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Bureau for Private Postsecondary Education

Update on Requirement for Accreditation of Degree-granting Institutions

RELEVANT SECTIONS of SENATE BILL 1247

Chapter 840

SEC. 19.

Section 94885.1 is added to the Education Code, to read:

94885.1.

(a) An institution that is not accredited by an accrediting agency recognized by the United States Department of Education and offering at least one degree program, and that has obtained an approval to operate from the bureau on or before January 1, 2015, shall be required to satisfy at least one of the following no later than July 1, 2015:

(1) 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 by the institution.

(2) Compliance with subdivision (b).

(b) The bureau shall identify institutions that are subject to subdivision (a) and notify those institutions by February 1, 2015, of the accreditation requirements pursuant to this section and that the institution is required provide the following information to the bureau if the institution plans to continue to offer a degree program after July 1, 2015:

(1) An accreditation plan that, at a minimum, identifies an accrediting agency recognized by the United States Department of Education from which the institution will seek accreditation, with the scope of that accreditation covering the offering of at least one degree program, and outlines the process by which the institution will achieve accreditation candidacy or pre-accreditation by July 1, 2017, and full accreditation by July 1, 2020.

(2) Evidence of having achieved accreditation candidacy or pre-accreditation by July 1, 2017.

(3) Evidence of having obtained full accreditation by July 1, 2020.

(4) Any additional documentation the bureau deems necessary.

(c) An institution that satisfies the requirements of subdivision (b) shall comply with all of the following:

(1) Notify students seeking to enroll in the institution, in writing, prior to the execution of the student's enrollment agreement, that the institution's approval to offer a degree program is contingent upon the institution being subsequently accredited.

(2) A visiting committee, empaneled by the bureau pursuant to Section 94882, shall review the institution by January 1, 2017, and determine if the institution is likely to achieve full accreditation by July 1, 2020. If the visiting committee finds the institution deficient in its accreditation plan, the bureau may prohibit the institution from enrolling new students in its degree program or programs, and require the execution of a teach-out plan for its enrolled students.

(d) Any institution that fails to comply with the requirements of this section by the dates provided, as required, shall have its approval to operate automatically suspended on the applicable date. The bureau shall issue an order suspending the institution and that suspension shall not be lifted until the institution complies with the requirements of this section. A suspended institution shall not enroll new students in any of its degree programs, and shall execute a teach-out plan for its enrolled students.

(e) The bureau shall adopt emergency regulations for purposes of implementing this section. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code. These emergency regulations shall become law through the regular rulemaking process within one year of the enactment of this section.

(f) This section shall remain in effect until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

SEC. 20.

Section 94885.5 is added to the Education Code, to read:

94885.5.

(a) If an institution that has not been accredited by an accrediting agency recognized by the United States Department of Education seeks to offer one or more degree programs, the institution shall satisfy the following requirements in order to be issued a provisional approval to operate from the bureau:

(1) The institution may not offer more than two degree programs during the term of its provisional approval to operate.

(2) The institution shall submit an accreditation plan, approved by the bureau, for the institution to become fully accredited within five years of issuance of its provisional approval to operate. The plan shall include, at a minimum, identification of an accreditation agency recognized by the United States Department of Education, from which the institution plans to seek accreditation, and outline the process by which the institution will achieve accreditation candidacy or pre-accreditation within two years, and full accreditation within five years, of issuance of its provisional approval.

(3) The institution shall submit to the bureau all additional documentation the bureau deems necessary to determine if the institution will become fully accredited within five years of issuance of its provisional approval to operate.

(b) If an institution is granted a provisional approval to operate pursuant to subdivision (a), the following is required:

(1) Students seeking to enroll in that institution shall be notified in writing by the institution, prior to the execution of the student's enrollment agreement, that the institution's approval to operate is contingent upon it being subsequently accredited.

(2) Within the first two years of issuance of the provisional approval, a visiting committee, empaneled by the bureau pursuant to Section 94882, shall review the institution's application for approval and its accreditation plan, and make a recommendation to the bureau regarding the institution's progress to achieving full accreditation.

(3) The institution shall provide evidence of accreditation candidacy or pre-accreditation within two years of issuance of its provisional approval, and evidence of accreditation within five years of issuance of its provisional approval, with the scope of that accreditation covering the offering of at least one degree program.

(c) An institution required to comply with this section that fails to do so by the dates provided, as required, shall have its provisional approval to operate automatically suspended on the applicable date. The bureau shall issue an order suspending the institution and that suspension shall not be lifted until the institution complies with the requirements of this section. A suspended institution shall not enroll new students in any of its degree programs and shall execute a teach-out plan for its enrolled students.

(d) An institution issued a provisional approval under this section is required to comply with all other laws and regulations.

(e) The bureau shall adopt emergency regulations for purposes of implementing this section. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code. These emergency regulations shall become law through the regular rulemaking process within one year of the enactment of this section.

California Education Code Section 94885.1

Accreditation Required for Degree Granting Institutions Approved Prior to 1/1/15

(a) An institution that is not accredited by an accrediting agency recognized by the United States Department of Education and offering at least one degree program, and that has obtained an approval to operate from the bureau on or before January 1, 2015, shall be required to satisfy at least one of the following no later than July 1, 2015:

(1) 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 by the institution.

(2) Compliance with subdivision (b).

(b) The bureau shall identify institutions that are subject to subdivision (a) and notify those institutions by February 1, 2015, of the accreditation requirements pursuant to this section and that the institution is required provide the following information to the bureau if the institution plans to continue to offer a degree program after July 1, 2015:

(1) An accreditation plan that, at a minimum, identifies an accrediting agency recognized by the United States Department of Education from which the institution will seek accreditation, with the scope of that accreditation covering the offering of at least one degree program, and outlines the process by which the institution will achieve accreditation candidacy or pre-accreditation by July 1, 2017, and full accreditation by July 1, 2020.

(2) Evidence of having achieved accreditation candidacy or pre-accreditation by July 1, 2017.

(3) Evidence of having obtained full accreditation by July 1, 2020.

(4) Any additional documentation the bureau deems necessary.

(c) An institution that satisfies the requirements of subdivision (b) shall comply with all of the following:

(1) Notify students seeking to enroll in the institution, in writing, prior to the execution of the student's enrollment agreement, that the institution's approval to offer a degree program is contingent upon the institution being subsequently accredited.

(2) A visiting committee, empaneled by the bureau pursuant to Section 94882, shall review the institution by January 1, 2017, and determine if the institution is likely to achieve full accreditation by July 1, 2020. If the visiting committee finds the institution deficient in its accreditation plan, the bureau may prohibit the institution from enrolling new students in its

degree program or programs, and require the execution of a teach-out plan for its enrolled students. California Private Postsecondary Education Act of 2009

(d) Any institution that fails to comply with the requirements of this section by the dates provided, as required, shall have its approval to operate automatically suspended on the applicable date. The bureau shall issue an order suspending the institution and that suspension shall not be lifted until the institution complies with the requirements of this section. A suspended institution shall not enroll new students in any of its degree programs, and shall execute a teach-out plan for its enrolled students.

(e) The bureau shall adopt emergency regulations for purposes of implementing this section. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code. These emergency regulations shall become law through the regular rulemaking process within one year of the enactment of this section.

