

Mockup of Emergency Regulations for Accreditation Requirements in SB 1247

The contents of this document are intended to be a proposal for how to meet the requirements in Education Code sections 94885, 94885.1 and 94885.5 as amended and enacted by SB 1247 (Lieu, Chapter 840, Statutes of 2014). These sections require postsecondary institutions offering degree programs to become accredited.

New language is underlined. Deleted language in ~~strikeout~~. Sections that are completely new are just in plain typeface, but are identified as “New.”

Amended: §70000. Definitions.

(a) "Academic Freedom" means the degree to which faculty at an institution are allowed latitude with respect to their discussions with students and the positions they take. Under such a policy, a faculty member can articulate or even advocate positions or concepts which may be controversial in nature without fear of retribution or reprisal.

(b) "Act" means The California Private Postsecondary Education Act of 2009.

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(y) "Significant equipment" means equipment that is necessary for achieving the stated educational objectives.

(z) "Tuition" means the cost for instruction normally charged on a per unit or per hour basis. It does not include itemized fees paid to the Bureau or the cost of textbooks, supplies, transportation, or equipment.

(aa) "Unit" or "unit of credit" means a measure of college or university level instruction that is evaluated by duly qualified faculty.

(ab) "Pre-accreditation" or "candidacy" means that an institution has submitted a completed application for initial accreditation with the required fee, which was accepted by the accreditor.

(ac) "Provisional approval" is a five-year approval of degree programs while an approved institution seeks institutional accreditation by an accrediting agency recognized by the United States Department of Education, with the scope of that accreditation covering at least one degree program.

(This section has been truncated for convenience)

New §71105. Application for Provisional Approval to Offer Degree Programs.

(a) In addition to all other requirements for approval to operate, an unaccredited institution requesting provisional approval to offer a degree program shall submit to the Bureau a plan for achieving institutional accreditation by an accrediting agency recognized by the United States Department of Education, with the scope of that accreditation covering the offering of at least one degree program.

(b) The plan shall include:

- (1) Identification of the accrediting agency from which the institution will seek accreditation;
- (2) Identification of the accrediting agency's eligibility requirements;
- (3) Identification of the accrediting agency's minimum requirements for institutional accreditation covering at least one degree program offered by the institution;
- (4) A timeline for complying within two years of provisional approval with the accrediting agency's requirements for submission of a completed application for initial accreditation with the required fee;
- (5) An outline of the process whereby the institution will achieve full accreditation within five years of approval, including all of the following, if applicable:
 - (A) Attendance at the accrediting agency's required accreditation applicant workshop;
 - (B) Submission of financial statements as required by the accrediting agency;
 - (C) Submission of a self-evaluation report; and
 - (D) Hosting of a site visit, if required, by the accrediting agency.

New §71105.5. Accreditation Plan Requirements for Degree-Granting Institutions.

(a) An unaccredited institution approved to offer a degree program on or before January 1, 2015, shall by July 1, 2015, submit to the Bureau a plan for achieving institutional accreditation by an accrediting agency recognized by the United States Department of Education, with the scope of that accreditation covering at least one degree program.

(b) The plan shall include:

- (1) Identification of the accrediting agency from which the institution will seek accreditation;
 - Identification of the accrediting agency's eligibility requirements;
 - Identification of the accrediting agency's minimum requirements for institutional accreditation covering at least one degree program offered by the institution;
- (4) A timeline for complying, by July 1, 2017, with the accrediting agency's requirements for submission of a completed application for initial accreditation with the required fee;
- (5) An outline of the process whereby the institution will achieve full accreditation by July 1, 2020, including the following, if applicable:
 - (A) Attendance at the accrediting agency's required accreditation applicant workshop;
 - (B) Submission of financial statements as required by the accrediting agency;
 - (C) Submission of a self-evaluation report, and
 - (D) Hosting of a site visit, if required, by the accrediting agency.

(c) This section shall remain in effect until January 1, 2021, and as of that date is repealed.

§71400 Amend

Amended: §71400. Processing of Completed Applications.

(a) Action by the Bureau shall not commence until a completed Form Application 94886 for approval to operate, or for verification of exemption, has been submitted to the Bureau for its review.

(b) Within 30 days after receipt of a Form Application 94886 for approval to operate as required by Article 1, or for verification of exemption, the Bureau shall notify the institution in writing that the application is complete and has been accepted for filing or that the application is not complete. If the application is not complete, the Bureau shall specify in the notice what additional information or documents are needed from the institution in order for the application to be deemed complete.

