



Advisory Committee Meeting Minutes Wednesday, August 16, 2023

WebEx Meeting

Advisory Committee Members in Attendance

1. Tess Dubois-Carey
2. Tracy Tambascia
3. Melanie Delgado
4. Joseph Holt
5. Robert Boykin
6. Kevin Powers
7. Margaret Reiter

Committee Members Absent

Kansen Chu
Leigh Ferrin
Senator Richard Roth

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

Deborah Cochrane, Bureau Chief
Linh Nguyen, DCA Legal Counsel
Daniel Rangel, Bureau Enforcement Chief
Elizabeth Elias, Bureau Enforcement Chief
Ebony Santee, Bureau Education Administrator
Scott Valverde, Office of Student Assistance and Relief Chief
Yvette Johnson, Bureau Administration Chief
David Dumble, Bureau Legislative/Regulation Specialist
Korrina Moreno, DCA Customer Information Center
Jeff Alameida, DCA Information System Specialist

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

Committee Chair, Joseph Holt called the meeting to order.

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

No public comment.

Agenda #3 - Review and Approval of February 16, 2023, Advisory Committee Meeting Minutes

Margaret Reiter requested an amendment to page 7 of the minutes.

Tess Dubois-Carey moved to approve the May 24, 2023 meeting minutes as amended; Robert Boykin seconded the motion.

Public Comment

No public comment.

Vote

(Melanie Delgado: Aye; Tess Dubois-Carey: Aye; Margaret Reiter: Aye; Joseph Holt: Aye; Robert Boykin: Aye; Tracy Tambascia: abstain) The motion passed.

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

Korrina Moreno, DCA Customer Information Center, provided an update on the Department of Consumer Affairs (Department).

Ms. Moreno reported that prior changes to the Bagley Keene Open Meeting Act that allowed members to attend meetings virtually without noticing their meeting locations expired on July 1, 2023. She noted that members are now subject to the traditional pre-COVID requirements for open meetings. She continued that DCA Boards and Bureaus should be prepared to conduct meetings in-person at noticed meeting locations, in compliance with the Open Meeting Act. She noted that Senate Bill 544, which may allow some meetings to be held virtually, is still going through the legislative process.

Public Comment

No public comment.

Agenda #5 – Bureau Operations Update and Discussion

Update on the Bureau’s IT System Project

Jeff Alameida, DCA Information System Specialist, provided an update on the Bureau’s IT system project. He reported on details in refining the detailed project plan. He noted efforts in fully transitioning staff off the legacy IT system to the new system. He explained that, rather than focusing on infrequent larger releases with voluminous changes and functionality, the revised project plan includes more frequent deployments of smaller meaningful improvements that will support business processes across the Bureau. He stated that the project plan has been shared with the Bureau Chief and project leadership for active ownership across the organization.

Mr. Alameida outlined the first successful release on August 8, 2023, under the revised project plan. He explained that several improvements were deployed to the approval of non-accredited applications to make it easier for staff to process the applications.

Mr. Alameida credited the recent successes of the project to the Bureau Chief for providing appropriate resources to test the system and validate processes and to the staff for their involvement.

Yvette Johnson, Bureau Administration Chief, reported that refinements were made to the Bureau website to include highlighting the option of filing a STRF claim online. She added more efforts are underway to make the website more user-friendly. She noted that staff are working on a video of a step-by-step walkthrough of how to complete the online STRF claim application.

Ms. Reiter asked if progress has been made to add links to inspection results or citations within the results of a school search on the website. Mr. Alameida responded that the request has been incorporated into the project plan.

Ms. Johnson introduced Bureau program analyst, Parker Strohmeyer, to provide more details on the processes of the online STRF claim application. Mr. Strohmeyer explained that the new system appears to allow for more streamlined and efficient claim processing, while also improving the overall quality of applications received. He reported, that as of August 7, 2023, 28 STRF claims have been received via the online portal. He noted that students have generally given positive feedback on the new online application option.

