



Bureau for Private Postsecondary Education
Notice of Advisory Committee WebEx Meeting Agenda

Wednesday, November 16, 2022, 9:30 a.m.

NOTE: Pursuant to the provisions of Government Code section 11133, neither a public location nor teleconference locations are provided.

INSTRUCTIONS FOR OBSERVATION:

WEBCAST: Webcast of the meeting will be available at 9:30 a.m. on November 16, 2022, and viewable at <https://thedcapage.blog/webcasts>.

FOR PUBLIC COMMENT, PLEASE LOG ON TO THIS WEBSITE

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m55b2d05b0fde0e45dc016a007b9f8a6f>

Event Number: 2489 634 2718 Event Password: BPPE11162022

The preferred audio connection is via phone bridge. The phone number and access code will be provided as part of your connection to the meeting. General instructions for using WebEx can be found at the end of the agenda.

Important Notices to the Public: The Bureau for Private Postsecondary Education will hold a meeting via WebEx. Access information is provided above. General instructions for using WebEx are attached at the bottom of the agenda.

The Advisory Committee Meeting is open to the public. Members of the public may, but are not obligated to, provide their names or personal information as a condition of observing or participating in the meeting. When signing into the WebEx platform, participants may be asked for their name and email address. Participants who choose not to provide their names will need to provide a unique identifier such as their initials or another alternative, so that the meeting moderator can identify individuals who wish to make public comment; participants who choose not to provide their email address may utilize a fictitious email address like in the following sample format:
XXXXX@mailinator.com.

The Advisory Committee Meeting is accessible to the physically disabled. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Richie Barnard at (279) 666-5875, by emailing richie.barnard@dca.ca.gov or sending a written request to the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798-0818. Providing the request at least five business days before the meeting will help ensure availability of the requested accommodation.

Discussion and action may be taken on any item on the agenda. The time and order of agenda items are subject to change at the discretion of the Chair. In the event a quorum of the committee is unable to attend the meeting, or the committee is unable to maintain a quorum once the meeting is called to order, the members present may, at the chair's discretion, continue to discuss items from the agenda and make recommendations to the full committee at a future meeting.

Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the committee or prior to the committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issues before the Advisory Committee, but the chair may, at her discretion, apportion available time among those who wish to speak. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment. Individuals may present to the Advisory Committee on items not on the agenda, however, the committee can neither discuss nor take official action on these items at the time of the same meeting (Government Code sections 11125, 11125.7(a)). The Advisory Committee plans to webcast this meeting at <https://thedcapage.blog/webcasts>. Webcast availability cannot, however, be guaranteed due to limited resources or technical difficulties. The meeting will not be cancelled if webcast is not available. Using the WebEx link will allow for participation and observation with closed captioning.

Agenda

The public may provide appropriate comment on any issue before the Advisory Committee at the time the item is discussed. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment.

1. Welcome, Introductions, and Establishment of a Quorum
2. Public Comment on Items not on the Agenda (Note: The Advisory Committee may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125 and 11125.7(a)))
3. Review and Approval of August 18, 2022, Advisory Committee Meeting Minutes
4. Remarks by a Representative of the Department of Consumer Affairs, which may include updates pertaining to the Bureau's Operations, Human Resources, Department's Administrative Services, Enforcement, Information Technology, Communications and Outreach, as well as Regulatory and Policy Matters
5. Bureau Operations Update and Discussion related to the following:
 - a. IT System Project
 - b. Licensing Report
 - c. Quality of Education Report
 - d. Annual Report Update
 - e. Compliance and Discipline Report
 - f. Complaint and Investigation Report
 - g. Office of Student Assistance and Relief (OSAR) Report
 - h. Student Tuition Recovery Fund (STRF) Report

6. Status Update and Discussion related to the following Regulatory Matters:
 - a. Repeal of “Ability-to-Benefit” Language (5 California Code of Regulation (CCR) sections 71210, 71475, 71770, and 71920, California Education Code (CEC) sections 94811, 94904, and 94909(a)(8)(A), Senate Bill (SB) 607 (2021))
 - b. Exemption of Programs Less than 32 Hours (5 CCR Sections 71710, 71810, (CEC) Section 94837)
 - c. Denial of Out-of-State Application (5 CCR Sections 71396 and 71397, CEC Section 94801.5, Assembly Bill (AB) 1344 (2019))
 - d. Substantive Changes (Amend 5 CCR Section 71650, add sections 71652 and 71653, CEC Section 94894(i)-(k), SB 802 (2021))
 - e. Substantive Change Approval for Method of Instructional Delivery (5 CCR section 71600, CEC Section 94894(l), SB 802 (2021))
 - f. Memo: Anticipated Regulatory Packages Stemming from SB 1433 (2022)
7. Memo: Application Timeline Analysis and Next Steps
8. Future Meeting Dates
9. Future Agenda Items
10. Adjournment

1. Welcome, Introductions, and Establishment of a Quorum

Members:

- Joseph Holt, Chair
- Margaret Reiter, Vice-Chair
- Kansen Chu
- Melanie Delgado
- Tess Dubois-Carey
- Leigh Ferrin
- Senator Richard Roth
- Assemblymember Jose Medina



2. Public Comment on Items not on the Agenda

(Note: The Advisory Committee may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125 and 11125.7(a))



3. Review and Approval of August 18, 2022, Advisory Committee Meeting Minutes





Advisory Committee Meeting Minutes Thursday, August 18, 2022

WebEx Meeting

Advisory Committee Members in Attendance

1. Kansen Chu
2. Melanie Delgado
3. Tess Dubois-Carey
4. Leigh Ferrin
5. Joseph Holt
6. Kevin Powers (on behalf of Assemblymember Jose Medina)
7. Margaret Reiter

Committee Members Absent

Senator Richard Roth

Bureau for Private Postsecondary Education (Bureau) and Department of Consumer Affairs (DCA) Staff in Attendance

Deborah Cochrane, Bureau Chief
Leeza Rifredi, Bureau Deputy Chief
Linh Nguyen, DCA Legal Counsel
Daniel Rangel, Bureau Enforcement Chief
Elizabeth Elias, Bureau Enforcement Chief
Ebony Santee, Bureau Licensing Chief
Scott Valverde, Office of Student Assistance and Relief Chief
Yvette Johnson, Bureau Administration Chief
Joanna Murray, Bureau Senior Education Specialist
Michele Allegre, Bureau Compliance Manager
David Dumble, Bureau Legislative/Regulation Specialist
Brian Clifford, DCA Board and Bureau Relations
Gregory Pruden, DCA Legislative Manager

Agenda #1 - Welcome, Introductions, and Establishment of a Quorum

Committee Chair, Joseph Hot called the meeting to order.

Agenda #2 - Public Comment on Items not on the Agenda

One member of the public provided a comment.

Agenda #3 - Review and Approval of February 23, 2022, Advisory Committee Meeting Minutes

Public Comment

No Public Comment.

Margaret Reiter moved to approve May 17, 2022, meeting minutes; Leigh Ferrin seconded the motion.

Vote

(Joseph Holt: Aye; Margaret Reiter: Aye; Kansan Chu: Aye; Melanie Delgado: Aye; Tess Dubois-Carey: Aye; Leigh Ferrin: Aye) The motion passed.

Agenda #4 - Remarks by Representative of the Department of Consumer Affairs

Brian Clifford, DCA Board and Bureau Relations, provided an update on the Department of Consumer Affairs (Department).

Mr. Clifford provided an update on public meetings. He explained that on June 30, 2022, the Governor signed Senate Bill 189 extending the remote meeting provisions, put in place during the pandemic, through July 1, 2023. He noted costs, public participation, and the rise in COVID-19 cases in the consideration of conducting remote meetings.

Mr. Clifford announced that the inaugural report of the Enlightened Licensing Project is now available and was distributed to all boards and bureaus on May 13, 2022. He explained that this innovative and collaborative project was started to streamline and enhance licensing processes by utilizing the knowledge and expertise of subject matter experts within DCA boards and bureaus. He added that the project was conducted in partnership with the Board of Registered Nursing (BRN) after a thorough assessment of some of the BRN's licensing processes. He stated that DCA hopes all boards and bureaus can learn from the report and implement

recommendations where applicable. He noted that the next enlightenment project will focus on enforcement processes.

Mr. Clifford reported on two Brown Bag meetings held with executive officers and bureau chiefs. He stated at the June 5, 2022, meeting DCA rolled out changes to its regulation development and approval process. He stated that the August 10, 2022, meeting covered social media best practices, content examples, security, and more.

Public Comment

No public comment.

Agenda Item #5 - Adoption of Advisory Committee Handbook

Debbie Cochrane, Bureau Chief, outlined the updates to the Advisory Committee handbook. She noted the changes were focused primarily on instituting Committee member term limits.

Mr. Holt pointed to the language in the handbook regarding the expression of the general will. He reminded members of the Committee of the option to make a motion on issues members find appropriate and significant enough to seek a formal consensus.

Ms. Reiter commented on the description of the Student Tuition Recovery Fund (STRF) in the handbook. She stated that the description is incomplete but not significant enough to currently warrant a revision.

Public Comment

No public comment.

Ms. Dubois-Carey moved to approve the adoption of the Advisory Committee handbook; Ms. Delgado seconded the motion.

Vote

(Mr. Holt: Aye; Ms. Reiter: Aye; Ms. Delgado: Aye; Ms. Dubois-Carey: Aye; Ms. Ferrin: Aye; Mr. Chu: Aye;) The motion passed.

Agenda Item #6 - Status Update and Discussion related to the following Regulatory Matters

David Dumble, Bureau Legislative/Regulation Specialist, provided a status update on Bureau regulatory matters.

Mr. Dumble stated that amendments to CCR section 74110 (Annual Report), which include the reporting of labor market outcome data, were approved and became effective on July 11, 2022. He noted that submissions of the next annual report will include the new data requirements.

Mr. Dumble outlined modifications suggested by the Committee to the proposed text regarding educational programs under 32 hours. He explained that if a school has both Bureau exempted and non-exempted programs, then under the proposal the school would be required to provide a stipulated disclosure in the school catalog identifying the exempted programs. He added the disclosure should state that the exempted programs have no bureau oversight and no participation in STRF. He reported that the regulatory package has been submitted to DCA for legal review.

Ms. Reiter pointed to the stipulated disclosures in the proposed text of CCR section 71810 (Catalog) in the meeting package. She suggested that the disclosure should have a more prominent format to distinguish it from the surrounding text.

Mr. Dumble outlined four new substantive changes brought on by SB 802. He noted that the change in the distance education learning management system will be addressed in a separate proposal. He listed three substantive changes including the change in the number of hours needed to complete an educational program, a change from clock hours to credit hours, and changes to beginning participation in Federal Title IV financial aid. He stated that the substantive change package has been submitted to DCA. He added that new forms have been created for Title IV participation and for the change from clock hours to credit hours. He explained that the change in an educational program with 25 or more hours is being incorporated into the existing Change in Educational Objectives form. He explained that will eliminate the need to submit two separate forms. He stated that work on the forms is completed, and the entire regulatory package will be sent to DCA after feedback is received from DCA legal on the proposed text.

Mr. Dumble reported on the denial of out-of-state applications regulatory package. He explained that initially there were two proposals dealing with the out-of-state application and the appeal process. He explained that the Bureau now has the authority to use discretion in denying applications, and the two proposals have been merged into a single proposal. He noted that this will make it easier for DCA to analyze the proposal and for the Bureau to do a fiscal analysis. He stated the proposal is currently under review at DCA.

Ms. Cochrane pointed out the regulatory tracker in the meeting package. Mr. Dumble noted that Bureau will be utilizing DCA's new regulatory process when work begins on the "Reporting of Substantive Change: Distance Education Learning Management System" package listed on the regulatory tracker.

Public Comment

One member of the public provided a comment.

Agenda Item #7 - Legislative Update: SB 1433

Gregory Pruden, DCA Legislative Manager, provided an update on SB 1433. He explained that when he last reported to the Bureau in May 2022, SB 1433 did not contain many policy changes and a formal sunset hearing had not been held. He noted that the legislature did not conduct a formal sunset hearing for the Bureau this year, as the legislature previously extended the Bureau for one year until January 1, 2023, via SB 802.

Mr. Pruden reported that SB 1433 was substantially amended on June 22, 2022. He pointed out that the bill extends the Bureau's operations for four years until January 1, 2027. He outlined several important policy changes including the following: authorizes the Bureau to establish through regulation a level of conduct that constitutes limited physical presence; automatically terminates an institution's approval to operate on the date of closure, preventing a terminated license from being reinstated; expands prohibited business practices; and authorizes the Bureau to deny applications from institutions owned or managed by individuals who violated the California Private Postsecondary Education Act (Act) at prior institutions. He continued stating that the bill clarifies the definition of "to operate" to include the enrollment of Californians by institutions based outside of the state. He added that the bill addresses situations where accrediting agencies lose federal recognition and addresses situations where institutions lose accreditation by a recognized agency. He stated that the bill requires changes in the institution manager or person in control to the substantive change requirements which require Bureau authorization. He noted that the bill automatically suspends Bureau approval of programs that lose their approval from required state licensing agencies. He also stated the bill allows out-of-state public institutions that maintain a physical presence in California to apply for Bureau approval to operate and subjects those institutions to the Act.

