

**Assembly Bill No. 2393**

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Passed the Assembly August 31, 2010

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*Chief Clerk of the Assembly*

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Passed the Senate August 30, 2010

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*Secretary of the Senate*

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This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2010, at \_\_\_\_\_ o'clock \_\_\_\_M.

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*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Sections 94809.6 and 94928 of the Education Code, relating to private postsecondary education.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2393, Ammiano. California Private Postsecondary Education Act of 2009.

(1) The California Private Postsecondary Education Act of 2009 provides for the regulation of private postsecondary educational institutions by the Bureau for Private Postsecondary Education, with specified exceptions. The act requires private postsecondary educational institutions to comply with various fair business practices, as specified.

The act includes transition provisions from the former Private Postsecondary and Vocational Education Reform Act of 1989, which, among other things, provide for the preservation of certain claims and remedies under the former act.

This bill would require a remedy that could have been ordered to redress a violation of the former act to remain available for certain actions that were commenced after June 30, 2007, and before January 1, 2010.

(2) The act requires private postsecondary educational institutions to annually report to the bureau, and publish various statistics including job placement rates. The act requires job placement rates to be calculated by dividing the number of graduates employed in the field by the number of graduates available for employment for specified programs. The act defines “graduates employed in the field” for the purposes of these provisions.

This bill, with respect to occupations or jobs in an apprenticeship program approved by the Division of Apprenticeship Standards of the Department of Industrial Relations or a position for which the Board of Registered Nursing has established licensure requirements, would separately define “graduates employed in the field” for purposes of the reporting requirements.

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

SECTION 1. Section 94809.6 of the Education Code is amended to read:

94809.6. (a) Notwithstanding the inoperative status or repeal of the former Private Postsecondary and Vocational Education Reform Act of 1989 on or after July 1, 2007, any claim or cause of action in any manner based on the act that was commenced on or before June 30, 2007, whether or not reduced to a final judgment, shall be preserved, and any remedy that was or could have been ordered to redress a violation of the act on or before June 30, 2007, may be ordered or maintained thereafter. If a final judgment was obtained in an action commenced on or after July 1, 2007, under the authority of Chapter 635 of the Statutes of 2007, the final judgment and any legal remedy that was or could be maintained on or after July 1, 2007, under that statute, shall be preserved and maintained thereafter.

(b) The rights, obligations, claims, causes of action, and remedies described in subdivision (a) shall be determined by the provisions of the former Private Postsecondary and Vocational Education Reform Act of 1989 in effect on or before June 30, 2007, notwithstanding the inoperative status or repeal of the former Private Postsecondary and Vocational Education Reform Act of 1989 on or after July 1, 2007.

(c) A remedy that could have been ordered to redress a violation of the former Private Postsecondary and Vocational Education Reform Act of 1989 on or before June 30, 2007, shall remain available for all actions described in subdivision (a) of Section 94809.5 that were commenced after June 30, 2007, and before January 1, 2010, except claims to the Student Tuition Recovery Fund.

SEC. 2. 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) “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) Except as provided in paragraphs (2) and (3), “graduates employed in the field” means graduates who are gainfully employed within six months of graduation in a position for which the skills obtained through the education and training provided by the institution are required or provided a significant advantage to the graduate in obtaining the position.

(2) With respect to an occupation or job for which the Division of Apprenticeship Standards of the Department of Industrial Relations has approved a certified apprenticeship program, “graduates employed in the field” means graduates who are gainfully employed for not less than 60 days within six months of graduation in a position with job duties meeting all of the criteria of the apprenticeable occupation or job set forth by the Division of Apprenticeship Standards.

(3) With respect to an occupation or job for which the Board of Registered Nursing has established licensure requirements, “graduates employed in the field” means graduates who are gainfully employed for not less than 60 days within six months of passage of the National Council of State Boards of Nursing Licensure Examination in a position with job duties meeting all of the criteria of the licensed occupation or job set forth by the Board of Registered Nursing.

(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.





Approved \_\_\_\_\_, 2010

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*Governor*