Mr. Holt asked at what point in assisting a student with the application would Bureau staff involve OSAR staff. Ms. Johnson responded that Bureau staff address minor issues but enlist OSAR staff when a student requires more in-depth assistance. Mr. Holt asked what involvement OSAR staff has had with the new online system. Ms. Johnson responded that OSAR staff have had some training on the new system and will have additional involvement in the future.

Ms. Tambascia suggested adding a function within the online application process where users could mouse over terms or phrases to get definitions or additional information. She also noted it would be helpful if there was a way to identify areas of confusion or frequent errors made within the claim application.

Mr. Holt asked if changing the STRF claim application is a regulatory process. Ms. Johnson confirmed that it is.

Public Comment

One member of the public provided a comment.

Licensing Report

Ebony Santee, Bureau Education Administrator, reported on the Licensing Unit. Ms. Santee introduced Greg Donkerbrook as the new Bureau Licensing Chief.

Ms. Santee outlined Attachment 5(b).

Ms. Reiter asked how the number of institutions operating has varied over the years. Ms. Santee responded that she did not have that information but would take note for a later meeting.

Ms. Dubois-Carey suggested adding a column in the licensing applications chart to include the reduction in days to approve. She asked if the average days to approve include the time an application is pending due to an institution. Ms. Santee responded that the average days to approve includes the time the application is with Bureau staff and the institution. Mr. Holt noted the continuing work of Bureau staff to analyze and understand the amount of time an application is with the Bureau and the time an application is with an institution.

Public Comment

One member of the public provided a comment.

Quality of Education Report

Ms. Santee reported on the Quality of Education Unit. She outlined Attachment 5(c).

Public Comment

No public comment.

Annual Report (AR) Report

Elizabeth Elias, Bureau Enforcement Chief, reported on the Annual Report (AR) Unit. She outlined Attachment 5(d).

Ms. Elias noted that the 2022 Annual Report online portal opened on August 1, 2023, and the reports are due by December 1, 2023.

Ms. Reiter asked how many institutions failed to submit the 2021 Annual Report. Ms. Elias responded that 73 citations were issued for Annual Report violations in the last fiscal year.

Mr. Holt asked if the Bureau has made any analysis of the graduate identification collected in the 2021 Annual Report. Ms. Elias responded that more information on the graduate identification data will be provided at a future meeting.

Mr. Holt asked if any institutions have not submitted a prior year's Annual Report and have not been cited. Ms. Elias responded that staff are still citing institutions that have not submitted the Annual Report. She added that the first round of cited institutions included those that have not submitted anything. She noted that staff are currently working on citing institutions that only partially submitted the report.

Public Comment

Two members of the public provided a comment.

Compliance and Discipline Report

Ms. Elias reported on the Compliance and Discipline Unit. She outlined Attachment 5(e).

Ms. Reiter asked what progress the Bureau has made in completing the mandated number of inspections. Ms. Elias responded that an update on that can be provided at the next meeting.

Public Comment

One member of the public provided a comment.

Complaint and Investigation Report

Daniel Rangel, Bureau Enforcement Chief over complaints and investigations, reported on the Complaint and Investigation Unit. He outlined Attachment 5(f).

Ms. Tambascia asked if there is a process to address concerns upstream. Ms. Cochrane provided an example of an institution being cited for a problematic policy that violates laws and regulations which results in the institution updating the policy.

Mr. Holt asked if the number of complaints closed includes administrative and investigative case closures. Mr. Rangel responded that the number of cases closed includes both. Mr. Holt suggested tracking case closures excluding duplicate, consolidated, and exempt non-jurisdictional cases. He added it could also be helpful to separately track the time taken to close cases in the administrative categories to consider ways to expedite those processes.

Kevin Powers asked if additional support is needed to address the pending caseload. Mr. Rangel responded that staff has primarily focused on the quality of the investigations. He explained that addressing cases appropriately through remediation of deficiencies and holding institutions accountable will eventually result in a reduction in the number of complaints received. He added that, along with vacant positions being filled, staff focusing on quality investigations is leading to efficiency. He noted that the results of these efforts have been noticed in the last six months.

Public Comment

No public comment.

