

**Bureau for Private Postsecondary Education** 

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**COMMITTEE MEMBERS:** 

Katherine Lee-Carey
Margaret Reiter
Leigh Ferrin
Diana Amaya
Thomas Wong
Joseph Holt
David Vice
Assemblymember Jose
Medina (Kevin Powers)
Senator Steven Glazer
(Sarah Mason)

BUREAU FOR PRIVATE POSTSECONDARY EDUCATION COMMITTEE MEETING NOTICE AND AGENDA

Action may be taken on any item listed on the agenda.

# PUBLIC TELECONFERENCE MEETING

February 17, 2021 9:30am - Until Completion of Business

NOTE: Pursuant to the provisions of Governor Gavin Newsom's Executive Order N-29-20, dated March 17, 2020, neither Committee member locations nor a public meeting location are provided. Public participation may be through teleconferencing as provided below.

Important Notices to the Public: The Bureau for Private Postsecondary Education will hold a public meeting via a WebEx Events. To participate in the WebEx Events meeting, please log on to this website the day of the meeting:

https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=e85e5f41177844cf1c0587ec5594833d7

INSTRUCTIONS FOR PARTICIPATION: Please see the instructions attached hereto to observe and participate in the meeting using WebEx from a Microsoft Windows-based PC.

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 be required 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 in the following sample format: XXXXX@mailinator.com.

Public comments will be limited to two minutes unless, in the discretion of the Committee, circumstances require a shorter period; members of the public will not be permitted to "yield" their allotted time to other members of the public to make comments.

As an alternative, members of the public who wish to observe the meeting without making public comment can do so (provided no unforeseen technical difficulties) at <a href="https://thedcapage.wordpress.com/webcasts/">https://thedcapage.wordpress.com/webcasts/</a>.

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#### **OPEN SESSION:**

- 1. Welcome, Introductions, and Establishment of a Quorum (Katherine Lee-Carey)
- 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)) (Katherine Lee-Carey)
- 3. Review and Approval of December 1, 2020, Advisory Committee Meeting Minutes (Katherine Lee-Carey)
- **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 (**Carrie Holmes**)
- **5.** Bureau Operations Update and Discussion related to the following:
  - a. Update on Fee Audit (Leeza Rifredi)
  - b. Sunset Review Update (Leeza Rifredi)
  - c. Annual Reports (AR) Report (Robert Bayles)
  - d. Quality of Education Report (Robert Bayles)
  - e. Compliance and Discipline Report (Beth Scott)
    - i. School Inspections by the Bureau
    - ii. Disciplinary Highlights and Resulting Actions Statistics
    - iii. Citation and Fines
  - f. Complaint and Investigation Report (Beth Danielson)
    - i. Complaint and Investigation Statistics
  - g. Licensing Report (Ebony Santee)
    - i. Licensing Applications Status Statistics
    - ii. Report on the Number of Institutions
  - h. Office of Student Assistance and Relief (OSAR) Report (Scott Valverde)
    - i. Overview of OSAR Activities Summary Report
    - ii. School Closure Outreach Update
  - i. Student Tuition Recovery Fund (STRF) Report (Yvette Johnson)
    - i. STRF Claims and Large Impact Closure Statistics
- **6.** Status Updates related to the following Regulations (Leeza Rifredi):
  - 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. Presentation and Discussion on How Complaint and Disciplinary Items Will be Tracked in the New IT System, and What Will Be Made Available to the Public (Robert Bayles)
- 8. Suggestions for Future Agenda Items (Katherine Lee-Carey)
- **9.** Adjournment

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 Committee Chair and may be taken out of order. In accordance with the Bagley-Keene Open Meeting Act, all meetings of the Committee are open to the public.

Note: This meeting will be Webcast, provided there are no unforeseen technical difficulties or limitations. To view the Webcast, please visit <a href="https://thedcapage.wordpress.com/webcasts/">https://thedcapage.wordpress.com/webcasts/</a>.

\*Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at his or her discretion, apportion available time among those who wish to speak. Individuals may appear before the 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 meeting is being held via Webex Events. The meeting is accessible to the physically disabled. A person who needs 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 is a least five (5) business days before the meeting will help to ensure availability of the requested accommodations. Toll Free: (888) 370-7589.

#### 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)

### Agenda Item 2

#### 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).)

# REVIEW AND APPROVAL OF DECEMBER 1, 2020, ADVISORY COMMITTEE MEETING MINUTES

#### ATTACHMENT:

Advisory Committee Draft Meeting Minutes from December 1, 2020



#### **Bureau for Private Postsecondary Education** 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833

2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 9583 P.O. Box 980818, West Sacramento, CA 95798-0818 P (916) 431-6959 F (916) 263-1897 <u>www.bppe.ca.gov</u>



#### Advisory Committee Meeting Minutes Tuesday, December 1, 2020

#### **WebEx Meeting**

#### **Advisory Committee Members in Attendance**

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

#### **Committee Members Absent**

Senator Steven Glazer (Sarah Mason) Diana Amaya

# <u>Bureau for Private Postsecondary Education (Bureau) and Department of Consumer Affairs (DCA) Staff in Attendance</u>

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
Carrie Holmes, DCA Board and Bureau Relations Deputy Director
Sean O'Connor, Project Oversight and Administrative Services Chief

#### 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

No Public Comment.

#### Agenda #3 - Review and Approval of August 26, 2019, Advisory Committee Meeting Minutes

Thomas Wong moved to approve the minutes; David Vice seconded the motion. (Ms. Lee-Carey: Aye; Mr. Vice: Aye; Joseph Holt: Aye; Leigh Ferrin: Aye; Margaret Reiter: Aye; Mr. Wong: Aye) 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 that the Bureau Advisory Committee currently has three vacancies. She encouraged those interested in getting involved to find the link titled "Board Member Resources" on the DCA homepage to apply for an appointment.

