
Bureau for Private Postsecondary Advisory Committee Meeting

February 7, 2024

9:30 am until completion of business





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

Wednesday, February 7, 2024, 9:30 a.m.

NOTE: The Bureau for Private Postsecondary Education will hold a public meeting via the WebEx platform in accordance with Government Code section 11123.2. Pursuant to Government Code section 11123.5(f), the Bureau is also providing the following location for members of the public to participate in person:

1747 North Market Blvd., Suite 225
Sacramento, CA 95834

INSTRUCTIONS FOR OBSERVATION VIA WEBCAST:

Webcast of the meeting will be available at 9:30 a.m. on February 7, 2024, and viewable at <https://thedcapage.blog/webcasts>.

FOR PARTICIPATION VIA WEBEX, PLEASE LOG ON TO THIS WEBSITE:

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m5e2d80aa310cb65cd6d446abfa2491fa>

Event Number: 2483 748 3419 Event Password: BPPE27

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 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 your 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 the chair's 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 November 8, 2023, 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. Minimum Operating Standards: Financial Standards and Associated Reporting Requirements (California Education Code (CEC) section 94885(a)(6), 5 California Code of Regulations (CCR) sections 71745, 74110, and 74115)
 - b. Minimum Operating Standards: Cancellations and Withdrawals (CEC section 94885(a)(4), 5 CCR sections 70000, 71746, 71750, and 71751)
 - c. Minimum Operating Standards: Qualifications (CEC section 94885(a)(5), 5 CCR sections 71720, 71720.1, 71720.2, 71720.3, 71730)
 - i. See Memo: Discussion of Issues Regarding Qualifications of Directors, Administrators, and Faculty
7. Update on Bureau Fee Structure Study and Possible Discussion on Bureau Recommendations for Fiscal Sustainability (Assembly Bill 178 (Ting, Chapter 45, Statutes of 2022))
8. Considerations for Amending STRF Statute
9. Future Agenda Items
10. Adjournment

1. Welcome, Introductions, and Establishment of a Quorum

Members:

- Leigh Ferrin, Chair
- Tess Dubois-Carey, Vice Chair
- Joseph Holt
- Robert Boykin
- Kansen Chu
- Melanie Delgado
- Tracy Tambascia
- Senator Richard Roth
- Assemblymember Mike Fong



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
November 8, 2023, Advisory
Committee Meeting Minutes





Advisory Committee Meeting Minutes Wednesday, November 8, 2023

WebEx Meeting

Advisory Committee Members in Attendance

1. Kansen Chu
2. Leigh Ferrin
3. Tess Dubois-Carey
4. Tracy Tambascia
5. Melanie Delgado
6. Joseph Holt
7. Robert Boykin
8. Kevin Powers
9. 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
Linh Nguyen, DCA Legal Counsel
Greg Donkerbrook, Bureau Licensing Chief
Daniel Rangel, Bureau Enforcement Chief
Elizabeth Elias, Bureau Enforcement Chief
Scott Valverde, Office of Student Assistance and Relief Chief
Yvette Johnson, Bureau Administration Chief
David Dumble, Bureau Legislative/Regulation Specialist
Tamika Garvin, Bureau Licensing Manager
Jason Piccione, DCA Chief Information Officer
Yvonne Dorantes, Board and Bureau Relations Assistant Deputy Director

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

Committee Chair, Joseph Holt called the meeting to order.

Mr. Holt announced that this would be Margaret Reiter's last meeting as a member serving on the Committee.

Ms. Reiter stated that she has enjoyed her time serving on the Committee since her appointment in 2010. She noted that the Committee has good participants who can disagree on policy but still work together cooperatively. She wished everyone the best moving forward.

Deborah Cochrane commented that the Bureau is in a better place thanks to Ms. Reiter's contributions. She thanked Ms. Reiter for her service and added that she will be greatly missed.

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

No public comment.

Agenda #3 - Review and Approval of August 16, 2023, Advisory Committee Meeting Minutes

Tess Dubois-Carey moved to approve the August 16, 2023 meeting minutes; Leigh Ferrin seconded the motion.

Public Comment

No public comment.

Vote

(Joseph Holt: Aye; Leigh Ferrin: Aye; Margaret Reiter: Aye; Robert Boykin: Aye; Kansen Chu: Aye; Melanie Delgado: Aye; Tess Dubois-Carey: Aye; Tracy Tambascia: Aye)

The motion passed.

Agenda #10 - Chair and Vice Chair Elections

Mr. Holt called on nominations for Chair and Vice Chair of the Committee.

Ms. Reiter moved to nominate Ms. Ferrin for Chair of the Committee; Ms. Delgado seconded the motion.

Mr. Holt moved to nominate Ms. Dubois-Carey for Vice Chair of the Committee; Ms. Ferrin seconded the motion.

Public Comment

One member of the public provided a comment.

Vote on Ms. Ferrin for Chair

(Joseph Holt: Aye; Leigh Ferrin: Abstain; Margaret Reiter: Aye; Robert Boykin: Aye; Kansen Chu: Aye; Melanie Delgado: Aye; Tess Dubois-Carey: Aye; Tracy Tambascia: Aye)

The motion passed.

Vote on Ms. Dubois-Carey for Vice Chair

(Joseph Holt: Aye; Leigh Ferrin: Aye; Margaret Reiter: Aye; Robert Boykin: Aye; Kansen Chu: Aye; Melanie Delgado: Aye; Tess Dubois-Carey: Abstain; Tracy Tambascia: Aye)

The motion passed.

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

Yvonne Dorantes, Board and Bureau Relations Assistant Deputy Director, provided an update on the Department of Consumer Affairs (Department).

Ms. Dorantes reported that boards and bureaus may continue to conduct remote meetings without noticed public locations available to the public through December 31, 2023. She outlined four meeting options that will be available starting January 1, 2024.

Ms. Dorantes reported that sexual harassment prevention training for members is due on December 31, 2023.

Public Comment

No public comment.

Agenda #5 – Bureau Operations Update and Discussion

Update on the Bureau’s IT System Project

Tamika Garvin, Bureau Licensing Manager, provided an update on the IT system project. She referenced Attachment 5(a). She stated that on August 8, 2023, 38 tickets were successfully deployed improving the non-accredited licensing application process. She added that an additional 39 tickets are scheduled to be deployed in mid-November 2023.

Jason Piccione, DCA Chief Information Officer, provided additional updates on the IT system project. He referenced Attachment 5(a). He noted that the conversion from SAIL to Connect is estimated in October 2024.

Ms. Reiter suggested that Bureau staff at a future meeting provide an outline with descriptions of the type of data that will be included in the conversion to Connect.

Ms. Ferrin commented that it would be helpful to have feedback from institutional representatives at future meetings regarding the impact of the online application system and the usefulness of the system.

Public Comment

No public comment.

Licensing Report

Greg Donkerbrook, Bureau Licensing Chief, reported on the Licensing Unit. He explained that he is in the process of reviewing how licensing data is tracked and presented and has found areas for improvement. He added the main goal is to ensure any changes implemented are done carefully and purposefully to ensure quality information and accurate data is presented to all stakeholders.

Mr. Donkerbrook outlined Attachment 5(b).

Mr. Holt asked what work has been done to improve application processing timeframes. Mr. Donkerbrook explained that he has talked with staff members to seek feedback on what is working well and what can be improved. He continued that he has reviewed procedures and investigated what processes may need written procedures to ensure those processes are being properly performed. He added that he has also been focusing on accountability to ensure staff are promptly being responsive to institutions throughout the application process.

Ms. Ferrin commented that it would be helpful to identify which areas of the process are holding up processing times as opposed to only using the overall timeframes presented.

Ms. Reiter commented that it is important to determine what areas need to be improved upon to ensure institutions are not operating beyond an expired approval awaiting renewal.

Public Comment

No public comment.

Quality of Education Report

Mr. Donkerbrook reported on the Quality of Education Unit. He outlined Attachment 5(c).

Public Comment

No public comment.

Annual Report (AR) Report

Elizabeth Elias, Bureau Enforcement Chief, reported on the Annual Report (AR) Unit. She outlined Attachment 5(d).

Public Comment

No public comment.

Compliance and Discipline Report

Ms. Elias reported on the Compliance and Discipline Unit. She outlined Attachment 5(e).

Ms. Reiter commented it would be helpful at the next meeting to see in the report a list of the cases referred to the Attorney General.

Public Comment

One member of the public provided a comment.

Complaint and Investigation Report

Daniel Rangel, Bureau Enforcement Chief over complaints and investigations, reported on the Complaint and Investigation Unit. He outlined Attachment 5(f).

Mr. Holt asked if there is any disadvantage to an individual student complaint that has been consolidated with a group of complaints on the same topic. Mr. Rangel explained that

complaints go through a rigorous review process at intake. He stated that complaints are given attention based on the type of complaint and level of student harm.

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 5(g).

Public Comment

No public comment.

Student Tuition Recovery Fund (STRF) Report

Yvette Johnson, Bureau Administration Chief, provided a report on STRF. She covered Attachment 5(h).

Public Comment

No public comment.

Agenda Item #6 - Status Updates and Discussion on Regulatory Proposals

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

Reduction of STRF Assessment Rate to \$0.00, Effective April 1, 2024

Mr. Dumble reported that the STRF currently exceeds \$25 million. He stated that the Bureau will change 5 California Code of Regulations (CCR) section 76120 to reduce the STRF Assessment Rate to \$0.00. He added that the effective date will be April 1, 2024, to give institutions enough time to prepare for the rate change.

Mr. Holt recommended that the Bureau be very proactive in alerting institutions of the upcoming rate change.

Public Comment

Three members of the public provided a comment.

Expired Approvals to Operate (5 CCR sections 71475 and 71480)

Mr. Dumble outlined the Proposed Regulatory Change Regarding Expired Approvals Memo in the meeting materials. He explained that current regulations cause confusion, and that the proposed change would give institutions a 30-day grace period following approval expiration to continue to operate while preparing to submit a renewal application.

Mr. Holt commented that the existing regulation is unclear and agreed that a change is needed to provide clarity. He noted that in dialogue with other institutions, there is a consensus that a 30-day grace period is reasonable. He noted that sending notice letters 6 months and 3 months in advance is sufficient. He continued that in addition to calling the institution 30 days before expiration the Bureau should also send a letter by mail and send a notice by email. He also encouraged a phone call to an institution one week before expiration if a renewal application has still not been received.

Ms. Reiter commented that she was unable to find statutory language authorizing a grace period to operate following the expiration of an institution's approval to operate. She explained that she does not think there is any statutory authority allowing an institution to operate following the 5 year approval period. She noted that if an institution submits a renewal application before expiration and the Bureau has not yet decided on it, then there is common sense that the institution should be able to continue to operate without consequence. She suggested not providing a 30-day grace period following expiration. She added that, ideally, if the Bureau was able to make a determination on renewal within 6 months of an institution's expiration, then the institution should be required to apply for renewal 6 months before expiration. She noted that it would not be feasible based on current application processing timeframes.

Ms. Dubois-Carey commented she agreed with Mr. Holt that an email renewal notification would be helpful. She added that she supports a 30-day grace period to renew.

Public Comment

No public comment.

Minimum Operating Standards for Financial Standards and Associated Reporting Requirements
(5 CCR sections 71745, 74110, and 74115)

Mr. Dumble outlined the Proposed Regulatory Change Regarding Financial Resources, Statements, and Reporting Memo in the meeting materials.

Ms. Dubois-Carey asked why the Bureau is considering changing the law that requires institutions to be able to demonstrate sufficient financial resources to pay all operating expenses due within 30 days. Ms. Cochrane responded that financial subject matter experts who work with the Bureau suggested expanding the 30 days. Mr. Holt commented that it would be helpful to have a case study example or data showing that an extension of the 30 days would benefit consumer protection.

Mr. Holt commented on the new language under CCR section 71745(a)(6). He stated that an institution not being in default on debts is a good addition but noted that the phrase “remain current” is vague. He provided the example of an institution paying a debt a week after the due date. He explained that the institution would not be current but would not be in default.

Ms. Reiter noted that in some portions of the regulations the phrase “generally accepted accounting principles” is used, while in other areas the phrase “established by the American Institute of Certified Public Accountants” is used. She suggested adding a definition defining “generally accepted accounting principles” as “established by the American Institute of Certified Public Accountants.”

Ms. Reiter commented that there have been some major institutions collapse, with dire consequences to students, due to the lack of financial stability. She suggested reviewing these closures to determine if there was a lack of monitoring, the school was not complying, or if current regulations were inadequate to protect students.

Ms. Reiter stated that she is not sure what “default” means in CCR section 71745(a)(6). She suggested clarifying how long a payment is behind before it is considered in default. She agreed with Mr. Holt that the phrase “current” needs to be defined.

Ms. Reiter pointed out that some of the major institutions that closed were participating in Federal Student Aid Programs. She noted that the financial requirements under those programs did not prevent the closures, but they do have a heightened monitoring status for institutions that are not fully meeting requirements. She suggested that the Bureau consider implementing a similar monitoring system that would include additional reporting requirements and/or a requirement that an institution put up a bond to cover a certain amount of time of operating expenses.

