

ADVANCE NOTICE OF INTENT TO READOPT EMERGENCY REGULATIONS

This notice is sent in accordance with Government Code section 11346.1(a)(2) and Title 1 of the California Code of Regulations (CCR) section 52, which require State of California agencies to give five (5) working day advance notice of intent to readopt emergency regulations with the Office of Administrative Law (OAL). The Bureau for Private Postsecondary Education (BPPE) intends to file a request for a second readoption of Out-of-State Private Postsecondary Institution Registration regulations originally approved by OAL on May 30, 2017, which became effective that same date and were readopted November 21, 2017 with the readoption being effective November 27, 2017.

Pursuant to Title 1 CCR section 52(b)(1), the BPPE has made substantial progress and proceeded with diligence to comply with Government Code section 11346.1(e) by undertaking the following activities:

- The emergency regulations were solely for the registration form. The full regulations include processes and procedures for the actual registration process, including denying and appealing a denial.
- Also included is a new section for re-registration as the initial registration is good for only two (2) years.
- Additionally, language was added regarding the specific Student Tuition Recovery Fund (STRF) requirements that would apply to the out-of-state registrants.
- BPPE has evaluated the registration forms that have been coming from the emergency regulation form to address any clarity issues that have arisen.
- BPPE has been working with DCA's legal division regarding substantive questions and issues that have arisen by stakeholders since the registration form was adopted.
- During the interim, Department of Finance has changed their procedures regarding the STD. 399. Therefore, with the assistance of DCA's budget division, the STD 399 was reevaluated and updated to meet with these new changes from finance. This was done as the budget office was working on the 2018-19 FY budget as required for the Governor's office.
- The regulatory package to make the emergency regulations permanent was submitted by the BPPE for mandatory review by, first, the Department of Consumer Affairs and, second, by the Business, Consumer Services, and Housing Agency.
- The anticipated date for the regulations to be published by OAL and the 45-day comment period to begin is February 23, 2018.

- A public hearing is anticipated to be held approximately 46 days after the regulations are published by OAL (April 10, 2018).
- The emergency regulations and first readoption did not receive any comments. The Bureau anticipates a low volume (1 or 2) number of comments if it receives any at all.

As required by Title 1 CCR section 52, there has been no change in emergency circumstance since the original adoption of the Out-of-State Private Postsecondary Institution Registration regulations by OAL.

The BPPE hereby incorporates by reference the rulemaking records of OAL file numbers 2017-0519-02E and 2017-1113-02EE.

The BPPE plans to file the readoption of the Out-of-State Private Postsecondary Institution Registration emergency regulation package with OAL at least five working days from the date of this notice. If you would like to make comments on the readoption of the Out-of-State Private Postsecondary Institution Registration regulations, they must be received by both the BPPE and OAL within five calendar days of the BPPE's filing at OAL.

Comments should be sent simultaneously to:

Kent Gray, Regulatory/Legislative Analyst
Bureau for Private Postsecondary Education
P.O. Box 980818
West Sacramento, CA 95798-0818

and

Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814

If you have any questions, please contact Kent Gray at (916) 246-3907 or via email at Kent.Gray@dca.ca.gov.