



**Advisory Committee Meeting Minutes**  
**Tuesday, December 1, 2020**

**WebEx Meeting**

**Advisory Committee Members in Attendance**

1. Joseph Holt
2. Katherine Lee-Carey
3. Margaret Reiter
4. Thomas Wong
5. Leigh Ferrin
6. David Vice
7. Kevin Powers (on behalf of Assemblymember Jose Medina)

**Committee Members Absent**

Senator Steven Glazer (Sarah Mason)  
Diana Amaya

**Bureau for Private Postsecondary Education (Bureau) and Department of Consumer Affairs (DCA) Staff in Attendance**

Leeza Rifredi, Deputy Bureau Chief  
Beth Scott, Bureau Enforcement Chief  
Beth Danielson, Bureau Enforcement Chief  
Ebony Santee, Bureau Licensing Chief  
Scott Valverde, Office of Student Assistance and Relief (OSAR) Chief  
Robert Bayles, Bureau Education Administrator Chief  
Yvette Johnson, Bureau Administration Chief  
Doug Smith, Bureau Legal Counsel  
Carrie Holmes, DCA Board and Bureau Relations Deputy Director  
Sean O'Connor, Project Oversight and Administrative Services Chief

### **Agenda #1 - Welcome, Introductions, and Establishment of a Quorum**

Committee Chair, Katherine Lee-Carey called the meeting to order at 9:30 AM.

### **Agenda #2 - Public Comment on Items not on the Agenda**

No Public Comment.

### **Agenda #3 - Review and Approval of August 26, 2019, Advisory Committee Meeting Minutes**

Thomas Wong moved to approve the minutes; David Vice seconded the motion.  
(Ms. Lee-Carey: Aye; Mr. Vice: Aye; Joseph Holt: Aye; Leigh Ferrin: Aye; Margaret Reiter: Aye;  
Mr. Wong: Aye) The motion passed.

### **Public Comment**

No Public Comment.

### **Agenda #4 - Remarks by Representative of the Department of Consumer Affairs**

Carrie Holmes, Deputy Director for Board and Bureau Relations, provided an update on the Department of Consumer Affairs (DCA).

Ms. Holmes reported that the Bureau Advisory Committee currently has three vacancies. She encouraged those interested in getting involved to find the link titled "Board Member Resources" on the DCA homepage to apply for an appointment.

Ms. Holmes stated that, following the closure of DCA offices due to the March 2020 local and state stay at home orders, DCA offices remain open with preventative measures in place to safeguard the health of employees and visitors. She continued that DCA has partnered with the Governor's Office and Business, Consumer Services and Housing Agency on statewide efforts related to awareness and enforcement of public health measures.

Ms. Holmes stated that the economic impacts of the COVID-19 pandemic and unprecedented welfare activities are expected to last for several years. She noted that the state needs to take immediate action to reduce costs and maximize efficiencies to support all Californians. She explained that in April, DCA and all boards and bureaus worked to limit expenditures and hiring, to areas only necessary to support core functions and emergency response activity. She added that DCA learned in November that DCA and all boards and bureaus will be required to plan for a five percent (5%) permanent budget reduction, no later than 2022.

Ms. Reiter referenced the regulatory tracking system, Cherwell, that Ms. Holmes reported on at the last Committee meeting. She asked for a timeline on the rollout of the Cherwell.

Ms. Holmes stated that the project is currently in the pilot stage. She indicated that feedback from pilot groups is being evaluated to determine the next stages of the rollout plan. She stated that she would follow up with the Committee, to provide a timeline.

#### Public Comment

No Public Comment.

### **Agenda #5 – Bureau Operations Update and Discussion**

#### Analysis of AB 1346 Amendments to Education Code section 94923

Doug Smith, Bureau Legal Counsel, provided an analysis on AB 1346. He referred the Committee to Attachment 5a, of the meeting packet, and asked if the Committee had any questions.

#### Public Comment

Elizabeth Deucher provided a public comment.

#### Update on Fee Audit

Leeza Rifredi, Deputy Bureau Chief, provided a status on the Bureau's fee audit. She indicated that the auditor has finished the analysis and the report is under review. She noted that the report will be available by the next Committee meeting.

