



Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov



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

Tuesday, December 1, 2020, at 9:30 a.m.

NOTE: Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, neither a public location nor teleconference locations are provided.

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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 (916) 574-8903, 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 her discretion, apportion available time among those who wish to speak. If public comment is not specifically requested, members of the public should feel free to request an opportunity to comment. Individuals may appear before the Advisory Committee to discuss 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. Using the Webcast link will allow for observation with closed captioning.

Agenda

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

1. Welcome, Introductions and Establishment of a Quorum
2. Public Comment on Items not on the Agenda (Note: The Advisory Committee may not discuss or take action on any matter raised during this public comment section, except to decide whether to place the matter on the agenda of a future meeting (Government Code Sections 11125 and 11125.7(a))
3. Review and Approval of August 26, 2020, 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. Analysis of AB 1346 Amendments to Education Code section 94923
 - b. Update on Fee Audit
 - c. Update on the Bureau's IT System Project
 - d. Annual Reports (AR) Report
 - e. Quality of Education Report
 - f. Compliance and Discipline Report
 - i. School Inspections by the Bureau
 - ii. Disciplinary Highlights and Resulting Actions Statistics
 - iii. Citation and Fines
 - g. Complaint and Investigation Report
 - i. Complaint and Investigation Statistics
 - h. Licensing Report
 - i. Licensing Applications Status Statistics
 - ii. Report on the Number of Institutions
 - i. Office of Student Assistance and Relief (OSAR) Report

- i. Overview of OSAR Activities Summary Report
 - ii. School Closure Outreach Update
 - iii. Closed School Outreach Video (presentation only)
 - j. Student Tuition Recovery Fund (STRF) Report
 - i. STRF Claims and Large Impact Closure Statistics
6. Status Updates related to the following Regulations:
 - a. English as a Second Language Programs [Title 5, California Code of Regulations (CCR), Section 70000 (k)]
 - b. Application for Verification of Exempt Status (CEC Sections 94874, 94874.2, 94874.7, 94874.5, and 94927.5); Title 5, CCR Section 71395)
 - c. STRF Fee Increase (Title 5 CCR Section 76120)
 - d. AB 1340 (CEC Section 94892.6)
 - e. AB 1344 (CEC Section 94801.5 ; Title 5 CCR Section 71396)
 - f. AB 1346 (CEC Section 94923; Title 5 CCR Section 76200)
7. Discussion on COVID-19 Impacts to Institutional Requirements and the Flexibility the Bureau Has to Address the Impacts
8. Future Meeting Dates
9. Future Agenda Items
10. Adjournment

WELCOME, INTRODUCTIONS AND ESTABLISHMENT OF A QUORUM

Committee Member Roster

Katherine Lee-Carey, Chair

- Institutional Representative (Appointed by DCA Director)

Margaret Reiter, Vice-Chair

- Consumer Advocate (Appointed by Senate Committee on Rules)

Leigh Ferrin

- Consumer Advocate (Appointed by Speaker of the Assembly)

Diana Amaya

- Public Member (Appointed by Senate Committee on Rules)

Thomas Wong

- Public Member (Appointed by Speaker of the Assembly)

Joseph Holt

- Institutional Representative (Appointed by DCA Director)

David Vice

- Institutional Representative (Appointed by DCA Director)

Assemblymember Jose Medina (Kevin Powers)

- Non-Voting, Ex Officio Member (Appointed by Speaker of the Assembly)

Senator Steven Glazer (Sarah Mason)

- Non-Voting, Ex Officio Member (Appointed by the Senate Committee on Rules)

PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

(Note: The 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).)

Agenda Item 3

**REVIEW AND APPROVAL OF AUGUST 26, 2020, ADVISORY COMMITTEE
MEETING MINUTES**

ATTACHMENT:

Advisory Committee Draft Meeting Minutes from August 26, 2020



Advisory Committee Meeting Minutes
Wednesday, August 26, 2020

WebEx Meeting

Advisory Committee Members in Attendance

1. Joseph Holt
2. Katherine Lee-Carey
3. Margaret Reiter
4. Dr. Robert Snowden
5. Thomas Wong
6. Leigh Ferrin
7. David Vice
8. Kevin Powers (on behalf of Assemblymember Jose Medina)

Committee Members Absent

Senator Steven Glazer (Sarah Mason)
Diana Amaya
Natalie Lyons

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

Dr. Michael Marion Jr., Bureau Chief
Leeza Rifredi, Deputy Bureau Chief
Beth Scott, Bureau Enforcement Chief
Beth Danielson, Bureau Enforcement Chief
Ebony Santee, Bureau Licensing Chief
Scott Valverde, Office of Student Assistance and Relief (OSAR) Chief
Robert Bayles, Bureau Education Administrator Chief
Yvette Johnson, Bureau Administration Chief
Doug Smith, Bureau Legal Counsel

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

Committee Chair, Katherine Lee-Carey called the meeting to order at 9:30 AM.

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

Grant Elliott provided a public comment.

Agenda #3 - Review and Approval of February 19, 2019, Advisory Committee Meeting Minutes

Margaret Reiter moved to amend the minutes to change the word “transcribed” to “transferred” on page 10 of the meeting minutes. Ms. Reiter moved to approve the minutes as corrected; Thomas Wong seconded the motion. (Joseph Holt: Aye; Ms. Lee-Carey: Aye; Dr. Robert Snowden: Aye; David Vice: Abstained; Leigh Ferrin: Abstained) The motion passed.

Public Comment

No Public Comment.

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

Carrie Holmes, Deputy Director for Board and Bureau Relations, provided an update on the Department of Consumer Affairs (DCA).

Ms. Holmes reported on new appointments by Governor Gavin Newsom at the Business, Consumer Services and Housing Agency (BCSH) and DCA. She stated that Lourdes Castro Ramirez was appointed the new Secretary of BCSH. She noted the appointment of Jennifer Simoes as DCA’s Deputy Director of Legislation and Megan Allred as Assistant Deputy. She added that Christine Lally was appointed the Chief Deputy Director of DCA.

Ms. Holmes outlined four new budgeting tools launched by the DCA Budget Office and Office of Information Services (OIS). She noted the tools include new budget expenditure and revenue reports utilizing FI\$Cal information. She stated that the four new reports include Expenditure, Expenditure Projection, Revenue, and Revenue Projection, which can be produced using DCA’s Quality Business Interactive Reporting Tool (QBIRT). She noted that these fast, accurate reports with clean data will aid Bureau leadership in providing budget reports to the Advisory Committee Members in the meeting materials.

Ms. Holmes reported on regulations. She stated a priority for DCA is improving the regulation timelines and transparency. She explained that DCA’s Regulations Unit was created by DCA

Legal to directly assist boards and bureaus with regulations packages. She added that DCA also developed an online system to manage and track regulation packages and streamline their review, called Cherwell. She stated that Cherwell testing, with a pilot cohort, is now complete. She added that there will be regular check-ins with the pilot groups to solicit feedback, and the feedback will be evaluated to determine next stages of the roll-out plan.

Ms. Holmes provided an update on DCA closures. She stated that DCA temporarily closed all offices to the public in March, in response to state and local stay at home orders to help reduce the spread of COVID-19. She noted that boards and bureaus have implemented telework plans and have required physical distancing for employees who cannot telework. She added that DCA offices reopened to the public on June 15, with preventative measures to safeguard the health and safety of employees and visitors.

Ms. Holmes reported on DCA's Board Member Orientation (BMOT). She explained that one of the few upsides to staying at home is the opportunity to expand online and remote learning. She invited the Committee to participate in DCA's Board Member Orientation, which will be offered as two half-day WebEx sessions on October 21 and 28. She noted that the training is tailored towards board members, but much of the content would have value to members of the Committee.

Ms. Reiter asked when Cherwell would become available for the Committee to view the status of the Bureau's regulations. Ms. Holmes responded that she would check on the timeline for when Cherwell will include Bureau regulatory updates.

Public Comment

No Public Comment.

Agenda #5 – Bureau Operations Update and Discussion

COVID-19 Update

Dr. Michael Marion Jr., Bureau Chief, provide an update on COVID-19. He explained that about 90% of Bureau staff started teleworking on March 13, 2020. He pointed out that the managers and chiefs are rotating in and out of the office on a daily basis to support the 10% staff still working in the office. He added that the Bureau office is open to the public with precautions in place to keep staff and public safe. He noted that a moratorium has been placed on travel.

Dr. Marion referred to Attachment 5a, in the meeting packet, entitled, "COVID-19 INDUSTRY GUIDANCE: Institutions of Higher Education, which was put out by the California Department of Public Health and Cal/OSHA" to provide information to institutions. He noted that the Bureau sent out a survey to institutions to determine ways the Bureau can assist institutions.

Public Comment

Angela Perry with the Institute for College Access and Success (TICAS) provided a public comment.

Dr. Marcy Ceranek, with the Milan Institute provided public comment.

Update on Fee Audit

Dr. Marion provided a status on the Bureau's fee audit. He stated that the issues surrounding COVID-19 has delayed the release of the audit.

Public Comment

Ms. Perry provided a public comment.

Update on Advisory Committee Handbook Revisions

Doug Smith, Bureau's General Counsel, provided an update on revisions to the Committee handbook. He stated that the handbook is still being revised, but that it should be ready by the next Committee meeting.

Public Comment

Ms. Perry provided a public comment.

Update on the Bureau's IT System Project

Robert Bayles, Bureau Education Administrator, provided an update on the Bureau's IT system project. He reported that the project team has been utilizing the agile development method and working to implement targeted minimum viable products (MVP). He explained that the two current MVPs being worked are the initial licensure to operate online application and the online complaint submission portal. He noted that the two MVPs are currently in the user acceptance testing phase. He added the goal is to have both MVPs live by the second week of September. He stated that the goal for the completion of the IT system is set for January 2022.

Ms. Reiter asked about the ability to migrate data from the current IT system to the new IT system. She also questioned about the age of records that will be transferred over. Mr. Bayles responded that data conversion specifics have not yet been worked out.

Public Comment

Ms. Perry provided a public comment.

Annual Reports (AR) Report

Mr. Bayles provided a report on the Annual Report Unit. He stated that the 2019 Annual Report portal opened on August 3, 2020.

Mr. Holt commented that there may be a spike in annual reporting deadlines being missed by smaller institutions. He questioned if there are any plans to address this potential issue. Mr. Bayles responded that the Annual Report Unit typically reaches out to offer help to institutions that need support. He added that, as the deadline nears, the unit proactively reaches out to institutions that have not submitted the Annual Report.

Public Comment

No public comment.

Quality of Education Report

Mr. Bayles provided a report on the Quality of Education Unit. He outlined Attachment 5f of the meeting packet.

Public Comment

No public comment.

Compliance and Discipline Report

BPPE Enforcement Chief, Beth Scott, provided a report on the Compliance and Discipline Unit. She referenced Attachment 5g, of the meeting packet.

Ms. Lee-Carey questioned how inspections have been handled with the COVID-19 restrictions in place. Ms. Scott responded that staff have been focusing efforts on internal desk work, preparing for inspections, as travel slowly opens back up.

Ms. Reiter questioned, as a number of institutions transfer to offering online education, how is the Bureau handling inspections. Ms. Scott stated that inspections for institutions offering online education will be handled the same way as inspections were handled prior to COVID-19.

Public Comment

No public comment.

Complaint and Investigation Report

BPPE Enforcement Chief, Beth Danielson, reported on the Complaint and Investigation Unit. She outlined Attachment 5H, in the meeting packet.

Ms. Lee-Carey asked if there has been an increase in complaints due to COVID-19.

Ms. Danielson responded that the Bureau has received 75 COVID related complaints. She noted that the COVID related complaints made up 13% of the overall complaints in Q1 and Q2. She added that 63% of the COVID related complaints were found to be non-jurisdictional. She explained that the non-jurisdictional complaints resulted in staff referring the complainants to other agencies including: the California Department of Public Health (CDPH), a different DCA board or bureau, and/or the U.S. Department of Education. She stated that the jurisdictional COVID related complaints consisted of the following allegations: difficulty obtaining transcripts and diplomas, an inability to drop classes, struggles completing assignments during lockdown, students being terminated, programs being cancelled, lack of agreed upon hands on training, lack of quality instruction, not receiving refunds, and improper school closure.

Public Comment

Ms. Perry provided a public comment.

Licensing Report

BPPE Licensing Chief, Ebony Santee, reported on the Licensing Unit. She outlined Attachment 5I, of the meeting packet.

Ms. Santee reported that, due to COVID, there has been an increase in Change in Method of Instructional Delivery applications. She noted that the change in method applications from institutions approved by means of accreditations are reviewed by the Licensing Unit and applications from schools with full approval are reviewed by the Quality of Education Unit. She added that the Licensing, Quality of Education, and Enforcement units have been working together to address questions and changes. She continued to state that successful dialogue has been established with external agencies including the Board of Barbering and Cosmetology, CDPH, multiple accrediting agencies, and other entities. She stated that helpful tips for implementing distance education were posted to the Bureau website.

Ms. Reiter questioned how the Bureau is handling programs that traditionally require hands on training, in regard to transitioning online. She also questioned if there is a time limit on the changes being approved. Ms. Santee responded that some changes are temporary, and some are permanent. She noted that schools with approval by means of accreditation must first receive approval for the changes from the school's accreditor, prior to being approved by the Bureau. She continued that applications from schools with full approval are thoroughly reviewed, including the feasibility of the method of instruction, by the Quality of Education Unit.

Ms. Reiter stated that there is evidence of increased fraud potential with distance education programs. She urged caution to avoid a major rise in fraud in the future. Ms. Santee stated that, prior to approval, the Quality of Education Unit has multiple methods of review to ensure instructors and students are meeting benchmarks.

Public Comment

Ms. Perry provided a public comment.

Office of Student Assistance and Relief (OSAR) Report

OSAR Chief, Scott Valverde, provided a report on OSAR. He covered Attachment 5J, of the meeting packet.

Mr. Valverde reported that several in person informed choice outreach events previously scheduled, were indefinitely postponed or cancelled due to COVID. He stated that there has been a transition to online outreach events. He provided an example of the California Veteran Transition Program Workshop being held virtually. He explained that there are pros and cons of doing the workshops virtually. He stated that the pro being that attendance has remained steady and travel costs have declined. He noted that one con is that individual interactions are not the same as they were during in-person workshops. He added that OSAR is taking the opportunity to explore more of a leadership role in developing and hosting more proactive outreach content, in a virtual environment.

Mr. Valverde reported on closed school outreach events. He explained that closed school outreach workshops traditionally take place in-person, on campus, at the closing institution or a nearby location. He continued that, with COVID, closed school workshops are now taking place virtually. He noted that outreach information has previously been and continues to be provided on an individual basis, to those unable to attend a workshop. He explained that OSAR has been working with the DCA Office of Public Affairs to film and edit an asynchronous video of OSAR staff presenting a closed school workshop. He added that staff have been diligently training in WebEx, in preparation for conducting closed school outreach workshops, in the event there is an increase in closures.