Mr. Pruden reported that the Governor's approved Budget Act of 2022 includes \$24 million in general fund support for the Bureau over the next three years. He noted that this additional general fund money will assist the Bureau to pay back its special fund loan from the Bureau of Automotive Repair and will provide temporary relief to the special fund. He added that the Bureau also received permanent expenditure authority to continue operations of the Office of Student Assistance and Relief (OSAR).

Ms. Reiter asked what the status was on the passage of the bill. Mr. Pruden responded that the bill is very close to the final stage. He added that the bill requires two more votes before it will go to the Governor for signature.

Public Comment

No public comment.

Agenda #8 – Bureau Operations Update and Discussion

Quality of Education Report

Joanna Murray, Bureau Senior Education Specialist, reported on the Quality of Education Unit. She referred to Attachment 8(c).

Ms. Murray reported that the Bureau developed a PowerPoint video that outlines the monitoring process for institutions seeking to add degree programs. She explained that the video outlines relevant laws and regulations, and what an institution can expect from the Bureau. She added that the video helps to ensure institutions are held accountable and that institutions know that Bureau staff is available when assistance is needed. She noted the video is being provided to institutions up front when applying to add degree programs. She stated that the Bureau is also recommending that an institution schedules a call with the assigned Education Specialist to discuss the proposed accreditation plan. She noted the goal is to establish communication with an institutional representative who will be involved in the process moving forward.

Public Comment

No public comment.

Complaint and Investigation Report

Daniel Rangel, Bureau Enforcement Chief over complaints and investigations, reported on the Complaint and Investigation Unit. He outlined Attachment 8(f).

Mr. Holt asked for an example of when a complaint is closed at intake. Mr. Rangel responded that complaints are generally closed at intake as non-jurisdictional. Mr. Holt stated that it would be helpful to see what percentage of the complaint caseload year over year is closed at intake. He also requested that the report include the top five complaint dispositions.

Mr. Holt asked if there is an expectation in the near term to overcome the increasing pending caseload. Mr. Rangel stated that continual implementation of process improvements should lead to a downward trend in the pending caseload.

Ms. Reiter asked what steps are taken when a non-jurisdictional complaint is closed at intake. Mr. Rangel responded that in some instances staff will directly refer the complaint to another agency. He stated in other instances intake staff research to try and determine what agency would have jurisdiction or could assist the student.

Ms. Reiter asked about the top five allegations of cases referred to discipline. She asked what differentiates irregularities in the admission process and misleading advertisements. Mr. Rangel

responded that sometimes there is overlap in how cases are categorized in the report and added that clarification is needed for more consistency.

Public Comment

No public comment.

Licensing Report

Ebony Santee, Bureau Licensing Chief, reported on the Licensing Unit. She outlined Attachment 8(b).

Ms. Reiter suggested adding to the licensing report historical data on the number of institutions operating to show trends in the industry.

Public Comment

No public comment.

Annual Report (AR) Report

Elizabeth Elias, Bureau Enforcement Chief, reported on the Annual Report (AR) Unit.

Ms. Elias reported that CCR section 74110 became effective on July 11, 2022. She explained that the new regulation requires specific graduate identification data to be reported to the Bureau as part of the annual report submission. She continued that Bureau staff have been determined to make the implementation of this new regulation as clear and simple as possible. She stated that a notice was provided to institutions on July 13, 2022, including details on new requirements for the 2021 annual report submission, which is due December 1, 2022. She noted that an additional notification was sent to institutions on July 26, 2022.

Ms. Elias explained that Bureau staff worked closely with the DCA Office of Information Services to develop an easy-to-navigate template. She stated that the template includes information on how to use the template, a dictionary with definitions, and a tab to enter the institution's data. She noted that the template can be found on the Bureau's website by logging into the annual report submission portal. She added that the Bureau also worked closely with a few institutions when developing the template to ensure that the template is user-friendly.

Ms. Elias reported that the July 26, 2022, notice sent to institutions provided several responses to frequently asked questions regarding reporting requirements, including that an annual report does not need to be submitted during the 2021 reporting year if the institution was newly approved in 2021 or 2022. She continued that an annual report is only due for

institutions that are approved to operate by the bureau and requirements do not apply to out-of-state registered or exempt institutions.

Mr. Elias explained that in the 2021 annual report institutions must report student-level information for each student who graduated in 2020 and 2021, but in future years institutions will only need to report student-level information for one year of graduates. She noted that the Bureau understands some institutions may not have a Social Security Number (SSN) or Individual Taxpayer Identification Number for each 2020 or 2021 graduate, but beginning July 11, 2022, institutions are expected to collect and report this data for each graduate unless a graduate does not have SSN or ITIN, which shall be reported as not available.

Mr. Holt asked if the Bureau is planning any workshops, webinars, or events for the change in reporting requirements. Ms. Elias responded that the Bureau is monitoring institutions' needs and is open to suggestions. She added that if the institutions need assistance, then contact the Annual Reports unit at bppe.annualreports@dca.ca.gov.

Public Comment

No public comment.

Compliance and Discipline Report

Ms. Elias reported on the Compliance and Discipline Unit. She outlined Attachment 8(e).

Ms. Dubois-Carey suggested tracking and reporting on the most common reasons for issuance of a notice to comply and enforcement referral. She noted that it could be beneficial to provide that data to institutions at compliance workshops.

Ms. Reiter suggested that the report include background on why there is a trend in the greater number of announced inspections performed than the number of unannounced inspections being performed.

Public Comment

No public comment.

Update on the Bureau's IT System Project

Sean O'Connor provided an update on the Bureau's IT system project.

Mr. O'Connor reported that there have been three major software releases. He continued that the following are currently in production: the non-accredited online initial application and

associated back office processes; online consumer complaint form and associated back office processes; back office investigation and discipline processes; conversion of all investigative, discipline, and inspection data; and conversion of a select amount of licensing data. He noted that some smaller targeted enhancement functionality has been released. He explained that some of the targeted enhancements are quickly implemented following updates in law or regulations.

Mr. O'Connor outlined current activities and the project schedule. He highlighted the progress made in testing the remaining data conversion from the legacy system to the new system and in testing several other functional areas. He noted that STRF claims will be deployed along with the remaining application types during the next major software release. He noted that some refinements are needed in the processes and workflows for the remaining application types. He explained that the new system is more modernized in tracking and functionality which has led to the discovery of additional areas of enhancement. He stated that the original timeline has been extended so these improvements can be implemented before the release of the entire system. He noted that staff is working with the vendor to prioritize enhancements to reach a targeted release date.

Mr. O'Connor discussed the project budget. He explained that development resources utilized to complete the scope of the project are within planned expenditures year to year. He continued that the Bureau is working with the vendor to manage the budget and ensure there are adequate funds to support the system moving forward. He explained that, while the project timeline is being extended, requiring expenditures for additional years, expenditures are still trending under budget for the current year. He noted that more money is being expended on application processes this fiscal year than was originally planned, which has impacted the timeline for the release of lower priority functionality.

Ms. Reiter asked for some examples of what is being worked on now that is taking priority and extending the timeline in other areas of the project. Mr. O'Connor provided the example of tracking ownership structure and adding more sophistication to that in the new system. He mentioned the implementation of automatic email notifications for annual fees and renewals. He also noted work on STRF assessment invoicing with its complexity in data collection and variety of formulas.

Public Comment

No public comment.

Office of Student Assistance and Relief (OSAR) Report

Scott Valverde, OSAR Chief, reported on the OSAR Unit. He outlined Attachment 8(g).

Ms. Reiter asked if team calls with legal aid groups are a standard occurrence. Mr. Valverde responded that the team calls with legal aid groups occur quarterly in conjunction with the Advisory Committee meetings to gain insight on topics of interest and perspective on issues that may impact their clients.

Public Comment

No public comment.

Student Tuition Recovery Fund (STRF) Report

Leeza Rifredi, Bureau Deputy Chief, provided a report on STRF. She covered Attachment 8(h).

Mr. Holt asked for a status on the high percentage of pending claims from Silicon Valley students. Ms. Rifredi responded that the Silicon Valley claims are complex and require a lot of evaluation and documentation.

Ms. Reiter suggested that the STRF report provide more analysis and statistics on the process and timeframes for completing STRF claims.

Public Comment

No public comment.

Agenda Item #9 - Bureau Response to Institutional Closures and Associated Costs

Ms. Rifredi reported on institutional closures and associated costs. She outlined the issue memo titled "Bureau for Private Postsecondary Education's Response to Institutional Closures and Associated Costs" provided in the meeting packet.

Ms. Reiter commented that it could be a good idea to work with the Attorney General's (AG) Office to develop a process to set up a receiver when it becomes evident that a school may potentially close. She added that if a school is not concerned about losing approval to operate when the school is closing, then there may be a need to look at the structure for fines as an economic driver. She noted that also leads to the question of whether bonds are necessary for this discrete area.

Public Comment

No public comment

Agenda #10 – Suggestions for Future Agenda Items

Ms. Reiter suggested an analysis of disclosures and consumer protections in place. She referenced the change in the requirements for programs under 32 hours, and what can be done to ensure students understand these programs do not have Bureau oversight. She stated that it could be useful to determine how students find out about schools and programs, and then target those areas. She noted that may be more useful than voluminous disclosures.

Mr. Holt suggested a discussion on the relationship between the approval requirement that an institution identifies a location and extended approval processing times.

Public Comment

No public comment.

Agenda #11 – Adjournment

The meeting adjourned at 12:02 pm.

4. Remarks By A Representative Of The Department Of Consumer Affairs

(Note: May include updates pertaining to the Bureau's Operations, Human Resources, Department's Administrative Services, Fees, Enforcement, Information Technology and BreZE, Communications and Outreach, as well as Regulatory and Policy Matters)



5. Bureau Operations Update and Discussion related to the following:

- a. IT System Project
- b. Licensing Report
- c. Quality of Education Report
- d. Annual Report Update
- e. Compliance and Discipline Report
- f. Complaint and Investigation Report
- g. Office of Student Assistance and Relief (OSAR) Report
- h. Student Tuition Recovery Fund (STRF) Report



IT Systems Project



Licensing Statistics

Q1, FY 2022-23

Bureau for Private Postsecondary Education
Advisory Committee Meeting
November 16, 2022



FY 2022/23 Q1 LICENSE APPLICATIONS - SUMMARY

License	Received FY 22/23	Pending Assignment (Queue)	Under Review	Total Pending	Approved	Withdrawn or Abandoned	Denied	Total Closed	Average Days to Approve ^a
New Full Approval	6	13	45	58	8	3	1	12	439
New Acc Approval	10	0	6	6	6	1	2	9	223
Renewal Full	12	0	113	113	10	2	3	15	354
Renewal Accredited	23	0	44*	44	15	0	0	15	164
Changes Full	49	0	70	70	25	7	2	34	187
Changes Accredited	60	0	30	30	50	4	0	54	88
Verification of Exemption	8	0	28	28	32	0	13	45	57
Out of State Registration	65	0	1	1	7	1	5	13	82
Totals	233	13	337	350	153	18	26	197	236

^a Average Days to Approve is calculated from time assigned to analyst.

* 30 applications pending new term of accreditation.

FY 2022/23 Q1 LICENSE APPLICATIONS – SUMMARY (continued)

Oldest Pending Full Applications (as of 10/1/2022)		
Oldest Full Apps in Queue:	10/26/2021	
Oldest Full Apps Under Review:	10/24/2019	#32731
Oldest Renewal Full Apps Under Review:	4/10/2017	#30098 Discipline issues
Median Date of Full Apps in Queue:	6/27/2022	

FY 2022/23 Q1 Statewide Population by Location Type & Approval Type

Location Type for Approval to Operate	Main	Branch	Satellite	Total
	962	357	509	1823

Approval Types Population	ABMA (Accredited)	Full (Non-Accredited)	Conditional ^a	Provisional ^b	Out of State Registration
	416	523	1	22	79

^aConditional Approvals are issued for a period up to six months when minor deficiencies exist but the institution is substantially in compliance with the requirements of the laws and regulations (California Code of Regulations section 71400(d)(1)).

^bProvisional Approvals are issued to unaccredited institutions seeking approval to offer one or more degree programs and must satisfy the requirements under California Education Code section 94885.5.