Ms. Holmes stated that, following the closure of DCA offices due to the March 2020 local and state stay at home orders, DCA offices remain open with preventative measures in place to safeguard the health of employees and visitors. She continued that DCA has partnered with the Governor's Office and Business, Consumer Services and Housing Agency on statewide efforts related to awareness and enforcement of public health measures.

Ms. Holmes stated that the economic impacts of the COVID-19 pandemic and unprecedented welfare activities are expected to last for several years. She noted that the state needs to take immediate action to reduce costs and maximize efficiencies to support all Californians. She explained that in April, DCA and all boards and bureaus worked to limit expenditures and hiring, to areas only necessary to support core functions and emergency response activity. She added that DCA learned in November that DCA and all boards and bureaus will be required to plan for a five percent (5%) permanent budget reduction, no later than 2022.

Ms. Reiter asked for a timeline on the rollout of the regulatory tracking system, Cherwell. Ms. Holmes stated that the project is currently in the pilot stage. She indicated that feedback from pilot groups is being evaluated to determine the next stages of the rollout plan. She stated that she would follow up with the Committee, to provide a timeline.

#### **Public Comment**

No Public Comment.

#### Agenda #5 – Bureau Operations Update and Discussion

#### Analysis of AB 1346 Amendments to Education Code section 94923

Doug Smith, Bureau Legal Counsel, provided an analysis on AB 1346. He referred the Committee to Attachment 5a, of the meeting packet, and asked if the Committee had any questions.

#### Public Comment

Elizabeth Deucher provided a public comment.

#### <u>Update on Fee Audit</u>

Leeza Rifredi, Deputy Bureau Chief, provided a status on the Bureau's fee audit. She indicated that the auditor has finished the analysis and the report is under review. She noted that the report will be available by the next Committee meeting.

Ms. Reiter requested that the report be provided to the Committee as soon as it becomes available.

#### **Public Comment**

No Public Comment.

#### <u>Update on the Bureau's IT System Project</u>

Sean O'Connor, Office of Information Services, provided an update on the Bureau's IT system project.

Mr. O'Connor reported that the project begun in January 2020. He stated that, after testing and development, the first major software release was implemented in September 2020. He added that with the first software release, the Bureau can now accept online non-accredited institutional applications for licensure, which includes the ability for institutions to check the

application status online and correspond with the Bureau. He noted the software release also included an online complaint form for the public.

Mr. O'Connor continued that the next software release is planned for January 2021. He stated that the release will include updates to streamline the online application system and will add internal back office functionality, to process complaints through the investigation phase, for the Complaint and Investigation Unit.

Mr. O'Connor reported on the costs of the project. He stated that project is trending towards coming in under budget. He added that the project is more than half way through the planned 18-month schedule, and only 34 percent (34%) of the allowed budget has been expended. He noted that the total project costs are \$13.3 million but emphasized that the cost is split between 3 other programs, along with the Bureau, and the cost includes staffing costs.

Mr. O'Connor concluded that the project period will continue through August of 2021, followed by an additional year of vendor collaboration, focused on maintenance and enhancements.

#### **Public Comment**

No Public Comment.

#### Annual Reports (AR) Report

Mr. Bayles provided a report on the Annuals Reports Unit. He outlined Attachment 5d of the meeting packet.

Ms. Reiter questioned when the unit will start providing online Annual Report and School Performance Fact Sheet workshops. Mr. Bayles responded that, while it is a priority, there is no definitive timeline on when online workshops will begin.

#### **Public Comment**

No public comment.

#### Quality of Education Report

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

Ms. Reiter asked if applications for change in method of education to online distant instruction are being approved on a temporary or permanent basis. Mr. Bayles responded that most of the applications being received are for a permanent change. He added that during the review process, staff are given access to the institutions online learning environment to help determine the quality of education being provided by the institutions.

#### **Public Comment**

Damon Fugett, with Dehart Technical School, provided a public comment.

#### Compliance and Discipline Report

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

#### **Public Comment**

Grant Elliot provided a public comment.

#### **Complaint and Investigation Report**

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

Ms. Ferrin asked if there was any additional information on COVID-19 related complaints. Ms. Danielson responded that approximately 27 percent (27%) of complaints received were COVID related. She noted that 63 percent (63%) of the COVID related complaints were non-jurisdictional and were referred to other agencies.

Ms. Reiter commented that it would be helpful to see a more detailed breakdown on the reported total amount of refunds made to students included in the meeting packet. She noted that the breakdown could include what action led to the refund and also what refund amount was requested, compared to what was actually refunded.

Mr. Holt asked for a representative example of a COVID-19 related complaint that would be recommended to the Health Department. Ms. Danielson provided the example of receiving a complaint regarding an institution that was operating while having been an issued an order to not operate due to COVID-19. She provided another example of students submitting complaints about being required to attend class in person with the risk of exposure to COVID-19.

#### **Public Comment**

No Public Comment.

#### Licensing Report

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

#### **Public Comment**

No Public Comment.

#### Office of Student Assistance and Relief (OSAR) Report

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

Mr. Valverde presented a closed school student outreach video to the Committee. He noted that the video will become available on YouTube.

Mr. Ferrin asked how the video will be deployed. Mr. Valverde responded that video will be linked on the Bureau and OSAR website, promoted on social media accounts, and will be provided to students who are facing a school closure.

#### **Public Comment**

No public comment.

#### Student Tuition Recovery Fund (STRF) Report

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

#### **Public Comment**

No public comment.

#### Agenda Item #6 - Status Updates on Regulations

Ms. Rifredi provided a status update on Bureau regulations. She covered Attachment 6a in the meeting packet.

Ms. Rifredi noted that STRF fees will be reimplemented as the fund has dropped below 20 million. Mr. Vice asked if there was a timeline. Ms. Rifredi responded that there is not a definitive timeline but that it will be very soon.

