

Accreditation Related Statutes and Regulations

94885.5. Accreditation Required for Degree Granting Institutions

(a) If an institution that has not been accredited by an accrediting agency recognized by the United States Department of Education seeks to offer one or more degree programs, the institution shall satisfy the following requirements in order to be issued a provisional approval to operate degree programs from the bureau:

(1) The institution may not offer more than two degree programs during the term of its provisional approval to operate degree programs.

(2) The institution shall submit an accreditation plan, approved by the bureau, for the institution to become fully accredited within five years of issuance of its provisional approval to operate degree programs. The plan shall include, at a minimum, identification of an accreditation agency recognized by the United States Department of Education, from which the institution plans to seek accreditation, and outline the process by which the institution will achieve accreditation candidacy or pre-accreditation within two years, and full accreditation within five years, of issuance of its provisional approval to operate degree programs.

(3) The institution shall submit to the bureau all additional documentation the bureau deems necessary to determine if the institution will become fully accredited within five years of issuance of its provisional approval to operate degree programs.

(b) If an institution is granted a provisional approval to operate degree programs pursuant to subdivision (a), the following is required:

(1) Students seeking to enroll in that institution shall be notified in writing by the institution, before the execution of the student's enrollment agreement, that the institution's approval to operate is contingent upon it being subsequently accredited.

(2) Within the first two years of issuance of the provisional approval to operate degree programs, a visiting committee, empaneled by the bureau pursuant to Section 94882, shall review the institution's application for approval and its accreditation plan, and make a recommendation to the bureau regarding the institution's progress to achieving full accreditation.

(3) The institution shall provide evidence of accreditation candidacy or pre-accreditation within two years of issuance of its provisional approval to operate degree programs, and evidence of accreditation within five years of issuance of its provisional approval to operate

degree programs, with the scope of that accreditation covering the offering of at least one degree program.

(c) (1) Except as provided in paragraph (2), an institution required to comply with this section that fails to do so by the dates provided, as required, or for which accreditation is removed or revoked by the accrediting agency, shall have its provisional approval to operate degree programs automatically suspended on the applicable date. The bureau shall issue an order suspending the institution's degree programs and that suspension shall not be lifted until the institution complies with the requirements of this section or has its accreditation reinstated. An institution that has its degree programs suspended shall not enroll new students in any of its degree programs and shall execute a teach-out plan for its enrolled students in those degree programs.

(2) (A) This section does not prohibit an institution from voluntarily ceasing to pursue accreditation. An institution that voluntarily ceases to pursue accreditation shall immediately notify the bureau in writing of the institution's intent to stop offering its degree programs and shall comply with all other applicable laws and regulations. Upon the bureau's receipt of the notification, the institution's approval to operate degree programs is deemed voluntarily surrendered.

(B) An institution offering both degree and nondegree programs that has its provisional approval to operate degree programs suspended or that voluntarily ceases to pursue accreditation may continue to offer its nondegree programs, subject to all other laws and regulations.

(C) An institution that is pursuing accreditation under this section shall not make a change in ownership, change in control, or change in business organization form pursuant to Sections 94893 and 94894 until the institution obtains full accreditation.

(d) (1) The bureau shall, upon the timely submission of sufficient evidence that an unaccredited institution is making strong progress toward obtaining accreditation, or if warranted by the accrediting agency's conditions for applying for accreditation related to student enrollment or graduation, grant an institution's request for an extension of time, not to exceed a combined total of five years, to meet the requirements of this section.

(2) Evidence submitted to the bureau pursuant to paragraph (1) shall include, but is not limited to, an amended accreditation plan adequately identifying why pre-accreditation, accreditation candidacy, or accreditation outlined in the original plan submitted to the bureau was not achieved, active steps the institution is taking to comply with this section, and documentation from an accrediting agency demonstrating either the institution's likely

ability to meet the requirements of this section or the accrediting agency's relevant conditions for an institution to apply for accreditation.

(3) The bureau may establish policies and procedures to comply with the requirements in this subdivision. Establishment of these policies and procedures are exempt from Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) An institution issued a provisional approval to operate degree programs under this section is required to comply with all other laws and regulations.

(f) The bureau shall adopt emergency regulations for purposes of implementing this section. The adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare for purposes of Sections 11346.1 and 11349.6 of the Government Code. These emergency regulations shall become law through the regular rulemaking process within one year of the enactment of this section.

94885.7. Ceasing of accreditation or pursuit of accreditation

(a) When an institution offering at least one degree program has ceased to be accredited by an accrediting agency recognized by the United States Department of Education, the institution shall notify the bureau immediately, but no more than seven days after it ceases to be accredited. The institution's approval to operate degree programs shall become provisional as of the date that the institution ceases to be accredited.