Ms. Reiter referred to the proposed changes in CCR section 74110(a)(8). She noted that another provision requires the financials of institutions at a certain level of revenue to be audited and

not just reviewed. She suggested ensuring the proposed language does not conflict with that provision.

Ms. Reiter stated that in CCR section 74115(b)(5) the phrase “performed the verification and substantiation procedures” should be added to the language to ensure it is not setting up audit requirements with different or lesser standards than generally accepted account principles.

Mr. Reiter commented that is very helpful to have financial subject matter experts reviewing the regulatory language. She explained that 30 days is not a very long time for an institution to cover operating expenses. She noted that a company can be on the verge of bankruptcy and still cover 30 days of expenses. She stated that she strongly supports extending the 30 days requirement.

Ms. Ferrin stated that she supports extending the time frame that an institution must be able to cover operating expenses beyond 30 days. She noted that she would caution against relying too heavily on historical case studies in setting a standard. She explained that there is a real benefit in being proactive to prevent harm before it occurs.

Public Comment

One member of the public provided a comment.

Agenda #7 – Considerations for Amending STRF Statute

Mr. Holt explained that the STRF assessment fee structure is tied to the STRF fund balance. He continued that if the fund goes above twenty-five million dollars, then the Bureau must stop collecting STRF fees, and if the fund drops below twenty million dollars, then the Bureau must start collecting fees. He stated that the ceiling and floor being so close results in an undue administrative burden on the Bureau and institutions because of the frequent change in fee structure. He also referenced the anomaly in the closure of Silicon Valley. He explained that over the last ten years the average STRF claim payout, excluding Silicon Valley, has been just under \$6,000, but the average Silicon Valley STRF claim payout has been greater than \$18,000.

Mr. Holt asked the Committee if it is within the appropriate scope of work of the Committee to proactively discuss in detail statutory and regulatory parameters and potentially suggest improvements. He also asked what means the Committee should pursue to influence improvement. He noted that the Committee’s explicit role is to advise the Bureau, but the Committee does not have an authorized or a formal position in informing the legislature.

Ms. Reiter explained that the statute outlines when the Bureau should collect STRF assessment fees based on the fund balance. She suggested that it would make sense for the statute to allow the Bureau to change the fee without needing to go through the regulatory process. She

stated that she thinks it is appropriate for the Committee to advise the Bureau on what statutory changes should be pursued.

Mr. Dumble explained that the Bureau does not have to go through the administration regulatory process to make rate changes. He explained that the Bureau uses Section 100, which is an expedited procedure that allows the change to be made within a couple of months instead of close to a year.

Kevin Powers commented that feedback from the Committee regarding statutes pertaining to the Bureau is welcome and encouraged.

Public Comment

No public comment.

Agenda #8 – Future Agenda Items

No future agenda items were suggested.

Public Comment

No public comment.

Agenda #9 – Future Meeting Dates

Ms. Cochrane stated the dates in February, May, and November will be virtual, and the meeting in August will be an in-person meeting held in Sacramento. She stated that a notice would be sent to members once a consensus is met on the exact dates.

Public Comment

No public comment.

Agenda #11 – Adjournment

The meeting adjourned at 1:10 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, 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 System Project

Bureau for Private Postsecondary Education
Advisory Committee Meeting
February 7, 2024



Licensing Unit

Q2, FY 2023-2024

Bureau for Private Postsecondary Education
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FY 2023/24 Q2 LICENSE APPLICATIONS - SUMMARY

License	Received FY 23/24	Pending Assignment (Queue)	Under Review	Total Pending	Approved	Withdrawn or Abandoned	Denied	Total Closed	Average Days to Approve ^a
New Full Approval	35	35	26	61	21	7	2	30	582
New Acc Approval	27	0	15	15	23	4	0	27	124
Renewal Full	45	0	123	123	25	4	3	32	480
Renewal Accredited	58	0	*68	68	42	2	0	44	208
Changes Full	88	0	73	73	57	11	4	72	132
Changes Accredited	75	0	40	40	47	7	0	54	83
Verification of Exemption	147	0	32	32	135	6	47	188	47
Out of State Registration	42	0	12	12	33	3	0	36	36
Totals	517	35	389	424	383	44	56	483	

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

* 43 applications pending new term of accreditation.

FY 2023/24 Q2 LICENSE APPLICATIONS – SUMMARY (continued)

Oldest Pending Full Applications (as of 1/30/2024)		
Oldest Full Apps in Queue:	5/9/2023	
Oldest Full Apps Under Review:	5/2/2021	Bureau expecting response from institution by end of February
Oldest Renewal Full Apps Under Review:	1/21/2020	Bureau expecting updated financials by 2/22/2024
Median Date of Full Apps in Queue:	9/4/2023	

FY 2023/24 Q2 Statewide Population by Location Type & Approval Type

Location Type for Approval to Operate	Main	Branch	Satellite	Total
	977	352	501	1830

Approval Types Population	ABMA (Accredited)	Full (Non-Accredited)	Conditional ^a	Provisional ^b	Out of State Registration
	426	524	0	27	89

^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.

Licensing Workshops

- The Bureau offers online, interactive Licensing Workshops for Institutions to help them understand how to complete a first-time applications.
- Institutions may register on the Bureau's website:
https://www.bppe.ca.gov/schools/application_workshops.shtml

- Upcoming Q3 Workshops

- January 23, 2024
- February 20, 2024
- March 26, 2024

Q2 Workshop Date	Location	Registrants
October 24, 2023	WebEx - Virtual	24
November 14, 2023	WebEx - Virtual	15
December 19, 2023	WebEx - Virtual	17

Submit questions and/or comments to:

Gregory Donkerbrook

Bureau for Private Postsecondary Education

1747 N. Market Blvd, Suite 225

Sacramento, CA 95834

(916) 574-7216

gregory.donkerbrook@dca.ca.gov

Quality of Education Report Q2, FY 2023-2024

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Status of 1247 Institutions: CEC 94885.1 Schools

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

Outcome	Institution Count
Accredited	46
Closed or Approval Expired	49
Exempt	19
On Approved Extension	2
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)

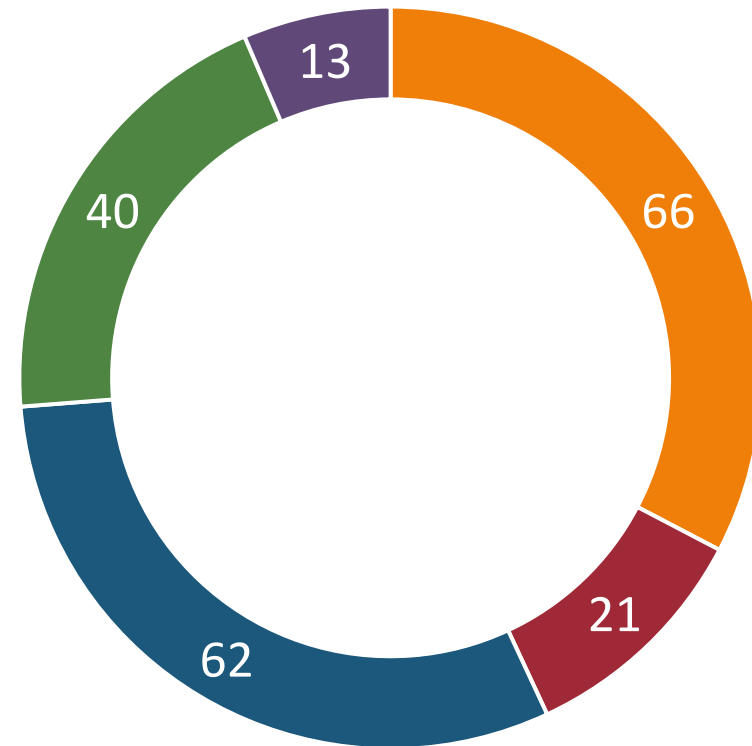
Outcome	Institution Count
Accredited	20
Closed or Approval Expired	13
Exempt	2
Surrendered Degrees	18
Suspended Degrees	9
Pursuing Accreditation	27
Total	89

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.

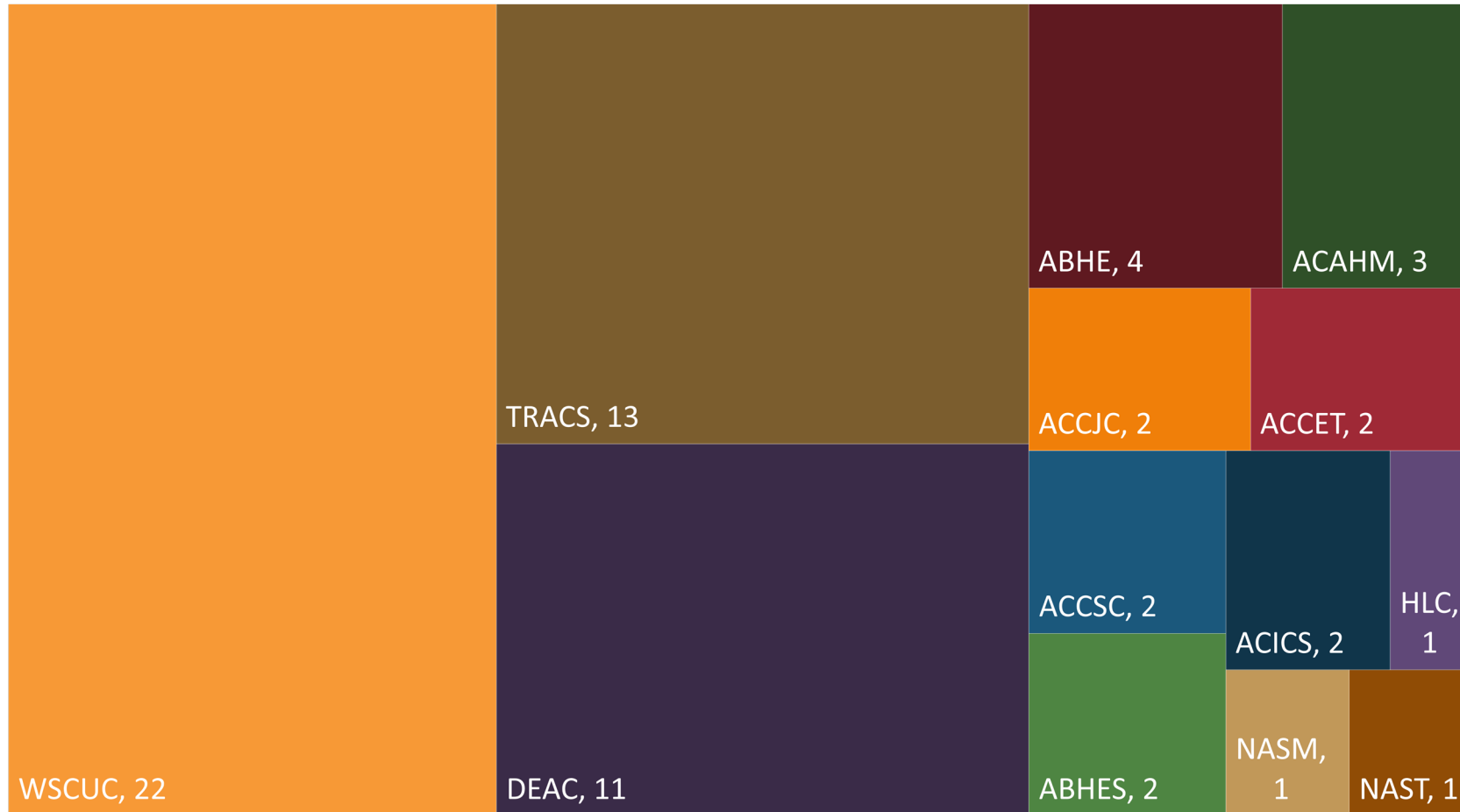
Total Institution Count: 202

- 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



- ABHE: Association for Biblical Higher Education
- ABHES: Accrediting Bureau of Health Education Schools
- ACAHM: Accrediting Commission for Acupuncture & Herbal 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 Council 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 Q2, FY 2023-2024

Bureau for Private Postsecondary Education
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2022 Annual Report

- Portal opened on August 1, 2023
- Report due **December 1, 2023**
- Report Submission Must Include
 - ❖ PORTAL
 - Annual Report
 - School Performance Fact Sheets
 - 2022 Catalog
 - Enrollment Agreements
 - Graduate Identification Data
 - ❖ MAIL – HARD COPY
 - Financial Statements

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	451	41	162	868	46	914
2020	1	36	44	89	438	80	175	863	35	898
2021	0	30	40	78	454	53	178	833	18	851
2022	0	55	51	112	471	51	62	802	67	869

*Approximate figures – Data as of 1/11/2024

School Performance Fact Sheet Workshops

- The Bureau offers School Performance Fact Sheet (SPFS) 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/schoolperf_workshops.shtml
- Upcoming Workshops:
 - January 26, 2024
 - February 23, 2024
 - March 29, 2024

