

BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

# SUNSET REVIEW REPORT: 2022 ADDENDUM

PRESENTED TO THE SENATE COMMITTEE ON BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT,  
THE SENATE COMMITTEE ON EDUCATION, THE ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS,  
AND THE ASSEMBLY COMMITTEE ON HIGHER EDUCATION



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## Summary

The Bureau for Private Postsecondary Education (Bureau) submitted its Sunset Review Report to the Legislature in December 2019, in advance of a scheduled sunset review in 2020. Although the Bureau went through a hearing and review in 2021, the Bureau's sunset date was only extended one year, until January 1, 2023. The report submitted to the Legislature in 2019 remains the most comprehensive overview of the Bureau's operations and authorities. This 2022 Addendum to the 2019 report provides a very brief overview of key developments at the Bureau over the intervening period, including an updated list of new issues encountered at the Bureau and discussion of actions to address them. The 2022 Addendum also includes a selected set of updated tables regarding Bureau operations and funding.

## 2022 Update

The novel coronavirus disease 2019 (COVID-19), first discovered in December 2019, resulted in a worldwide pandemic with significant impacts on California businesses and State offices beginning with a statewide shelter-in-place order in March of 2020.

As a workforce, the Department of Consumer Affairs implemented a COVID-19 Prevention Plan designed to provide employees with the necessary information to control exposures and reduce the spread of the virus within the workplace. The Bureau adopted the Department's plan, purchasing the necessary personal protection equipment for all staff and quickly moving to allow nearly all staff to telework. Once the statewide shelter-in-place order was lifted, the Bureau began to have staff from all units return to the office on a limited basis. The Bureau continues to offer telework to all staff with minimal in-office presence, unless the job duties require staff to be in the office.

The pandemic had significant impacts on the Bureau's regulatory work. During the statewide shelter-in-place order, many institutions submitted applications to request transitioning their residency programs to online distance education. This influx in applications caused some backlogs of other types of applications, including new and renewal approvals to operate, which have largely been resolved by the end of 2021. While initial fears of extensive school closures were not realized, some institutions did close. The Bureau is still assessing the impact of the institutional closures on the Bureau's fiscal situation, as nearly all revenue is derived from annual fees paid by institutions operating with a physical presence in California, based on the number of California students enrolled.

A new Bureau Chief was [appointed](#) in March 2021, following the resignation of the prior Chief in late 2020. Deborah Cochrane joined the Bureau in April.

Resuming work that began in late 2019, under Cochrane's leadership the Bureau presented a newly updated Strategic Plan to the Advisory Committee in August 2021. The Bureau's new Mission, Vision and Values are:

**Our Mission:**

The Bureau protects students and consumers in California and beyond through the oversight of California's private postsecondary educational institutions by conducting qualitative reviews of educational programs and operating standards, proactively combating unlicensed activity, impartially resolving student and consumer complaints, and providing support and financial relief to harmed students.

**Our Vision:**

To be the national leader in regulating private postsecondary institutions and promote a landscape of postsecondary educational opportunities that maximize Californians' opportunity to receive a quality education.

**Our Values:**

- *Consumer Protection.* The Bureau will make effective and informed decisions in the best interest and for the safety of consumers.
- *Accountability and Effectiveness.* The Bureau will take ownership and responsibility for its actions and results.
- *Quality and Integrity.* The Bureau will deliver consistently high-quality service, information, and support that reflects excellence and professionalism.
- *Inclusivity and Transparency.* The Bureau will be open to all voices and perspectives, actively encouraging the sharing of ideas and information throughout the organization and with the public and being receptive to new ideas.

## New Issues

### **Issue #1 (Updated from 2019): Challenges Stemming from Approval by Means of Accreditation**

**Issue:** AB 48 (Portantino, Chapter 310, Statutes of 2009) established CEC section 94890, which provides that the Bureau shall grant an institution that is accredited an approval to operate by means of its accreditation, and that the term of such approval to operate shall be coterminous with the term of accreditation. This provision has shown to be problematic in several respects, not the least of which are situations where accrediting agency and Bureau rules are inconsistent.

**Background:** The Bureau grants institutions one of two types of approvals to operate: an approval to operate (informally regarded as a "full" approval), and an approval to operate by means of accreditation. Unaccredited institutions are only

eligible for full approval, whereas accredited institutions may choose between full approval or the streamlined approval provided based on their accreditation.

Under this provision, institutions may use their accreditation to satisfy the minimum operating standards and ensure the institution is offering quality educational programs at the point of licensure. However, as discussed in its 2019 report, the Bureau has encountered several challenges pertaining to institutions approved to operate by means of accreditation. These include:

- Compliance issues related to the catalog, enrollment agreement, website requirements, financial responsibility, and educational quality.
- Timing challenges stemming from the “coterminous” nature of Bureau approval and accrediting agency recognition.
- Differences in rules or standards between the Bureau and accrediting agencies that pose challenges to institutional approvals.
- Questions about the consistency of accrediting agency standards and quality.

One solution is to eliminate the option for institutions to be approved by means of their accreditation and require them to seek full approval to operate regardless of accreditation status. While this solution would help address each of the concerns listed above, it would also entail significant new costs and workload for both the Bureau and institutions, and it is unclear whether such a sweeping change is necessary.

More targeted solutions may help address the most acute issues. These issues include instances where accredited institutions seek to offer educational programs that do not fall within the scope of their accreditation and about which the accrediting agency is uninterested. In such cases, the Bureau is not able to approve the out-of-scope program because the institutional approval type is based on deference to the accrediting agency and the accrediting agency has not approved the program or has determined that the program is not included within the accreditor’s scope of recognition.

Another common situation arises when the Bureau considers a particular event a substantive change under the Bureau’s laws, but an individual accrediting agency does not, such as when an institution changes learning management systems. Similarly, in these cases, the Bureau is unable to approve the substantive change without a sign-off from the accrediting agency, which it is unwilling to give.

**Recommended Solution:**

1. Allow approval by means of accreditation only to those institutions whose programmatic offerings are fully approved by an accrediting agency or government agency. Institutions seeking to offer programs that are not approved by other accrediting or government agencies would be required to obtain full Bureau approval.

