

AMENDED IN ASSEMBLY AUGUST 5, 2013

AMENDED IN SENATE MAY 28, 2013

AMENDED IN SENATE MAY 8, 2013

AMENDED IN SENATE APRIL 2, 2013

**SENATE BILL**

**No. 421**

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**Introduced by Senator Hernandez**

February 21, 2013

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An act to add Section 52244 to the Education Code, relating to pupil instruction.

LEGISLATIVE COUNSEL'S DIGEST

SB 421, as amended, Hernandez. Pupil instruction: examination fees: International Baccalaureate Diploma Program and advanced placement courses.

Existing law authorizes a system of incentives to encourage high schools to operate International Baccalaureate Diploma Programs, and to encourage pupils in these schools to enroll in, attempt, and pass the International Baccalaureate course of study and examinations that lead to the International Baccalaureate Diploma. Existing law requires the Superintendent of Public Instruction, from funds appropriated for the purpose of the International Baccalaureate Diploma Program, to annually allocate to each school district, on behalf of each high school or middle school within the district that offers the program, up to \$25,000 for each participating high school and middle school to cover the costs of professional development required by the program and to help pay the test fees for low- and middle-income pupils in need of financial assistance.

Existing law authorizes a school district receiving economic impact aid funds to expend any portion of those funds to pay for all or part of the costs of one or more advanced placement examinations that are charged to economically disadvantaged pupils, as defined.

This bill would, *to the extent federal funding is available*, establish a grant program, administered by the State Department of Education, for the purpose of awarding ~~grants, beginning in the 2015–16 fiscal year,~~ *grants* to cover the costs of advanced placement examination fees or International Baccalaureate examination fees, or both, for eligible economically disadvantaged high school pupils, as defined. The bill would authorize a school district to apply to the department for grant funding under the program based on the number of economically disadvantaged pupils in the school district who will take the next offered advanced placement examinations and would require that grants be expended only to pay the fees required of eligible economically disadvantaged high school pupils to take an advanced placement or International Baccalaureate examination, or both. The bill would require funding priority be given to advanced placement examination fees if there is insufficient funding allocated to the grant program in a given fiscal year. ~~The bill would require the department to make every effort to obtain and allocate federal funding for purposes of the program before expending any state funds and require all federal and state funds obtained by the department for the purpose of the program to be expended for those purposes only and prohibit those funds from being used to fund any other program.~~

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

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

- 1 SECTION 1. Section 52244 is added to the Education Code,
- 2 to read:
- 3 52244. (a) ~~There~~ *To the extent federal funding is available,*
- 4 *there* is hereby established a grant program for the purpose of
- 5 awarding ~~grants, beginning in the 2015–16 fiscal year,~~ *grants* to
- 6 cover the costs of ~~advanced placement~~ *Advanced Placement (AP)*
- 7 examination fees or International Baccalaureate (*IB*) examination
- 8 fees, or both, for eligible economically disadvantaged high school
- 9 pupils. The department shall administer this program.

1 (b) An “eligible economically disadvantaged high school pupil”  
2 means a pupil who is either from a family whose annual household  
3 income is below 200 percent of the federal poverty level or a pupil  
4 who is eligible for a federal free or reduced-price meal program.

5 (c) A school district may apply to the department for grant  
6 funding pursuant to this section, based on the number of  
7 economically disadvantaged pupils in the school district enrolled  
8 in advanced placement courses who will take the next offered  
9 advanced placement examinations. A school district that applies  
10 to the department for this purpose shall designate school district  
11 staff to whom pupils may submit applications for grants and shall  
12 institute a plan to notify pupils of the availability of financial  
13 assistance pursuant to this section. Grants shall be expended only  
14 to pay the fees required of eligible economically disadvantaged  
15 high school pupils to take an advanced placement or International  
16 Baccalaureate examination, or both.

17 (d) An eligible economically disadvantaged high school pupil  
18 who is enrolled in an advanced placement or International  
19 Baccalaureate course, or both, may apply to the designated school  
20 district staff for a grant pursuant to this section. A pupil who  
21 receives a grant shall pay five dollars (\$5) of the examination fee.

22 (e) School districts and county superintendents of schools may  
23 join together and form collaboratives or consortia in order to  
24 participate in the grant program established by this section.

25 (f) Grants provided pursuant to this section may not be used to  
26 supplant fee waivers available to low-income pupils who take  
27 advanced placement or International Baccalaureate examinations.

28 (g) If the total school district applications exceed the total funds  
29 available pursuant to this section, the department shall prorate the  
30 grants based upon the ratio of the total amount requested to the  
31 total amount ~~budgeted by the state~~ *allocated in the annual Budget*  
32 *Act or another statute* for this purpose. Funding priority shall be  
33 given to advanced placement examination fees if there is  
34 insufficient funding allocated for the grant program in a given  
35 fiscal year.

36 (h) To facilitate program administration and school district  
37 reimbursement, the department may enter into a contract with the  
38 provider of advanced placement or International Baccalaureate  
39 examinations. For purposes of the contract authorized pursuant to  
40 this subdivision, the department is exempt from the requirements

1 of Part 2 (commencing with Section 10100) of Division 2 of the  
2 Public Contract Code and from the requirements of Article 6  
3 (commencing with Section 999) of Chapter 6 of Division 4 of the  
4 Military and Veterans Code.

5 (i) ~~The department shall make every effort to obtain and allocate~~  
6 ~~federal funding for purposes of this program before expending any~~  
7 ~~state funds. All state and federal funds obtained by the department~~  
8 ~~for purposes of this program shall be expended for these purposes~~  
9 ~~only and are prohibited from being used to fund any other program.~~