Ms. Reiter requested that the report be provided to the Committee as soon as it becomes available.

#### Public Comment

No Public Comment.

#### Update on the Bureau's IT System Project

Sean O'Connor, Office of Information Services, provided an update on the Bureau's IT system project.

Mr. O'Connor reported that the project begun in January 2020. He stated that, after testing and development, the first major software release was implemented in September 2020. He added that with the first software release, the Bureau can now accept online non-accredited

institutional applications for licensure, which includes the ability for institutions to check the application status online and correspond with the Bureau. He noted the software release also included an online complaint form for the public.

Mr. O'Connor continued that the next software release is planned for January 2021. He stated that the release will include updates to streamline the online application system and will add internal back office functionality, to process complaints through the investigation phase, for the Complaint and Investigation Unit.

Mr. O'Connor reported on the costs of the project. He stated that project is trending towards coming in under budget. He added that the project is more than half way through the planned 18-month schedule, and only 34 percent (34%) of the allowed budget has been expended. He noted that the total project costs are \$13.3 million but emphasized that the cost is split between 3 other programs, along with the Bureau, and the cost includes staffing costs.

Mr. O'Connor concluded that the project period will continue through August of 2021, followed by an additional year of vendor collaboration, focused on maintenance and enhancements.

#### Public Comment

No Public Comment.

#### Annual Reports (AR) Report

Mr. Bayles provided a report on the Annuals Reports Unit. He outlined Attachment 5d of the meeting packet.

Ms. Reiter questioned when the unit will start providing online Annual Report and School Performance Fact Sheet workshops. Mr. Bayles responded that, while it is a priority, there is no definitive timeline on when online workshops will begin.

#### Public Comment

No public comment.

#### Quality of Education Report

Mr. Bayles provided a report on the Quality of Education Unit. He outlined Attachment 5e of the meeting packet.

Ms. Reiter asked if applications for change in method of education to online distance instruction are being approved on a temporary or permanent basis. Mr. Bayles responded that most of the applications being received are for a permanent change. He added that during the

review process, staff are given access to the institutions online learning environment to help determine the quality of education being provided by the institutions.

#### Public Comment

Damon Fugett, with Dehart Technical School, provided a public comment.

#### Compliance and Discipline Report

BPPE Enforcement Chief, Beth Scott, provided a report on the Compliance and Discipline Units. She referenced Attachment 5f of the meeting packet.

#### Public Comment

Grant Elliot provided a public comment.

#### Complaint and Investigation Report

BPPE Enforcement Chief, Beth Danielson, reported on the Complaint and Investigation Unit. She outlined Attachment 5g of the meeting packet.

Ms. Ferrin asked if there was any additional information on COVID-19 related complaints. Ms. Danielson responded that approximately 27 percent (27%) of complaints received were COVID related. She noted that 63 percent (63%) of the COVID related complaints were non-jurisdictional and were referred to other agencies.

Ms. Reiter commented that it would be helpful to see a more detailed breakdown on the reported total amount of refunds made to students included in the meeting packet. She noted that the breakdown could include what action led to the refund and also what refund amount was requested, compared to what was actually refunded.

Mr. Holt asked for a representative example of a COVID-19 related complaint that would be recommended to the Health Department. Ms. Danielson provided the example of receiving a complaint regarding an institution that was operating while having been issued an order to not operate due to COVID-19. She provided another example of students submitting complaints about being required to attend class in person with the risk of exposure to COVID-19.

#### Public Comment

No Public Comment.

#### Licensing Report

BPPE Licensing Chief, Ebony Santee, reported on the Licensing Unit. She outlined Attachment 5h in the meeting packet.

### Public Comment

No Public Comment.

### Office of Student Assistance and Relief (OSAR) Report

OSAR Chief, Scott Valverde, provided a report on OSAR. He covered Attachment 5i of the meeting packet.

Mr. Valverde presented a closed school student outreach video to the Committee. He noted that the video will become available on YouTube.

Ms. Ferrin asked how the video will be deployed. Mr. Valverde responded that video will be linked on the Bureau and OSAR website, promoted on social media accounts, and will be provided to students who are facing a school closure.

### Public Comment

No public comment.