2. Allow the Bureau to waive substantive change approval requirements in cases where the institution's accrediting agency does not consider a particular change to be substantive.

## **Issue #2 (Updated from 2019): Insufficient Resources to Provide Comprehensive Response to Institutional Closures**

**Issue:** The precipitous closures of several large private postsecondary education institutions in California over the last several years has resulted in direct and devastating harm to thousands of students who invested significant time and money towards their educational goals but were not able to complete their programs of study as promised by the institutions. While the Student Tuition Recovery Fund (STRF) exists to mitigate economic loss suffered by a California resident who was enrolled in a California residency program and who prepaid tuition, the statutory limitations on the utilization of STRF funds impede a broader range of economic relief that may be in the best interest of the students.

**Background:** Over the past several years, the Bureau has experienced several precipitous closures of large institutions with sizable student populations, such as Marinello Schools of Beauty, ITT Technical Institute, ECA (Brightwood), Dream Center (Argosy), and Corinthian Colleges.

Several states require private postsecondary institutions to post a surety bond as part of the state's application for approval to operate. States such as Arizona, Alaska, Florida, Georgia, Maryland, Nebraska, New Mexico, South Carolina, Tennessee, Texas, and Utah all require private postsecondary school bonds. In the event of a precipitous school closure, the funds may be used for several purposes, including but not limited to, the compensation of students or students' parents for lost prepaid tuition, payment of reasonable expenses related to the storage, maintenance and availability of student records, compensation for faculty to remain on a temporary basis to complete instruction through the end of a term or course, and reimbursement of former students of the closed institution for the cost of obtaining academic records.

Unlike some of the states previously mentioned, California has the STRF which can provide direct financial relief to students impacted by closures. However, STRF resources are not authorized to address a broader range of financial impacts of closures. For the Bureau itself, these include unforeseen direct costs such as travel expenses for staff to be available to assist students in cases of closure or payment for costs of storing student records. Indirect costs include unanticipated diversion of Bureau staff, which may allow for a better response to closures but inadvertently leads to backlogs in other areas. For students, these include costs of continuing their programs, to the extent that resources can help free up resources to support faculty or building maintenance costs to allow for programs to wind down and minimize student impact. Institutions also face financial and logistical challenges in fulfilling custodian-of-record obligations.

The cost to institutions of securing a surety bond is related to the types and scale of expenses it would potentially be expected to cover in cases of closure. As such, any authority provided by the Legislature to the Bureau to require surety bonds should include direction regarding the types of costs intended for surety bond coverage.

**Recommended Solution:** Along with direction regarding the type and scale of expenses intended to be covered by a surety bond, provide statutory authority for the Bureau to require surety bonds as part of the application process for an approval to operate.

### **Issue #3 (Updated from 2019): Lack of Clarity for Determining/Establishing an Institution's "Physical Presence."**

**Issue:** CEC section 94858 defines a "Private Postsecondary Educational Institution" as a private entity with a physical presence in California that offers postsecondary education to the public for an institutional charge. The statute, however, is silent on what constitutes a *physical presence*.

**Background:** The Bureau has struggled with understanding and applying the law when determining whether an institution has a physical presence, since the statute does not define physical presence.

Institutions with primary locations outside of California increasingly inquire about whether a proposed endeavor within California constitutes a physical presence under the Bureau's laws. In some cases, these endeavors are akin to a field trip, in which a cohort of students visits a California business or location to gain specialized knowledge or experience. In others, academic curriculum offered online by a school in another state is supplemented by practical training in a California-based clinic operated by the school. In one case, an east-coast institution has a physical campus in Los Angeles akin to a study-abroad program, where its students can spend one semester.

While many of the situations presented to the Bureau warrant some level of oversight, several do not warrant full Bureau oversight. As such, simply defining physical presence in regulation (as the Bureau is currently able to do) is an insufficient solution. The creation of a tiered level of oversight would be a more rational approach. In recent years, the Legislature has created and expanded a registration process for out-of-state institutions that warrant some level of Bureau oversight but not the entirety of it, establishing precedent for such a tiered oversight approach.

**Recommended Solution:** The Bureau proposes that the Legislature provide direction on how to address situations in which a determination of physical presence is not straightforward, establishing thresholds for determining what

level of California activity requires full oversight and what level triggers none. Another approach would be to create a new category of institutions in the Private Postsecondary Education Act, those with minimal presence in the state, and direct the Bureau to define both physical presence and minimal presence through regulation.

#### **Issue #4 (Updated from 2019): California Law does not Align with Federal Law Regarding Loss of Accrediting Agency Recognition**

**Issue:** California law provides accredited institutions a streamlined path for obtaining approval to operate by means of their accreditation and allows them to offer degree programs. However, unlike federal law, California law does not provide institutions with a grace period when their accrediting agencies lose federal recognition. A grace period would allow the institution to help students complete their programs and also apply for new approvals. California law further does not clearly articulate a path for institutions in this predicament to regain full approval to operate once accreditation has been lost. This creates confusion with the potential to lead to sudden and devastating impacts for both students and institutions faced with this situation.

**Background:** When an accrediting agency loses recognition from the federal government, schools and their students remain eligible for federal financial aid for up to 18 months. This serves as a grace period that allows students to complete their programs and for institutions to find another accrediting agency. However, California law includes no such grace period. Since an approval to operate by means of accreditation is coterminous with, and dependent upon, the accreditor's approval, institutions approved by means of accreditation that lose accreditation may lose their approval to operate immediately, and they are no longer able to offer degree programs.

These challenges are compounded by the fact that California law does not provide a clear path for institutions in this predicament to regain accreditation and approval for degree programs. Of the two sections of law governing unaccredited schools' ability to provisionally offer degree programs while seeking accreditation, one (CEC 94885.1) articulates a time-limited approach for institutions newly facing accreditation requirements in 2015 and the other (CEC 94885.5) applies to an institution "that has not been accredited" previously. With neither of these sections applicable to institutions that previously had accreditation from an agency that lost recognition, institutions in this situation do not have means to retain approval while teaching students out or seeking a new accreditor.

