

AMENDED IN ASSEMBLY AUGUST 28, 2015

AMENDED IN ASSEMBLY AUGUST 18, 2015

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE APRIL 7, 2015

SENATE BILL

No. 252

Introduced by Senator Leno

(Coauthors: Senators Allen, Beall, Hancock, and Wieckowski)

(Coauthors: Assembly Members Baker, Bloom, Chiu, Cooley, Dababneh, Cristina Garcia, Gordon, Lackey, Maienschein, McCarty, Olsen, Santiago, and Ting)

February 18, 2015

An act to amend Sections 48412 and 51421 of, and to add *and repeal* Section 51421.5 to, the Education Code, relating to pupils, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 252, as amended, 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 to a homeless child or youth who is under 25 years of age and 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 examinee's housing status to verify the examinee's status for purposes of these provisions. The bill would provide that no additional state funds would be appropriated for purposes of implementing the above provisions. The bill would authorize the state board to adopt emergency regulations 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 contractor or testing center that charges its own separate fee from charging that separate fee to a homeless child or youth who is under 25 years of age and 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 examinee's housing status to verify the examinee's status for purposes of these provisions. The bill would provide that no additional state funds shall be appropriated for purposes of implementing these provisions, and would authorize the Superintendent to adopt emergency regulations for purposes of these provisions.

(3) Existing law establishes in the State Treasury a Special Deposit Fund Account, which consists of certain fees, and is continuously appropriated for the support of the department to be used for purposes of the provisions above relating to high school equivalency tests.

This bill would authorize the ~~Superintendent~~ *Superintendent, until July 1, 2019*, to use surplus funds, as defined, in the Special Deposit Fund Account to reimburse contractors for the loss of fees, if any, pursuant to provisions above relating to high school equivalency tests. By authorizing the expenditure of money in a continuously appropriated fund for a new purpose, this bill would make an appropriation. The bill would require a contract executed by the department for the provision of those tests to require a contracting party to accept all examinees, including those entitled to a fee waiver pursuant to those provisions. The bill also would require the department to include a provision in all memorandums of understanding with contractors for purposes of providing a high school equivalency test, that if the surplus funds in the Special Deposit Fund Account are depleted, the ongoing costs of a fee waiver for an examinee deemed eligible for a waiver shall be absorbed by the contractor.

(4) This bill also would require the department, on or before December 1, 2018, to submit two reports to the appropriate policy and fiscal committees of the Legislature, one relating to high school proficiency tests, and one relating to high school equivalency tests, that each include, among other things, the number of homeless youth that took a high school proficiency or equivalency test in each of the 2016, 2017, and 2018 calendar years, and the impact of the opportunity to take a high school proficiency or equivalency test at no cost on the number and percentage of homeless youth taking a high school proficiency or equivalency test.

Vote: majority. Appropriation: yes. 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) (1) A person 16 years of age or older, or who has
4 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, may have his or her proficiency
8 in basic skills taught in public high schools verified according to
9 criteria established by the State Department of Education.

1 (2) The state board shall award a “certificate of proficiency” to
2 persons who demonstrate that proficiency. The certificate of
3 proficiency shall be equivalent to a high school diploma, and the
4 department shall keep a permanent record of the issuance of all
5 certificates.

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

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

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

35 (2) The department shall not charge the fee to an examinee who
36 meets all of the following criteria:

37 (A) The examinee qualifies as a homeless child or youth, as
38 defined in paragraph (2) of Section 725 of the federal
39 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.
40 11434a(2)).

1 (B) The examinee has not attained 25 years of age as of the date
2 of the scheduled examination.

3 (C) The examinee can verify his or her status as a homeless
4 child or youth. A homeless services provider that has knowledge
5 of the examinee’s housing status may verify the examinee’s status
6 for purposes of this subparagraph.

7 (3) For purposes of this subdivision, a “homeless services
8 provider” includes either of the following:

9 (A) A homeless services provider listed in paragraph (3) of
10 subdivision (d) of Section 103577 of the Health and Safety Code.