### Student Tuition Recovery Fund (STRF) Report

Yvette Johnson, Bureau Administration Chief, provided a report on STRF. She covered Attachment 5j in the meeting packet.

### Public Comment

No public comment.

### **Agenda Item #6 - Status Updates on Regulations**

Ms. Rifredi provided a status update on Bureau regulations. She covered Attachment 6a in the meeting packet.

Ms. Rifredi noted that STRF fees will be reimplemented as the fund has dropped below 20 million. Mr. Vice asked if there was a timeline. Ms. Rifredi responded that there is not a definitive timeline but that it will be very soon.

### Public Comment

Teresa Speicher provided a public comment. Grant Elliot provided a public comment. Myra Pomerantz provided a public comment.

### **Agenda Item #7 - Discussion on COVID-19 Impacts to Institutional Requirements and the Flexibility the Bureau Has to Address the Impacts**

Mr. Smith opened up discussion on COVID-19 impacts to the private postsecondary education industry and students. He reported that the Bureau has frequently communicated with stakeholders and other interested parties to share information and provide support as necessary. He noted that Bureau has actively utilized social media to share information with stakeholders. He explained that negative impacts of the COVID-19 pandemic on the private postsecondary industry and its students will continue to be felt over the coming months. He added that the Bureau will continue to monitor both state and federal actions and will communicate with stakeholders and other interested parties regarding any new developments.

Mr. Holt commented on the mandated School Performance Fact Sheet (SPFS) reporting requirements and gave an example of how COVID-19 is impacting on time graduation rates. He questioned if the Bureau has considered adding language to the SPFS regarding the impacted time periods. He pointed out the unusual circumstances brought about by the COVID-19 pandemic. Mr. Smith stated that specific issues are addressed and analyzed by the Bureau on a case by case basis. Ms. Rifredi commented that following a review and discussion of regulations and statutes it has been determined that no modifications can be made to the SPFS. She noted that a separate document providing information regarding COVID-19 impacts could be included with the SPFS but that the SPFS itself can not be modified.

Ms. Reiter questioned if an institution could attach a lengthy document regarding COVID-19 impacts in front of the SPFS. Mr. Smith clarified that it may or may not violate a regulation or statute for an institution to include a document behind the SPFS. Mr. Vice pointed out that a student must sign the SPFS. Ms. Reiter responded that students are required to sign multiple documents which would not necessarily guarantee the student would see the SPFS. She continued that it's unclear what it means that an institution may attach a document to the SPFS, and what limits would be applied to the length of the document. Mr. Vice noted that there are already several disclosures prior to the SPFS that are provided to the student. Ms. Reiter noted that it could be helpful to have a future discussion on what disclosures are provided to the student.

### **Public Comment**

No public comment.

### **Agenda #8 – Future Meeting Dates**

The committee agreed to review the future meeting dates and would let the Bureau know of any conflicts.

### Public Comment

No public comment.

### **Agenda #9 – Future Agenda Items**

Ms. Reiter requested that the Bureau provide, at the first feasible meeting, a presentation, discussion, and possible action regarding the tracking of complaint, inspection, and compliance data in the new IT system and the future availability of that data on the Bureau website.

Ms. Lee-Carey moved to have the Bureau provide a presentation and a discussion on the details of how complaint and disciplinary items will be tracked in the new IT system and what will be made available to the public; Ms. Reiter seconded the motion. (Ms. Lee-Carey: Aye; Mr. Vice: Aye; Mr. Holt: Aye; Ms. Reiter: Aye; Ms. Ferrin: Aye; Mr. Wong: Aye) The motion passed.

Mr. Holt moved to have an update on the status of the Bureau's Sunset Review on the agenda at the next Committee meeting; Ms. Lee-Carey second the motion. (Ms. Lee-Carey: Aye; Mr. Vice: Aye; Mr. Holt: Aye; Ms. Reiter: Aye; Ms. Ferrin: Aye; Mr. Wong: Aye) The motion passed.

Ms. Reiter moved that the Bureau provide, at the first feasible meeting, a presentation, discussion, and possible action regarding the conversion of complaint, inspection, and compliance data from the old IT system to the new IT system. Motion not seconded; motion failed.

### Public Comment

No public comment.

### **Agenda #10 – Adjournment**

The meeting adjourned.