

NONSUBSTANTIVE

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2026-0817-01	EMERGENCY NUMBER N
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Bureau for Private Postsecondary Education			

ENDORSED - FILED
in the office of the Secretary of State
of the State of CaliforniaSEP 29 2026
NG 2:03pm**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 ☐ Notice re Proposed Regulatory Action ☐ Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE ☐ Approved as Submitted ☐ Approved as Modified ☐ Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Adding Business and Professions Code (BPC) Section 480.2 Provisions	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		
TITLE(S) 5	AMEND 71130, 71400.5, 71475, 71720, 71730, 75060, 75070, and 75100		
3. TYPE OF FILING			
☐ Regular Rulemaking (Gov. Code §11346) ☐ Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) ☐ Emergency (Gov. Code, §11346.1(b))			
☐ 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. ☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
☐ Emergency Readopt (Gov. Code, §11346.1(h)) ☐ File & Print ☐ Other (Specify)			
☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) ☐ Print Only			
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 Parker Strohmeyer	TELEPHONE NUMBER (279) 666-5844	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Parker.Strohmeyer@dca.ca.gov

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
Elizabeth Elias
TYPED NAME AND TITLE OF SIGNATORY
Elizabeth Elias, Bureau Chief, Bureau for Private Postsecondary Education

DATE
8-13-2026

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 29 2026

Office of Administrative Law

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

PROPOSED REGULATORY LANGUAGE
Adding Business and Professions Code (BPC) Section 480.2 Provisions

Legend: Added text is indicated with an underline.
 Omitted text is indicated by (* * *)
 Deleted text is indicated by ~~strikeout~~.

Chapter 2. Applications

Article 1. Application for Approval to Operate and Offer Educational Programs for Non-Accredited Institutions

Amend section 71130 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

71130. Institution Ownership and Control: Violations of Law.

(* * *)

(c) The institution shall provide a statement from any person identified in subdivision (a) of this section who –

(1) Was found in any judicial or administrative proceeding to have violated the Act or the law of any other state related to untrue or misleading advertising, the solicitation of prospective students for enrollment in an educational service, or the operation of a postsecondary school;

(2) Was denied any type of license on grounds set forth in Section ~~480~~480.2 of the Business and Professions Code;

(3) Was adjudicated as responsible for the closure of an institution in which there were unpaid liabilities to the state or federal government or any uncompensated pecuniary losses suffered by students;

(4) Has stipulated to a judgment or administrative order or entered a consent decree involving any of the matters described in this section.

(5) Was convicted of any misdemeanor or felony as provided in Section ~~480~~480.2(a)(1) of the Business and Professions Code;

(* * *)

Note: Authority cited: Sections 94803, 94877 and 94888, Education Code. Reference: Sections 94885, 94887 and 94888, Education Code; and Sections 30 and ~~480~~480.2, Business and Professions Code.

Article 4. Processing of Applications

Amend section 71400.5 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

71400.5. Denial of an Application.

(a) The inclusion of false or misleading information, or the intentional or negligent omission of pertinent information on any application may result in the denial of the application or a delay in processing, and may be grounds for action pursuant to Article 18 of the Act.

(b) In addition to denying an application pursuant to section 94887 of the Code, the Bureau may deny any application based on any act that constitutes grounds for the denial of a license under Section ~~480~~480.2 of the Business and Professions Code, incorporated herein by reference.

(c) The proceedings under this section shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

NOTE: Authority cited: Sections 94803 and 94877, Education Code. Reference: Section ~~480~~480.2, Business & Professions Code; and Sections 94887, 94888 and 94932, Education Code.

Article 6. Renewals

Amend section 71475 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

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

(* * *)

(f) The renewal application shall include a statement from any person identified in subdivision (h)(1) of this section who --

(1) Was found in any judicial or administrative proceeding to have violated the Act or the law of any other state related to untrue or misleading advertising, the solicitation of prospective students for enrollment in an educational service, or the operation of a postsecondary school;

(2) Was denied any type of license on grounds set forth in Section 480480.2 of the Business and Professions Code;

(3) Was adjudicated as responsible for the closure of an institution in which there were unpaid liabilities to the state or federal government or any uncompensated pecuniary losses suffered by students;

(4) Has stipulated to a judgment or administrative order or entered a consent decree involving any of the matters described in this section.

(5) Was convicted of any misdemeanor or felony as provided in Section 480480.2(a)(1) of the Business and Professions Code;

(* * * *)

Note: Authority cited: Sections 94803 and 94891, Education Code. Reference: Section 480.2, Business & Professions Code; and Sections 94802 and 94889, Education Code.

