

**TITLE 5, EDUCATION, DIVISION 7.5.  
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**

**FINAL STATEMENT OF REASONS**

**Subject Matter of Proposed Regulations:** Date of Closure Selection

**Sections Affected:** California Code of Regulations (CCR), Title 5<sup>1</sup>, Division 7.5, amend sections 76240, add section 76245.

**Updated Information**

The Informative Digest and Initial Statement of Reasons are included in the rulemaking file and incorporated as though set forth herein.

The Bureau of Private Postsecondary Education (Bureau or BPPE) staff noticed the proposed rulemaking with a 45-day comment period ending on Tuesday June 4, 2024, by 5 p.m. The Bureau received zero comments during the comment period. There were no requests for a public hearing and no separate public hearing was held.

The Bureau of Private Postsecondary Education (Bureau or BPPE) staff re-noticed the proposed rulemaking with a 15-day comment period ending on Friday, September, 13, 2024. The Bureau received zero comments during the comment period. There were no requests for a public hearing and no separate public hearing was held.

The following items were made available to the public simultaneously during the additional 15-day comment period:

- 1) Notice of Modified Text
- 2) Addendum to the Initial Statement of Reasons
- 3) Proposed Modified Text

**Update to Initial Statement of Reasons and Notice of Proposed Action**

**Amend CCR sections 76240 and 76245 to clarify language and cross references**

In the original proposed text, the Bureau is clarifying the language used, and re-organizing the structure of the proposed regulatory sections, and updates the formatting of cross-references to the Education Code.

**Amend CCR section 76240 Regulatory Title**

In the originally noticed regulatory section title, modify the title to include “Closure” and remove “Teach-Out.” The updated regulatory title reads, “Required Notices and Closure Plan.”

---

<sup>1</sup> Unless otherwise noted, all references to the CCR hereafter are to Title 5.

**Amend CCR section 76240(a)**

Modify the originally noticed text from “For purposes of this section,” to, “For purposes of this article,”. Re-organize the section by adding subsection (b) to make the requirements previously listed in (a)(1) into its own subsection.

**Amend CCR section 76240(b)(1)**

Change “identification code” in the text in (b)(1) to, “school code.”

**Amend CCR section 76240(b)(5)(I)**

Change “Courses and course costs;” to “Name of the educational program enrolled in, as specified in the student’s enrollment agreement and enrolled program costs;”

**Amend CCR section 76240(b)(6)**

Replace the word “mailing” with “physical.”

**Amend CCR section 76240(c)**

Change “email address of record” to “current email address.”

**Amend CCR section 76240(c)(1)**

In the noticed language of subdivision 76240 (c)(1), remove the word “anticipated” and add the words “in 76240(b)(2);” after the word “Bureau.”

**Amend CCR section 76240(c)(4)**

Remove the words, “concerning those programs and institutional closures” and replace them with “pursuant to Education Code 94926(c).”

**Amend CCR section 76240(d)**

Change “email address” to “email address or mailing address” and add the word “prescribed” before the words “in section (a).”

**Amend CCR section 76240(d)(4)**

Add the word “student” between the words “federal” and “financial” to remain consistent with statutory language used in the Education Code.

**Amend CCR section 76240(f)**

Delete “76420” and replace it with “76240.” Change “email address” to “email address or mailing address” and add the word “prescribed” before the words “in section (a).”

**Add CCR section 76245(a)**

Remove the floating paragraph in the originally proposed text, and place it into its own subsection (a). Change the notice required to be sent by the Bureau to a suspected closed school’s agent for service of process from “mailing” to “physical” address.

**Add CCR section 76245(b)**

Adds a new subsection (b) to organize the regulatory subsection in a clearer manner.

**Add CCR section 76245(b)(1)**

Change the proposed language from “and sent to the Bureau within 30 calendar days...” to, “and sent to the Bureau at the email address or mailing address prescribed in section 76240(a), to be received within 30 calendar days...”

**Add CCR section 76245(b)(2)**

Adds subsection (b)(2) for organizational purposes. Also changes the words “automatically terminate after that date” to “automatically terminate on that date” to remain consistent with statutory language used in the Education Code.

**Add CCR section 76245(b)(3)**

Change the proposed language from “sending, no later than 60 calendar days after the date on the Bureau’s notice, a request to the Bureau for a hearing” to, “(3) Notify the institution that the institution may appeal the Bureau’s selection of a date of closure by sending a written request to the Bureau for a hearing, at the email address or mailing address prescribed in section 76240(a),...”

**Add CCR section 76245(b)(3)(A)**

Re-organizes the originally proposed text to separate the proceedings through which appeals are conducted into its own subsection.

**Local Mandate**

A mandate is not imposed on local agencies or school districts.

**Consideration of Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulations or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Bureau incorporates by reference the alternatives identified in its Initial Statement of Reasons and did not receive any comments that altered its findings.

**Summary of Comments Received During the 45-day Notice Period**

The Bureau of Private Postsecondary Education (Bureau or BPPE) staff noticed the proposed rulemaking with a 45-day comment period ending on Tuesday June 4, 2024, by 5 p.m. The Bureau received no comments during the comment period. There were no requests for a public hearing and no separate public hearing was held.

**Summary of Comments Received During the 15-day Notice Period**

The Bureau of Private Postsecondary Education (Bureau or BPPE) staff re-noticed the

proposed rulemaking with modified text and a 15-day comment period ending on Friday, September 13, 2024. The Bureau received no comments during the comment period. There were no requests for a public hearing and no separate public hearing was held.

**Nonduplication**

The statutory language duplicated in the proposed rulemaking satisfy the “nonduplication” standard of Government Code Section 11349.1 because the proposed regulation overlaps a state statute which is part of the authority or reference for the proposed regulation and the duplication is necessary to satisfy the “clarity” standard of Government Code Section 11349.1(a)(3). Statutory language is included from Education Code section 94926 and is needed to duplicate in two regulatory subsections in 5 CCR 76240 so that students receive information concerning federal student financial aid programs, and the Bureau receives confirmation that the school provides those notices to students.