11 (B) Any other person or entity that is qualified to verify an
12 individual’s housing status, as determined by the department.

13 (4) The loss of fees pursuant to paragraph (2), if any, shall be
14 deemed to be a cost of administering this section for purposes of
15 paragraph (1).

16 (d) (1) The state board shall adopt rules and regulations as are
17 necessary for implementation of this section.

18 (2) Notwithstanding paragraph (1), the state board shall adopt
19 emergency regulations, as necessary, to implement the provisions
20 of subdivision (c), as amended by the act that added this paragraph.
21 The adoption of these regulations shall be deemed to be an
22 emergency and necessary for the immediate preservation of the
23 public peace, health, and safety, or general welfare.

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

28 (f) (1) On or before December 1, 2018, the Superintendent shall
29 submit a report to the appropriate policy and fiscal committees of
30 the Legislature that includes, but is not limited to, all of the
31 following:

32 (A) The number of homeless youth that took a high school
33 proficiency test in each of the 2016, 2017, and 2018 calendar years.

34 (B) The impact of the opportunity to take a high school
35 proficiency test at no cost on the number and percentage of
36 homeless youth taking a high school proficiency test.

37 (C) The estimated number of homeless youth who may take a
38 high school proficiency test in future years.

39 (D) Recommendations for a permanent funding source to cover
40 the cost of the waived fees.

1 (E) The annual and projected administrative cost to the
2 department.

3 (F) The annual and projected reimbursement to contractors
4 pursuant to this section.

5 (2) The requirement for submitting a report imposed under
6 paragraph (1) is inoperative on January 1, 2020, pursuant to Section
7 10231.5 of the Government Code.

8 (g) Additional state funds shall not be appropriated for purposes
9 of implementing paragraph (2) of subdivision (c).

10 SEC. 2. Section 51421 of the Education Code is amended to
11 read:

12 51421. (a) The Superintendent may charge a one-time only
13 fee, established by the state board, to be submitted by an examinee
14 when registering for the test sufficient in an amount not greater
15 than the amount required to pay the cost of administering this
16 article, including costs related to subdivision (b), and for the cost
17 of providing services related to the completion of the general
18 educational development test. The amount of each fee may not
19 exceed twenty dollars (\$20) per person.

20 (b) The examinee shall be responsible for submitting to the
21 Superintendent both of the following requests:

22 (1) A request for a duplicate copy of the high school equivalency
23 certificate.

24 (2) A request to forward a report of the results of a general
25 educational development test to a postsecondary educational
26 institution.

27 SEC. 3. Section 51421.5 is added to the Education Code, to
28 read:

29 51421.5. (a) If, for purposes of this article, a contractor or
30 testing center charges an examinee its own separate fee, the
31 contractor or testing center shall not charge that fee to an examinee
32 who meets all of the following criteria:

33 (1) The examinee qualifies as a homeless child or youth, as
34 defined in paragraph (2) of Section 725 of the federal
35 McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.
36 11434a(2)).

37 (2) The examinee has not attained 25 years of age as of the date
38 of the scheduled examination.

39 (3) The examinee can verify his or her status as a homeless child
40 or youth. A homeless services provider that has knowledge of the

1 examinee’s housing status may verify the examinee’s status for
2 purposes of this paragraph.

3 (b) For purposes of this section, a “homeless services provider”
4 includes either of the following:

5 (1) A homeless services provider listed in paragraph (3) of
6 subdivision (d) of Section 103577 of the Health and Safety Code.

7 (2) Any other person or entity that is qualified to verify an
8 individual’s housing status, as determined by the department.

9 (c) Additional state funds shall not be appropriated for purposes
10 of implementing this section.

11 (d) Notwithstanding subdivision (c), the Superintendent may
12 use surplus funds in the Special Deposit Fund Account, established
13 pursuant to Section 51427, to reimburse contractors for the loss
14 of fees, if any, pursuant to this section. A contract executed by the
15 department for the provision of examinations pursuant to Section
16 51421 or this section shall require that any contracting party accept
17 all examinees, including those entitled to a fee waiver pursuant to
18 this section. For purposes of this subdivision, “surplus funds” are
19 funds remaining after the costs permitted by subdivision (a) of
20 Section 51421 are paid.

