or that the disclosure
890 would cause the custody of the minor to be disturbed, the officer may
891 refuse to disclose the place where the minor is being held for a

892 period not to exceed 24 hours. The officer shall, however, inform the
893 parent, guardian, or responsible relative whether the child requires
894 and is receiving medical or other treatment. The juvenile court
895 shall review any decision not to disclose the place where the minor
896 is being held at a subsequent detention hearing.
897

898 **52610.5.** Notwithstanding Section 52610, any minor, regardless of
899 age, who is pregnant or is a parent actively engaged in raising one
900 or more of his or her children, is eligible to enroll in any adult
901 education course or class described in subdivision (a) of Section
902 41976 or in Section 52616.2. The attendance of that pupil in that
903 course or class shall be counted for adult education apportionment
904 purposes, except that no district shall be entitled to claim average
905 daily attendance for apportionment purposes in excess of the amount
906 authorized by subdivision (b) of Section 52616. In addition, no
907 district may count the attendance of any pupil toward the computation
908 of both adult average daily attendance, as computed pursuant to
909 Section 41601, and regular average daily attendance, as computed
910 pursuant to Section 46300.
911

912 **72621.** Any information of a personal nature disclosed by a student
913 12 years of age or older in the process of receiving counseling from
914 a school counselor as specified in Section 72620 is confidential.
915 Any information of a personal nature disclosed to a school counselor
916 by a parent or guardian of a student who is 12 years of age or older
917 and who is in the process of receiving counseling from a school
918 counselor as specified in Section 72620 is confidential. The
919 information shall not become part of the student record, as defined
920 in Section 76210, without the written consent of the person who
921 disclosed the confidential information. The information shall not be
922 revealed, released, discussed, or referred to, except as follows:

923 (a) Discussion with psychotherapists as defined by Section 1010 of
924 the Evidence Code, other health care providers, or the college
925 nurse, for the sole purpose of referring the student for treatment.

926 (b) Reporting of child abuse or neglect as required by Article 2.5
927 (commencing with Section 11165) of Chapter 2 of Title 1 of Part 4 of
928 the Penal Code.
929

930 **76000.** The governing board of a community college district shall
931 admit to the community college any California resident, and may admit
932 any nonresident, possessing a high school diploma or the equivalent
933 thereof.

934 The governing board may admit to the community college any
935 apprentice, as defined in Section 3077 of the Labor Code, who, in the
936 judgment of the governing board, is capable of profiting from the
937 instruction offered.

938 The governing board may by rule determine whether there shall be
939 admitted to the community college any other person who is over 18
940 years of age and who, in the judgment of the board, is capable of
941 profiting from the instruction offered. If the governing board
942 determines to admit other persons, those persons shall be admitted as
943 provisional students and thereafter shall be required to comply with
944 the rules and regulations prescribed by the board of governors
945 pertaining to the scholastic achievement and other standards to be
946 met by provisional or probationary students, as a condition to being
947 readmitted in any succeeding semester. This paragraph shall not
948 apply to persons in attendance in special classes and programs

949 established for adults pursuant to Section 78401 or to any persons
950 attending on a part-time basis only.

951
952 **76001.** (a) The governing board of a community college district may
953 admit to any community college under its jurisdiction as a special
954 part-time or full-time student in any session or term any student who
955 is eligible to attend community college pursuant to Section 48800 or
956 48800.5.

957 (b) If the governing board denies a request for a special
958 part-time or full-time enrollment at a community college for a pupil
959 who is identified as highly gifted, the board shall record its
960 findings and the reasons for denial of the request in writing within
961 60 days. The written recommendation and denial shall be issued at the
962 next regularly scheduled board meeting that falls at least 30 days
963 after the request has been submitted.

964 (c) The attendance of a pupil at a community college as a special
965 part-time or full-time student pursuant to this section is authorized
966 attendance, for which the community college shall be credited or
967 reimbursed pursuant to Sections 48802 and 76002. Credit for courses
968 completed shall be at the level determined to be appropriate by the
969 school district and community college district governing boards.

970 (d) For purposes of this section, a special part-time student may
971 enroll in up to, and including, 11 units per semester, or the
972 equivalent thereof, at the community college.

973 (e) The governing board of a community college district shall
974 assign a low enrollment priority to special part-time or full-time
975 students described in subdivision (a) in order to ensure that these
976 students do not displace regularly admitted students.

977
978 **76002.** (a) For the purposes of receiving state apportionments, a
979 community college district may include high school pupils who attend
980 a community college within the district pursuant to Sections 48800
981 and 76001 in the district's report of full-time equivalent students
982 (FTES) only if those pupils are enrolled in community college classes
983 that meet all of the following criteria:

984 (1) The class is open to the general public.

985 (2) (A) The class is advertised as open to the general public in
986 one or more of the following:

987 (i) The college catalog.

988 (ii) The regular schedule of classes.

989 (iii) An addenda to the college catalog or regular schedule of
990 classes.

991 (B) If a decision to offer a class on a high school campus is made
992 after the publication of the regular schedule of classes, and the
993 class is solely advertised to the general public through electronic
994 media, the class shall be so advertised for a minimum of 30
995 continuous days prior to the first meeting of the class.