The federal government is evolving its approach to overseeing accrediting agencies, and at least one agency's recognition is currently in jeopardy. In June 2021, the U.S. Department of Education (Department) announced that it was ending recognition of the Accrediting Council for Independent Colleges and



Schools (ACICS) due to concerns about its level of oversight of accredited institutions. At the time of writing this Addendum, the decision had been appealed by ACICS but had not yet been decided. There are currently 20 institutions approved by, registered with, or seeking accreditation from ACICS that are overseen by the Bureau. In October 2021, the Department also postponed a decision regarding continued recognition for the Accrediting Commission of Career Schools and Colleges (ACCSC), citing concerns about the sufficiency of ACCSC's oversight and requesting additional information be provided. Among Bureau-approved degree-granting institutions, ACCSC accredits more institutions than any other accrediting agency at this time.

**Recommended Solution:** Granting the Bureau the authority to provide institutions whose accrediting agencies have lost federal recognition a grace period of up to 18 months, in line with federal law, would better position students to complete their programs or find transfer options, and provide institutions needed time to seek a new accrediting agency and/or file new applications for approval. During this period, which would not extend beyond 18 months, institutions would be allowed to retain their approval to operate and continue to offer preexisting degree programs to lessen disruption and negative impacts for students. The Bureau further recommends that CEC 94885.5 be amended to more clearly apply to currently unaccredited institutions that previously held accreditation.

#### **Issue #5 (New): Lack of Awareness of OSAR**

**Issue:** The Office of Student Assistance and Relief (OSAR) is tasked with outreach to students adversely impacted by institutional closures yet lack of awareness about OSAR can inhibit its effectiveness at reaching harmed students.

**Background:** The Office of Student Assistance and Relief (OSAR) within the Bureau for Private Postsecondary Education (Bureau) was established on July 1, 2017. A key component of OSAR's role is to provide outreach services and workshops for students who are adversely impacted by the closure of private postsecondary institutions. These closures often happen abruptly, under stressful circumstances, and with a narrow window of opportunity for OSAR to do its job. In the absence of any pre-enrollment disclosures regarding OSAR provided to students, or any preexisting statutory connection between OSAR and the Bureau-approved institutions prior to the closure process, staff have seen that the lack of awareness of OSAR's role and authority creates significant barriers to conducting outreach effectively. Collectively, these issues result in fewer students utilizing OSAR's services.

**Recommended Solution:** The Bureau proposes to address this problem by adding information about OSAR, its services, its website, and contact information to required school catalog disclosures. This will allow both institutions and

students to become aware of OSAR earlier and allow OSAR to provide more efficient outreach services and reach more impacted students.

### **Issue #6 (New): Incomplete Requirements for Institutions to Disclose Government Investigations**

**Issue:** Expanded requirements for private postsecondary education institutions to notify the Bureau when they are under investigation are needed to enhance the Bureau's oversight of institutions.

**Background:** Current law requires that Bureau-approved institutions report to the Bureau when they are under investigation by particular government entities as listed under CEC 94934.5 (c)(2). However, this reporting requirement excludes some governmental agencies and oversight entities the Bureau interacts with regularly, including state agencies and city and county district attorney's offices that are conducting a criminal investigation and/or pursuing criminal charges.

Expanding the institutional reporting requirement to require an institution to report when a city, county, or any state government agency has investigated or filed charges against individuals associated with the institution or is under investigation by any other state oversight authority would increase consumer protection. Doing so would improve efficiency by better aligning with the work of the Bureau's Investigations Unit, and by supporting the Bureau's ability to prioritize complaints, investigations, and inspections based on risk factors including whether an institution has recently been the subject of an investigation, judgment, or regulatory action by, or a settlement with, a governmental agency (as required under CEC 94941).

**Recommended Solution:** Amend 94934.5(c)(2) to read as follows:

Any governmental agency ~~state or federal attorney general's office or department of justice.~~

### **Issue #7 (New): Gaps in Prohibited Business Practices**

**Issue:** Existing statute defines several prohibited business practices. Expanding upon these prohibited business practices would better enable the Bureau to address student harm and hold institutions accountable.

**Background:** Through its role in investigating complaints filed by private postsecondary education students, the Bureau has encountered situations in which students are being harmed by institutional conduct that is generally prohibited by California law outside of the Private Postsecondary Education Act (Act). However, the Bureau has limited ability to independently discipline institutions for these same violations. These situations include:

- An institution misrepresenting itself to the public or prospective students in certain contexts. The current Act so narrowly defines fraud and misrepresentation that it limits the Bureau's potential response in ways that undercut consumer protection. Although the Bureau may refer these cases for prosecution, direct action by the Bureau would facilitate quick action.
- Institutions gathering personal information from prospective students under the false pretext of future enrollment, to obtain vouchers from third-party insurance companies, who proceed to collect upon the voucher without the students' knowledge or enrollment. While the Bureau is often successful in getting these voucher funds refunded, the Act currently limits the Bureau's ability to discipline a school engaged in such practices because no enrollment agreement is in place.
- Students filing complaints regarding their inability to get transcripts from their former institutions because of debts owed. While California Civil Code prohibits such educational debt collection practices, an equivalent prohibition does not exist within the Private Postsecondary Education Act. The Bureau is generally successful at procuring the needed transcripts for complainants, but its ability to hold the offending institutions accountable is limited.

**Recommended Solution:** Add three new prohibited business practices to the Private Postsecondary Education Act:

- In any manner commit fraud against or make an untrue or misleading statement to a student or prospective student under the institution's authority or the color of the institution's authority that results in or may result in harm to the student or prospective student.
- Charge or collect any payment for institutional charges that are not authorized by a fully executed enrollment agreement.
- Condition the provision of transcripts to students or former students on the payment of a debt or fee.

As an alternative approach, the Legislature may consider adding prohibitions in the Act that point directly to specific code sections outside of the Act that the Bureau may be well positioned to monitor or take action to address.

### **Issue #8 (New): Lack of Clarity on Rules for Out-of-State Institutions Enrolling Californians**

**Issue:** Out-of-state postsecondary institutions that meet certain criteria are required to register with the Bureau to be able to operate in California. However, definitional inconsistencies have led to confusion about what this means for out-of-state institutions and how the law applies to them.