21 (e) ~~(f)~~ On or before December 1, 2018, the Superintendent
22 shall submit a report to the appropriate policy and fiscal committees
23 of the Legislature that includes, but is not limited to, all of the
24 following:

25 (A) The number of homeless youth that took a high school
26 equivalency test in each of the 2016, 2017, and 2018 calendar
27 years.

28 (B) The impact of the opportunity to take a high school
29 equivalency test at no cost on the number and percentage of
30 homeless youth taking a high school equivalency test.

31 (C) The estimated number of homeless youth who may take a
32 high school equivalency test in future years.

33 (D) Recommendations for a permanent funding source to cover
34 the cost of the waived fees.

35 (E) The annual and projected administrative cost to the
36 department.

37 (F) The annual and projected reimbursement to the contractor
38 pursuant to this section.

1 ~~(2) The requirement for submitting a report imposed under~~
2 ~~paragraph (1) is inoperative on January 1, 2020, pursuant to Section~~
3 ~~10231.5 of the Government Code.~~

4 (f) The Superintendent shall adopt emergency regulations, as
5 necessary, to implement this section. The adoption of these
6 regulations shall be deemed to be an emergency and necessary for
7 the immediate preservation of the public peace, health, and safety,
8 or general welfare.

9 (g) The department shall include a provision in all
10 memorandums of understanding with contractors for purposes of
11 providing a high school equivalency test, that if the surplus funds
12 in the Special Deposit Fund Account are depleted, the ongoing
13 costs of a fee waiver for an examinee deemed eligible for a waiver
14 pursuant to this section shall be absorbed by the contractor.

15 *(h) This section shall become inoperative on July 1, 2019, and,*
16 *as of January 1, 2020, is repealed, unless a later enacted statute,*
17 *that becomes operative on or before January 1, 2020, deletes or*
18 *extends the dates on which it becomes inoperative and is repealed.*

19 *SEC. 4. Section 51421.5 is added to the Education Code, to*
20 *read:*

21 *51421.5. (a) If, for purposes of this article, a contractor or*
22 *testing center charges an examinee its own separate fee, the*
23 *contractor or testing center shall not charge that fee to an*
24 *examinee who meets all of the following criteria:*

25 *(1) The examinee qualifies as a homeless child or youth, as*
26 *defined in paragraph (2) of Section 725 of the federal*
27 *McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec.*
28 *11434a(2)).*

29 *(2) The examinee has not attained 25 years of age as of the date*
30 *of the scheduled examination.*

31 *(3) The examinee can verify his or her status as a homeless*
32 *child or youth. A homeless services provider that has knowledge*
33 *of the examinee's housing status may verify the examinee's status*
34 *for purposes of this paragraph.*

35 *(b) For purposes of this section, a "homeless services provider"*
36 *includes either of the following:*

37 *(1) A homeless services provider listed in paragraph (3) of*
38 *subdivision (d) of Section 103577 of the Health and Safety Code.*

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

1 (c) *Additional state funds shall not be appropriated for purposes*
2 *of implementing this section.*

3 (d) *The Superintendent shall adopt emergency regulations, as*
4 *necessary, to implement this section. The adoption of these*
5 *regulations shall be deemed to be an emergency and necessary*
6 *for the immediate preservation of the public peace, health, and*
7 *safety, or general welfare.*

8 (e) *The department shall include a provision in all*
9 *memorandums of understanding with contractors for purposes of*
10 *providing a high school equivalency test, that if the surplus funds*
11 *in the Special Deposit Fund Account are depleted, the ongoing*
12 *costs of a fee waiver for an examinee deemed eligible for a waiver*
13 *pursuant to this section shall be absorbed by the contractor.*

14 (f) *This section shall become operative on July 1, 2019.*