Chapter 3. Institutional Operating Standards

Article 1. Minimum Operating Standards

Amend section 71720 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

71720. Faculty.

(a) An Educational Program Leading to a Degree.

(* * * *)

(7) The institution shall not employ or continue to employ any faculty who were adjudicated in a judicial or administrative proceeding as having violated any provision of the Act or this chapter or as having committed any act that would constitute grounds for the denial of a license under Section 480480.2 of the Business and Professions Code;

(* * * *)

(b) Instructors in an Educational Program Not Leading to a Degree.

(* * *)

(3) The institution shall not employ or continue to employ an instructor who was adjudicated in a judicial or administrative proceeding as having violated any provision of the Act or this chapter, or as having committed any act that would constitute grounds for the denial of a license under Section ~~480~~480.2 of the Business and Professions Code.

Note: Authority cited: Sections 94803, 94877 and 94885, Education Code. Reference: Section 94885, Education Code; and Section ~~480~~480.2, Business and Professions Code.

Amend section 71730 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

71730. Administration.

(* * *)

(g) The institution shall not employ or continue to employ any administrative personnel who were adjudicated in a judicial or administrative proceeding as having violated any provision of the Act or this chapter or as having committed any act that would constitute grounds for the denial of a license under Section ~~480~~480.2 of the Business and Professions Code.

Note: Authority cited: Sections 94803, 94877 and 94885, Education Code. Reference: Section 94885, Education Code; and Section ~~480~~480.2, Business and Professions Code.

Chapter 5. Enforcement and Discipline

Article 3. Standards Related to Denial, Discipline, and Reinstatement of Approvals to Operate

Amend section 75060 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

75060. Substantial Relationship Criteria.

In determining whether any of the grounds for denial set forth in Section ~~480~~480.2 of the Business and Professions Code exist, a crime or act shall be considered substantially related to the qualifications, functions, or duties of any owner, corporate director or

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member of the governing board, officer, or administrator under any of the following circumstances:

(a) The crime or act involves any violation of the Act or this chapter, Title IV of the federal Higher Education Act of 1965 (20 U.S.C. § 1070, et seq.), the closure of an institution, fraud or misrepresentation, breach of fiduciary duty, any type of forgery or theft, or any type of dishonesty causing any financial loss.

(b) The crime, to a substantial degree, evidences present or potential unfitness to perform the functions and duties authorized or required by the Act or this chapter in a manner consistent with the public health, safety, or welfare, including a crime prohibited by Title 8 (commencing with Section 187) or Title 9 (commencing with Section 261) of the Penal Code.

NOTE: Authority cited: Sections 94877, 94885 and 94932, Education Code. Reference: Sections ~~480480.2~~ and ~~481~~, Business and Professions Code; and Sections 94885, 94887, 94932 and 94937, Education Code.

Amend section 75070 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

75070. Criteria for Rehabilitation.

In determining whether any of the grounds for denial set forth in Section ~~480~~480.2 of the Business and Professions Code exist, the Bureau shall consider evidence of rehabilitation and present eligibility for any approval issued by the Bureau, including all of the following factors:

(a) The nature and severity of the acts or crimes under consideration as grounds for denial;

(b) Evidence of any acts committed after the acts or crimes under consideration as grounds for denial that also could be considered grounds for denial;

(c) The time that has elapsed since commission of the acts or crimes described in subdivisions (a) and (b);

(d) The extent to which the person has complied with any terms of parole, probation, restitution, or any other sanctions lawfully imposed against the applicant;

(e) Evidence of any rehabilitation submitted by the applicant;

(f) Total criminal record;

(g) Evidence, if any, of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

NOTE: Authority cited: Sections 94877, 94885 and 94932, Education Code. Reference: Sections ~~480~~480.2 and ~~482~~, Business and Professions Code; and Sections 94885, 94887, 94932 and 94937, Education Code.

Amend section 75100 of Division 7.5 of Title 5 of the California Code of Regulations to read as follows:

75100. Suspension, Revocation, or Probation of Approval to Operate.

(a) The Bureau may suspend, revoke or place on probation with terms and conditions an approval to operate.

(b) "Material violation" as used in section 94937 of the Code includes committing any act that would be grounds for denial, suspension, or revocation under sections ~~480~~480.2 or 490 of the Business and Professions Code.

(c) The proceedings under this section shall be conducted in accordance with Article 10 (commencing with Section 11445.10) of Chapter 4.5 or Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, as requested by the institution.

NOTE: Authority cited: Sections 94877 and 94937, Education Code. Reference: Sections ~~480~~480.2 and 490, Business and Professions Code; and Sections 94933, 94935, 94936, 94937 and 94940, Education Code.