

Introduced by Senator Leno**(Coauthors: Senators Allen, Beall, Hancock, and Wieckowski)**

(Coauthors: Assembly Members Baker, Chiu, Dababneh, Cristina Garcia, Lackey, Maienschein, McCarty, and Santiago)

February 18, 2015

An act to amend Sections 48412 and 51421 of the Education Code, relating to pupils.

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as introduced, Leno. Pupils: diploma alternatives: fees.

(1) Existing law authorizes certain persons, including, among others, any person 16 years of age or older, to have his or her proficiency in basic skills taught in public high schools verified according to criteria established by the State Department of Education. Existing law requires the State Board of Education to award a certificate of proficiency to persons who demonstrate that proficiency. Existing law requires the department to develop standards of competency in basic skills taught in public high schools and to provide for the administration of examinations prepared by or with the approval of the department to verify competency. Existing law authorizes the department to charge a fee for each examination application in an amount sufficient to recover the costs of administering the requirements of these provisions, but prohibits the fee from exceeding an amount equal to the cost of test renewal and administration per examination application.

This bill would prohibit the department from charging the fee for an examination application to a homeless child or youth who can verify his or her status as a homeless youth. The bill would authorize a homeless services provider, as defined, that has knowledge of the

person's housing status to verify the person's status for purposes of these provisions.

(2) Existing law separately requires the Superintendent of Public Instruction to issue a high school equivalency certificate and an official score report, or an official score report only, to a person who has not completed high school and who meets specified requirements, including, among others, having taken all or a portion of a general education development test that has been approved by the state board and administered by a testing center approved by the department, with a score determined by the state board to be equal to the standard of performance expected from high school graduates. Existing law authorizes the Superintendent to charge an examinee a one-time fee to pay costs related to administering these provisions and issuing a certificate, as specified. Existing law limits the amount of the fee to \$20 per person and requires each scoring contractor to forward that fee to the Superintendent.

This bill would, for purposes of those provisions, prohibit a scoring contractor or testing center that charges its own separate fee from charging that separate fee to an examinee who can verify his or her status as a homeless child or youth. The bill would authorize a homeless services provider, as defined, that has knowledge of the person's housing status to verify the person's status for purposes of these provisions.

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 48412 of the Education Code is amended
2 to read:
3 48412. (a) ~~Any~~(1) A person 16 years of age or older, or who
4 has been enrolled in the 10th grade for one academic year or longer,
5 or who will complete one academic year of enrollment in the 10th
6 grade at the end of the semester during which the next regular
7 examination will be conducted, ~~shall be permitted to~~ may have his
8 or her proficiency in basic skills taught in public high schools
9 verified according to criteria established by the State Department
10 of Education.
11 ~~The State Board of Education~~
12 (2) *The state board* shall award a "certificate of proficiency" to
13 persons who demonstrate that proficiency. The certificate of

1 proficiency shall be equivalent to a high school diploma, and the
2 ~~State Department of Education~~ *department* shall keep a permanent
3 record of the issuance of all the certificates.

4 (b) (1) ~~The State Department of Education~~ *department* shall
5 develop standards of competency in basic skills taught in public
6 high schools and shall provide for the administration of
7 examinations prepared by or with the approval of the department
8 to verify competency. Regular examinations shall be held once in
9 the fall semester and once in the spring of every academic year on
10 a date, as determined by the ~~State Department of Education, which~~
11 *department, that* will enable notification of examinees and the
12 schools they attend, if any, of the results thereof not later than two
13 weeks prior to the date on which that semester ends in a majority
14 of school districts ~~which~~ *that* maintain high schools.

15 ~~In~~

16 (2) *In* addition to regular examinations, the ~~State Department~~
17 ~~of Education~~ *department* may, at the discretion of the
18 ~~Superintendent of Public Instruction, Superintendent,~~ conduct
19 examinations for all eligible persons once during each summer
20 recess and may conduct examinations at any other time that the
21 superintendent deems necessary to accommodate eligible persons
22 whose religious convictions or physical handicaps prevent their
23 attending one of the regular examinations.

24 (c) (1) ~~The State Department of Education~~ *department* may
25 charge a fee for each examination application in an amount
26 sufficient to recover the costs of administering the requirements
27 of this section. However, the fee shall not exceed an amount equal
28 to the cost of test renewal and administration per examination
29 application. All fees levied and collected pursuant to this section
30 shall be deposited in the State Treasury for remittance to the current
31 support appropriation of the ~~State Department of Education~~
32 *department* as reimbursement for costs of administering this
33 section. Any reimbursements collected in excess of actual costs
34 of administration of this section shall be transferred to the
35 unappropriated surplus of the General Fund by order of the Director
36 of Finance.

