TITLE 5. BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

DEPARTMENT OF CONSUMER AFFAIRS

INITIAL STATEMENT OF REASONS – ADDENDUM
Catalog Requirements

Subject Matter of Proposed Regulations: Catalog Requirements

Sections Affected: Division 7.5 of Title 5 of the California Code of Regulations (CCR)[1]; Amend section 71810.

The Bureau for Private Postsecondary Education (Bureau) has proposed modifications made to proposed regulation CCR section 71810 related to catalog requirements, and as such provides this addendum to the Initial Statement of Reasons to clarify those changes.

Summary of Modifications:

Amending section 71810 of the CCR to:

- Clarify in (a)(1) that "new" changes added to a catalog in between annual updates shall be published as "new" through the end of the catalog through the end of the annual catalog period in which they were added.
- Add language in (b)(3) to require disclosure of the information described in the paragraph.
- Modify proposed (b)(3)(A) to require the disclosure of a Principal Designated School Official if an institution is certified by the Student and Exchange Visitor Program (SEVP).
- Clarify language regarding "miles" in (b)(16) and (17).
- Remove "or limitations" language concerning required internship and externship disclosures in (b)(16).

Specific purpose of, and rationale for, each adoption, amendment, or repeal in the addendum:

1. **Amend Section 71810, Article 2, Chapter 3, Division 7.5 of Title 5 of the California Code of Regulations:**

§ 71810. Catalog.

Proposed Change: Modify subsection (a)(1) to add quotation marks around the word "new" and clarify that new changes added to a catalog between annual updates shall be published as "new" through the end of the annual catalog period in which the new educational programs, educational services, procedures, or policies were added.

[1] Unless otherwise noted, all references to the CCR hereafter are to Title 5.

Purpose: This change clarifies changes added between annual catalog updates that are "new" and for how long those changes should be indicated as such.

Rationale: Feedback received during the 45-day public comment period from a commenter stated that the phrase "published as new" was unclear because the regulation does not state how long an item added to the catalog between annual updates must be marked as "new." The comment suggested that the Bureau specify how an item is to be designated as new and for what period the designation applies.

While subsection (a)(1) applies to changes made between annual catalog updates, additional clarity concerning "new" changes would ensure the regulations are easily understood by the public. Therefore, the Bureau has proposed to modify the originally proposed text to clarify that these new changes are published as "new" through the end of the annual catalog period in which the new educational programs, educational services, procedures, or policies were added. Adding quotation marks around the word "new" is a technical change to the punctuation and helps to further clarify that changes are published as "new" if they are made between annual catalog updates.

Proposed Change: Modify the proposed text in subsection (b)(3) to add "it shall disclose" to the subsection.

Purpose: This change clarifies that the information described must be disclosed in the catalog.

Rationale: The Bureau is proposing to add the words "it shall disclose" to (b)(3). This modification aligns (b)(3) with the proposed language in (b)(3)(A) and ensures the required disclosure is conditioned on whether the institution admits students from other countries.

Proposed Change: Modify the proposed text in subsection (b)(3)(A) to strike "admits students from other countries" and replace it with "is certified by the Student and Exchange Visitor Program (SEVP)."

Purpose: This change is necessary so the requirement to disclose the Principal Designated School Official (PDSO) is conditioned on SEVP certification.

Rationale: The Bureau's originally proposed language to condition the disclosure of a PDSO if an institution "admits students from other countries" was unclear because a PDSO exists only as a condition of SEVP certification. However, feedback received during the 45-day public comment period noted that an "institution may admit students from other countries who already hold lawful status not requiring a Form I-20, and that institution has no [PDSO] to disclose." The commenter suggested amending (b)(3)(A) to condition the requirement on SEVP certification, which matches the text to the Bureau's rationale and to the federal program that creates the role of a PDSO. Modifying the text is necessary so that institutions can comply with any required disclosure of a PDSO.

Proposed Change: Modify the proposed text in subsection (b)(16) and (b)(17) to add "approximate" before "distance" and to specify that "distance" is calculated in "driving-distance miles rounded to the nearest mile."

Purpose: Clarify the proposed disclosure of the distance of required internships, externships, and requirements for license eligibility that occur at a location other than an institution or branch location.

Rationale: Feedback received during the 45-day public comment period noted that different ways to measure distance could each be expressed in miles and produce different numbers depending on how they are measured. The comment suggested that the Bureau specify the method of measurement for "miles." The Bureau has proposed modifying the text to clarify that "distance" is calculated in "driving-distance miles rounded to the nearest mile."

"Driving-distance miles" is necessary because it is the measurement that most accurately reflects the way that students will access internships, externships, or other license-eligibility requirements, as opposed to another way of measuring, such as "straight-line" miles. Driving-distance miles are easy to measure and are clear for students or members of the public to understand the distance from the institution to required internships, externships, or other requirements for license eligibility. Clarifying that the distance from the institution can be "rounded to the nearest mile" also simplifies the required disclosure by only requiring whole numbers and not partial miles. Adding the word "approximate" is necessary because the Bureau is proposing to specify that distance is "rounded to the nearest mile," which means that the distance of any required internships, externships, and requirements for license eligibility that occur at a location other than an institution or branch location would be approximations.

Proposed Change: Modify the proposed text in subsection (b)(16) to strike "or limitations."

Purpose: Remove a previously proposed disclosure requirement to ensure clarity in the regulations.

Rationale: Feedback received during the 45-day public comment period noted that the requirement listed in (b)(16) to disclose "any other requirements or limitations for successful completion by the student" could present situations where omissions could be identified after the fact and an institution has no way to know if it has complied.

The Bureau has proposed to strike "or limitations," which could present instances where the institution was unaware that something could be a limitation for a student attempting to complete an internship or externship. Striking this language ensures that the regulations are clear to an institution disclosing required information in its catalog. However, an institution should know if there are other *requirements* for successful completion if an internship or externship is required to complete the educational program.

It is necessary for students or members of the public viewing the catalog to be adequately informed of the requirements to complete the educational program, including required internships or externships.