Office of Student Assistance and Relief (OSAR) Report

Scott Valverde, OSAR Chief, reported on the OSAR Unit. He stated that OSAR staff have been involved in the online STRF claim application rollout. He explained that staff participated in training, internal staff testing, and provided general feedback and observations. He noted that staff will continue training in preparation for more involvement in assisting students in completing the online application. He added that OSAR will also be supporting the outreach efforts to let students know about the online application option.

Mr. Valverde outlined Attachment 5(g).

Public Comment

No public comment.

Student Tuition Recovery Fund (STRF) Report

Yvette Johnson, Bureau Administration Chief, provided a report on STRF. She covered Attachment 5(h).

Ms. Reiter asked how the paper application is entered into the new system. Ms. Johnson responded that the paper application is scanned and saved in the new system as a PDF, and then some information from the paper application is entered manually into the new system. She added that the goal is to get more users to utilize the online system.

Ms. Reiter asked if work is being done to track the status of STRF applications to report like how licensing applications and complaints are tracked and reported on. Ms. Johnson responded that staff have been working on gathering that information as the new system is continually being developed and utilized. Mr. Holt added that a pending caseload age report using similar visuals and vocabulary as other units would be helpful.

Public Comment

No public comment.

Agenda Item #6 - Status Updates and Discussion on Regulatory Proposals

David Dumble, Bureau Legislative/Regulation Specialist, provided a status update on Bureau regulatory matters. He outlined the Bureau Regulation Tracker and the Changes to Application Signature Requirements: Updated Proposal that were provided in the meeting materials.

Mr. Dumble outlined some potential 2024 packages. He pointed out the vastness of language in the minimum operating standards proposal previously shared. He explained that to address all the potential changes in the regulation the Bureau plans to break up the minimum operating standards into different components pieces. He noted that one possibility would be to break up the standards based on the 9 subcategories that are expressed in Minimum Operating Standards regulation 94885(a).

Mr. Dumble continued that another possible package next year will address language in the 74110(b), which specifies that the Annual Report financials report must be submitted in a hard copy format. He added that the Bureau is currently looking into whether it would be more efficient to allow institutions to submit financials in an electronic format. He added that the Bureau is also looking at 74115(d), which defines a “current” financial statement. He noted that institutions have stated that the definition is confusing.

Mr. Dumble reported that the Bureau has identified potentially confusing language regarding renewals in 71475(jj) and 71480(h). He explained that these sections specify that after an institution’s approval to operate has expired the institution has 6 months to file a renewal application. He stated that this raises the question of the institution’s status between the time the institution’s approval expired and then 6 months later when the approval was canceled. He noted the ambiguity of status has tangible impacts on nearly every element of the Bureau’s operations.

Ms. Reiter stated that it would be helpful to include in the tracker the statute that is driving a regulatory proposal.

Mr. Holt expressed appreciation for the Committee's opportunity to provide feedback on regulatory changes early in the process.

Ms. Reiter asked for feedback on DCA's new regulatory process which is intended to speed up the regulatory process. Mr. Dumble responded that it is too early to know the impact of the new changes. He noted that he received valuable feedback from DCA regulatory attorneys at the kickoff meeting for the new regulatory process.

Public Comment

One member of the public provided a comment.

Agenda #7 – Future Agenda Items

Mr. Reiter expressed appreciation for the Bureau addressing many of her prior future agenda item suggestions.

Mr. Holt suggested an item to discuss the unique situation with Silicon Valley University and the disproportionate financial impact it has had on the STRF fund. He proposed that the discussion primarily include Committee members, as Bureau staff already addressed the issue in a prior memo at the November 2021 meeting. He encouraged other members to review the memo and to consider potential statutory changes the Committee could recommend. He added that one focus should be on the mitigation of the impact of international students on the STRF fund. Ms. Reiter added that the Bureau staff could focus on what lessons were learned from Silicon Valley University, and what actions could or could not be taken sooner.

Public Comment

No public comment.

Agenda #8 – Adjournment

The meeting adjourned at 12:35 p.m.