



Advisory Committee Meeting Minutes Thursday, May 27, 2021

WebEx Meeting

Advisory Committee Members in Attendance

1. Diana Amaya
2. Kansen Chu
3. Zima Creason
4. Melanie Delgado
5. Leigh Ferrin
6. Joseph Holt
7. Katherine Lee-Carey
8. Kevin Powers (on behalf of Assemblymember Jose Medina)
9. Margaret Reiter
10. David Vice

Committee Members Absent

Senator Steven Glazer (Sarah Mason)

Bureau for Private Postsecondary Education (Bureau) and Department of Consumer Affairs (DCA) Staff in Attendance

Deborah Cochrane, Bureau Chief
Leeza Rifredi, Deputy Bureau Chief
Beth Danielson, Bureau Enforcement Chief
Robert Bayles, Bureau Education Administrator Chief
David Dumble, Bureau Legislative/Regulation Specialist
Carrie Holmes, DCA Board and Bureau Relations Deputy Director
Yvette Johnson, Bureau Administration Chief
Michael Kanotz, DCA Legal Counsel
Linh Nguyen, DCA Legal Counsel
Gregory Pruden, DCA Legislative Manger
Ebony Santee, Bureau Licensing Chief
Beth Scott, Bureau Enforcement Chief
Scott Valverde, Office of Student Assistance and Relief (OSAR) Chief

Agenda #1 - Welcome, Introductions, and Establishment of a Quorum

Committee Chair, Katherine Lee-Carey, called the meeting to order.

Agenda #2 - Public Comment on Items not on the Agenda

No Public Comment.

Agenda #3 - Review and Approval of February 17, 2021, Advisory Committee Meeting Minutes

Ms. Lee-Carey pointed out the repetitiveness in questioning hearing dates under the sunset review section. She suggested modifying the paragraphs for clarity.

Ms. Lee-Carey noted that “annuals” should be “annual” on page 4.

Ms. Lee-Carey stated that there is a comma typo on page 11 under agenda topic 6a.

Public Comment

No Public Comment.

Margaret Reiter moved to approve the minutes as amended; Diana Amaya seconded the motion. (Ms. Lee-Carey: Aye; Margaret Reiter: Aye; Leigh Ferrin: Aye; Diana Amaya: Aye; Kansen Chu: Aye; Joseph Holt: Aye; David Vice: Aye; Zima Creason: Abstain; Melanie Delgado: Abstain) The motion passed.

Agenda #4 - Review and Approval of March 17, 2021, Advisory Committee Meeting Minutes

Public Comment

No Public Comment.

Mr. Vice moved to approve the minutes; Ms. Ferrin seconded the motion. (Ms. Lee-Carey: Aye; Ms. Reiter: Abstain; Ms. Ferrin: Aye; Ms. Amaya: Aye; Mr. Chu: Aye; Mr. Holt: Aye; Mr. Vice: Aye; Ms. Creason: Aye; Ms. Delgado: Abstain) The motion passed.

Agenda #5 - Remarks by Representative of the Department of Consumer Affairs

Carrie Holmes, Deputy Director for Board and Bureau Relations, provided an update. Ms. Holmes stated that the Committee still has one vacancy. She added that interested parties should apply online through the DCA Board Members Resources page.

Ms. Holmes explained that masks are still required at all DCA locations. She noted that DCA will continue to provide health guidance to boards and bureaus. She reported that boards and bureaus are looking ahead to what changes can be made permanent for efficiency and employee well-being. She provided examples of eliminating paper processes and maximizing telework.

Ms. Holmes reported that after the Governor's state of emergency order is lifted, DCA boards and bureaus will be required to follow all aspects of the Open Meetings Act. She encouraged all members of the public to visit DCA's COVID-19 webpage, for updates and resources.

Public Comment

Angela Perry provided public comment.

Agenda #6 – Bureau Operations Update and Discussion

Update on the Bureau's IT System Project

Mr. Bayles provided an update report about the Bureau's IT system project. Mr. Bayles referred to page 24 of the meeting packet and outlined responses to some of the Committee's previous concerns, regarding the IT system project.

Ms. Reiter questioned if inspection results will be searchable by date on the website. Mr. Bayles responded that that search function has not been discussed, but that it would be considered.