(f) This section shall remain in effect until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

(Added by Stats. 2014, Ch. 840, Sec. 19. Effective January 1, 2015)

FINDING OF EMERGENCY

The Bureau for Private Postsecondary Education (Bureau) hereby finds that the adoption of regulations on an emergency basis is required to regulate private postsecondary institutions in California. The Bureau specifically finds that these emergency regulations are necessary for the immediate preservation of public health and safety, and general welfare of the citizens of California, and that Senate Bill (SB) 1247, Chapter 840 Statutes of 2014, requires the Bureau for Private Postsecondary Education ("Bureau" or "BPPE"), within the Department of Consumer Affairs ("DCA"), to adopt these proposed regulations as emergency regulations.

AUTHORITY AND REFERENCE CITATION

Authority cited: Sections 94803, 94877, 94882, 94885, 94885.5, 94885.5, 94888, 94895, and 94938, Education Code.

Reference: Sections 94818, 94823.5, 94830, 94844, 94882, 94885, 94885.1, 94885.5, 94886, 94887, 94888, 94893, 94894, 94895, 94896, 94897, 94900, 94900.5, 94909, 94923, 94927.5, 94930.5, 94932, and 94938, Education Code; Sections 11460.20, 11460.30, 11460.40, 11460.50, 11460.60, and 11460.80, Government Code.

SPECIFIC FACTS DEMONSTRATING THE NEED FOR IMMEDIATE ACTION

These regulations are being submitted as Emergency Regulations pursuant to a statutory emergency. Senate Bill 1247 mandates that approved postsecondary institutions offering degrees be accredited by an accrediting agency recognized by the United States Department of Education and that the Bureau notify in writing those approved postsecondary institutions currently offering degree programs of the accreditation requirements by February 1, 2015. These Emergency Regulations would establish procedures that will permit the Bureau to: Define key phrases; identify information that is required to be in the accreditation plan that must be submitted by July 1, 2015 for existing institutions; identify information that is required to be in the accreditation plan for unaccredited institutions applying for approval to offer degree programs; specify specific language to be used in required student disclosure statements; create procedures for institutions to follow if they choose not to continue to offer degree programs; and to describe procedures for taking action against institutions that do not comply with the requirements.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Private Postsecondary Education Act of 2009 (Act) requires all private postsecondary educational institutions to be approved or otherwise exempt in order to legally operate in California. The Act also specifies that all institutions must demonstrate the capacity to meet the minimum operating standards in order to be approved to operate. SB 1247, which goes into effect on January 1, 2015, amends the minimum operating standards to include a requirement that institutions currently offering

degree programs be accredited by July 1, 2020, receive pre-accreditation or accreditation candidacy status by July 1, 2017, submit a plan for achieving the aforementioned timelines by July 1, 2015 and be notified in writing, by the Bureau, of the accreditation requirements by **February 1, 2015.** Institutions that do not meet the required time frames will have their approval to operate in California suspended and will be required to cease enrollment of new students and either find teach-out opportunities for existing students or provide a refund. The new provisions also require institutions that are not currently accredited and that offer degree programs to provide notice to potential new students that their approval to operate is contingent upon the institution becoming accredited.

More specifically, the proposed regulations would:

- Provide a definition for "pre-accreditation" or "candidacy" as those terms are not common to all accreditation agencies.

- Provide a definition for "provisional approval" which is used in statute but not defined.

- Establish the plan for achieving accreditation that is required to be submitted along with the appropriate application for institutions that are not approved to offer degree programs on or before January 1, 2015.

- Establish the requirements of the plan for achieving accreditation that non-accredited degree granting institutions must submit by July 1, 2015.

- Change the name of an approval given to institutions when specific minor deficiencies are identified during the application review process from "provisional approval" to "conditional approval" as the term "provisional approval" as used in the section currently is an approval limited to six months and the term "provisional approval" has a different meaning in California Education Code sections 94885, 94885.1 and 94885.5. This section would also clarify that an applicant seeking to offer degree programs who was not previously approved to offer degree programs must complete the plan for accreditation in addition to the appropriate application. In addition, this section clarifies that the applicant is limited to two degree programs during the period of provisional approval. Finally, this section also clarifies that the Bureau will only require a provisional approval to operate non-accredited degree granting institutions.

- Specify the process required for an automatic suspension of an approved or a provisional approval to operate or a provisional approval to offer degree programs. This section would also provide that an owner of an institution may request an informal conference with the Director of the Department of Consumer Affairs within 30 days of the suspension.

- Specify the process for the mandated visiting committees and requirements of the visiting committee.

- Specify that in addition to an application, when an applicant submits an application for change in educational program requesting to add a degree program to an institution that was not previously approved to offer degree programs, the applicant must also submit a plan to achieve accreditation or proof of accreditation. This section also provides that the approval of such an application shall be provisional and limited to two degree programs.

- Provide specific language to be used in the notification to prospective students prior to enrolling in a degree granting institution operating under a provisional approval as is required by California Education Code section 94885.5(b)(1). This section provides clarification regarding where the notice must appear as well as the size and type of the font. This section also provides procedures for initialing the disclosure and distribution of copies.

- Provide specific language to be used in the notification to prospective students prior to enrolling in a degree granting institution that was approved to offer degree programs on or before January 1, 2015. This section provides clarification on where the notice must appear as well as the size and type of the font. This section would also provide procedures for acknowledgement of the disclosure by initialing the disclosure and the distribution of the original and copies. This section also includes a provision for repeal of the section on July 1, 2021.

- Provide procedures for owners of institutions that elect to stop pursuing accreditation.

- Provide procedures for institutions failing to meet the statutory and regulatory benchmarks that have their approval to operate or their approval to offer degree programs automatically suspended.

- Specify that the Bureau may take an action against a provisional approval to operate and an approval to offer a degree program in addition to any action that may be taken against an approval to operate pursuant to Article 3 of Chapter 5 of Division 7.5 of California Code of Regulations.

- Add suspension of an approval or provisional approval to operate or offer degree programs for failing to meet the requirements for accreditation.

Anticipated Benefits of the Proposal

Institutions that are currently approved to offer degree programs in California and are not accredited, and institutions seeking to offer degree programs in California that are not accredited, will have sufficient guidance to comply with the new statutory requirements of accreditation for degree granting institutions in California. Additionally,

institutional owners will have the necessary information to forego accreditation and surrender their approval to offer degree programs. Finally, this proposal outlines the consequences of non-compliance and procedures for a teach-out.

Consistency and Compatibility with Existing State Regulations
During the process of developing these regulations and amendments, the Bureau has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

Fiscal Impact Estimates
Fiscal impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

Cost: The Bureau anticipates the need to hire 5 additional Education Specialist positions (4 two-year limited term and 1 permanent) to process the accreditation plans expected from the approximately 150 existing degree granting institutions and the approximately 50 new applications for degree granting programs that are anticipated every year. The cost of those positions is $565,000 in 2015-16, $525,000 in 2016-17, and $107,000 ongoing.

Revenue: The anticipated revenue from the anticipated applications to offer degree programs is $150,000 in 2015-16 and $100,000 ongoing for application for approval by means of accreditation.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Section 17561 -17630 Require Reimbursement: None

Business Impact:
The Bureau has determined that there are no costs directly associated with this regulatory proposal. The costs of accreditation were created in Chapter 840, Statutes of 2014. The initial cost for accreditation may range between $8,000.00 and $30,000.00 depending on the choice of accrediting agency and condition of the institution prior to beginning the accrediting process. The ongoing costs are projected to be between $900.00 and $15,000.00 annually depending on the choice of accreditor.

Impact on Jobs/New Business:
The Bureau has determined that there are costs directly associated with institutional accreditation however, that requirement is in statute and not in the clarifying regulations. While the statute may have impact on the continuation of business, the regulations will not. If institutions are unable to comply with the statutory requirements they will have to

DEPARTMENT OF CONSUMER AFFAIRS

BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

ORDER OF ADOPTION

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

§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.