Ms. Ferrin asked if OSAR tracks what percentage of students of a closed school attend the outreach events. She also asked if the percentage has been different with virtual events. Mr. Valverde responded attendance percentages would be based on student rosters provided by the school. He explained that the rosters are often imperfect, but percentages could be calculated based on the roster. He stated that the attendance at the latest virtual closed school workshop was a little lower than what would be expected in person. He noted that there are many dynamic variables that impact each event. He added that student outreach is continuously proactive, to make students aware of OSAR's services.

Mr. Valverde reported on outreach regarding Assembly Bill 1346 (Postsecondary Education: California Private Postsecondary Education Act of 2009: Student Tuition Recovery Fund). He

stated that outreach efforts have been negatively impacted by COVID. He stated that OSAR is working with DCA Office of Public Affairs. He explained phase 1 is underway and consists of doing outreach on social media. He continued that phase 2 will include a press release with a video presentation. He described that phase 3 will be a robust phone call and email campaign. He added that he would have more information at the next meeting.

Public Comment

No public comment.

Student Tuition Recovery Fund (STRF) Report

Yvette Johnson, Bureau Administration Chief, provided a report on STRF. She covered Attachment 5K, of the meeting packet.

Ms. Reiter asked if the STRF applications include the changes made by AB 1346. Ms. Johnson responded that the STRF application is being updated to include the changes for Corinthian College students. She added that laws are included as an attachment with the application. Ms. Reiter recommended adding something to the application to point out the changes of how economic loss is defined.

Public Comment

Ms. Perry provided a public comment.

Agenda Item #6 - Status Updates on Regulations

Dr. Marion provided a status update on Bureau regulations. He reported that the final version of the English as a Second Language Program [Title 5, California Code of Regulations (CCR), Section 70000 (k)] regulatory package was submitted to DCA in July 2020. He stated that the Application for Verification of Exempt Status (CEC Sections 94874, 94874.2, 94874.7, 94874.5, and 94927.5); Title 5, CCR Section 71395) package has been returned by Agency with recommended edits. He noted that staff are still developing and editing the Compliance with Laws and Procedures (Title 5, CCR, Section 71755) and the Student Records, as well as Maintenance of Records (Title 5, CCR Sections 71920, 71930, 71940 and 71950) regulatory packages. He stated that the Annual Report (Title 5, CCR 74110) regulatory package will be submitted to DCA for review soon.

Dr. Marion noted that there has been some discussion regarding Bureau fee changes. He stated that any changes to Bureau fees would require a statutory change.

Public Comment

Mr. Elliott provided a public comment. Ms. Perry provided a public comment.

Agenda Item #7 – Future Agenda Items

Ms. Lee-Carey moved to have a discussion on COVID-19 impacts to institutional requirements and the flexibility the Bureau has to address the impacts; Mr. Vice seconded the motion. (Ms. Reiter: Aye; Mr. Wong: Aye; Ms. Ferrin: Aye; Mr. Holt: Aye; Dr. Snowden: Aye)
The motion passed.

Ms. Reiter requested an update, with a regulatory timeline, on AB 1340, AB 1344, and AB 1346, to be included in the status update on regulations agenda item.

Ms. Reiter moved to have a legal analysis from the Bureau on the definition and interpretation of economic loss, regarding STRF in AB 1346; Ms. Lee-Carey seconded the motion. (Mr. Holt: Aye; Mr. Wong: Aye; Dr. Snowden: Aye; Mr. Vice: Aye; Ms. Ferrin: Aye)
The motion passed.

Public Comment

Ms. Perry provided a public comment.

Agenda #8 – Adjournment

The meeting adjourned.

Agenda Item 4

REMARKS BY A REPRESENTATIVE OF THE DEPARTMENT OF CONSUMER AFFAIRS

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

Agenda Item 5

BUREAU OPERATIONS UPDATE RELATED TO THE FOLLOWING:

- a.** Analysis of AB 1346 Amendments to Education Code section 94923
- b.** Update on Fee Audit
- c.** Update on the Bureau's IT System Project
- d.** Annual Reports (AR) Report
- e.** Quality of Education Report
- f.** Compliance and Discipline Report
- g.** Complaint and Investigation Report
- h.** Licensing Report
- i.** Office of Student Assistance and Relief (OSAR) Report
- j.** Student Tuition Recovery Fund (STRF) Report

Agenda Item 5a

ANALYSIS OF AB 1346 AMENDMENTS TO EDUCATION CODE SECTION 94923

Attachment:

Advisory Committee Request for Analysis of AB 1346 Amendments to Education Code section 94923 Memo (dated November 13, 2020)



MEMORANDUM

| | |
|----------------|--|
| DATE | November 13, 2020 |
| TO | Advisory Committee Bureau for Private Postsecondary Education Department of Consumer Affairs |
| FROM | Douglas L. Smith, Attorney III Legal Affairs Division, Department of Consumer Affairs |
| SUBJECT | Advisory Committee Request for Analysis of AB 1346 Amendments to Education Code section 94923 |

Issue

A Committee member has raised questions regarding the Bureau for Private Postsecondary Education’s (Bureau) interpretation of “economic loss” following the 2019 amendments to Education Code section 94923. In particular, the Committee member asked whether the Bureau’s interpretation of section 94923 is too restrictive when evaluating the compensable “economic loss” payable to students filing a Student Tuition Recovery Fund (STRF) claim.

Short Answer

The Bureau considers the text of the statute on a case-by-case basis to determine whether claims are compensable. The statute was amended in 2019 to expand the number of Corinthian students eligible to file a claim for economic loss to include students attending as of 2010 (a four-year increase in eligibility from 2014). (Assem. Bill No. 1346 (2019-2020 Reg. Sess.) enacted as Stats. 2019, ch. 521 (hereafter “AB 1346”).) The AB 1346 amendments also changed the definition of economic loss, which, in some cases, may result in limiting the types of claims that are compensable and, in other cases, may expand the types of compensable claims. Apart from the Bureau’s case-by-case applications of the statute to specific claims, any further clarification of the statute’s applications would need to be achieved via the formal rulemaking process.

Background

Education Code section 94923.

Education Code section 94923 authorizes the Bureau to adopt, by regulation, procedures governing the administration and maintenance of the STRF. Section 94923 also provides eligibility criteria, and requires all students seeking reimbursement from the STRF to file a written application with the Bureau.

The STRF is used to “provide awards to students who suffer economic loss.” (Ed. Code, § 94923, subd. (b)(1).) The Bureau processes applications according to its regulations contained

in Article 3 of Division 7.5 of Title 5 of the California Code of Regulations (commencing with section 76200).

AB 1346, Medina. Postsecondary education: California Private Postsecondary Education Act of 2009: Student Tuition Recovery Fund.

The purpose of AB 1346's amendments to Education Code section 94923 was two-fold: (1) redefine economic loss to include all amounts paid by the student to the institution; any amounts paid by third parties to the student or institution in connection with the student's attendance at the institution; and, all expenses related to student loans in connection with the student's attendance at the institution; and (2) revise STRF eligibility for students residing in California and attending a campus of Corinthian Colleges, Inc., on or after January 1, 2010. (Assem. Floor Analysis, Concurrence in Senate Amendments of AB 1346 as amended Sept. 6, 2019, p. 1.) The amendments to Education Code section 94923 took effect on January 1, 2020.

OSAR and Bureau STRF application processes.

The Office of Student Assistance and Relief (OSAR) was created within the Bureau, albeit with distinct responsibilities from the Bureau. (Ed. Code, §§ 94949.7-94949.73.) An applicant that files a STRF application with the Bureau receives an initial contact letter confirming that the Bureau has received the application.

OSAR staff review the application, contact the student, provide an overview of OSAR's duties, and assist the student with completing or updating the application, if necessary. OSAR staff provide advice directly to the student on how to identify the maximum financial relief to which a student is entitled. This may include helping the student identify and obtain documentation on economic loss, attendance, or other student records that would assist them with STRF recovery or other relief options. When OSAR staff is finished assisting an applicant with the STRF application, OSAR forwards the application to the Bureau's STRF Unit with any added documentation to support the student's claim.

The STRF Unit staff review applications with an eye toward identifying each student's maximum possible financial relief, then the Administrative Support Unit Chief reviews them and determines whether to approve the claim, and the approved amount.

Students may appeal the decision within sixty (60) days of the denial, and the Deputy Bureau Chief reviews and makes final decisions on the appeals. (Cal. Code Regs., tit. 5, § 76210.)

Analysis

AB 1346 redefined "economic loss" for purposes of evaluating STRF claims. Some claims that might have previously been considered prior to AB 1346 no longer fit within the plain meaning of the statute. On the other hand, AB 1346 also expanded the definition of economic loss to other claims that previously would have been impermissible.

When interpreting the meaning of a statute, courts begin by looking to the statutory language. If the language is clear and no ambiguity exists, the plain meaning of the statute controls and no further construction is necessary. (*Sierra Club v. Superior Court* (2013) 57 Cal.4th 157, 165-66; see generally *Leroy T. v. Workmen's Comp. Appeals Bd.* (1974) 12 Cal.3d 434, 438.)

Education Code section 94923 now provides, in relevant part:

(f) (1) For purposes of this section, “economic loss” includes, but is not necessarily limited to, any of the following:

(A) All **cash or other consideration paid by the student to the institution.**

(B) All **expenses related to private or government student loans**, including retail installment contracts made by the institution, **paid to the student or to the institution in connection with the student’s attendance at the institution**, including related principal, interest, and any fees.

(C) All **third-party payments**, including government grants, **paid to the student or to the institution in connection with the student’s attendance at the institution.**

(2) Economic loss does not include Student Tuition Recovery Fund assessments, unless the student is entitled to a full refund under Section 94919 or 94920 or nonpecuniary damages such as inconvenience, aggravation, emotional distress, or punitive damages. Economic loss does not include legal fees, attorney fees, court costs, or arbitration fees. This subdivision shall not prevent the bureau from further defining economic loss to include loss of educational opportunity.

(Ed. Code, § 94923, subd. (f) [emphasis added].)

The following table highlights the major definitional differences in “economic loss,” before and after AB 1346. Economic loss includes:

| Before AB 1346 | After AB 1346 |
|---|--|
| <ul style="list-style-type: none"> • “Pecuniary loss,” such as: <ul style="list-style-type: none"> ○ “the sum of the student’s tuition”; ○ “all other institutional charges as defined in Section 94844 [i.e., ‘charges for an educational program paid directly to an institution’]”; ○ “the cost of equipment and materials required for the educational program”; ○ “interest on any student loan used to pay for such charges”; ○ “collection costs”; ○ “penalties”; and, | <ul style="list-style-type: none"> • “All cash or other consideration paid by the student to the institution.” • “All expenses related to private or government student loans, including retail installment contracts made by the institution, paid to the student or to the institution in connection with the student’s attendance at the institution, including related principal, interest, and any fees.” • “All third-party payments, including government grants, paid to the student or to the institution in connection with the student’s attendance at the institution.” |

| | |
|--|--|
| <ul style="list-style-type: none"> ○ “any license or examination fees the student paid to the institution but is unable to recover.” ● “[T]he amount the institution collected and failed to pay to third parties on behalf of the student for license fees or any other purpose.” | |
|--|--|

The current statutory definition of payments “by the student to the institution” or by third parties “to the student or to the institution” reshaped what payments qualify as economic loss. In some cases, this may limit the compensable economic loss available to STRF claimants, and in other cases, it may expand the types of compensable claims.

For example, prior to AB 1346, STRF claimants might make a claim for the cost of purchasing books and laptops for a school’s programs. And regardless of where the books and laptops were purchased, the students were eligible for reimbursement, because economic loss included “the cost of equipment and materials”

Under the current statute, however, such costs are compensable only if the student purchased the items from the institution—with “cash or other consideration paid by the student to the institution.” Thus, under the present law, the Bureau must identify which entity the student paid for the item, and it may reimburse claims for equipment and materials if the student *paid the institution* to purchase the items.

In other circumstances, AB 1346’s amendments will expand the types of compensable claims. In all events, however, as claims are received, the Bureau evaluates them under the current law with an eye toward providing students with the maximum permissible relief.

Conclusion

AB 1346 reshaped how economic loss is defined for purposes of evaluating STRF claims. In evaluating the claims, the Bureau applies the current law as written on a case-by-case basis to the claims it receives. The Bureau could consider further refining the scope of “economic loss,” but it would need to promulgate formal regulations to do so.

UPDATE ON FEE AUDIT

UPDATE ON THE BUREAU'S IT SYSTEM PROJECT

ANNUAL REPORTS (AR) REPORT

Annual Reports Unit Update - December 2020

Staffing

- (1) Staff Services Manager 1 – Krissia Thorsell
- (1) AGPA Lead Analyst
- (3) SSA Analysts (one on FMLA)
- (1) Office Technician (currently vacant for budget savings)

SB 1348 (2018) resulted in new requirement added to Section 94934 of the Code to be phased in over several reporting years:

2019 Report must include certain information regarding clinical sites, where applicable, for specific allied health programs:

| | |
|--------------------------------------|--------------------------------------|
| Licensed Vocational Nurse | Radiologic Technologist |
| Medical Assistant | Respiratory Care Therapist |
| Occupational Therapy Aide | Pharmacy Technician and Technologist |
| Surgical Technician and Technologist | |

2020 Report must include certain information regarding clinical sites, where applicable, for the above programs and the following allied health programs:

| | |
|--------------------------------|-------------------------------------|
| Cardiovascular Technologist | Orthopedic Assistant |
| Certified Nurse Assistant | Physical Therapy Aide and Assistant |
| Dialysis Technician | Psychiatric Technologist |
| Diagnostic Medical Sonographer | Speech Language Pathology Aide |
| Medical Lab Technician | |

2021 and subsequent reports must include certain information regarding clinical sites for all allied health programs that require clinical training.

