

ELLISON WILSON ADVOCACY, LLC
GOVERNMENTAL AFFAIRS - LEGISLATIVE ADVOCACY

1725 CAPITOL AVENUE
SACRAMENTO, CALIFORNIA 95811
916-448-2187 - Fax 916-448-5346
lobby@ellisonwilson.com
www.ellisonwilson.com

BROOKS ELLISON
Legislative Advocate
Attorney at Law

PATRICK WHALEN
Legislative Advocate
Attorney at Law

BOB WILSON
Attorney at Law
Member, California State Senate (ret.)
Member, California State Assembly (ret.)

KIRK BLACKBURN
Legislative Advocate
Attorney at Law

October 30, 2014

BPPE Advisory Committee
Bureau for Private Postsecondary Education
P.O. Box 980818
West Sacramento, CA 95798-0818

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Re: Follow up on IEP school regulatory proposal

Dear Committee Members:

On behalf of our coalition of English Language Schools, we want to thank the entire Advisory Committee for devoting so much of its time during its August 12, 2014 meeting to discussing our proposal for a very limited exemption for this particular segment of the industry. We very much appreciate the interest level and the insightful questions asked during our presentation. What follows is an effort to provide more detail on some of the issues raised by the committee members. We look forward to working with you and your staff on this issue.

By way of background, you will recall that our coalition consists of schools that offer English language training programs, or Intensive English Programs (IEPs), in California. All IEP schools in the coalition are subject to mandatory accreditation under federal law and provide foreign students in the United States on a valid F-1 student visa with non-vocational English language instruction, including preparation for English proficiency exams (i.e. the TOEFL). Each school must be certified and maintain compliance with the federal Student and Exchange Visitor Program (SEVP) – a Department of Homeland Security program. These schools do not receive Title IV, Title 38, or Cal Grant funding, nor do they subject students to student debt (in fact, under federal visa requirements each student must provide, in advance, proof of financial resources sufficient to pay for their education and housing in the U.S.) .) (Note: some schools also offer English language courses to tourists or those here on visa waiver programs.) These schools do not make any promises of employment, as students in the country on an F-1 student visa are prohibited from working off-campus in the U.S. Each is required to maintain a refund policy that satisfies accreditor mandates. Programs range in length from as little as one week up to multiple months, and must contain 18 hours or more of instruction per week according to federal requirements. Students may start classes at almost any time and are placed into classes appropriate for the level of English fluency. As a result, there is not always a defined cohort. Oftentimes IEP schools also arrange accommodations for its students. In these situations, the schools will match up students with host families so that the students experience real American culture during their stay in the United States. On average, coalition schools charge \$300-\$500 per week, which includes lessons, room and partial board, and activities. The goal of the schools is to provide an opportunity for foreign students to travel to the United States as students, experience American culture, and improve their English skills. We believe the Coalition includes roughly half of the IEP institutions in California.

List of Coalition Schools and Websites

During the August meeting, the Committee requested a list of all the coalition schools and their websites. That list is below.

St. Giles	stgiles-international.com
ELC	elc.edu
Language Studies International	lsi.edu
Brandon College	brandoncollege.com
EC	ecenglish.com
EF	ef.edu/us-home
The Language Company	thelanguagecompany.com
Converse	cisl.edu
ILSC	ilsc.com
Intrax	intrax.edu
Embassy	embassyenglish.com
International Education Center	iec-dvc.org

Finding Students

During the August meeting, a number of Advisory Committee asked how our schools found students, and related questions regarding advertising and recruitment policies. While each member of the coalition may have a slightly different business model, we have provided a general description that is similar for all coalition schools.

The vast majority of students come to our schools through a large network of independent educational agents around the world. These agents are not employees of our schools. Some are very large national or regional companies, while others are small 2 or 3 person offices. These agencies, also known as language travel agents, may also be education specialists or educators themselves. They use information and materials provided by our schools but also create their own brochures and websites. They are under contract with one or more schools and are contractually obligated to provide accurate information. If they don't, the schools can cancel contracts at any time.

Our schools typically have worked with these partner companies for many years, and representatives from our schools often make frequent overseas trips to visit our partner agencies in person; updating them on policies and procedures, educating them about the school's programs, and seeing first-hand how the partner agencies are messaging and promoting the programs.

A second source of students book directly through the school websites and are counseled directly by school representatives/employees. Virtually all of our coalition schools are headquartered outside of California, and some are even located overseas. Thus, to the extent students sign up via the website, they will almost always be communicating with people outside of California. Some of the schools also use social media like Facebook, Twitter, Instagram, Flickr, and YouTube in conjunction with their website to recruit students who want to apply directly to the school.

A third category of students are direct enrollments, also known as walk-ins, that are mainly generated from web-searches, done by people who are either already in one of our locations or want to come here.

Advertising

Besides their websites, most of the schools do no other advertising in the state of California, no print ads, no phone books, etc. However, some of them do occasionally engage in limited print or internet advertising. For obvious reasons, the vast majority of the advertising runs overseas. Some schools put on seminars, education fairs or attend trade shows and network with educational organizations like AMINEF, Education USA, etc. but these also occur overseas.

Some schools run print ads in publications like Study Travel Magazine each month, and in El Gazette occasionally, which are distributed to agents and educational institutions around the world. Many schools also advertise on www.thepienews.com.

Some schools also email ads to past students in order to promote word of mouth advertising among prior satisfied students.

Most of our schools do advertise in foreign languages. Some schools have materials in six to ten different languages, but for many schools it is not practical to have material in every possible native language that a prospective student might speak. The schools tend to focus on the more common languages, but if there is enough interest, schools will translate their material to a new foreign language. Some of the schools also translate portions of their website into languages other than English. Many of the schools are constantly expanding the amount of material available in foreign languages, but each new language means that any updates to the material take substantial time and money to revise.