37 (2) *The department shall not charge the fee to a homeless child*
38 *or youth, as defined in paragraph (2) of Section 725 of the federal*
39 *McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.*
40 *11434a(2)), who can verify his or her status as a homeless child*

1 or youth. A homeless services provider that has knowledge of the
 2 person's housing status may verify the person's status for purposes
 3 of this paragraph.

4 (3) For purposes of this subdivision, a "homeless services
 5 provider" includes all of the following:

6 (A) A governmental or nonprofit agency receiving federal, state,
 7 county, or municipal funding to provide services to a homeless
 8 child or youth, or that is otherwise sanctioned to provide those
 9 services by a local homeless continuum of care organization.

10 (B) An attorney licensed to practice law in this state.

11 (C) A local educational agency liaison for homeless children
 12 and youth designated as such pursuant to Section 11432(g)(1)(J)(ii)
 13 of Title 42 of the United States Code, or a school social worker.

14 (D) A human services provider or public social services provider
 15 funded by the state to provide homeless children or youth services,
 16 health services, mental or behavioral health services, substance
 17 use disorder services, or public assistance or employment services.

18 (E) A law enforcement officer designated as a liaison to the
 19 homeless population by a local police department or sheriff's
 20 department within the state.

21 (F) Any other person or entity that is qualified to verify an
 22 individual's housing status, as determined by the department.

23 (d) ~~The State Board of Education~~ state board shall adopt rules
 24 and regulations as are necessary for implementation of this section.

25 (e) ~~The State Department of Education~~ department shall
 26 periodically review the effectiveness of the examinations
 27 administered pursuant to this section. The costs of this review may
 28 be recovered through the fees levied pursuant to subdivision (c).

29 SEC. 2. Section 51421 of the Education Code is amended to
 30 read:

31 51421. (a) ~~The superintendent~~ Superintendent may charge a
 32 one-time only fee, established by the State Board of Education, to
 33 be submitted by an examinee when registering for the test sufficient
 34 in an amount not greater than the amount required to pay the cost
 35 of administering this article, *including costs related to subdivision*
 36 *(b)*, and for the cost of providing ~~all followup~~ services related to
 37 the completion of the general educational development test. The
 38 amount of each fee may not exceed twenty dollars (\$20) per person.

1 (b) The examinee shall be responsible for submitting to the
2 Superintendent of Public Instruction all subsequent requests *both*
3 *of the following requests:*

4 (1) A request for a duplicate ~~copies~~ *copy* of the ~~California~~ high
5 school equivalency ~~certificate and all requests~~ *certificate.*

6 (2) A request to forward ~~reports~~ *a report* of the results of ~~the~~
7 ~~applicant's~~ a general educational development test to a
8 postsecondary educational ~~institutions~~ *institution.*

9 (c) (1) *If, for purposes of this article, a scoring contractor or*
10 *testing center charges an examinee its own separate fee, the*
11 *scoring contractor or testing center shall not charge that fee to a*
12 *homeless child or youth, as defined in paragraph (2) of Section*
13 *725 of the federal McKinney-Vento Homeless Assistance Act (42*
14 *U.S.C. Sec. 11434a(2)), who can verify his or her status as a*
15 *homeless child or youth. A homeless services provider that has*
16 *knowledge of the person's housing status may verify the person's*
17 *status for purposes of this subdivision.*

18 (2) *For purposes of this subdivision, a "homeless services*
19 *provider" includes all of the following:*

20 (A) *A governmental or nonprofit agency receiving federal, state,*
21 *county, or municipal funding to provide services to a homeless*
22 *child or youth, or that is otherwise sanctioned to provide those*
23 *services by a local homeless continuum of care organization.*

24 (B) *An attorney licensed to practice law in this state.*

25 (C) *A local educational agency liaison for homeless children*
26 *and youth designated as such pursuant to Section 11432(g)(1)(J)(ii)*
27 *of Title 42 of the United States Code, or a school social worker.*

28 (D) *A human services provider or public social services provider*
29 *funded by the state to provide homeless children or youth services,*
30 *health services, mental or behavioral health services, substance*
31 *use disorder services, or public assistance or employment services.*

32 (E) *A law enforcement officer designated as a liaison to the*
33 *homeless population by a local police department or sheriff's*
34 *department within the state.*

35 (F) *Any other person or entity that is qualified to verify an*
36 *individual's housing status, as determined by the department.*

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