ARU Projects/Initiatives:

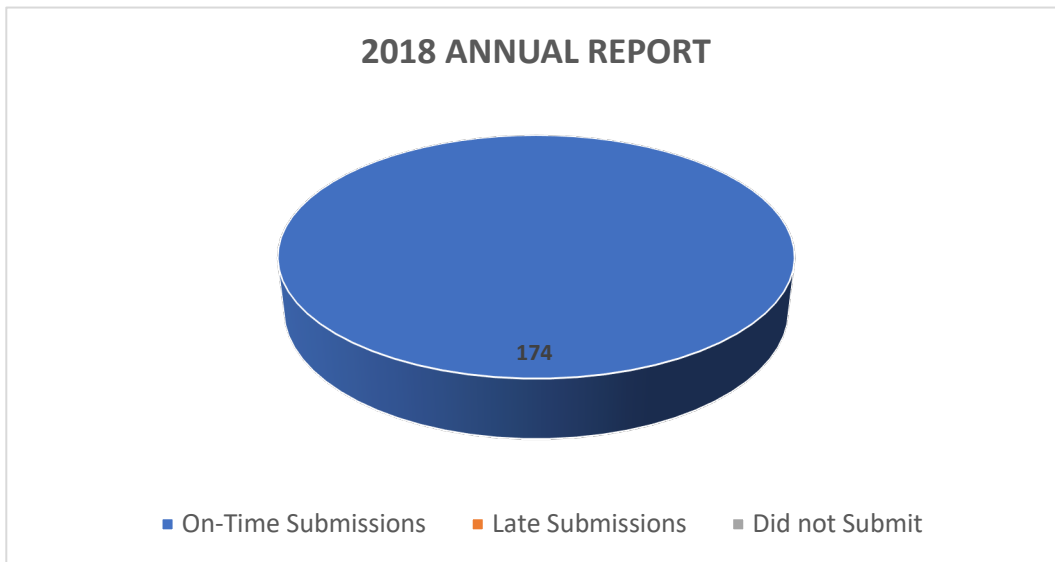
- Annual Reports Workshop via WebEx
- School Performance Fact Sheet Workshop via WebEx
- Proactive outreach to Schools Began October 5th

2019 ANNUAL REPORT SUBMISSION STATS

| | |
|--|------------|
| Required to Submit Annual Reports | 919 |
|--|------------|

| | |
|----------------------------|------------|
| On-Time Submissions | 174 |
| Late Submissions | |
| Did not Submit | |

| | |
|---|--------------|
| On-Time Submission Rate | 18.9% |
| Submission Rate as of Nov 20, 2020 | 18.9% |



| OUTREACH RESULTS | |
|---------------------------|-----|
| *Contacts Made | 430 |
| Annual Report in Progress | 224 |
| School Needs Assistance | 4 |
| Requesting an Extension | 2 |
| Unknown Report Status | 200 |

*Contacts made to schools who had not submitted a report by October 5, 2020

UPDATE ON QUALITY OF EDUCATION REPORT

Quality of Education Unit Update - December 2020

Staffing

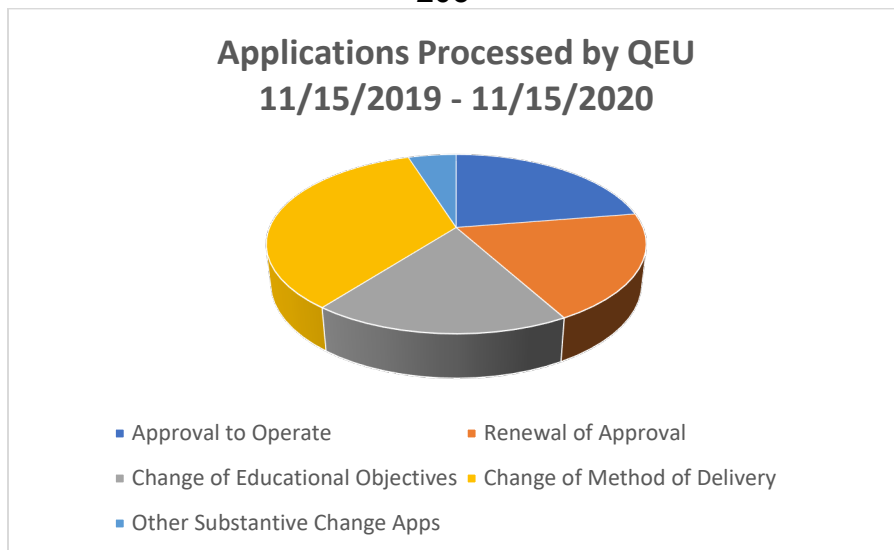
- (1) Education Administrator
- (3) Senior Education Specialists
- (2) Education Specialists
- (1) Office Technician

Quality of Education Unit Responsibilities:

- Review educational programs components of Approval and Renewal Apps
- Review Applications for Change in Educational Objectives (non-ABMA)
- Review Applications for Change in Method of Instructional Delivery
- Assist on Compliance Inspections involving educational quality issues
- Assist Complaint Investigators with complaints involving educational quality
- Review Institutions' accreditation plans
- Issue provisional approvals of degree programs
- Track Institutions' progress toward achieving accreditation
- Coordinate with other State entities having program/licensure oversight

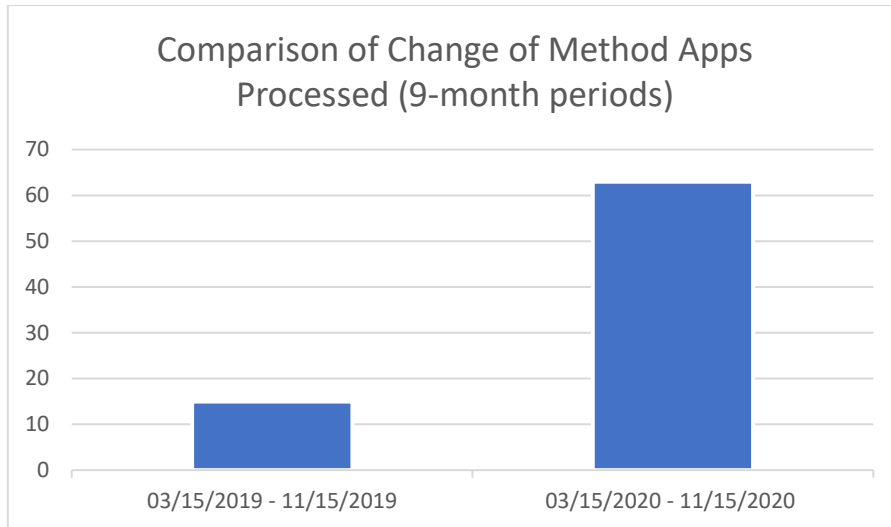
Application Types

| | |
|----------------------------------|------------|
| Approval to Operate | 46 |
| Renewal of Approval | 40 |
| Change of Educational Objectives | 38 |
| Change of Method of Delivery | 71 |
| Other Substantive Change Apps | 10 |
| Total | 205 |



Applications for **Change in Method of Instructional Delivery** Processed by QEU

| | |
|-------------------------|----|
| 03/15/2019 - 11/15/2019 | 15 |
| 03/15/2020 - 11/15/2020 | 63 |



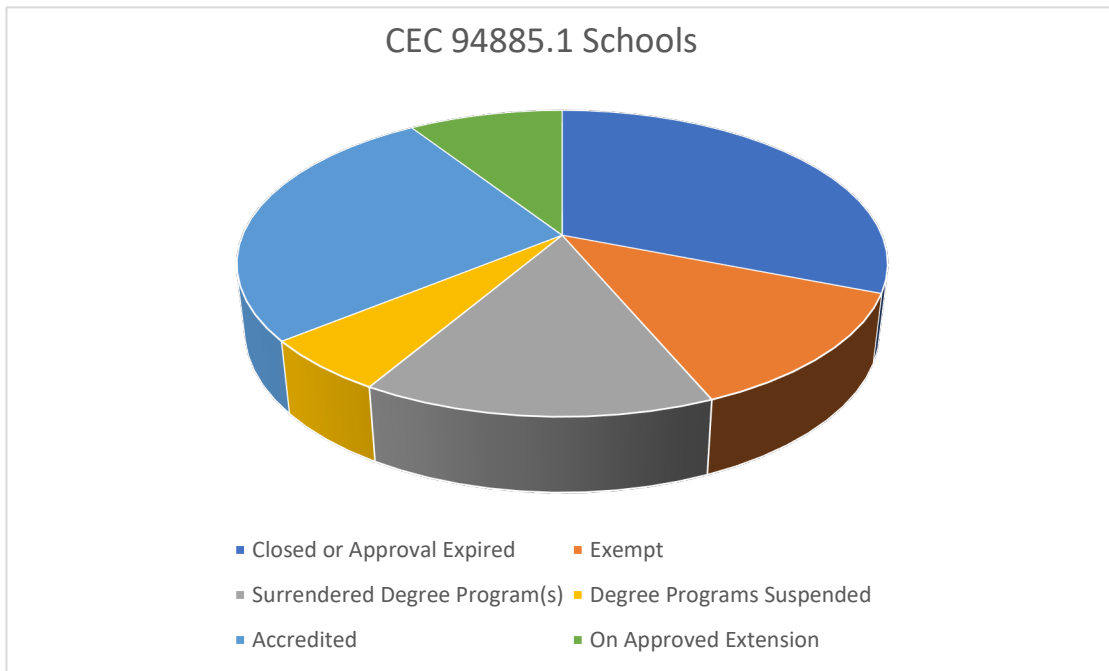
Non-substantive Change Notifications Reviewed/Processed

11/15/2019 – 11/15/2020 = 124

STATUS OF SB 1247 INSTITUTIONS

CEC *94885.1 Schools

| | |
|-------------------------------|------------------|
| Closed or Approval Expired | 44 |
| Exempt | 18 |
| Surrendered Degree Program(s) | 21 |
| Degree Programs Suspended | 8 |
| Accredited | 38 |
| On Approved Extension | <u>13</u> |
| Total | 142 |

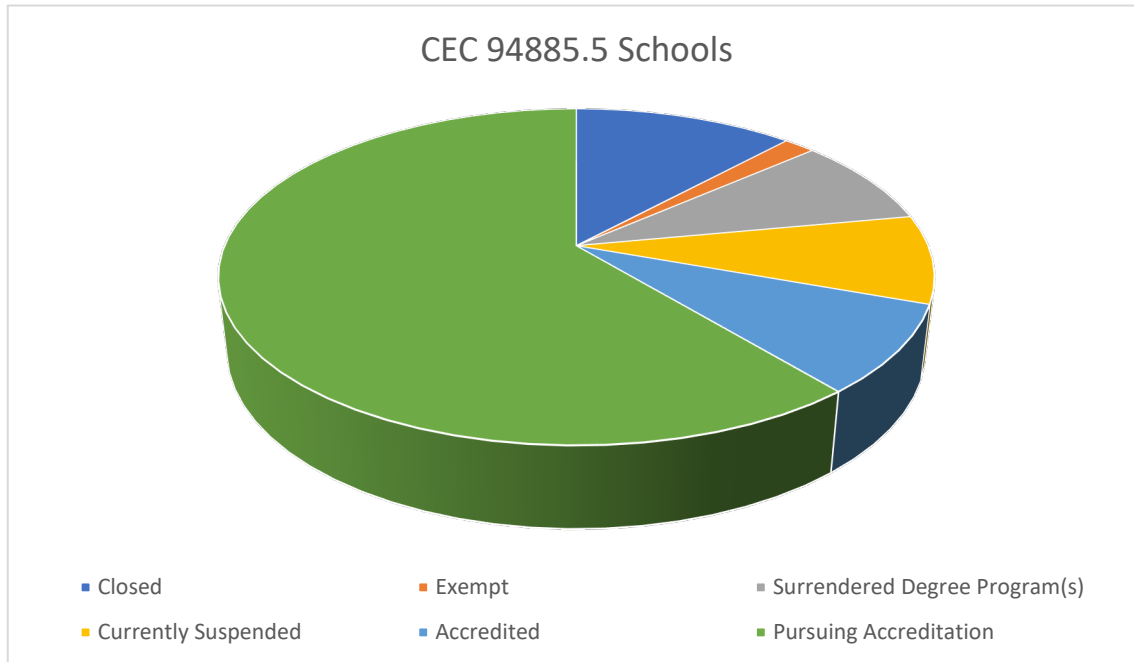


* Unaccredited Institutions Approved as of Jan 1, 2015 and Offering Degree Programs. Deadline to Achieve Accreditation was July 1, 2020 Unless Extension was Approved

STATUS OF SB 1247 INSTITUTIONS

CEC *94885.5 Schools

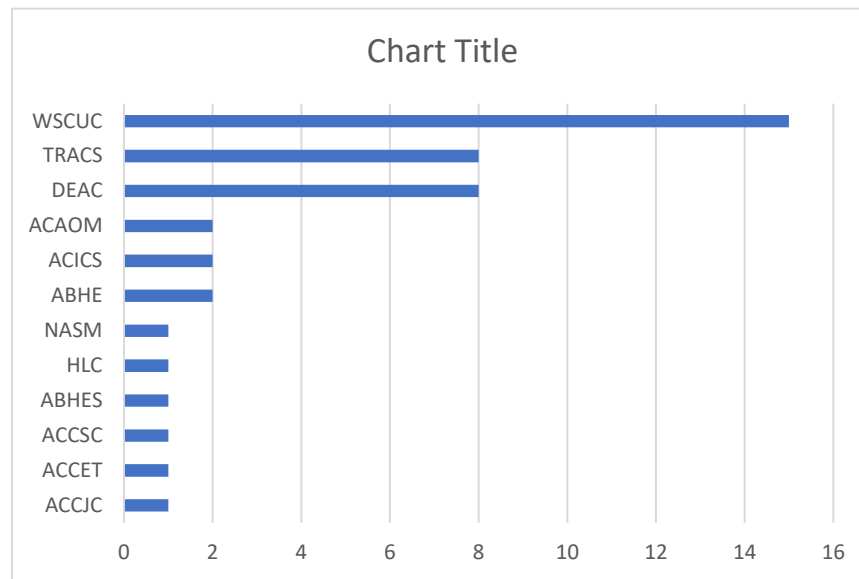
| | |
|-------------------------------|------------------|
| Closed | 7 |
| Exempt | 1 |
| Surrendered Degree Program(s) | 5 |
| Currently Suspended | 5 |
| Accredited | 5 |
| Pursuing Accreditation | <u>36</u> |
| Total | 59 |



*Unaccredited Institutions Provisionally-Approved After Jan 2015 to Offer Degree Programs.
Must Achieve Pre-Accreditation Within Two Years.
Must Achieve Accreditation Within Five Years.