School Performance Fact Sheet Workshops FY 2023-2024

Date	Location	Attendees
August 25, 2023	WebEx - Virtual	11
October 6, 2023	WebEx - Virtual	4
December 22, 2023	WebEx – Virtual	11

Submit questions and/or comments to:

Elizabeth Elias

Bureau for Private Postsecondary Education

1747 N. Market Blvd, Suite 225

Sacramento, CA 95834

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Compliance & Discipline Report Q2, FY 2023-2024

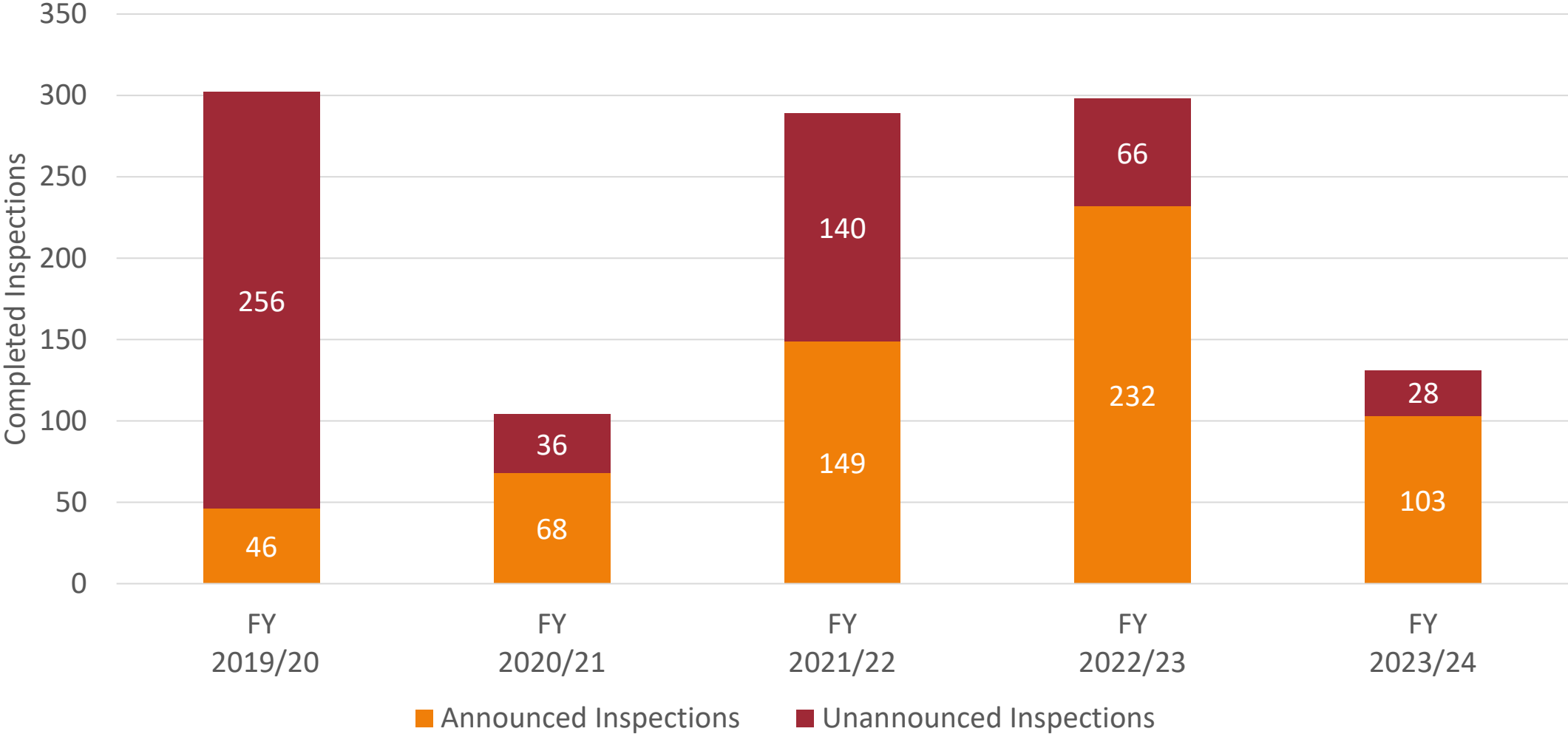
Bureau for Private Postsecondary Education
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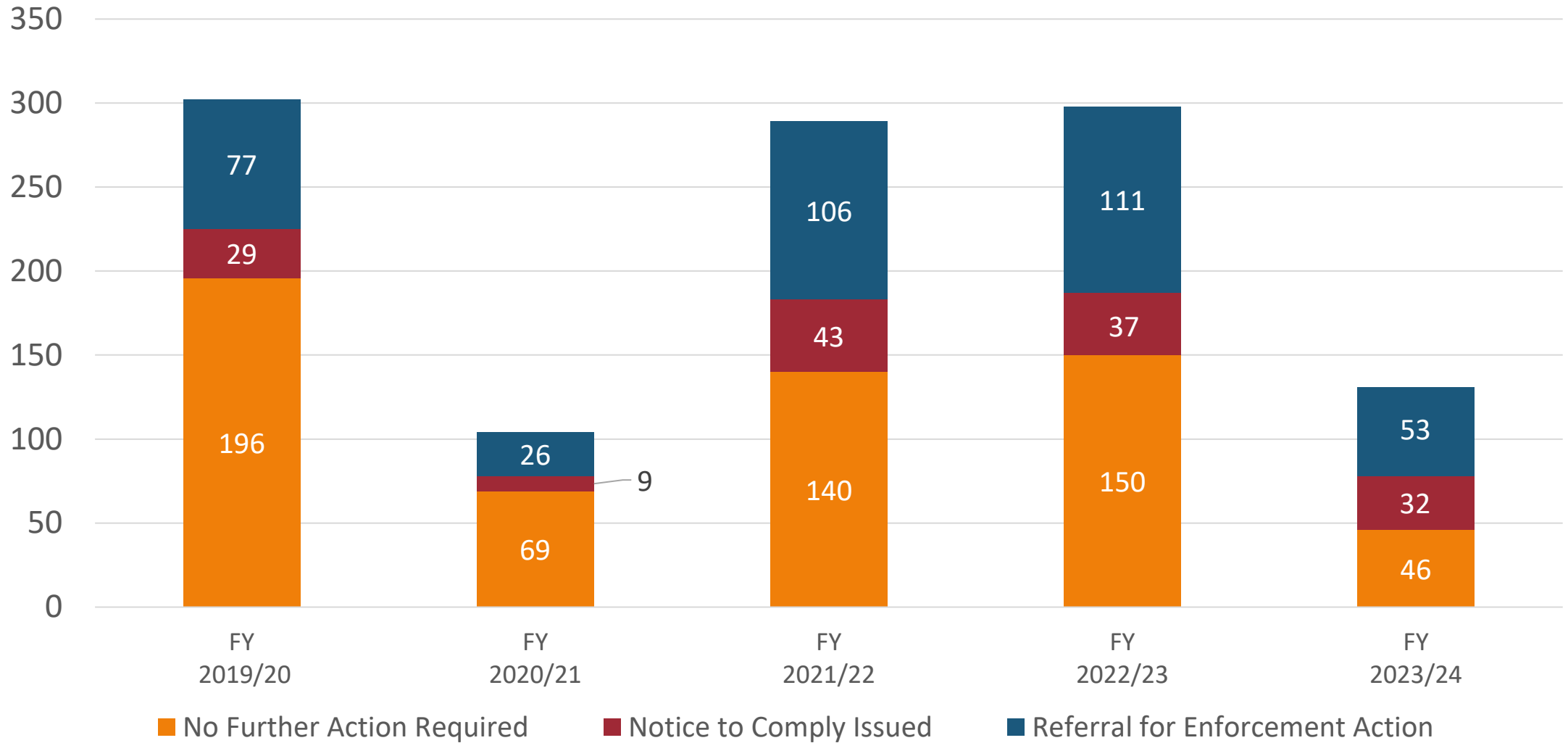
Inspections

INSPECTIONS	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24				
	YTD	YTD	YTD	YTD	Q1	Q2	Q3	Q4	YTD
Total Completed Inspections	302	104	289	298	63	68			131
Announced Inspections	46	68	149	232	51	52			103
Unannounced Inspections	256	36	140	66	12	16			28

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 Workshops
 - February 15, 2024

Compliance Workshop Attendance		
Workshop Date	Location	Attendees
July 2023	WebEx - Virtual	26
August 2023	WebEx - Virtual	31
September 2023	WebEx - Virtual	16
October 2023	WebEx - Virtual	15
November 2023	WebEx - Virtual	27
December 2023	WebEx - Virtual	26

Enforcement Actions Resulting from an Accusation

Actions Taken	FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 2023 -2024				
	YTD	YTD	YTD	YTD	Q1	Q2	Q3	Q4	YTD
Default: Revocation	1	7	7	5	0	0			0
PC 23	0	0	0	2	0	0			0
Proposed Decision (Hearing Outcome): Order to Comply	0	0	0	1	0	0			0
Proposed Decision (Hearing Outcome): Probation Granted	0	0	0	0	0	0			0
Proposed Decision (Hearing Outcome): Revocation	1	1	0	3	0	0			0
Rejected by DAG	0	1	1	1	0	0			0
Stipulated Settlement: Probation	6	1	0	1	0	0			0
Stipulated Settlement: Surrender	3	4	2	0	0	0			0
Stipulated Settlement: Revocation	0	0	0	1	1	0			1
Stipulated Settlement: Public Repeal	1	1	0	0	0	0			0
Withdrawn by Bureau: Citation Issued	1	0	0	0	0	0			0
Withdrawn by Bureau: Violations Resolved	0	0	1	0	0	0			0
Withdrawn by Bureau: Renewal Granted	0	0	0	0	0	0			0
Total Actions Taken:	13	15	11	14	1	0			1

Enforcement Actions Resulting from a Statement of Issues

Actions Taken	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2023/24				
	YTD	YTD	YTD	YTD	Q1	Q2	Q3	Q4	YTD
In-House Default: Denial Upheld	1	0	0	0	0	0			0
Proposed Decision (Hearing Outcome): Denial Upheld	3	0	2	3	0	0			0
Proposed Decision (Hearing Outcome): Conditional Approval Granted	0	0	0	0	0	0			0
Stipulated Settlement: Denial Upheld (School Closure)	0	0	0	0	0	0			0
Stipulated Settlement: Conditional Approval Granted	0	0	0	0	0	0			0
Withdrawn: Approval Granted (Mitigation Satisfied Deficiencies)	13	3	1	4	0	0			0
Withdrawn: Denial Upheld (Appeal Withdrawn by Institution)	5	6	2	1	1	0			1
Withdrawn: Exempt Institution	1	2	0	0	0	0			0
Total Actions Taken:	23	11	5	8	1	0			1

Additional Enforcement Actions

	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2032/24				
	YTD	YTD	YTD	YTD	Q1	Q2	Q3	Q4	YTD
Emergency Decisions	2	1	0	2	0	0			0
Automatic Suspensions	4	10	4	1	0	1			1

Open Cases at the Attorney General's Office Pending Disciplinary Action

As of 12/31/2023	Total Cases Transmitted (Number of Cases the Bureau has initiated Disciplinary Action)	Total Cases Filed (Cases Pending Adjudication and Public)
Accusations	8	6
Statement of Issues	9	4
Totals:	17	10

Citations Issued

	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23	FY 2022/23				
	YTD	YTD	YTD	YTD	Q1	Q2	Q3	Q4	YTD
Citations Issued ¹	333	280	146	150	61	53			114
Number of Schools Cited	325	273	144	147	61	53			114

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.

