

**State of California
Office of Administrative Law**

In re:
Bureau for Private Postsecondary Education

Regulatory Action:

Title 05, California Code of Regulations

Adopt sections:

Amend sections: 71710, 71810

Repeal sections:

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

Government Code Section 11349.3

OAL Matter Number: 2022-1228-05

OAL Matter Type: Regular (S)

This rulemaking action by the Bureau for Private Postsecondary Education defines the phrase "designed to lead to employment" and updates catalog requirements for educational programs.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 4/1/2023.

Lindsey McNeill

Date: February 10, 2023

Lindsey S. McNeill
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Deborah Cochrane, Chief
Copy: David Dumble

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z- 2022-1028-02	REGULATORY ACTION NUMBER 2022-1028-055	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
OFFICE OF ADMIN. LAW 2022 DEC 28 PM 3:47			
NOTICE		REGULATIONS	
AGENCY WITH PROPOSED REGULATORY ACTION Department of consumer Affairs, Bureau for Private Postsecondary Education		per agency request UM	

ENDORSED - File
In the office of the Secretary of State
of the State of California

FEB 10 2023

1:40pm

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Educational Programs Under 32 Hours in Length	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND 71710, 71810
	REPEAL
TITLE(S) 5	

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Other (Specify)	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) Effective on filing with Secretary of State \$100 Changes Without Regulatory Effect Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

Department of Finance (Form STD. 399) (SAM §6660) Fair Political Practices Commission State Fire Marshal

Other (Specify)

7. CONTACT PERSON David Dumble	TELEPHONE NUMBER (279) 895-6091	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) David.Dumble@dca.ca.gov
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Kimberly Kirchmeyer</i>	DATE November 23, 2022
TYPED NAME AND TITLE OF SIGNATORY Kimberly Kirchmeyer, Director, Department of Consumer Affairs	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

FEB 10 2023

Office of Administrative Law

**TITLE 5
BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
DEPARTMENT OF CONSUMER AFFAIRS**

ORDER OF ADOPTION

EDUCATIONAL PROGRAMS UNDER 32 HOURS IN LENGTH

Legend—added text indicated by underline, deletion by ~~strike through~~. Omitted text is indicated by (* * * *).

71710. Educational Program.

(a) In order to meet its mission and objectives, the educational program defined in ~~s~~Section 94837 of the Code shall be comprised of a curriculum that includes:

~~(a1)~~ (1) Those subject areas that are necessary for a student to achieve the educational objectives of the educational program in which the student is enrolled;

~~(b2)~~ (2) Subject areas and courses or modules that are presented in a logically organized manner or sequence to students;

~~(c3)~~ (3) Course or module materials that are designed or organized by duly qualified faculty. For each course or module, each student shall be provided with a syllabus or course outline that contains:

~~(4A)~~ (A) a short, descriptive title of the educational program;

~~(2B)~~ (B) a statement of educational objectives;

~~(3C)~~ (C) Length of the educational program;

~~(4D)~~ (D) Sequence and frequency of lessons or class sessions;

~~(5E)~~ (E) Complete citations of textbooks and other required written materials;

~~(6F)~~ (F) Sequential and detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured;

~~(7G)~~ (G) Instructional mode or methods.

~~(d4)~~ (4) If degree granting, require research of an appropriate degree that utilizes a library and other learning resources;

(e5) sSpecific learning outcomes tied to the sequence of the presentation of the material to measure the students' learning of the material; and

(f6) eEvaluation by duly qualified faculty of those learning outcomes.