#### **Public Comment**

Teresa Speicher provided a public comment. Grant Elliot provided a public comment. Myra Pomerantz provided a public comment.

# Agenda Item #7 - Discussion on COVID-19 Impacts to Institutional Requirements and the Flexibility the Bureau Has to Address the Impacts

Mr. Smith opened up discussion on COVID-19 impacts to the private postsecondary education industry and students. He reported that the Bureau has frequently communicated with stakeholders and other interested parties to share information and provide support as necessary. He noted that Bureau has actively utilized social media to share information with stakeholders. He explained that negative impacts of the COVID-19 pandemic on the private postsecondary industry and its students will continue to be felt over the coming months. He added that the Bureau will continue to monitor both state and federal actions and will communicate with stakeholders and other interested parties regarding any new developments.

Mr. Holt commented on the mandated School Performance Fact Sheet (SPFS) reporting requirements and gave an example of how COVID-19 is impacting on time graduation rates. He questioned if the Bureau has considered adding language to the SPFS regarding the impacted time periods. He pointed out the unusual circumstances brought about by the COVID-19 pandemic. Mr. Smith stated that specific issues are addressed and analyzed by the Bureau on a case by case basis. Ms. Rifredi commented that following a review and discussion of regulations and statutes it has been determined that no modifications can be made to the SPFS. She noted that a separate document providing information regarding COVID-19 impacts could be included with the SPFS but that the SPFS itself can not be modified.

Ms. Reiter questioned if an institution could attach a lengthy document regarding COVID-19 impacts in front of the SPFS. Mr. Smith clarified that it may or may not violate a regulation or statute for an institution to include a document behind the SPFS. Mr. Vice pointed out that a student must sign the SPFS. Ms. Reiter responded that students are required to sign multiple documents which would not necessarily guarantee the student would see the SPFS. She continued that it's unclear what it means that an institution may attach a document to the SPFS, and what limits would be applied to the length of the document. Mr. Vice noted that there are already several disclosures prior to the SPFS that are provided to the student. Ms. Reiter noted that it could be helpful to have a future discussion on what disclosures are provided to the student.

#### **Public Comment**

No public comment.

#### Agenda #8 – Future Meeting Dates

The committee agreed to review the future meeting dates and would let the Bureau know of any conflicts.

#### **Public Comment**

No public comment.

#### <u>Agenda #9 – Future Agenda Items</u>

Ms. Reiter requested that the Bureau provide, at the first feasible meeting, a presentation, discussion, and possible action regarding the tracking of complaint, inspection, and compliance data in the new IT system and the future availability of that data on the Bureau website.

Ms. Lee-Carey moved to have the Bureau provide a presentation and a discussion on the details of how complaint and disciplinary items will be tracked in the new IT system and what will be made available to the public; Ms. Reiter seconded the motion. (Ms. Lee-Carey: Aye; Mr. Vice: Aye; Mr. Holt: Aye; Ms. Reiter: Aye; Ms. Ferrin: Aye; Mr. Wong: Aye) The motion passed.

Ms. Holt moved to have an update on the status of the Bureau's Sunset Review on the agenda at the next Committee meeting; Ms. Lee-Carey second the motion. (Ms. Lee-Carey: Aye; Mr. Vice: Aye; Mr. Holt: Aye; Ms. Reiter: Aye; Ms. Ferrin: Aye; Mr. Wong: Aye) The motion passed.

Ms. Reiter moved that the Bureau provide, at the first feasible meeting, a presentation, discussion, and possible action regarding the conversion of complaint, inspection, and compliance data from the old IT system to the new IT system. Motion not seconded; motion failed.

#### **Public Comment**

No public comment.

#### Agenda #10 - 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.** Update on Fee Audit
- **b.** Sunset Review Update
- c. Annual Reports (AR) Report
- d. Quality of Education Report
- e. Compliance and Discipline Report
- f. Complaint and Investigation Report
- g. Licensing Report
- h. Office of Student Assistance and Relief (OSAR) Report
- i. Student Tuition Recovery Fund (STRF) Report

## Agenda Item 5a

#### **UPDATE ON FEE AUDIT**

## Agenda Item 5b

#### SUNSET REVIEW UPDATE

## Agenda Item 5c

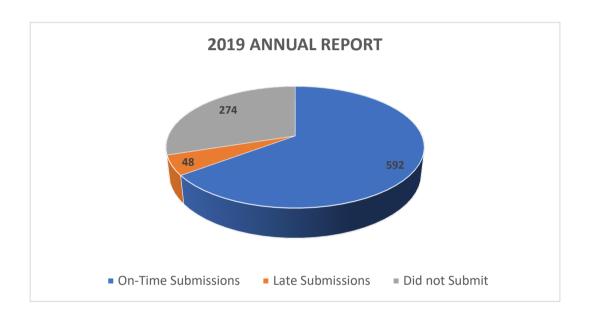
### ANNUAL REPORTS (AR) REPORT

#### **2019 ANNUAL REPORT SUBMISSION STATS**

Required to Submit Annual Reports	914
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On-Time Submissions	592
Late Submissions	48
Did not Submit	274

On-Time Submission Rate	64.7%
Submission Rate as of Feb 3, 2021	70.0%



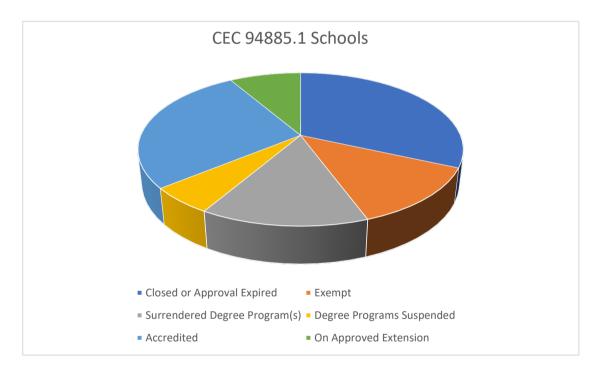
## Agenda Item 5d

### UPDATE ON QUALITY OF EDUCATION REPORT

#### **STATUS OF SB 1247 INSTITUTIONS**

#### **CEC \*94885.1 Schools**

Closed or Approval Expired	45
Exempt	18
Surrendered Degree Program(s)	20
Degree Programs Suspended	8
Accredited	39
On Approved Extension	12
Total	142