Disciplinary Actions by Month



BUSINESS, CONSUMER SERVICES AND HOUSING AGENCY • GAVIN NEWSOM, GOVERNOR
 DEPARTMENT OF CONSUMER AFFAIRS • BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
 1747 N. Market Blvd., Suite 225, Sacramento, CA 95834
 P (916) 574-8900 | Toll-Free (888) 370-7589 | www.bppe.ca.gov



BUREAU FOR PRIVATE POSTSECONDARY EDUCATION DISCIPLINARY ACTIONS – JULY 2022

This notice displays Institutions who have had disciplinary actions filed and taken by the Bureau during July 2022. To view documents related to a disciplinary action, please follow the directions listed below:

1. Visit www.bppe.ca.gov.
2. Select [Enforcement](#) from the top menu.
3. Then select [Disciplinary Actions](#).
4. Find the Institution's name. Institutions are listed in alphabetical order.
5. Documents listed below the Institution's name include information regarding the cause(s) for violations and the disciplinary orders issued.

https://www.bppe.ca.gov/enforcement/disciplinary_actions.shtml

DISCIPLINARY ACTION FILED	
Institution Name:	California Vocational Academy
Institution Code:	41462892
Case Number:	BPPE22-043
Date Filed:	July 14, 2022
Date Served:	July 15, 2022
Disciplinary Action Filed:	Accusation
Institution Name:	Deep Creek Construction School
Institution Code:	3604681
Case Number:	BPPE21-550
Date Filed:	July 20, 2022
Date Served:	July 27, 2022
Disciplinary Action Filed:	Accusation
Institution Name:	South Bay Massage College
Institution Code:	1936381
Case Number:	BPPE21-384
Date Filed:	July 8, 2022
Date Served:	July 8, 2022
Disciplinary Action Filed:	Accusation

Submit questions and/or comments to:

Elizabeth Elias

Bureau for Private Postsecondary Education

1747 N. Market Blvd, Suite 225

Sacramento, CA 95834

(279) 212-1986

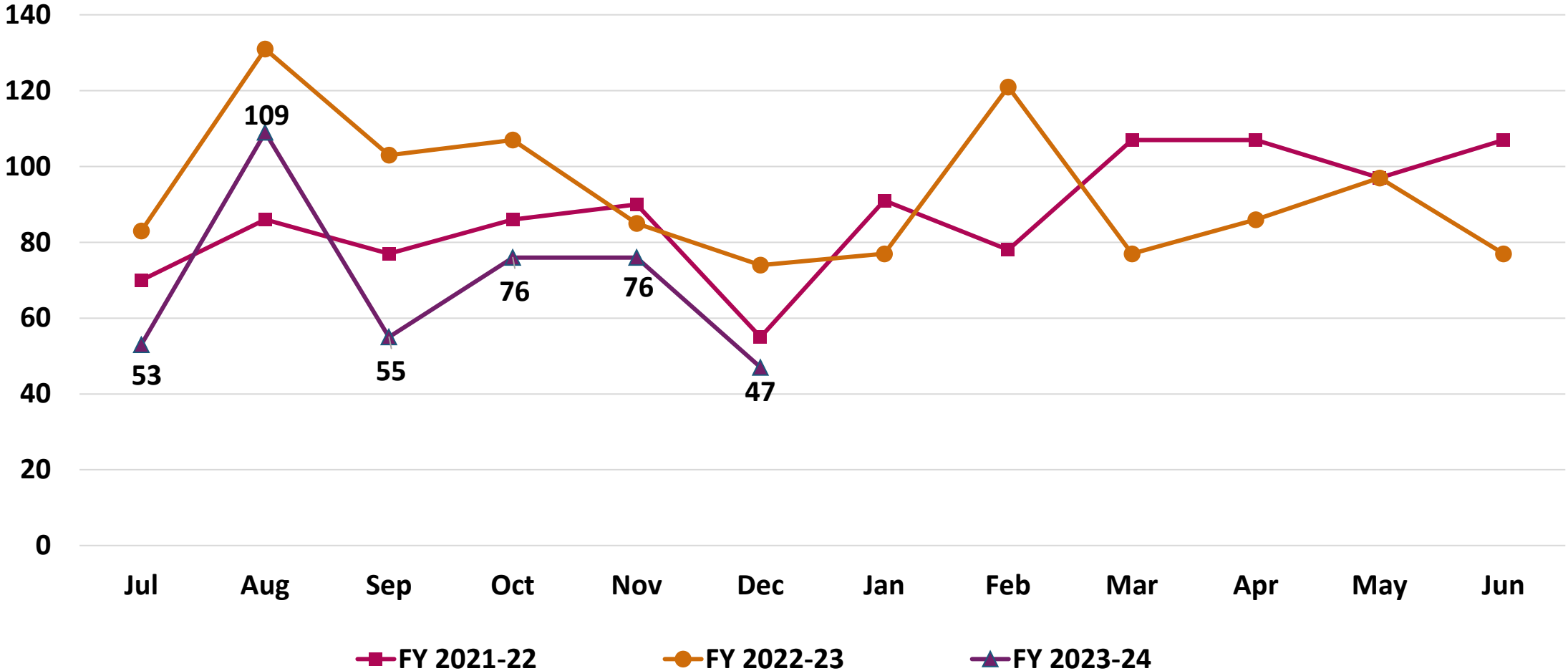
elizabeth.elias@dca.ca.gov

Complaint and Investigation Report Q2, FY 2023-2024

Bureau for Private Postsecondary Education
Advisory Committee Meeting
February 7, 2024