Submit questions and/or comments to:

Ebony Santee

Bureau for Private Postsecondary Education

1747 N. Market Blvd, Suite 225

Sacramento, CA 95834

(279)-895-6081

Ebony.Santee@dca.ca.gov

QEU Statistics on Accreditation Tracking

(through October 19, 2022)

Bureau for Private Postsecondary Education

Advisory Committee Meeting

November 16, 2022



Status of 1247 Institutions: CEC 94885.1 Schools

(Approved to Offer Degree Programs Prior to January 1, 2015)

Outcome	Institution Count
Accredited	45
Closed or Approval Expired	49
Exempt	19
On Approved Extension	3
Surrendered Degrees	22
Suspended Degrees	4
Total	142

Status of 1247 Institutions: CEC 94885.5 Schools (Provisionally Approved for Degree Programs Since January 1, 2015)

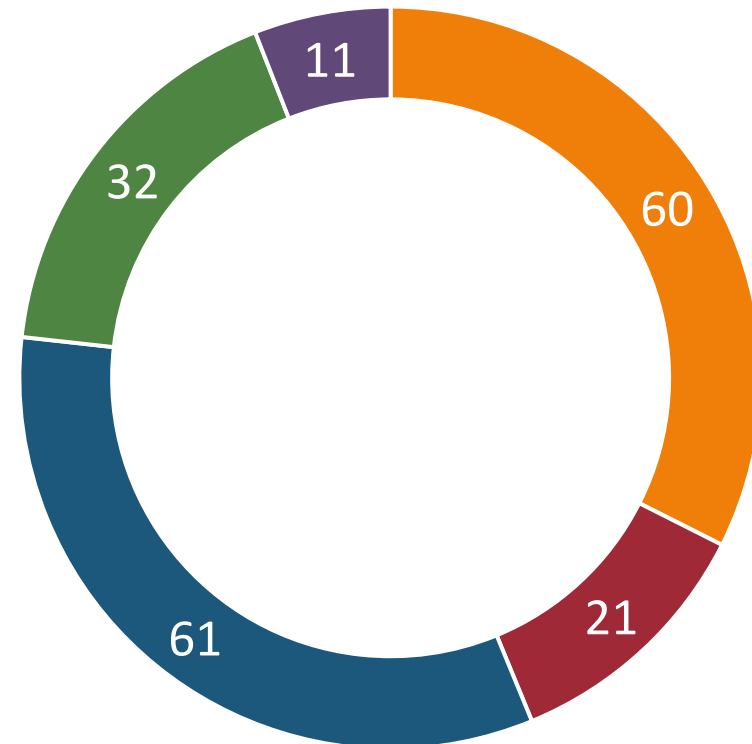
Outcome	Institution Count
Accredited	15
Closed or Approval Expired	12
Exempt	2
Surrendered Degrees	10
Suspended Degrees	7
Pursing Accreditation	34
Total	80

Outcomes of SB 1247 Institutions

Includes CEC 94885.1 and CEC 94885.5 institutions that have concluded their efforts to obtain accreditation; excludes institutions still pursuing accreditation.

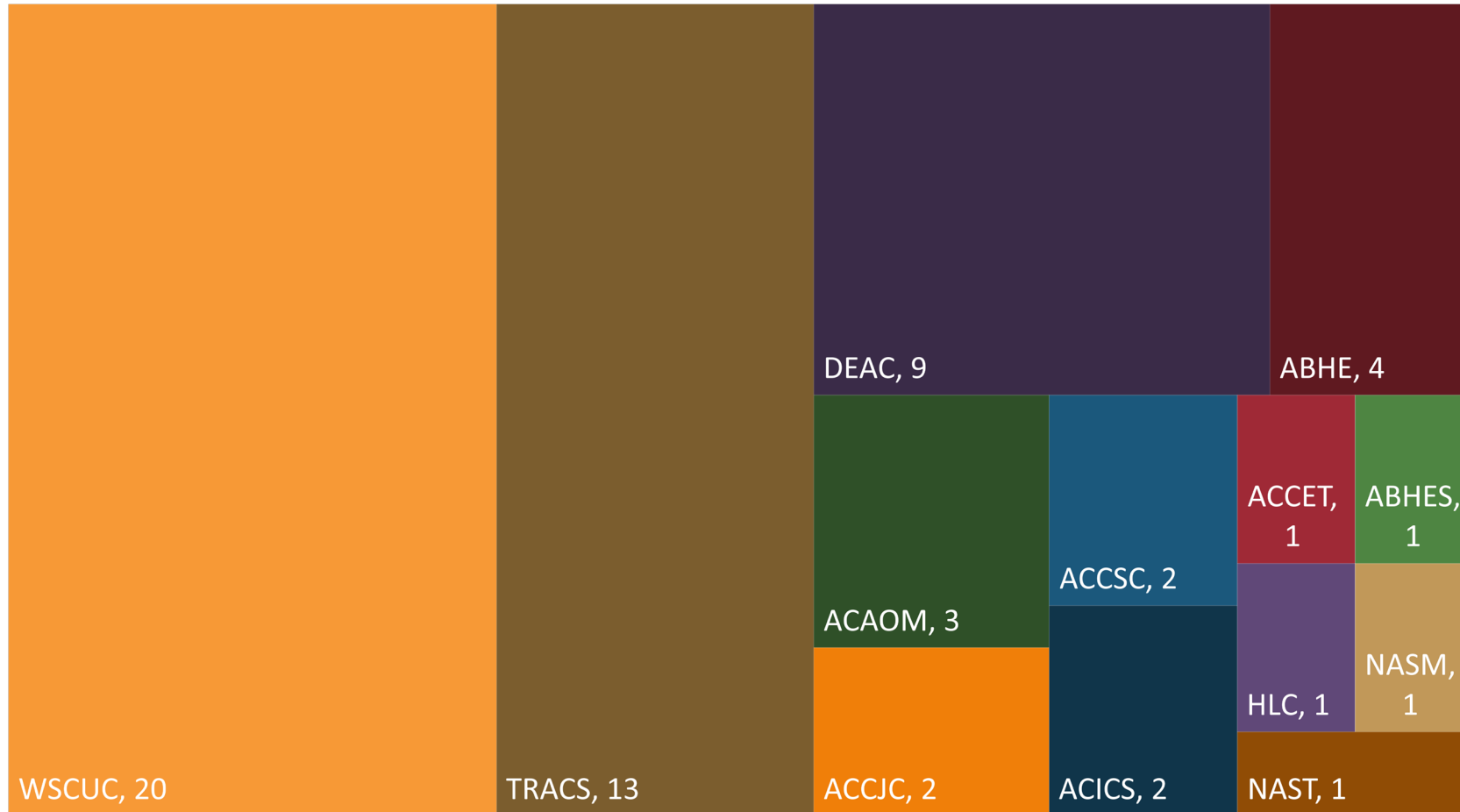
Total Institution Count: 185

- Obtained Accreditation
- Became Exempt
- Institution Closed
- Degree Programs Surrendered
- Degree Programs Suspended



Accreditors of Successful SB 1247 Institutions

Includes CEC 94885.1 and CEC 94885.5 institutions that obtained accreditation (60 in total)



- ABHE: Association for Biblical Higher Education
- ABHES: Accrediting Bureau of Health Education Schools
- ACAOM: Accrediting Commission for Acupuncture & Oriental Medicine
- ACCJC: Accrediting Commission for Community and Junior Colleges
- ACCET: Accrediting Council for Continuing Education & Training
- ACCSC: Accrediting Commission of Career Schools and Colleges
- ACICS: Accrediting Commission for Independent Colleges and Schools
- HLC: Higher Learning Commission
- DEAC: Distance Education Accrediting Commission
- NASM: National Association of Schools of Music
- NAST: National Association of Schools of Theater
- TRACS: Transnational Association of Christian Colleges and Schools
- WSCUC: WASC Senior College and University Commission

Submit questions and/or comments to:

Ebony Santee

Bureau for Private Postsecondary Education

1747 N. Market Blvd, Suite 225

Sacramento, CA 95834

(279)-895-6081

Ebony.Santee@dca.ca.gov

Annual Report Update

Bureau for Private Postsecondary Education
Advisory Committee Meeting
November 16, 2022



2021 Annual Report

- Due – December 1, 2022
- Report Submission Must Include
 - Annual Report
 - School Performance Fact Sheets
 - 2021 Catalog
 - Enrollment Agreements
 - Financial Statements
 - NEW – Graduate Identification Data

Annual Report Portal - Submission Progress

Annual Report Reporting Year	Jul.	Aug.	Sept.	Oct.	Nov.	Dec. 1st Final Due Date	Institutions Who Initiated Submission of an Annual Report Late	Total Institutions Who Initiated an Annual Report Submission	Institutions Who Did Not Initiate Submitting an Annual Report	Institutions Required to Submit an Annual Report
2019	0	50	53	111	452	41	158	865	49	914
2020	1	37	44	90	441	81	140	834	64	898
2021	1	45	49	77	N/A	N/A	N/A	172	N/A	854

School Performance Fact Sheet Workshops

- The Bureau offers School Performance Fact Sheet Workshops for Institutions to help them understand the Bureau's laws and regulations.
- Workshops are conducted in an online and interactive format.
- Institutions are encouraged to register online at the Bureau's website: https://bppe.ca.gov/schools/school_perf_workshops.shtml
- Upcoming Workshop – November 17, 2022

Submit questions and/or comments to:

Elizabeth Elias

Enforcement Chief

Compliance and Discipline Section

Bureau for Private Postsecondary Education

1747 N. Market Blvd, Suite 225

Sacramento, CA 95834

(279) 212 - 1986

elizabeth.elias@dca.ca.gov

Compliance and Discipline Statistics Q1, FY 2022-23

Bureau for Private Postsecondary Education
Advisory Committee Meeting
November 16, 2022



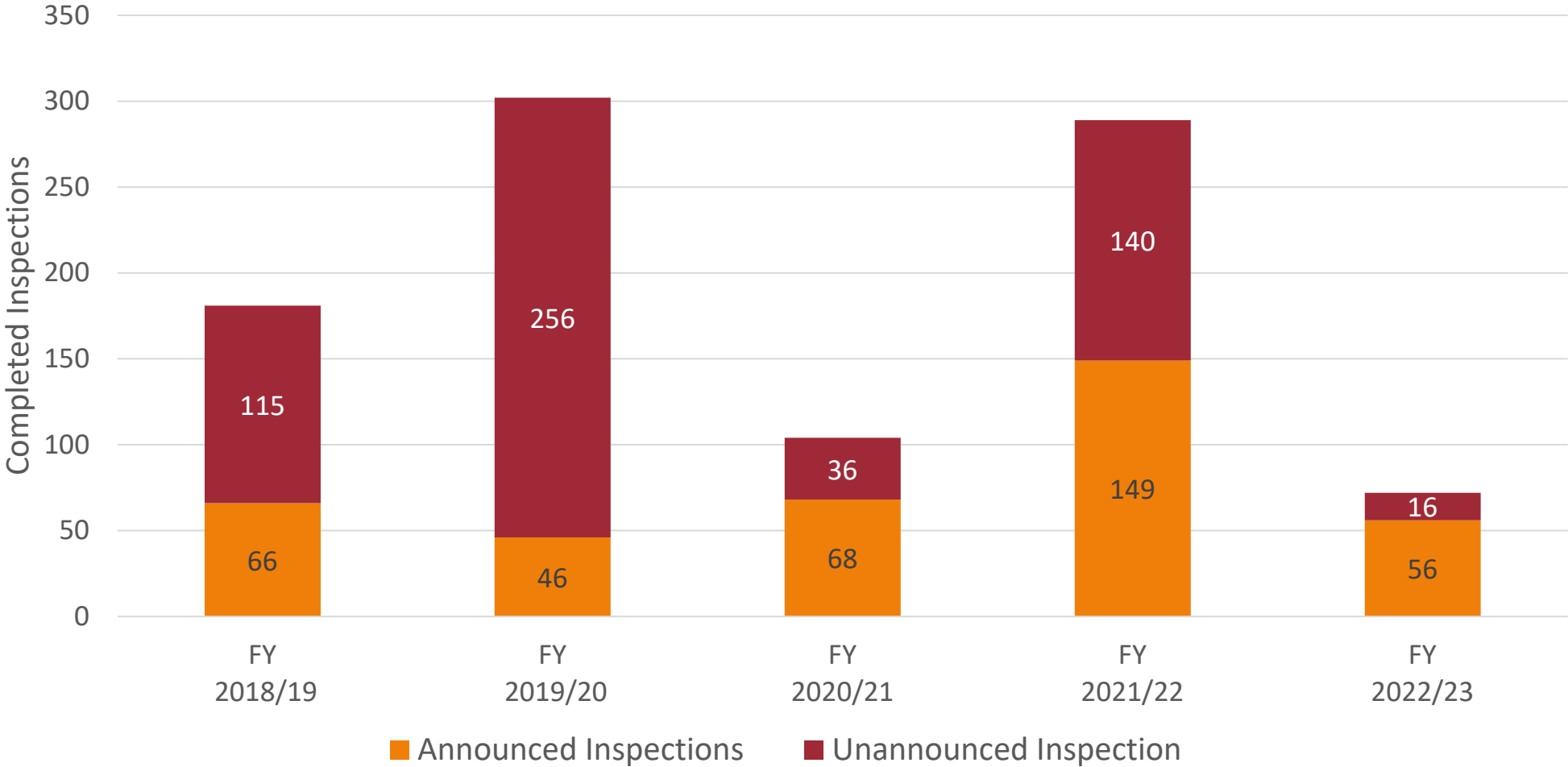
Inspections

INSPECTIONS	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23				
	YTD	YTD	YTD	YTD	Q1	Q2	Q3	Q4	YTD
Total Completed Inspections	181	302	104	289	72				72
Announced Inspections	66	46	68	149	56				56
Unannounced Inspection	115	256	36	140	16				16
Inspections Cancelled ¹	2	11	29	7	17				17