**Background:** With certain exceptions, CEC 94801.5 requires out-of-state institutions to register with the Bureau, provide certain documentation that

speaks to the school's quality and relative risk to students, and pay into the Student Tuition Recover Fund (STRF) for California students. Beginning July 1, 2022, the Bureau may condition or deny the ability of the out-of-state institution to continue to enroll Californians should the risk to students be deemed too great.

The Bureau has encountered several instances of out-of-state institutions enrolling Californians without registering or paying into STRF. Pursuant to CEC 94801.5(c), out-of-state institutions required to register that do not register are "not authorized to operate in this state." However, CEC 94869 defines "to operate" as "to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided." Because CEC 94850.5 defines an Out-of-State Private Postsecondary Educational Institution as "a private entity without a physical presence in this state..." restricting out-of-state institutions from operating in the state is meaningless if operating is defined by having a physical presence which the institutions, by definition, do not have.

This contradiction leads to confusion in the field and undermines the Bureau's ability to ensure that the registration process and associated student protections are meaningful. Addressing this definitional contradiction in the law would lead to greater consistency and support the Bureau's ability to take action when problems occur.

**Recommended Solution:** Amend CEC 94869 to clarify that "operate" includes the enrollment of Californians by institutions based outside of the state:

"To operate" means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided, or to enroll California residents in postsecondary educational programs in an institution based outside of California via distance education.

Amending CEC 94801.5(a)(1) (effective July 1, 2022) to clarify that institutions unable to comply with any individual reporting requirement are not absolved from the responsibility to register with the Bureau and pay into STRF would also reduce confusion about which institutions are required to register:

(1) The institution shall provide the bureau with all of the following information, as applicable, for consideration of initial registration by the bureau pursuant to paragraph (2).

### **Issue #9 (New): Inability to Acknowledge Individual Responsibility in the Context of Institutional Licensees**

**Issue:** Unlike other boards and bureaus, the Bureau licenses, oversees, and disciplines institutions yet has very limited ability to hold accountable individuals who own, control, or manage institutions engaged in violative conduct.

**Background:** Most licensees of the Department of Consumer Affairs are individuals whose licenses are contingent on their education and professional conduct. Should those licensees violate the law, they may be disciplined and may be unable to work in their field.

Bureau licensees, in contrast, are businesses. While businesses do not themselves violate the law, violative conduct occurs by and at the direction of individuals who own, control, or manage the business. Yet the Bureau's ability to discipline individuals and deny a license on the conduct of an individual is limited to when specified individuals have been convicted of certain crimes or subject to formal discipline by a licensing board. This problem is compounded because the Bureau cannot discipline individuals and therefore, cannot create a record of formal discipline against individuals.

An illustrative example of the challenge pertains to school closure. The Private Postsecondary Education Act requires closing institutions to submit an orderly school closure report including requisite student records and plans for providing full refunds to impacted students. However, closing institutions often do not prioritize adherence to the law, and the Bureau has little ability to extract additional information or resources for students after the business has closed. Since 2019, the Bureau has issued 18 citations to closing institutions that failed to submit required documents, including plans for refunding students unable to complete their programs. While nine of these citations are still being pursued, so far none of them have resulted in the institution coming into compliance. Further, because licensees are businesses as opposed to individuals, they cannot be referred to the Franchise Tax Board, an effective enforcement tool for other regulators.

Yet the individuals who make business decisions to close institutions improperly, leaving students with economic loss, can apply to open new institutions and the Bureau has no grounds to deny their approval based on the unabated citation nor condition the approval on complying with it. Even in cases where the Bureau pursued the citation through an accusation, the accusation is against the business and the Bureau is only able to consider the prior discipline of an individual. (In reality, such citations are only very rarely pursued through accusations given the cost to the Bureau of doing so along with low chances of meaningful recourse for students.) Although the Bureau may consider a company's disciplinary history, the individuals who steered the violative conduct could simply open a new business to run the new school.

**Recommended Solution:** The Bureau recommends that the Legislature consider whether the Private Postsecondary Education Act's focus on institutions as licensees, with corporate ownership allowed and little attention to the individuals behind that corporation, provides sufficient consumer protection and latitude to the Bureau to deny applications when warranted.

## Sunset Review Report: 2022 Addendum Tables

<b>Table 1a. Advisory Committee Meeting Attendance</b>		
<b>2015 Advisory Committee Meetings</b>		
<b>Location: Sacramento</b>		
<b>Committee Member</b>	<b>8/19/15</b>	<b>11/10/15</b>
Diana Amaya	Present	Present
Tamika Butler	Present	Present
Shawn Crawford	Present	Present
Marie De La Parra	Present	Present
Mitchell Fuerst	Present	Present
Senator Jerry Hill (or representative)	Absent	Absent
Sylton Hurdle	Present	Present
Katherine Lee-Carey	Present	Present
Assembly Member Jose Medina (or representative)	Present	Present
Ken McEldowney	Absent	Present
Margaret Reiter	Present	Present
Patrick Uetz	Present	Absent
David Wood	Absent	Absent

<b>2016 Advisory Committee Meetings</b>				
<b>Location: Sacramento</b>				
<b>Committee Member</b>	<b>2/17/16</b>	<b>5/17/16</b>	<b>8/17/16</b>	<b>11/16/16</b>
Diana Amaya	Present	Present	Cancelled	Cancelled
Tamika Butler	Present	Present	Cancelled	Cancelled
Shawn Crawford	Present	Present	Cancelled	Cancelled
Marie De La Parra	Present	Present	Cancelled	Cancelled
Mitchell Fuerst	Absent	Present	Cancelled	Cancelled
Senator Jerry Hill (or representative)	Absent	Absent	Cancelled	Cancelled
Assembly Member Jose Medina (or representative)	Present	Present	Cancelled	Cancelled
Katherine Lee-Carey	Present	Present	Cancelled	Cancelled
Ken McEldowney	Absent	Present	Cancelled	Cancelled
Margaret Reiter	Present	Present	Cancelled	Cancelled
Patrick Uetz	Present	Absent	Cancelled	Cancelled
David Wood	Absent	Absent	Cancelled	Cancelled