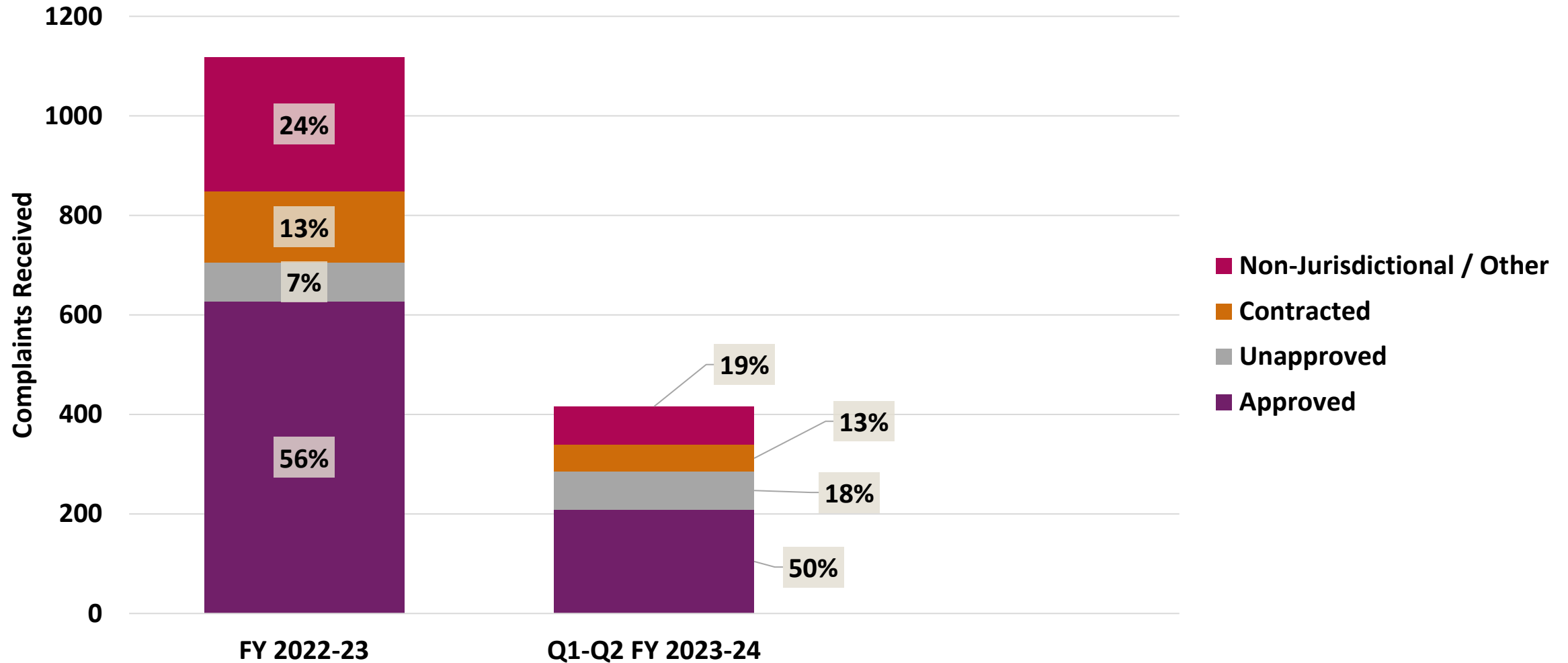


Complaints Received: FY 2021-22 to Q1-Q2 FY 2023-24

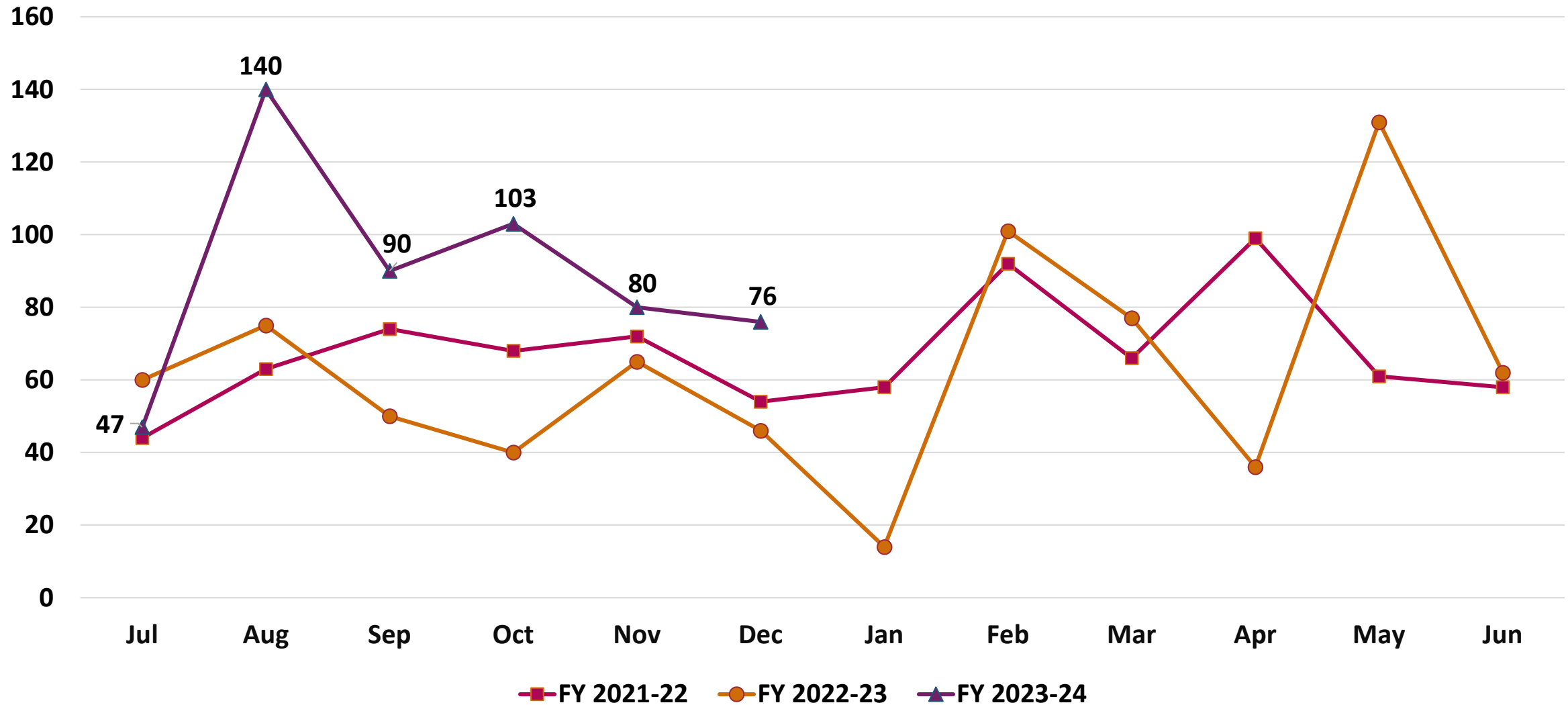


Complaints Received by School Status

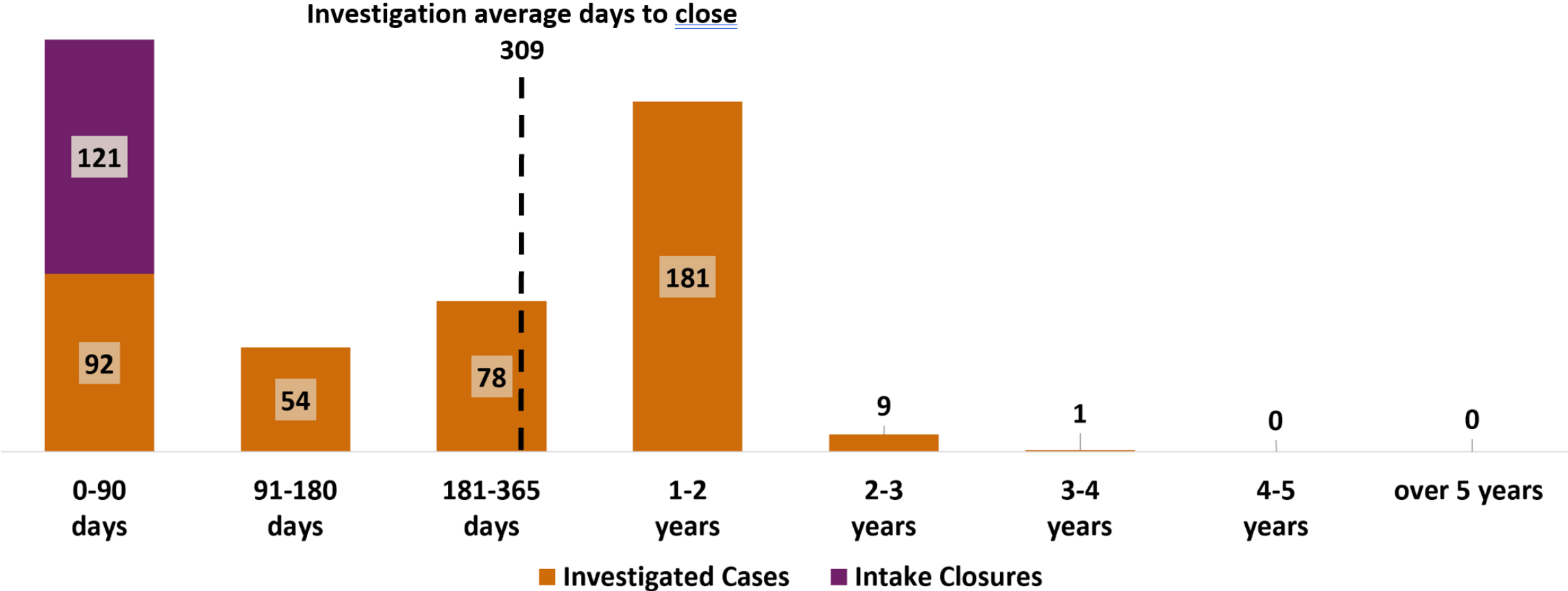
FY 2022-23 and Q1-Q2 FY 2023-24



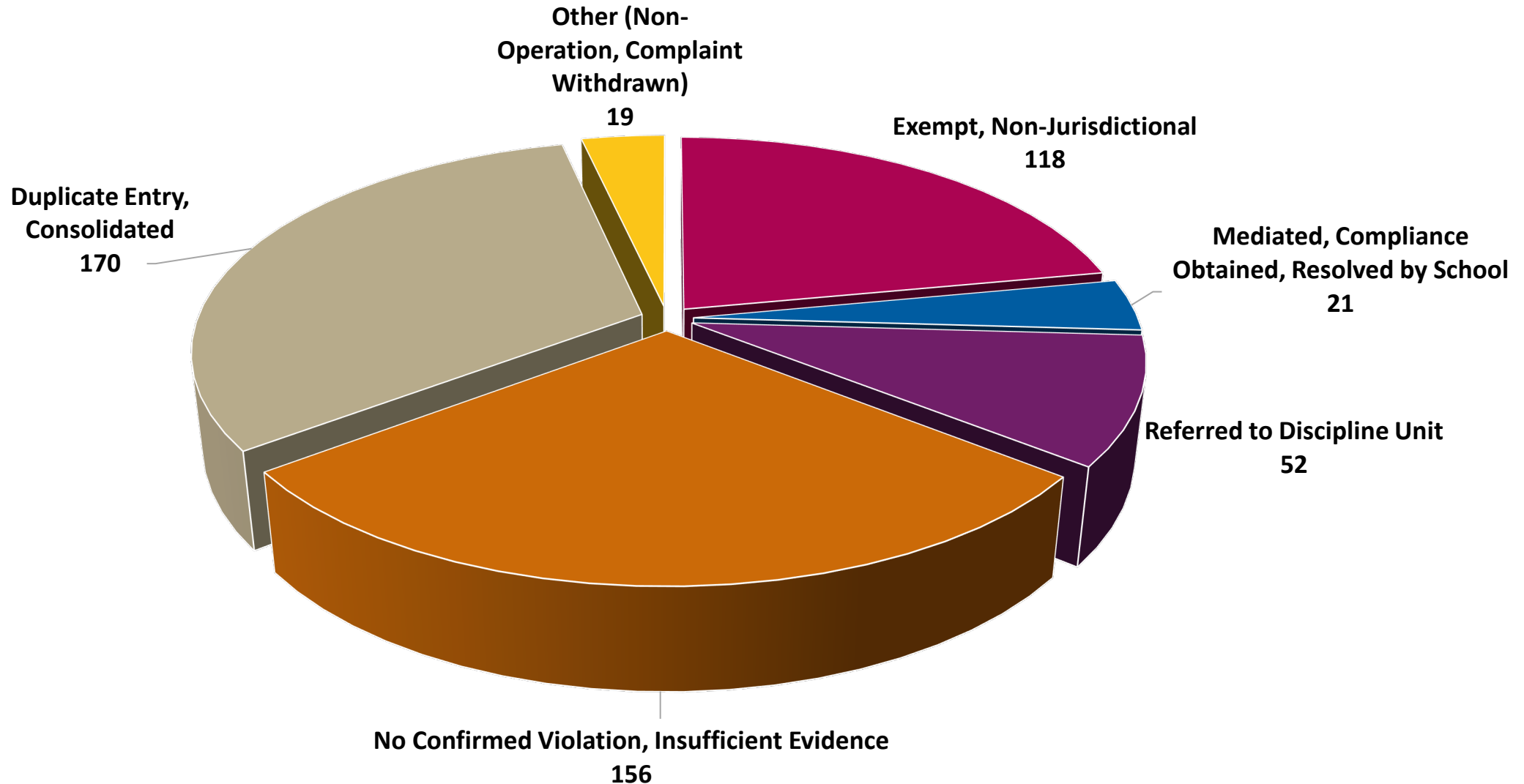
Closed Complaints FY 2021-22 to Q1-Q2 FY 2023-24



Days to Close (Cases Closed Q1-Q2 FY 2023-24)