Ms. Reiter questioned if a student could search for schools by program. Mr. Bayles pointed out that the new system will be using the classification of instructional programs (CIP) code(s) to identify specific programs, making it easier to pull data on a specific program.

Ms. Reiter questioned if a student could search and review schools based on placement rates. Mr. Bayles stated that a student can find placement rates from a school by checking the school's annual report, which is made available on the Bureau website. Ms. Reiter clarified the question asking if a student would be able to search schools offering a specific program and have them listed in order by placement rate. Mr. Bayles

responded that it is a long-term goal of the Bureau to provide comparable student outcome data.

Ms. Reiter stated that it would be helpful if non-jurisdictional complaint closures were categorized in a way to provide additional information on why the complaint was considered non-jurisdictional.

Ms. Reiter pointed out the importance of reviewing complaint remedies for students at a specific school to ensure they are being applied to the entire student population to avoid any potential trend of student harm at that school. Ms. Ferrin added that it would be helpful to determine how many complaints from a specific school it takes to be considered a trend or a systemic issue at school.

Public Comment

Vanessa Londo provided a public comment.

Melanie Vuynovich provided a public comment.

Ms. Perry provided a public comment.

Quality of Education Report

Mr. Bayles provided a report on the Quality of Education Unit (QEU). He outlined Attachment 6b, of the meeting packet.

Public Comment

No public comment.

Compliance and Discipline Report

Bureau Enforcement Chief, Beth Scott, provided a report on the Compliance and Discipline Units. She referenced Attachment 6c, of the meeting packet.

Public Comment

Ms. Londo provided a public comment.

Mo Crowley provided a public comment.

Complaint and Investigation Report

Bureau Enforcement Chief, Beth Danielson, reported on the Complaint and Investigation Unit. She outlined Attachment 6d, of the meeting packet.

Ms. Reiter commented on the student impact section regarding Income Sharing Agreements (ISA) being reduced. She questioned, on what basis has an ISA school been allowed to continue to operate. Ms. Danielson commented that the ISA reductions noted in the student impact section involves an institution the Bureau is currently working with and that no additional details could be provided. Michael Kanotz, DCA Legal Counsel, said he would get back to the Committee on the status of ISA.

Mr. Holt questioned if the caseload of cases open and cases closed is reaching a constant state. Ms. Danielson responded that there is always room for improvement.

Public Comment

Ms. Perry provided a public comment.

Ms. Londo provided a public comment.

Licensing Report

Bureau Licensing Chief, Ebony Santee, reported on the Licensing Unit. She outlined Attachment 6e, of the meeting packet.

Mr. Holt questioned how much time staff is needed to complete a review of a “full approval application” compared to an “approval by means of accreditation application.” Ms. Santee indicated she did not have the exact numbers, but noted that the full approval process takes substantially more time.

Mr. Holt asked about the credentials of staff who review curriculum. Ms. Santee responded that some staff members have experience in writing academic curriculum and/or working in postsecondary education. She continued that a number of staff have graduate degrees that are tied into education. Mr. Bayles added that staff must have a minimum of a bachelor’s degree.

Public Comment

No Public Comment.

Office of Student Assistance and Relief (OSAR) Report

OSAR Chief, Scott Valverde, provided a report on OSAR. He covered Attachment 6f, of the meeting packet.

Diana Amaya questioned if there has been as much participation with virtual outreach efforts, as compared to in-person outreach efforts. Mr. Valverde responded that some virtual events have garnered more participation, and some have gone down. He noted that virtual one-on-one opportunities with students have often been more engaging.

Public Comment

Ms. Perry provided a public comment.

Student Tuition Recovery Fund (STRF) Report

Bureau Administration Chief, Yvette Johnson, provided a report on STRF. She covered Attachment 6g, of the meeting packet.

Public Comment

Ms. Perry provided a public comment.

Agenda Item #7 - Status Updates on Regulations

David Dumble provided a status update on Bureau regulations. He covered Attachment 7a, of the meeting packet.

Mr. Dumble provided an overview of the implementation of AB 1344 (CEC Section 94801.5; Title 5, CCR Section 71396). He referred to page 66 of the meeting packet.

Mr. Dumble explained that drafting the application form for Registration or Re-Registration of Out of State Institutions, without adding requirements beyond what is legislatively mandated, would help ensure the form is approved in a timely manner.