SB 1247 Institutions that Achieved Accreditation & Accreditor Chosen

| | |
|-------|----|
| ACCJC | 1 |
| ACCET | 1 |
| ACCSC | 1 |
| ABHES | 1 |
| HLC | 1 |
| NASM | 1 |
| ABHE | 2 |
| ACICS | 2 |
| ACAOM | 2 |
| DEAC | 8 |
| TRACS | 8 |
| WSCUC | 15 |
| Total | 43 |



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

COMPLIANCE AND DISCIPLINE REPORT

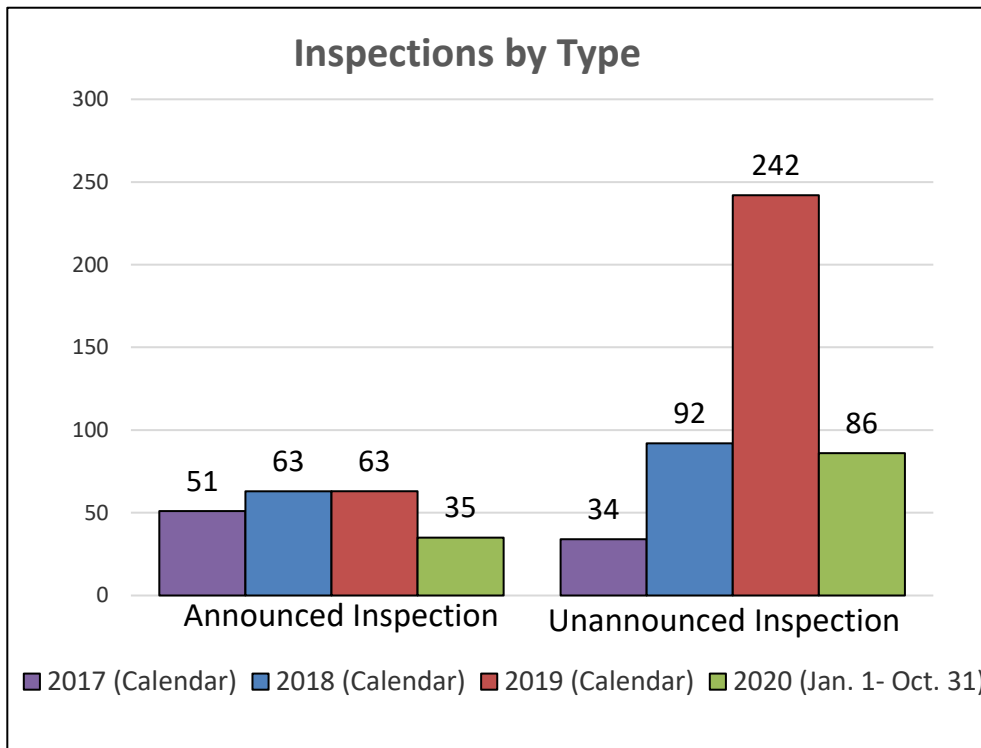
BPPE COMPLIANCE STATS

| REPORTING AS OF: October 31, 2020 | | | | |
|--|----------------------------|----------------------------|----------------------------|-----------------------------------|
| Compliance Stats | 2017 (Calendar) | 2018 (Calendar) | 2019 (Calendar) | 2020 (Jan. 1- Oct. 31) |
| Total Completed Inspections | 85 | 155 | 305 | 121 |
| ACI - Announced Inspections | 51 | 63 | 63 | 35 |
| UCI - Unannounced Inspections | 34 | 92 | 242 | 86 |
| Notice To Comply Issued | 47 | 65 | 49 | 11 |
| Enforcement Referral Issued | 36 | 56 | 93 | 26 |
| Inspections Cancelled * | N/A** | 7 | 18 | 12 |

*Causes for Cancellations:

- (1) The school closed during inspection process.
- (2) The school surrendered approval.
- (3) The school refused to allow inspection resulting in further action.
- (4) The school was not at the physical location listed in SAIL.
- (5) The renewal to operate was denied.

**Not Applicable because this data was not being collected in 2017.



**2017
(Calendar)
Percentages:**

Announced: 60.0
Unannounced: 40.0

**2018
(Calendar)
Percentages:**

Announced: 40.6
Unannounced: 59.4

**2019
(Calendar)
Percentages:**

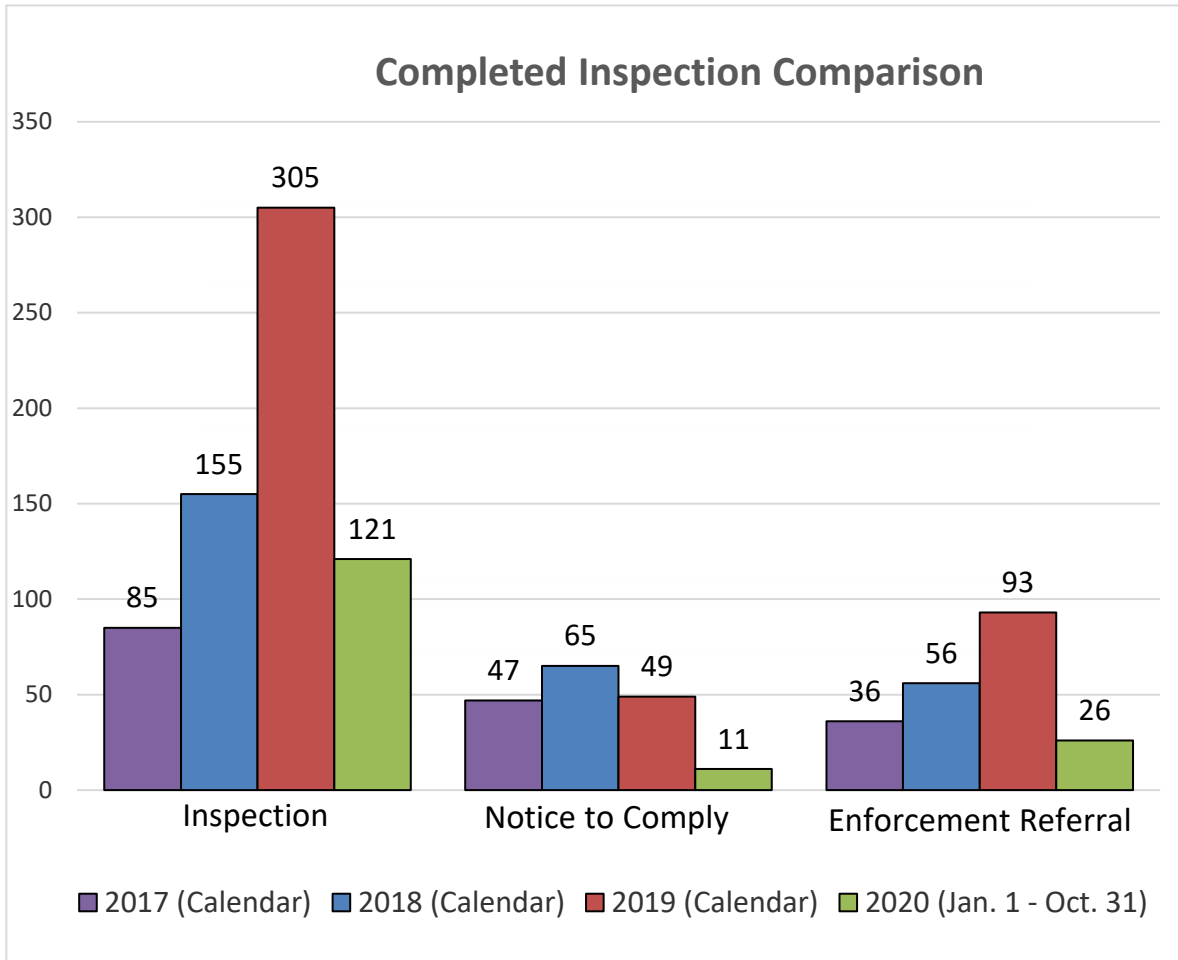
Announced: 20.7
Unannounced: 79.3

**2020
(Jan. 1 - Oct. 31)
Percentages:**

Announced: 28.9
Unannounced: 71.1

| |
|---|
| 2017 (Calendar) Total Inspections: 85 |
| 2018 (Calendar) Total Inspections: 155 |
| 2019 (Calendar) Total Inspections: 305 |
| 2020 (Jan. 1 - Oct. 31) Total Inspections: 121 |

BPPE COMPLIANCE STATS



| | 2017 (Calendar) | 2018 (Calendar) | 2019 (Calendar) | 2020 (Jan. 1-Oct. 31) |
|---|--------------------|--------------------|--------------------|--------------------------|
| Announced Compliance Inspection (ACI) | 51 | 63 | 63 | 35 |
| Unannounced Compliance Inspection (UCI) | 34 | 92 | 242 | 86 |
| Total Compliance Inspections (ACI + UCI) Completed | 85 | 155 | 305 | 121 |
| Notice to Comply (NTC) | 47 | 65 | 49 | 11 |
| Enforcement Referral (ER) | 36 | 56 | 93 | 26 |

STATEMENT OF ISSUES

| Actions | 2018 (Calendar) | 2019 (Calendar) | 2020 (Jan. 1 - Nov. 18) |
|---|--------------------|--------------------|----------------------------|
| In-House Default: Denial Upheld | 6 | 0 | 0 |
| Proposed Decision: Denial Upheld | 2 | 5 | 0 |
| Proposed Decision: Conditional Approval Granted | 0 | 1 | 0 |
| Stipulated Settlement: Denial Upheld (School Closure) | 1 | 0 | 0 |
| Stipulated Settlement: Conditional Approval Granted | 1 | 0 | 0 |
| Withdrawn: Approval Granted (Mitigation cured deficiencies) | 11 | 13 | 7 |
| Withdrawn: Denial Upheld (School withdrew appeal) | 7 | 6 | 6 |
| Withdrawn: Exempt Institution | 1 | 1 | 2 |
| Totals: | 29 | 26 | 15 |

BPPE DISCIPLINE STATS

ACCUSATIONS

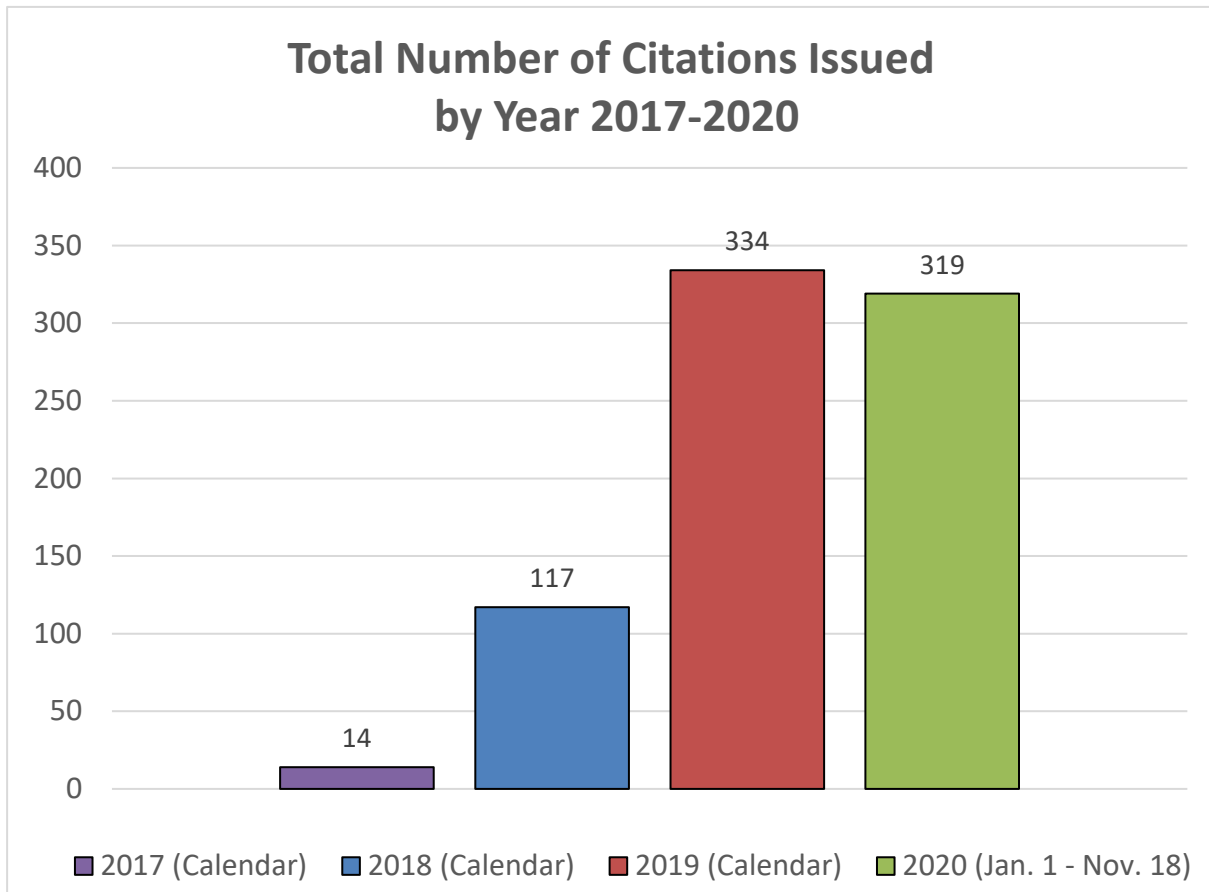
| Actions | 2018 (Calendar) | 2019 (Calendar) | 2020 (Jan. 1 - Nov. 18) |
|--|---------------------------|---------------------------|-----------------------------------|
| Default: Revocation | 1 | 0 | 5 |
| PC 23 | 1 | 1 | 0 |
| Proposed Decision: Probation Granted | 0 | 1 | 0 |
| Proposed Decision: Revocation | 1 | 0 | 1 |
| Rejected by DAG | 0 | 3 | 0 |
| Stipulated Settlement Probation | 0 | 5 | 1 |
| Stipulated Surrender | 2 | 4 | 3 |
| Stipulated Settlement - Public Reproval | 0 | 0 | 1 |
| Withdrawn By Bureau: Citation Issued | 1 | 1 | 0 |
| Withdrawn by Bureau: Renewal Granted | 2 | 0 | 0 |
| Totals: | 8 | 15 | 11 |

| Automatic Suspensions | 2018 (Calendar) | 2019 (Calendar) | 2020 (Jan. 1 - Nov. 18) |
|------------------------------|---------------------------|---------------------------|-----------------------------------|
| Automatic Suspensions | 1 | 4 | 9 |

| Emergency Decisions | 2018 (Calendar) | 2019 (Calendar) | 2020 (Jan. 1 - Nov. 18) |
|----------------------------|---------------------------|---------------------------|-----------------------------------|
| Emergency Decisions | 4 | 1 | 1 |

| Pending with AG as of 11/18/2020 | Total Transmitted | Total Served of Transmitted |
|---|------------------------------|--|
| Accusations | 13 | 8 |
| Statement of Issues | 6 | 4 |
| Totals: | 19 | 12 |