(c) "Chief academic officer" means the person primarily responsible for the administration of an institution's academic affairs including the supervision of faculty, development of educational programs and curricula, and implementation of the institution's mission, purpose and objectives.

(d) "Chief executive officer" means the person primarily responsible for the overall administration of an institution, including the supervision of the chief academic officer and the chief operating officer. The chief executive officer is often, but need not be, called the "president."

(e) "Chief operating officer" means the person primarily responsible for the administration of an institution's business operation, including finances, management, personnel, and contracting for goods, services, or property.

(f) "Code" means California Education Code.

(g) "Credential" means publicly demonstrated skills and experiences whose achievement has been recognized by an official credential or award given by a professional association. This recognition can also be achieved if there is a general acceptance and recognition of those credentials by members of the profession or industry in the field in which the person will teach.

(h) "Credit" means a measure of college or university level instruction that is evaluated by duly qualified faculty; it is also the same as "unit" or "unit of credit."

(i) "Degree program" means an educational program leading to the award of an academic degree as defined in section 94830 of the Code.

(j) "Duly" qualified faculty" or "faculty member" means a person or people who satisfy the requirements of section 71720.

(k) "Education offered for 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 any of the following:

(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.

(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.

(l) "Financial aid officer" means any person involved in administering the participation of the institution or any of its students in any federal or state student loan or grant program, including any person who assists students to apply for, disburses the proceeds of, or regularly explains student rights and obligations under, loans or grants subject to any federal or state program.

(m) "Full time study" means the equivalent of, if measured in credit hours, 24 semester or trimester, or 36 quarter hours, or if measured in clock hours, 900 hours, to be completed within 30 weeks of instruction.

(n) "Innovative method of instruction" or "unique method of instruction" means a new method of instruction, not previously generally recognized by accredited and approved degree granting institutions, as a reasonable approach to teaching a specific curriculum.

(o) "Institution director" means the person who is responsible for administering the daily operations of the institution and has supervisorial authority over all other administrators and instructors.

(p) "Instructor" means a person who is responsible to conduct one or more classes or components of an institution's educational program.

(q) "Mission" means an institution's stated educational reasons to exist. A mission statement contains all of the following characteristics:

(1) The mission includes the institution's broad expectations concerning the education that students will receive, including the acquisition of the body of knowledge presented in the educational program, the development of intellectual, analytical, and critical abilities, and the fostering of values such as a commitment to pursue lifelong learning; and

(2) The mission relates to the educational expectations of the institution's students, faculty and community that the institution serves.

(r) "Objectives" are the goals and methods by which the institution fulfills its mission and transforms it into measurable student learning outcomes for each educational program.

(s) "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.

~~(s)~~ (t) "Prior experiential learning" or "college level learning experience" means learning of a postsecondary nature as documented learning from a related profession, college level equivalent tests, military training or other college level equivalent experience.

(u) "Provisional approval" means approval of a degree program or the institution for no more than a five-year period while the owner of a Bureau approved institution seeks to satisfy the requirement for institutional accreditation by an accrediting agency recognized by the United States Department of Education pursuant to section 94885(b) of the Code.

~~(t)~~ (v) "Quarter" means at least 10 weeks of instruction or its equivalent as described in subdivision ~~(u)~~ (w) (2) of this section.

~~(u)~~ (w) "Quarter unit" means either of the following:

(1) At least ten (10) hours of college or university level instruction during a quarter plus a reasonable period of time outside of instruction which an institution requires a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(2) Planned learning experiences equivalent to the learning and preparation described in paragraph (1) as determined by duly qualified faculty responsible for evaluating learning outcomes for the award of unit credits.

~~(v)~~ (x) "Recreational Education" means education offered for the purpose of teaching the fundamentals, skills or techniques of sports or games.

~~(w)~~ (y) "Semester" means at least 15 weeks of instruction or its equivalent as described in subdivision ~~(x)~~ (z) (2) of this section.

~~(x)~~ (z) "Semester unit" means either of the following:

(1) At least fifteen (15) hours of college or university level instruction during a semester plus a reasonable period of time outside of instruction which an institution requires a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(2) Planned learning experiences equivalent to the learning and preparation described in paragraph (1) as determined by duly qualified faculty responsible for evaluating learning outcomes for the award of unit credits.

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

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

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

(2) Adopt Section 71105 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

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

(a) For an application for approval to operate or a substantive change, the owner of an unaccredited institution also requesting provisional approval to offer a degree program, shall submit to the Bureau, for its approval, 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 with an outline of the process and 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; and

(4) An outline of the process and timeline 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 by the accrediting agency.

NOTE: Authority cited: Sections 94803, 94877, 94885, 94885.5 and 94888, Education Code. Reference: Sections 94885, 94885.5, 94886, 94887 and 94888, Education Code.

(3) Adopt Section 71105.5 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

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

(a) The owner of an unaccredited institution that was 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 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 with an outline of the process and 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; and

(4) An outline of the process and timeline whereby the institution will achieve full accreditation by July 1, 2020 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 by the accrediting agency.

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

NOTE: Authority cited: Sections 94803, 94877, 94885, 94885.1 and 94895, Education Code. Reference: Sections 94885, 94885.1, 94893, 94894 and 94895, Education Code.

(4) Amend Section 71400 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§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.

(1) 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.

(2) For an applicant that seeks to offer degree programs only, the Bureau will grant a provisional approval to operate the institution if the application demonstrates, in addition to all other requirements for approval to operate, that it meets the requirements of section 94885.5, and the plan is approved pursuant to section 71105.

(3) For an applicant that seeks to offer both degree and non-degree programs, in addition to any action taken by the Bureau pursuant to this section in granting an approval to operate an institution and any non-degree programs, the Bureau may grant a provisional approval to offer no more than two degree programs if the application demonstrates that it meets the requirements of section 94885.5, and the plan is approved pursuant to section 71105, in addition to all other requirements for approval to operate.

NOTE: Authority cited: Sections 94803, 94877 and 94888, Education Code. Reference: Sections 94885, 94885.5, 94887 and 94888, Education Code.

(5) Adopt Section 71410 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§71410. Automatic Suspension of Approval to Operate.

(a) Pursuant to sections 94885.1 and 94885.5 of the Code, and in addition to any other actions allowed, the Bureau Chief, or his or her designee, may issue a written order automatically suspending the approval to operate or the provisional approval to operate (or to operate a program) to an institution that fails to meet the requirements of either section 94885.1 or 94885.5 of the Code, or section 71105 or section 71105.5. Notice of such order may be given personally, by telephone, email, fax, or mail, and shall inform the person approved to operate of the

automatic suspension and its effective date, and the manner in which the person may request an opportunity to be heard before the Director, or his or her designee.

(b) Within 30 days of the effective date of the automatic suspension, the person approved or provisionally approved to operate the institution may request an opportunity to be heard before the Director, or his or her designee. Within 30 days from the timely receipt of a written request for an opportunity to be heard, the Director or his or her designee, shall hear the appeal by holding an informal office conference with the person approved or provisionally approved to operate the institution or an authorized representative. Upon request and approval by the Director or his or her designee, the person approved or provisionally approved to operate the institution or representative may participate in the office conference by telephone. The 30- day period may be extended by the Director or his or her designee for good cause.

NOTE: Authority cited: Sections 94803, 94877, 94885, 94885.1 and 94885.5, Education Code. Reference: Sections 94885, 94885.1 and 94885.5, Education Code.

(6) Adopt Section 71471 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

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

The Bureau shall empanel a visiting committee to assess an unaccredited degree granting institution's progress toward successfully achieving its accreditation plan submitted in accordance with either 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, in its discretion, schedule a site visit.