Ms. Reiter commented that the Bureau has until July 1, 2022 to get the new form approved. She recommended including in the application form, any additional requirements the Bureau deems necessary. She added that in order to meet the legislative mandate the Bureau needs to consider any additional requirements it deems necessary, to the form.

Bureau Chief, Deborah Cochrane, pointed out that the priority is to have the form completed and approved by the July 1, 2022 deadline. She requested that the

Committee provide feedback on the form and input on any additional requirements to include in the form.

Mr. Holt referred to Section 8, Item 3, of the draft form, in the meeting packet. He recommended asking for information pertaining to both the “institutional accreditor” and “programmatic accreditor.” He noted that many times warnings will be issued by programmatic accreditors prior to the issue being elevated to an institutional accreditor warning.

Mr. Vice noted that any addition to the form should only concern the quality of education being provided by the institution.

Ms. Reiter provided a document outlining her suggestions for additional requirements to be included in the form. She suggested that the Committee provide the Bureau with written feedback within a week or two after the meeting.

Ms. Lee-Carey commented that the Bureau and Committee should keep in mind that out-of-state institutions, applying for registration in California, have already gone through an extensive state and accreditor approval process. Mr. Holt noted that the level of rigor in the approval process varies widely from state to state. He added that approval standards in other states may fall below the minimum standards in California.

Ms. Lee-Carey questioned what chance there would be for the form to be approved in time, if the process was put on hold until after further discussion, at the August 2021 Committee meeting. Mr. Dumble commented that there is no way to provide a definitive answer, but it is less likely the form would be approved in time, if the process was put on hold until then.

Ms. Cochrane suggested that Committee members provide feedback in writing. She added that following review of the feedback, it could be determined whether any further discussion is necessary. Ms. Lee-Carey proposed that the Committee provide feedback to the Bureau by June 10, 2021.

Public Comment

Ms. Perry provided a public comment.

Agenda Item #8 - Update and Discussion on the Bureau’s Sunset Review (SB 802)

Gregory Pruden, DCA Legislative Manger, provided an update on the Bureau’s Sunset Review. He referred to Senate Bill 802, included in the meeting packet.

Ms. Lee-Carey questioned what the process for accepting or rejecting stakeholder recommendations to the bill. Mr. Pruden explained that the bill is still in the early stages and the amendment process is on-going. He noted that while some of the recommendations may not be in the current version of the bill, it does not mean those recommendations will not be included in later versions of the bill.

Ms. Reiter asked who is negotiating with the legislature on behalf of the Bureau. Mr. Pruden stated that it is a combination of members from Agency, DCA, and the Bureau.

Ms. Reiter questioned if there will be a limit on the number of terms a member will be able to serve on the Committee. Kevin Powers noted that question has not been resolved yet.

Ms. Reiter noted that some member positions have historically been difficult to keep filled. She pointed out that term limits could potentially make it more difficult to keep seats filled.

Ms. Lee-Carey asked how the public can get involved in the legislative process. Mr. Pruden commented that the public can reach out and provide feedback to their elected officials.

Mr. Powers noted that the public can access and track bills at leginfo.legislature.ca.gov. He added that members of the public can submit comments in writing when bills are in the hearing process.

Public Comment

Marcy Ceranek provided a public comment.

Ms. Perry provided a public comment.

Agenda Item #9 - Discussion on Senate Bill 118 Prohibition on Use of Applicants' Criminal History in Admission Decisions (CEC Section 66024.5)

Ms. Lee-Carey opened the floor to discussion.

Mr. Holt explained that the prohibition on use of applicants' criminal history in the admission process has the potential of harming students who are applying for career-based programs, when they will likely be unable to gain employment. He noted that having a criminal history can be a significant barrier to gaining employment in a variety of fields. He added that the prohibition becomes effective by law in July 2021.

Mr. Holt stated that one beneficial resolution to the issue would be to define what is included within the “professional degree” exception of the law.

Public Comment

Ms. Perry provided a public comment.

Agenda #10 – Future Agenda Items

Ms. Reiter commented on the need to review student disclosures as a whole, to determine how to make them more effective for students.

Public Comment

No public comment.

Agenda #11 – Adjournment

The meeting adjourned at 2:20 pm.