(c) The Bureau shall consider an application to be complete if it appears that the institution has submitted all of the information, documents, and fees required by the Act and by Article 2 of this chapter. This includes any additional documents the Bureau may request to determine if the institution's proposed implementation meets the minimum operating standards of Section 94885 of the Code.

(d) Pursuant to section 94887 of the Code, the Bureau will either grant or deny an application. When specific minor deficiencies are identified during processing but the institution is substantially in compliance with the requirements of the Code and this Division, a ~~provisional or~~ conditional authorization to operate may be granted for a period not to exceed six (6) months, to permit the institution to correct those deficiencies identified. If those deficiencies are not corrected after the first period of ~~provisional~~ conditional approval, or the condition upon which an approval may be granted is not satisfied, the ~~provisional or~~ conditional authorization to operate may be extended for a period not to exceed six (6) months if the program demonstrates to the Bureau a good faith effort and ability to correct the deficiencies. A ~~provisional or~~ conditional authorization to operate shall expire at the end of its stated period and the application shall be deemed denied, unless the deficiencies are removed prior to its expiration and an approval to operate has been granted before that date.

(e) If the owner of an institution is seeking approval to operate a degree-granting program, the application must also include an accreditation plan pursuant to Section 94885.5 of the Code. The requirements of an accreditation plan are provided in section 71105.

New §71471. Visiting Committees; Unaccredited Degree-Granting Institutions.

The Bureau shall empanel a visiting committee to assess an unaccredited degree granting institution’s progress toward implementation of its accreditation plan submitted in accordance with section 71105 or 71105.5.

(a) Upon notification of a visiting committee review pursuant to this section, an institution may challenge the committee by following the procedures in section 71455.

(b) The visiting committee shall review the institution’s plan and initial documentation.

(c) The committee may request an update of the documentation submitted with the initial accreditation plan. The committee may choose to schedule a site visit, but is not required to do so.

(d) The Bureau’s visiting committee shall prepare a report upon conclusion of the committee’s work that shall include the following:

- (1) The committee’s findings regarding the institution’s progress toward accreditation;
- (2) The committee’s assessment of the institution’s ability to meet its stated accreditation goals in the time allotted;
- (3) Suggested corrections for the institution to achieve accreditation; and
- (4) The committee’s recommendations on action the Bureau should take.

§71650 Amend

Amended: §71650. Application for Change in Educational Objectives.

(a) An institution seeking to change its educational objectives shall complete the "Change in Educational Objectives" form (OBJ rev. 2/10) to obtain prior authorization. The form shall be submitted to the Bureau along with the appropriate fee as provided in Section 94930.5(c) of the Code. For an institution approved under section 94885 of the Code it shall be signed and dated by the signatory(ies) required by section 71380, and for an institution approved under section 94890 of the Code it shall be signed and dated by the signatory(ies) required by section 71390, and each fact stated therein and each attachment thereto shall be declared to be true under penalty of perjury, in the following form:

"I declare under penalty of perjury under the laws of the State of California that the foregoing and all attachments are true and correct.

_____ .. _____
(Date) (Signature)"

(b) "Unrelated to the approved educational programs" as used in section 94894(a) of the Code includes the addition of a degree program where no degree at that level was previously approved, whether or not the proposed program would offer a degree in the same subject area as a previously approved non-degree program or lower level degree; and a program leading to licensure whether or not the proposed program is in the same subject area as a previously approved program that did not lead to licensure. If an institution was approved under section 94885 of the Code, and it is seeking to add a degree-granting program, it must complete an

accreditation plan under section 71105, or demonstrate proof of institutional accreditation with the scope of that accreditation covering at least one degree program.

(c) The application shall establish that the institution, including any branch, can meet the minimum operating standards contained in Chapter 3, and shall include:

- (1) The name, school code, address, website address, and telephone and fax numbers of the institution;
 - (2) The reasons for changing the educational objectives, and how the proposed change helps to further the institution's mission and objectives;
 - (3) When the institution proposes to change the educational objectives;
 - (4) The impact of the change on the financial resources of the institution, including the institution's ability to comply with section 71745;
 - (5) A description of the facility and equipment, as required by section 71260, required for the change;
 - (6) For addition of a new program, all information required by sections 71210 and 71220;
 - (7) If the application is for a change to an existing program, a description of the differences between any programs approved and the proposed programs, including differences in admissions standards, degree requirements, curricula, and standards for student achievement;
 - (8) A statement that the institution has contracted with duly qualified faculty that meet the requirements of section 71720;
 - (9) A description of library and other learning resources, as required by Section 71270, required for the proposed change;
 - (10) The name, address, email address, and telephone and fax numbers of the institution's contact person for the purpose of this application; and
 - (11) Any additional information required by the Bureau pursuant to section 71340.
- (d) An institution that has been granted an approval to operate by means of accreditation shall notify the Bureau of the substantive change within 30 days of that change on the Change in Educational Objectives form, by providing the information required by (c)(1) and (c)(10), and shall attach certification from the institution's accreditation agency demonstrating that the substantive change was made in accordance with the institution's accreditation standards, and complies with the Act and this Division.