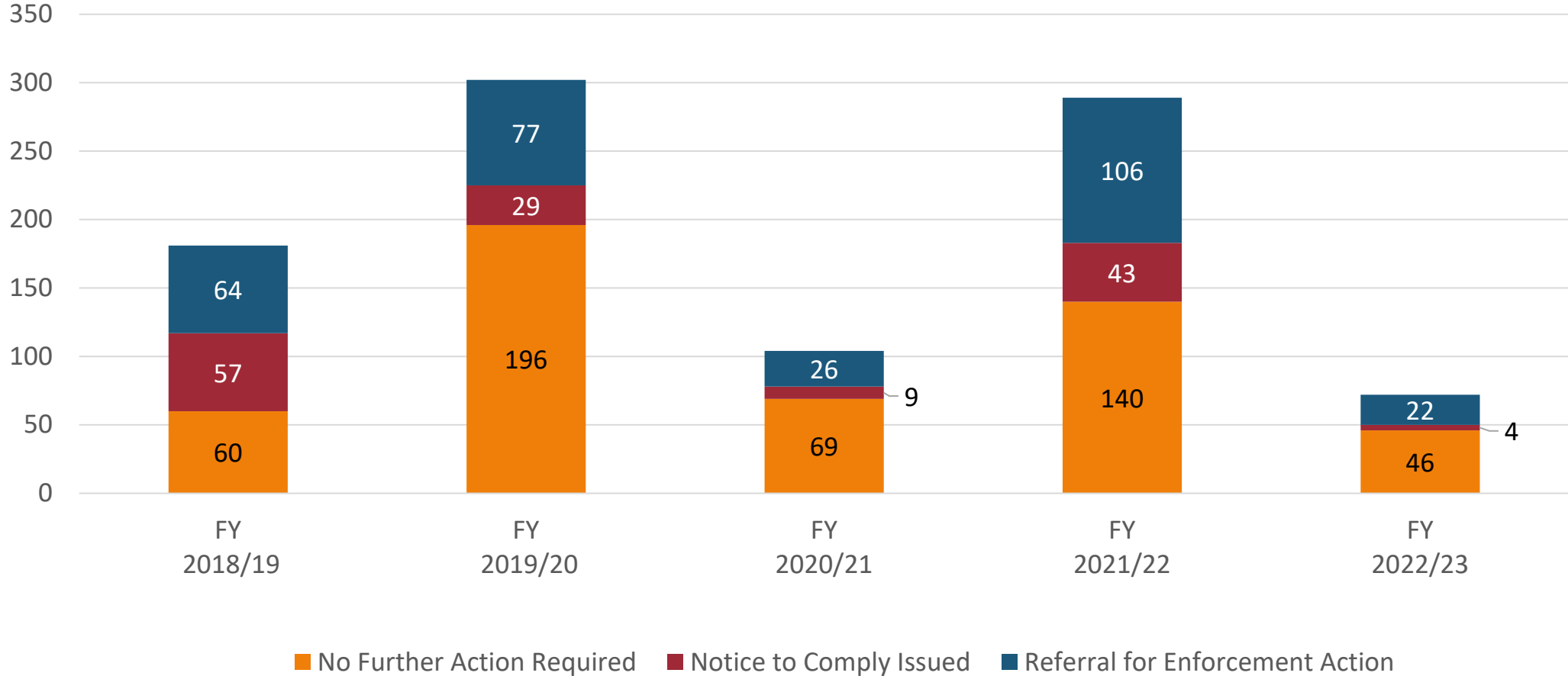
¹Reason for a Cancelled Inspection

- An institution closed during the inspection process.
- An institution surrender an approval to operate.
- An institution refused to allow an inspection resulting in further enforcement action.
- An institution was not at the physical location as recorded in the Bureau's database.
- An institution's renewal to operate was denied.

Inspections by Type



Inspection Results



Compliance Workshops

- The Bureau offers Compliance Workshops for Institutions to help them understand the Bureau's laws and regulations.
- Workshops are held monthly and are conducted in an online and interactive format.
- Institutions are encouraged to register online at the Bureau's website: https://bppe.ca.gov/enforcement/compliance_workshops.shtml
- Upcoming Workshop – December 14, 2022

Enforcement Actions Resulting from an Accusation

Actions Taken	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022 -2023				
	YTD	YTD	YTD	YTD	Q1	Q2	Q3	Q4	YTD
Default: Revocation	1	1	7	7	2				2
PC 23	2	0	0	0	0				0
Proposed Decision: Probation Granted	1	0	0	0	0				0
Proposed Decision: Revocation	0	1	1	0	1				1
Rejected by DAG	3	0	1	1	1				1
Stipulated Settlement Probation	1	6	1	0	0				0
Stipulated Surrender	4	3	4	2	0				0
Stipulated Settlement Public Repeal	0	1	1	0	0				0
Withdrawn By Bureau: Citation Issued	1	1	0	0	0				0
Withdrawn by Bureau: Violations Resolved	0	0	0	1	0				0
Withdrawn by Bureau: Renewal Granted	1	0	0	0	0				0
Total Actions Taken:	14	13	15	11	4				4

Enforcement Actions Resulting from a Statement of Issues

Actions	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23				
	YTD	YTD	YTD	YTD	Q1	Q2	Q3	Q4	YTD
In-House Default: Denial Upheld	3	1	0	0	0				0
Proposed Decision: Denial Upheld	3	3	0	2	0				0
Proposed Decision: Conditional Approval Granted	1	0	0	0	0				0
Stipulated Settlement: Denial Upheld (School Closure)	0	0	0	0	0				0
Stipulated Settlement: Conditional Approval Granted	0	0	0	0	0				0
Withdrawn: Approval Granted (Mitigation Satisfied Deficiencies)	9	13	3	1	0				0
Withdrawn: Denial Upheld (Appeal Withdrawn by Institution)	5	5	6	2	0				0
Withdrawn: Exempt Institution	1	1	2	0	0				0
Total Actions Taken:	22	23	11	5	0				0

Additional Enforcement Actions

	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23				
	YTD	YTD	YTD	YTD	Q1	Q2	Q3	Q4	YTD
Emergency Decisions	3	2	1	0	1				1
Automatic Suspensions	5	4	10	4	0				0

Cases at the Attorney General's Office Pending Disciplinary Action

As of 9/30/2022	Total Transmitted	Total Served of Transmitted
Accusations	9	8
Statement of Issues	4	3
Totals:	13	11

Citations Issued

	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23				
	YTD	YTD	YTD	YTD	Q1	Q2	Q3	Q4	YTD
Citations¹ Issued	243	333	280	146	24				24
Institution Cited	241	325	273	144	24				24

¹Common Violations Cited

- Unlicensed Activity – An institution without Bureau approval to operate.
- Failure to submit annual fees.
- Failure to submit student tuition recovery fund assessments.
- Failure to submit the annual report.
- Failure to submit school performance fact sheets.

Submit questions and/or comments to:

Elizabeth Elias

Enforcement Chief

Compliance and Discipline Section

Bureau for Private Postsecondary Education

1747 N. Market Blvd, Suite 225

Sacramento, CA 95834

(279) 212 - 1986

elizabeth.elias@dca.ca.gov

Complaint Investigation Statistics

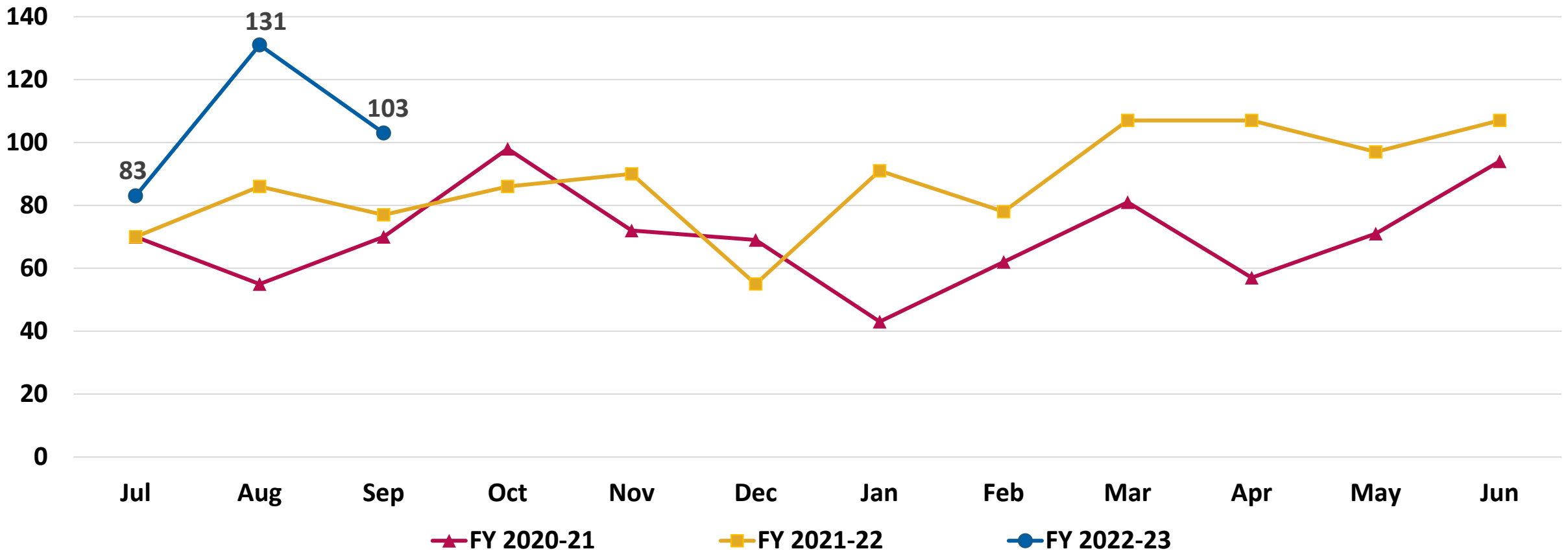
Q1, FY 2022-23

Bureau for Private Postsecondary Education
Advisory Committee Meeting
November 16, 2022



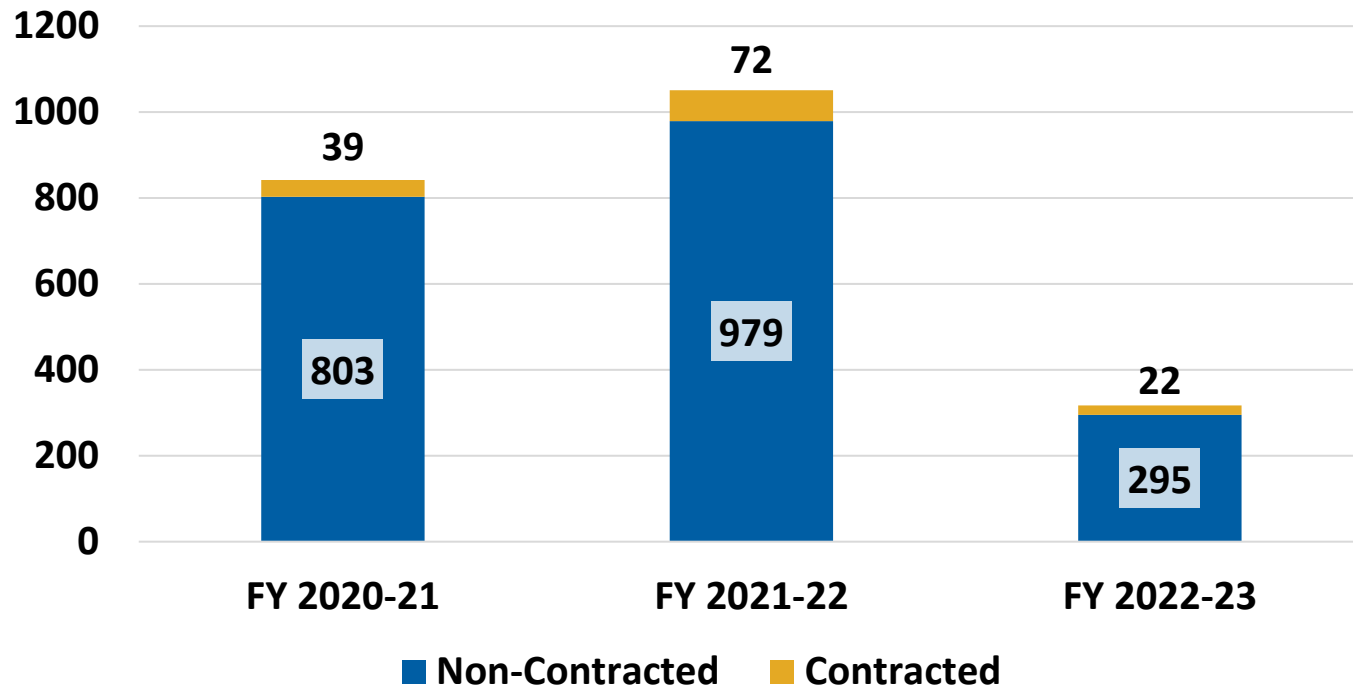
COMPLAINTS RECEIVED

Complaints Received FY 2020-21, FY 2021-22, and Q1 FY 2022-23



CONTRACTED VS. NON-CONTRACTED COMPLAINTS RECEIVED

Contracted Vs. Non-Contracted Complaints Received FY 2020-21, FY 2021-22, and Q1 FY 2022-23