(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 any action the Bureau should take.

NOTE: Authority cited: Sections 94803, 94877, 94882, 94885, 94885.1, 94885.5 and 94888, Education Code. Reference: Sections 94882, 94885, 94885.1 and 94885.5, Education Code.

(7) Amend Section 71650 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§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) For an application to add a degree program:

(1) "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.

(2) The owner of an institution approved pursuant to section 94886 of the Code seeking to add a degree-granting program must complete an accreditation plan under section 71105, or provide proof of accreditation with the scope of that accreditation covering the institution and at least one degree program.

(3) If an application is granted pursuant to this subdivision, the Bureau shall issue a provisional approval of no more than two degree programs for which approval is sought. Such approval of the program shall run in conjunction with any existing approval to operate the institution.

(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.

NOTE: Authority cited: Sections 94803, 94877, 94885, 94885.5 and 94895, Education Code. Reference: Sections 94823.5, 94885, 94885.5, 94893, 94894, 94895, 94896 and 94930.5,

Education Code.

(8) Adopt Section 71775 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§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 in the same font as the enrollment agreement:

"Notice to Prospective Degree Program Students

This institution is provisionally approved by the Bureau for Private Postsecondary Education to offer degree programs. To continue to offer this degree program, 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 to finish the educational program or provide a refund.

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

Institutional Representative Initials:_____ Student Initials:_____
Date:_____ Date:_____"

(b) The student and an institutional representative shall initial and date the notice prior to executing an enrollment agreement. An initialed copy of the notice shall be given to the student and the original shall be retained in the enrolled student's records.

(c) The notice shall also be posted immediately adjacent to 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.

NOTE: Authority cited: Sections 94803, 94877, and 94885.5, Education Code. Reference: Sections 94885, 94885.5, 94897, 94900, 94900.5, 94909, 94927.5 and 94932, Education Code.

(9) Adopt Section 71775.5 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

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

(a). 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 in the same font as the enrollment agreement:

"Notice to Prospective Degree Program Students

This institution is approved by the Bureau for Private Postsecondary Education to offer degree programs. 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 to finish the educational program or provide a refund.

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

Institutional Representative Initials:_____ Student Initials:_____

Date:_____ Date:_____"

(b) The student and an institutional representative shall initial and date the notice prior to executing an enrollment agreement. An initialed copy of the notice shall be given to the student and the original shall be retained in the enrolled student's records.

(c) The notice shall also be posted immediately adjacent to 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.

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

NOTE: Authority cited: Sections 94803, 94877, 94885 and 94885.1, Education Code. Reference: Sections 94885, 94885.1, 94897, 94900, 94900.5, 94909, 94927.5 and 94932, Education Code.

(10) Adopt Section 74240 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

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

(a) If an unaccredited institution that has a provisional approval to offer degree programs from the Bureau or 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 and contact information for all students currently enrolled in each degree program.

(3) A teach-out plan that includes a plan for the disposition of student records and is compliant with the provisions of section 94927 of the Code.

(4) Provide a copy of the notification to be provided to students pursuant to subdivision (b) of this section.

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

(1) That the institution will no longer pursue accreditation and is immediately surrendering its provisional approval.

(2) A description of the teach-out plan, which shall provide, at minimum, the following information:

(A) The name and location of the institution(s) that is (are) providing the teach-out.

(B) The last date of instruction for each educational service or program at the current institution and the date upon which instruction at the teach-out institution(s) will begin.

(C) Who to contact at the teach-out institution(s).

(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 or has not yet completed.

(c) Any student may seek a refund from the institution rather than participate in a proposed teach-out program. A refund must be made within 45 days of such a request by a student.

(d) Failure of any institution to comply with the requirements of this section will be considered a violation and subject to action by the Bureau.

NOTE: Authority cited: Sections 94803, 94877, 94885.1, 94885.5, 94887, 94888, 94895 and 94933, Education Code. Reference: Sections 94885, 94885.1, 94885.5, 94898 and 94933, Education Code.

(11) Adopt Section 74250 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§74250. Unaccredited Degree-Granting Institutions that Are Automatically Suspended

(a) If an unaccredited institution that has a provisional approval to offer degree programs from the Bureau or an unaccredited degree-granting institution that has an approved accreditation plan pursuant to section 71105.5 fails to meet the requirements of either 94885.1 or 94885.5 of the Code or section 71105 or 71105.5 and is notified by the Bureau that their approval to operate or their approval to offer degree programs has been automatically suspended, must immediately

cease enrolling students and within 30 days provide to the Bureau 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.,

(2) A list and contact information for all students currently enrolled in each degree program.

(3) A teach-out plan that includes a plan for the disposition of student records and is compliant with the provisions of section 94927 of the Code. (4) Provide a copy of the notification to be provided to students pursuant to subdivision (b) of this section.

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

(1) That the institution has received a notice of suspension from the Bureau and may no longer offer degree programs.

(2) A description of the teach-out plan, which shall provide, at minimum, the following information:

(A) The name and location of the institution(s) that is (are) providing the teach-out..

(B) The date upon which instruction at the teach-out institution(s) will begin.

(C) How and when payments will be made to the new institution and any relevant financial information.

(D) Who to contact at the new institution(s).

(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 or not yet completed.

(c) Any student may seek a refund from the institution rather than participate in a proposed teach-out program. A refund must be made within 45 days of such a request by a student.

(d) Failure of any institution to comply with the requirements of this section will be considered a violation and subject to action by the Bureau.

NOTE: Authority cited: Sections 94803, 94877, 94885.1, 94885.5 94888, and 94933, Education Code. Reference: Sections 94885, 94885.1, 94885.5 and 94933, Education Code.

(12) Adopt Section 75140 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§75140. Actions Against a Provisional Approval to Operate.

In addition to any action permitted by the Bureau against an approval to operate pursuant to Article 3 of Chapter 5 of this Division, the Bureau may also take an action against a provisional approval to operate or a provisional approval to offer a degree program.

NOTE: Authority cited: Sections 94803, 94877, 94885.1, 94885.5 and 94888, Education Code. Reference: Sections 94885.1, 94885.5, 94887 and 94888, Education Code.

(2) Amend Section 75150 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§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 and regulatory 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 or limit 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.

(4) suspend approval or provisional approval to operate or offer any degree 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.

NOTE: Authority cited: Sections 94877 and 94938, Education Code; and Section 11460.20, Government Code. Reference: Sections 94885.1, 94885.5, and 94938, Education Code; and Sections 11460.20, 11460.30, 11460.40, 11460.50, 11460.60 and 11460.80, Government Code.

ADVANCE NOTICE OF INTENT TO FILE EMERGENCY REGULATIONS

To All Interested Parties:

Government Code section 11346.1, as amended by AB 302, Chapter 73, Statutes of 2006, requires that an adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. The notice shall be provided to those persons at least five (5) working days before submitting an emergency regulation to the Office of Administrative Law (OAL).

Attached are the proposed emergency regulations by the Bureau for Private Postsecondary Education (Bureau) relating to Accreditation of Degree Granting Institutions. Also attached is the Bureau's Finding of Emergency.

The Bureau plans to file the Emergency Rulemaking Package with OAL at least 5 working days from the date of this notice. If you would like to make comments on the Finding of Emergency or the proposed emergency regulations, they must be received by both the Bureau and OAL within five calendar days of the Bureau's filing with OAL. Responding to the comments at this point in the process is strictly at the Bureau's discretion.

