

Senate Bill No. 1059

Passed the Senate August 25, 2016

Secretary of the Senate

Passed the Assembly August 18, 2016

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2016, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 67100 and 67102 of the Education Code, relating to postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1059, Monning. Postsecondary education: Title 38 awards.

Title 38 of the United States Code provides educational awards for eligible active duty members and veterans of the Armed Forces of the United States. Existing law requires an institution headquartered or operating in California desiring to enroll students eligible for federal Title 38 awards in accredited courses to make application for approval of these courses to the California State Approving Agency for Veterans Education, commonly known as CSAAVE, and authorizes CSAAVE to approve the application of the school when the school and its accredited courses satisfy the specified criteria and any additional reasonable criteria established by CSAAVE.

This bill would include as a qualifying institution for federal Title 38 awards, an institution that has been accredited by the Committee of Bar Examiners, if the institution complies with specified disclosure and compliance requirements.

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

SECTION 1. Section 67100 of the Education Code is amended to read:

67100. The Legislature finds and declares the following:

(a) Sections 21.4253 and 21.4254 of Title 38 of the Code of Federal Regulations require a postsecondary educational institution headquartered or operating in California desiring to enroll veterans or persons eligible for Title 38 awards in accredited and nonaccredited institutions and programs to make application for approval of these courses to the California State Approving Agency for Veterans Education, commonly known as CSAAVE, as the state approving agency legally designated pursuant to Section 3671 of Subchapter I of Chapter 36 of Title 38 of the United States Code.

(b) Sections 21.4253 and 21.4254 authorize CSAAVE to approve the application of the accredited and nonaccredited institutions when the school and its accredited and nonaccredited courses satisfy the criteria provided in Sections 21.4253 and 21.4254 and additional reasonable criteria established by CSAAVE.

(c) It is reasonable pursuant to Sections 21.4253 and 21.4254 for CSAAVE to require a postsecondary educational institution, public or private, to obtain accreditation for its degree programs, to comply with all federal and state laws and regulations, and to comply with any additional reasonable criteria established by CSAAVE. It is reasonable pursuant to Sections 21.4253 and 21.4254 for CSAAVE to require a private postsecondary institution to be issued an approval to operate from the Bureau for Private Postsecondary Education.

SEC. 2. Section 67102 of the Education Code is amended to read:

67102. As used in this chapter, the following terms have the following meanings:

(a) An “academic year” is July 1 to June 30, inclusive. The starting date of a session shall determine the academic year in which it is included.

(b) “CSAAVE” is the California State Approving Agency for Veterans Education.

(c) (1) “Qualifying institution” means a degree-granting institution that complies with paragraphs (2), (3), and (4), or a nondegree-granting institution that complies with paragraphs (2) and (4).

(2) (A) The institution shall provide information on where to access California license examination passage rates for the most recent available year from graduates of its undergraduate programs leading to employment for which passage of a California licensing examination is required, if that data is electronically available through the Internet Web site of a California licensing or regulatory agency. For purposes of this paragraph, “provide” may exclusively include placement of an Internet Web site address labeled as an access point for the data on the passage rates of recent program graduates on the Internet Web site where enrollment information is also located, on an Internet Web site that provides centralized admissions information for postsecondary educational systems

with multiple campuses, or on applications for enrollment or other program information distributed to prospective students.

(B) The institution shall be responsible for certifying to CSAAVE compliance with the requirements of subparagraph (A).

(3) (A) A degree-granting institution shall provide evidence of accreditation of the institution and of all degree programs to CSAAVE. The accrediting agency shall be recognized by the United States Department of Education. An unaccredited degree-granting institution participating in the Title 38 award program on January 1, 2015, shall satisfy both of the following to remain eligible to receive Title 38 awards:

(i) The institution shall obtain and provide evidence to CSAAVE of its candidacy or preaccreditation status, with an accrediting agency recognized by the United States Department of Education, by January 1, 2016, for the institution to be eligible for Title 38 awards for the academic year of 2015–16 or 2016–17, or both.

(ii) The institution shall obtain and provide evidence to CSAAVE of accreditation from the accrediting agency with which it had candidacy or preaccreditation status by January 1, 2017, for the institution to be eligible for Title 38 awards for the academic year of 2017–18, and each academic year thereafter.

