

AMENDED IN ASSEMBLY APRIL 6, 2016
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 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apply to private postsecondary educational institutions that do not maintain a physical presence in the state, and is repealed on January 1, 2017.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, to the extent authorized by federal law, require a private 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 The requirements of the bill would be repealed on July 1, 2018.~~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. *It is the intent of the Legislature that appropriate*
 2 *stakeholders work collaboratively to address how best to regulate*
 3 *educational programs offered to the public by means of distance*
 4 *education by institutions with no physical presence in California.*

5 SECTION 1.

6 SEC. 2. Section 94801.5 is added to the Education Code, to
 7 read:

8 94801.5. (a) Effective July 1, 2017, to the extent authorized
 9 by federal law, a private entity with no physical presence in this
 10 state that, if the entity was geographically located in this state,
 11 would be subject to the requirements of this act shall do both of
 12 the following:

- 13 (1) Register with the bureau.
- 14 (2) Participate in the Student Tuition Recovery Fund for its
 15 California students.

16 ~~(b) Effective January 30, 2017, there shall be a Private~~
 17 ~~Postsecondary Distance Learning Task Force comprised of the~~
 18 ~~following representatives:~~

- 19 ~~(1) A representative from the Student Aid Commission.~~
- 20 ~~(2) A representative from the Department of Consumer Affairs.~~
- 21 ~~(3) A representative from the Department of Veterans Affairs.~~
- 22 ~~(4) A representative appointed by the Assembly.~~
- 23 ~~(5) A representative appointed by the Senate.~~
- 24 ~~(6) A representative appointed by the Governor's office.~~
- 25 ~~(7) A representative of a nonprofit consumer advocacy~~
 26 ~~organization appointed by the director with a history of advocacy~~
 27 ~~before the bureau.~~

- 1 ~~(8) A representative of an accredited private postsecondary~~
2 ~~institution.~~
- 3 ~~(9) A representative from the Attorney General's office.~~
- 4 ~~(10) A representative of a nonprofit legal aid organization that~~
5 ~~represents private postsecondary students.~~
- 6 ~~(11) A representative of an unaccredited private postsecondary~~
7 ~~institution with geographic locations only in California.~~
- 8 ~~(12) A representative of a nonprofit postsecondary institution~~
9 ~~and a representative of a public institution may be appointed by~~
10 ~~the director as nonvoting members.~~
- 11 ~~(e) (1) The task force, by July 1, 2018, shall make~~
12 ~~recommendations to the Legislature and the Governor on how~~
13 ~~California, consistent with the bureau's primary aim of ensuring~~
14 ~~public protection, should regulate educational programs offered~~
15 ~~to the public by means of distance education by institutions with~~
16 ~~no physical presence in California that would, if geographically~~
17 ~~located in California, be subject to the requirements of this act.~~
- 18 ~~(2) A report to be submitted pursuant to paragraph (1) shall be~~
19 ~~submitted in compliance with Section 9795 of the Government~~
20 ~~Code.~~
- 21 ~~(d)~~
- 22 ~~(b) This section shall remain in effect only until July 1, 2018,~~
23 ~~and as of that date is repealed, unless a later enacted statute, that~~
24 ~~is enacted before July 1, 2018, deletes or extends that date.~~