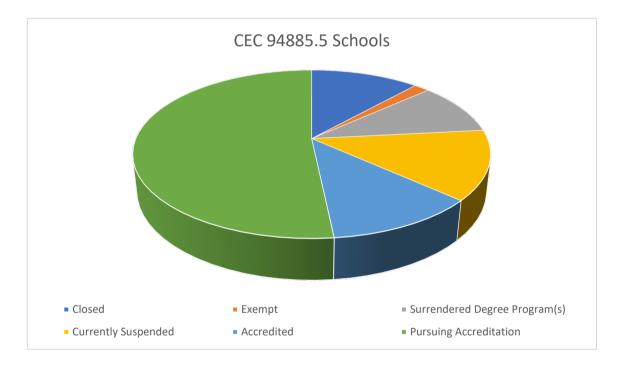


<sup>\*</sup> Unaccredited Institutions Approved as of Jan 1, 2015 and Offering Degree Programs. Deadline to Achieve Accreditation was July 1, 2020 Unless Extension was Approved

#### **STATUS OF SB 1247 INSTITUTIONS**

#### **CEC \*94885.5 Schools**

Closed	7
Exempt	1
Surrendered Degree Program(s)	6
Currently Suspended	8
Accredited	7
Pursuing Accreditation	31
Total	60

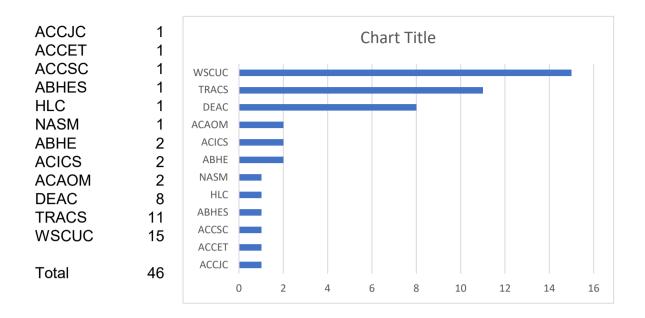


\*Unaccredited Institutions Provisionally-Approved After Jan 2015 to Offer Degree Programs.

Must Achieve Pre-Accreditation Within Two Years.

Must Achieve Accreditation Within Five Years.

#### SB 1247 Institutions that Achieved Accreditation & Accreditor Chosen



**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 Associciation of Schools of Music

TRACS: Transnational Association of Christian Colleges and Schools

WSCUC: WASC Senior College and University Commission

Data current as of Feb 5, 2021

## Agenda Item 5e

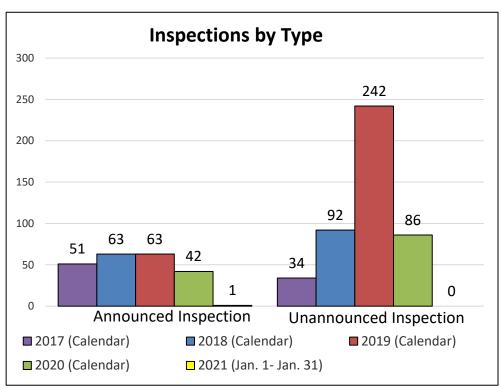
#### COMPLIANCE AND DISCIPLINE REPORT

REPORTING AS OF: January 31, 2021						
Compliance Stats	2017 (Calendar)	2018 (Calendar)	2019 (Calendar)	2020 (Calendar)	<b>2021</b> (Jan. 1 - Jan. 31)	
Total Completed Inspections	85	155	305	128	1	
ACI - Announced Inspections	51	63	63	42	1	
UCI - Unannounced Inspections	34	92	242	86	0	
Notice To Comply Issued	47	65	49	11	0	
Enforcement Referral Issued	36	56	93	26	0	
Inspections Cancelled *	N/A**	7	18	12	0	

<sup>\*</sup>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.

<sup>\*\*</sup>Not Applicable because this data was not being collected in 2017.



2017 (Calendar) Total Inspections: 85
2018 (Calendar) Total Inspections: 155
2019 (Calendar) Total Inspections: 305
2020 (Calendar) Total Inspections: 128
2021 (Jan. 1 - Jan. 31) Total Inspections: 1

#### 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

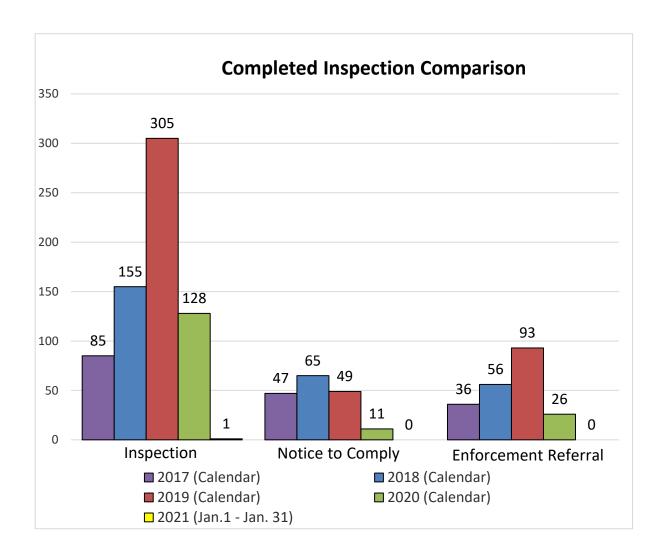
#### 2020 (Calendar) Percentages:

