

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 5. EDUCATION
DIVISION 7.5. Private Postsecondary Education
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

NOTICE OF PROPOSED REGULATORY ACTION CONCERNING:
Catalog Requirements

NOTICE IS HEREBY GIVEN that the Bureau for Private Postsecondary Education (hereafter Bureau) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such a request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or e-mail to the addresses listed under “Contact Person” in this Notice, must be **received by the Bureau at its office no later than Monday, September 28, 2026** or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Authority Cited: Sections 94803, 94877, and 94885, Education Code.

References: Sections 94837, 94885, 94897, 94900, 94900.5, and 94909, Education Code.

Pursuant to the authority vested by sections 94803, 94877, and 94885 of the Education Code (EDC), and to implement, interpret, or make specific EDC section 94837, 94885, 94897, and 94909, the Bureau is considering amending section 71810 of Article 2 of Chapter 3 of Division 7.5 of Title 5, of the California Code of Regulations (CCR)¹.

¹ All references to the CCR are to Title 5

INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW

Existing law in EDC Section 94909 and CCR Section 71810 requires private postsecondary schools in California to provide a clear, accurate, and current school catalog to prospective students before enrollment, and specify what institutions must disclose, at a minimum, in their catalog. This includes essential information such as the institutional and program information, tuition and fees, refund policies, student services, records maintenance policies, and more. These requirements are designed to promote transparency, protect students from misleading information, and help them make informed decisions about their education. An institution's catalog must be updated annually, with supplements or inserts to an institution's catalog permitted prior to an institution's annually updated catalog, so long as those supplements or inserts reflect when the change was made.

Catalog requirements found in Section 71810 have remained largely unchanged since the Bureau's formation, despite significant shifts in the private postsecondary education landscape since that time. As a result, many of the current disclosure requirements are outdated, unclear, or not as useful to students as they otherwise could be. Some information currently required to be disclosed in an institution's catalog is either not useful, potentially inaccurate due to annual updates, or unclear within the regulation. Additionally, certain requirements lack specificity, leading to inconsistent implementation and more confusion. For example, international students and those with limited English proficiency may not receive adequate or accessible information under existing regulatory standards. Vague location-specific disclosures, lack of transparency around internships or externships, and missing details about business hours are other areas where existing catalog requirement disclosures are lacking or outdated. Revisiting existing regulations so that catalog disclosures remain clear, relevant, and aligned with the Bureau's mission will protect students and promote informed decision-making.

The proposed regulations provide for additional specificity where necessary to ensure students at Bureau-approved institutions have access to needed records and services. The proposed regulations reorganize and restructure certain requirements for additional clarity and alignment with other standards, such as those used by accrediting agencies. Finally, the proposed regulations provide for the continued utility of all required disclosure items in an institution's catalog, ensuring they are a valuable resource for students and the public.

The Bureau has drafted the following proposal that would address the problems stated above by:

Amending section 71810(a) of the CCR to:

- Remove the allowance of annual updates to an institution's catalog via inserts or supplements in existing regulatory text.
- Re-letter existing subsection (a) into three subsections: (a), (a)(1), and (a)(2).
- Allow changes to be made directly to a catalog between annual updates, and specify that any changes made directly to a catalog shall be clearly published on the page where the change is made, and dated at the time the change is made.
- Require new programs, services, procedures, or policies in the catalog to be published as "new."
- Require supplements or inserts reflecting changes to an institution's catalog to refer to the location in the catalog where the change applies and contain the school's name, location, and publication date.
- Specify that if policies, procedures, resources, or services vary due to multiple locations, an institution must specify which location they pertain to.

Amending section 71810(b) of the CCR to:

- Add 71810(b)(3)(A) to require an institution that admits international students to disclose information concerning the Principal Designated School Official (PDSO).
- Remove superfluous examples from the regulatory text in 71810(b)(4) and (5).
- Re-letter existing 71810(b)(4) and add (b)(4)(C) to separately list the requirements of the subsection.
- Re-letter existing 71810(b)(5) and add (b)(5)(A) to separately list the requirements of the subsection.
- Add that an institution must include its policies and hours of availability for library and other learning resources in 71810(b)(10).
- Add that an institution must specify the distance education learning management system used by the institution, if it offers distance education in 71810(b)(11).
- Add that an institution must include its policies, procedures, and hours of availability for student services in 71810(b)(12).
- Remove the text of existing housing disclosures from catalog requirements found at 71810(b)(13)(A)-(B). Repeal 71810(b)(13)(C).
- Replace the text found at (b)(13)(A)-(B) with requirements to disclose the institution's business hours for the period covered by the catalog, including administrative hours where records are available pursuant to section 71930, whether records are stored digitally, and the institution's hours when it offers instruction.
- Specify in (b)(15) that an institution must disclose policies on the retention of student records in its catalog, which must comply with section 71930, including whether records are digital or at an alternate location.

- Add (b)(15)(A) to require an institution to disclose procedures for student access to their records.
- Add (b)(16) to require certain disclosures about required internships or externships, including their distance from the institution or branch location.
- Add (b)(17) to require that an institution disclose the location and distance from the institution of any requirements for licensure that occur at a location other than the institution.
- Update the references cited to reflect accurate Education Code references.

