

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2652

Introduced by Assembly Member Eggman

February 19, 2016

An act to ~~amend Section 94858~~ *add and repeal Section 94801.5* of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 2652, as amended, Eggman. California Private Postsecondary Education Act of 2009: applicability.

Under existing law, the segments of postsecondary education in this state include the University of California, the California State University, the California Community Colleges, independent institutions of higher education, and private postsecondary educational institutions.

Existing law, the California Private Postsecondary Education Act of 2009, provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. The act exempts specified institutions from its provisions, does not apply to private postsecondary educational institutions that do not maintain a physical presence in the state, and is repealed on January 1, 2017.

This bill ~~would instead~~, *would*, to the extent authorized by federal law, ~~apply the act to a~~ *require a* private entity that offers postsecondary education to the public in this state for an institutional charge. ~~entity with no physical presence in this state, that would be subject to the requirements of this act if the entity was located in this state, to register with the bureau and participate in the act's Student Tuition Recovery~~

Fund for its California students. The bill would establish a private task force comprised of specified individuals to make recommendations, by July 1, 2018, to the Legislature and the Governor on how California should regulate educational programs offered, by institutions with no physical presence in this state, to the California public by means of distance education. The requirements of the bill would be repealed on July 1, 2018.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

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

1 SECTION 1. Section 94801.5 is added to the Education Code,
2 to read:
3 94801.5. (a) Effective July 1, 2017, to the extent authorized
4 by federal law, a private entity with no physical presence in this
5 state that, if the entity was geographically located in this state,
6 would be subject to the requirements of this act shall do both of
7 the following:
8 (1) Register with the bureau.
9 (2) Participate in the Student Tuition Recovery Fund for its
10 California students.
11 (b) Effective January 30, 2017, there shall be a Private
12 Postsecondary Distance Learning Task Force comprised of the
13 following representatives:
14 (1) A representative from the Student Aid Commission.
15 (2) A representative from the Department of Consumer Affairs.
16 (3) A representative from the Department of Veterans Affairs.
17 (4) A representative appointed by the Assembly.
18 (5) A representative appointed by the Senate.
19 (6) A representative appointed by the Governor's office.
20 (7) A representative of a nonprofit consumer advocacy
21 organization appointed by the director with a history of advocacy
22 before the bureau.
23 (8) A representative of an accredited private postsecondary
24 institution.
25 (9) A representative from the Attorney General's office.
26 (10) A representative of a nonprofit legal aid organization that
27 represents private postsecondary students.

1 (11) A representative of an unaccredited private postsecondary
2 institution with geographic locations only in California.

3 (12) A representative of a nonprofit postsecondary institution
4 and a representative of a public institution may be appointed by
5 the director as nonvoting members.

6 (c) (1) The task force, by July 1, 2018, shall make
7 recommendations to the Legislature and the Governor on how
8 California, consistent with the bureau's primary aim of ensuring
9 public protection, should regulate educational programs offered
10 to the public by means of distance education by institutions with
11 no physical presence in California that would, if geographically
12 located in California, be subject to the requirements of this act.

13 (2) A report to be submitted pursuant to paragraph (1) shall be
14 submitted in compliance with Section 9795 of the Government
15 Code.

16 (d) This section shall remain in effect only until July 1, 2018,
17 and as of that date is repealed, unless a later enacted statute, that
18 is enacted before July 1, 2018, deletes or extends that date.

19 ~~SECTION 1. Section 94858 of the Education Code is amended~~
20 ~~to read:~~

21 ~~94858. "Private postsecondary educational institution" means,~~
22 ~~to the extent authorized by federal law, a private entity that offers~~
23 ~~postsecondary education to the public in this state for an~~
24 ~~institutional charge.~~