Announced: 32.8 Unannounced: 67.2

#### 2021 (Jan.1 - Jan. 31) Percentages:

Announced: 100.0 Unannounced: 0.0

#### **BPPE COMPLIANCE STATS**



	2017	2018	2019	2020	2021
	(Calendar)	(Calendar)	(Calendar)	(Calendar)	(Jan.1 - Jan. 31)
Inspection (ACI)	51	63	63	42	1
Inspection (UCI)	34	92	242	86	0
Total Compliance Inspections					1
Completed (ACI + UCI)	85	155	305	128	ı
Notice to Comply (NTC)	47	65	49	11	0
Enforcement Referral (ER)	36	56	93	26	0

#### **BPPE DISCIPLINE STATS**

## **STATEMENT OF ISSUES**

Actions	<b>2018</b> (Calendar)	2019 (Calendar)	2020 (Calendar)	2021 (Jan. 1- Jan. 31)
In-House Default: Denial Upheld	6	0	0	0
Proposed Decision: Denial Upheld	2	5	0	0
Proposed Decision: Conditional Approval Granted	0	1	0	0
Stipulated Settlement: Denial Upheld (School Closure)	1	0	0	0
Stipulated Settlement: Conditional Approval Granted	1	0	0	0
Withdrawn: Approval Granted (Mitigation cured deficiencies)	11	13	7	1
Withdrawn: Denial Upheld (School withdrew appeal)	7	6	6	1
Withdrawn: Exempt Institution	1	1	2	1
Totals:	29	26	15	3

## **ACCUSATIONS**

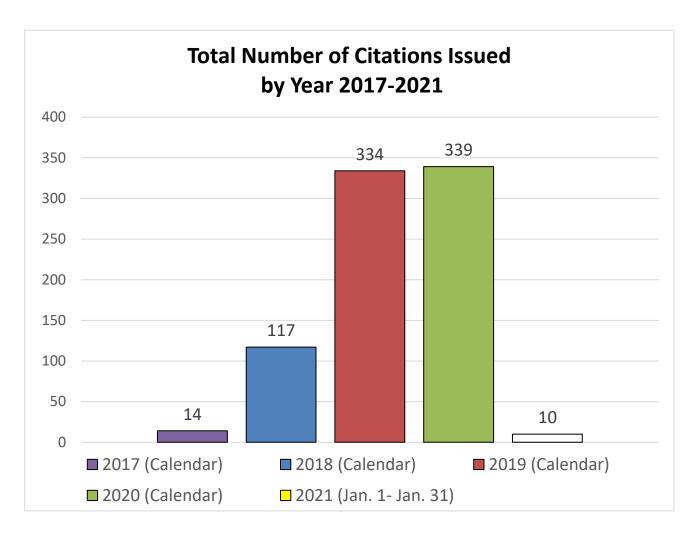
Actions	2018 (Calendar)	2019 (Calendar)	2020 (Calendar)	<b>2021</b> (Jan. 1 -Jan 31)
Default: Revocation	1	0	5	0
PC 23	1	1	0	0
Proposed Decision: Probation Granted	0	1	0	0
Proposed Decision: Revocation	1	0	1	0
Rejected by DAG	0	3	0	1
Stipulated Settlement Probation	0	5	1	1
Stipulated Surrender	2	4	4	1
Stipulated Settlement - Public Reproval	0	0	1	0
Withdrawn By Bureau: Citation Issued	1	1	0	0
Withdrawn by Bureau: Renewal Granted	2	0	0	0
Totals:	8	15	12	3

Automatic Suspensions	2018	2019	2020	2021
	(Calendar)	(Calendar)	(Calendar)	(Jan. 1- Jan. 31)
Automatic Suspensions	1	4	13	0

Emergency Decisions	2018	<b>2019</b>	2020	2021
	(Calendar)	(Calendar)	(Calendar)	(Jan. 1- Jan. 31)
Emergency Decisions	4	1	1	0

Pending with AG as of 1/31/2021	Total Transmitted	Total Served of Transmitted
Accusations	9	6
Statement of Issues	6	3
Totals:	15	9

#### **BPPE CITATION STATS**



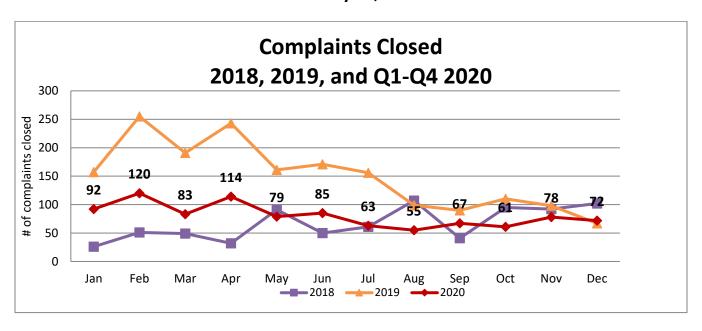
	2017 (Calendar)	2018 (Calendar)	2019 (Calendar)	2020 (Calendar)	<b>2021</b> (Jan. 1-Jan 31)
Citations Issued	14	117	334	339	10
Number of Schools Cited	14	115	308	333	10

# 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.

## Agenda Item 5f

#### COMPLAINT AND INVESTIGATION REPORT



Source: CPEI Monthly Statistical Reports

#### **Complaints Closed Q1-Q4**

Month	2020
Jan	92
Feb	120
Mar	83
Apr	114
May	79
Jun	85
Jul	63
Aug	55
Sep	67
Oct	61
Nov	78
Dec	72
Total	969

Q1-Q4 Complaints				
Total complaints received	990			
Total schools receiving complaints	532			
COVID related complaints	156			