996 (3) If the class is offered at a high school campus, the class may
997 not be held during the time the campus is closed to the general
998 public, as defined by the governing board of the school district
999 during a regularly scheduled board meeting.

1000 (4) If the class is a physical education class, no more than 10
1001 percent of its enrollment may be comprised of special part-time or
1002 full-time students. A community college district may not receive
1003 state apportionments for special part-time and full-time students
1004 enrolled in physical education courses in excess of 5 percent of the
1005 district's total reported full-time equivalent enrollment of special

1006 part-time and full-time students.

1007 (b) The governing board of a community college district may
1008 restrict the admission or enrollment of a special part-time or
1009 full-time student during any session based on any of the following
1010 criteria:

1011 (1) Age.

1012 (2) Completion of a specified grade level.

1013 (3) Demonstrated eligibility for instruction using assessment
1014 methods and procedures established pursuant to Chapter 2 (commencing
1015 with Section 78210) of Part 48 and regulations adopted by the Board
1016 of Governors of the California Community Colleges.

1017 (c) The Chancellor of the California Community Colleges shall
1018 prepare and submit to the Department of Finance and the Legislature,
1019 on or before March 1, 2004, and March 1 of each year thereafter, a
1020 report on the amount of FTES claimed by each community college
1021 district for special part-time and special full-time students for the
1022 preceding academic year in each of the following class categories:

1023 (1) Noncredit.

1024 (2) Nondegree-applicable.

1025 (3) Degree-applicable, excluding physical education.

1026 (4) Degree-applicable physical education.

1027 (d) The Board of Governors of the California Community Colleges
1028 shall adopt rules and regulations to implement this section.

1029
1030 **76032.** The adopted rules of student conduct may authorize an
1031 instructor to remove a student from his or her class for the day of
1032 the removal and the next class meeting. The instructor shall
1033 immediately report the removal to the chief administrative officer
1034 for appropriate action.

1035 If the student removed by an instructor is a minor, the college
1036 president or the president's designee shall ask the parent or
1037 guardian of the student to attend a parent conference regarding the
1038 removal as soon as possible. If the instructor or the parent or
1039 guardian so requests, a college administrator shall attend the
1040 conference. During the period of removal, a student shall not be
1041 returned to the class from which he or she was removed without the
1042 concurrence of the instructor of the class.

1043
1044 **87044.** When a president or other community college official
1045 releases a minor student of such school to a peace officer for the
1046 purpose of removing the minor from the school premises, such school
1047 official shall take immediate steps to notify the parent, guardian,
1048 or responsible relative of the minor regarding the release of the
1049 minor to such officer, and regarding the place to which the minor is
1050 reportedly being taken.

1051
1052 **California Penal Code**

1053
1054 **11165.7.** (a) As used in this article, "mandated reporter" is
1055 defined as any of the following:

1056 (1) A teacher.

1057 ...

1058 (4) A classified employee of any public school.

1059 (5) An administrative officer or supervisor of child welfare and
1060 attendance, or a certificated pupil personnel employee of any public
1061 or private school.

1062 ...
1063 (8) An administrator or employee of a public or private
1064 organization whose duties require direct contact and supervision of
1065 children.
1066 ...
1067 (10) A licensee, an administrator, or an employee of a licensed
1068 community care or child day care facility.
1069 ...
1070 (16) An employee of a school district police or security
1071 department.
1072 ...
1073
1074 **11165.9.** Reports of suspected child abuse or neglect shall be made
1075 by mandated reporters to any police department or sheriff's
1076 department, not including a school district police or security
1077 department, county probation department, if designated by the county
1078 to receive mandated reports, or the county welfare department. Any of
1079 those agencies shall accept a report of suspected child abuse or
1080 neglect whether offered by a mandated reporter or another person, or
1081 referred by another agency, even if the agency to whom the report is
1082 being made lacks subject matter or geographical jurisdiction to
1083 investigate the reported case, unless the agency can immediately
1084 electronically transfer the call to an agency with proper
1085 jurisdiction. When an agency takes a report about a case of suspected
1086 child abuse or neglect in which that agency lacks jurisdiction, the
1087 agency shall immediately refer the case by telephone, fax, or
1088 electronic transmission to an agency with proper jurisdiction.
1089 Agencies that are required to receive reports of suspected child
1090 abuse or neglect may not refuse to accept a report of suspected child
1091 abuse or neglect from a mandated reporter or another person unless
1092 otherwise authorized pursuant to this section, and shall maintain a
1093 record of all reports received.
1094
1095 **11166.** (a) Except as provided in subdivision (d), a mandated
1096 reporter shall make a report to an agency specified in Section
1097 11165.9 whenever the mandated reporter, in his or her professional
1098 capacity or within the scope of his or her employment, has knowledge
1099 of or observes a child whom the mandated reporter knows or reasonably
1100 suspects has been the victim of child abuse or neglect. The mandated
1101 reporter shall make an initial report to the agency immediately or
1102 as soon as is practicably possible by telephone and the mandated
1103 reporter shall prepare and send, fax, or electronically transmit a
1104 written followup report thereof within 36 hours of receiving the
1105 information concerning the incident. The mandated reporter may
1106 include with the report any nonprivileged documentary evidence the
1107 mandated reporter possesses relating to the incident.
1108
1109 **11166.5.** (a) On and after January 1, 1985, any mandated reporter as
1110 specified in Section 11165.7, with the exception of child visitation
1111 monitors, prior to commencing his or her employment, and as a
1112 prerequisite to that employment, shall sign a statement on a form
1113 provided to him or her by his or her employer to the effect that he
1114 or she has knowledge of the provisions of Section 11166 and will
1115 comply with those provisions. The statement shall inform the
1116 employee that he or she is a mandated reporter and inform the
1117 employee of his or her reporting obligations under Section 11166 and
1118 of his or her confidentiality rights under subdivision (d) of Section

