

ADVANCE NOTICE OF INTENT TO READOPT EMERGENCY REGULATIONS

This notice is sent in accordance with Government Code section 11346.1(a)(2) and Title 1 of the California Code of Regulations (CCR) section 52, which require State of California agencies to give five (5) working day advance notice of intent to readopt emergency regulations with the Office of Administrative Law (OAL). The Bureau for Private Postsecondary Education (BPPE) intends to file a request for readoption of Out-of-State Private Postsecondary Institution Registration regulations originally approved by OAL on May 30, 2017 and which became effective that same date.

Pursuant to Title 1 CCR section 52(b)(1), the BPPE has made substantial progress and proceeded with diligence to comply with Government Code section 11346.1(e) by undertaking the following activities:

- The emergency regulations were solely for the registration form. The full regulations include processes and procedures for the actual registration process, including denying and appealing a denial.
- Also included is a new section for re-registration as the initial registration is good for only two (2) years.
- Additionally, language was added regarding the specific Student Tuition Recovery Fund (STRF) requirements that would apply to the out-of-state registrants.
- BPPE has evaluated the registration forms that have been coming from the emergency regulation form to address any clarity issues that have arisen.
- BPPE has been working with DCA's legal division regarding substantive questions and issues that have arisen by stakeholders since the registration form was adopted.
- During the interim, Department of Finance has changed their procedures regarding the STD. 399. Therefore, with the assistance of DCA's budget division, the STD 399 was reevaluated and updated to meet with these new changes from finance.
- The regulatory package to make the emergency regulations permanent has been submitted by the BPPE for mandatory review by, first, the Department of Consumer Affairs and, second, by the Business, Consumer Services, and Housing Agency.
- The anticipated date for the regulations to be published by OAL and the 45-day comment period to begin is December 1, 2017.
- A public hearing is anticipated to be held approximately 46 to 48 days after the regulations are published by OAL.

As required by Title 1 CCR section 52, there has been no change in emergency circumstance since the original adoption of the Out-of-State Private Postsecondary Institution Registration regulations by OAL.

The BPPE hereby incorporates by reference the rulemaking record of OAL file number 2017-0519-02E.

The BPPE plans to file the readoption of the Out-of-State Private Postsecondary Institution Registration emergency regulation package with OAL at least five working days from the date of this notice. If you would like to make comments on the readoption of the Out-of-State Private Postsecondary Institution Registration regulations, they must be received by both the BPPE and OAL within five calendar days of the BPPE's filing at OAL.

Comments should be sent simultaneously to:

Kent Gray, Regulatory/Legislative Analyst
Bureau for Private Postsecondary Education
P.O. Box 980818
West Sacramento, CA 95798-0818

and

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

If you have any questions, please contact Kent Gray at (916) 246-3907 or via email at Kent.Gray@dca.ca.gov.