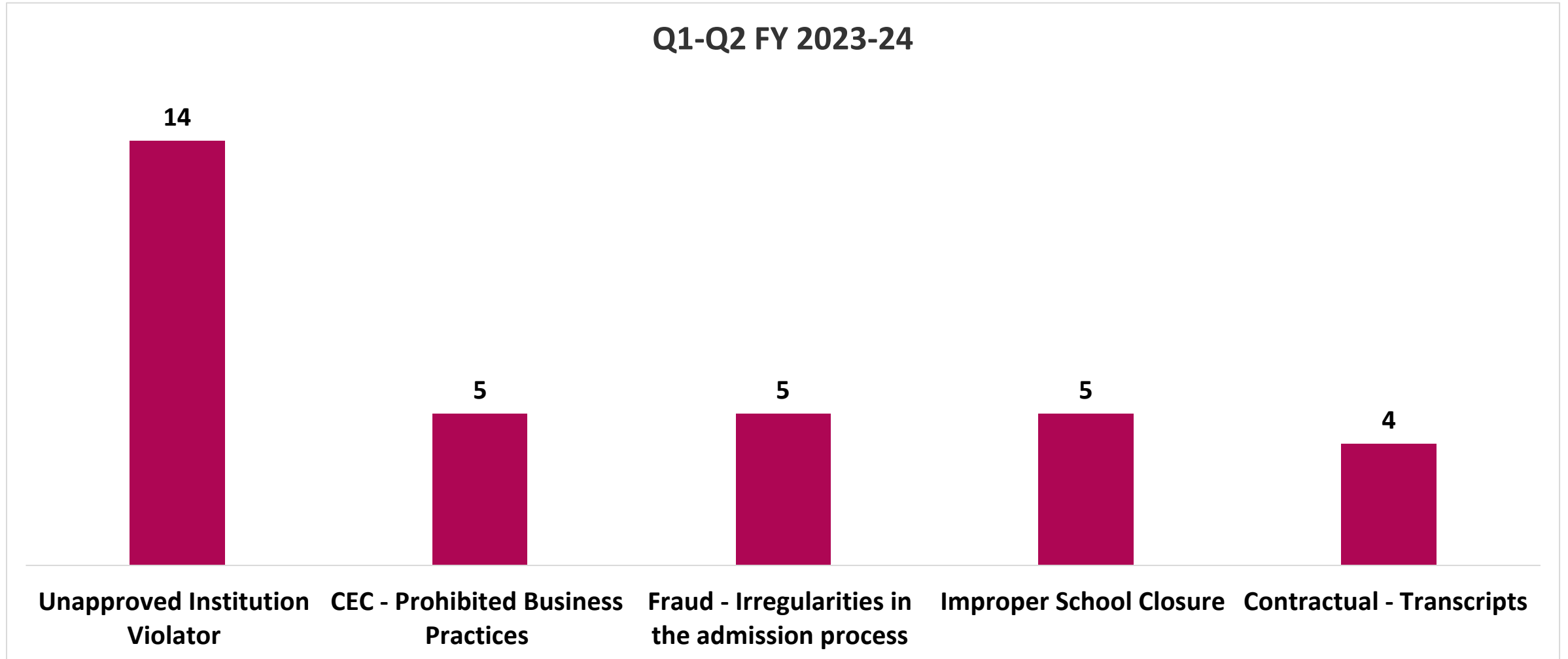


Case Disposition: Q1-Q2 FY 2023-24



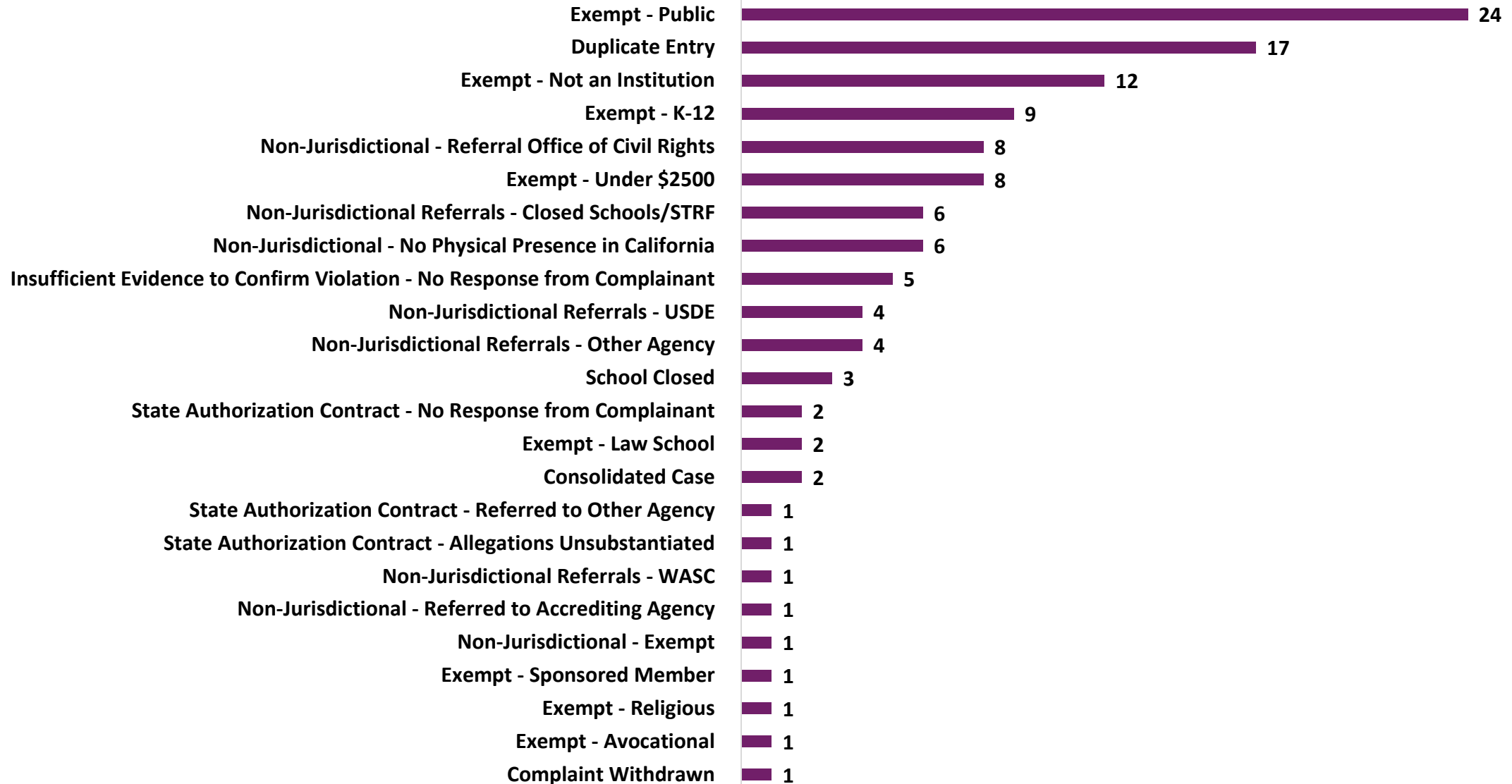
February 7, 2024

Discipline Unit Referrals: Top Allegations

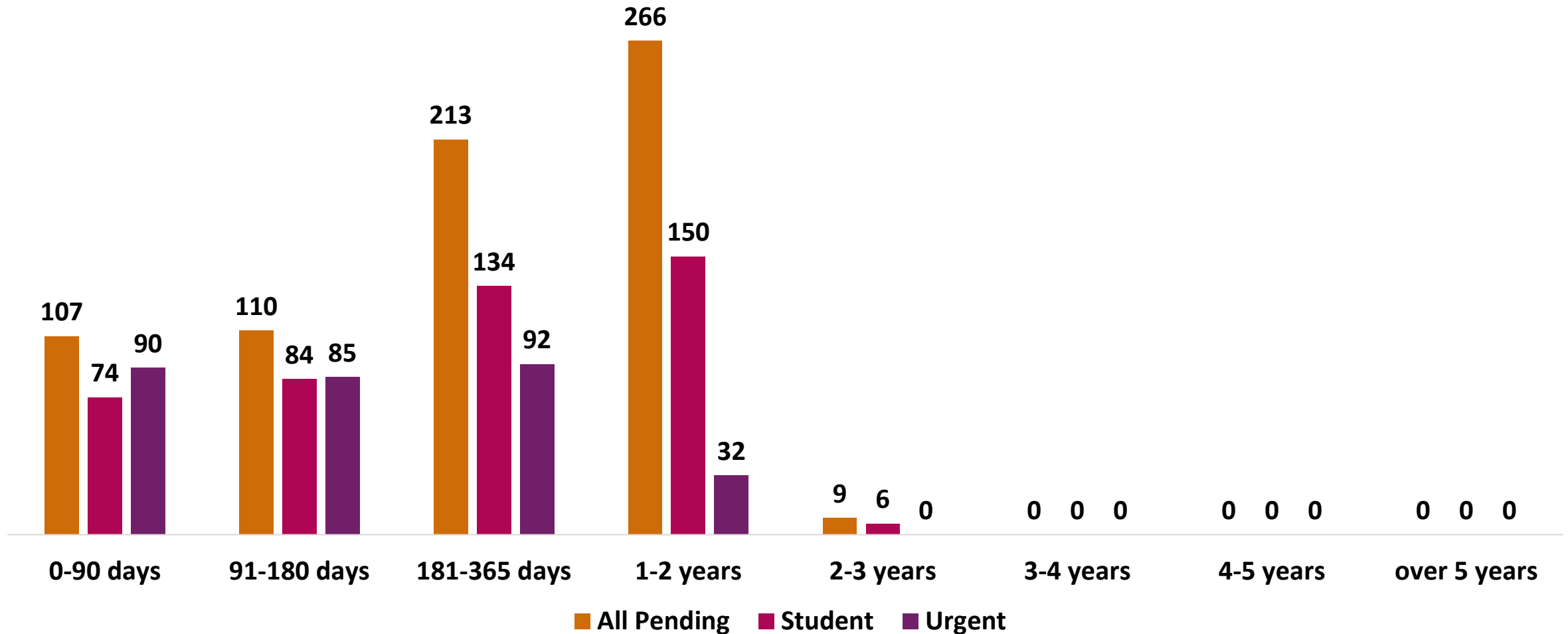


February 7, 2024

Complaints Closed At Intake: Q1-Q2 FY 2023-24

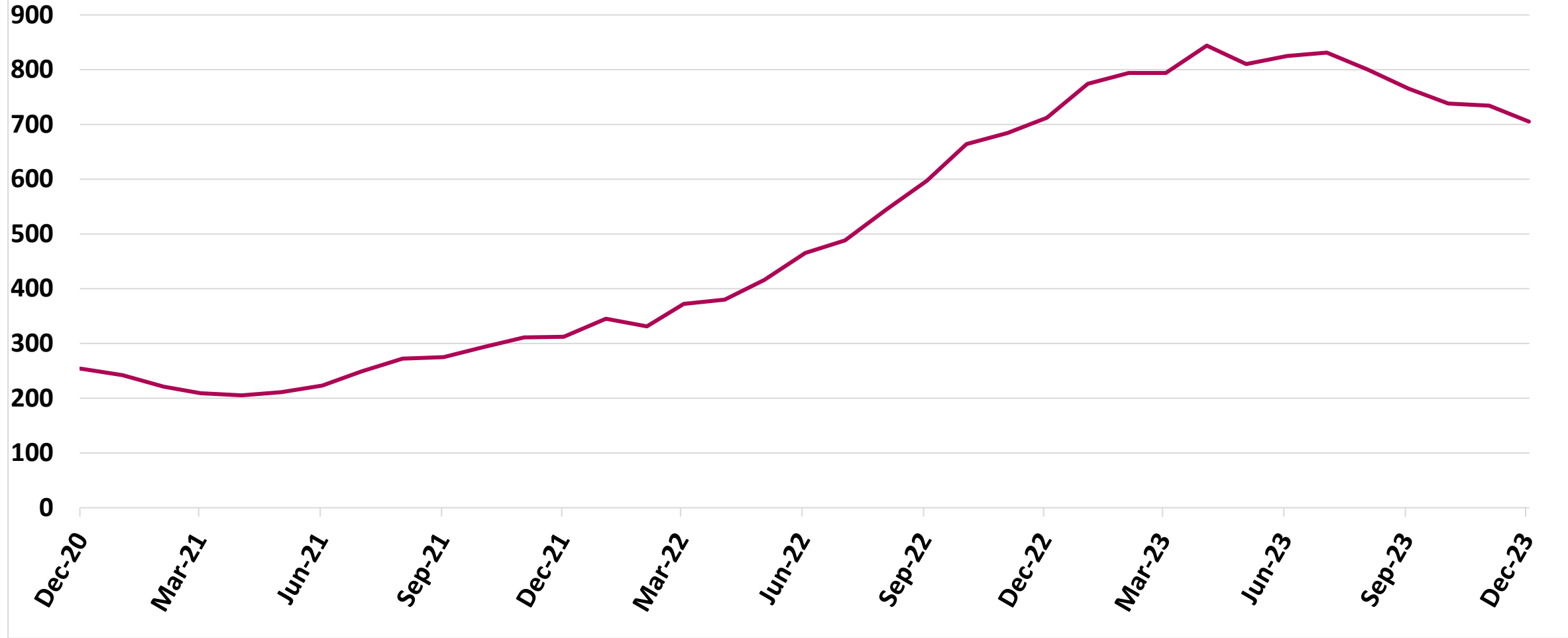


Pending Caseload Age, as of 12/31/23



Pending Caseload Count

December 2020 - December 2023



February 7, 2024

Student Impact

- Total of \$12,419.00 in refunds to students or to their federal student aid account.
- Income Share Agreement cancelled.
- Students received proofs-of-training, records.
- Students transcripts were amended.
- Students referred to Student Tuition Recovery Fund.
- Schools revised its policies, disclosures, website.
- School and student came to agreement on a repayment program.
- School agreed to provide supplies.
- School agreed to change course code designation.
- School came into compliance with accrediting agency standards.

Submit questions and/or comments to:

Daniel Rangel

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 (OSAR) Report Q1-Q2, FY 2023-2024

Bureau for Private Postsecondary Education
Advisory Committee Meeting
February 7, 2024



February 7, 2024

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
California Transition Assistance Program Beale Air Force Base Workshop	Student Workshop / Presentation	7/20/2023	Yuba County, CA	17
Chicano Latino Youth Leadership Project College Fair	College Fair	7/27/2023	Sacramento, CA	70
California Transition Assistance Program Marine Corps Air Station Miramar	Student Workshop / Presentation	8/10/2023	San Diego, CA	16
California Transition Assistance Program Naval Base Ventura	Student Workshop / Presentation	8/23/2023	Ventura County, CA	15
Latino College Expo	College Fair	9/16/2023	Los Angeles, CA	400
California Transition Assistance Program Los Angeles Space Force Base	Student Workshop / Presentation	10/5/2023	Los Angeles, CA	6
California Transition Assistance Program Travis Air Force Base	Student Workshop / Presentation	10/13/2023	Travis Airforce Base, CA	30
56th Assembly District College and Career Fair	College Fair	10/14/2023	Los Angeles, CA	95

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
Undocumented Students Action Week College Fair	College Fair	10/16/2023	Fresno, CA	25
California Transition Assistance Program Beale Air Force Base	Student Workshop / Presentation	10/26/2023	Yuba County, CA	27
Black College Expo (Sacramento)	College Fair	10/28/2023	Sacramento, CA	200
California Transition Assistance Program MCAS Miramar	Student Workshop / Presentation	11/7/2023	San Diego, CA	15
Natomas Unified School District Parent's University	Student Workshop / Presentation	11/16/2023	Sacramento, CA	61
			TOTAL	977

Office of Student Assistance and Relief: Student Outreach Report

CHART B: STUDENT OUTREACH EFFORTS

School	Outreach Type	Outreach Date	School Location	Total Students
Intercultural Institute of California	Email	8/9/2023	San Francisco, CA	60
Data Science Evangelists, Inc dba The Data Incubator	Email	8/9/2023	Berkeley, CA	17
California Christian College	Email	8/11/2023	Fresno, CA	17
Advance Beauty College	Email	8/25/2023	Laguna Hills, CA	71
California Intercontinental University	Email	9/26/2023	Irvine, CA	106
Toni and Guy Hairdressing Academy	Email	9/29/2023	Los Angeles, CA	67
DeVry University (Branch)	Email	9/29/2023	Long Beach, CA	44
International Educational Services	Email	10/18/2023	San Diego, CA	37
California Institute of the Healing Arts and Sciences	Email	11/6/2023	Los Angeles, CA	10

Office of Student Assistance and Relief: Student Outreach Report

CHART B: STUDENT OUTREACH EFFORTS

School	Outreach Type	Outreach Date	School Location	Total Students
Airstreams Renewables, Inc.	Email	11/6/2023	Fort Irwin, CA	19
Micro-Easy Vocational Institute	Email	11/6/2023	San Pablo, CA	2
Carrington College Ontario	Email	11/27/2023	Ontario, CA	27
San Joaquin Valley College (Branch)	Email	11/28/2023	Madera, CA	14
San Joaquin Valley College (Branch)	Email	11/28/2023	Hanford, CA	13
Liberty Career College	Email	11/28/2023	Bakersfield, CA	21
Paul Mitchell The School North Tahoe (Branch)	Email	12/14/2023	Truckee, CA	3
Northeastern University San Francisco (Branch)	Email	12/29/2023	San Francisco, CA	53
			TOTAL	581

Office of Student Assistance and Relief: Student Outreach Report

CHART C: CLOSED SCHOOL OUTREACH WORKSHOPS

Student Outreach Activity	Event Type	Event Date	Event Location	Total Students
Hussian College School Closure Outreach Events	Virtual Student Workshop	7/18/2023	Los Angeles, CA	55
	Student Workshop	7/25/2023		
Flair Beauty College School Closure Workshop	Virtual Student Workshop	12/21/2023	Sacramento, CA	8
			TOTAL	55

Office of Student Assistance and Relief: Student Contact Report

CHART D: PHONE CALLS RECEIVED

Call Category	July 2023	August 2023	September 2023	October 2023	November 2023	December 2023	Total
Student Tuition Recovery Fund Application Assistance	28	20	17	41	34	26	166
Student Loan Relief Assistance	5	2	0	1	2	0	10
School / Program Closure Outreach	56	36	28	21	6	21	168
Informed Choice Consultation	2	5	2	11	2	4	26
Transcript Assistance	7	1	2	6	8	3	27
Other	3	0	4	6	18	15	46
TOTAL CALLS	101	64	53	86	70	69	443

Office of Student Assistance and Relief: Student Contact Report

CHART E: EMAILS RECEIVED

Email Category	July 2023	August 2023	September 2023	October 2023	November 2023	December 2023	Total
Student Tuition Recovery Fund Application Assistance	31	42	33	42	45	42	235
Student Loan Relief Assistance	4	4	10	20	5	7	50
School / Program Closure Outreach	175	95	60	28	27	55	440
Informed Choice Consultation	9	11	15	2	1	3	41
Transcript Assistance	15	24	26	15	20	15	115
Other	4	7	8	20	15	18	72
TOTAL EMAILS	238	183	152	127	113	140	953

Office of Student Assistance and Relief: Student Appointment Report

CHART F: APPOINTMENTS CONDUCTED

Category	July 2023	August 2023	September 2023	October 2023	November 2023	December 2023	Total
Individual Appointment	23	17	17	5	1	4	67

Most Common Appointment Topics

Student Tuition Recovery Fund
Application Assistance

Student Loan Relief Assistance

School / Program Closure Assistance

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

Student Tuition Recovery Fund (STRF) Report Q2, FY 2023-2024

Bureau for Private Postsecondary Education
Advisory Committee Meeting
February 7, 2024



Student Tuition Recovery Fund (STRF) Claims

STRF Claims Received		
State Fiscal Year	FY 23/24 Q1	FY 23/24 Q2
Total Claims Received	75	74
Claims Received via Connect	48	55
Claims Received via Paper Applications	27	19

Student Tuition Recovery Fund (STRF) Claims

STRF Claims Closed		
State Fiscal Year	FY 23/24 Q1	FY 23/24 Q2
Claims Approved	104	200
Claims Ineligible	12	2
Claims Denied	22	5
Unable to Contact	0	7
TOTAL	138	214

Student Tuition Recovery Fund (STRF) Claims

Current STRF Claims as of 12/31/2023

Current STRF Claims ¹	
Analyst's First Review Complete/Rec. Pending	82
Analyst Review	131
Waiting for Student Response	63
In Queue	501
TOTAL	777

¹ Current claim count does not include claims on hold pending external determinations (e.g., borrower defense discharges, litigation).