BPPE CITATION STATS



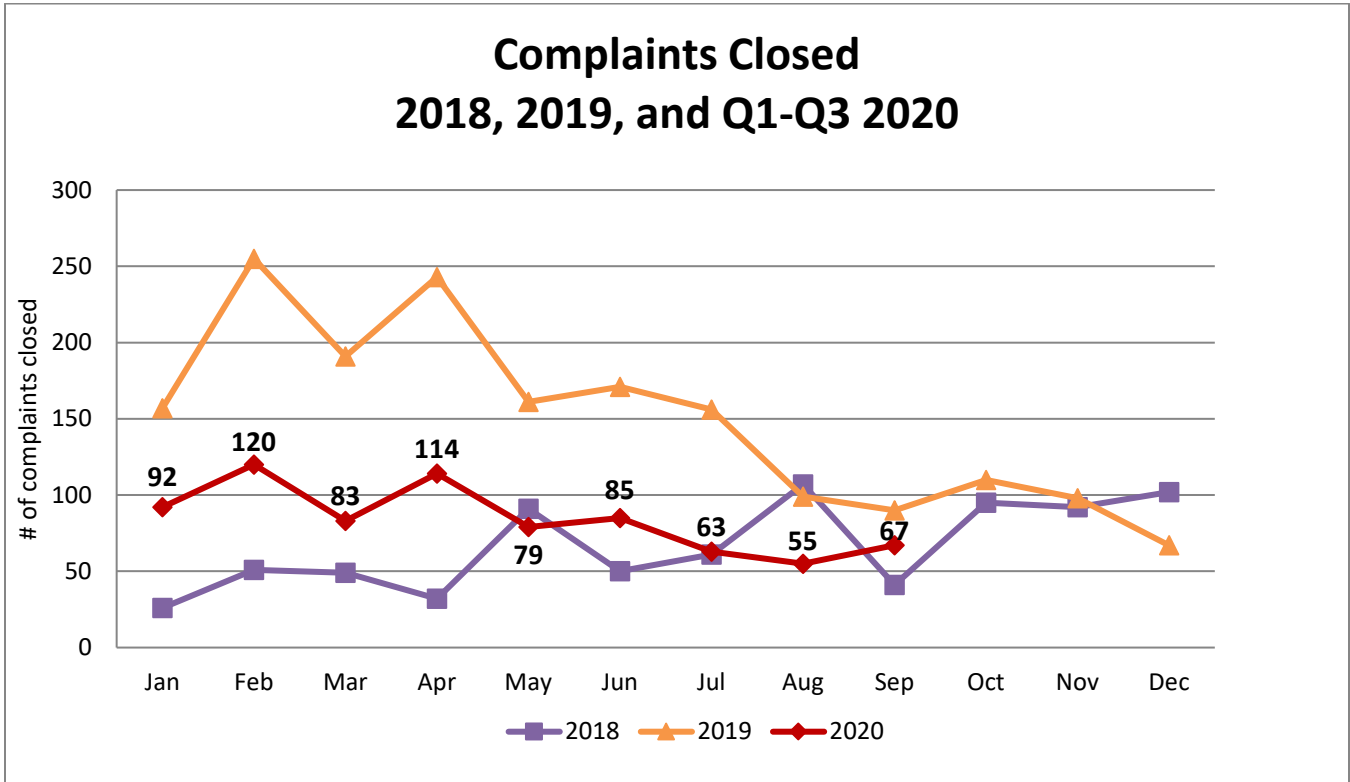
| | 2017 (Calendar) | 2018 (Calendar) | 2019 (Calendar) | 2020 (Jan. 1- Nov. 18) |
|--------------------------------|--------------------|--------------------|--------------------|---------------------------|
| Citations Issued | 14 | 117 | 334 | 319 |
| Number of Schools Cited | 14 | 115 | 308 | 313 |

For the past four years, the most common violations for which citations are issued are:

- Operating an unapproved institution (unlicensed activity).
- Failure to submit annual fee and/or Student Tuition Recovery Fund Assessment.
- Failure to submit Annual Report and/or School Performance Fact Sheet.

COMPLAINT AND INVESTIGATION REPORT

COMPLAINT INVESTIGATIONS STATISTICS
BPPE Advisory Committee Meeting
December 1, 2020



Source: CPEI Monthly Statistical Reports

Complaints Closed Q1-Q3

| Month | 2020 |
|--------------|------------|
| Jan | 92 |
| Feb | 120 |
| Mar | 83 |
| Apr | 114 |
| May | 79 |
| Jun | 85 |
| Jul | 63 |
| Aug | 55 |
| Sep | 67 |
| Total | 758 |

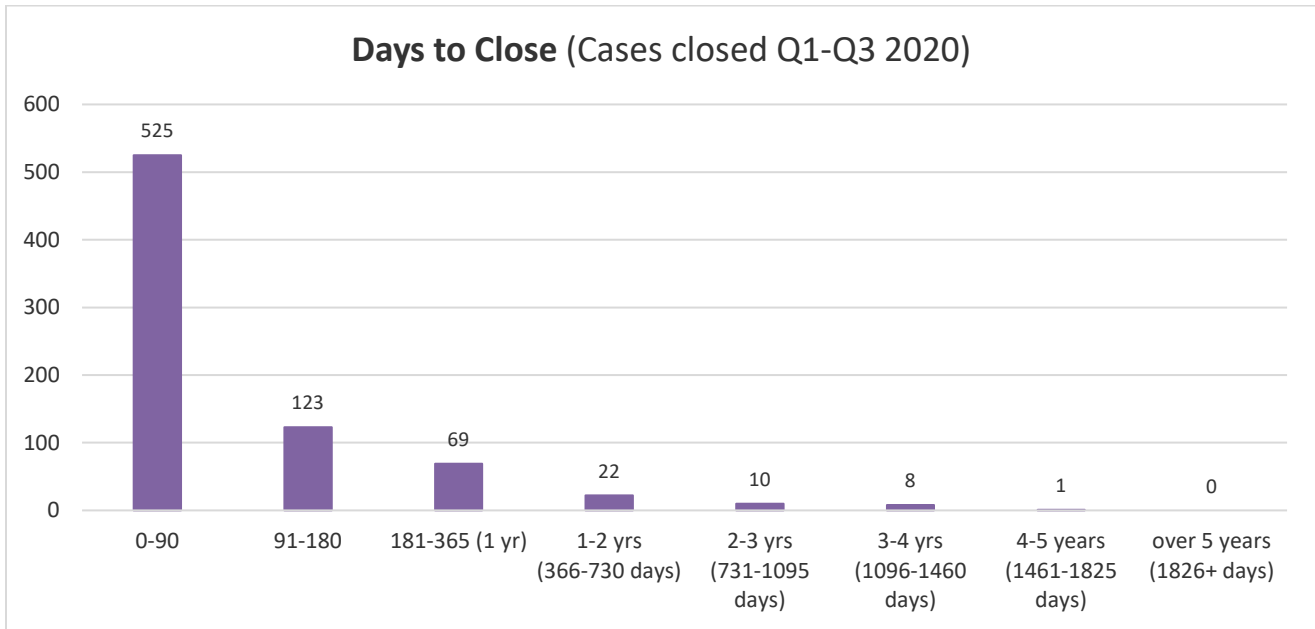
| Q1-Q3 Complaints | |
|------------------------------------|-----|
| Total complaints received | 751 |
| Total schools receiving complaints | 425 |
| COVID related complaints | 120 |

CASE DISPOSITION - Q1 -Q3

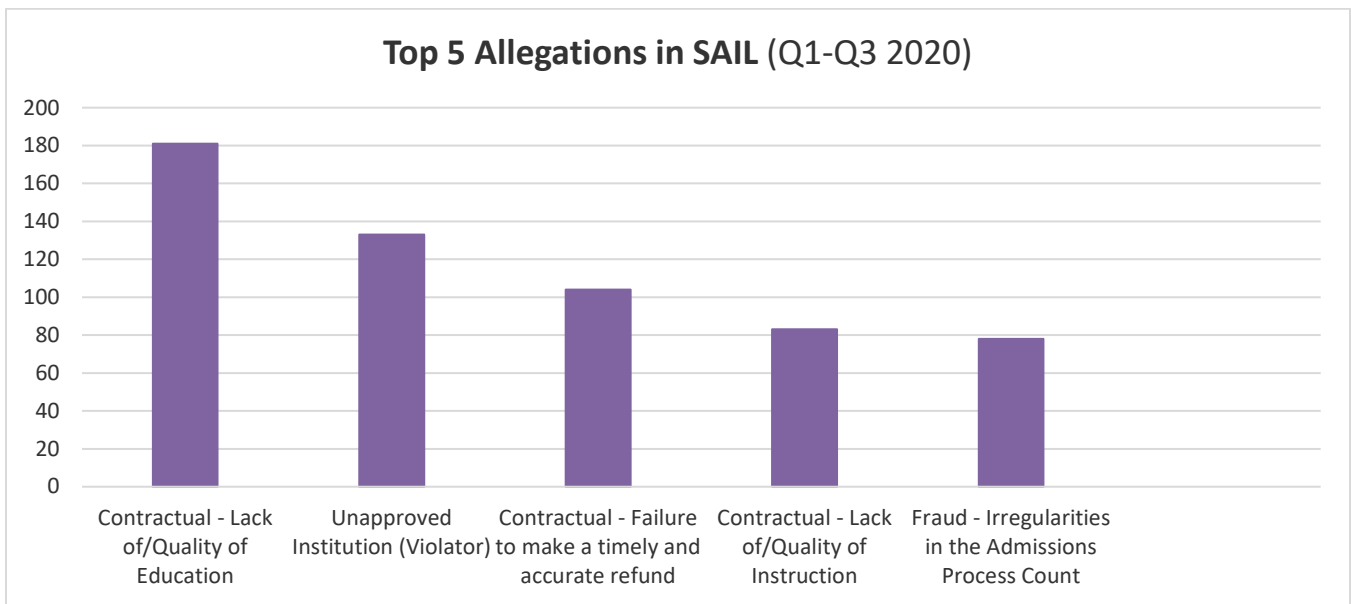
| | % | # |
|--|-------------|------------|
| Referrals to Discipline Unit for further action* | 6% | 48 |
| Compliance Obtained | 3% | 19 |
| Mediated Settlement and Resolved by School | 13% | 95 |
| Non-Jurisdictional - Closed Schools/STRF | 6% | 44 |
| Non-jurisdictional - Referrals to Other Agency and Exempt | 23% | 172 |
| Not Substantiated - Unsubstantiated | 30% | 230 |
| Not Substantiated - Insufficient Evidence to Confirm Violation | 5% | 41 |
| Other Closure Reasons | 14% | 109 |
| TOTAL | 100% | 758 |

**Transferred to the Discipline Unit. Discipline Unit determines whether further action is citation or disciplinary action.*

COMPLAINT INVESTIGATIONS STATISTICS
BPPE Advisory Committee Meeting
December 1, 2020

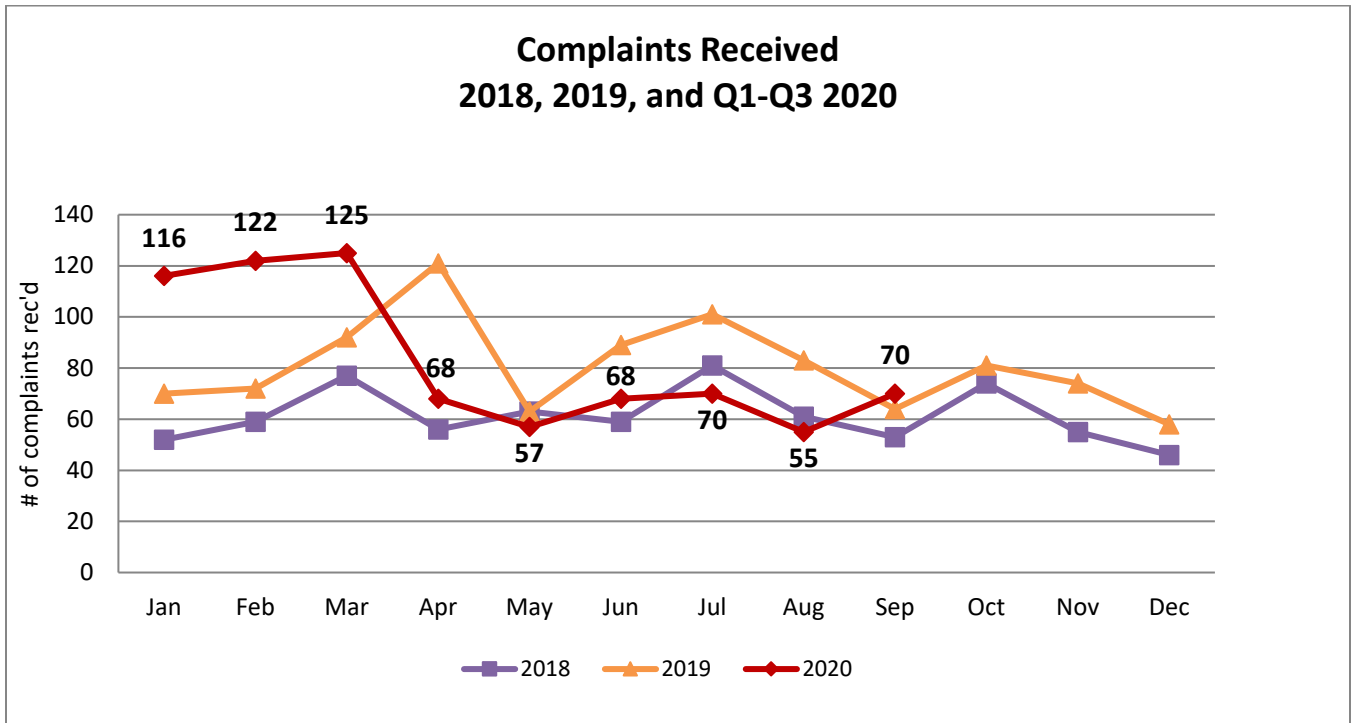


Source: BPPE Complaint Case Tracking Log

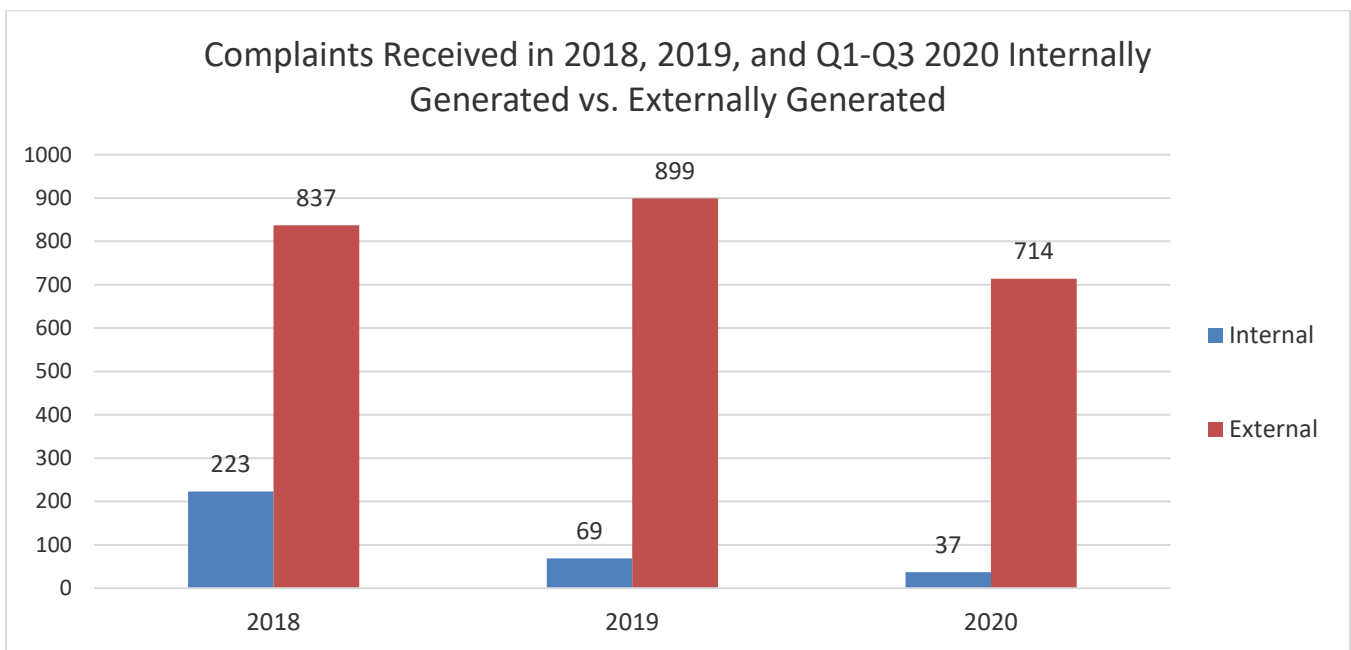


Source: Custom SAIL report provided by DCA Office of Information Services

COMPLAINT INVESTIGATIONS STATISTICS
BPPE Advisory Committee Meeting
December 1, 2020



