

---

## SENATE COMMITTEE ON EDUCATION

Senator Carol Liu, Chair

2015 - 2016 Regular

---

**Bill No:** SB 425  
**Author:** Hernandez  
**Version:** April 6, 2015  
**Urgency:** Yes  
**Consultant:** Kathleen Chavira

**Hearing Date:** April 8, 2015  
**Fiscal:** Yes

**Subject:** Career technical education; state authorization

### SUMMARY

This bill, an urgency measure, authorizes adult schools and evening schools to include postsecondary career technical education programs, and authorizes the Superintendent of Public Instruction to certify by name, a regional occupational center and program, or a county office of education or an adult school or an evening high school, for purposes of participation in Title IV authorized federal student financial assistance programs.

### 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:

- A. Legally authorized by a state to operate educational programs beyond secondary education.
- B. Have a process to review and act appropriately on complaints concerning postsecondary institutions. (34 CFR 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:

1. Declares the Legislature's intent that Regional Occupational Centers and Programs (ROCPs), or a county office of education, serves state and national interests in providing postsecondary career technical education programs.
2. Declares the Legislature's recognition that, for purposes of participation in any federal Title IV student financial aid program, the Superintendent of Public Instruction is authorized to certify, by name, a regional occupational center and program or a county office of education.
3. Expands existing authority relative to adult schools and evening high schools. Specifically it:
  - A. Authorizes adult schools and evening high schools to include postsecondary career technical education programs.
  - B. Authorizes the Superintendent of Public Instruction to certify them, by name, for purposes of participation in any federal Title IV student financial aid program.
4. Makes the bill an urgency measure in order to satisfy federal requirements for participation in federal student aid programs.

**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, adult schools, and evening high 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, ROCPs, 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 ROCPs, 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. **Needs more work?** As drafted, this bill declares legislative intent and recognition around Regional Occupational Centers and Programs (ROCPs) and county offices of education relative to postsecondary programs and authorizes the Superintendent of Public Instruction (SPI) to certify specified types of programs by name so that they may offer postsecondary programs for purposes of federal financial aid participation. Staff notes that the federal law was intended to create an enhanced obligation for states to more proactively oversee entities offering postsecondary programs and accessing federal financial aid funds. It is unclear whether the language currently in the bill is sufficient to satisfy federal agencies that the specific requirements of the federal law have been met. Simply inserting language that declares legislative intent and extends broad authority to the SPI within existing state statutes may be insufficient.

The author may wish to consider creation of a new section of law that outlines authority and responsibility for the California Department of Education that more closely mirrors the federal regulations. The Committee may also wish to consider whether the bill should be advanced absent a more thorough statutory response to federal requirements.

5. **Related 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 Education Committee.

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**

Alhambra Unified School District  
Baldy View Regional Occupational Program  
Bassett Unified School District  
Butte County Office of Education  
East San Gabriel Valley Regional Occupational Program and Technical Center  
Gilleland Education & Training Services  
Glendora Unified School District  
Glenn Adult Program  
Glenn County Regional Occupational Program  
Hacienda La Puente Unified School District  
Imperial Valley Regional Occupational Program  
La Puente Valley Regional Occupational Program  
North Orange County Regional Occupational Program  
Office of Riverside County Superintendent of Schools  
Placer County Office of Education  
San Joaquin County Office of Education  
SoCal ROC

**OPPOSITION**

None received.

-- END --