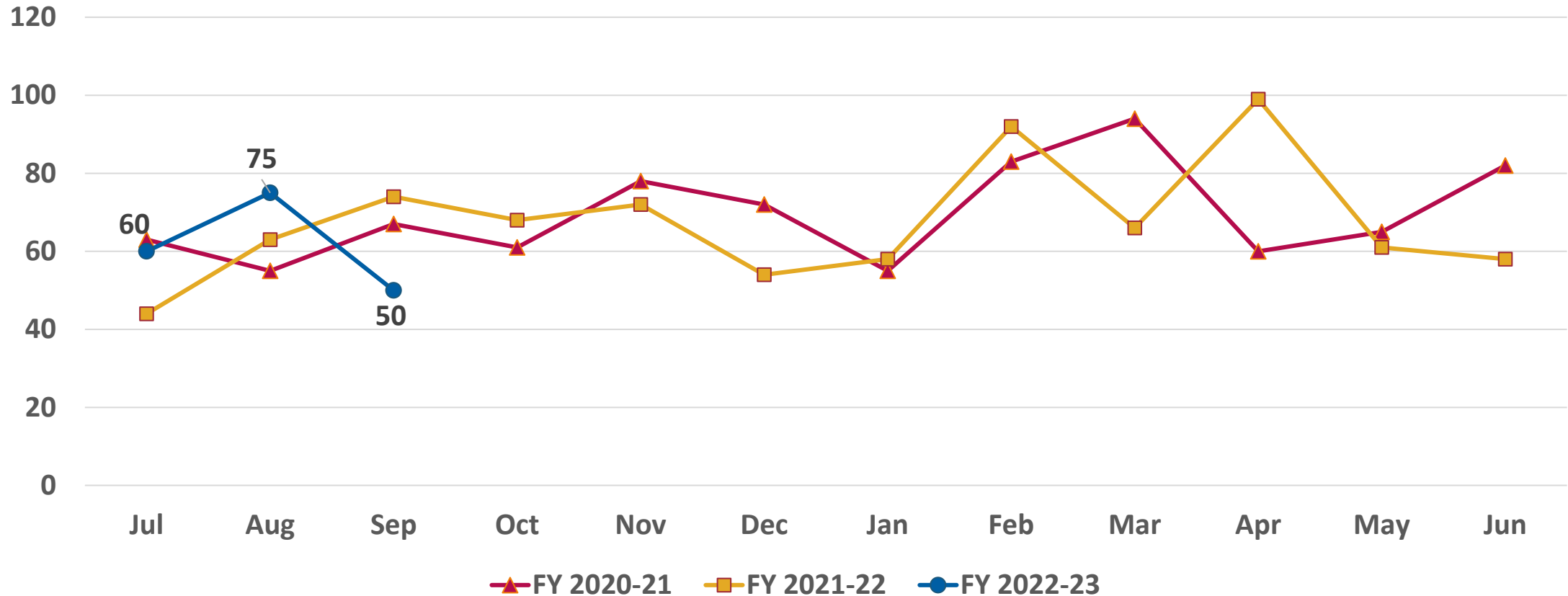


Q1 Complaints	
Total complaints rec'd	317
Total schools receiving complaints	231

Q1 Contracted School Complaints	
Contracted complaints rec'd	22
Contracted schools receiving complaints	17

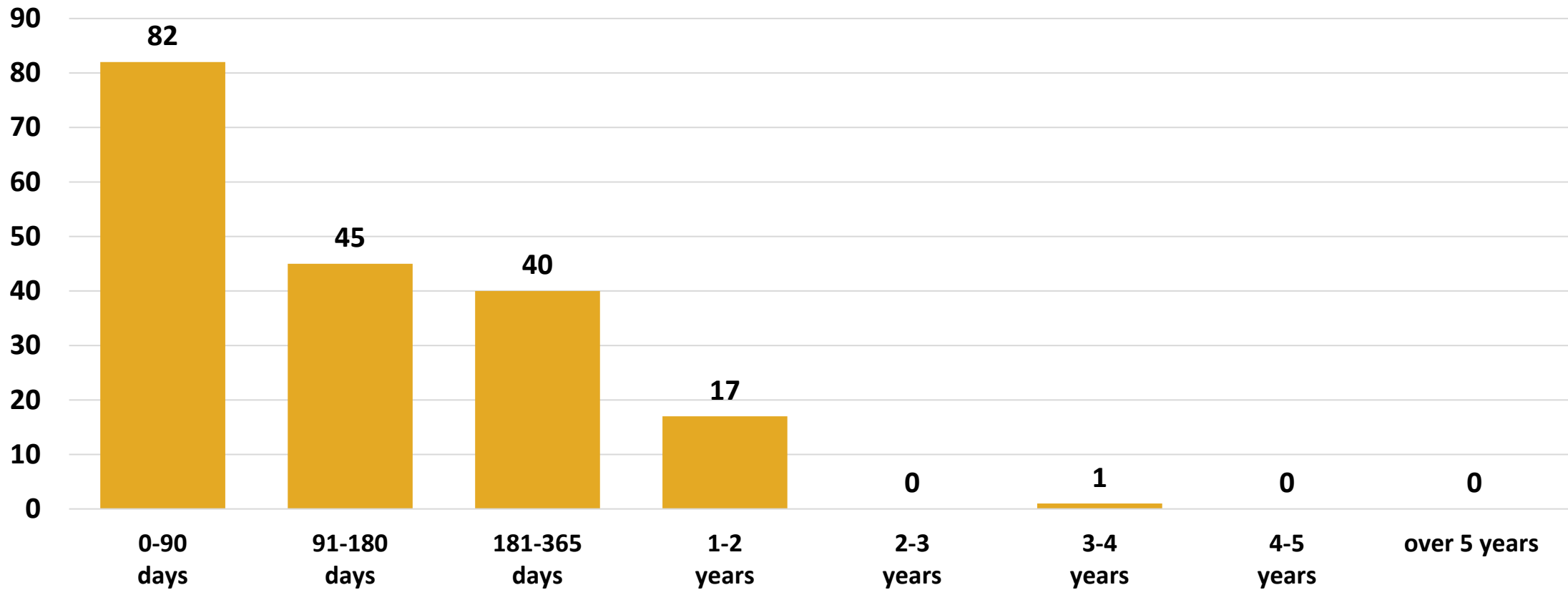
CLOSED COMPLAINTS

Complaints Closed FY 2020-21, FY 2021-22, and Q1 FY 2022-23



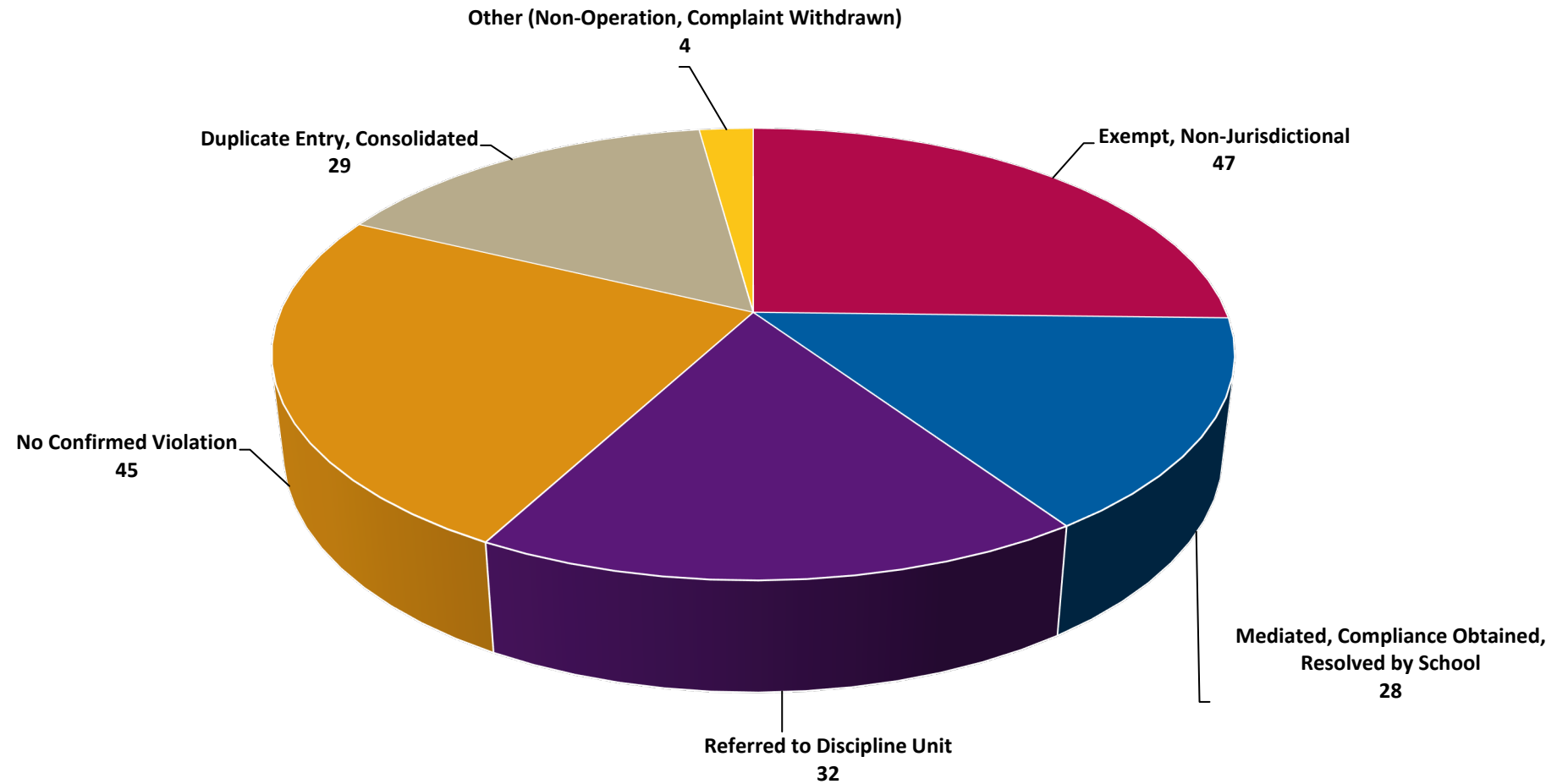
CLOSED COMPLAINTS

Days to Close (Cases closed Q1 FY 2022-23)



