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SB-410 California Private Postsecondary Education Act of 2009. (2015-2016)

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Senate Bill No. 410

CHAPTER 258

An act to amend Sections 94928 and 94929 of the Education Code, relating to private postsecondary education.

[Approved by Governor September 03, 2015. Filed with Secretary of State September 03, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 410, Beall. California Private Postsecondary Education Act of 2009.

Existing law, the California Private Postsecondary Education Act of 2009, provides, among other things, for student protections and regulatory oversight of private postsecondary schools in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs.

The act requires an institution to annually report to the bureau specified information regarding completion rates and license examination passage rates, among other things, and to publish that information on its School Performance Fact Sheet. The act defines numerous terms for purposes of this reporting requirement, including defining "graduates" to mean students who complete a program within 100% of the published program length.

This bill would recharacterize "graduates" as "on-time graduates" for purposes of a completion rate calculation, and would redefine the term "graduate" for other purposes to mean an individual who has been awarded a degree or diploma.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 94928 of the Education Code is amended to read:

94928. As used in this article, the following terms have the following meanings:

- (a) "Cohort population" means the number of students that began a program on a cohort start date.
- (b) "Cohort start date" means the first class day after the cancellation period during which a cohort of students attends class for a specific program.
- (c) "On-time graduates" means the number of students who complete a program within 100 percent of the published program length. An institution may separately state completion information for students completing the program within 150 percent of the original contracted time, but that information may not replace completion information for students completing within the original scheduled time. Completion information shall be separately stated for each campus or branch of the institution.

(d) "Graduates available for employment" means the number of graduates minus the number of graduates unavailable for employment.

(e) (1) "Graduates employed in the field" means graduates who are gainfully employed in a single position for which the institution represents the program prepares its graduates, beginning within six months after a student completes the applicable educational program. For occupations for which the state requires passing an examination, the period of employment shall begin within six months of the announcement of the examination results for the first examination available after a student completes an applicable educational program.

(2) The bureau shall define by July 1, 2014, specific measures and standards for determining whether a student is gainfully employed in a full-time or part-time position for which the institution represents the program prepares its graduates, including self-employment or conducting freelance work, and may set the standards for the hours per week and duration of employment and utilize any job classification methodology the bureau determines appropriate for this purpose, including, but not limited to, the United States Department of Labor's Standard Occupational Classification codes.

(3) This subdivision shall not prohibit the bureau from authorizing an institution to aggregate single positions held by a graduate for purposes of meeting the hours per week standards established by the bureau.

(f) "Graduates unavailable for employment" means graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education at an accredited or bureau-approved postsecondary institution.

(g) "Students available for graduation" means the cohort population minus the number of students unavailable for graduation.

(h) "Students unavailable for graduation" means students who have died, been incarcerated, or called to active military duty.

SEC. 2. Section 94929 of the Education Code is amended to read:

94929. (a) An institution shall annually report to the bureau, as part of the annual report, and publish in its School Performance Fact Sheet, the completion rate for each program. Except as provided in subdivision (b), the completion rate shall be calculated by dividing the number of on-time graduates by the number of students available for graduation.

(b) In lieu of calculating graduation data pursuant to subdivision (a), an institution may report graduation data reported to, and calculated by, the Integrated Postsecondary Education Data System of the United States Department of Education.