
SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair
2015 - 2016 Regular

Bill No: SB 425
Author: Hernandez
Version: April 21, 2015
Urgency: Yes
Consultant: Kathleen Chavira
Hearing Date: April 29, 2015
Fiscal: Yes

NOTE: This bill was previously heard by this Committee on April 8, 2015. No vote was taken. The author has amended the bill to respond to concerns raised in the prior committee analysis. The analysis has been updated to reflect those amendments.

Subject: Career training: adult students

SUMMARY

This bill, an urgency measure, authorizes the Superintendent of Public Instruction (SPI), for purposes of participation in Title IV authorized federal student financial assistance programs, to: 1) Certify by name, a regional occupational center and program, or a county office of education or an adult school; 2) Adopt regulations that authorize a complaint process under the Uniform Complaint Procedures outlined in specified regulations; and to 3) Decertify any program no longer in compliance with specified federal regulations.

BACKGROUND

Existing federal law outlines the requirements for eligibility to participate in Title IV federal financial assistance programs for postsecondary education institutions. Federal regulations define postsecondary vocational institution for this purpose and, among other things, require that an educational institution be:

1. Legally authorized by a state to operate educational programs beyond secondary education.
2. Have a process to review and act appropriately on complaints concerning postsecondary institutions. (34 Code of Federal Regulations § 600.6, § 600.9)

Existing law authorizes school county superintendents to establish Regional Occupational Centers and Programs (ROCPs) that allow students from multiple schools or districts to participate in career technical training programs regardless of the geographical location of their residence in a county or region.
(Education Code § 52300, et. seq.)

Existing law authorizes a school district governing board, with the approval of the California Department of Education, to establish and maintain classes for adults, as specified, and outlines various requirements to be met by these programs. Adult schools and evening high schools are required to consist of classes for adults and authorized to admit minors if specified conditions are met.
(Education Code § 52500-52610)

ANALYSIS

This bill, an urgency measure, authorizes the Superintendent of Public Instruction (SPI) to certify specified career training programs for the purpose of participating in Title IV authorized federal student financial assistance programs. More specifically it:

1. Authorizes the Superintendent of Public Instruction (SPI) to certify by name, any regional occupational center or program (ROC/P), 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, including an education program that leads to a degree or certificate.
2. Extends the authority in #1 exclusively for the purpose of participation in Title IV authorized federal student financial assistance programs.
3. Requires a regional occupational center or program, county office of education, or adult education program applying for certification to comply with both of the following:
 - A. Satisfy all applicable eligibility requirements specified in federal rulemaking pursuant to specified federal regulations.
 - B. Apply in writing to the SPI as an individual entity to be considered for certification.
4. Authorizes any person to file a complaint under the Uniform Complaint Procedures (UCPs) regarding an alleged violation by a local agency of federal or state law governing adult education programs or ROC/Ps, including allegations of unlawful discrimination, harassment, intimidation, or bullying, and requires the SPI to adopt regulations to implement this authorization.
5. Authorizes the SPI to decertify a regional occupational center or program, county office of education, or adult education program, for purposes of participation in Title IV authorized federal student financial assistance programs, upon a determination that the entity is no longer in compliance with the specified federal regulations.
6. Makes related findings and declarations.

STAFF COMMENTS

1. ***Need for the bill.*** According to the author, this bill seeks to clarify and update California law by establishing authority and process for ROCPs, county offices of education, and adult schools to be able to participate in federal student financial aid programs. As the result of changes in the federal law, students receiving financial assistance to obtain career technical certification training through these entities may be ineligible for federal financial aid.

2. ***The Sector.*** According to information from providers, regional occupational center or program (ROC/Ps), county offices and adult schools have been participating in federal financial aid programs, some for as many as 20 years. Recent changes in the federal law regarding state authorization to offer postsecondary education programs puts about 27 of these programs currently approved to offer federal student aid, and the students they serve, at risk of losing eligibility for funds necessary to support students' postsecondary workforce training. According to one provider, about 12,000 high school graduates enrolled in post-secondary career preparation programs at ROCs, county offices and adult schools would no longer be able to access these funds without some change to California law.
3. ***State authorization.*** State authorization regulations were published in the Federal Register on October 29, 2010 (75 FR 66832) and schools were initially required to be in compliance with these rules by July 1, 2011. Since then, the U.S. Department of Education (USDE) has granted several extensions of the implementation date of these requirements, subject to a demonstration that institutions and states were making progress toward complying with and obtaining state authorization.

In May 2013, the USDE announced that it would extend the deadline for complying with a rule requiring states to authorize colleges within their borders by a year (July 1, 2014). In June 2014, the Department further delayed (until July 1, 2015) the implementation date of the state authorization regulations for institutions of postsecondary education whose state authorization does not meet the requirements of these regulations, so long as the State is establishing an acceptable authorization process that is to take effect by the delayed implementation date.

This bill proposes an urgency measure to address the state authorization requirements for workforce training programs for adults offered by K-12 affiliated entities.

4. ***Related and prior legislation.***

AB 907 (Burke) authorizes the Superintendent of Public Instruction to certify, by name, each regional occupational center or program, county office of education, or adult education program, that provides a program of training to prepare adult students for employment in a recognized occupation, and to "authorize" these entities for purposes of the center, program, or office participating in any student financial assistance program. The bill also requires these entities to meet specified requirements and authorizes individuals to use the uniform complaint process to allege violation of any state or federal laws. AB 907 is currently awaiting action in the Assembly Higher Education Committee. As amended, SB 425 is almost identical to AB 907.

AB 1181 (Calderon) declares the Legislature's intent that regional occupational centers will serve the state and national interests in providing secondary and postsecondary career technical and technical education to students and authorizes adult schools and evening high schools to include postsecondary

career technical education programs. AB 1181 is currently awaiting action in the Assembly Education Committee.

SUPPORT

East San Gabriel Valley Regional Occupational Program and Technical Center
La Puente Valley Regional Occupational Program
Los Angeles County Office of Education
Riverside County Superintendent of Schools
ROP North Orange County

OPPOSITION

None received.

-- END --