

AMENDED IN ASSEMBLY AUGUST 17, 2015

AMENDED IN SENATE APRIL 21, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 425

Introduced by Senator Hernandez

(Principal coauthor: ~~Assembly Member Calderon~~)

(Coauthor: *Assembly Member Chau*)

February 25, 2015

~~An act to add Section 52334.7 to the Education Code, relating to career technical education, and declaring the urgency thereof, to take effect immediately. relating to transportation.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 425, as amended, Hernandez. ~~Career training: adult students. City of El Monte: maintenance of effort: streets and roads allocations.~~

Existing law imposes a maintenance of effort requirement on cities and counties with respect to receipt of streets and roads funds from gasoline sales tax revenues in the Transportation Investment Fund. Under the maintenance of effort requirement applicable to this now-repealed source of revenues, a city or county was required to maintain annual streets and roads expenditures from its general fund equal to the annual average of its expenditures from that source during the 1996–97, 1997–98, and 1998–99 fiscal years. If a city or county failed to comply with the maintenance of effort requirement in a particular fiscal year, existing law provided that it could alternatively comply by expending in that year and the following fiscal year a combined total amount that is not less than the amount otherwise required to be expended in the 2 fiscal years. Existing law provides

specified exceptions to the maintenance of effort requirement for the County of Fresno and the City of Santa Rosa.

This bill would give the City of El Monte until December 31, 2019, to meet the maintenance of effort requirement for receipt of streets and roads funds from the Transportation Investment Fund for any fiscal year between 2006–07 and 2010–11, inclusive.

The bill would make legislative findings and declarations as to the necessity of a special statute for the City of El Monte.

~~(1) Existing law authorizes various career technical education programs, including regional occupational centers and programs, specialized secondary programs, partnership academies, and agricultural career technical education programs.~~

~~The bill would authorize the Superintendent of Public Instruction to certify, by name, any regional occupational center or program, county office of education, or adult education program, that provides a program of training to prepare adult students for gainful employment in a recognized occupation, to legally authorize the center, program, or office to provide an educational program beyond secondary education, as specified.~~

~~(2) This bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: $\frac{2}{3}$ -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. (a) Notwithstanding subdivision (f) of Section
 2 7104.2 of the Revenue and Taxation Code or any other provision
 3 of law, the City of El Monte shall have until December 31, 2019,
 4 to meet the maintenance of effort requirement applicable to cities
 5 in order to receive a streets and roads allocation from the
 6 Transportation Investment Fund for any fiscal year between
 7 2006–07 and 2010–11, inclusive.

8 (b) The Legislature finds and declares that a special law is
 9 necessary and that a general law cannot be made applicable within
 10 the meaning of Section 16 of Article IV of the California
 11 Constitution because of the unique transportation funding needs
 12 in the City of El Monte.

13 SECTION 1. (a) ~~The Legislature finds and declares all of the~~
 14 ~~following:~~

1 (1) ~~Career training for adults is an important part of workforce~~
2 ~~and economic development in California.~~

3 (2) ~~Many of California's neediest adult students require financial~~
4 ~~aid to support their career training.~~

5 (3) ~~Historically, those neediest adult students have had access~~
6 ~~to federal financial aid under Title IV of the federal Elementary~~
7 ~~and Secondary Education Act (20 U.S.C. Sec. 6301 et seq.).~~

8 (4) ~~Recent revisions in federal regulations governing Title IV~~
9 ~~of the federal Elementary and Secondary Education Act (20 U.S.C.~~
10 ~~Sec. 6301 et seq.) have eliminated the eligibility for financial aid~~
11 ~~for adult students in many of California's career training programs~~
12 ~~operated by local educational agencies, even though adults in those~~
13 ~~programs have been historically eligible.~~

14 (b) ~~The Legislature therefore supports all of the following:~~

15 (1) ~~Adult students' access to career training programs that will~~
16 ~~improve or expand their job skills and employability.~~

17 (2) ~~Adult students' access to federal financial aid that may be~~
18 ~~used for career training programs and services.~~

19 (3) ~~Providers of career training programs for adult students, as~~
20 ~~those providers work to satisfy federal requirements necessary to~~
21 ~~establish federal financial aid eligibility for those adult students.~~

22 SEC. 2. ~~Section 52334.7 is added to the Education Code, to~~
23 ~~read:~~

24 ~~52334.7. (a) The Superintendent may certify, by name, any~~
25 ~~regional occupational center or program, county office of~~
26 ~~education, or adult education program, that provides a program of~~
27 ~~training to prepare adult students for gainful employment in a~~
28 ~~recognized occupation, upon the center, program, or office's~~
29 ~~satisfaction of the requirements in subdivision (b), to legally~~
30 ~~authorize the center, program, or office to provide an educational~~
31 ~~program beyond secondary education, including an education~~
32 ~~program that leads to a degree or certificate, for purposes of the~~
33 ~~center, program, or office participating in any student financial~~
34 ~~assistance program authorized by Title IV of the Higher Education~~
35 ~~Act of 1965, as amended (20 U.S.C. Sec. 1070 et seq.).~~

36 (b) ~~A regional occupational center or program, county office of~~
37 ~~education, or adult education program applying for certification~~
38 ~~pursuant to subdivision (a) shall comply with both of the following:~~

39 (1) ~~Satisfying all applicable eligibility requirements specified~~
40 ~~in federal rulemaking pursuant to Sections 600.6, 600.7, and 600.9~~

1 of Title 34 of the Code of Federal Regulations, other than the
2 authorization provided for in subdivision (a):

3 (2) Applying in writing to the Superintendent, as an individual
4 center, program, or office, to be considered for certification
5 pursuant to subdivision (a):

6 (e) Any person may file a complaint under the Uniform
7 Complaint Procedures, as set forth in Title 5 of the California Code
8 of Regulations, regarding an alleged violation by a local agency
9 of federal or state law or regulations governing adult education
10 programs or regional occupational centers and programs, including
11 allegations of unlawful discrimination, harassment, intimidation,
12 or bullying.

13 (d) The Superintendent shall adopt regulations that authorize
14 any person to file a complaint under the Uniform Complaint
15 Procedures, as set forth in Title 5 of the California Code of
16 Regulations, regarding an alleged violation by a county office of
17 education of federal or state law or regulations governing that
18 county office of education's participation in any student financial
19 assistance program authorized by Title IV of the Higher Education
20 Act of 1965, as amended (20 U.S.C. Sec. 1070 et seq.), including
21 allegations of unlawful discrimination, harassment, intimidation,
22 or bullying.

23 (e) The Superintendent may decertify, for purposes of
24 participating in any student financial assistance program authorized
25 by Title IV of the Higher Education Act of 1965, as amended (20
26 U.S.C. Sec. 1070 et seq.), a regional occupational center or
27 program, county office of education, or adult education program
28 previously certified in accordance with subdivision (a) if the
29 Superintendent determines that the regional occupational center
30 or program, county office of education, or adult education program
31 is no longer in compliance with the requirements outlined in
32 subdivision (b):

33 SEC. 3. This act is an urgency statute necessary for the
34 immediate preservation of the public peace, health, or safety within
35 the meaning of Article IV of the Constitution and shall go into
36 immediate effect. The facts constituting the necessity are:

37 In order for regional occupational centers and programs, county
38 offices of education, adult schools, and evening high schools to

- 1 satisfy federal requirements in order to participate in federal student
- 2 aid programs, it is necessary for this act to take effect immediately.

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