New §71775 Pre-enrollment Disclosure; Notice to Prospective Degree Program Students.

(a) An unaccredited institution enrolling a student in a degree program that has received provisional approval shall, prior to execution of an enrollment agreement, provide the student with the following notice, which shall be in at least 12-point type:

“Notice to Prospective Degree Program Students

This institution is approved by the Bureau for Private Postsecondary Education. To continue to offer degree programs, this institution must meet the following requirements:

- Become institutionally accredited by an accrediting agency recognized by the United States Department of Education, with the scope of the accreditation covering at least one degree program.
- Achieve accreditation candidacy or pre-accreditation, as defined in regulations, by (date two years from date of provisional approval), and full accreditation by (date five years from date of provisional approval).

If this institution stops pursuing accreditation, the following will happen:

- The institution must stop all enrollment in its degree programs, and
- Provide a teach-out.

An institution that fails to comply with accreditation requirements by the required dates shall have its approval to offer degree programs automatically suspended.

Student Initials: _____
Date: _____”

(b) The student shall initial and date the notice prior to signing an enrollment agreement. A copy of the notice shall be given to the student. A copy shall also be retained in the enrolled student’s records.

(c) The notice shall also be posted wherever an institution’s degree granting programs are described and shall include, at a minimum, the following locations:

- (1) The institution’s catalog.
- (2) The institution’s website.
- (3) The institution’s degree program brochures.
- (4) Any advertising describing degree programs offered by the institution.

New §71775.5 Pre-enrollment Disclosure; Notice to Prospective Degree Program Students; Institutions with Existing Approvals to Operate.

(a) Effective February 15, 2015, an approved unaccredited institution enrolling a student in a degree program shall, prior to execution of an enrollment agreement, provide the student with the following notice, which shall be in at least 12-point type:

“Notice to Prospective Degree Program Students

This institution is approved by the Bureau for Private Postsecondary Education. To continue to offer degree programs, this institution must meet the following requirements:

- Become institutionally accredited by an accrediting agency recognized by the United States Department of Education, with the scope of the accreditation covering at least one degree program.
- Achieve accreditation candidacy or pre-accreditation, as defined in regulations, by July 1, 2017, and full accreditation by July 1, 2020.

If this institution stops pursuing accreditation, the following will happen:

- The institution must stop all enrollment in its degree programs, and
- Provide a teach-out.

An institution that fails to comply with accreditation requirements by the required dates shall have its approval to offer degree programs automatically suspended.

Student Initials: _____

Date: _____”

(b) The student shall initial and date the notice prior to signing an enrollment agreement. A copy of the notice shall be given to the student. A copy shall also be retained in the enrolled student’s records.

(c) The notice shall also be posted wherever an institution’s degree granting programs are described and shall include, at a minimum, the following locations:

- (1) The institution’s catalog.
 - (2) The institution’s website.
 - (3) The institution’s degree program brochures.
 - (4) Any advertising describing degree programs offered by the institution.
- (d) This section shall remain in effect until January 1, 2021, and as of that date is repealed.

New §74240. Unaccredited Degree-Granting Institutions that Elect to Stop Pursuing Accreditation.

(a) If an unaccredited degree-granting institution that has a provisional approval from the Bureau to offer degree programs elects to stop offering all degree programs, the institution must immediately notify the Bureau in writing of the institution's intent to stop offering degree programs and provide a degree program closure plan. The degree program closure plan shall include:

(1) The exact date the institution stopped enrolling new students in its degree programs, which cannot be more than five business days before or after the post-mark date of the notification to the Bureau.

(2) A list of all students currently enrolled in each degree program.

(3) A teach-out plan that includes a plan for the disposition of student records and one of the following:

(A) A plan for the institution to continue to teach out currently enrolled students;

(B) A plan for the institution to provide for transfers to or agreements with other institutions, and details of these agreements; or,

(C) A plan to provide refunds to enrolled students.

