

AMENDED IN ASSEMBLY JUNE 16, 2015

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 410**

---

---

**Introduced by Senator Beall**  
*(Principal coauthor: Senator Block)*

February 25, 2015

---

---

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

LEGISLATIVE COUNSEL'S DIGEST

SB 410, as amended, 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 add the classification of "on-time graduates" with this same meaning, for purposes of a completion rate calculation, and would redefine the term "graduate" *for these purposes* to mean an individual who has been awarded a degree or diploma.

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 94928 of the Education Code is amended  
2 to read:  
3 94928. As used in this article, the following terms have the  
4 following meanings:  
5 (a) “Cohort population” means the number of students that  
6 began a program on a cohort start date.  
7 (b) “Cohort start date” means the first class day after the  
8 cancellation period during which a cohort of students attends class  
9 for a specific program.  
10 (c) “On-time graduates” means the number of students who  
11 complete a program within 100 percent of the published program  
12 length. An institution may separately state completion information  
13 for students completing the program within 150 percent of the  
14 original contracted time, but that information may not replace  
15 completion information for students completing within the original  
16 scheduled time. Completion information shall be separately stated  
17 for each campus or branch of the institution.  
18 (d) “Graduates available for employment” means the number  
19 of graduates minus the number of graduates unavailable for  
20 employment.  
21 (e) (1) “Graduates employed in the field” means graduates who  
22 are gainfully employed in a single position for which the institution  
23 represents the program prepares its graduates, beginning within  
24 six months after a student completes the applicable educational  
25 program. For occupations for which the state requires passing an  
26 examination, the period of employment shall begin within six  
27 months of the announcement of the examination results for the  
28 first examination available after a student completes an applicable  
29 educational program.  
30 (2) The bureau shall define by July 1, 2014, specific measures  
31 and standards for determining whether a student is gainfully  
32 employed in a full-time or part-time position for which the  
33 institution represents the program prepares its graduates, including  
34 self-employment or conducting freelance work, and may set the  
35 standards for the hours per week and duration of employment and

1 utilize any job classification methodology the bureau determines  
2 appropriate for this purpose, including, but not limited to, the  
3 United States Department of Labor’s Standard Occupational  
4 Classification codes.

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

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

15 (g) “Students available for graduation” means the cohort  
16 population minus the number of students unavailable for  
17 graduation.

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

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

22 94929. (a) An institution shall annually report to the bureau,  
23 as part of the annual report, and publish in its School Performance  
24 Fact Sheet, the completion rate for each program. Except as  
25 provided in subdivision (b), the completion rate shall be calculated  
26 by dividing the number of on-time graduates by the number of  
27 students available for graduation.

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