Source: CPEI Monthly Statistical Reports



Source: CPEI Monthly Statistical Reports

PENDING CASELOAD AS OF 9/30/20

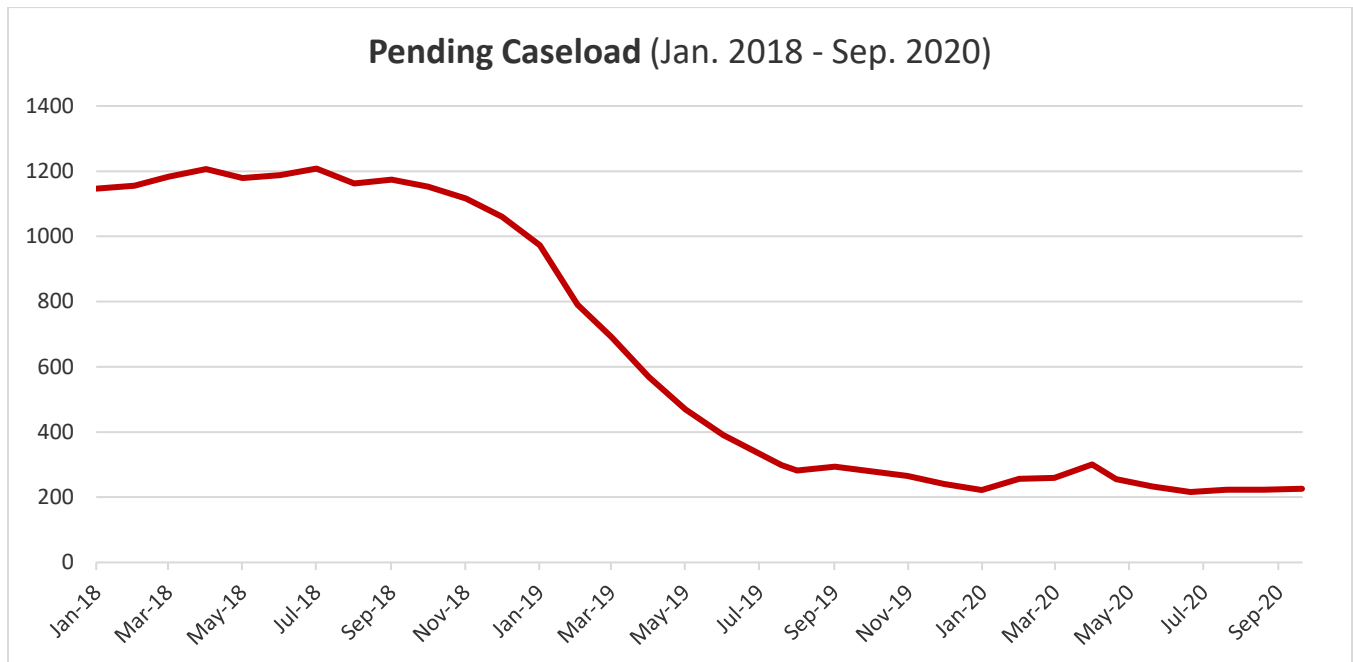
COMPLAINT INVESTIGATIONS STATISTICS
BPPE Advisory Committee Meeting
December 1, 2020

| CASE AGE | PENDING | | EXT-STUDENT | | URGENT | |
|-------------------------------|------------|-------------|-------------|-------------|-----------|-------------|
| | # | % | # | % | # | % |
| 0-90 | 96 | 42.5% | 71 | 53.4% | 28 | 37.8% |
| 91-180 | 37 | 16.4% | 24 | 18.0% | 12 | 16.2% |
| 181-365 (1 yr) | 71 | 31.4% | 28 | 21.1% | 33 | 44.6% |
| 1-2 yrs (366-730 days) | 11 | 4.9% | 4 | 3.0% | 1 | 1.4% |
| 2-3 yrs (731-1095 days) | 9 | 4.0% | 6 | 4.5% | 0 | 0.0% |
| 3-4 yrs (1096-1460 days) | 2 | 0.9% | 0 | 0.0% | 0 | 0.0% |
| 4-5 years (1461-1825 days) | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| over 5 years (1826+ days) | 0 | 0.0% | 0 | 0.0% | 0 | 0.0% |
| TOTAL | 226 | 100% | 133 | 100% | 74 | 100% |

59% of pending

33% of pending

Source: BPPE Complaint Case Tracking Log as of 09/30/20



Source: BPPE Complaint Cast Tracking Log

COMPLAINT INVESTIGATIONS STATISTICS
BPPE Advisory Committee Meeting
December 1, 2020

STUDENT IMPACT (January – September 2020)

Investigators' advocacy on behalf of students resulted in the following:

- Total of **\$108,814.13** in refunds to students or to their federal student aid account.
- Students received degree, diploma, proofs-of-training, certificate, license, and transcripts.
- Students re-enrolled in program.
- Students allowed to retake course at no additional cost.
- Student accounts transferred from collections back to the school.
- Students referred for Student Tuition Recovery Fund.
- Students placed in externships.
- Compliance obtained or school policy updated.

LICENSING REPORT

Licensing Applications Status as of Nov 1, 2020 for Fiscal Year 20/21

| Type | Received FY 20/21 | Pending Assignment (Queue) | Under Review | Total Pending | Approved | Withdrawn or Abandoned | Denied | Total Closed | Average Days to Approve ^a |
|---------------------------|----------------------|----------------------------------|-----------------|------------------|------------|------------------------------|-----------|-----------------|--|
| New Full Approval | 20 | 29 | 47 | 76 | 7 | 3 | 3 | 13 | 328 |
| New Accreditation | 11 | 0 | 18 | 18 | 7 | 1 | 0 | 8 | 71 |
| Renewal Full | 21 | 0 | 63 | 63 | 4 | 1 | 3 | 8 | 389 |
| Renewal Accreditation | 22 | 0 | 40 | 0 | 15 | 0 | 0 | 15 | 175 |
| Changes Full | 98 | 0 | 120 | 120 | 64 | 6 | 4 | 74 | 74 |
| Changes Accreditation | 148 | 0 | 105 | 105 | 163 | 10 | 0 | 173 | 44 |
| Verification of Exemption | 83 | 0 | 48 | 48 | 50 | 0 | 31 | 81 | 55 |
| Out of State Registration | 7 | 0 | 5 | 5 | 4 | 0 | 0 | 4 | 36 |
| Totals: | 410 | 29 | 229 | 435 | 314 | 21 | 41 | 376 | 147 |

^aAverage Days to Approve is calculated from time assigned to analyst.

*11 applications pending new term of accreditation.

Total Pending Applications by Date

| | |
|--|-----|
| Total pending applications on 1/1/2020: | 253 |
| Total pending applications on 7/1/2020: | 390 |
| Total pending applications on 11/1/2020: | 435 |

Oldest Pending Full Applications (as of 11/1/2020)

| | |
|--|------------|
| Oldest Full Apps in Queue: | 10/17/2019 |
| Oldest Full Apps Under Review: | 5/30/2018 |
| Oldest Renewal Full Apps Under Review: | 4/10/2017 |
| Median Date of Full Apps in Queue: | 7/15/2020 |

| Total Number of Schools by Location Type & Approval Type | | | | |
|---|--------------------------|------------------------------|--------------------------------|--------------------------------|
| As of November 1, 2020 | | | | |
| Location Type | Mains | Branches | Satellites | Total Locations |
| | | 1,018 | 370 | 528 |
| Approval Type | ABMA (Accredited) | Full (Non-Accredited) | Conditional^a | Provisional^b |
| | 421 | 559 | 2 | 36 |

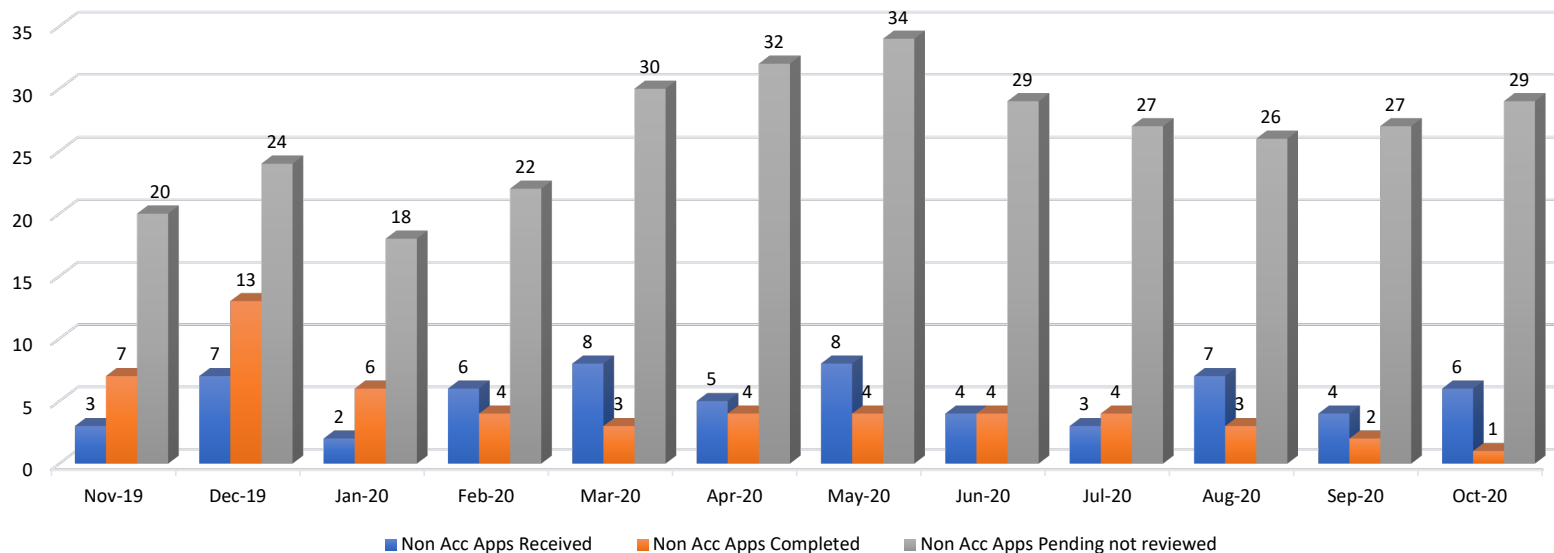
^aConditional Approvals are issued for a period up to six months when minor deficiencies exist but the institution is substantially in compliance with the requirements of the laws and regulations (California Code of Regulations section 71400(d)(1)).

^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.

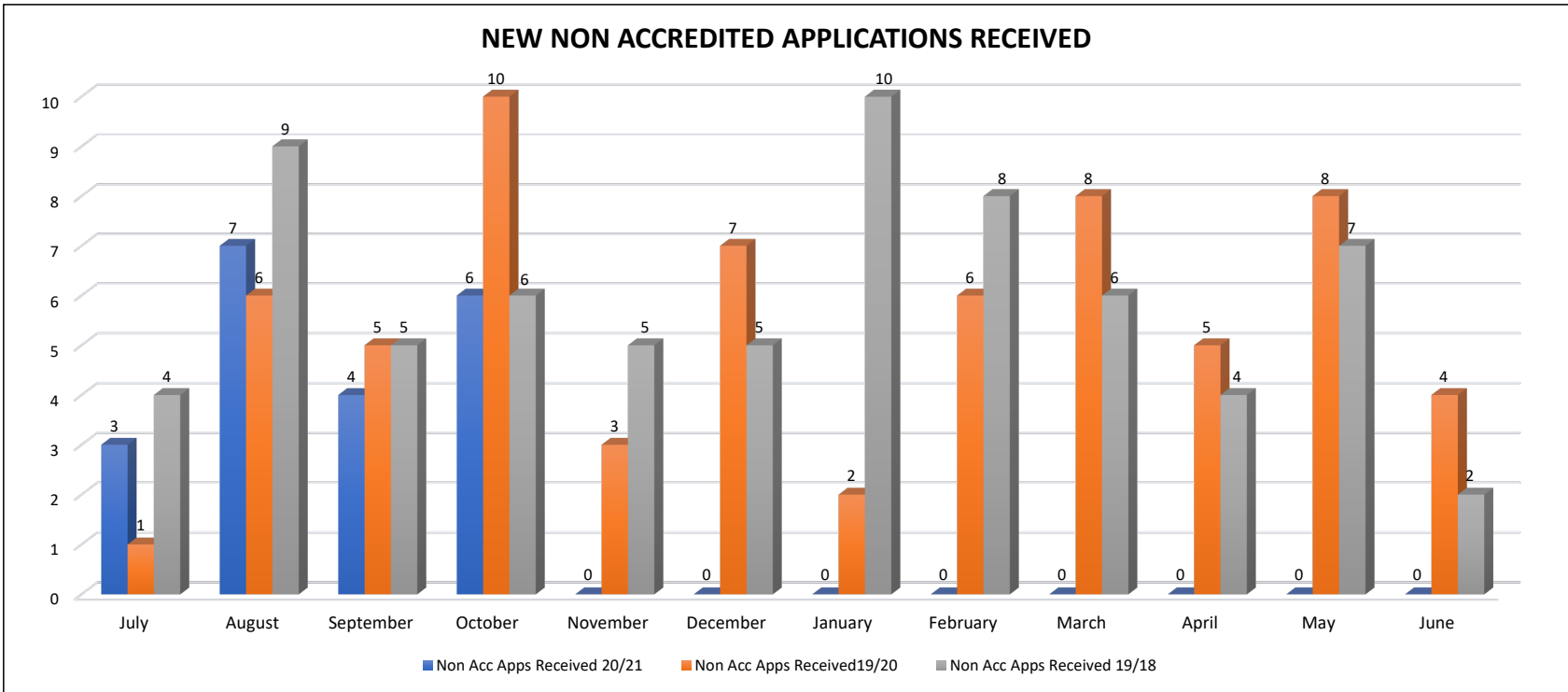
| | | 10/30/2018 | 2/1/2019 | 5/3/2019 | 8/1/2019 | 10/1/2019 | 2/1/2020 | 7/1/2020 | 11/1/2020 |
|----------------------|-------------|-------------------|-----------------|-----------------|-----------------|------------------|-----------------|-----------------|------------------|
| Location Type | Main | 1,073 | 1,093 | 1,066 | 1,042 | 1,041 | 1043 | 1018 | 1018 |
| | Branch | 397 | 401 | 390 | 386 | 381 | 377 | 374 | 370 |
| | Satellite | 505 | 520 | 530 | 530 | 533 | 537 | 542 | 528 |
| Approval Type | ABMA | 440 | 442 | 431 | 433 | 438 | 435 | 422 | 421 |
| | Full | 598 | 607 | 592 | 568 | 563 | 570 | 558 | 559 |
| | Conditional | 21 | 0 | 1 | 1 | 0 | 0 | 0 | 2 |
| | Provisional | 14 | 44 | 42 | 39 | 40 | 38 | 38 | 36 |