Student Tuition Recovery Fund (STRF) Claims

STRF Claims Pending Payment – State Controller’s Office

State Fiscal Year	FY 23/24 Q1	FY 23/24 Q2
Amount	\$2,201,151.40	\$865,798.98
Claims	126	50

STRF Claims Paid Amount

State Fiscal Year	FY 23/24 Q1	FY 23/24 Q2
Amount	\$1,714,391.40	\$3,528,176.81
Claims	102	199

STRF Current Balance as of 12/31/2023

\$28,817,283.62

Student Tuition Recovery Fund (STRF) Claims

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

School	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	507	172	106	118	111	\$889,531.39	\$32,708.96	\$922,240.35
WyoTech ¹	176	23	50	39	64	\$353,156.94	\$0.00	\$353,156.94
Everest ¹	578	138	143	140	157	\$620,256.13	\$0.00	\$620,256.13
Silicon Valley	1347	453	75	32	787	\$13,625,332.37	\$0.00	\$13,625,332.37

¹ Heald College, WyoTech, and Everest College were operated by Corinthian Colleges, Inc. - "STRF Claims Pending" includes claims for which the Bureau is awaiting confirmation of federal loan discharge.

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 Updates and Discussion on Regulatory Proposals

- a. Minimum Operating Standards: Financial Standards and Associated Reporting Requirements (California Education Code (CEC) section 94885(a)(6), 5 California Code of Regulations (CCR) sections 71745, 74110, and 74115)
- b. Minimum Operating Standards: Cancellations and Withdrawals (CEC section 94885(a)(4), 5 CCR sections 70000, 71746, 71750, and 71751)
- c. Minimum Operating Standards: Qualifications (CEC section 94885(a)(5), 5 CCR sections 71720, 71720.1, 71720.2, 71720.3, 71730)
 - i. See Memo: Discussion of Issues Regarding Qualifications of Directors, Administrators, and Faculty



Bureau Regulations Tracker

Title	Status Summary	ACM (text only)	DCA	Agency	Public Comment (full package)	OAL	Final
Reporting of Substantive Change: Distance Education Learning Management System	Public Comment Period	11/16/2022	2/2/2023, 7/17/2023, 9/11/2023	10/23/2023	12/15/2023- 1/30/2024		
Identifying Date of Closure	Submitted to DCA	2/16/2023, 5/24/2023	5/31/2023, 6/19/2023, 10/09/2023 01/05/2024				
Signature Requirements	Submitted to DCA	5/24/2023	6/26/2023, 9/26/2023 12/22/2023				
Public Institution Approval	Public Comment Period	5/24/2023	6/1/2023, 6/28/2023	12/21/2023	2/02/2024- 3/19/2024		
STRF Fee Change-Effective April 1, 2024	Submitted to OAL	11/8/2023	12/19/2023	N/A	N/A	12/28/2023	
Expired Approvals	Submitted to DCA	11/8/2023	10/21/2023 12/7/2023				
Min Ops: Financial Resources, Statements, and Annual Report Filing	Submitted to DCA	11/8/2023	1/4/2024				
Min Ops: Cancellations, Withdrawals, and Refunds	For Advisory Committee	2/7/2024					
Min Ops: Faculty and Administrator Qualifications	For Advisory Committee	2/7/2024					
Verification of Exempt Status Application	On hold	8/26/2021, 5/24/2023					
Substantive Change-Change of Person In Control	In development	TBD					
Definition of "Physical Presence"	In development	TBD					
Past Bad Actions	In development	TBD					

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 5. BUREAU OF PRIVATE POSTSECONDARY EDUCATION

California Code of Regulations
Division 7.5. Private Postsecondary Education
Chapter 3. Institutional Operating Standards
Article 1. Minimum Operating Standards
Chapter 4. Institutions – General Provisions
Article 1. Fees and Payment Schedule
Article 2. Reports

PROPOSED REGULATORY LANGUAGE
Minimum Operating Standards: Financials

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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1. Amend Section 71745 of Article 1 of Chapter 3 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

71745. Financial Resources.

(a) The institution shall document that it has at all times sufficient assets and financial resources to do all of the following:

(1) Provide all of the educational programs that the institution represented it would provide.

(2) Ensure that all students admitted to its educational programs have a reasonable opportunity to complete the programs and obtain their degrees or diplomas.

(3) Maintain the minimum standards required by the Act and this chapter.

(4) Pay timely refunds as required by Article 13 of the Act.

(5) Pay all operating expenses due within 30 days.

(6) Remain current and not be in default on its debt payments.

(67) Institutions not participating in Title IV Federal Student Aid programs shall maintain a ratio of current assets-to-current liabilities of 1.25 to 1.00 or greater at the end of the most recent fiscal year when using generally accepted accounting principles.

~~, or for an institution participating in Title IV of the federal Higher Education Act of 1965, meet the composite score requirements of the U.S. Department of Education.~~ For the purposes of this section, current assets does not include: intangible assets, including goodwill, going concern value, organization expense, startup costs, long-term prepayment of deferred charges, and non-returnable deposits, or state or federal grant or loan funds that are not the property of the institution but are held for future disbursement for the benefit of students. Unearned tuition shall be accounted for in accordance with generally accepted accounting principles.

(8) Institutions participating in Title IV Federal Student Aid programs shall, at all times, meet the U.S. Department of Education's standards for financial responsibility as set out in Subpart L of Part 668 of Chapter VI of Subtitle B of Title 34 of the Code of Federal Regulations.

(b) At an institution's request, the Bureau may consider the financial resources of a parent company if the parent company, as defined by section 94853 of the Code, meets and maintains all of the following provisions:

(1) Consents in writing to be sued in California;

(2) Consents in writing to be subject to the jurisdiction of the Bureau with respect to the institution's regulation under the Act and this Chapter;

(3) Designates and maintains an agent for service of process, consistent with section 74190;

(4) Agrees in writing to pay any refund, claim, penalty, or judgment that the institution is obligated to pay; and

(5) Files financial reports, maintains financial records, and consents in writing to permit the inspection and copying of financial records to the same extent as is required of the institution.

(c) An institution shall provide to the Bureau its most current financial statements upon request. Such requests shall include financial statements for its parent company if the institution's compliance with 71745 is dependent on resources from the parent company.

Note: Authority cited: Sections 94803, 94877 and 94885, Education Code. Reference: Sections 94853 and 94885, Education Code.

2. Amend Section 74002 of Article 1 of Chapter 4 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

74002. Definitions.

(a) “Annual fee” or “annual institutional fee” is the fee required by subdivision (d) of section 94930.5 of the Code.

(b) “Annual gross revenue” means all revenue such as tuition, fees, and other charges derived by an institution, during its last fiscal year ending before the due date of an annual fee payment, from any source for any education, instruction, training, or any services incident thereto. “Annual gross revenue” does not include unearned tuition and refunds. An institution shall account for “annual gross revenue” in accordance with generally accepted accounting principles.

(c) “Generally accepted accounting principles” means the accounting standards developed by the Financial Accounting Standards Board (FASB) or its successor organization.

Note: Authority cited: Sections 94803 and 94877, Education Code. Reference: Sections 94930.5 and 94885, Education Code.

3. Amend Section 74110 of Article 2 of Chapter 4 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) through (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;

- (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; and,

~~(b) (8) Annual financial statements for the institution's prior fiscal year shall be either audited or reviewed, and shall comply with Section 74115 of this Division. 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.~~

~~(eb)~~ 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.

~~(dc)~~ Specific Timeframes for Reporting Graduate Identification Data:

(1) 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.

(ed) 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.

(fe) 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 annual reports portal designated on the Bureau's website at: www.bppe.ca.gov, and electronically uploading, as directed, the School Performance Fact Sheet, the enrollment agreement, the school catalog, the financial statements, 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), or a text file with a semi-colon, comma, or pipe delimiter (.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; and Sections 1633.2, 1633.7, and 1633.9, Civil Code.

4. Amend Section 74115 of Article 2 of Chapter 4 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

74115. Financial Statements.

(a) This section applies to every set of financial statements required to be prepared or filed by the Act or by this chapter.

(b) A set of financial statements shall contain, at a minimum, a balance sheet, an income statement, ~~and a cash flow statement,~~ and required notes to the Financial Statements. ~~and t~~The preparation of financial statements, shall comply with all of the following:

(1) Audited and reviewed financial statements shall be conducted and prepared in accordance with the generally accepted accounting principles ~~established by the American Institute of Certified Public Accountants~~ by an independent certified public accountant with an active license in good standing who is not an employee, officer, or corporate director or member of the governing board of the institution.

(2) Financial statements prepared on an annual basis as required by section 74110~~(b)~~(8) shall be prepared in accordance with the generally accepted accounting principles ~~established by the American Institute of Certified Public Accountants.~~

Nonprofit institutions shall provide annual financial statements as required under generally accepted accounting principles for nonprofit organizations.

(3) The financial statements shall establish that the institution meets the requirements for financial resources required by Section 71745.

(4) If an audit performed to determine compliance with any federal or state student financial aid program reveals any failure to comply with the requirements of the program and the noncompliance creates any liability or potential liability for the institution, the financial statements shall reflect the liability or potential liability.

(5) Any audits shall demonstrate that the accountant obtained an understanding of the institution's internal financial control structure, assessed any risks, and has reported any material deficiencies in the internal controls.

(c) Work papers for the financial statements shall be retained for five years from the date of the statements and shall be made available to the Bureau upon request.

(d) "Current" with respect to financial statements means ~~completed no sooner than 120 days prior to the time it is submitted to the Bureau, and~~ covering no less than the most recent complete fiscal year. If more than 8 months will have elapsed between the close of the most recent complete fiscal year and the time it is submitted, the ~~fiscal~~ financial statements shall also cover no less than five months of that current fiscal year.

Note: Authority cited: Sections 94803 and 94877, Education Code. Reference: Sections 94885 and 94934, Education Code.

California Code of Regulations
Title 5. Education
Division 7.5. Private Postsecondary Education
PROPOSED REGULATORY LANGUAGE CONCERNING MINIMUM OPERATING
STANDARDS: CANCELLATIONS AND REFUND POLICIES

PROPOSED LANGUAGE

New language is underlined. Deleted language is ~~strikeout~~.

Amend Section 70000 of Article 1 of Chapter 1 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

(a) “Academic Freedom” means the degree to which faculty at an institution are allowed latitude with respect to their discussions with students and the positions they take. Under such a policy, a faculty member can articulate or even advocate positions or concepts which may be controversial in nature without fear of retribution or reprisal.

(b) “Act” means The California Private Postsecondary Education Act of 2009.

(c) “Cancellation”, as related to a student’s enrollment, means the ending of a student’s enrollment in an educational program before the completion of the cancellation period specified in section 94911(e)(1) of the Code.

(d) “Cancellation Period” means the time from the signing of the enrollment agreement to either the student’s attendance at the first class session, or the seventh day after enrollment, whichever is later.

~~(e)~~ (e) “Chief academic officer” means the person primarily responsible for the administration of an institution’s academic affairs including the supervision of faculty, development of educational programs and curricula, and implementation of the institution’s mission, purpose and objectives.

* * *

~~(t)~~ (t) “Prior experiential learning” or “college level learning experience” means learning of a postsecondary nature as documented learning from a related profession, college level equivalent tests, military training or other college level equivalent experience.

(w) “Pro Rata Refund” or “Pro-Rated Refund” means a partial repayment of amounts paid by a student or third party payer to an institution for an educational program, based on the proportion of the educational program completed.

~~(ux)~~ “Provisional approval” means approval of a degree program or the institution for no more than a five-year period while the owner of a Bureau-approved institution seeks to satisfy the requirement for institutional accreditation by an accrediting agency recognized by the United States Department of Education pursuant to section 94885(b) of the Code.”

(* * *)

~~(xaa)~~ “Recreational Education” means education offered for the purpose of teaching the fundamentals, skills or techniques of sports or games.

(ab) "Refund" means a repayment of credit balance owed to a student or third party payer after a student's cancellation, withdrawal, or completion of either the period of attendance or educational program.

~~(yac)~~ “Semester” means at least 15 weeks of instruction or its equivalent as described in subdivision (z) (2) of this section.

(* * *)

~~(aaae)~~ “Significant equipment” means equipment that is necessary for achieving the stated educational objectives.

~~(ab)~~ (af) “Tuition” means the cost for instruction normally charged on a per unit or per hour basis. It does not include itemized fees paid to the Bureau or the cost of textbooks, supplies, transportation, or equipment.

~~(ac)~~ (ag) “Unit” or “unit of credit” means a measure of college or university level instruction that is evaluated by duly qualified faculty.

(ah) “Withdrawal” means the ending of a student’s enrollment in an educational program after the completion of the cancellation period but prior to their completion of the program.

Note: Authority cited: Sections 94803, 94877, 94885, 94885.1 and 94885.5, Education Code. Reference: Sections 94818, 94830, 94844, 94885, 94885.1, 94885.5 and 94923, Education Code.