Comments should be sent simultaneously to:

Joanne Wenzel
Bureau Chief
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833
or
PO Box 980818
West Sacramento, CA 95798-0818

and

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

Please note that this advance notice and comment period is not intended to replace the public's ability to comment once the emergency regulations are approved.

Following the effective date of the emergency regulations, the Bureau will hold a public hearing and 45-day comment period within the 180-day certification period prescribed by the Administrative Procedure Act.

If you have any questions, please contact:

Kent Gray
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833
or
PO Box 980818
West Sacramento, CA 95798-0818

Telephone (916) 246-3907
Fax (916) 263-1897
E-Mail Kent.Gray@dca.ca.gov

DATED: January 8, 2015

JOANNE WENZEL
Chief
Bureau for Private Postsecondary Education

DEPARTMENT OF CONSUMER AFFAIRS

BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

EMERGENCY REGULATION

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

§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.

(c) "Chief academic officer" means the person primarily responsible for the administration of an institution's academic affairs including the supervision of faculty, development of educational programs and curricula, and implementation of the institution's mission, purpose and objectives.

(d) "Chief executive officer" means the person primarily responsible for the overall administration of an institution, including the supervision of the chief academic officer and the chief operating officer. The chief executive officer is often, but need not be, called the "president."

(e) "Chief operating officer" means the person primarily responsible for the administration of an institution's business operation, including finances, management, personnel, and contracting for goods, services, or property.

(f) "Code" means California Education Code.

(g) "Credential" means publicly demonstrated skills and experiences whose achievement has been recognized by an official credential or award given by a professional association. This recognition can also be achieved if there is a general acceptance and recognition of those credentials by members of the profession or industry in the field in which the person will teach.

(h) "Credit" means a measure of college or university level instruction that is evaluated by duly qualified faculty; it is also the same as "unit" or "unit of credit."

(i) "Degree program" means an educational program leading to the award of an academic degree as defined in section 94830 of the Code.

(j) "Duly qualified faculty" or "faculty member" means a person or people who satisfy the requirements of section 71720.

(k) "Education offered for 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 any of the following:

(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.

(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.

(l) "Financial aid officer" means any person involved in administering the participation of the institution or any of its students in any federal or state student loan or grant program, including any person who assists students to apply for, disburses the proceeds of, or regularly explains student rights and obligations under, loans or grants subject to any federal or state program.

(m) "Full time study" means the equivalent of, if measured in credit hours, 24 semester or trimester, or 36 quarter hours, or if measured in clock hours, 900 hours, to be completed within 30 weeks of instruction.

(n) "Innovative method of instruction" or "unique method of instruction" means a new method of instruction, not previously generally recognized by accredited and approved degree granting institutions, as a reasonable approach to teaching a specific curriculum.

(o) "Institution director" means the person who is responsible for administering the daily operations of the institution and has supervisorial authority over all other administrators and instructors.

(p) "Instructor" means a person who is responsible to conduct one or more classes or components of an institution's educational program.

(q) "Mission" means an institution's stated educational reasons to exist. A mission statement contains all of the following characteristics:

(1) The mission includes the institution's broad expectations concerning the education that students will receive, including the acquisition of the body of knowledge presented in the educational program, the development of intellectual, analytical, and critical abilities, and the fostering of values such as a commitment to pursue lifelong learning; and

(2) The mission relates to the educational expectations of the institution's students, faculty and community that the institution serves.

(r) "Objectives" are the goals and methods by which the institution fulfills its mission and transforms it into measurable student learning outcomes for each educational program.

(s) "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.

~~(s)~~ (t) "Prior experiential learning" or "college level learning experience" means learning of a postsecondary nature as documented learning from a related profession, college level equivalent tests, military training or other college level equivalent experience.

(u) "Provisional approval" means approval of a degree program or the institution for no more than a five-year period while the owner of a Bureau-approved institution seeks to satisfy the requirement for institutional accreditation by an accrediting agency recognized by the United States Department of Education pursuant to section 94885(b) of the Code.

~~(t)~~ (v) "Quarter" means at least 10 weeks of instruction or its equivalent as described in subdivision ~~(u)~~ (w) (2) of this section.

~~(u)~~ (w) "Quarter unit" means either of the following:

(1) At least ten (10) hours of college or university level instruction during a quarter plus a reasonable period of time outside of instruction which an institution requires a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(2) Planned learning experiences equivalent to the learning and preparation described in paragraph (1) as determined by duly qualified faculty responsible for evaluating learning outcomes for the award of unit credits.

~~(v)~~ (x) "Recreational Education" means education offered for the purpose of teaching the fundamentals, skills or techniques of sports or games.

~~(w)~~ (y) "Semester" means at least 15 weeks of instruction or its equivalent as described in subdivision ~~(x)~~ (z) (2) of this section.

~~(x)~~ (z) "Semester unit" means either of the following:

(1) At least fifteen (15) hours of college or university level instruction during a semester plus a reasonable period of time outside of instruction which an institution requires a student to devote to preparation for planned learning experiences, such as preparation for instruction, study of course material, or completion of educational projects; or

(2) Planned learning experiences equivalent to the learning and preparation described in paragraph (1) as determined by duly qualified faculty responsible for evaluating learning outcomes for the award of unit credits.

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

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

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

(2) Adopt Section 71105 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

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

(a) For an application for approval to operate or a substantive change, the owner of an unaccredited institution also requesting provisional approval to offer a degree program shall submit to the Bureau, for its approval, 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 with an outline of the process and 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; and

(4) An outline of the process and timeline 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 by the accrediting agency.

NOTE: Authority cited: Sections 94877, 94885.5 and 94888, Education Code. Reference: Sections 94885, 94885.5, 94886, 94887 and 94888, Education Code.

(3) Adopt Section 71105.5 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

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

(a) The owner of an unaccredited institution that was 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 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 with an outline of the process and 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; and

(4) An outline of the process and timeline whereby the institution will achieve full accreditation by July 1, 2020 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 by the accrediting agency.

NOTE: Authority cited: Sections 94877 and 94885.1, Education Code. Reference: Sections 94885 and 94885.1, Education Code.

(4) Amend Section 71400 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§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~~ section 94885 of the Code.

(d) Pursuant to section 94887 of the Code, the Bureau will either grant or deny an application.

(1) 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.

(2) For an applicant that seeks to offer degree programs only, the Bureau will grant a provisional approval to operate the institution if the application demonstrates, in addition to all other requirements for approval to operate, that the institution meets the requirements of section 94885.5 of the Code, and the plan is approved pursuant to section 71105.

(3) For an applicant that seeks to offer both degree and non-degree programs, in addition to any action taken by the Bureau pursuant to this section in granting an approval to operate an institution and any non-degree programs, the Bureau may grant a provisional approval to offer no more than two degree programs if the application demonstrates that the institution meets the requirements of section 94885.5 of the Code, and the plan is approved pursuant to section 71105, in addition to all other requirements for approval to operate.

NOTE: Authority cited: Sections 94803, 94877 and 94888, Education Code. Reference: Sections 94885, 94885.5, 94887 and 94888, Education Code.

(5) Adopt Section 71410 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§71410. Automatic Suspension of Approval to Operate.

(a) Pursuant to sections 94885.1 and 94885.5 of the Code, and in addition to any other actions allowed, the Bureau Chief, or his or her designee, may issue a written order automatically suspending the approval to operate or the provisional approval to operate (or to operate a program) to an institution that fails to meet the requirements of either section 94885.1 or 94885.5 of the Code, or section 71105 or 71105.5. Notice of such order may be given personally, by

telephone, email, fax, or mail, and shall inform the person approved to operate of the automatic suspension and its effective date, and the manner in which the person may request an opportunity to be heard before the Director, or his or her designee.