Approved Out of State Registrations as of 11/1/2020
59

12 MONTH NEW NON ACC APP OVERVIEW

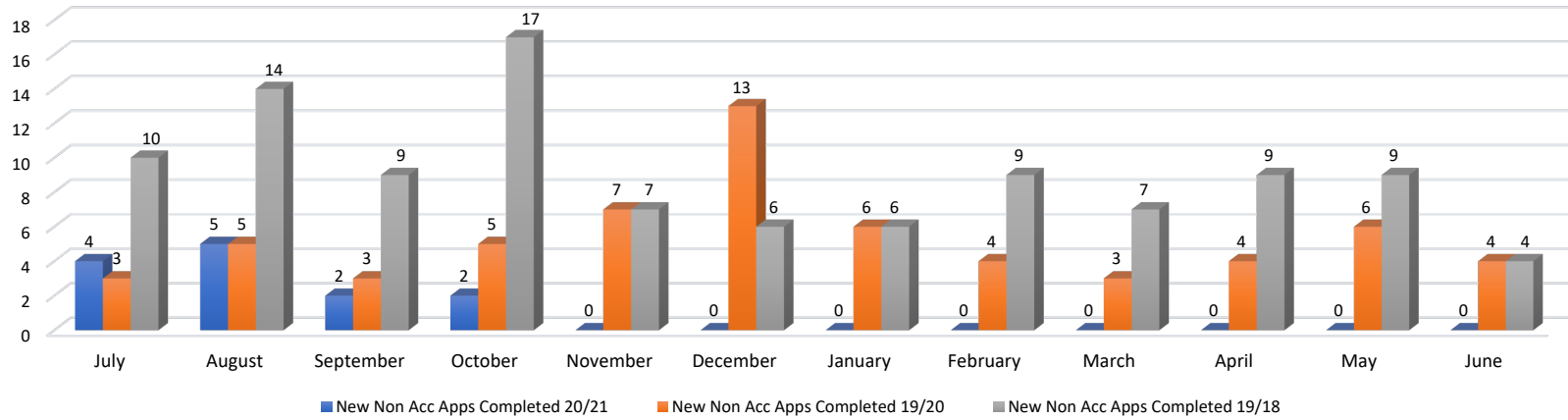


| Month | Non Acc Apps Received | Non Acc Apps Completed | Non Acc Apps Pending not reviewed |
|--------|-----------------------|------------------------|-----------------------------------|
| Nov-19 | 3 | 7 | 20 |
| Dec-19 | 7 | 13 | 24 |
| Jan-20 | 2 | 6 | 18 |
| Feb-20 | 6 | 4 | 22 |
| Mar-20 | 8 | 3 | 30 |
| Apr-20 | 5 | 4 | 32 |
| May-20 | 8 | 4 | 34 |
| Jun-20 | 4 | 4 | 29 |
| Jul-20 | 3 | 4 | 27 |
| Aug-20 | 7 | 3 | 26 |
| Sep-20 | 4 | 2 | 27 |
| Oct-20 | 6 | 1 | 29 |



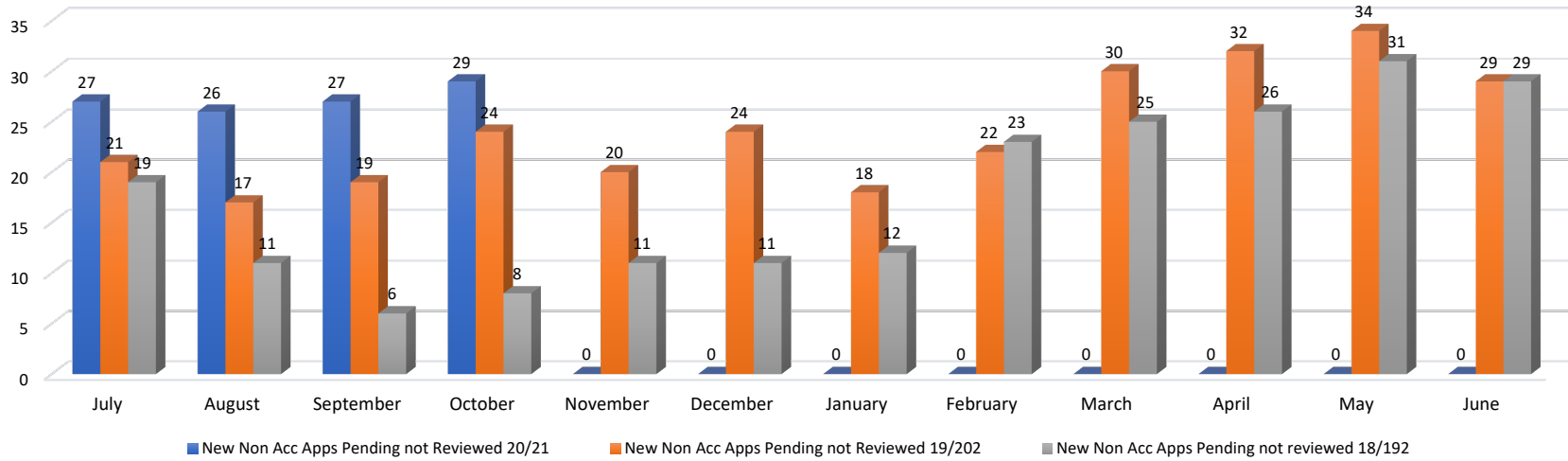
| Month | Non Acc Apps Received 20/21 | Non Acc Apps Received 19/20 | Non Acc Apps Received 19/18 |
|-----------|-----------------------------|-----------------------------|-----------------------------|
| July | 3 | 1 | 4 |
| August | 7 | 6 | 9 |
| September | 4 | 5 | 5 |
| October | 6 | 10 | 6 |
| November | 0 | 3 | 5 |
| December | 0 | 7 | 5 |
| January | 0 | 2 | 10 |
| February | 0 | 6 | 8 |
| March | 0 | 8 | 6 |
| April | 0 | 5 | 4 |
| May | 0 | 8 | 7 |
| June | 0 | 4 | 2 |

NEW NON ACCREDITED APPLICATIONS COMPLETED



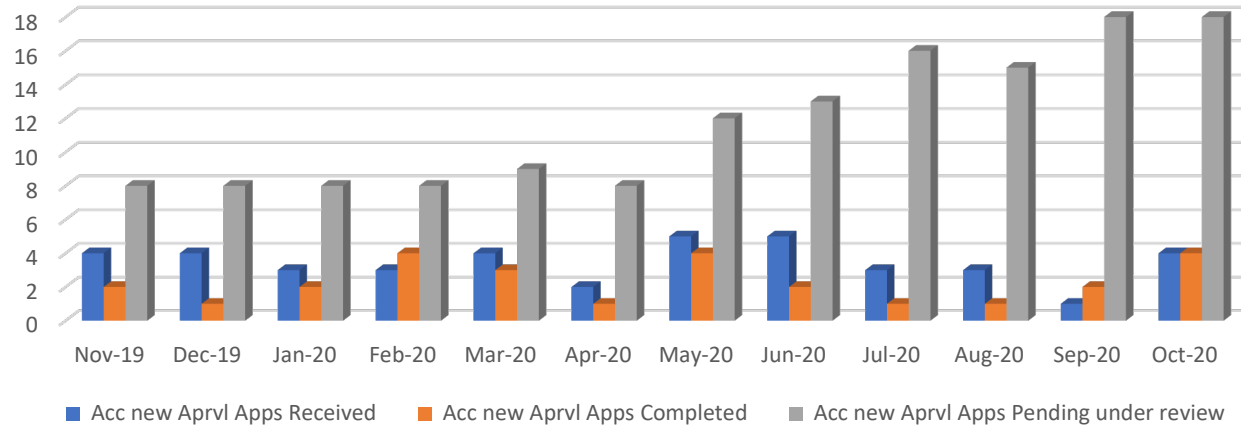
| Month | New Non Acc Apps Completed 20/21 | New Non Acc Apps Completed 19/20 | New Non Acc Apps Completed 19/18 |
|-----------|----------------------------------|----------------------------------|----------------------------------|
| July | 4 | 3 | 10 |
| August | 5 | 5 | 14 |
| September | 2 | 3 | 9 |
| October | 2 | 5 | 17 |
| November | 0 | 7 | 7 |
| December | 0 | 13 | 6 |
| January | 0 | 6 | 6 |
| February | 0 | 4 | 9 |
| March | 0 | 3 | 7 |
| April | 0 | 4 | 9 |
| May | 0 | 6 | 9 |
| June | 0 | 4 | 4 |

NEW NON ACCREDITED APPLICATIONS PENDING REVIEW



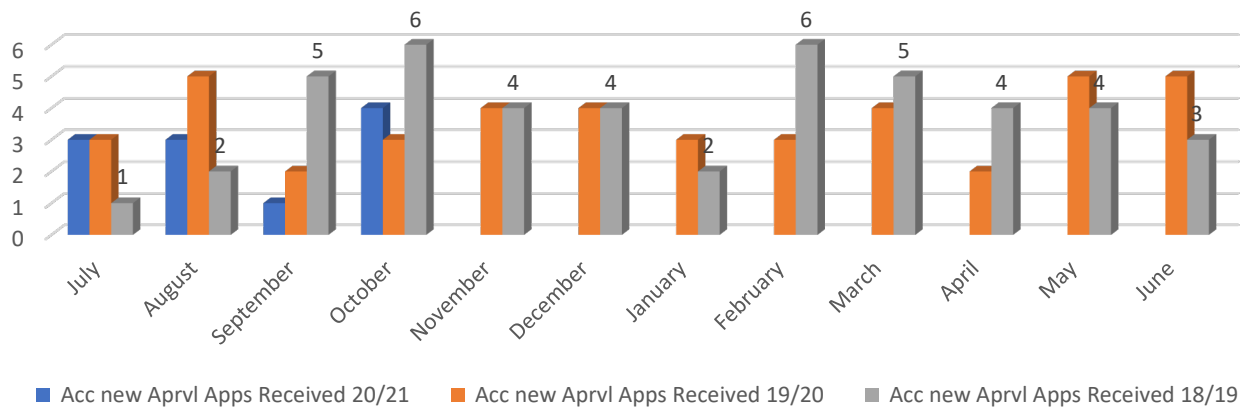
| Month | New Non Acc Apps Pending not Reviewed 20/21 | New Non Acc Apps Pending not Reviewed 19/202 | New Non Acc Apps Pending not reviewed 18/192 |
|-----------|---|--|--|
| July | 27 | 21 | 19 |
| August | 26 | 17 | 11 |
| September | 27 | 19 | 6 |
| October | 29 | 24 | 8 |
| November | 0 | 20 | 11 |
| December | 0 | 24 | 11 |
| January | 0 | 18 | 12 |
| February | 0 | 22 | 23 |
| March | 0 | 30 | 25 |
| April | 0 | 32 | 26 |
| May | 0 | 34 | 31 |
| June | 0 | 29 | 29 |

12 MONTH NEW ACC APP OVERVIEW



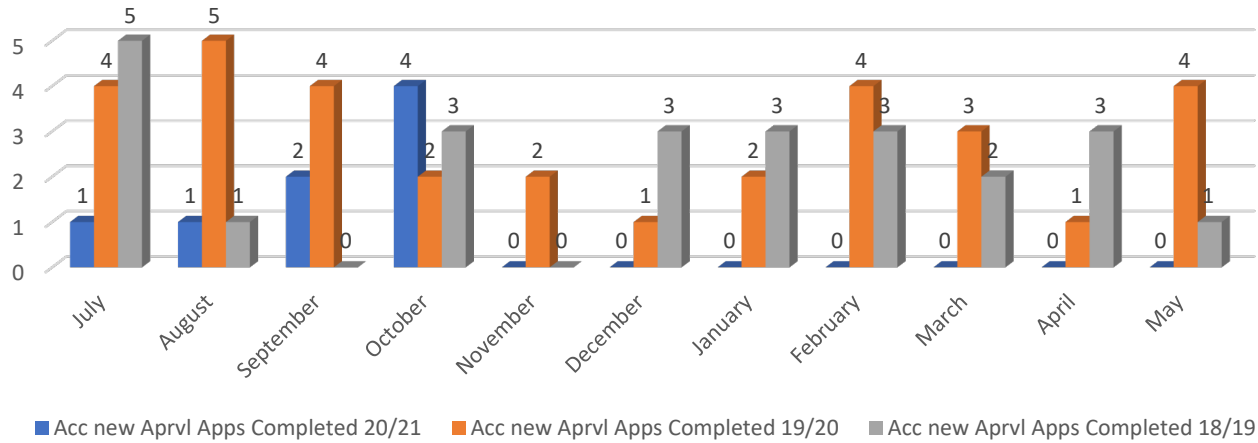
| Month | Acc new Aprvl Apps Received | Acc new Aprvl Apps Completed | Acc new Aprvl Apps Pending under review |
|--------|-----------------------------|------------------------------|---|
| Nov-19 | 4 | 2 | 8 |
| Dec-19 | 4 | 1 | 8 |
| Jan-20 | 3 | 2 | 8 |
| Feb-20 | 3 | 4 | 8 |
| Mar-20 | 4 | 3 | 9 |
| Apr-20 | 2 | 1 | 8 |
| May-20 | 5 | 4 | 12 |
| Jun-20 | 5 | 2 | 13 |
| Jul-20 | 3 | 1 | 16 |
| Aug-20 | 3 | 1 | 15 |
| Sep-20 | 1 | 2 | 18 |
| Oct-20 | 4 | 4 | 18 |