(b) An institution that has had its approval to operate degree programs become provisional shall satisfy the following requirements in order to maintain its provisional approval to operate degree programs from the bureau:

(1) The institution shall not seek bureau approval for additional degree programs until the institution regains accreditation.

(2) Within six months of its approval to operate degree programs becoming provisional, the institution shall submit an accreditation plan, to be approved by the bureau, for the institution to become fully accredited within five years of the date of its provisional approval to operate degree programs. The plan shall include, at a minimum, identification of an accreditation agency recognized by the United States Department of Education, from which the institution plans to seek accreditation, and outline the process by which the

institution will achieve accreditation candidacy or pre-accreditation within two years, and full accreditation within five years, of its provisional approval to operate degree programs.

(3) The institution shall submit to the bureau all additional documentation the bureau deems necessary to determine if the institution will become fully accredited within five years of its approval to operate degree programs being deemed provisional.

(c) An institution that satisfies the requirements of subdivision (b) shall comply with both of the following:

(1) Notify students seeking to enroll in the institution, in writing, before the execution of the student's enrollment agreement, that the institution's approval to operate a degree program is contingent upon the institution being subsequently accredited.

(2) Within the first two years of the institution's approval to operate degree programs being deemed provisional, a visiting committee, empaneled by the bureau pursuant to Section 94882, shall review the institution's documentation of provisional approval and its accreditation plan, and make a recommendation to the bureau regarding the institution's progress toward achieving full accreditation.

(d) (1) The bureau shall, upon the timely submission of sufficient evidence that an unaccredited institution is making strong progress toward obtaining accreditation, grant an institution's request for an extension of time, not to exceed five years in total, to meet the requirements of this section.

(2) Evidence submitted to the bureau pursuant to paragraph (1) shall include, but is not limited to, an amended accreditation plan adequately identifying why pre-accreditation, accreditation candidacy, or accreditation outlined in the original plan submitted to the bureau was not achieved, active steps the institution is taking to comply with this section, and documentation from an accrediting agency demonstrating the institution's likely ability to meet the requirements of this section.

(3) The bureau may establish policies and procedures to comply with the requirements of this subdivision. Establishment of these policies and procedures are exempt from Chapter 3.5 (commencing with Section 11340), Chapter 4 (commencing with Section 11370), Chapter 4.5 (commencing with Section 11400), and Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(e) Any institution that fails to comply with the requirements of this section by the dates provided shall have its provisional approval to operate degree programs automatically suspended on the applicable date. The bureau shall issue an order suspending the institution's provisional approval to operate degree programs and that suspension shall not

be lifted until the institution complies with the requirements of this section or has its accreditation reinstated. An institution with a suspended provisional approval to operate degree programs shall not enroll new students in any of its degree programs and shall execute a teach-out plan for its enrolled students.

(f) (1) This section does not prohibit an institution from voluntarily ceasing to pursue accreditation. An institution that voluntarily ceases to pursue accreditation shall immediately notify the bureau in writing of the institution's intent to stop offering its degree programs and shall comply with all other applicable laws and regulations. Upon the bureau's receipt of the notification, the institution's approval to operate degree programs is deemed voluntarily surrendered.

(2) An institution offering both degree and nondegree programs that has its provisional approval to operate degree programs suspended or that voluntarily ceases to pursue accreditation may continue to offer its nondegree programs and is subject to all other laws and regulations.

(3) An institution that is pursuing accreditation under this section shall not make a change in ownership, change in control, or change in business organization form pursuant to Sections 94893 and 94894 until the institution obtains full accreditation.

70000. Definitions

(v) "Pre-accreditation" or "candidacy" as used in sections 94885.1 and 94885.5 of the Code means that an institution has submitted a completed application for initial accreditation with the required fee, which was accepted by the accreditor.

(y) "Provisional approval" means approval of a degree program or the institution for no more than a five-year period while the owner of a Bureau-approved institution seeks to satisfy the requirement for institutional accreditation by an accrediting agency recognized by the United States Department of Education pursuant to section 94885(b) of the Code.

71105. Applications for Provisional Approval to Offer Degree Programs.

(a) For an application for approval to operate or a substantive change, the owner of an unaccredited institution also requesting provisional approval to offer a degree program shall submit to the Bureau, for its approval, a plan for achieving institutional accreditation by an accrediting agency recognized by the United States Department of Education, with the scope of that accreditation covering the offering of at least one degree program.