(b) Within 30 days of the effective date of the automatic suspension, the person approved or provisionally approved to operate the institution may request an opportunity to be heard before the Director, or his or her designee. Within 30 days from the timely receipt of a written request for an opportunity to be heard, the Director, or his or her designee, shall hear the appeal by holding an informal office conference with the person approved or provisionally approved to operate the institution or an authorized representative. Upon request and approval by the Director, or his or her designee, the person approved or provisionally approved to operate the institution or representative may participate in the office conference by telephone. The 30-day period for hearing the appeal may be extended by the Director, or his or her designee, at the request of the institution or the Bureau for good cause.

NOTE: Authority cited: Sections 94877, 94885.1 and 94885.5, Education Code. Reference: Sections 94885, 94885.1 and 94885.5, Education Code.

(6) Adopt Section 71471 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

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

(a)The Bureau shall empanel a visiting committee to assess an unaccredited degree-granting institution's progress toward successfully achieving its accreditation plan submitted in accordance with either section 71105 or 71105.5.

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

(c) The visiting committee shall review the institution's plan and initial documentation.

(d) The committee may request an update of the documentation submitted with the initial accreditation plan. The committee may, in its discretion, schedule a site visit.

(e) 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 any action the Bureau should take.

NOTE: Authority cited: Sections 94877, 94885.1, 94885.5 and 94888, Education Code. Reference: Sections 94882, 94885, 94885.1 and 94885.5, Education Code.

(7) Amend Section 71650 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§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) For an application to add a degree program:

(1) "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.

(2) The owner of an institution approved pursuant to section 94886 of the Code seeking to add a degree-granting program must complete an accreditation plan under section 71105, or provide proof of accreditation with the scope of that accreditation covering the institution and at least one degree program.

(3) If an application is granted pursuant to this subdivision, the Bureau shall issue a provisional approval of no more than two degree programs for which approval is sought. Such approval of the program shall run in conjunction with any existing approval to operate the institution.

(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.

NOTE: Authority cited: Sections 94803, 94877, 94885, 94885.5 and 94895, Education Code. Reference: Sections 94823.5, 94885, 94885.5, 94893, 94894, 94895, 94896 and 94930.5,

Education Code.

(8) Adopt Section 71775 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§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 in the same font as the enrollment agreement:

"Notice to Prospective Degree Program Students

This institution is provisionally approved by the Bureau for Private Postsecondary Education to offer degree programs. To continue to offer this degree program, 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, it must:

- Stop all enrollment in its degree programs, and

- Provide a teach-out to finish the educational program or provide a refund.

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

Institutional Representative Initials: _____ Student Initials: _____
Date: _____ Date: _____"

(b) The student and an institutional representative shall initial and date the notice prior to executing an enrollment agreement. An initialed copy of the notice shall be given to the student and the original shall be retained in the enrolled student's records.

(c) The notice shall also be posted immediately adjacent to the description of the degree program(s), at a minimum, in the following locations:

(1) The institution's catalog where each degree program is described.

(2) The institution's website where each degree program is described.

(3) The institution's degree program brochures.

NOTE: Authority cited: Sections 94877 and 94885.5, Education Code. Reference: Sections 94885, 94885.5, 94897, 94900, 94900.5, 94909, 94927.5 and 94932, Education Code.

(9) Adopt Section 71775.5 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

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

(a) 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 in the same font as the enrollment agreement:

"Notice to Prospective Degree Program Students

This institution is approved by the Bureau for Private Postsecondary Education to offer degree programs. 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, it must:

- Stop all enrollment in its degree programs, and
- Provide a teach-out to finish the educational program or provide a refund.

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

Institutional Representative Initials: _____ Student Initials: _____

Date: _____ Date: _____"

(b) The student and an institutional representative shall initial and date the notice prior to executing an enrollment agreement. An initialed copy of the notice shall be given to the student and the original shall be retained in the enrolled student's records.

(c) The notice shall also be posted immediately adjacent to the description of the degree program(s), at a minimum, in the following locations:

(1) The institution's catalog where each degree program is described.

(2) The institution's website where each degree program is described.

(3) The institution's degree program brochures.

NOTE: Authority cited: Sections 94877 and 94885.1, Education Code. Reference: Sections 94885, 94885.1, 94897, 94900, 94900.5, 94909, 94927.5 and 94932 Education Code.

(10) Adopt Section 74240 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

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

(a) If an unaccredited institution that has a provisional approval to offer degree programs from the Bureau or 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 contact information for all students currently enrolled in each degree program.

(3) A teach-out plan that includes a plan for the disposition of student records and is compliant with the provisions of section 94927 of the Code.

(4) A copy of the notification to be provided to students pursuant to subdivision (b) of this section.

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

(1) That the institution will no longer pursue accreditation and is immediately surrendering its provisional approval.

(2) A teach-out plan, which shall provide, at minimum, the following information:

(A) The name and location of the institution(s) that is (are) providing the teach-out.

(B) The last date of instruction for each educational service or program at the current institution and the date upon which instruction at the teach-out institution(s) will begin.

(C) Whom to contact at the teach-out institution(s).

(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 or has not yet completed.

(c) Any student may seek a refund from the institution rather than participate in a proposed teach-out program. A refund must be made within 45 days of such a request by a student.

(d) Failure of any institution to comply with the requirements of this section will be considered a violation and subject to action by the Bureau.

NOTE: Authority cited: Sections 94877, 94885.1, 94885.5, and 94933, Education Code. Reference: Sections 94885, 94885.1, 94885.5, 94927 and 94933, Education Code.

(11) Adopt Section 74250 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§74250. Unaccredited Degree-Granting Institutions that Are Automatically Suspended.

(a) If an unaccredited institution that has a provisional approval from the Bureau to offer degree programs or an unaccredited degree-granting institution that has an approved accreditation plan pursuant to section 71105.5 fails to meet the requirements of either section 94885.1 or 94885.5 of the Code or section 71105 or 71105.5 and is notified by the Bureau that their approval to operate or their approval to offer degree programs has been automatically suspended, the institution must immediately cease enrolling students and within 30 days provide to the Bureau 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.

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

(3) A teach-out plan that includes a plan for the disposition of student records and is compliant with the provisions of section 94927 of the Code.

(4) A copy of the notification to be provided to students pursuant to subdivision (b) of this section.

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

(1) That the institution has received a notice of suspension from the Bureau and may no longer offer degree programs.

(2) A teach-out plan, which shall provide, at minimum, the following information:

(A) The name and location of the institution(s) that is (are) providing the teach-out.

(B) The date upon which instruction at the teach-out institution(s) will begin.

(C) How and when payments will be made to the new institution and any relevant financial information.

(D) Whom to contact at the new institution(s).

(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 or has not yet completed.

(c) Any student may seek a refund from the institution rather than participate in a proposed teach-out program. A refund must be made within 45 days of such a request by a student.

(d) Failure of any institution to comply with the requirements of this section will be considered a violation and subject to action by the Bureau.

NOTE: Authority cited: Sections 94877, 94885.1, 94885.5 and 94933, Education Code. Reference: Sections 94885, 94885.1, 94885.5, 94927 and 94933, Education Code.

(12) Adopt Section 75140 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§75140. Actions Against a Provisional Approval to Operate.

In addition to any action permitted by the Bureau against an approval to operate pursuant to Article 3 of Chapter 5 of this Division, the Bureau may also take an action against a provisional approval to operate or a provisional approval to offer a degree program.

NOTE: Authority cited: Sections 94877, 94885.1 and 94885.5, Education Code. Reference: Sections 94885.1, 94885.5, 94887, 94888 and 94932, Education Code.

