

**DEPARTMENT OF CONSUMER AFFAIRS
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**

SECOND MODIFIED TEXT

Changes to the originally proposed language are shown by double underline for new text.

Changes to the first modified text are shown by single wave underline for new text and bold print with single ~~strikethrough~~ for deleted text.

New Changes are **highlighted** for easy location.

(1) Rename Article 4 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

Article 4. Compliance Inspections and Complaint Processing

(2) Amend Section 75200 of Division 7.5 of Title 5 of the California Code of Regulation to read as follows:

§ 75200. Compliance Inspections.

~~(a) As part of the Bureau's compliance program, the first inspection of an institution pursuant to this section shall be an announced inspection.~~

~~(b)~~ **(ba)** The Bureau shall provide not less than seven (7) days notice from the time of service of the notice of any announced inspection. Notice shall be given in writing by email or mail to a person listed in section 71130(a) or 71135.

~~(c) An institution shall be subject to the same number of unannounced inspections in a two-year period as announced inspections. The relevant two-year period shall begin on the date of the first announced inspection.~~

~~(d)~~ **(db)** The Bureau shall determine the priority and number of total announced and unannounced compliance inspections and as necessary immediate inspections for any institution by evaluating relevant factors including: the risk factors listed in section 94941(c) of the Code, priority of complaints based on section 75300, size of the institution, number and types of programs offered, time elapsed since last inspection, history of ~~its~~ the owner's approval(s) to operate any and all institutions, ~~number and type of complaints,~~ and enforcement history.

~~(e)~~ **(ec)** The Bureau is not precluded from conducting an investigation of an institution whether or not it has conducted some or all of its compliance inspections in the ~~two-year~~ five year period.

Note: Authority cited: Sections 94877, ~~and 94932.5~~ and 94941, Education Code. Reference: Section 94932.5 and 94941, Education Code.

(3) Amend Section 75210 of Division 7.5 of Title 5 of the California Code of regulations to read as follows:

§ 75210. Notice to Students of Impending Announced Inspections and Results of Inspections

(a) The institution shall, at least five (5) business days prior to any announced compliance inspection, cause to be posted in a conspicuous place or places at the institution, and cause to be delivered to students via email or in the same way the students generally receive information from their institution, the following notice:

Notice to Students

This institution is subject to announced compliance inspections by the Bureau for Private Postsecondary Education.

An announced compliance inspection has been scheduled for this institution on [date] at [time].

Information regarding the results of the announced inspection can be found at the Bureau's website at www.bppe.ca.gov/enforcement/inspection result, after the inspection. Students who have questions or comments can contact the Bureau directly by telephone at 888-370-7589 or via the website at www.bppe.ca.gov.

The notice shall contain the date and time scheduled for the announced compliance inspection. The institution shall maintain and keep unobstructed the posted notice(s) required in this subsection until the announced compliance inspection is completed.

(b) In addition to ~~any other requirement for disclosing information about an institution requiring the notice for impending announced compliance inspections,~~ the ~~Bureau~~ institution shall, at the time of any inspection, ~~cause to be posted~~ allow the Bureau to post in a conspicuous place or places at the institution and the institution shall deliver to students via email or in the same way the students generally receive information from their institution, the following notice:

Notice to Students

This institution is subject to regular compliance inspections by the Bureau for Private Postsecondary Education. Information regarding the dates of inspections conducted and the results of those inspections can be found at the Bureau's website at www.bppe.ca.gov/enforcement/inspection results.

This institution was last inspected on [date].

Students who have questions or comments can contact the Bureau directly by telephone at 888-370-7589 or via the website at www.bppe.ca.gov.

The notice(s) shall contain the date of the most recent compliance inspection. The institution shall maintain and keep unobstructed the posted notice(s) for not less than 90 days from the date of posting.

(c) All notice(s) regarding compliance inspections shall be provided by the Bureau and posted in each of the languages in which that the institution is approved to teach courses shall be posted and delivered to students pursuant to subsections (a) and (b).

Note: Authority cited: Sections 94877 and 94932.5, Education Code. Reference: Section 94932.5, Education Code.

(4) Adopt Section 75300 of Division 7.5 of Title 5 of the California Code of Regulation to read as follows:

§ 75300. Complaint Prioritization

(a) In addition to the priorities set in section 94941(e) of the Code, the Bureau determines the following complaint categories will also be of high priority when processing complaints:

- (1) Financial harm to students;
- (2) Financial instability of institution;
- (3) Breach of enrollment agreement;
- (4) Maintenance or condition of facilities and equipment that could lead to harm to the public;
- (5) Operation of an institution outside the scope of its approval status.

Note: Authority cited: Sections 94877 and 94941, Education Code. Reference: Section 94941, Education Code