

DEPARTMENT OF CONSUMER AFFAIRS
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

ADDENDUM TO THE FINAL STATEMENT OF REASONS

Hearing Date: April 25, 2018

Subject Matter of Proposed Regulations: Out-of-State Institution Registration

(1) Section Affected: Amend 71398

Updated Information

The Bureau for Private Postsecondary Education hereby incorporates by reference the Final Rulemaking File for OAL File Number 2018-0521-02 C; subject of regulations: Out-of-State Institution Registration.

The information contained therein is updated as follows:

The Bureau issued a 15-Day Notification of Modified Text on July 6, 2018. The purpose of the modification was to improve the clarity of subsection 71398(c), which had been withdrawn from the proposed rulemaking which has been incorporated by reference above.

Section 71398(c)

This subsection was amended to clearly state that upon submission of a complete application to re-register, that is ultimately granted by the Bureau, it is the re-registration period that begins to run, not an extension of the current registration period. The modification also includes what must be included for the re-registration application to be considered complete.

The specific materials required to constitute a complete application are statutorily required. The completed application provides a basis for a tentative approval until the application can be fully reviewed, thus allowing the institution to be re-registered upon submitting a completed re-registration application, which is necessary to be consistent with the two-year limitation. This is needed to prevent any lapse between the expiring registration and the new re-registration, which would leave California students unprotected during any lapse in registration.

Local Mandate Determination

The proposed regulations do not impose any mandate on local agencies or school districts.

Summary and Response to Comments

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE INITIAL NOTICE PERIOD OF MARCH 9, 2018 THROUGH APRIL 23, 2018, AND THOSE RECEIVED AT THE PUBLIC HEARING ON APRIL 25, 2018.

The Bureau did not receive any comment during the notice period or at the public hearing.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE MODIFICATION NOTICE PERIOD OF JULY 7, 2018 THROUGH JULY 22, 2018.

The Bureau did not receive any comment during the modification period.

Alternatives That Would Lessen Adverse Economic Impact on Small Business

No alternatives were proposed to the Bureau that would lessen any adverse economic impact on small business.

Alternatives Determination

The Bureau has determined that no alternative it considered or that was otherwise identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The amendments adopted by the Bureau are the only regulatory provisions identified by the Bureau that accomplish the goal of protecting consumers of private postsecondary education services by having out-of-state private postsecondary institutions that enroll California residents in distance education programs register with the Bureau so that they participate in the Student Tuition Recovery Fund providing the same protection for students of these institutions as those attending similar institutions within the state. Except as set forth and discussed in summary and responses to comments, no other alternatives have been proposed or otherwise brought to the Bureau's attention.