(2) Amend Section 75150 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

§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 and regulatory 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 or limit 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.

(4) suspend approval or provisional approval to operate or offer any degree 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.

NOTE: Authority cited: Sections 94877 and 94938, Education Code; and Section 11460.20, Government Code. Reference: Sections 94885.1, 94885.5, and 94938, Education Code; and Sections 11460.20, 11460.30, 11460.40, 11460.50, 11460.60 and 11460.80, Government Code.

Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov

January 30, 2015

School Administrator
School
Address
Address
City, CA Zip Code

Dear School Administrator:

You are receiving this letter because the Bureau for Private Postsecondary Education (Bureau) has identified your institution as unaccredited and offering one or more degree-granting programs. On September 29, 2014, Governor Brown signed Senate Bill 1247 (Chapter 840, Statutes of 2014) into law amending the California Private Postsecondary Education Act of 2009 (Act). As a result of the passage of this legislation, degree-granting institutions governed by the Act are required to become accredited. This letter is intended to comply with California Education Code (CEC) section 94885.1(b) by providing an overview of the accreditation requirements in CEC 94885.1 and the information institutions must provide to the Bureau.

Accreditation: Degree-Granting Institutions

Effective January 1, 2015, all approved institutions offering degree-granting programs are required to be institutionally accredited by an accrediting body recognized by the United States Department of Education (USDOE) by July 1, 2020. The accreditation must cover at least one degree-granting program.

In order to maintain an institutional approval to operate and to continue offering degree programs after July 1, 2015, a currently approved unaccredited degree-granting institution must provide the Bureau with the following:

1) By July 1, 2015, either:

    a. Documentation that the institution is accredited; or

    b. An accreditation plan (as described in section 71105.5(b) of Title 5 of the California Code of Regulations) for achieving candidacy or pre-accreditation status (as defined in section 70000(s) of Title 5 of the California Code of Regulations) by July 1, 2017, and full accreditation by July 1, 2020.

2) By July 1, 2017, evidence of having achieved accreditation candidacy or pre-accreditation status.

3) By July 1, 2020, evidence of having achieved full institutional accreditation, that includes at least one degree program.

Accreditation Plan Requirements

If an institution decides to submit an accreditation plan per CEC section 94885.1(b), the plan must be submitted to the Bureau by July 1, 2015 and include the following:

1) Identification of the accrediting agency from which the institution will seek accreditation, with the scope of the accreditation covering the offering of at least one degree program;

2) Identification of the accrediting agency's eligibility requirements;

3) Identification of the accrediting agency's minimum requirements for institutional accreditation and an outline of the process and timeline for the institution to achieve accreditation candidacy or pre-accreditation by July 1, 2017, the accrediting agency's requirements, An outline of the process and timeline whereby the institution will achieve full accreditation by July 1, 2020, 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 by the accrediting agency.

A sample of what an accreditation plan should look like is included in this packet.

Regulations

Regulations have been adopted that cover, among other things: the requirements of the accreditation plan; required disclosures for prospective students that must be placed on the institutional website, catalog, any program brochure for degree programs and immediately adjacent to wherever an institution's degree granting programs are described; and what happens when an institution is automatically suspended. You are encouraged to read through the regulations in their entirety and seek clarification from the Bureau if necessary. A copy of these regulations is included in this packet.

Consequences of Non-Compliance

Failure to comply with these requirements will result in the automatic suspension of institutional approval to operate or the institution's approval to offer degree programs. The suspension will remain in place until the institution is in compliance. A suspended institution is not permitted to enroll new students in any of its degree programs and must submit a teach-out plan for all students enrolled in degree-granting programs.

Checklist and Workshops

A check sheet is included in this packet to assist institutional owners in complying with the accreditation plan requirements. The Bureau will also be providing outreach sessions in conjunction with all of the Compliance workshops scheduled at various times and locations from now through June, 2015. Sign-up information for the outreach sessions is included in this packet.

I encourage school owners and administrators to be as knowledgeable about the law and regulations as possible. I especially encourage you to review CEC section 94885.1 and related regulations, both of which are included in this packet. The Act is available through a link on our website at http://bppe.ca.gov/lawsregs/index.shtml.

Sincerely,

Joanne Wenzel, Chief
California Bureau for Private Postsecondary Education

Enclosures:
CEC Section 94885.1
Check Sheet
Emergency Regulations
Sample Accreditation Plan
Workshop Flyer

Bureau for Private Postsecondary Education
Accreditation Plan Requirements Checklist

Title 5, California Code of Regulations, Division 7.5, Private Postsecondary Education, Section 71105.5. Accreditation Plan Requirements for Degree-Granting Institutions.

Section	Tasks	Yes	No
71105.5 (a)	The owner of an unaccredited institution that was 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 the offering of at least one degree program.		
The Accreditation Plan Shall Include The Following			
71105.5 (b)(1)	Identification of the accrediting agency from which the institution will seek accreditation		
71105.5 (b)(2)	Identification of the accrediting agency's eligibility requirements.		
71105.5 (b)(3)	Identification of the accrediting agency's minimum requirements for institutional accreditation covering at least one degree program offered by the institution with an outline of the process and 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.		
71105.5 (4) (A-D)	An outline of the process and timeline whereby the institution will achieve full accreditation by **July 1, 2020**, 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 by the accrediting agency.		

Bureau for Private Postsecondary Education
Accreditation Plan Requirements Checklist

Most Common Accrediting Agencies	
Accreditor	Accreditor Details
Accrediting Bureau of Health Education Schools (ABHES)	7777 Leesburg Pike, Suite 314 N. Falls Church, VA 22043 Phone: (703) 917-9503 Fax: (703) 917-4109 info@abhes.org Executive Director: Florence Tate
Accrediting Council for Continuing Education (ACCET)	1722 N St NW Washington DC, 20036 Phone: (202) 955-1113 Fax: (202) 955-1118 info@accet.org Executive Director: Dr. William L. Larkin
Accrediting Commission of Career Schools and Colleges (ACCSC)	2101 Wilson Boulevard, Suite 302Arlington, Virginia 22201 Phone: (703) 247-4212 Fax: (703) 247-4533 www.acccsc.org Executive Director: Dr. Michale McComis
Accrediting Council for Independent Colleges and Schools (ACICS)	750 First Street NE Suite 980 Washington, DC 20002-4223 Phone: (202) 336-6780 Fax: (202) 842-2593 www.acics.org Executive Director: Dr. Albert C. Gray
Council on Occupational Education (COE)	7840 Roswell Road Building 300, Suite 325 Atlanta, GA 30350 Phone: (800) 917-2081 Fax: (770) 396-3790 www.council.org Executive Director: Gary Puckett
Distance Education Accrediting Commission (DEAC)	1601 18th Street NW, Suite 2 Washington, DC 20009 Phone: (202) 234-5100 Fax: (202) 332-1386 www.deac.org Executive Director: Dr. Leah K. Matthews

National Accrediting Commission of Career Arts and Sciences (NACCAS)	4401 Ford Avenue, Suite 1300 Alexandria, VA 22302-1432 Phone: (703)-600-7600 Fax: (703)-379-2200 www.naccas.org Executive Director: Dr. Anthony Mirando
The Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges (ACCJC)	10 Commercial Boulevard, Suite 204 Novato, CA 94949 Phone: (415) 506-0234 Fax: (415) 506-0238 www.accjc.org President: Dr. Barbara A. Beno
WASC Senior College and University Commission (WSCUC)	985 Atlantic Avenue, Suite 100 Alameda, CA 94501 Phone: (510) 748-9001 Fax: (510) 748-9797 www.wascsenior.org President: Mary Ellen Petrisko
For a Complete List of Nationally Recognized Accrediting Agencies by the U.S. Secretary of Education Go To The Following Hyperlink http://www2.ed.gov/admins/finaid/accred/accreditation_pg3.html	

Sample University BPPE Accreditation Plan

In accordance with Title 5, California Code of Regulations (5, CCR) section 71105.5, ***Sample University*** presents its Accreditation Plan to the Bureau for Private Postsecondary Education.

