

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 22, 2006

AMENDED IN SENATE JUNE 15, 2006

AMENDED IN ASSEMBLY APRIL 26, 2006

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2810

Introduced by Assembly Member Liu

February 24, 2006

An act to amend Section 94999 of, and to add Section 94999.5 to, the Education Code, relating to private postsecondary education, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2810, as amended, Liu. Private postsecondary education.

(1) Existing law, known as the Private Postsecondary and Vocational Education Reform Act of 1989, generally sets minimum standards of instructional quality, ethical and business practices, health and safety, and fiscal responsibility for private postsecondary and vocational educational institutions, as defined. The act establishes in the Department of Consumer Affairs the Bureau for Private Postsecondary and Vocational Education, which, among other things, is required to review and investigate all institutions, programs, and courses of instruction approved under the act.

The existing act establishes the Private Postsecondary and Vocational Education Administration Fund and the continuously

appropriated Student Tuition Recovery Fund. The existing act specifies that certain violations of its provisions are subject to civil penalties and that certain willful violations of the act are punishable as crimes. A provision of the act provides for it to become inoperative on July 1, 2007, and provides for its repeal on January 1, 2008.

This bill would ~~provide for the repeal of the act on January 1, 2009~~ *delete the inoperative provision*, thus extending the period of the operation of the act *to January 1, 2008*. By extending the operation of the provisions of the act that establish crimes, the bill would impose a state-mandated local program.

By extending the time during which the continuously appropriated fund is available, the bill would make an appropriation.

The bill would establish a working group to review all aspects of existing law relating to, and the administrative operations of, the Bureau for Private Postsecondary and Vocational Education, as specified, ~~including requiring submission of certain reports and would require the working group to prepare and submit to the Governor and the Legislature a prescribed report. The bill would require the chairpersons of specified legislative committees to convene the working group and to carry out related tasks with the working group.~~

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 94999 of the Education Code is
- 2 amended to read:
- 3 94999. Except for Section 94999.5, this chapter shall become
- 4 ~~inoperative on July 1, 2008, and, as of January 1, 2009, is~~
- 5 ~~repealed, unless a later enacted statute, that becomes operative on~~
- 6 ~~or before January 1, 2009, deletes or extends the dates on which~~
- 7 ~~it becomes inoperative and is repealed. *remain in effect only until*~~
- 8 *January 1, 2008, and as of that date is repealed unless a later*

1 *enacted statute, that is enacted before January 1, 2008, deletes*
2 *or extends that date.*

3 SEC. 2. Section 94999.5 is added to the Education Code, to
4 read:

5 94999.5. (a) The Private Postsecondary and Vocational
6 Education Review Working Group is hereby established in state
7 government.

8 (b) The working group shall review all aspects of existing law
9 relating to, and the administrative operations of, the Bureau for
10 Private Postsecondary and Vocational Education.

11 (c) The working group shall utilize the reports, information,
12 and recommendations provided through the Joint Legislative
13 Sunset Review process.

14 (d) *The chairpersons of the Senate Business, Professions and*
15 *Economic Development Committee and the Assembly Higher*
16 *Education Committee shall convene the working group. The*
17 *working group shall include staff from the appropriate legislative*
18 *policy and fiscal committees, as well as representatives from the*
19 *Governor's Office, the Attorney General's Office, the Legislative*
20 *Analyst's Office, the State Consumer Services Agency, the*
21 *Operations Monitor, and the California Postsecondary Education*
22 *Commission.*

23 (e) The working group shall convene as soon as is practicable.

24 ~~(f) The working group shall conduct stakeholder meetings and~~
25 ~~submit~~

26 (f) *For the purposes of this section, the chairpersons of the*
27 *committees described in subdivision (d) and the working group*
28 *shall conduct public hearings and stakeholder meetings.*

29 (g) *The working group shall prepare a report, with specific*
30 *recommendations, to the Governor and the Legislature on the*
31 *following issues:*

32 (1) The mission, goals, and objectives for the regulatory entity.

33 (2) A proposed process for determining the appropriate fee
34 levels to sustain the operations of the regulatory entity.

35 (3) The appropriate level of enforcement and the tools and
36 processes necessary to ensure enforcement.

37 (4) Appropriate governance structure.

38 ~~(g)~~

1 (h) The working group shall submit its report to the
2 ~~Governor's Office~~ *Governor* and the appropriate legislative
3 policy and fiscal committees before February 28, 2007.

4 ~~(h)~~

5 (i) It is the intent of the Legislature that the report of the
6 working group include a specific legislative proposal to revise
7 the Private Postsecondary and Vocational Education Reform Act
8 of 1989 to ensure an efficient and effective regulatory process
9 that ensures adequate student protections and promotes quality
10 private postsecondary education in California.

11 SEC. 3. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the
16 penalty for a crime or infraction, within the meaning of Section
17 17556 of the Government Code, or changes the definition of a
18 crime within the meaning of Section 6 of Article XIII B of the
19 California Constitution.