NEW ACCREDITED APPLICATIONS RECEIVED



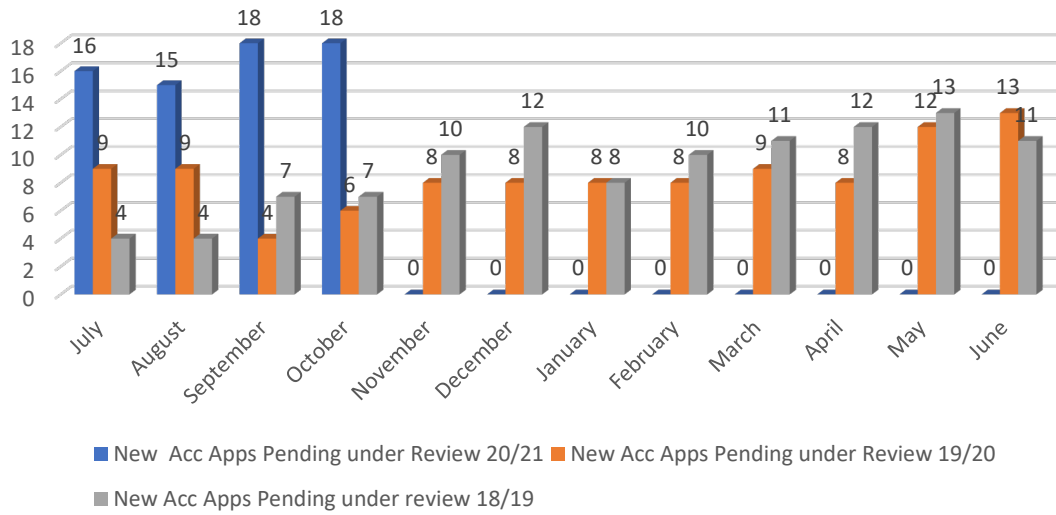
| Month | Acc new Aprvl Apps Received 20/21 | Acc new Aprvl Apps Received 19/20 | Acc new Aprvl Apps Received 18/19 |
|-----------|-----------------------------------|-----------------------------------|-----------------------------------|
| July | 3 | 3 | 1 |
| August | 3 | 5 | 2 |
| September | 1 | 2 | 5 |
| October | 4 | 3 | 6 |
| November | | 4 | 4 |
| December | | 4 | 4 |
| January | | 3 | 2 |
| February | | 3 | 6 |
| March | | 4 | 5 |
| April | | 2 | 4 |
| May | | 5 | 4 |
| June | | 5 | 3 |

NEW ACCREDITED APPLICATIONS COMPLETED



| Month | Acc new Aprvl Apps Completed 20/21 | Acc new Aprvl Apps Completed 19/20 | Acc new Aprvl Apps Completed 18/19 |
|-----------|------------------------------------|------------------------------------|------------------------------------|
| July | 1 | 4 | 5 |
| August | 1 | 5 | 1 |
| September | 2 | 4 | 0 |
| October | 4 | 2 | 3 |
| November | 0 | 2 | 0 |
| December | 0 | 1 | 3 |
| January | 0 | 2 | 3 |
| February | 0 | 4 | 3 |
| March | 0 | 3 | 2 |
| April | 0 | 1 | 3 |
| May | 0 | 4 | 1 |
| June | 0 | 2 | 3 |

NEW ACCREDITED APPLICATIONS PENDING REVIEW



| Month | New Acc Apps Pending under Review 20/21 | New Acc Apps Pending under Review 19/20 | New Acc Apps Pending under review 18/19 |
|-----------|---|---|---|
| July | 16 | 9 | 4 |
| August | 15 | 9 | 4 |
| September | 18 | 4 | 7 |
| October | 18 | 6 | 7 |
| November | 0 | 8 | 10 |
| December | 0 | 8 | 12 |
| January | 0 | 8 | 8 |
| February | 0 | 8 | 10 |
| March | 0 | 9 | 11 |
| April | 0 | 8 | 12 |
| May | 0 | 12 | 13 |
| June | 0 | 13 | 11 |

OFFICE OF STUDENT ASSISTANCE AND RELIEF (OSAR) REPORT

Office of Student Assistance and Relief

2020/21 State Fiscal Year

Data as of November 24, 2020



CHART A: INFORMED CHOICE OUTREACH AND EDUCATIONAL ACTIVITIES

| Student Outreach Activities | Event Type | Event Date | Event Location |
|--|---|------------|-------------------------------|
| California Transition Assistance Program Beale Air Force Base Virtual Workshop | Virtual Student Workshop / Presentation | 7/9/2020 | Yuba County, CA |
| California Transition Assistance Program Travis Air Force Base Virtual Workshop | Virtual Student Workshop / Presentation | 7/10/2020 | Travis Air Force Base, CA |
| California Transition Assistance Program March Air Reserve Base Virtual Workshop | Virtual Student Workshop / Presentation | 8/7/2020 | Riverside County, CA |
| California Transition Assistance Program Presidio of Monterey Virtual Workshop | Virtual Student Workshop / Presentation | 8/10/2020 | Monterey, CA |
| California Transition Assistance Program Fort Irwin Virtual Workshop | Virtual Student Workshop / Presentation | 8/31/2020 | Fort Irwin, CA |
| California Transition Assistance Program Homeport California, Camp Pendleton Virtual Workshop | Virtual Student Workshop / Presentation | 9/9/2020 | San Diego, CA |
| California Transition Assistance Program Marine Corps Recruit Depot Virtual Workshop | Virtual Student Workshop / Presentation | 9/10/2020 | San Diego, CA |
| California Transition Assistance Program Travis Air Force Base Virtual Workshop | Virtual Student Workshop / Presentation | 9/18/2020 | Travis Air Force Base, CA |
| California Transition Assistance Program Vandenberg Air Force Base Virtual Workshop | Virtual Student Workshop / Presentation | 9/25/2020 | Vandenberg Air Force Base, CA |
| California Transition Assistance Program Naval Air Station Lemoore Virtual Workshop | Virtual Student Workshop / Presentation | 9/30/2020 | Kings County, CA |
| California Transition Assistance Program MCAS Miramar Virtual Workshop | Virtual Student Workshop / Presentation | 10/13/2020 | MCAS Miramar, CA |
| California Transition Assistance Program Beale Air Force Base Virtual Workshop | Virtual Student Workshop / Presentation | 10/14/2020 | Yuba County, CA |
| California Transition Assistance Program Los Angeles Air Force Base Virtual Workshop | Virtual Student Workshop / Presentation | 10/15/2020 | Los Angeles, CA |
| California Student Opportunity and Access Program (Cal-SOAP) Virtual College Fair | Virtual College Fair | 10/28/2020 | San Diego, CA |
| California Transition Assistance Program Presidio of Monterey Virtual Workshop | Virtual Student Workshop / Presentation | 11/5/2020 | Monterey, CA |
| Natomas Unified School District How to Pay for College Workshop | Virtual Student Workshop / Presentation | 11/12/2020 | Sacramento, CA |
| California Transition Assistance Program Marine Corps Recruit Depot Virtual Workshop | Virtual Student Workshop / Presentation | 11/19/2020 | San Diego, CA |
| California Transition Assistance Program Homeport California, Camp Pendleton Virtual Workshop | Virtual Student Workshop / Presentation | 11/23/2020 | San Diego, CA |
| California Transition Assistance Program Travis Air Force Base Virtual Workshop | Virtual Student Workshop / Presentation | 12/4/2020 | Travis Air Force Base, CA |
| California Transition Assistance Program Fort Irwin Virtual Workshop | Virtual Student Workshop / Presentation | 12/7/2020 | Fort Irwin, CA |

CHART A: INFORMED CHOICE OUTREACH AND EDUCATIONAL ACTIVITIES (CONTINUED)

| Student Outreach Activities | Event Type | Event Date | Event Location |
|---|---|-------------------|-----------------------|
| Natomas Unified School District Researching Colleges Workshop | Virtual Student Workshop / Presentation | 12/10/2020 | Sacramento, CA |
| California Transition Assistance Program Naval Base Ventura Virtual Workshop | Virtual Student Workshop / Presentation | 12/15/2020 | Port Hueneme, CA |

CHART B: CLOSED SCHOOL OUTREACH

| Student Outreach Activities | Virtual Student Workshop | Event Date | Event Location |
|--|---------------------------------|-------------------|-----------------------|
| Royale College of Beauty and Barbering Virtual School Closure Outreach Event | Virtual Student Workshop | 8/25/2020 | Temecula, CA |
| California University of Business and Technology Virtual Program Closure Outreach Event | Virtual Student Workshop | 9/4/2020 | Hacienda Heights, CA |
| Saint Leo University Virtual School Closure Outreach Event | Virtual Student Workshop | 10/15/2020 | San Diego, CA |

STUDENT TUITION RECOVERY FUND (STRF) REPORT

Student Tuition Recovery Fund (STRF) Claims

2019/2020 State Fiscal Year (07-01-2019 to 06-30-2020)

2020/2021 State Fiscal Year (07-01-2020 to Current)

| STRF Claims Received | | |
|------------------------|-----------|-----------|
| State Fiscal Year | 2019/2020 | 2020/2021 |
| Claims Received | 429 | 474 |

| STRF Claims Closed | | |
|--|-----------|-----------|
| State Fiscal Year | 2019/2020 | 2020/2021 |
| Claims Paid | 488 | 127 |
| Claims Ineligible ¹ | 68 | 12 |
| Claims Denied ¹ | 67 | 47 |
| Closed - Unable to Contact ² | 120 | 47 |
| Total | 743 | 233 |

| Current STRF Claims | | |
|---|-----------|-----------|
| State Fiscal Year | 2019/2020 | 2020/2021 |
| In Queue | 156 | 501 |
| Analyst Review | 197 | 125 |
| Waiting for Student Response | 394 | 346 |
| Analyst's First Review Complete / Recommendation Pending | 134 | 103 |
| Total | 881 | 1075 |

| STRF Claims Approved for Payment | | |
|----------------------------------|----------------|----------------|
| State Fiscal Year | 2019/2020 | 2020/2021 |
| Amount | \$4,553,958.83 | \$2,023,282.47 |

| STRF Claims Pending Payment - State Controller's Office | | |
|---|-----------|-----------|
| State Fiscal Year | 2019/2020 | 2020/2021 |
| Claims | 15 | 22 |

Definitions

Ineligible / Denied ¹ Student Not Eligible For Payment and/or Claim Did Not Satisfy The Requirements of California Education Code §94923(b)(2)

Unable to Contact ² Staff Reached Out to Student via Phone, Email & Written Correspondence At Least Three Times

| | |
|--|---------------------|
| Current Fund Balance: | \$19,899,000 |
| Historical Fund Balances (State Fiscal Year Closing): | |
| 2019-20 | \$21,723,000 |
| 2018-19 | \$25,100,695 |
| 2017-18 | \$26,295,000 |
| 2016-17 | \$28,497,000 |

Data as of: 11/19/2020

Student Tuition Recovery Fund Claims

Large Impact Closures

2020/2021 State Fiscal Year

| | STRF Claims Received | STRF Claims in Progress | Ineligible / Denied | Unable to Contact | Number of STRF Claims Approved for Payment ¹ | STRF Claims Approved for Payment |
|-----------------------------|----------------------|-------------------------|---------------------|-------------------|---|----------------------------------|
| ITT Tech | 2 | 2 | 0 | 0 | 1 | \$1,013 |
| Heald ² | 3 | 3 | 0 | 0 | 13 | \$179,999 |
| WyoTech ² | 0 | 0 | 0 | 0 | 1 | \$1,267 |
| Everest/Bryman ² | 1 | 1 | 0 | 0 | 14 | \$139,395 |
| Art Institute ³ | 5 | 5 | 0 | 0 | 12 | \$174,420 |
| Argosy ³ | 0 | 0 | 0 | 0 | 6 | \$104,153 |
| Brightwood ⁴ | 3 | 2 | 1 | 0 | 28 | \$137,003 |
| Golf Academy ⁴ | 1 | 1 | 0 | 0 | 0 | \$0 |

From School Closure to Current (Total Impact)

| | STRF Claims Received | STRF Claims in Progress | Ineligible / Denied | Unable to Contact | Number of STRF Claims Approved for Payment | STRF Claims Approved for Payment |
|-----------------------------|----------------------|-------------------------|---------------------|-------------------|--|----------------------------------|
| ITT Tech | 305 | 18 | 152 | 77 | 58 | \$370,072 |
| Heald ² | 371 | 176 | 78 | 54 | 63 | \$592,172 |
| WyoTech ² | 150 | 26 | 42 | 30 | 52 | \$297,377 |
| Everest/Bryman ² | 575 | 178 | 150 | 106 | 141 | \$542,433 |
| Art Institute ³ | 93 | 35 | 13 | 3 | 42 | \$637,307 |
| Argosy ³ | 103 | 53 | 8 | 14 | 28 | \$430,216 |
| Brightwood ⁴ | 387 | 68 | 23 | 47 | 249 | \$1,188,114 |
| Golf Academy ⁴ | 17 | 5 | 0 | 1 | 11 | \$104,909 |

¹ These values may include STRF claims that were received prior to the 2020/21 State Fiscal Year but processed in the 2020/21 State Fiscal Year.

² Heald College, WyoTech, and Everest College were operated by Corinthian Colleges, Inc. - includes Federal Borrower Defense applicati

³ The Art Institute of California and Argosy University were operated by Dream Center Education Holdings, LLC.

⁴ Brightwood College and Golf Academy of America were operated by Education Corporation of America.

Data as of 11/19/2020

STATUS UPDATES RELATED TO THE FOLLOWING REGULATIONS:

- 1. English as a Second Language Programs [Title 5, California Code of Regulations (CCR), Section 70000 (k)]**
- 2. Application for Verification of Exempt Status (CEC Sections 94874, 94874.2, 94874.7, 94874.5, and 94927.5); Title 5, CCR Section 71395)**
- 3. STRF Fee Increase (Title 5 CCR Section 76120)**
- 4. AB 1340 (CEC Section 94892.6)**
- 5. AB 1344 (CEC Section 94801.5 ; Title 5 CCR Section 71396)**
- 6. AB 1346 (CEC Section 94923; Title 5 CCR Section 76200)**

ATTACHMENT:

BPPE Regulation Summary

BPPE Regulation Summary

| Sec # | Short Title | Action | Description | Pre-Approve | Legal Review | Dept. | Agency | OAL | Notice | Hearing | OAL Final | File SoS |
|----------------|----------------|--------|--|-------------|--------------|---------|----------|---------|----------|---------|-----------|----------|
| 70000 | IELP | Amend | Intensive English Language Programs amends the definition under 70000(k) allowing institutions who meet the new criteria to be exempt. | 8/14/17 | 1/24/18 | 3/8/18 | 12/12/18 | | 10/18/19 | 12/3/19 | 10/14/20 | |
| 71395 | Exempt | Amend | Verification of Exempt Status amends the form to reflect numerous statutory changes. | 10/19/17 | → | 5/14/18 | 4/3/19 | | | | | |
| 71752 71755 | Comply | Adopt | This fills in some loopholes for requiring compliance with minimum operating standards. | 9/18/18 | → | 3/25/19 | | | | | | |
| 70020 | Address Change | Amend | Changes BPPE's physical address. | | | 8/13/20 | | 9/22/20 | | | 10/26/20 | |
| 76215 | Address Change | Amend | Changes BPPE's physical address and phone number on STRF Application. | | | 8/17/20 | | 9/21/20 | | | 10/29/20 | |
| | AB 1340 | Adopt | Establish data collection system for student wage data. | | | | | | | | | |
| 71396 | AB 1344 | Adopt | Revise Out-of-State Registration Form | | | | | | | | | |
| 76200 | AB 1346 | Adopt | Revise STRF Application process and form. | | | | | | | | | |

Agenda Item 7

**DISCUSSION ON COVID-19 IMPACTS TO INSTITUTIONAL REQUIREMENTS AND
THE FLEXIBILITY THE BUREAU HAS TO ADDRESS THE IMPACTS**

FUTURE MEETING DATES

FUTURE AGENDA ITEMS

ADJOURNMENT