Add Section 71746 to Article 1 of Chapter 3 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

71746. Collection of Tuition and Payment from Students.

(a) Institutions shall not charge, or collect from or on behalf of, students an amount for total charges that exceeds the amount listed in the institution’s catalog and the executed enrollment agreement, regardless of the payment source. If an institution collects an

amount greater than the total charges listed in the institution's catalog and the executed enrollment agreement, then the account balance shall be refunded within 45 calendar days of the completion of the educational program.

(b) Institutions collecting total charges shall provide students a receipt, in hard copy or electronic format, for all payments received from the student or on behalf of the student all amounts refunded, and a copy of the receipt shall be kept in the student's records required under CCR section 71920.

Note: Authority cited: Sections 94877 and 94885, Education Code. Reference: Sections 94844, 94850, 94885 and 94899.5, Education Code.

Amend Section 71750 of Article 1 of Chapter 3 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

71750. Cancellations and Withdrawals and Refunds.

(a) Upon cancellation of enrollment in an educational program, the Every institution shall make refunds that are no less than the refunds required under the Act and this Division, and shall not enforce any refund policy that is not specified in the catalog as required pursuant to section 94909(a)(8)(B) of the Code.

(1) The student's notice of cancellation shall be in writing as required by sections 94919(b) and 94920(a) of the Code.

(2) Institutions shall refund 100 percent of the amount paid for institutional charges, less a reasonable deposit or application fee, not to exceed two hundred fifty dollars (\$250), if notice of cancellation is made through attendance at the first class session, or the seventh day after enrollment, whichever is later.

(3) If the institution provides a 100 percent refund pursuant to sections 94919(d) or 94920(b), any Student Tuition Recovery Fund assessment paid pursuant to section 94923 of the Code shall be refunded.

(b) An institution may not enforce any refund policy that is not specified in the catalog as required pursuant to section 94909(a)(8)(B) of the Code, and must refund all institutional charges upon a student's withdrawal. Withdrawal policy procedures pursuant to section 94909(a)((8)(B) of the Code shall include, at a minimum: the acceptable methods of delivery of a notice to withdraw; whether withdrawal can be accomplished by conduct, and if so, how; the position or positions to whom the notice to withdraw must be delivered; and the date that the notice to withdraw is considered effective, which shall be no later than the date received by the institution.

~~(c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the educational program provided subtracted from the amount paid by the student, calculated as follows:~~

~~(1) The amount owed equals the daily charge for the program (total institutional charge, divided by the number of days or hours in the program), multiplied by the number of days student attended, or was scheduled to attend, prior to withdrawal.~~

~~(2) Except as provided for in subdivision (a)(3) of this section, all amounts paid by the student in excess of what is owed as calculated in subdivision (a)(1) shall be refunded.~~

~~(3) Except as provided herein, all amounts that the student has paid shall be subject to refund unless the enrollment agreement and the refund policy outlined in the catalog specify amounts paid for an application fee or deposit not more than \$250.00, books, supplies, or equipment, and specify whether and under what circumstances those amounts are non-refundable. Except when an institution provides a 100% refund pursuant to section 94919(d) or section 94920(b) of the Code, any assessment paid pursuant to section 94923 of the Code is non-refundable.~~

~~(4) For purposes of determining a refund under the Act and this section, a student shall be considered to have withdrawn from an educational program when he or she withdraws or is deemed withdrawn in accordance with the withdrawal policy stated in its catalog.~~

~~(d) If an institution has collected money from a student for transmittal on the st'd'nt's behalf to a third party for a bond, library usage, or fees for a license, application, or examination and the institution has not paid the money to the third party at the time of the st'd'nt's withdrawal or cancellation, the institution shall refund the money to the student within 45 days of the st'd'nt's withdrawal or cancellation.~~

(b) If an institution has collected money from, or on behalf of, a student for transmittal on the student's behalf to a third party for a bond, library usage, or fees for a license, application, or examination, and the institution has not paid the money to the third party or has not yet been billed or invoiced by the third party at the time of the student's cancellation, the institution shall refund the money to the student or third party payer within 45 days of the student's cancellation.

~~(ec) An institution shall refund any credit balance on the student's account within 45 days after the date of the student's completion of, or cancellation of, their enrollment or withdrawal from the educational program in which the student was enrolled. For purposes of this subdivision and section 94919(d), "day" means calendar day.~~

~~(fd) The institution shall maintain a cancellation and withdrawal log, kept current on at least a monthly basis, in an electronic version or hard copy, of all student cancellations.~~

The log which shall include the names, addresses, telephone numbers, personal email addresses, and dates of cancellations or withdrawal, and refund amounts of all students who have cancelled the enrollment agreement with, or withdrawn from, the institution during the calendar year.

Note: Authority cited: Sections 94803, 94877 and 94885, Education Code. Reference: Sections 94885, 94919 and 94920, Education Code.

Add Section 71751 to Article 1 of Chapter 3 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

71751. Withdrawals and Refunds.

(a) For purposes of determining a refund under the Act and this Division, the following shall apply to any student who has submitted a written statement of withdrawal to an institution, or has received a written statement of withdrawal from the institution, in accordance with the withdrawal policy stated in the institution's catalog pursuant to section 94909(a)(8)(B) of the Act.

(1) The institution's withdrawal and refund policy and procedures shall include, at a minimum:

(A) A statement that withdrawal may be effectuated by the student's written notice;

(B) The acceptable method(s) of delivery of a student's notice to withdraw;

(C) The office(s) or person(s) to whom the notice to withdraw must be delivered.

(D) The date that the notice to withdraw is considered effective, which shall be no later than the date received by the institution;

(E) A statement that withdrawal may be effectuated by the institution's written notice regarding the student's conduct, including, but not necessarily limited to, a student's lack of attendance;

(F) Conditions under which a student may be withdrawn for conduct reasons;

(G) The maximum number of consecutive class days a student may be absent before being deemed withdrawn by the institution;

(H) The date that the notice to withdraw is considered effective, if withdrawn for lack of attendance, shall be the student's last date of attendance.

(2) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the

educational program provided subtracted from the amount paid by the student, calculated as follows:

(A) The amount of the refund owed to the student equals the daily or hourly tuition charge for the program (total institutional charge minus any non-refundable charges, divided by the number of days or hours in the program), multiplied by the number of days or hours the student attended prior to withdrawal. Any hours or days prior to the student's last day of attendance for which the student was scheduled to attend but was absent shall be included in the calculation of days or hours attended.

(B) All amounts that the student has paid shall be subject to pro rata refund unless the enrollment agreement and the refund policy outlined in the catalog specify a non-refundable deposit or application fee, not to exceed two hundred fifty dollars (\$250), and/or non-refundable amounts paid for educational materials. The enrollment agreement and catalog shall specify whether and under what circumstances the amounts paid for educational materials amounts are non-refundable.

(C) Except as provided for in subdivision (a)(2)(B) of this section, all amounts paid by the student in excess of what is owed as calculated in subdivision (a)(2)(A) shall be refunded.

(D) If the institution provides a pro rata refund pursuant to sections 94919(c) or 94920(d) of the Code, any Student Tuition Recovery Fund assessments paid shall be non-refundable.

(b) If an institution has collected money from, or on behalf of, a student for transmittal on the student's behalf to a third party for a bond, library usage, or fees for a license, application, or examination and the institution has not paid the money to the third party or has not yet been billed or invoiced by the third party at the time of the student or institution withdrawal, the institution shall refund the money to the student or third party payer within 45 days of the student or institution withdrawal.

(c) An institution shall refund any credit balance on the student's account within 45 days after the date of either the student's completion of the educational program, or the student or institution withdrawal. For purposes of this subdivision, "day" means calendar day.

(d) The institution shall maintain a log, kept current on at least a monthly basis, in electronic version or hard copy, of all student and institution withdrawals. The log shall include the names, addresses, telephone numbers, personal email addresses, dates of withdrawal, and refund amounts of all students withdrawn from the institution during the calendar year.

Note: Authority cited: Sections 94877 and 94885, Education Code. Reference: Sections 94885, 94919, and 94920, and 94927 Education Code.

Pro-Rata Refund Example

Student enrolled in 1,600-hour program withdrew after completing 650 scheduled hours

Amounts Used for Pro Rata Calculation

Tuition charges: \$10,000

Non-refundable charges: \$1,750 (\$250 registration + \$1,500 equipment)

Total institutional charges: \$11,750

Current 5, CCR 71750(c)(1)(3)

$$\begin{aligned}\text{Amount Owed} &= ((\$11,750^* / 1,600) \times 650) \\ &= (\$7.34 \times 650)\end{aligned}$$

$$\text{Amount Owed} = \$4,771$$

$$\text{REFUND} = \$11,750 - \$4,771 - \$1,750^*$$

$$\text{REFUND} = \$5,229$$

**Non-refundable charges
are accounted for TWICE*

Proposed 5, CCR 71751(a)(2)(A)&(B)

$$\begin{aligned}\text{Amount Owed} &= (((\$11,750 - \$1,750^*) / 1,600) \times 650) \\ &= ((\$10,000 / 1,600) \times 650) \\ &= (\$6.25 \times 650)\end{aligned}$$

$$\text{Amount Owed} = \$4,062.50$$

$$\text{REFUND} = \$11,750 - \$4,062.50 - \$1,750^*$$

$$\text{REFUND} = \$5,937.50$$

**Focusing pro-rata refunds on tuition means
non-refundable charges are charged ONCE*



MEMORANDUM

DATE	January 30, 2024
TO	Advisory Committee Members
FROM	Bureau for Private Postsecondary Education
SUBJECT	Discussion of Issues Regarding Qualifications of Directors, Administrators, and Faculty

The Private Postsecondary Education Act charges the Bureau for Private Postsecondary Education (Bureau) with regulating and monitoring institutions’ compliance with several categories of minimum operating standards, outlined in California Education Code (CEC) section 94885. CEC section 94885(a)(5) authorizes the Bureau to promulgate regulations to ensure that “The directors, administrators, and faculty [of approved institutions] are properly qualified.”

Currently, requirements for faculty are included in Title 5, California Code of Regulations (CCR) section 71720 and administration requirements are in 5 CCR 71730. Regarding directors, regulations currently define “institution director” but do not articulate required qualifications for individuals in this role.¹

The Bureau is in the process of drafting a proposal to revise regulations promulgated to implement CEC section 94885(a)(5). The Bureau’s primary goals with this this update include:

- More clearly delineating faculty requirements by type of institution;
- Clarifying requirements for faculty teaching distance education programs; and
- Adding specificity to the types of qualifications required for faculty and the documentation that institutions must retain to demonstrate that qualifications are met.

Prior to presenting a proposal for discussion, the Bureau welcomes feedback from the Advisory Committee on how regulations specifying the qualifications of directors, administrators, and faculty could be improved in support of consumer protection. In particular, the Bureau offers the following questions on which it seeks feedback:

1. Many regulatory agencies that oversee educational programs leading to licensure require that faculty teaching in those programs hold active state

¹ 5 CCR section 70000(o): “Institution director” means the person who is responsible for administering the daily operations of the institution and has supervisory authority over all other administrators and instructors.

licenses in the profession. Such requirements help to ensure the relevance and recency of faculty expertise and can also streamline the agencies' program approvals by relying upon a straightforward, vetted manner of verifying faculty credentials. Should Bureau regulations be amended such that faculty teaching in programs leading to licensure be required to hold an active license in the field in which they are teaching?

2. Current regulations require that faculty teaching degree programs hold a degree "at least equivalent to the level of instruction being taught or evaluated," but do not require that the degree(s) held by faculty be related to the degree program(s) being taught. What level of specificity would allow for a reasonable amount of flexibility (e.g., an individual with a bachelor's degree in statistics teaching undergraduate algebra) but restrict individuals from being deemed qualified in wholly unrelated subject matters (e.g., an individual with a bachelor's degree in statistics teaching music)?
3. 5 CCR section 71730 specifies that institutions must employ chief executive officers, chief operating officers, and chief academic officers, and that chief academic officers must meet or exceed requirements for faculty qualifications. Should regulations additionally require that chief academic officers have experience in postsecondary education management? Should regulations specify minimum qualifications for chief executive officers and/or chief operating officers? Once determined, how should sufficient qualifications be documented by institutions?
4. 5 CCR 71720(a)(9) requires institutions to document that "each faculty member is duly qualified and was qualified to perform the duties to which they were assigned" but provides no guidance as to how the institution is expected to document this. What documents would provide sufficient evidence of qualifications? In what situations should continuing education requirements in a subject area be required?
5. Education Code section 94885(a)(4) references qualifications for "directors," but regulations include no requirements for individuals in director roles. Should the Bureau apply minimum qualification requirements to "institution directors" as defined in 5 CCR section 70000(o), and/or establish a new category of individuals considered to be "directors"?

7. Update on Bureau Fee Structure Study and Possible Discussion on Bureau Recommendations for Fiscal Sustainability (Assembly Bill 178 (Ting, Chapter 45, Statutes of 2022))



8. Considerations for Amending STRF Statute



9. Future Agenda Items



10. Adjournment

