

**BUREAU FOR PRIVATE
POSTSECONDARY EDUCATION**

**AB 1340: ANNUAL REPORTS SUBMISSIONS AND LABOR
MARKET IDENTIFICATION DATA**

PROPOSED MODIFIED TEXT

Legend: Added text is indicated with an underline.
Deleted text is indicated by ~~strikeout~~. Omitted text is indicated
by (* * * *)

Modified text (15-day) comment period:
Added text is indicated with a double underline.
Deleted text is indicated by ~~double strikeout~~.

(1) Amend Section 74110 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§ 74110. Annual Report.

(a) The annual report required by Section 94934 of the Code shall include the information required by this section, subsections (f) - (j) of section 74112, and sections 94929.5 and 94934 of the Code for all educational programs offered in the prior calendar year, and all of the following for the prior calendar year:

- (1) Information regarding institutional branch campuses, including addresses and programs offered at each campus, if applicable;
- (2) Information regarding satellite locations, including addresses and with which campus(es) the satellite location is affiliated, if applicable;
- (3) Name of institutional accreditors for each branch and satellite campus, and for each such campus at which any programs have programmatic accreditation, the names of the programmatic accreditor for each such program, and effective dates for each programmatic accreditation, if applicable;
- (4) Information regarding participation in state and federal student loan and grant programs, including the total amount of funding received from each source for

those students enrolled in an approved California school regardless of their state of residency;

(5) Information regarding participation in other public funding programs, including the amount of funding received from each public funding source; for purposes of this section, public funding is any financial aid paid on behalf of students or directly to an institution from any public source, such as the Workforce Investment Act, any veterans' financial aid programs pursuant to Section 21.4253 of Title 38 of the Code of Federal Regulations or any other financial aid program that is intended to help students pay education-related expenses, including tuition, fees, room and board, and supplies for education; ~~and~~

(6) The total percentage of institutional income that comes from any public funding sources; and,

(7) A blank copy of the institution's enrollment agreement and the catalog for the reporting year.

(b) In addition to the information required by section 94934 of the Code and this section provided under penalty of perjury, the institution shall have annual financial statements prepared for the institution's prior fiscal year and signed under penalty of perjury, and shall submit a hard copy under separate cover of such statements in conjunction with its annual report. The form, content and mode of preparation of financial statements shall comply with Section 74115 of this Division. The Bureau may request that the institution immediately make available for inspection to a representative of the Bureau, these financial statements at the offices of the institution.

(c) As part of its annual report to the Bureau, every institution shall provide graduate identification data for each student who graduated from the institution's educational program(s), which shall include:

(1) The graduate's name and federal taxpayer identification number, which is either the graduate's social security number (SSN) or individual taxpayer identification number (ITIN). If the graduate does not have an SSN or ITIN, the graduate's information shall be reported as "not available";

(2) The date of graduation;

(3) The following information regarding the educational program in which the graduate was enrolled:

(A) The federal Bureau of Labor Statistic's Standard Occupation Classification (SOC) codes for which the institution has identified that the program prepares its graduates when required for the reporting of job placement rates under subdivision (i)(3) of section 74112 of this Division;

(B) Educational program's name;

(C) Program length, as measured in clock hours or credit hours; and,

(D) Type or title of degree, diploma or certificate awarded.

(4) The amount of federal student loan debt for the graduate, if any, as reported by the institution under subdivision (g) of section 74112 of this Division.

(d) Specific Timeframes for Reporting Graduate Identification Data: (1) ~~The first annual report submitted by an institution that contains the graduate identification data required to be reported in subsection (c) shall be filed with the Bureau by the first Annual Report deadline occurring more than 120 days after the date an institution receives written notice from the Bureau as provided by this section. The written notice shall inform the institution that the Director has certified that the Bureau's information technology system has been updated and is capable of processing the data as required by Section 94892.6 of the Code. The written notice shall also notify the institution that the annual report submission occurring more than 120 days after receipt of the Bureau's written notice must contain the graduate identification data required by this section.~~ The written notice required by Section 94892.6(b)(5) of the Code shall inform the institution that the Director has certified that the Bureau's information technology system has been updated and is capable of processing the data required by that Section and that the institution has 120 days from receipt of the notice to comply with this section.

(2) The first annual report submitted by an institution that contains the graduate identification data required to be reported in subsection (c) shall include information collected on all students who graduated from January 1, 2020 through the end of the prior calendar year. Subsequent annual reports containing graduate identification data filed by an institution shall include information about students who graduated in the prior calendar year only.

(e)(e) An institution shall file its annual report by December 1st of each year. The Bureau may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of its filing its annual report because of a change in the fiscal year without the Bureau's approval.

(f)(f) The annual report shall be electronically filed by submitting the information required by section 94934 of the Code and this section via the Bureau's online form provided annual reports portal designated on the Bureau's website at: www.bppe.ca.gov, and electronically attaching uploading, as directed, the School Performance Fact Sheet, the enrollment agreement, and the school catalog and the graduate identification data required by this section. The following conditions relate to such electronic filings:

(1) Institutions submitting their annual report submission shall first have a responsible institution representative register the institution for a user account by creating a user name, password, email address, and the institution representative's first and last name, primary phone number, and address.

(2) As part of the annual report, the institution shall provide standard reporting and

contact information through the online portal, including:

(A) the report year,

(B) institution's approval code,

(C) institution's name,

(D) institution's physical address,

(E) the form of business organization of the institution (sole proprietorship, for-profit corporation, non-profit corporation, or limited liability company (LLC)),

(F) a statement whether the institution is current on its annual fees; and,

(G) the institution's website address, or notice that it does not maintain an internet website if it does not do so.

(3) The graduate identification data reported by the institution shall be provided in the following application and file format: in an Excel spreadsheet (.xls or .xlsx file format), text file with a semi-colon, comma, or pipe delimiter (.csv or .txt file format).

(4) Electronic Signature: When a signature is required by the particular instructions of any filing to be made through the online portal, including any attestation under penalty of perjury as required by Section 94934 of the Code, a responsible institutional representative of the institution shall affix their electronic signature to the filing by typing their name in the appropriate field and submitting the filing via the Bureau's online portal. Submission of a filing in this manner shall constitute evidence of legal signature by any individual whose name is typed on the filing.

(5) When considered filed with the Bureau: Solely for purposes of a filing made through the online portal an annual report is considered filed when all information required by this section has been submitted by the institution and the institution has received an email to the email address associated with their filing that their submission has been received by the Bureau. Receipt of this email does not constitute confirmation that the information submitted complies with the requirements of this section.

(6) The financial statements referenced in subsection (b,) which are not permitted to be filed via the Bureau's online portal, shall be filed by providing or mailing hard copies directly to the Bureau's Annual Report Unit at the mailing address of the principal office of the Bureau as provided in section 70020.

Note: Authority cited: Sections 94877, 94929.5, 94929.7, 94934 and 94941, Education Code. Reference: Sections 94892.6, 94929.5, 94929.7, 94932, 94934 and 94941, Education Code; Sections 1633.2, 1633.7, and 1633.9, Civil Code; Section 16.5, Government Code.