1119 11167. The employer shall provide a copy of Sections 11165.7,
1120 11166, and 11167 to the employee.

1121 On and after January 1, 1993, any person who acts as a child
1122 visitation monitor, as defined in paragraph (30) of subdivision (a)
1123 of Section 11165.7, prior to engaging in monitoring the first visit
1124 in a case, shall sign a statement on a form provided to him or her by
1125 the court which ordered the presence of that third person during the
1126 visit, to the effect that he or she has knowledge of the provisions
1127 of Section 11166 and will comply with those provisions.

1128 The signed statements shall be retained by the employer or the
1129 court, as the case may be. The cost of printing, distribution, and
1130 filing of these statements shall be borne by the employer or the
1131 court.

1132 This subdivision is not applicable to persons employed by public
1133 or private youth centers, youth recreation programs, and youth
1134 organizations as members of the support staff or maintenance staff
1135 and who do not work with, observe, or have knowledge of children as
1136 part of their official duties.

1137 (b) On and after January 1, 1986, when a person is issued a state
1138 license or certificate to engage in a profession or occupation, the
1139 members of which are required to make a report pursuant to Section
1140 11166, the state agency issuing the license or certificate shall send
1141 a statement substantially similar to the one contained in
1142 subdivision (a) to the person at the same time as it transmits the
1143 document indicating licensure or certification to the person. In
1144 addition to the requirements contained in subdivision (a), the
1145 statement also shall indicate that failure to comply with the
1146 requirements of Section 11166 is a misdemeanor, punishable by up to
1147 six months in a county jail, by a fine of one thousand dollars
1148 (\$1,000), or by both that imprisonment and fine.

1149 (c) As an alternative to the procedure required by subdivision
1150 (b), a state agency may cause the required statement to be printed on
1151 all application forms for a license or certificate printed on or
1152 after January 1, 1986.

1153 (d) On and after January 1, 1993, any child visitation monitor, as
1154 defined in paragraph (30) of subdivision (a) of Section 11165.7, who
1155 desires to act in that capacity shall have received training in the
1156 duties imposed by this article, including training in child abuse
1157 identification and child abuse reporting. The person, prior to
1158 engaging in monitoring the first visit in a case, shall sign a
1159 statement on a form provided to him or her by the court which ordered
1160 the presence of that third person during the visit, to the effect
1161 that he or she has received this training. This statement may be
1162 included in the statement required by subdivision (a) or it may be a
1163 separate statement. This statement shall be filed, along with the
1164 statement required by subdivision (a), in the court file of the case
1165 for which the visitation monitoring is being provided.

1166 (e) Any person providing services to a minor child, as described
1167 in paragraph (37) of subdivision (a) of Section 11165.7, shall not be
1168 required to make a report pursuant to Section 11166 unless that
1169 person has received training, or instructional materials in the
1170 appropriate language, on the duties imposed by this article,
1171 including identifying and reporting child abuse and neglect.

1172
1173 California Welfare and Institutions Code
1174

1175 300. Any child who comes within any of the following descriptions
1176 is within the jurisdiction of the juvenile court which may adjudge
1177 that person to be a dependent child of the court:

1178 ...

1179 (d) The child has been sexually abused, or there is a substantial
1180 risk that the child will be sexually abused, as defined in Section
1181 11165.1 of the Penal Code, by his or her parent or guardian or a
1182 member of his or her household, or the parent or guardian has failed
1183 to adequately protect the child from sexual abuse when the parent or
1184 guardian knew or reasonably should have known that the child was in
1185 danger of sexual abuse.

1186 ...

1187

1188 305. Any peace officer may, without a warrant, take into temporary
1189 custody a minor:

1190 (a) When the officer has reasonable cause for believing that the
1191 minor is a person described in Section 300, and, in addition, that
1192 the minor has an immediate need for medical care, or the minor is in
1193 immediate danger of physical or sexual abuse, or the physical
1194 environment or the fact that the child is left unattended poses an
1195 immediate threat to the child's health or safety. In cases in which
1196 the child is left unattended, the peace officer shall first attempt
1197 to contact the child's parent or guardian to determine if the parent
1198 or guardian is able to assume custody of the child. If the parent or
1199 guardian cannot be contacted, the peace officer shall notify a
1200 social worker in the county welfare department to assume custody of
1201 the child.