

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

PROPOSED LANGUAGE

New language is underlined. Deleted language is ~~strikeout~~.

(1) Amend Section 70000 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§ 70000. Definitions.

[...]

(k)(1) “Education offered for the purpose of personal entertainment, pleasure or enjoyment” means education offered for purposes of play, amusement or relaxation, including education offered for the purpose of teaching the fundamentals, skills or techniques of a hobby or activity. It does not include education that in any manner does or is any of the following:

(A) Assists a student to prepare for a test administered in conjunction with, or for admission to, any undergraduate or graduate educational program, including the TOEFL[®] brand test, however, “education offered for the purpose of personal entertainment, pleasure, or enjoyment” does include education that assists a student to prepare for a test designed to measure English language proficiency for placing a student within an Intensive English Program, which is a program where English as a second language is the main subject being taught.

(B) Is an educational service offered to lead to any employment in any occupation or job title.

(C) Is represented to enable a student to use already existing knowledge, training, or skills, other than language skills, in pursuit of an occupation or to develop new or enhance existing knowledge, training, or skills, other than language skills, in connection with any occupation or job title.

~~(1) Enables a student to qualify for any immigration status, for which an institution is permitted to issue a Certificate of Eligibility for Nonimmigrant Student Status by the United States Immigration and Customs Enforcement.~~

~~(2) Facilitates the development of learning skills or language proficiency to assist a student to:~~

~~(A) learn English as a second language, unless the institution exclusively enrolls students for an intensive English program that is touristic in nature, and provides for transportation, housing, and cultural and recreational activities; or~~

~~(B) enhance language skills for any business or occupational purpose.~~

(2) Notwithstanding subparagraph (1) of this subsection, “Education offered for the purpose of personal entertainment, pleasure or enjoyment” includes education which facilitates the development of learning skills or language proficiency to assist a student to learn English as a second language, if the institution complies with all of the following requirements:

(A) Obtains and maintains compliance with mandatory accreditation with an accreditor recognized by the United States Department of Education;

(B) Maintains a refund policy, which at minimum, is consistent with the mandates of the institution’s United States Department of Education-recognized accrediting body;

(C) Is certified by the federal Student and Exchange Visitor Program (SEVP);

(D) Provides only English language instruction and/or other education offered for the purpose of personal entertainment, pleasure or enjoyment;

(E) Does not receive any state or federal student financial aid;

(F) Does not provide any financial aid to students;

(G) Does not provide any institutional loans to students;

(H) Does not facilitate or broker any private loans with third parties for students;

(I) Does not offer any degree-granting programs;

(J) Does not make any promises or representations that courses lead to employment; and

(K) Does not represent that the institution is approved by the Bureau.

~~(3) Assists a student to prepare for a test administered in conjunction with any undergraduate or graduate educational program.~~

~~(4) Is an educational service offered to lead to any employment in any occupation or job title.~~

~~(5) Is represented to enable a student to use already existing knowledge, training, or skills in the pursuit of an occupation or to develop new or enhance existing knowledge, training, or skills in connection with any occupation or job title.~~

[...]

Note: Authority cited: Sections 94803, 94877, 94885, 94885.1 and 94885.5, Education Code.
Reference: Sections 94818, 94830, 94844, 94874, 94885, 94885.1, 94885.5 and 94923,
Education Code.