Anticipated Benefits of the Proposal

The Bureau has determined that this regulatory proposal will have the following benefits to the welfare of California residents:

Institutions, students, and the general public will benefit from the proposed regulations, which aim to ensure usefulness and clarity in the disclosures that are included in an institution's annually updated catalog. School catalogs serve as an annual disclosure tool, providing information to students, the public, and other stakeholders about educational programs, financial aid, academic standards, school policies, and more.

Students attending Bureau-approved institutions benefit from the proposed regulations because the regulations further specify certain disclosures that must be provided, protecting students' rights and access to the resources and services available at the institution. More specific and inclusive requirements, such as disclosures for international students or those with limited English proficiency, help promote an environment where students have equal access to critical information and resources applicable to them. Requiring schools to disclose business hours, procedures for student access to available services, required internships, externships, or other requirements for licensure benefits students by providing them with resources to get the support they need, such as with academic advising, financial aid, or filing a complaint.

Institutions benefit from the proposed regulations, which consider existing requirements for their usefulness, relevance, and clarity, and subsequently amend, add, or remove certain disclosures. The proposed regulations ensure that the information required to be in the catalog is relevant to an institution and will help inform prospective students. Institutions benefit from having clear, effective catalog requirements that they must provide to students, instead of unclear or outdated requirements. Institutions also benefit from updated language that allows updates directly to an institution's catalog between annual updates, so long as those changes are clearly published and dated.

Prospective students, their parents, educators, and other members of the public interested in private postsecondary educational institutions will benefit from effective disclosure in institutional catalogs. If someone has an inquiry about a certain institution or its programs, they will be able to refer to a catalog that provides the most important information for them. Clear and effective disclosures in an institution's catalog can, in turn, help guide clear and effective research when selecting a private postsecondary educational institution to attend, promoting informed decision-making and upholding consumer protection.

This regulatory proposal does not affect the health of California residents, worker safety, or the state's environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Bureau has conducted a search for any similar regulations on these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

The proposed regulation does not incorporate any forms by reference.

DISCLOSURES REGARDING THIS PROPOSED ACTION

Mandate Imposed on Local Agencies or School Districts: None

FISCAL IMPACT ESTIMATES

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

The proposed regulations do not result in a fiscal impact to the state. The Bureau does not anticipate additional workload or costs resulting from the proposed regulations.

The regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 - 17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard): None.

BUSINESS IMPACT ESTIMATES

The Bureau has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the fact that the proposed regulations affect an annually issued catalog, and updating this catalog regularly is already part of an institution's existing normal business practices. As a result, the regulations do not result in additional workload or costs to businesses operating in the state.

Cost Impact on Representative Private Person or Business

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RESULTS OF ECONOMIC IMPACT ASSESSMENT / ANALYSIS

Impact on Jobs / Businesses

The Bureau has determined that this regulatory proposal will not have a significant on the creation of new businesses or the elimination of existing businesses within the state, or the expansion of businesses currently doing business within the state because the proposed text pertains to requirements for school catalogs, which are already updated annually. It will not create or eliminate jobs within the State of California because the regulations affect an annually issued catalog, which all institutions are already required to maintain. This proposal would not have any of the above-referenced impacts as explained in the "Business Impact Estimates" section of this notice.

Benefits of Regulation:

The Bureau has determined this regulatory proposal will benefit the welfare of California residents, including individuals attending or considering attending a private postsecondary educational institution, by specifying information to be included in the catalog.

Institutions, students, and the general public will benefit from the proposed regulations, which aim to ensure usefulness and clarity in the disclosures that are included in an institution's annually updated catalog, as described in the "Anticipated Benefits of the Proposal" section of this notice.

Business Reporting Requirements

The regulatory action does not require businesses to file a report with the Bureau.

Effect on Small Business

The Bureau has determined that the proposed regulations may affect small businesses, including private postsecondary educational institutions, but will not result in additional workload or costs. All businesses (institutions) owned by licensees of the Bureau are required to maintain and issue an annually updated school catalog pursuant to current law.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Bureau must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed; would be as effective and less burdensome to affected private persons than the proposal described in this Notice; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Bureau in writing relevant to the above determinations at P.O. Box 980818, West Sacramento, CA 95798-0818 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Bureau has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau for Private Postsecondary Education, P.O. Box 980818, West Sacramento, CA 95798-0818.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Bureau, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially

as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Parker Strohmeyer
Address: Bureau for Private Postsecondary Education
P.O. Box 980818, West Sacramento, CA 95798-0818
Telephone No.: (279) 666-5844
E-Mail Address: Parker.Strohmeyer@dca.ca.gov

The backup contact person is:

Name: Manila Vongmany
Address: Bureau for Private Postsecondary Education
P.O. Box 980818, West Sacramento, CA 95798-0818
Telephone No.: (279) 345-9636
E-Mail Address: Manila.Vongmany@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Bureau's website at <https://bppe.ca.gov/lawsregs/index.shtml>