

Assembly Bill No. 1720

CHAPTER 399

An act to amend Section 473.3 of the Business and Professions Code, relating to private postsecondary education.

[Approved by Governor September 29, 2001. Filed with Secretary of State October 1, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1720, Committee on Higher Education. Private postsecondary and vocational education: Joint Legislative Sunset Review Committee: Bureau for Private Postsecondary and Vocational Education: California Postsecondary Education Commission: report.

The existing Private Postsecondary and Vocational Education Reform Act of 1989, which is administered by the Bureau for Private Postsecondary and Vocational Education in the Department of Consumer Affairs, generally effectuates legislative intent to ensure minimum standards of instructional quality and institutional stability in private postsecondary educational institutions. Existing law establishes the California Postsecondary Education Commission as the statewide postsecondary education planning and coordinating agency and as an adviser to the Legislature and the Governor.

Existing law establishes the Joint Legislative Sunset Review Committee, and specifies its duties with respect to the review of various boards and commissions. Existing law requires the committee, in 2002 and every 4 years thereafter, to hold a public hearing to receive testimony from the Director of Consumer Affairs, the Bureau for Private Postsecondary and Vocational Education, private postsecondary educational institutions regulated by the bureau, and students of those institutions.

Existing law establishes the California Postsecondary Education Commission for, among other purposes, the collection of data pertinent to the planning and coordination of the higher education system of the state.

This bill would require the committee to conduct the public hearing in cooperation with the commission. The bill would also require the committee, in cooperation with the commission, to review and evaluate the effectiveness and efficiency of the bureau based upon specified factors and standards of performance.

The bill would require the committee to report its findings and recommendations to the Department of Consumer Affairs in accordance



with a prescribed statute. The bill would also require the bureau to prepare an analysis and submit a report to the committee in accordance with prescribed criteria.

The people of the State of California do enact as follows:

SECTION 1. Section 473.3 of the Business and Professions Code is amended to read:

473.3. (a) Prior to the termination, continuation, or reestablishment of any board or any of the board's functions, the Joint Legislative Sunset Review Committee shall, during the interim recess preceding the date upon which a board becomes inoperative, hold public hearings to receive testimony from the Director of Consumer Affairs, the board involved, and the public and regulated industry. In that hearing, each board shall have the burden of demonstrating a compelling public need for the continued existence of the board or regulatory program, and that its licensing function is the least restrictive regulation consistent with the public health, safety, and welfare.

(b) In addition to subdivision (a), in 2002 and every four years thereafter, the committee, in cooperation with the California Postsecondary Education Commission, shall hold a public hearing to receive testimony from the Director of Consumer Affairs, the Bureau for Private Postsecondary and Vocational Education, private postsecondary educational institutions regulated by the bureau, and students of those institutions. In those hearings, the bureau shall have the burden of demonstrating a compelling public need for the continued existence of the bureau and its regulatory program, and that its function is the least restrictive regulation consistent with the public health, safety, and welfare.

(c) The committee, in cooperation with the California Postsecondary Education Commission, shall evaluate and review the effectiveness and efficiency of the Bureau for Private Postsecondary and Vocational Education, based on factors and minimum standards of performance that are specified in Section 473.4. The committee shall report its findings and recommendations as specified in Section 473.5. The bureau shall prepare an analysis and submit a report to the committee as specified in Section 473.2.