Rules Applicable To Marketing Practices

Members of the Advisory Committee inquired as to whether there were any rules or limitations on the ability of coalition schools to market their services. As we explained in our testimony, both CEA and ACCET, the two DOE-recognized accrediting bodies for our schools, have promulgated policies by which all schools must abide. A copy of the ACCET policies is attached, but in general, the policies state the following:

- Schools “must exercise due diligence to ensure that clear and accurate information is provided to prospective, current and former students, the public, and all interested parties and to guard against any misrepresentation.”
- Schools “must systematically and effectively implement policies and procedures that ensure their educational program offerings, charges, and services are fully and accurately described in an ethical manner. . . .”
- “The institution’s recruiting efforts must also ensure that prospective students can reasonably be expected to benefit from the training offered.”
- “An institution and/or its representatives must not make misrepresentations including any false, erroneous or misleading statements. . . .”
- “Misrepresentations are prohibited in all forms, including advertising, promotional materials, or in the marketing or sales of the institution’s courses and/or programs.”

- “An institution may use external agencies for the distribution of advertising and promotional materials. The institution must sufficiently control and monitor the external agencies to ensure honest and ethical practices.”

Similarly, the CEA standards are as follows.

Recruiting Standard 1: All program or language institution personnel follow ethical standards for recruiting students and promoting programs, and they ensure that the program or language institution’s policies and procedures are made clear to prospective students and/or student sponsors. In any recruitment transaction, the students’ interests and well-being are paramount.

Recruiting Standard 2: All print, electronic, and oral information used to recruit students is accurate and complete.

Recruiting Standard 3: If a program or language institution has recruiting agreements or contracts with a third party, the program or institution ensures that it has complete information about the third party, assumes responsibility for monitoring the third party, and terminates the agreement if necessary.

In addition to mandating strict adherence to the foregoing requirements, as part of the accreditation process, the accreditor reviews agent contracts as well as the enrollment procedures of the schools.

“Rolling Enrollment” and Cohorts

During the August meeting, we discussed with the Advisory Committee the fact that most of our schools admit students on a continuous basis (generally, the first Monday after they arrive in California from their home country), and thus, they typically do not have defined cohorts. As a result, compliance with existing statutes and regulations that mandate reporting of statistical data based on student cohorts (e.g. completion rates pursuant to Education Code section 94910, subd. (a)), is often impossible for our schools.

While there are some exceptions and some programs do have defined start dates, the vast majority of the English programs are structured so that students can drop in to a class suited to their current level of English proficiency at any time. Some courses or programs that are specifically tailored toward English Proficiency exams (like TOEFL) do have defined start dates which generally correspond to announced examination dates.

Generally, a student’s progress is assessed by instructors at regular intervals (typically every 4 to 6 weeks). If student is strong enough to move ahead to the next level (determined by test results, quizzes, presentations, etc.), they shall do so on the following Monday but if the student is not quite ready, they will spend additional time at the designated level. However, a student can also choose to move laterally at any time, staying at the same level, for example, changing focus towards more of a test preparation focus (such as TOEFL or IELTS test preparation).

For many schools, the courses are level or experience oriented; “graduation” is not the goal, in that there is no graduation per se; each student ends their course where they desire in terms of time spent and/or level reached.

The virtue of having open enrollment (rolling admissions) is that schools can ensure that they are delivering programs and services which are specifically tailored to students' real and practical aspirations. It also provides the flexibility to offer courses of various lengths, so that schools can meet students where they are in their English learning journey.

Prior State Oversight

During the August meeting, some Advisory Committee members were curious as to how the coalition schools were regulated under prior versions of California law (i.e. prior to AB 48.). While we did not represent the coalition prior to 2012, we are informed that many of the schools in our coalition are relatively new to California having opened their California campuses within the last few years. As such, they did not exist in California when prior regulatory schemes were in place. Those schools that have been in California for some time were previously registered as a postsecondary institution, but there were no fees or reporting requirements.

Samples of Certificates

At the August meeting, some Advisory Committee members were interested in reviewing sample certificates provided by our schools to students upon completion of an English course or program. Several samples from various schools are attached for your review.

In general, students who have successfully completed their courses receive these types of certificates as documentation. This documentation does not entitle students to any further admission to higher education or any type of work certification. It merely documents that they have completed an English language course for a certain amount of time and, if applicable, what their proficiency level is at completion.

Again, we thank you for your consideration of our request, and we look forward to working with you and your staff. Please do not hesitate to contact me if you have any additional questions or need supplemental information.

Sincerely,



Brooks Ellison

Attachments: ACCET Policies, Sample Certificates

Cc: Joanne Wenzel



International Education Center

at

Diablo Valley College
Pleasant Hill, California, USA

INTENSIVE ENGLISH PROGRAM

hereby confers
the Certificate of Completion
upon

«*First_name*» «*Last_name*»

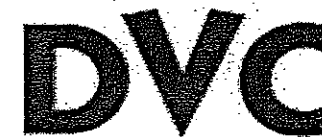
who has successfully completed

Advanced B Level

this 27th of February, 2014

A handwritten signature in cursive script that reads 'Sally Conover'.

Sally Conover, Director



International Education Center
at
Diablo Valley College

Pleasant Hill, California, USA

ENGLISH PROGRAM
Here by confers the
Certificate of Participation
Upon

«First_name» «Last_name»

Who has attended from 10/22/2012 to 04/25/2013

A handwritten signature in cursive script that reads "Sally Conover".

Sally Conover, Director