(B) If an unaccredited degree-granting institution participating in the Title 38 award program fails to satisfy the accreditation requirements provided in clause (i) of subparagraph (A), a veteran enrolled in a degree program offered by the institution prior to January 1, 2016, shall remain eligible for Title 38 awards through his or her completion of that degree program. If an unaccredited degree-granting institution participating in the Title 38 award program fails to satisfy the accreditation requirements provided in clause (ii) of subparagraph (A), a veteran enrolled in a degree program offered by the institution prior to January 1, 2017, shall remain eligible for Title 38 awards through his or her completion of that degree program.

(C) An unaccredited degree-granting institution that does not satisfy the accreditation requirements provided in clause (i) of subparagraph (A), shall not enroll any new Title 38 eligible students to any of its degree programs after January 1, 2016. An unaccredited degree granting institution that does not satisfy the accreditation requirements provided in clause (ii) of subparagraph (A), shall not enroll any new Title 38 students to any of its degree

programs after January 1, 2017, without first providing these prospective students with the following written disclosure:

“If you choose to attend this institution, you will not be eligible to receive a Title 38 award because this institution did not satisfy one or more of the accreditation requirements to receive Title 38 awards.”

(D) An institution that obtains and provides evidence to CSAAVE of accreditation from the Committee of Bar Examiners pursuant to Sections 6046.7 and 6060.6 of the Business and Professions Code does not have to comply with subparagraphs (A), (B), and (C), if the institution complies with both of the following:

(i) (I) The institution provides disclosures to applicants of the school of the institution’s admissions data, tuition, fees, financial aid, conditional scholarships, refund policies, average class size of each required course, number of clinical offerings, number of full-time and part-time faculty, technically trained librarians, administrators, enrollment data, bar passage data, and employment outcomes for graduates.

(II) For purposes of this clause, CSAAVE may develop a standardized information report template or use a standardized information report template developed by the State Bar.

(III) For purposes of this clause, the following terms have the following meanings:

(ia) “Admissions data” means information from the most recently enrolled fall semester class including the total number of applications, the total number of accepted students, and the 75th, 50th, and 25th percentile scores for the undergraduate grade point averages and law school admission test scores of admitted students.

(ib) “Bar passage data” means the most current cumulative bar pass rates defined and reported by the examining committee of the State Bar.

(ic) “Conditional scholarship” means any financial aid award, the retention of which is dependent upon the student maintaining a minimum grade point average or class standing other than that ordinarily required to remain in good academic standing.

(id) “Employment outcomes for graduates” means the results of a survey by the law school, taken three years after graduation,

that breaks down the employment rate of graduates in each of the first three years after graduation, including the rate of employment of graduates in jobs where a juris doctor degree is required by the employer and the rate of employment of graduates in jobs where a juris doctor degree is an advantage in employment.

(ie) “Enrollment data” means information about the number of students who are admitted to the school per class per year for the past three years, the number of students who transfer to and from the school per class per year for the past three years, and the number of students who do not continue to attend the school each year for the past three years on either a voluntary or involuntary basis.

(ii) The institution is in compliance with all applicable CSAAVE rules and regulations and is in good standing with the Committee of Bar Examiners.

(4) The institution shall be one of the following to be eligible for Title 38 awards:

(A) A campus of the California Community Colleges, the California State University, or the University of California.

(B) An independent institution of higher education, as defined in subdivision (b) of Section 66010.

(C) (i) For purposes of the 2015–16 award year, a private postsecondary educational institution, as defined in Section 94858.

(ii) For purposes of the 2016–17 award year, and every award year thereafter, a private postsecondary educational institution, as defined in Section 94858, that has an approval to operate from the Bureau for Private Postsecondary Education, is subject to the regulatory oversight and enforcement of student protections provided by the bureau, and has its approval to operate certified by CSAAVE.

(D) An institution described in subdivision (i) of Section 94874 that satisfies all of the requirements provided in Section 94947.

(E) An institution that is accredited by the Committee of Bar Examiners pursuant to Sections 6046.7 and 6060.7 of the Business and Professions Code.

Approved _____, 2016

Governor