Sample University Plan

5, CCR section 71105.5 (b)(1): Sample University has identified **ABC Accreditor as its accreditation agency.**

5, CCR section 71105.5 (b)(2): ABC Accreditor Eligibility Criteria

ABC Accreditor's 7 Eligibility Requirements :

1. Non Public Postsecondary Educational Institution
2. Mission is Occupational Focused
3. Offers Certificate, Associate or Bachelor Programs
4. Is Authorized to Operate in the State
5. At the Time of Application Must Have Been Operating a Minimum of Two Years
6. Must Have a Minimum of 8 Graduates
7. Demonstrate Financial Responsibility and Sufficient Operating Resources Evidenced by Audited Financial Statements

5, CCR section 71105.5 (b)(3): ABC Accreditor's Minimum Requirements

1. Admissions, recruitment, testing standards
2. Instructors
3. Equipment and Library
4. Administrative Processes
5. Institutional Self Evaluation and Benchmarking
6. Student Outcomes

Timeline:
The following chart depicts the timeline for completing the minimum requirements towards initial accreditation.

Tasks	Aug-2015	Sep-2015	Oct-2015	Jan-2016	Feb-2016	Jun-2017
Admissions	X					
Instructors		X				
Equipment			X			
Administrative Processes					X	
Self Evaluation				X		
Student Outcomes						X

Sample University BPPE Accreditation Plan

5, CCR section 71105.5 (4) (A-D): An outline of the process and timeline whereby the institution will achieve full accreditation :

1. Contact Accreditor
2. Determination of Eligibility and Submit Financial Statements
3. Attend Accreditor Workshop
4. Submit Initial Application and Self Evaluation Report
5. Host Initial Site Visit
6. Host Team Visit
7. Receive the Team Report
8. Respond to the Team Report
9. Accreditor Makes a Decision

Sample University outlines the process and timeline for full accreditation by July 1, 2020

(Note From The BPPE – Please Determine What The Appropriate Timelines Will Be For The Accreditation Agency Your Institution Chooses)

Tasks	April-2015	July – 2015	June-2016	Sept 2016	Dec 2016	Feb 2017	July-2017	March-2018	Sept-2019
Contact Accreditor	x								
Determine Eligibility & Financial Statements		x							
Attend Workshop			x						
Submit Application & Self Evaluation Report				x					
Initial Site Visit					x				
Team Visit						x			
Team Report							x		
Response								x	
Accreditor Decision									X

Note: This is a basic sample accreditation plan. The requirements and dates for each individual plan will vary by institution and chosen accreditor.

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____ February 18, 2015 in San Diego
____ March 10, 2015 in Sacramento
____ March 18, 2015 in Riverside
____ April 7, 2015 in Sacramento
____ April 15, 2015 in San Diego
____ May 5, 2015 in Sacramento
____ May 13, 2015 in Fresno
____ June 9, 2015 in Sacramento
____ June 17, 2015 in Riverside

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Institution: _____

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City, State & Zip Code: _____

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BPPE
Bureau for Private Postsecondary Education

Bureau for Private Postsecondary Education
Attention: Stephanie Lee
2535 Capitol Oaks Avenue, Suite 400
Sacramento, CA 95833

E-mail: Stephanie.Lee@dca.ca.gov
Phone: (916) 431-6959
Fax: (916) 263-1897

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UPDATED APPROVED SCHOOL LIST

APPROVED SCHOOLS	APPROVED	ACCREDITATION	NEW ADDRESS	DEGREES	WEB
CALIFORNIA GRADUATE INSTITUTE 1145 Gayley Ave., 3rd Floor Los Angeles, CA 90024 (310) 208-4240	Closed	Merged with The Chicago School of Professional Psychology - NCA accreditted	Same		No Website - directed to CSPP
CALIFORNIA INSTITUTE FOR HUMAN SCIENCE 701 Garden View Court Encinitas, CA 92024 (760) 634-1771	State Approved		Same	PHD Clinical Psychology	http://www.cihs.edu/academic/psy_license.htm
CENTER FOR PSYCHOLOGICAL STUDIES 2288 Fulton Street, #201 Berkeley, CA 94704 (510) 524-0291	State Approved	Merged with NOVA Southeastern University - SACS accreditted	Same	PHD Clinical Psychology PHD Developmental Psychology PHD Organizational Psychology	Directed to Nova Southeastern University http://cps.nova.edu/
GRADUATE CENTER FOR CHILD DEVELOPMENT AND PSYCHOTHERAPY 6404 Wilshire Blvd. Suite 999 Los Angeles, CA 90048 (213) 655-8175	State Approved		3200 Motor Avenue Los Angeles, CA 90034	MA Clinical Child Psychology PHD Clinical Child Psychology PSYD Clinical Child Psychology	No website
INSTITUTE OF IMAGINAL STUDIES 47 6th Street Petaluma, CA 94952 (707) 765-1836	State Approved New name: Meridian University		Same		http://www.meridianuniversity.edu/
NEWPORT UNIVERSITY 20101 S W Birch Street, #120 Newport Beach, CA 92660-174 (949) 757-1155	State Approved		1601 Dove Street Newport, Beach, CA 92660	MA Psychology	http://www.newport.edu/news/school-news/73-approval
PROFESSIONAL SCHOOL OF PSYCHOLOGY 2411 Manning Street Sacramento CA 95827 (916) 641-6542	State Approved		3550 Watt Avenue #140 Sacramento CA 95821	Organizational Psychology MA I/O Psychology MA Psychology PSYD	http://www.psychology.edu/about/degree-granting-authority
RYOKAN COLLEGE 11965 Venice Blvd. Los Angeles, CA 90066 (310) 390-7560	State Approved		Same	MA Counseling Psychology MA Psychology PsyD Clinical Psychology	http://www.ryokan.edu/index.php
SAN DIEGO UNIVERSITY FOR INTEGRATIVE STUDIES 5703 Oberlin Dr., Ste. 201 San Diego, CA 92121 (858) 638-1999	State Approved		3900 Harney Street, Ste. 210 San Diego, CA 92110	PHD Psychology Specialization in Expressive Arts Therapy PHD Psychology Specialization in Sport Psychology PHD Transpersonal Psychology Specialization in Tibetan Buddhist Psychology	http://sduis.edu/
SOUTHERN CALIFORNIA PSYCHOANALYTIC INSTITUTE 9024 Olympic Blvd. Beverly Hills, CA 90211 (310) 276-2455	State Approved New name: New Center for Psychoanalysis 2014 Sawtella Blvd. LA 310-478-6541				http://www.n-c-p.org/training-analysis-course.asp
SOUTHERN CALIFORNIA UNIVERSITY FOR PROFESSIONAL STUDIES (NOW CALIFORNIA SOUTHERN UNIVERSITY) 1840 E. 17th St., Suite 240 Santa Ana, CA 92705 (714) 480-0800	State Approved	DETC accreditted	930 Roosevelt Irvine, CA 92620	PSYD MA Psychology Master in Science Psychology	http://www.calsouthern.edu/about-us/accredited-online-degrees
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