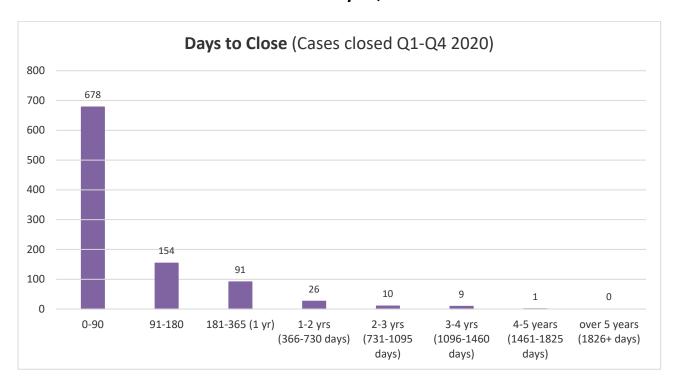
CASE DISPOSITION - Q1 -Q4	%	#
Referrals to Discipline Unit for		
further action*	4%	42
Compliance Obtained	5%	53
Mediated Settlement and Resolved		
by School	12%	112
Non-Jurisdictional - Closed		
Schools/STRF	0%	2
Non-jurisdictional - Referrals to		
Other Agency and Exempt	26%	253
Not Substantiated -		
Unsubstantiated	23%	226
Not Substantiated - Insufficient		
Evidence to Confirm Violation	9%	87
Other Closure Reasons	20%	194

**TOTAL** 

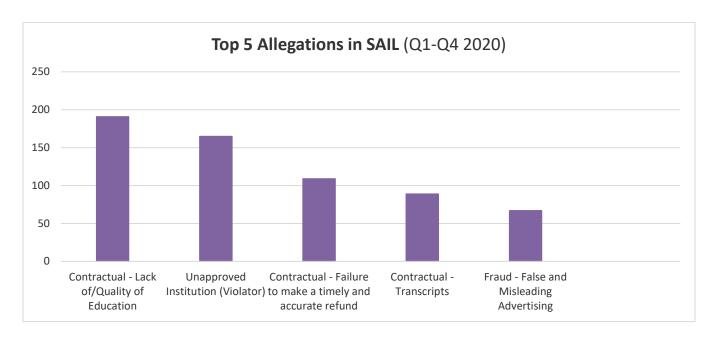
100%

969

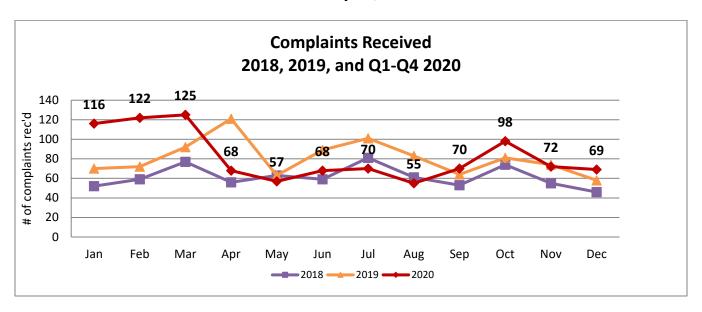
<sup>\*</sup>Transferred to the Discipline Unit. Discipline Unit determines whether further action is citation or disciplinary action.



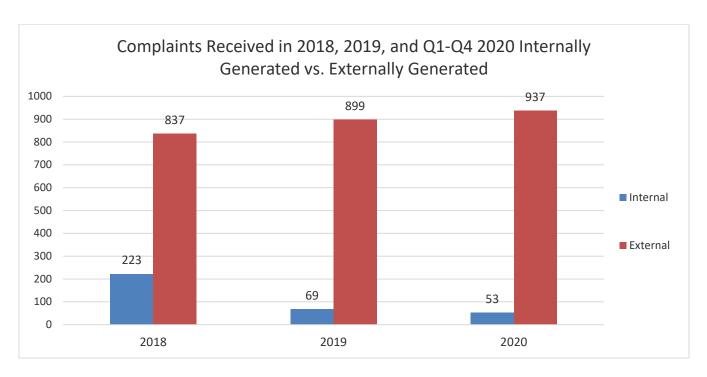
Source: BPPE Complaint Case Tracking Log



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



Source: CPEI Monthly Statistical Reports



Source: CPEI Monthly Statistical Reports

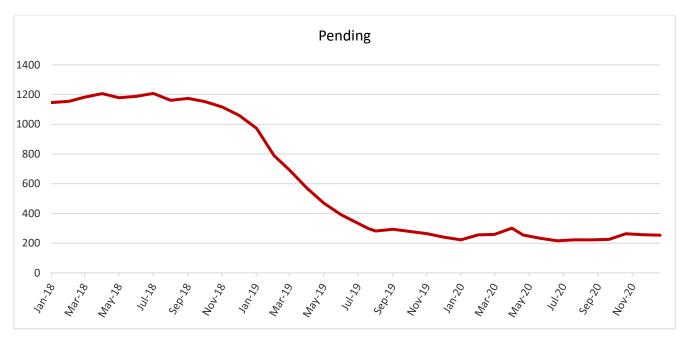
#### PENDING CASELOAD AS OF 12/31/20

	PENDING		EXT-STUDENT		URGENT	
CASE AGE	#	%	#	%	#	%
0-90	100	43.5%	84	48.0%	46	56.8%
91-180	39	17.0%	34	19.4%	7	8.6%
181-365 (1 yr)	60	26.1%	35	20.0%	26	32.1%
1-2 yrs (366-730 days)	17	7.4%	12	6.9%	2	2.5%
2-3 yrs (731-1095 days)	11	4.8%	8	4.6%	0	0.0%
3-4 yrs (1096-1460 days)	3	1.3%	2	1.1%	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	230	100%	175	100%	81	100%

6% of pending

35% of pending

Source: BPPE Complaint Case Tracking Log as of 12/31/20



Source: BPPE Complaint Case Tracking Log

Page **4** of **5** 

#### STUDENT IMPACT (January December 2020)

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

- > Total of \$111,141.13 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.