(b) The plan shall include:

- (1) Identification of the accrediting agency from which the institution will seek accreditation;
- (2) Identification of the accrediting agency's eligibility requirements;
- (3) Identification of the accrediting agency's minimum requirements for institutional accreditation covering at least one degree program offered by the institution with an outline of the process and timeline for complying within two years of provisional approval with the accrediting agency's requirements for submission of a completed application for initial accreditation with the required fee; and
- (4) An outline of the process and timeline whereby the institution will achieve full accreditation within five years of provisional approval, including all of the following, if applicable:
 - (A) Attendance at the accrediting agency's required accreditation applicant workshop;
 - (B) Submission of financial statements as required by the accrediting agency;
 - (C) Submission of a self-evaluation report; and
 - (D) Hosting of a site visit by the accrediting agency

71471. Visiting Committees; Unaccredited Degree-Granting Institutions.

- (a) The Bureau shall empanel a visiting committee to assess an unaccredited degree-granting institution's progress toward successfully achieving its accreditation plan submitted in accordance with either section 71105 or 71105.5.
- (b) Upon notification of a visiting committee review pursuant to this section, an institution may challenge the committee by following the procedures in section 71455.
- (c) The visiting committee shall review the institution's plan and initial documentation.
- (d) The committee may request an update of the documentation submitted with the initial accreditation plan. The committee may, in its discretion, schedule a site visit.
- (e) The Bureau's visiting committee shall prepare a report upon conclusion of the committee's work that shall include the following:
 - (1) The committee's findings regarding the institution's progress toward accreditation;
 - (2) The committee's assessment of the institution's ability to meet its stated accreditation goals in the time allotted;

- (3) Suggested corrections for the institution to achieve accreditation; and
- (4) The committee's recommendations on any action the Bureau should take.

71775. Pre-Enrollment Disclosure; Notice to Prospective Degree Program Students.

(a) An unaccredited institution enrolling a student in a degree program that has received provisional approval shall, prior to execution of an enrollment agreement, provide the student with the following notice, which shall be in at least 12-point type in the same font as the enrollment agreement:

“Notice to Prospective Degree Program Students

This institution is provisionally approved by the Bureau for Private Postsecondary Education to offer degree programs. To continue to offer this degree program, this institution must meet the following requirements:

- Become institutionally accredited by an accrediting agency recognized by the United States Department of Education, with the scope of the accreditation covering at least one degree program.
- Achieve accreditation candidacy or pre-accreditation, as defined in regulations, by (date two years from date of provisional approval), and full accreditation by (date five years from date of provisional approval). If this institution stops pursuing accreditation, it must:
- Stop all enrollment in its degree programs, and
- Provide a teach-out to finish the educational program or provide a refund. An institution that fails to comply with accreditation requirements by the required dates shall have its approval to offer degree programs automatically suspended. Institutional Representative Initials: _____ Student Initials: _____ Date: _____ Date: _____”

(b) The student and an institutional representative shall initial and date the notice prior to executing an enrollment agreement. An initialed copy of the notice shall be given to the student and the original shall be retained in the enrolled student's records.

(c) The notice shall also be posted immediately preceding or following as to clearly pertain to the description of the degree program, including, but not limited to, one or more of the following; admissions requirements, length of program, courses offered or areas of focus. Such notice shall be included, at a minimum, in the following locations:

- (1) The institution's catalog where each degree program is described.

- (2) The institution's website where each degree program is described.
- (3) The institution's degree program brochures.

74250. Unaccredited Degree-Granting Institutions That Are Automatically Suspended.

(a) If an unaccredited institution that has a provisional approval from the Bureau to offer degree programs or an unaccredited degree-granting institution that has an approved accreditation plan pursuant to section 71105.5 fails to meet the requirements of either section 94885.1 or 94885.5 of the Code or section 71105 or 71105.5 and is notified by the Bureau that their approval to operate or their approval to offer degree programs has been automatically suspended, the institution must immediately cease enrolling students and within 30 days provide to the Bureau a degree program closure plan. The degree program closure plan shall include:

- (1) The exact date the institution stopped enrolling new students in its degree programs.
- (2) A list of contact information for all students currently enrolled in each degree program.
- (3) A teach-out plan that includes a plan for the disposition of student records and is compliant with the provisions of section 94927 of the Code.
- (4) A copy of the notification to be provided to students pursuant to subdivision (b) of this section.

(b) The institution must notify, in writing, all currently enrolled students within five business days of the following:

- (1) That the institution has received a notice of suspension from the Bureau and may no longer offer degree programs.
- (2) A teach-out plan, which shall provide, at minimum, the following information:
 - (A) The name and location of the institution(s) that is (are) providing the teach-out.
 - (B) The date upon which instruction at the teach-out institution(s) will begin.
 - (C) How and when payments will be made to the new institution and any relevant financial information.
 - (D) Whom to contact at the new institution(s).
- (3) That the student has a right to choose not to participate in the teach-out, and instead seek a refund for any classes the student is currently enrolled in or has not yet completed.

(c) Any student may seek a refund from the institution rather than participate in a proposed teach-out program. A refund must be made within 45 days of such a request by a student.

(d) Failure of any institution to comply with the requirements of this section will be considered a violation and subject to action by the Bureau