

California Code of Regulations
Title 5. Education
Division 7.5. Private Postsecondary Education
Chapter 1. Bureau Administration
Article 1. Application for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions
Article 6. Renewals
Chapter 3. Institutional Operating Standards
Article 2. Admissions and Academic Achievement Standards
Article 3. Maintenance and Production of Records

**PROPOSED REGULATORY LANGUAGE CONCERNING
REPEAL OF ABILITY-TO-BENEFIT LANGUAGE**

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

71210. Instruction and Degree Offered

(a) The institution shall identify and describe the educational program it offers, or proposes to offer. If the educational program is a degree program, the institution shall identify the full title which it will place on each degree awarded.

(b) In addition to the general title, such as “Bachelor of Arts” or “Master of Science,” each degree title shall include the name of a specific major field of learning involved.

(c) In addition, the institution shall list the following for each educational program offered:

(1) The admissions requirements, including minimum levels of prior education, preparation, skills, or training;

(2) If applicable, information regarding the any ability-to-benefit examination as required by the institution. For the purposes of this section an “ability-to-benefit examination” means an independently administered examination from the list of examinations prescribed by the United States Department of Education pursuant to Section 484(d) of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.) as it is, from time to time, amended, that is designed to help identify students who possess the basic skills necessary to succeed in a post-secondary education program, but who lack a high school diploma; section 94904 of the Code;

(3) The types and amount of general education required;

(4) The title of the educational programs and other components of instruction offered, including a description of the level of the courses (e.g., below college level, undergraduate level, graduate level);

(5) The method of instruction;

(6) The graduation requirements; and

(7) Whether the educational program is designed to fit or prepare students for employment in any occupation. If so, the Form Application 94886 shall identify each occupation and job title to which the institution represents the educational program will lead.

Note: Authority cited: Sections 94803, 94877 and 94888, Education Code. Reference: Sections 94885, 94887, 94888, ~~94904~~ 94909 and 94910, Education Code.

71475. Renewal of an Approval to Operate for a Non-Accredited Institution; Cancellation of an Approval to Operate

(* * * *)

(t) In addition, the institution shall list in the application, the following for each educational program offered unless there have been no substantive changes since the last submission. If there have been no substantive changes made the institution may so state and is not required to provide documentation.

(1) The admissions requirements, including minimum levels of prior education, preparation, or training;

(2) If applicable, information regarding ~~the~~ any ability-to-benefit examination ~~as required by the institution. For the purposes of this section an "ability-to-benefit examination" means an independently administered examination from the list of examinations prescribed by the United States Department of Education pursuant to Section 484(d) of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.) as it is, from time to time, amended, that is designed to help identify students who possess the basic skills necessary to succeed in a post-secondary education program, but who lack a high school diploma;~~ ~~section 94904 of the Code.~~

(3) The types and amount of general education required;

(4) The title of the educational programs and other components of instruction offered, including a description of the level of the courses (e.g., below college level, undergraduate level, graduate level);

(5) The mode of instruction;

(6) The graduation requirements.

(7) Whether the educational program is designed to fit or prepare students for employment in any occupation. If so, the application shall identify each occupation and job title to which the institution represents the educational program will lead.

(* * * *)

Note: Authority cited: Sections 94803 and 94891, Education Code. Reference: Sections 94802, 94889 and 94931, Education Code.

71770. Admissions Standards and Transferred Credits Policy.

(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. An institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program and shall describe in its admissions policy the criteria used by the institution to determine whether each student is qualified for admission to the educational program ("qualified candidate for admission"). In addition to any specific standards for an educational program, the admissions standards must specify as applicable that:

(1) Each student admitted to an undergraduate degree program, or a diploma program, shall possess a high school diploma or its equivalent, or otherwise ~~successfully take and pass the relevant examination as required by section 94904 of the Code~~ meet the institution's criteria for a qualified candidate for admission, including minimum levels of prior education, preparation, skills, or training.

(2) Each student admitted into a post-baccalaureate degree program shall possess a bachelor's degree or its equivalent. If a graduate program leads to a profession or an occupation requiring state licensure and the licensing agency does not require that a member of the profession or occupation possess a Bachelor's degree or its equivalent, this subdivision does not apply.

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

71920. Student Records.

(* * * *)

(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:

(1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:

(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test if required by the institution. For the purposes of this section an "ability-to-benefit test" means an independently administered examination from the list of examinations prescribed by the United States Department of Education pursuant to Section 484(d) of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.) as it is, from time to time, amended, that is designed to help identify students who possess the basic skills necessary to succeed in a post-secondary education program, but who lack a high school diploma;

(B) Records documenting units of credit earned at other institutions that have been accepted and applied by the institution as transfer credits toward the student's completion of an educational program;

(C) Grades or findings from any examination of academic ability or educational achievement used for admission or college placement purposes;

(D) All of the documents evidencing a student's prior experiential learning upon which the institution and the faculty base the award of any credit;

(E) The name, address, website address, and telephone number of the institution.

(* * * *)

Note: Authority cited: Sections 94803 and 94877, Education Code. Reference: Sections 94885, 94900 and 94927.5, Education Code.