

**TITLE 5. EDUCATION  
DIVISION 7.5. BUREAU OF PRIVATE POSTSECONDARY EDUCATION**

**FINAL STATEMENT OF REASONS**

**Hearing Date:** None.

**Subject Matter of Proposed Regulations:** Educational Programs Under 32 Hours in Length

**Sections Affected:** Division 7.5 of Title 5 of the California Code of Regulations, amend sections 71710 and 71810

**Updated Information**

Non-substantive changes were made to the text of the proposed 71710 by changing capitalization in the existing text, by deleting the word “in” and inserting the word “with” in 71710(b)(3), and reordering the statutes listed under “Authority cited” to be in numerical sequence.

Non-substantive changes were made to the text of the proposed 71810 by capitalizing the word “Section” in 71810(a), adding “and are not designed to lead to employment as defined in section 71710(b)” after the words “section 94837 of the Code” in proposed subsection 71810(c), and by deleting the word “state” from the text of the disclosure listed in 71810(c).

The Initial Statement of Reasons is included in the file. The information contained therein has not been modified.

No public hearing was originally set for this proposal, and none was requested. Bureau staff noticed the proposed rulemaking with a 45-day comment period ending on Tuesday, December 27, 2022. The Bureau did not receive any comments during this time period.

No changes have been made in applicable laws or to the effect of the proposed regulations from the laws and effects described in the Notice of Proposed Action.

**Local Mandate**

A mandate is not imposed on local agencies or school districts.

**Small Business Impact**

The Bureau has determined this proposal will affect small businesses because small businesses must comply with this proposal. This proposal will reduce oversight and fees for small businesses.

### **Anticipated Benefits of this Proposal**

The proposed regulatory language will interpret the legislative definition of “educational program,” as amended by SB 802, by specifying what is meant by “not designed to lead to employment.” The meaning of that phrase could be interpreted in a number of ways, and without regulatory language to clarify what the phrase means, schools could try and claim the exemption for any program under 32 hours in length, leading to confusion.

The proposed regulatory language also makes it easier for students and prospective students to be able to differentiate between programs offered at institutions when some programs are regulated by the Bureau while others are not,

### **Consideration of Alternatives**

No alternative considered by the Bureau to the regulatory proposal would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Set forth below are the alternatives which were considered and the reasons each alternative was rejected.

- a. Not adopt the regulations. This alternative was rejected because it is necessary to interpret the terms of the statutory language adopted by the legislation in order to promote clarity for the reader.

### **Incorporation by Reference**

This rulemaking does not include any material incorporated by reference.

### **Summary of Comments Received During the 45-day Notice Period**

The Bureau did not receive any comments during the 45-day notice period.