<b>2017 Advisory Committee Meetings</b>				
<b>Location: Sacramento</b>				
<b>Committee Member</b>	<b>2/15/17</b>	<b>5/17/17</b>	<b>8/15/17</b>	<b>11/17/17</b>
Diana Amaya	Present	Present	Cancelled	Cancelled
Tamika Butler	Absent	Present	Cancelled	Cancelled

Gabrielle Elise Jimenez**	Present	Absent	Cancelled	Cancelled
Senator Jerry Hill (or representative)	Absent	Absent	Cancelled	Cancelled
Joseph Holt	Present	Present	Cancelled	Cancelled
Assembly Member Jose Medina (or representative)	Absent	Absent	Cancelled	Cancelled
Katherine Lee-Carey	Present	Present	Cancelled	Cancelled
Margaret Reiter	Present	Present	Cancelled	Cancelled

<b>2018 Advisory Committee Meetings</b>				
<b>Location: Sacramento</b>				
<b>Committee Member</b>	<b>2/13/18</b>	<b>5/15/18</b>	<b>8/16/18</b>	<b>11/7/18</b>
Diana Amaya	Present	Absent	Present	Present
Tamika Butler	Present	Absent	Absent	Absent
Hanya Carbajal	Present	Absent	Absent	Absent
Gabrielle Elise Jimenez	Absent	Absent	N/A	N/A
Senator Jerry Hill (or representative)	Absent	Present	Present	Present
Joseph Holt	Present	Present	Present	Present
Assembly Member Jose Medina (or representative)	Absent	Present	Present	Present
Katherine Lee-Carey	Present	Present	Present	Present
Margaret Reiter	Present	Present	Present	Present
Megumi Tsutsui	Present	Present	Present	Absent
David Vice	Present	Absent	Present	Absent

N/A means the individual was not an Advisory Committee Member as of meeting date.

<b>2019 Advisory Committee Meetings</b>				
<b>Location: Sacramento</b>				
<b>Committee Member</b>	<b>2/13/2019</b>	<b>5/14/2019</b>	<b>8/21/2019</b>	<b>11/19/2019</b>
Diana Amaya	Present	Cancelled	Absent	Present
Tamika Butler	Present	Cancelled	N/A	N/A
Hanya Carbajal	Absent	Cancelled	Absent	Absent
Senator Steven Glazer (or representative)	N/A	Cancelled	Present	Present
Senator Jerry Hill (or representative)	Absent	Cancelled	N/A	N/A
Joseph Holt	Present	Cancelled	Present	Present
Katherine Lee-Carey	Present	Cancelled	Present	Present
Natalie Lyons	N/A	Cancelled	Present	Present
Assembly Member Jose Medina (or representative)	Present	Cancelled	Present	Present
Margaret Reiter	Present	Cancelled	Present	Present
Dr. Robert Snowden	N/A	Cancelled	Present	Present
Megumi Tsutsui	Present	Cancelled	N/A	N/A
David Vice	Present	Cancelled	Present	Present

Thomas Wong	N/A	Cancelled	N/A	Present
N/A means the individual was not an Advisory Committee Member as of meeting date.				

<b>2020 Advisory Committee Meetings</b>				
<b>Location: Sacramento or Virtual</b>				
<b>Committee Member</b>	<b>2/19/2020</b>	<b>5/28/2020</b>	<b>8/26/2020*</b>	<b>12/1/2020*</b>
Diana Amaya	Present	Cancelled	Absent	Absent
Hanya Carbajal	Absent	Cancelled	N/A	N/A
David Vice	Absent	Cancelled	Present	Present
Leigh Ferrin	N/A	Cancelled	Present	Present
Senator Steven Glazer (or representative)	Present	Cancelled	Absent	Absent
Joseph Holt	Present	Cancelled	Present	Present
Katherine Lee-Carey	Present	Cancelled	Present	Present
Natalie Lyons	Present	Cancelled	Absent	N/A
Assembly Member Jose Medina (or representative)	Present	Cancelled	Present	Present
Margaret Reiter	Present	Cancelled	Present	Present
Dr. Robert Snowden	Present	Cancelled	Present	N/A
David Vice	Absent	Cancelled	Present	Present
Thomas Wong	Present	Cancelled	Present	Present
*Meeting held virtually				
N/A means the individual was not an Advisory Committee Member as of meeting date.				

<b>2021 Advisory Committee Meetings</b>					
<b>Location: Virtual</b>					
<b>Committee Member</b>	<b>2/17/2021</b>	<b>3/17/2021</b>	<b>5/27/2021</b>	<b>8/26/2021</b>	<b>11/3/2021</b>
Diana Amaya	Present	Present	Present	Absent	Absent
Kansen Chu	N/A	Absent	Present	Present	Present
Zima Creason	N/A	Present	Present	Present	Present
Melanie Delgado	N/A	N/A	Present	Present	Present
Leigh Ferrin	Present	Present	Present	Present	Present
Senator Steven Glazer (or representative)	Absent	Absent	Absent	N/A	N/A
Joseph Holt	Present	Present	Present	Present	Present
Katherine Lee-Carey	Present	Present	Present	Present	Present
Assembly Member Jose Medina (or representative)	Present	Absent	Present	Present	Present
Margaret Reiter	Present	Present	Present	Present	Present
Senator Richard Roth	N/A	N/A	N/A	N/A	Present
David Vice	Present	Present	Present	Present	Absent
Thomas Wong	Present	N/A	N/A	N/A	N/A
N/A means the individual was not an Advisory Committee Member as of meeting date.					



