

# California Law – Important Provisions: Private Postsecondary Institutions

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## Bureau of Private Postsecondary Education (BPPE)

Established in **Cal Ed Code § 94875** to regulate private postsecondary educational institutions.”... In exercising its powers, and performing its duties, the protection of the public shall be the bureau's highest priority. If protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.”

## Filing a Complaint with the BPPE

California law requires institutions to include information in their catalog regarding how to filing a complaint with the BPPE along with a toll-free number and the BPPE website on which a complaint form is available. (**Cal Ed Code § 94909**)

California’s BPPE website is easily accessible. There is a “complaints” link at the top of the home page. <http://www.bppe.ca.gov>

## School Performance Fact Sheet is Mandatory:

An enrollment agreement is not enforceable unless, among other things, the student receives School Performance Fact Sheet and catalog prior to signing the enrollment agreement and the student and institution have signed/dated the information required to be disclosed in the in fact sheet prior to the execution of the enrollment agreement. (**Cal. Educ. Code § 94902**) School Performance Fact Sheet includes institutional performance. (**Cal. Educ. Code § 94910**)

The School Performance Fact sheet must include disclosures necessary for the student to make and informed decision. For example, disclosures must include:

- Completion rates
- Placement rates
- License examination passage rates for programs leading to employment for which passage of a state licensing examination is required,
- Salary or wage information
- Along with other specified statements and information. See **Cal Ed Code § 94910**

## Enrollment Contract Requirements:

Enrollment contracts must state, among other things, an itemization of all institutional charges and fees including as applicable, tuition, registration fee, equip, refund policy and dates, in-resident housing, lab supplies or kits, uniforms or protective clothing, tutoring, assessment fees for transfer of credits, fees to transfer credits, STRF fee, any other charges/fees, charges required to a third party or participation. (**5 CCR § 71800, Cal. Educ. Code § 94911**) In addition, an enrollment agreement is not enforceable unless a student has received the institution's catalog and School Performance Fact Sheet prior to signing the enrollment agreement. (**Cal Ed Code § 94902**) The institution's catalog is required to provide information about the transferability of credits and the classes and time required to complete a program. (**Cal Ed Code § 94909**)

## Prohibited Acts:

In addition to a prohibition on the use of the terms "college" and "university" (**Cal. Educ. Code § 94050, 5 CCR § 74150**), California has a list of prohibited acts that encompass all of the elements on the above chart and several more. (**Cal. Educ. Code § 94897**). For example, institutions cannot:

- Use, or allow the use of, any reproduction or facsimile of the Great Seal of the State of California on a diploma.
- Promise or guarantee employment, or otherwise overstate the availability of jobs upon graduation.
- Advertise concerning job availability, degree of skill, or length of time required to learn a trade or skill unless the information is accurate and not misleading.
- Advertise, or indicate in promotional material, that the institution is accredited, unless the institution has been accredited by an accrediting agency.
- Solicit students for enrollment by causing an advertisement to be published in "help wanted" columns in a magazine, newspaper, or publication, or use "blind" advertising that fails to identify the institution.
- Require a prospective student to provide personal contact information in order to obtain, from the institution's Internet Web site, educational program information that is required to be contained in the school catalog or any information required pursuant to the consumer information requirements of Title IV of the federal Higher Education Act of 1965, and any amendments thereto.
- The entire list is located at **Cal Ed Code § 94897**.

## Attorney General Involvement

Complaints that allege the greatest threats of harm to greatest numbers of students may be referred to the Attorney General. (**Cal. Educ. Code § 94941**) Also, California law requires the Bureau to contract with the Attorney General if there is reason to believe school has engaged in pattern or practice of violating the law involving multiple students or claimants. (**Cal. Educ. Code § 94945**)