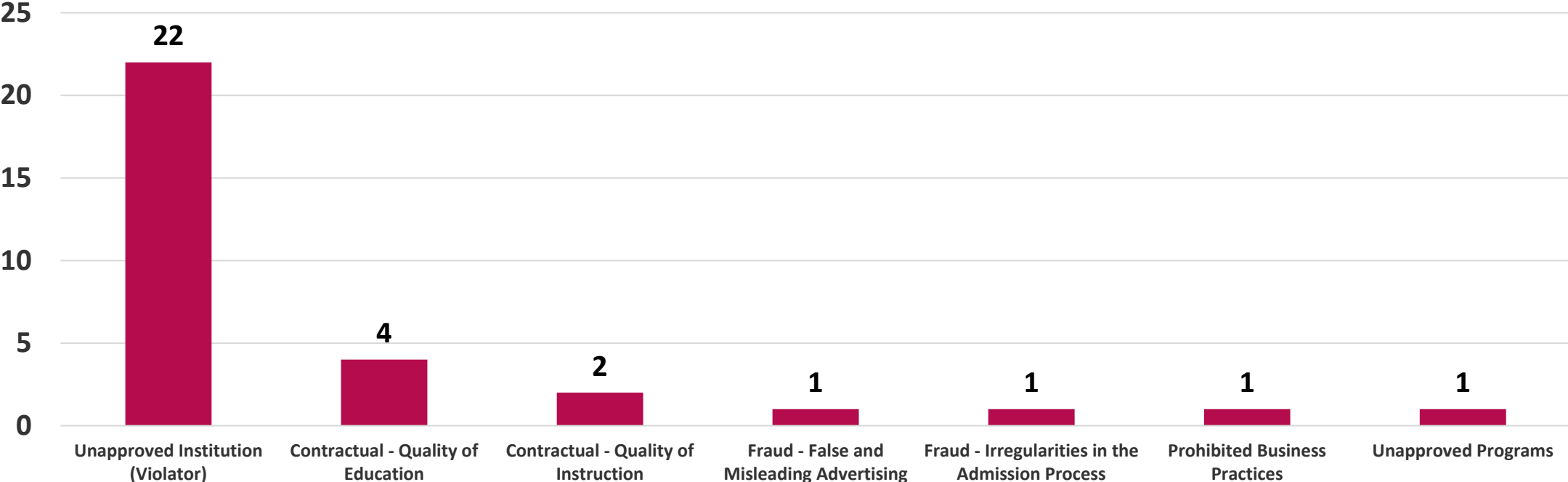
CASE DISPOSITION

Closed Complaints Grouped by Case Disposition Q1, FY 2022-23



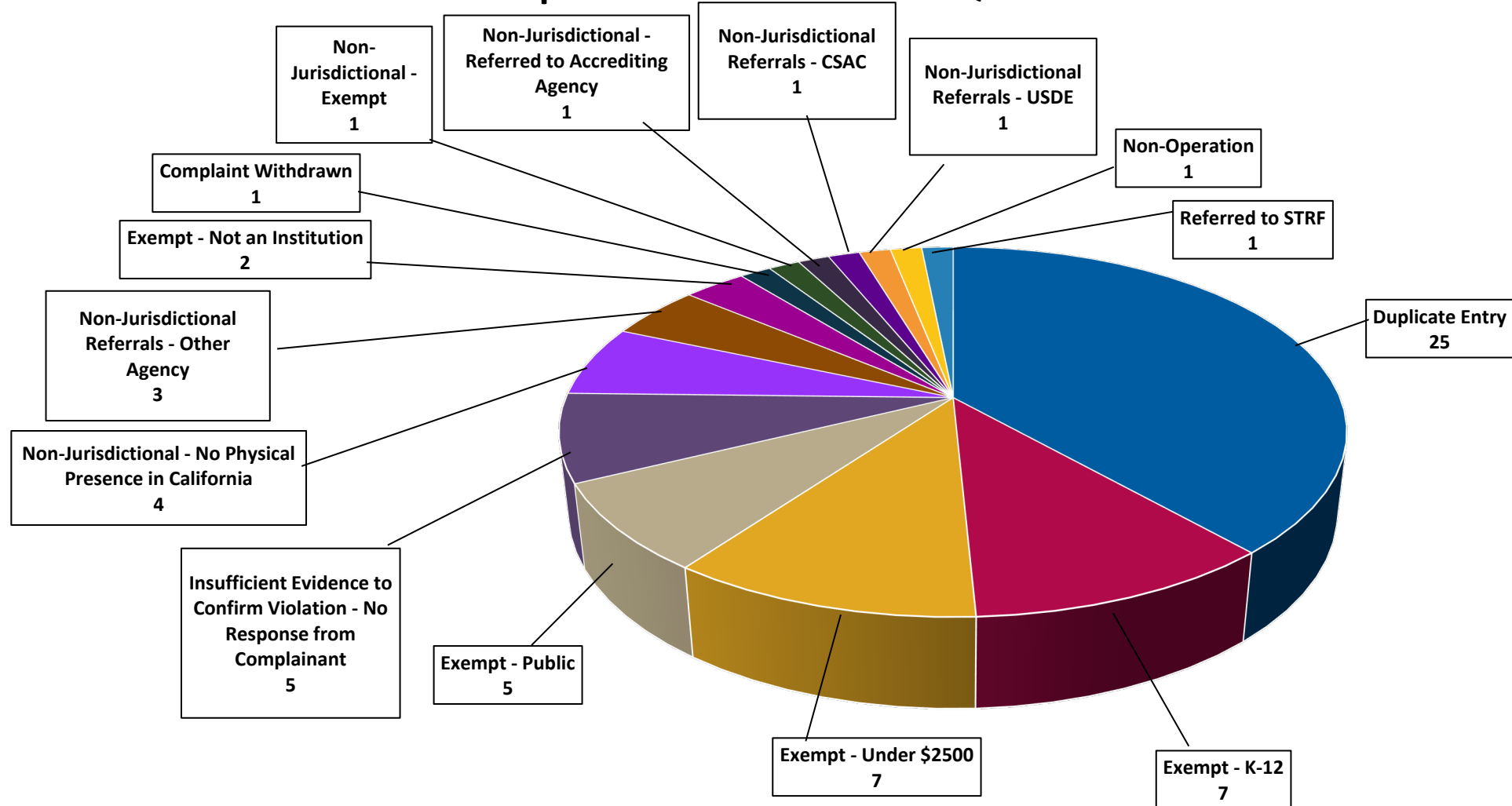
DISCIPLINE UNIT REFERRALS

Top Allegations of Cases Referred to Discipline Unit
(Q1 FY 2022-23)



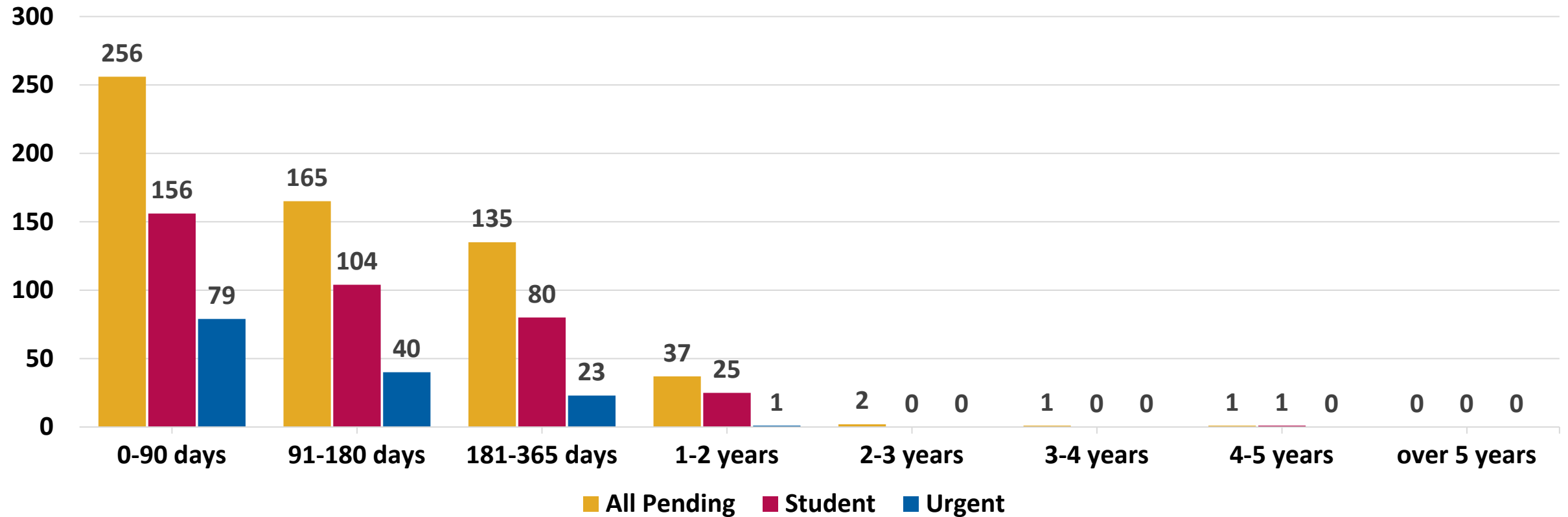
COMPLAINTS CLOSED AT INTAKE

Closure Reasons of Complaints Closed at Intake Q1 FY 2022-23

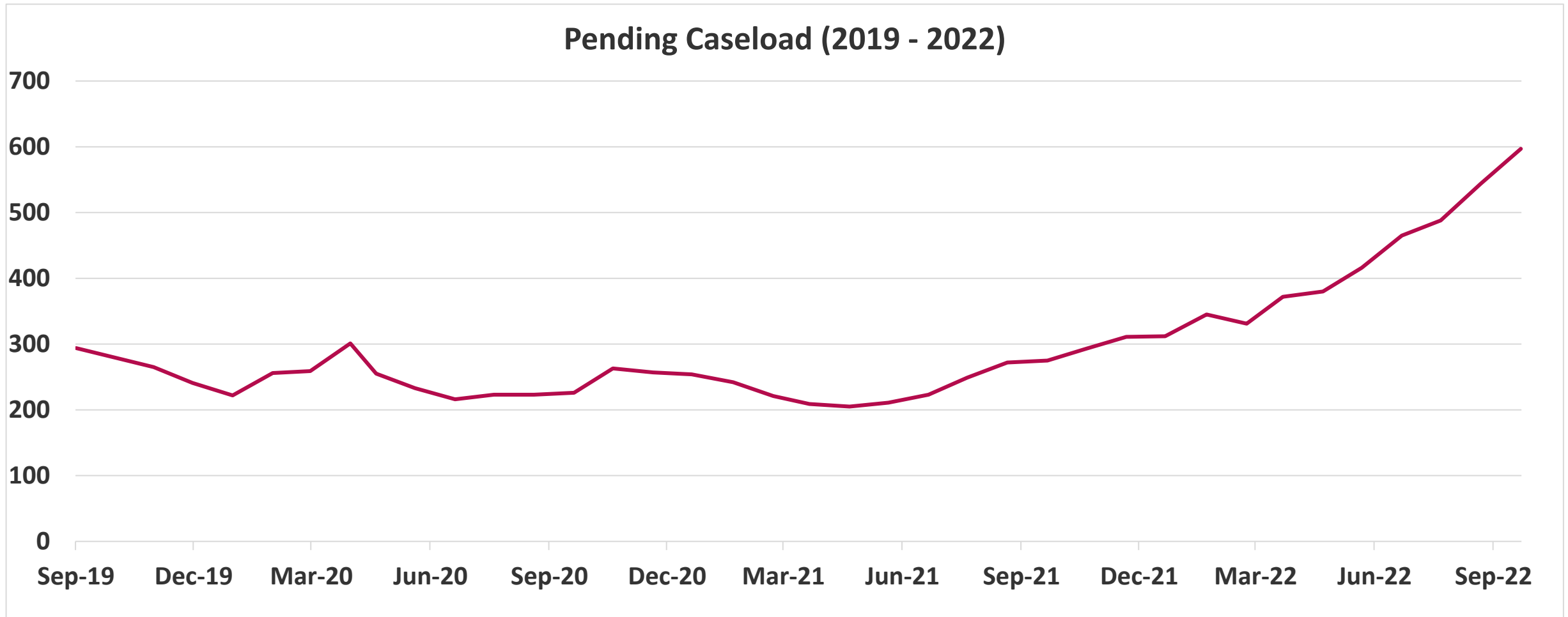


PENDING CASELOAD

Age of Pending Cases as of 9/30/22



PENDING CASELOAD



STUDENT IMPACT

- Total of \$5,933.00 in refunds to students or to their federal student aid account.
- Students received degree, diploma, proofs-of-training, certificate, license, and transcripts
- Students re-enrolled in program.
- Students referred to Student Tuition Recovery Fund.
- Student Income Share Agreements Cancelled.
- Schools revised its policies, disclosures

Submit questions and/or comments to:

Daniel Rangel

Enforcement Chief

Bureau for Private Postsecondary Education

1747 N. Market Blvd, Suite 225

Sacramento, CA 95834

916-879-1827

Daniel.Rangel@dca.ca.gov

Office of Student Assistance and Relief Outreach Statistics Q1, FY 2022-23

Bureau for Private Postsecondary Education
Advisory Committee Meeting
November 16, 2022



Office of Student Assistance and Relief: Student Outreach Report

CHART A: INFORMED CHOICE OUTREACH AND EDUCATIONAL ACTIVITIES

Student Outreach Activity	Event Type	Event Date	Event Location	Total Students Served
California Transition Assistance Program Travis Air Force Base Workshop	Student Workshop / Presentation	7/8/2022	Travis Air Force Base, CA	15
California Transition Assistance Program Beale Air Force Base Workshop	Student Workshop / Presentation	7/21/2022	Yuba County, CA	7
California Transition Assistance Program Presidio of Monterey Virtual Workshop	Student Workshop / Presentation	8/12/2022	Monterey, CA	13
Fresno Community Health Resource Fair	Community Fair	9/27/2022	Fresno, CA	45
			TOTAL	80