**Table 1b. Board/Committee Member Roster**

<b>Member Name</b>	<b>Date First Appointed</b>	<b>Date Re-Appoint</b>	<b>Term Expiry</b>	<b>Appointing Authority</b>	<b>Type (public or professional)</b>
Senator Richard Roth (or representative)	9/7/2021	n/a	n/a	Senate Committee on Rules	Senator (non-voting)
Melanie Delgado	5/24/2021	n/a	n/a	DCA Director	Consumer Advocate
Zima Creason*	3/12/2021	n/a	n/a	DCA Director	Past Student of Institution
Kansen Chu	3/4/2021	n/a	n/a	Speaker of the Assembly	Public Member
Leigh Ferrin	3/12/2020	n/a	n/a	Speaker of the Assembly	Consumer Advocate
Thomas Wong*	10/10/2019	n/a	n/a	Speaker of the Assembly	Public Member
Dr. Robert Snowden*	8/21/2019	n/a	n/a	DCA Director	Past Student of Institution
Natalie Lyons*	8/21/2019	n/a	n/a	DCA Director	Consumer Advocate
Senator Steven Glazer (or representative)*	3/13/2019	n/a	n/a	Senate Committee on Rules	Senator (non-voting)
Megumi Tsutsui*	2/2/2018	n/a	n/a	DCA Director	Consumer Advocate
Hanya Carbajal*	8/21/2017	n/a	n/a	DCA Director	Past Student of Institution
Joseph Holt	1/31/2017	n/a	n/a	DCA Director	Institutional Rep.
David Vice	1/31/2017	n/a	n/a	DCA Director	Institutional Rep.
Gabrielle Elise Jimenez*	6/23/2016	n/a	n/a	DCA Director	Past Student of Institution
Senator Jerry Hill (or representative)*	6/17/2015	n/a	n/a	Senate Committee on Rules	Senator (non-voting)
David Wood*	3/11/2015	n/a	n/a	DCA Director	Past Student of Institution
Sylton Hurdle*	2/18/2015	n/a	n/a	DCA Director	Institutional Rep.
AM Jose Medina (or representative)*	1/11/2015	n/a	n/a	Speaker of the Assembly	Assemblymember (non-voting)
Diana Amaya	1/9/2015	n/a	n/a	Senate Committee on Rules	Public Member
Maria Anguiano*	5/8/2013	n/a	n/a	Senate Committee on Rules	Public Member
Tamika Butler*	2/26/2013	n/a	n/a	Speaker of the Assembly	Consumer Advocate
Patrick Uetz*	2/26/2013	n/a	n/a	Speaker of the Assembly	Consumer Advocate
Margaret Reiter	3/10/2010	n/a	n/a	Senate Committee on Rules	Consumer Advocate
Shawn Crawford*	2/10/2010	n/a	n/a	DCA Director	Institutional Rep.
Mitchell Fuerst*	1/26/2010	n/a	n/a	DCA Director	Institutional Rep.
Katherine Lee-Carey	1/25/2010	n/a	n/a	DCA Director	Institutional Rep.
Ken McEldowney*	1/25/2010	n/a	n/a	DCA Director	Consumer Advocate
Marie De La Parra*	1/25/2010	n/a	n/a	DCA Director	Past Student of Institution

\* No longer an Advisory Committee Member

**Table 2. Fund Condition (Bureau of Private Postsecondary Education)**

(Dollars in Thousands)	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22****
Beginning Balance*	7,014	8,601	8,064	6,985	3,282	879
Revenues and Transfers	11,991	14,918	15,377	14,853	15,524	14,724
<b>Total Revenue</b>	<b>19,005</b>	<b>23,524</b>	<b>23,441</b>	<b>21,838</b>	<b>18,806</b>	<b>15,603</b>
Budget Authority**	15,435	17,378	16,389	18,880	18,265	18,991
Expenditures***	13,427	15,320	16,142	18,380	17,927	20,543
Loans to General Fund or CS 14.00 Loans						12,000
Accrued Interest, Loans to General Fund						
Loans Repaid from General Fund	3,000					
<b>Fund Balance</b>	<b>8,578</b>	<b>8,204</b>	<b>7,299</b>	<b>3,458</b>	<b>879</b>	<b>7,060</b>
<b>Months in Reserve</b>	<b>5.6</b>	<b>6.1</b>	<b>4.8</b>	<b>2.3</b>	<b>0.5</b>	<b>4.7</b>

\* Includes prior year adjustments

\*\* Expenditures do not include scheduled reimbursements

\*\*\* Includes direct draws for FISCAL, Statewide Pro Rata, and Supplemental Pension Payments.

\*\*\*\* Projected

**Table 6. Licensee Population**

		FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
Approved Main Locations	Active	1,137	1,111	1,069	1,043	1043	963
Approved Branch Locations	Active	407	408	400	385	383	359
Approved Satellite	Active	423	190	496	522	533	513
Out-of-State Registration	Active	N/A	0	64	73	67	69

**Table 7a. Licensing Data by Type**

Application Type	Received	Approved	Closed	Issued	Pending Applications			Cycle Times		
					Total (Close of FY)	Outside Board control	Within Board control	Complete Apps	Incomplete Apps	Combined, IF unable to separate out
2 Initial Approval to Operate a Non-Accredited Institution	52	95	61	95	113	N/A	113	N/A	N/A	750 <sup>a</sup>
0 Initial Approval to Operate an Accredited Institution	74	62	18	62	23	N/A	23	N/A	N/A	110
5 Verification of Exemption	211	123	96	123	17	N/A	17	N/A	N/A	36

