



Advisory Committee Meeting Minutes Wednesday, February 7, 2024

WebEx Meeting

Advisory Committee Members in Attendance

1. Leigh Ferrin
2. Tess Dubois-Carey
3. Kansen Chu
4. Tracy Tambascia
5. Melanie Delgado
6. Joseph Holt

Committee Members Absent

Assemblymember Mike Fong
Senator Richard Roth
Robert Boykin

Bureau for Private Postsecondary Education (Bureau) and Department of Consumer Affairs (DCA) Staff in Attendance

Deborah Cochrane, Bureau Chief
Linh Nguyen, DCA Legal Counsel
Greg Donkerbrook, Bureau Licensing Chief
Daniel Rangel, Bureau Enforcement Chief
Ebony Santee, Bureau Education Administrator
Elizabeth Elias, Bureau Enforcement Chief
Scott Valverde, Office of Student Assistance and Relief Chief
Yvette Johnson, Bureau Administration Chief
David Dumble, Bureau Legislative/Regulation Specialist
Matthew Wiggins, Bureau Special Investigator
Ashley Cornejo, Bureau Special Investigator
Forrest Rule, Bureau Education Specialist
Jason Piccione, DCA Chief Information Officer
Korrina Moreno, DCA Representative

Agenda #1 - Welcome, Introductions, and Establishment of a Quorum

Committee Chair, Leigh Ferrin, called the meeting to order.

Agenda #2 - Public Comment on Items not on the Agenda

No public comment.

Agenda #3 - Review and Approval of November 8, 2024, Advisory Committee Meeting Minutes

Kansen Chu moved to approve the November 8, 2023, meeting minutes; Joseph Holt seconded the motion.

Public Comment

No public comment.

Vote

(Joseph Holt: Aye; Leigh Ferrin: Aye; Kansen Chu: Aye; Melanie Delgado: Aye; Tess Dubois-Carey: Aye; Tracy Tambascia: Aye)

The motion passed.

Agenda #4 - Remarks by Representative of the Department of Consumer Affairs

Korrina Moreno provided an update on the Department of Consumer Affairs (Department).

Ms. Moreno reported that in December 2023 the Department of Finance issued a budget letter that directs all agencies and departments under the governor to take immediate action to reduce current year expenditures. She stated that boards and bureaus should immediately review all spending and determine where savings can be realized, specifically when planning meetings.

Public Comment

One member of the public provided a comment.

Agenda #5 – Bureau Operations Update and Discussion

Update on the Bureau’s IT System Project

Jason Piccione, DCA Chief Information Officer, provided an update on the Bureau’s IT system project. He noted that the team is currently focusing on technical data conversion.

Mr. Piccione reported that the Bureau has made strides in creating a culture of widespread active ownership in the project. He outlined a kickoff meeting that was recently held to provide Bureau staff and subject matter experts an opportunity to give feedback on the data conversion and system design.

Public Comment

No public comment.

Licensing Report

Greg Donkerbrook, Bureau Licensing Chief, reported on the Licensing Unit. He outlined Attachment 5(b).

Mr. Holt asked if an application remains in the queue until every component of the application is received. Mr. Donkerbrook explained that an application does not go into the queue to be assigned to an analyst until the application is deemed to be complete at intake. He added that the date for the oldest application in the queue to be assigned to an analyst is the date the initial application was received and not the date the complete application was received. Mr. Holt suggested distinguishing in the report the date an application is initially received and the date an application is deemed complete. Mr. Holt also suggested specifying which applications in the “total pending” category are incomplete or awaiting a response from an institution and which applications are complete and pending review by Bureau staff.

Public Comment

One member of the public provided a comment.

Quality of Education Report

Ebony Santee, Bureau Education Administrator, reported on the Quality of Education Unit (QEU). She outlined Attachment 5(c).

Mr. Holt commented that the Committee would benefit from seeing what work QEU does with the full approval licensing applications.

Public Comment

No public comment.

Annual Report (AR) Report

Elizabeth Elias, Bureau Enforcement Chief, reported on the Annual Report (AR) Unit. She outlined Attachment 5(d).

Public Comment

No public comment.

Compliance and Discipline Report

Ms. Elias reported on the Compliance and Discipline Unit. She outlined Attachment 5(e).

Public Comment

One member of the public provided a comment.

Complaint and Investigation Report

Daniel Rangel, Bureau Enforcement Chief over complaints and investigations, reported on the Complaint and Investigation Unit. He outlined Attachment 5(f).

Public Comment

No public comment.

Office of Student Assistance and Relief (OSAR) Report

Scott Valverde, OSAR Chief, reported on the OSAR Unit. He outlined Attachment 5(g).

Public Comment

No public comment.

Student Tuition Recovery Fund (STRF) Report

Yvette Johnson, Bureau Administration Chief, provided a report on STRF. She covered Attachment 5(h).

Ms. Tambascia asked how long it takes for an analyst to complete the review of a STRF claim. Ms. Johnson responded that it typically takes a couple of months to complete the review.

Ms. Ferrin commented that it would be helpful to see data on the time an application is in the queue and under review by an analyst.

Public Comment

No public comment.

Agenda Item #6 - Status Updates and Discussion on Regulatory Proposals

David Dumble, Bureau Legislative/Regulation Specialist, provided a status update on Bureau regulatory matters. He outlined the Bureau Regulations Tracker in the meeting materials.

Ms. Cochrane noted that staff are working on a notification outlining the STRF assessment fee reduction effective April 1, 2024. She added that notification will be sent out as soon as possible.