## Agenda Item 5g

#### LICENSING REPORT

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

Туре	Received FY 20/21	Pending Assignment (Queue)	Under Review	Total Pending	Approved	Withdrawn or Abandoned	Denied	Total Closed	Average Days to Approve <sup>a</sup>
New Full Approval	25	23	48	71	10	6	7	23	298
New Accreditation	24	0	19	19	17	2	0	19	86
Renewal Full	37	0	72	72	4	1	5	10	389
Renewal Accreditation	36	0	36	36	25	2	0	27	177
Changes Full	118	0	109	109	97	7	7	111	90
Changes Accreditation	190	0	93	93	201	16	0	217	57
Verification of Exemption	120	0	50	50	81	0	42	123	54
Out of State Registration	11	0	4	4	9	0	0	9	44
Totals:	561	23	431	454	444	34	61	539	149

<sup>&</sup>lt;sup>a</sup>Average Days to Approve is calculated from time assigned to analyst.

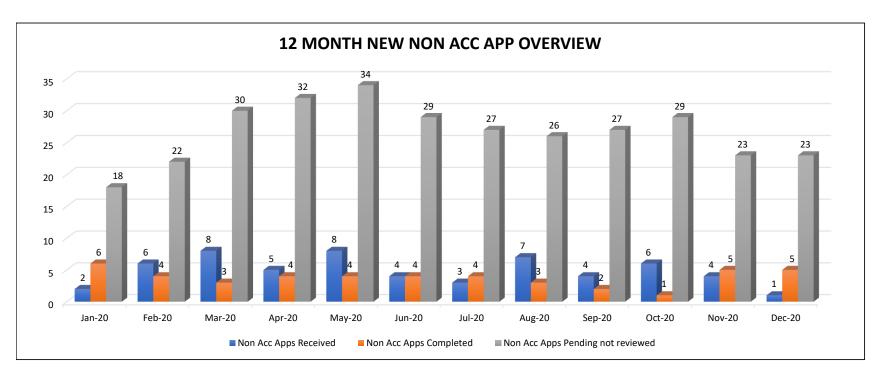
**Total Pending Applications by Date** 

Total pending applications on 1/1/2020:	253
Total pending applications dল/1/2020:	390
Total pending applications on 11/1/2020:	435
Total pending applications on 1/1/2021:	454

## **Oldest Pending Full Applications** (as of 1/1/2021)

Oldest Full Apps in Queue:	11/27/2019
Oldest Full Apps Under Review:	1/30/2019
Oldest Renewal Full Apps Under Review:	4/10/2017
Median Date of Full Apps in Queue:	8/20/2020

<sup>\*11</sup> applications pending new term of accreditation.



Month	Non Acc Apps Received	Non Acc Apps Completed	Non Acc Apps Pending not reviewed
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
Nov-20	4	5	23
Dec-20	1	5	23

Total Nu	Total Number of Schools by Location Type & Approval Type					
		As of January 1,	2021			
Location Type	Mains	Branches	Satellites	<b>Total Locations</b>		
Location Type	1,032	372	529	1,933		
Approval Type	ABMA (Accredited)	Full (Non Accredited)	<b>Conditional</b> <sup>a</sup>	Provisional <sup>b</sup>		
	428	566	0	38		

<sup>a</sup>Conditional 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)).

<sup>b</sup>Provisional Approvals are issued to unnaccredited instititions 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
	Main	1,073	1,093	1,066	1,042	1,041	1043
Location Type	Branch	397	401	390	386	381	377
	Satellite	505	520	530	530	533	537
	ABMA	440	442	431	433	438	435
A managed Toma	Full	598	607	592	568	563	570
Approval Type	Conditional	21	0	1	1	0	0
	Provisional	14	44	42	39	40	38

7/1/2020	11/1/2020	1/1/2021
1018	1018	1032
374	370	372
542	528	529
422	421	428
558	559	566
0	2	0
38	36	38

Approved Out of
State
Registrations as
of 1/1/2021
62

## Agenda Item 5h

### OFFICE OF STUDENT ASSISTANCE AND RELIEF (OSAR) REPORT

## Office of Student Assistance and Relief

#### 2020/21 State Fiscal Year

Data as of February 2, 2021

#### **CHART A: INFORMED CHOICE OUTREACH AND EDUCATIONAL ACTIVITIES**



			ASSISTANCE AND RELIEF
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
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	Virtural 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
Info Hour With OSAR Virtual Workshop	Virtual Student Workshop / Presentation	12/22/2020	Sacramento, CA
California Transition Assistance Program Beale Air Force Base Virtual Workshop	Virtual Student Workshop / Presentation	1/14/2021	Yuba County, CA
California Transition Assistance Program Homeport California, Camp Pendleton Virtual Workshop	Virtual Student Workshop / Presentation	1/21/2021	San Diego, CA
California Transition Assistance Program Travis Air Force Base Virtual Workshop	Virtual Student Workshop / Presentation	1/22/2021	Travis Air Force Base, CA
Black College Expo	Virtural College Fair	2/19/2021	California
Black College Expo	Virtural College Fair	2/20/2021	California
California Transition Assistance Program Los Angeles Air Force Base Virtual Workshop	Virtual Student Workshop / Presentation	3/3/2021	Los Angeles, CA
California Transition Assistance Program Naval Air Station Lemoore Virtual Workshop	Virtual Student Workshop / Presentation	3/17/2021	Kings County, CA
California Transition Assistance Program  Marine Corps Recruit Depot Virtual Workshop	Virtual Student Workshop / Presentation	3/18/2021	San Diego, 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

# Office of Student Assistance and Relief AB-1346 / Corinthian Colleges Outreach Campaign

December 30, 2020 to Date

Total Email Messages Sent to Former Corinthian Colleges Students<sup>1</sup>
28,296

#### **Total Number of Calls Received**

226

#### **Total Number of Emails Received**

212

Total Number of Corinthian Colleges STRF Claims Received <sup>2</sup>

23

Outreach for Previously Denied STRF Claims <sup>3</sup>				
Number of Previously Denied STRF Claims	177			
Email Correspondence Sent	149			
Letters Sent ⁴	28			

<sup>&</sup>lt;sup>1</sup> 28,296 out of the 57,279 email addresses from the student lists which the Bureau has in posession have been contacted via email. The remaining 28,983 email addresses will be contacted in the next two phases of our outreach campaign.