Office of Student Assistance and Relief: Student Outreach Report

CHART B: MISC. STUDENT OUTREACH EFFORTS

Student Outreach Activity	Event Type	Event Date	Event Location	Total Students Served
San Francisco Cooking School	Email Outreach	9/16/2022	San Francisco, CA	15
			TOTAL	15

CHART C: CLOSED SCHOOL OUTREACH WORKSHOPS

Student Outreach Activity	Event Type	Event Date	Event Location	Total Students Served
California Technical Academy School Closure Outreach Events	Virtual Student Workshop	7/29/2022	Riverside, CA	62
	Student Workshop	8/26/2022		
			TOTAL	62

Office of Student Assistance and Relief: Student Contact Report

CHART D: PHONE CALLS RECEIVED

Call Category	July 2022	August 2022	September 2022	Total Students Served
Student Tuition Recovery Fund Application Assistance	113	98	54	265
Student Loan Relief Assistance	11	5	4	20
School / Program Closure Outreach	6	0	0	6
Informed Choice Consultation	1	4	3	8
Transcript Assistance	4	8	5	17
Other	7	9	14	30
TOTAL CALLS	142	124	80	346

Office of Student Assistance and Relief: Student Contact Report

CHART E: EMAILS RECEIVED

Email Category	July 2022	August 2022	September 2022	Total Students Served
Student Tuition Recovery Fund Application Assistance	64	54	39	157
Student Loan Relief Assistance	10	12	4	26
School / Program Closure Outreach	3	0	19	22
Informed Choice Consultation	1	3	2	6
Transcript Assistance	5	12	16	33
Other	22	22	28	72
TOTAL CALLS	105	103	108	316

Office of Student Assistance and Relief: 2021/22 State Fiscal Year Summary

CHART F: 2021/22 STATE FISCAL YEAR SUMMARY

Type of Outreach	Total Number of Activities	Total Students Served
INFORMED CHOICE OUTREACH AND EDUCATIONAL ACTIVITIES	36	1,982
California Transition Assistance Program Workshops	29	495
College Fairs	5	664
Misc. Outreach Events	2	823
MISC. STUDENT OUTREACH EFFORTS	55	2,451
CLOSED SCHOOL OUTREACH WORKSHOPS	4	338
TOTAL	95	4,771

Submit questions and/or comments to:

Office of Student Assistance and Relief

Bureau for Private Postsecondary Education

1747 N. Market Blvd, Suite 225

Sacramento, CA 95834

(888) 370-7589, Option #5

osar@dca.ca.gov

STRF Statistics Fiscal Year
(FY) 2022-23: Quarter One
07/01/2022 to 09/30/2022

Bureau for Private Postsecondary Education
Advisory Committee Meeting
November 16, 2022



Student Tuition Recovery Fund (STRF) Claims

STRF Claims Received		
State Fiscal Year	FY 21-22 End of Year	FY 22-23 Quarter 1
Claims Received	360	34

STRF Claims Closed		
State Fiscal Year	FY 21-22 End of Year	FY 22-23 Quarter 1
Claims Approved	152	38
Claims Ineligible	144	35
Claims Denied	39	4
Unable to Contact	99	2
TOTAL	434	79

Student Tuition Recovery Fund (STRF) Claims

Current STRF Claims as of 09/30/2022

Current STRF Claims	
Analyst's First Review Complete/Rec. Pending	196
Analyst Review	80
Waiting for Student Response	87
In Queue	764
TOTAL	1127

Student Tuition Recovery Fund (STRF) Claims

STRF Claims Pending Payment – State Controller’s Office

State Fiscal Year	FY 21-22 End of Year	FY 22-23 Quarter 1
Amount	\$160,848	\$33,829
Claims	12	3

STRF Claims Paid Amount

State Fiscal Year	FY 21-22 End of Year	FY 22-23 Quarter 1
Amount	\$1,600,170	\$387,267
Claims	149	37

STRF Current Balance as of 09/30/2022

\$18,431,378

Student Tuition Recovery Fund (STRF) Claims

Large Impact Closures (From School Closure to Current – Total Impact)

	STRF Claims Received	STRF Claims Pending	Ineligible / Denied	Unable to Contact	Number of STRF Claims Approved	Dollar Amount Paid to Student/Loan	Dollar Amount Paid - Ed Credit (To New School)	Total Dollar Amount Paid
Heald ¹	492	194	95	100	103	\$849,941	\$30,871	\$880,813
WyoTech ¹	170	24	47	35	64	\$315,006	\$0	\$315,006
Everest ¹	567	165	133	129	140	\$562,061	\$0	\$562,061
Silicon Valley	1273	889	54	21	308	\$5,649,146	\$0	\$5,649,146

¹ Heald College, WyoTech, and Everest College were operated by Corinthian Colleges, Inc. - "STRF Claims Pending" includes claims that are awaiting a decision on their Federal Borrower Defense applications.

Submit questions and/or comments to:

Yvette Johnson

Bureau for Private Postsecondary Education

1747 N. Market Blvd, Suite 225

Sacramento, CA 95834

(279) 895-6099

Yvette.Johnson@dca.ca.gov

6. Status Update and Discussion related to the following Regulatory Matters:

- a. Repeal of “Ability-to-Benefit” Language (5 California Code of Regulation (CCR) sections 71210, 71475, 71770, and 71920, California Education Code (CEC) sections 94811, 94904, and 94909(a)(8)(A), Senate Bill (SB) 607 (2021))
- b. Exemption of Programs Less than 32 Hours (5 CCR Sections 71710, 71810, (CEC) Section 94837)
- c. Denial of Out-of-State Application (5 CCR Sections 71396 and 71397, CEC Section 94801.5, Assembly Bill (AB) 1344 (2019))
- d. Substantive Changes, (Amend 5 CCR Section 71650, add sections 71652 and 71653, CEC Section 94894(i)-(k), Senate Bill (SB) 802 (2021))
- e. Substantive Change Approval for Method of Instructional Delivery, (5 CCR section 71600, CEC Section 94894(l), SB 802 (2021))
- f. Memo: Anticipated Regulatory Packages Stemming from SB 1433 (2022)



BPPE Regulatory Package Tracker

Title	Status Summary	ACM	DCA	Agency	Public Comment	OAL	Final
		(text only)	(full package)				
Annual Reports Submissions and Labor Market Identification Data	Completed 7/11/22.	8/26/2021	2/7/2022	2/25/2022 5/16/2022	3/15/22- 5/19/22	5/27/2022	7/11/2022
Out-of-State Institution Registration (Form and Determinations)	Public comment.	8/26/2021; 2/23/2022	7/14/2022 10/19/22	10/24/2022	11/11/22- 12/27/22		
Verification of Exempt Status Application	On hold temporarily pending signature discussions.	8/26/2021					
Ability-to-Benefit Repeal	En route to OAL.	2/23/2022	8/8/2022	8/30/2022	9/16/22- 11/01/22		
Exemption of Programs Under 32 Hours	Public comment.	2/23/2022	10/17/2022	10/24/2022	11/11/22- 12/27/22		
Reporting of Substantive Changes: 3 Applications (Clock-to-Credit Hour, Title IV Participation, Increase/Decrease in Program Length)	Public comment.	5/17/2022	10/24/2022	10/31/2022	11/11/22- 12/27/22		
Reporting of Substantive Change: Distance Education Learning Management System	Scheduling kickoff meeting post-ACM.	11/16/2022					

Proposed Regulatory Language Concerning Substantive Change Approval for Method of Instructional Delivery



**California Code of Regulations
Title 5. Education
Division 7.5. Private Postsecondary Education
Chapter 2. Applications
Article 7. Applications for a Substantive Change to an Approval to Operate**

**PROPOSED REGULATORY LANGUAGE CONCERNING SUBSTANTIVE CHANGE
APPROVAL FOR METHOD OF INSTRUCTIONAL DELIVERY**

Legend—added text indicated by underline, deletion by strikethrough

1. Amend Section 71600, Article 7, Chapter 2, Division 7.5 of Title 5 of the California Code of Regulations

71600. Application for Significant Change in Method of Instructional Delivery

(a) An institution seeking to make a significant change in its method of instructional delivery shall complete the “Significant Change in Method of Instructional Delivery” form (INS rev. 28/10/22, hereby incorporated by reference) to obtain prior authorization. For the purposes of this section a “significant change in instructional delivery” is any change that alters the way students interact with faculty or access significant equipment, or is a change in the distance education learning management system. The form shall be submitted to the Bureau along with the appropriate fee as provided in Section 94930.5(c) of the Code. ~~For an institution approved under section 94885 of the Code, it shall be signed and dated by the signatory(ies) required by section 71380, and for an institution approved under section 94890 of the Code, it shall be signed and dated by the signatory(ies) required by section 71390, and each fact stated therein and each attachment thereto shall be declared to be true under penalty of perjury, in the following form:~~

~~“I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.~~

(Date)

(Signature)

~~(b) The application shall establish that the institution, if making a significant change in its method of instructional delivery, can meet the minimum operating standards contained in Chapter 3, and shall include:~~

~~(1) The name, school code, address, and telephone and fax numbers of the institution;~~

~~(2) A description of the proposed new method of instructional delivery, and how the curriculum will be changed or adapted to meet the change in delivery method;~~

~~(3) A detailed explanation of the reasons for the proposed change;~~

~~(4) A description of how the change affects students, administration, and the institution's financial resources;~~

~~(5) If the proposed change will result in any significant changes in existing faculty, facilities, library or learning resources, the institution shall provide the applicable information required by Section 71250 through 71270, inclusive;~~

~~(6) A description of how the institution will phase in the new method of instructional delivery;~~

~~(7) The name, address, email address, and telephone and fax numbers of the institution's contact person for the purpose of this application; and~~

~~(8) Any additional information required by the Bureau pursuant to section 71340.~~

(c) An institution that has been granted an approval to operate by means of accreditation shall notify the Bureau of the substantive change within 30 days of that change on the Change of Instruction form by providing the information required in sections (1) and (2) of the form ~~(b)(1) and (b)(7)~~, and shall attach certification from the institution's accreditation agency demonstrating that the substantive change was made in accordance with the institution's accreditation standards, and complies with the Act and this Division.

(c) “Distance education learning management system” is defined as an online system designed or used for the facilitation of distance education to create, distribute, and manage the delivery of educational content.

(d) “Change in the distance education learning management system” does not mean an upgrade of the existing software of the system, or a system that is renamed but otherwise unchanged from the previous system other than an upgrade.

Note: Authority cited: Sections 94803 and 94895, Education Code. Reference: Sections 94893, 94894, 94895, 94896 and 94930.5, Education Code.



Bureau for Private Postsecondary Education
 P.O. Box 980818
 West Sacramento, CA 95798-0818

OFFICE USE ONLY

Date Stamp _____

SAIL application # _____

Application fee _____ Date _____

School Code _____

Revenue Code **1257009W / 1257009V**

Application for Significant Change in Method of Instructional Delivery
(California Education Code §§ 94894, 94896; Title 5, California Code of Regulations § 71600)

- Approved Institution \$500.00 non-refundable fee**
 Institution Approved by means of Accreditation \$250.00 non-refundable fee

1. INSTITUTION

Name: _____ School Code: _____

Address _____

City _____ State _____ Zip _____

Phone Number _____ Fax Number _____

2. INSTITUTION'S CONTACT PERSON (for this application)

Name _____ Email Address _____

Address _____

City _____ State _____ Zip _____

Telephone Number _____ Fax Number _____

If this institution is approved by means of accreditation skip to #129.

Attached is a certified copy of the current verification of accreditation granted by the accrediting agency.

Note: If a question is not applicable to your circumstance, provide a brief description why.

3. PROPOSED NEW METHOD

Description of the proposed new method of instructional delivery. Provide a description of the proposed new method of delivery (for example: synchronous or asynchronous; hybrid, online, correspondence, or direct; lecture, lab, internship/externship, or practicum; or change in distance education learning management system). Identify the proposed distance education learning management system (if applicable) and provide log-in information for Bureau access.

Document is attached: _____ Yes _____ No

~~Detailed explanation of the reasons for the proposed change~~

Document is attached: Yes No

4. CURRICULUM

~~Describe how the curriculum will be changed or adapted to meet the needs of the proposed new method~~
Explain how any educational program offered through distance education is appropriate for delivery through distance education methods, as described in 5 CCR section 71715(d)(1).

Document is attached: Yes No

Describe how the institution's programs and materials are designed to be in compliance with section 71715(d)(3).

Document is attached: Yes No

Describe methods of evaluation of measurable student learning outcomes, as described in section 71715(d)(6) and sections 71710(e) and (f).

Document is attached: Yes No

Provide syllabi compliant with section 71710(c) for each proposed program.

Document is attached: Yes No

5. FINANCIAL RESOURCES AND REPORTS

~~Describe how the changes affect the institution's financial resources.~~

Document is attached: Yes No

6. FACULTY

~~Describe~~ Provide a description of how the proposed change will result in any significant changes in existing faculty. Provide qualifications of any newly (tentatively) contracted faculty to instruct in their assigned subject areas, as described in section 71720.