Minimum Operating Standards: Financial Standards and Associated Reporting Requirements (California Education Code (CEC) section 94885(a)(6), 5 California Code of Regulations (CCR) sections 71745, 74110, and 74115)

Mr. Dumble outlined the proposed language in CEC section 94885(a)(6), 5 CCR sections 71745, 74110, and 74115.

Public Comment

No public comment.

Minimum Operating Standards: Cancellations and Withdrawals (CEC section 94885(a)(4), 5 CCR sections 70000, 71746, 71750, and 71751)

Ashley Cornejo, Bureau Special Investigator, stated that the proposed language in 5 CCR sections 71746, 71750, and 71751 is meant to build clarity in regulations regarding the collection of tuition, payment from students, cancellations, withdrawals, and refunds.

Matthew Wiggins, Bureau Special Investigator, provided a comparison of the current pro-rata refund regulations to the proposed regulations.

Public Comment

No public comment.

Minimum Operating Standards: Qualifications (CEC section 94885(a)(5), 5 CCR sections 71720, 71720.1, 71720.2, 71720.3, 71730)

Ms. Santee introduced the Discussion of Issues Regarding Qualifications of Directors, Administrators, and Faculty memo provided in the meeting materials. Forrest Rule, Bureau Education Specialist, outlined the discussion questions listed in the memo.

Mr. Holt commented that some teachers in a program leading to licensure may not hold a license but provide skills in areas not directly related to licensure that employers often look for, such as classes in professional writing or interpersonal skills. He noted the importance of considering that distinction while drafting language.

Mr. Holt stated that some of the best teachers are retired from the field of study they are teaching in. He continued that those individuals may not have an active licensure status. He stated that there should be a provision to ensure those individuals are not disqualified from teaching if there is no negative connotation attached to the inactive status of licensure.

Ms. Dubois-Carey noted that years of experience in a field of study could be considered as an alternative to licensure requirements.

Ms. Delgado stated that a potential teacher being knowledgeable on current or up to date industry practices and standards would also be an important factor to consider.

Ms. Tambascia commented that she has observed teachers in the art field with a bachelor's degree and several years of work experience teaching in a master's degree level art program. She noted that it is not uncommon, and the Bureau may want to review how the accrediting agency, the National Association of Schools of Art and Design, addresses that issue. She noted that it is extremely important that teachers have equivalent experience, but it may not be a degree. Mr. Holt added that the degree an individual earned 20 years ago is often irrelevant to the individual's professional work experience.

Ms. Tambascia stated that sometimes in the community college system, someone can only teach in a program if their degree title is included on an approved degree list. She added it would be more significant to require an individual to have competencies, concepts, or knowledge areas as opposed to a specific degree title.

Mr. Holt stated he thinks it would be counter-productive to require chief academic officers (CAO) to have experience in postsecondary education management. He exemplified someone who has taught for years at a school, grown professionally independently, knows a school inside and out, and then is promoted to academic management. Ms. Tambascia added that management skills are important but typically CAOs come from an academic background.

Ms. Tambascia stated that many professions do not have registered continuing education courses. She explained that it would be difficult to qualify continuing education courses unless they are broadly defined. She added that it would be difficult to assess the quality of broadly defined continuing education courses.

Ms. Ferrin commented that continuing education courses is a technical term and may be a challenge to require by regulation, but it is important to ensure teachers maintain current educational qualifications.

Mr. Holt stated that people with a variety of backgrounds take on the position of director at schools. He continued that it would be grossly subjective to include a list of standards to gatekeep the position of director at a school. He added that requiring an instructor in the field of nursing to be a nurse could easily be considered an objective standard, but determining what makes a good leader is inherently subjective.

Ms. Tambascia commented on the ability to monitor and sources of evidence. She considered how the Bureau would ensure compliance when it comes to the quality of instructors and administrative leadership. She provided an example of how some accreditors use a one paragraph biography including education and work experience as a qualitative measurement.

Ms. Ferrin stated she thinks that requirements for a distance education instructor should be the same as an in-person instructor. She noted that it is important that institutional support is provided to an instructor when generating a curriculum for a distance education course to ensure it is accessible.

Public Comment

One member of the public provided a comment.

Agenda #7 – Update on Bureau Fee Structure Study and Possible Discussion on Bureau Recommendations for Fiscal Sustainability (Assembly Bill 178 (Ting, Chapter 45, Statutes of 2022))

Ms. Cochrane stated that the Bureau entered into an inter-agency agreement with the Foundation for California Community Colleges to explore issues and potential revenue sources beyond the typical licensing fee models that had previously been proposed. She noted that a finalized report outlining the financial stability of the Bureau and its ability to protect

consumers along with a cover memo from the Bureau endorsing several of the foundation's recommendations will soon be provided to the Legislature, Committee, and public.

Public Comment

No public comment.

Agenda #8 – Considerations for Amending STRF Statute

Mr. Holt stated that the STRF assessment fee being turned off and on is a cumbersome process. He recommended a reconsideration of the floor and ceiling of the fund or some alternate mechanism that reduces the administrative burden of frequently turning the fee off and on.

Mr. Holt commented that the closure of Silicon Valley University led to an unprecedented financial impact on the STRF fund. He pointed out that the current average claim amount being paid out is more than \$17,000, while the previous average was around \$5,000, driven by students who paid cash. He suggested one alternative to a set rate per the amount of tuition paid could be to consider a rate based on tuition or program costs net of a subsidy aid or payment from other sources.

Public Comment

No public comment.

Agenda #9 – Future Agenda Items

Mr. Holt suggested having a future agenda item on the fee study.

Public Comment

No public comment.

Agenda #10 – Adjournment

The meeting adjourned at 1:41 p.m.