Data as of February 5, 2021

<sup>&</sup>lt;sup>2</sup> Final Corinthian Colleges claim was logged on 1/22/2021.

<sup>&</sup>lt;sup>3</sup> STRF Claims received from former Corinthian Colleges students that were previously denied due to enrollment dates that now may be eligible under AB-1346.

<sup>&</sup>lt;sup>4</sup> Physical letters with our Corinthian College outreach message have been mailed to students who were either inaccessible via email or if it was determined that the students' email addresses were no longer in service.

## Agenda Item 5i

## 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	430	917

STRF Claims Closed								
State Fiscal Year	2019/2020	2020/2021						
Claims Paid	488	216						
Claims Ineligible <sup>1</sup>	68	22						
Claims Denied <sup>1</sup>	67	67						
Closed - Unable to Contact <sup>2</sup>	120	85						
Total	743	390						

Current STRF Claims								
State Fiscal Year	2019/2020	2020/2021						
In Queue	156	824						
Analyst Review	197	85						
Waiting for Student Response	394	310						
Analyst's First Review Complete / Recommendation Pending	134	134						
Total	881	1353						

STRF Claims Approved for Payment							
State Fiscal Year	2019/2020	2020/2021					
Amount	\$4,553,958.83	\$2,554,841.74					

STRF Claims Pending Payment - State Controller's Office							
State Fiscal Year	2019/2020	2020/2021					
Claims	15	16					

#### **Definitions**

Ineligible / Denied <sup>1</sup>	Student Not Eligible For Payment and/or Claim Did Not Satisfy The Requirements of California Education Code §94923(b)(2)			
Unable to Contact <sup>2</sup>	Staff Reached Out to Student via Phone, Email & Written Correspondence At Least Three Times			

Current Fund Balance:	\$19,098,000	
Historical Fund Balances (State Fiscal Yea	ar Closing):	
2019-20	\$21,723,000	
2018-19	\$25,100,695	
2017-18	\$26,295,000	
2016-17	\$28,497,000	Data as of: 02/05/2021

## **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 <sup>1</sup>	STRF Claims Approved for Payment
ITT Tech	2	2	3	1	2	\$35,751
Heald <sup>2</sup>	16	16	3	3	16	\$196,661
WyoTech <sup>2</sup>	2	2	0	3	1	\$1,267
Everest <sup>2</sup>	11	11	0	0	13	\$122,971
Art Institute <sup>3</sup>	8	5	4	4	14	\$190,727
Argosy <sup>3</sup>	1	1	1	3	6	\$106,996
Silicon Valley	698	698	2	4	58	\$1,048,337
Brightwood <sup>4</sup>	6	4	3	3	42	\$1,856,107
Golf Academy <sup>4</sup>	1	1	1	0	3	\$31,402

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	12	155	78	60	\$388,988					
Heald <sup>2</sup>	384	179	81	57	67	\$641,634					
WyoTech <sup>2</sup>	153	25	42	33	53	\$298,644					
Everest <sup>2</sup>	491	167	123	96	105	\$423,780					
Art Institute <sup>3</sup>	96	26	17	7	46	\$693,430					
Argosy <sup>3</sup>	104	48	9	17	30	\$430,216					
Silicon Valley	874	768	2	6	98	\$1,775,748					
Brightwood <sup>4</sup>	390	53	26	50	261	\$1,221,834					
Golf Academy <sup>4</sup>	17	3	1	1	12	\$111,097					

<sup>&</sup>lt;sup>1</sup> 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.

Data as of 02/05/2021

<sup>&</sup>lt;sup>2</sup> Heald College, WyoTech, and Everest College were operated by Corinthian Colleges, Inc. - includes Federal Borrower Defense applications

<sup>&</sup>lt;sup>3</sup> The Art Institute of California and Argosy University were operated by Dream Center Education Holdings, LLC.

<sup>&</sup>lt;sup>4</sup> Brightwood College and Golf Academy of America were operated by Education Corporation of America.

#### 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	<b>→</b>	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	$\rightarrow$	3/25/19						
70020	Address Change	Amend	Changes BPPE's physical address.			8/13/20		9/22/20			9/21/20	10/26/20
76215	Address Change	Amend	Changes BPPE's physical address and phone number on STRF Application.			8/17/20		9/21/20			9/20/20	10/29/20

	AB 1340	Adopt	Establish data								
			collection								
			system for								
			student wage								
			data.								
71396	AB 1344	Adopt	Revise Out-of-		1/20/21						
			State								
			Registration								
			Form								
76200	AB 1346	Adopt	Revise STRF		1/13.21						
			Application								
			process and								
			form.								
STRF		Amend	Reinstate STRF			12/1/20	12/30	N/A	N/A	02/08/21	02/08/2021
Fee			Fee at \$0.50 per								
Increase			\$1,000 charge								

PRESENTATION AND DISCUSSION ON HOW COMPLAINT AND DISCIPLINARY ITEMS WILL BE TRACKED IN THE NEW IT SYSTEM, AND WHAT WILL BE MADE AVAILABLE TO THE PUBLIC

## Agenda Item 8

#### SUGGESTIONS FOR FUTURE AGENDA ITEMS

## Agenda Item 9

#### **ADJOURNMENT**