Document is attached: Yes No

Describe how the institution will provide students with meaningful faculty interaction, as described in section 71715(d)(4).

Document is attached: Yes No

Describe how the institution ensures that faculty are qualified to teach using distance education methods, as described in section 71715(d)(4).

Document is attached: Yes No

76. FACILITIES & EQUIPMENT

~~Describe how the proposed change will result in any significant changes in existing facilities. Provide a description of changes made to facilities and equipment as a result of the proposed change in Method of Instructional Delivery.~~

Document is attached: Yes No

8. LIBRARIES AND OTHER LEARNING RESOURCES

~~Describe how the proposed change will result in any significant changes in existing library or learning resources provide the applicable information.~~

Document is attached: Yes No

9.. AFFECTS

~~Include a description of how the institution will phase in the new method of instructional delivery.~~

Document is attached: Yes No

107. IMPLEMENTATION

~~Include a description of how the institution will phase in the new method of instructional delivery.~~

Document is attached: Yes No

Provide a description of how the institution assesses students (prior to admission) for skills and competencies to succeed in a distance education environment as described in section 71715(d)(2).

Document is attached: Yes No

Provide the proposed catalog disclosure outlining the timeframe for faculty evaluation of student submissions as required by 71715(d)(7).

Document is attached: Yes No

If the institution is proposing asynchronous (not-in-real time) instruction, provide the enrollment agreement and catalog disclosures describing any proposed changes to the institution's refund policy as described in 71716(d) and 71750(b).

Document is attached: Yes No

Provide a description of how the institution will maintain a record of the dates on which lessons, projects, and dissertations were received and responses were returned to each student as described in 71715(d)(8).

Document is attached: _____ Yes _____ No _____

118. ADDITIONAL INFORMATION

~~Include any material facts, which have not otherwise been disclosed in the application that might reasonably affect the Bureau's decisions to grant an approval. Provide any material facts, as defined in section 71340(a), which have not otherwise been disclosed in the application that might reasonably affect the Bureau's decisions to grant an approval.~~

Document is attached: _____ Yes _____ No _____

129. DECLARATION UNDER PENALTY OF PERJURY

This application shall be signed by the following:

- Each owner of the institution, or
- If the institution is incorporated, by the chief executive officer of the corporation and each owner of 25 percent or more of the stock, or interest in the institution, or
- By each member of the governing body of a nonprofit corporation.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Signature _____ Date _____

Name _____

Address _____

City _____ State _____ Zip _____

Owning _____ % of Ownership Chief Executive Officer _____ Member, Board of Directors _____

General Partner _____

I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

Signature _____ Date _____

Name _____

Address _____

City _____ State _____ Zip _____

Owning _____ % of Ownership Chief Executive Officer _____ Member, Board of Directors _____

General Partner _____

Attach Additional Sheet(s) if Necessary

Document is attached: _____ Yes _____ No _____

NOTICE ON COLLECTION OF PERSONAL INFORMATION

The information requested on this application is mandatory pursuant to CEC sections 94894, 94896 and Title 5 CCR section 71600. Failure to provide all of the information requested will result in the application being ineligible for processing, or subject to denial (Title 5 CCR section 71655). The information provided will be used to determine qualification of the applicant for authorization to make a substantive change to its approval to operate by the Bureau for Private Postsecondary Education (Bureau). The information may be provided to other governmental agencies, or in response to a court order, subpoena, or public records request. You have a right of access to records containing personal information maintained by the Bureau unless the records are exempted from disclosure by law. For questions about this notice or access to your records, you may contact the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798-0818, by phone at (916) 574-8900, or by email at bppe@dca.ca.gov.

Memo: SB 1433 Regulatory Impact





ISSUE MEMORANDUM

DATE	November 8, 2022
TO	Advisory Committee Members Bureau for Private Postsecondary Education (Bureau)
FROM	David Dumble Legislation/Regulation Specialist
SUBJECT	SB 1433 regulatory impact

SB 1433 (Roth, Chapter 544, Statutes of 2022) extended the Bureau’s sunset date for four years and also enacted several statutory changes. This memo outlines the most significant provisions for which the Bureau will implement regulations.

- Section 1 of SB 1433 added the words, “as applicable” to Education Code section 94801.5 in describing the information an out-of-state institution must submit on the application for registration. The Bureau has incorporated this change into the Out-of-State Registration application already being modified.
- Section 2 of SB 1433 enacts a new Education Code section 94801.7, which authorizes the Bureau to adopt regulations to establish “thresholds of California-based activity that constitute limited physical presence” in the state, as well as minimum levels of activities that do not require registration. This new statute also defines what activities an institution may undertake that will be considered a physical presence in the state, namely, “if it offers instruction or core academic support services from a physical location owned, operated, or rented by or on behalf of the institution in California,” which requires defining the meaning of “core academic support services.”
- Section 6 amends Education Code section 94887 to permit the Bureau to deny an application for approval to operate if the institution would be “owned by, have persons in control of, or employ institution managers that had knowledge of, should have known, or knowingly participated in any conduct that was the cause for revocation or unmitigated discipline at another institution.” The Bureau will have to develop regulations to create definitions for who would qualify for such a designation and under what circumstances.
- Section 13 adds Education Code section 94926.5 to state that “an institution’s approval to operate is automatically terminated on the date of closure or when its exemption from this chapter has been verified by the bureau,” and that “an institution that does not identify a date of closure shall have one selected by the

bureau.” The Bureau will need to develop regulations outlining how it will select a closure date in cases where one is not identified by the institution.

- Section 19 adds section 94949.8 to the Education Code to permit public institutions of higher education operated by another state that have a physical presence in California to apply for an approval to operate. This will require the Bureau to create a new application process for out-of-state public institutions. The statute also directs that “the bureau shall publish public guidance regarding the application of this chapter and the regulations adopted pursuant to this chapter to a public institution of higher education approved” under this section; however, this guidance is exempt from the requirements of the Administrative Procedures Act (Chapter 3.5 of the Government Code).

The Bureau is also required to amend any regulation in conflict with section 94949.8 before July 1, 2024.

7. Memo: Application Timeline Analysis and Next Steps





ISSUE MEMORANDUM

DATE	November 8, 2022
TO	Advisory Committee Members Bureau for Private Postsecondary Education (Bureau)
FROM	Ebony Santee Education Administrator
SUBJECT	Application Timeline Analysis and Next Steps

In recent months, driven by lengthening timelines and stakeholder feedback, Bureau staff have undertaken several efforts to understand application approval timelines. The goal of this effort was to understand whether there are causes for unnecessary delays in the process of adjudicating applications and how to address them. Efforts undertaken included:

- **Staff Discussion:** Bureau leadership convened a staff meeting to discuss areas within the Bureau’s approval processing where staff saw frequent institutional challenges, areas of internal confusion or inconsistency, and opportunities to adjudicate applications (whether approval or denial) more expediently.
- **Deficiency Letter Analysis:** Bureau staff aggregated information from two initial deficiency letters from each analyst in the Bureau’s licensing and quality of education units to analyze whether particular ‘problem areas’ existed, either in applicants’ information or the Bureau’s handling of the information.
- **“Chess Clock” Analysis:** For several applications that were recently approved after lengthy timelines, Bureau staff charted the movement of an application between the Bureau and the institution to identify the time in each entities’ possession and uncover factors that contributed to unnecessary delays in processing.

This memo outlines some of the Bureau’s findings regarding the approval process and the next steps currently under consideration or development. As the most intensive of the Bureau’s approval applications and processes, the Bureau focused primarily on reviewing applications for approval from non-accredited institutions; however, the findings and proposed responses apply to other application types.

Finding	Bureau response
<p>Applications submitted frequently include conflicting or incomplete information. Examples include:</p> <ul style="list-style-type: none"> - Institutional name, program details, or information about financial aid, faculty, or organizational structure. 	<p>Bureau staff currently conduct licensing workshops to assist new licensees in understanding minimum requirements and the application process. Staff are considering whether refinement of these existing resources, or development of new ones,</p>

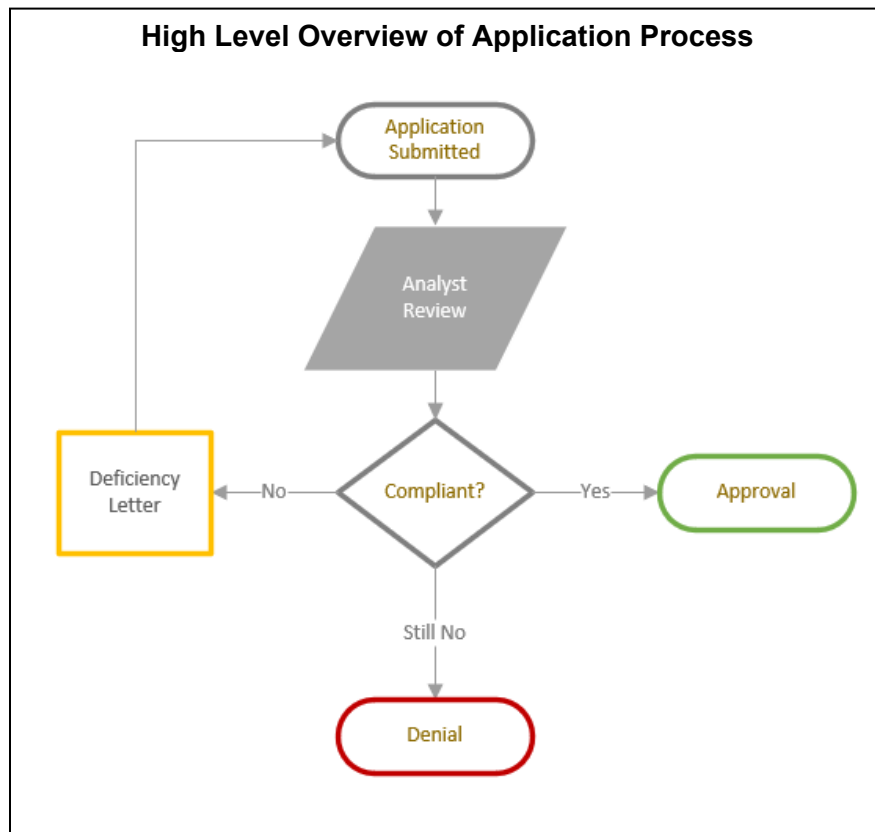
Application Timeline Analysis and Next Steps

Page 2 of 3

<ul style="list-style-type: none"> - Incomplete or noncompliant financial information, including reports that do not address the required time period, include the requisite information, or are not completed by the requisite professional. 	<p>would better help applicants understand application submission requirements and avoid unnecessary deficiency letters and delays in processing.</p>
<p>Deficiency letters can vary in the level of detail requested by analysts.</p>	<p>Discussions are underway regarding the level of documentation needed to verify compliance, and what warrants documentation across the board versus in specific circumstances in which red flags have been raised.</p> <p>Staff will consider whether changes to applications to more clearly articulate statutory/regulatory requirements would improve application quality.</p>
<p>Five or more deficiency letters may be sent for a single application; many are followed by institutional requests for extensions to respond. With a typical 30-day turnaround time and extension requests that are typically granted, each deficiency letter adds approximately 90 days to the overall processing time.</p>	<p>Staff are considering:</p> <ul style="list-style-type: none"> - Limiting the number of deficiency letters sent (number TBD). - Supplementing letters with phone calls.
<p>For unaccredited institutions, there are often lengthy transitions between the Bureau's licensing and quality of education units (QEU), stemming from QEU backlogs and staffing shortages.</p>	<p>The Bureau has prioritized filling open QEU positions; current positions have now been filled. Unit leadership is considering whether additional positions are warranted.</p>
<p>For institutions approved by means of accreditation, lengthy delays typically result from accreditor timelines.</p>	
<p>Lengthy timelines can lead to unnecessary costs for would-be institution owners because the application requires evidence that an appropriate location has been secured.</p>	<p>Bureau leadership is developing solutions to ensure consistent implementation of procedures that explicitly allow applicants to submit applications before securing an institutional location, with the understanding that no approval will be granted without documentation that an appropriate location has been secured.</p>

The Bureau welcomes feedback from the Advisory Committee on this topic including:

- Are additional resources beyond licensing workshops warranted?
- What factors should be considered in determining what is an appropriate number of deficiency letters to send an institution in response to incomplete or noncompliant applications?
 - o Once an application is denied, institutions have further opportunity to submit information to bring the application into compliance through the appeal process. This functions similarly to a deficiency letter process; however, this is a costlier process than handling it internally.
- Are there other opportunities to make improvements to the Bureau's licensing processes that streamline application adjudication and/or maximize consumer protection?
- Are there other aspects of the Bureau's licensing processes that staff should be considering?



8. Future Meeting Dates

- February 16, 2023
- May 16, 2023
- August 16, 2023
- November 15, 2023



9. Future Agenda Items



10. Adjournment