(b) An educational program of 32 hours or less as described in Section 94837 of the Code shall be presumed to be “designed to lead to employment” if any of the following apply:

(1) It is on the Eligible Training Provider List the Employment Development Department published on its website at www.edd.ca.gov pursuant to the Workforce Innovation and Opportunity Act (Public Law 113-128) section 122 (29 U.S. Code section 3152) and Code of Federal Regulations, Title 20, section 680.500;

(2) The institution represents that the course or module, either separately or as part of a set of related courses or modules, leads to employment or a career, either as stated by the institution to the Bureau on any application submitted to the Bureau for approval of any institution or educational program, including sections 71100, 71105, 71210, 71220, and 71390, or in any other written correspondence provided to the Bureau, or in any advertising or publication used to solicit or recruit prospective students. “Advertising” shall have the meaning set forth in section 74140;

(3) The institution represents in its course or module materials, syllabus, or course outline that the educational objectives of the course or module includes preparing or fitting students with the skills and knowledge necessary to satisfy the qualifications for licensure in a specified career, occupation, vocation, job, or job title.

Note: Authority cited: Sections 94803, ~~94885~~ and ~~94877~~ and 94885, Education Code.
Reference: Sections 94837 and 94885, Education Code.

71810. Catalog.

(a) Each institution shall provide a catalog pursuant to sSection 94909 of the Code, which shall be updated annually. Annual updates may be made by the use of supplements or inserts accompanying the catalog. If changes in educational programs, educational services, procedures, or policies required to be included in the catalog by statute or regulation are implemented before the issuance of the annually updated catalog, those changes shall be reflected at the time they are made in supplements or inserts accompanying the catalog.

(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:

- (1) The specific beginning and ending dates defining the time period covered by the catalog;
- (2) A statement of the institution's missions and purposes and the objectives underlying each of its educational programs;
- (3) If the institution admits students from other countries, whether visa services are provided or whether the institution will vouch for student status, and any associated charges;
- (4) Language proficiency information, including: (A) the level of English language proficiency required of students and the kind of documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that will be accepted; and (B) whether English language services, including instruction such as ESL, are provided and, if so, the nature of the service and its cost;
- (5) Whether any instruction will occur in a language other than English and, if so, the level of proficiency required and the kind of documentation of proficiency, such as the United States Foreign Service Language Rating System, that will be accepted;
- (6) The institution's policies and practices regarding any form of financial aid, including all consumer information which the institution is required to disclose to the student under any state or federal financial aid program;
- (7) The institution's policies and procedures for the award of credit for prior experiential learning, including assessment policies and procedures, provisions for appeal, and all charges that a student may be required to pay;
- (8) The institution's standards for student achievement;
- (9) A description of the facilities and of the types of equipment and materials that will be used for instruction;
- (10) A description of library and other learning resources and the procedures for student access to those resources;
- (11) If the institution offers distance education, the approximate number of days that will elapse between the institution's receipt of student lessons, projects, or dissertations and the institution's mailing of its response or evaluation.
- (12) A description of all student services;
- (13) Housing information including all of the following:
 - (A) Whether the institution has dormitory facilities under its control;

(B) The availability of housing located reasonably near the institution's facilities and an estimation of the approximate cost or range of cost of the housing; and

(C) If the institution has no responsibility to find or assist a student in finding housing, a clear and conspicuous statement so indicating. A statement that the program is "non-residential" does not satisfy this subparagraph.

(14) Policies on student rights, including the procedure for addressing student grievances; and

(15) Policies on the retention of student records.

(c) Institutions that include one or more courses in its catalog that do not meet the definition of educational program in Section 94837 of the Code and are not designed to lead to employment as defined in section 71710(b) must include a list of the programs to which the provisions of the Act apply, to be provided after the following disclosure:

"This catalog includes programs that are approved by the California Bureau for Private Postsecondary Education and subject to the California Private Postsecondary Education Act of 2009 and others that are not. Certain rights and protections outlined in this catalog, including but not limited to student refund rights, cancellation rights, and Student Tuition Recovery Fund (STRF) eligibility, apply only to the following state approved programs:"

Note: Authority cited: Sections 94803, 94877 and 94885, Education Code. Reference: Sections 94837, 94885 and 94909, Education Code.