/ 2016	Out of State Registration	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
	Renewals	85	136	64	136	160	N/A	160	N/A	N/A	594
	Substantive Changes	422	402	87	402	110	N/A	110	N/A	N/A	99
2016 / 2017	Initial Approval to Operate a Non-Accredited Institution	112	64	37	64	113	N/A	113	N/A	N/A	621 <sup>a</sup>
	Initial Approval to Operate an Accredited Institution	68	63	13	63	16	N/A	16	N/A	N/A	120
	Verification of Exemption	208	127	96	127	18	N/A	18	N/A	N/A	33
/ 2017	Out of State Registration	25	1	0	1	24	N/A	24	N/A	N/A	15
	Renewals	134	103	64	103	115	N/A	115	N/A	N/A	661
	Substantive Changes	358	325	67	325	75	N/A	75	N/A	N/A	67
2017 / 2018	Initial Approval to Operate a Non-Accredited Institution	69	65	44	65	96	N/A	96	N/A	N/A	548 <sup>a</sup>
	Initial Approval to Operate an Accredited Institution	46	38	14	38	9	N/A	9	N/A	N/A	103
	Verification of Exemption	191	128	67	128	12	N/A	12	N/A	N/A	31
/ 2018	Out of State Registration	46	60	9	60	3	N/A	3	N/A	N/A	103
	Renewals	136	141	54	141	101	N/A	101	N/A	N/A	539
	Substantive Changes	400	326	58	326	60	N/A	60	N/A	N/A	63
2018 / 2019	Initial Approval to Operate a Non-Accredited Institution	71	75	29	75	66	N/A	66	N/A	N/A	492 <sup>a</sup>
	Initial Approval to Operate an Accredited Institution	46	27	11	27	11	N/A	11	N/A	N/A	154
	Verification of Exemption	402	254	136	254	49	N/A	49	N/A	N/A	38
/ 2019	Out of State Registration	16	16	1	16	6	N/A	6	N/A	N/A	50
	Renewals	131	153	23	153	74	N/A	74	N/A	N/A	375
	Substantive Changes	304	270	40	270	57	N/A	57	N/A	N/A	58
2019 / 2020	Initial Approval to Operate a Non-Accredited Institution	7	8	0	8	127	N/A	127	N/A	N/A	321
	Initial Approval to Operate an Accredited Institution	8	9	1	9	18	N/A	18	N/A	N/A	97
	Verification of Exemption	50	38	27	38	83	N/A	83	N/A	N/A	45
/ 2020	Out of State Registration	10	14	0	14	5	N/A	5	N/A	N/A	27
	Renewals	15	19	5	19	136	N/A	136	N/A	N/A	247
	Substantive Changes	72	51	6	51	139	N/A	139	N/A	N/A	75
2020 / 2021	Initial Approval to Operate a Non-Accredited Institution	45	30	46	30	60	N/A	60	N/A	N/A	321
	Initial Approval to Operate an Accredited Institution	47	38	45	38	16	N/A	16	N/A	N/A	64
	Verification of Exemption	258	207	280	207	36	N/A	36	N/A	N/A	68
/ 2021	Out of State Registration	31	23	24	23	5	N/A	5	N/A	N/A	64
	Renewals	153	72	93	72	145	N/A	145	N/A	N/A	284
	Substantive Changes	520	524	582	524	133	N/A	133	N/A	N/A	97

<sup>a</sup>Cycle time includes incomplete applications received but were completed by the applicant within one year of receipt and processed accordingly. Per California Code of Regulations section 71401, applications that are not completed within one year of receipt of the application are deemed abandoned.

Note: "Closed" includes Withdrawn, Abandoned, and Denied Applications. Cycle times were calculated from the date the application was received by the Bureau to the date it was approved.

<b>Table 7b. Total Licensing Data</b>						
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
<b>Initial Licensing Data</b>						
Initial License/Initial Exam Applications Received	126	205	161	133	25	123
Initial License/Initial Exam Applications Approved	157	128	163	118	31	91
Initial License/Initial Exam Applications Closed	79	50	67	41	0	125
License Issued	157	128	163	118	31	91
<b>Initial License/Initial Exam Pending Application Data</b>						
Pending Applications (total at close of Fiscal Year)	136	153	108	83	N/A	81
Pending Applications (outside of board control) *	N/A	N/A	N/A	N/A	N/A	N/A
Pending Applications (within the board control) *	136	153	108	83	150	81
<b>Initial License/Initial Exam Cycle Time Data (WEIGHTED AVERAGE)</b>						
Average Days to Application Approval (All - Complete/Incomplete)	439	366	264	295	113	149
Average Days to Application Approval (incomplete applications) *	N/A	N/A	N/A	N/A	N/A	N/A
Average Days to Application Approval (complete applications) *	N/A	N/A	N/A	N/A	N/A	N/A
<b>License Renewal Data</b>						
License Renewed	136	103	141	153	19	72
Substantive Changes Approved	402	325	326	270	51	524
Note: The values in Table 7b are the aggregates of values contained in Table 7a. Initial License/Initial Exam Applications include Initial Approval to Operate a Non-Accredited Institution, Initial Approval to Operate an Accredited Institution, and out-of-state registration.						

<b>Table 9a. Enforcement Statistics</b>						
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21
<b>COMPLAINT</b>						
Intake						
Received	962	812	707	877	1018	828
Closed	132	132	101	192	274	232
Referred to INV	830	680	606	684	744	596
Average Time to Close	3	1.4	2	5	1	3
Pending (close of Fiscal Year)	0	0	0	1	0	4
Source of Complaint^						
Public					811	644
Licensee/Professional Groups					0	0
Governmental Agencies					87	77
Other					120	107
Conviction / Arrest	0	0	0	0	0	0
CONV Received	0	0	0	0	0	0
CONV Closed	0	0	0	0	0	0
Average Time to Close	N/A	N/A	N/A	N/A	N/A	N/A
CONV Pending (close of Fiscal Year)						
<b>LICENSE DENIAL</b>						
License Applications Denied	81	65	48	25	4	16
SOIs Filed	29	36	32	16	4	6
SOIs Withdrawn	24	39	22	11	5	11
SOIs Dismissed	0	0	0	0	0	0
SOIs Declined	0	0	0	0	0	1
Average Days SOI	613	186	246	266	166	331
<b>ACCUSATION</b>						
Accusations Filed	8	9	3	12	5	7
Accusations Withdrawn	2	2	2	5	1	0
Accusations Dismissed	0	0	0	0	0	0
Accusations Declined	0	1	0	2	0	1
Average Days Accusations	1023	630	831	782	528	539
Pending (close of Fiscal Year)	14	13	11	15	13	3
<b>DISCIPLINE</b>						
Disciplinary Actions						
Proposed/Default Decisions	8	10	13	9	2	6
Stipulations	2	4	5	4	3	5
Average Days to Complete	818	1080	759	794	736	850
AG Cases Initiated	71	47	27	33	4	15
AG Cases Pending (close of Fiscal Year)	72	62	41	39	30	4
Disciplinary Outcomes						
Revocation	3	4	3	1	1	3
Voluntary Surrender	2	3	2	4	0	4
Suspension	0	0	0	0	0	0
Probation with Suspension <sup>1</sup>	0	0	0	0	0	0
Probation <sup>2</sup>	0	1	0	2	6	2