(b) Upon notifying the Bureau, the institution must notify, in writing, all currently enrolled students within five business days of the following:

(1) That the institution will no longer pursue accreditation and is immediately surrendering its provisional approval to enrolled new students in its degree programs.

(2) That the institution has a teach-out plan. If the plan includes transfers to or agreements with another institution, information about the process, including who to contact, must be included. The institution must also notify students of their right to a refund.

(3) That the student has a right to choose not to participate in the teach-out, and instead seek a refund for any classes the student is currently enrolled in. A refund must be made within 45 days of such a request by a student.

(c) Any student may seek a refund from the institution rather than participate in a proposed teach-out program either through the institution or another institution.

(d) Failure to comply with the requirements of this section will be considered a violation. Any institution in violation of this section is subject to a citation.

New §74240.5. Unaccredited Degree-Granting Institutions that Elect to Stop Pursuing Accreditation; Institutions with Existing Approvals to Operate.

(a) If an unaccredited degree-granting institution that has an approved accreditation plan pursuant to section 71105.5 elects to stop offering all degree programs, the institution must immediately notify the Bureau in writing of the institution's intent to stop offering degree programs and provide a degree program closure plan. The degree program closure plan shall include:

(1) The exact date the institution stopped enrolling new students in its degree programs, which cannot be more than five business days before or after the post-mark date of the notification to the Bureau.

(2) A list of all students currently enrolled in each degree program.

(3) A teach-out plan that includes a plan for the disposition of student records and one of the following:

(A) A plan for the institution to continue to teach out currently enrolled students;

(B) A plan for the institution to provide transfers to or agreements with other institutions, and details of these agreements; or,

(C) A plan to provide refunds to enrolled students.

(b) Upon notifying the Bureau, the institution must notify, in writing, all currently enrolled students within five business days of the following:

(1) That the institution will no longer pursue accreditation and is immediately surrendering its provisional approval to enrolled new students in its degree programs.

(2) That the institution has a teach-out plan. If the plan includes transfers to or agreements with another institution, information about the process, including whom to contact, must be included. The institution must also notify students of their right to a refund.

(3) That the student has a right to choose not to participate in the teach-out, and instead seek a refund for any classes the student is currently enrolled in. A refund must be made within 45 days of such a request by a student.

(c) Failure to comply with the requirements of this section will be considered a violation. Any institution in violation of this section is subject to a citation.

Amended: §75150. Emergency Decisions.

(a) The Bureau may make an emergency decision for temporary, interim relief pursuant to article 13 (commencing with section 11460.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code.

(b) The Bureau may make an emergency decision pursuant to subdivision (a) where there is an immediate danger to the public health, safety, or welfare that requires immediate action to protect students, prevent misrepresentations to the public, or prevent the loss of public funds or monies paid by students, including but not limited to fraud; a substantial misrepresentation in the institution's Performance Fact Sheet, school catalog, or enrollment agreement; a substantial failure to meet institutional minimum operating standards; failure to meet statutory requirements for accreditation; or a substantial failure to obtain a necessary approval or permit from another agency or regulatory body, affecting public health, safety or welfare.

(c) The Bureau may order temporary, interim relief in the form of some or all of the following measures:

(1) cease enrollment of new students;

(2) cease part or all instruction for some or all programs;

(3) cease collection of tuition or fees for some or all programs.

(d) To the extent practicable and to the extent that prior notice will not increase the likelihood

of immediate danger to the public health, safety, or welfare, the Bureau shall, not less than 48-hours prior to the effective date of the emergency decision, give notice of an emergency decision to a person listed in section 71130(a) or 71135. Such notice may be given personally, by telephone, email, fax, or mail, and shall inform the person of the emergency decision and its effective date; the manner in which the person may request an opportunity to be heard before the Director, or his or her designee, prior to the effective date of the emergency decision; the right to judicial review of the decision; and the process by which the decision may be resolved pursuant to section 75100(c) and section 11460.60 of the Government Code.

(e) Where notice has been by telephone, unless waived by the person to whom the notice is given, the Bureau shall also provide written copies of the emergency decision and the information required by subdivision (d) prior to the effective date of the decision.

(f) Where the Bureau has given notice pursuant to subdivision (d), unless waived by the person to whom notice is given, the institution shall be provided an opportunity to be heard before the Director, or his or her designee, at least 24-hours prior to the emergency decision becoming effective.

(g) This authority may be used in addition to any civil, criminal, or administrative remedies available to the Bureau.