



NOTICE OF INTENT TO READOPT EMERGENCY REGULATIONS

This notice is sent in accordance with Government Code §11346.1(a)(2) and Title 1, California Code of Regulations (CCR) §52, which require State of California agencies to give a five (5) working day advance notice of intent to readopt emergency regulations with the Office of Administrative Law (OAL). The Bureau for Private Postsecondary Education (BPPE) intends to file a request for readoption of regulations regarding the Bureau’s Student Tuition Recovery Fund, originally approved by OAL on February 1, 2010, which became effective February 1, 2010, and re-adopted on July 30, 2010.

Pursuant to Title 1, CCR §52(b)(1), the BPPE has made substantial progress and proceeded with diligence to comply with Government Code §11346.1(e) by undertaking the following rulemaking activities:

- On April 23, 2010, the BPPE had OAL publish the Notice of Proposed Action for the above-described regulations as part of a larger rule-making proceeding regarding Bureau Administration, Definitions, Applications, Institutional Operating Standards, and General Provisions as well as the Student Tuition Recovery Fund in the *California Regulatory Notice Register*. The BPPE posted all required rulemaking materials on its Web site and mailed the notice to the BPPE’s interested parties list.
- On June 7, 2010, The BPPE conducted a regulation hearing on the regulations regarding Bureau Administration, Definitions, Applications, Institutional Operating Standards, General Provisions and Student Tuition Recovery Fund.
- The BPPE modified the text of the emergency regulations in this re-adoption consistent with the Finding of Emergency. A summary of the changes made are as follows:
 - Section 76000 – Definitions:
 - Definition of “California resident” was amended to refer to distance instruction, instead of correspondence education to conform to the rulemaking regarding Bureau Administration, Definitions, Applications, Institutional Operating Standards, and General Provisions.
 - A definition of “residency program” was added.
 - Section 76020-76120 – STRF program:
 - The program was amended to clarify that it existed to protect a student who was enrolled in a residency program, as well as a California resident.
 - Accordingly, the assessment provision was amended to clarify that a student who was enrolled in a residency program, as well as a California resident is to be subject to a STRF assessment.

- Sections 76130-76140 – provisions regarding the STRF Collection and Submission and Record-Keeping Requirements were amended to require additional information from the institutions submitting STRF assessments.
 - Sections 76200-76210 – provisions regarding an application for payment and payment of a claim were amended to clarify that a social security number or taxpayer identification number is required for payment of a claim, that the Bureau may require additional documentation, and that the Bureau may informally consider a written appeal from a denial or reduction of a STRF claim.
 - Section 76212 – the provision regarding a Government Agency claim on behalf of students was amended to clarify under what circumstances an agency may collect from the fund, if it has acted on behalf of students.
 - Section 76215 – Disclosures. The provisions were amended for consistency with section 76020 in order to correctly disclose to a student under what conditions STRF might be available.
- The Bureau will also be issuing a 15-day Notice of an Addendum to the Initial Statement of Reasons to more adequately describe the necessity for the changes to the STRF provisions.

As required by Title 1, CCR §52 there have been no changes in emergency circumstances since the original adoption of the regulations regarding the Student Tuition Recovery Fund by OAL.

The BPPE hereby incorporates by reference the rulemaking record OAL file number 2010-0122-02E and 2010-0720-08 EE.

The BPPE plans to file the readoption of the regulation package regarding the Student Tuition Recovery Fund with OAL at least five working days from the date of this notice. If you would like to make comments on the readoption of these named regulations, they must be received by both the BPPE and OAL within five calendar days of the BPPE's filing at OAL. Responding to the comments at this point in the process is strictly at the BPPE's discretion.

Comments should be sent simultaneously to:

Joanne Wenzel, Department of Consumer Affairs, Bureau for Private Postsecondary Education

Because the BPPE is scheduled to move offices on or about November 19, 2010, the most effective way to ensure receipt of comments by the BPPE is to submit them by email to: Joanne.Wenzel@dca.ca.gov. Otherwise, they can be mailed to 1625 North Market Blvd., Suite S – 202, Sacramento, CA 95834, if sent on time to be received before November 19th, or 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833 if expected receipt by mail is after November 19th.

and

Office of Administrative Law
300 Capitol Mall, Suite 1250

Sacramento, CA 95814