Probationary License Issued	N/A	N/A	N/A	N/A	N/A	N/A
Conditional Approval^^	0	0	1	0	0	0
<b>PROBATION</b>						
New Probationers	1	1	0	2	6	2
Probations Successfully Completed	0	0	0	0	1	1
Probationers (close of Fiscal Year)	1	2	1	4	8	9
Petitions to Revoke Probation	0	0	0	1	0	0
Probations Revoked	0	0	0	0	0	0
Probations Modified	0	0	0	0	0	0
Probations Extended	0	0	0	0	0	1
Probationers Subject to Drug Testing	N/A	N/A	N/A	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A	N/A	N/A	N/A
Petition for Reinstatement Granted	0	0	0	0	0	0
<b>DIVERSION : Not Applicable</b>						
New Participants	N/A	N/A	N/A	N/A	N/A	N/A
Successful Completions	N/A	N/A	N/A	N/A	N/A	N/A
Participants (close of Fiscal Year)	N/A	N/A	N/A	N/A	N/A	N/A
Terminations	N/A	N/A	N/A	N/A	N/A	N/A
Terminations for Public Threat	N/A	N/A	N/A	N/A	N/A	N/A
Drug Tests Ordered	N/A	N/A	N/A	N/A	N/A	N/A
Positive Drug Tests	N/A	N/A	N/A	N/A	N/A	N/A
<b>INVESTIGATION</b>						
All Investigations						
First Assigned	830	680	606	684	744	596
Closed	929	637	415	1482	919	589
Average days to close	495	427	544	602	210	138
Pending (close of Fiscal Year)	954	997	1188	391	216	223
Desk Investigations						
Closed	598	334	143	40	188	150
Average days to close	336	241	480	629	182	140
Pending (close of Fiscal Year)	267	232	328	76	38	36
Non-Sworn Investigation						
Closed	466	435	312	102	731	438
Average days to close	558	440	506	598	218	136
Pending (close of Fiscal Year)	687	765	860	314	177	183
Sworn Investigation						
Closed	6	3	4	0	0	1
Average days to close	197	312	166		0	841
Pending (close of Fiscal Year)	2	5	5	2	1	0
<b>COMPLIANCE ACTION</b>						
*Emergency Decisions	2	1	0	5	0	0
ISO & TRO Issued	0	0	0	0	0	2
PC 23 Orders Requested	0	0	0	2	0	0
Other Suspension Orders	0	0	0	0	0	0

Public Letter of Reprimand	N/A	N/A	N/A	N/A	N/A	N/A
Cease & Desist/Warning	N/A	N/A	N/A	N/A	N/A	N/A
Referred for Diversion	N/A	N/A	N/A	N/A	N/A	N/A
Compel Examination	0	0	0	0	0	0
<b>CITATION AND FINE</b>						
Citations Issued	95	26	49	242	109	281
Average Days to Complete	376	621	209	250	71	202
Amount of Fines Assessed	\$807,910	\$496,456	\$1,156,202**	\$4,346,918	\$1,250,415	\$2,432,373
Reduced, Withdrawn, Dismissed	\$371,903	\$387,801	\$182,999	\$2,188,462	\$3,901	\$380,001
Amount Collected	\$235,568	\$107,217	\$109,437	\$188,174	\$107,573	\$282,750
<b>CRIMINAL ACTION</b>						
Referred for Criminal Prosecution	0	0	0	0	0	0
*Pursuant to CEC 94938, the Bureau has the authority to make an emergency decision to protect students, prevent misrepresentation to the public, or prevent the loss of public funds or monies paid by students.						
** This number was previously reported incorrectly in the 2017/18 DCA Annual Report.						
^The Bureau began tracking the source of complaints in June 2019.						
^^Conditional approvals are granted for a period of 6 months to correct deficiencies.						

<b>Table 10. Enforcement Aging</b>								
	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	Cases Closed	Average %
<b>Attorney General Cases (Average %)</b>								
Closed Within:								
0 - 1 Year	6	1	1	4	3	7	22	24%
1 - 2 Years	2	5	7	4	6	13	37	40%
2 - 3 Years	2	4	7	2	1	1	17	19%
3 - 4 Years	0	4	2	3	2	3	14	15%
Over 4 Years	1	0	0	0	0	1	2	2%
Total Attorney General Cases Closed	11	14	17	13	12	25	92	
<b>Investigations (Average %)</b>								
Closed Within:								
90 Days	202	165	59	237	431	314	1041	31%
91 - 180 Days	145	111	47	132	198	140	517	15%
181 - 1 Year	145	118	86	255	143	89	573	17%
1 - 2 Years	173	104	113	360	82	37	592	17%
2 - 3 Years	130	76	51	246	36	5	338	10%
Over 3 Years	134	63	60	252	29	4	345	10%
Total Investigation Cases Closed	929	637	416	1482	919	589	3406	



# BPPPE

Bureau for Private Postsecondary Education

BUREAU FOR PRIVATE POSTSECONDARY EDUCATION

## SUNSET REVIEW REPORT: 2022 ADDENDUM

PRESENTED TO THE SENATE COMMITTEE ON BUSINESS, PROFESSIONS AND ECONOMIC DEVELOPMENT,  
THE SENATE COMMITTEE ON EDUCATION, THE ASSEMBLY COMMITTEE ON BUSINESS AND PROFESSIONS,  
AND THE ASSEMBLY COMMITTEE ON HIGHER EDUCATION



**GAVIN NEWSOM**  
GOVERNOR

**LOURDES M. CASTRO RAMÍREZ**  
SECRETARY, BUSINESS, CONSUMER  
SERVICES AND HOUSING AGENCY

**KIMBERLY KIRCHMEYER**  
DIRECTOR, DEPARTMENT OF CONSUMER AFFAIRS

**DEBORAH COCHRANE**  
BUREAU CHIEF, BUREAU FOR PRIVATE  
POSTSECONDARY EDUCATION