

**Action Item**

***California Student Aid Commission***

Consideration of adopting regulations to interpret and make specific Sections 69433.2 and 69433.6 of the Education Code relating to the Cal Grant Participating Institution Data Reporting Requirements established by Senate Bill 70 (Chapter 7, Statutes of 2011)

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**BACKGROUND**

On March 24, 2011, Senate Bill 70 (Chapter 7, Statutes of 2011) (hereinafter "SB 70") was chaptered into California law amending Education Code sections 69432.7, 69432.9, and 69433.6 and adding new section 69433.2 to the Education Code. Relevant here is new section 69433.2 which requires that Cal Grant participating institutions report to the Commission certain information relating to their undergraduate program. New Education Code section 69433.2 provides:

As a condition for its voluntary participation in the Cal Grant Program, each Cal Grant participating institution shall, beginning in 2012, annually report to the commission, and as further specified in the institutional participation agreement, both of the following for its undergraduate programs:

(a) Enrollment, persistence, and graduation data for all students, including aggregate information on Cal Grant recipients.

(b) The job placement rate and salary and wage information for each program that is either (1) designed or advertised to lead to a particular type of job; or (2) advertised or promoted with any claim regarding job placement.

In order to implement SB 70's reporting requirements, the Commission will need to adopt regulations informing the institutions how to comply with section 69433.2. The California Administrative Procedure Act (APA), Government Code section 11340 et seq., requires a state agency, such as the Commission, to follow the APA process to adopt every rule or standard of general application, or procedure that implements, interprets, or makes specific the law enforced or administered by the agency. For example, SB 70 does not provide definitions for any of the key terms, such as "enrollment" or "persistence", nor does it establish the methodology for determining "job placement rate." We must follow the APA to adopt these regulations, which provide the needed framework for Cal Grant participating institutions to submit the data required by the law.

## **DEVELOPMENT OF THE SB 70 PROPOSAL AND CONSULTATION WITH INTERESTED STAKEHOLDERS ON THE PROPOSED REGULATIONS**

The APA requires state agencies to consult with interested persons prior to initiating the formal APA process when a regulation involves complex proposals or numerous proposals. To draft the proposed regulations for the SB 70 reporting requirements, After Commission staff researched the various data currently required to be reported by postsecondary educational institutions, we contacted segmental research staff and the Information Technology (IT) staff to understand the current institutional reporting requirements and to identify how the SB 70 data requirements could be structured based upon data that was already being collected by institutions.

Once the regulations were in draft form, Commission staff engaged in a more formal consultation, or public discussion, process with interested stakeholders prior to filing the proposed regulations with the Office of Administrative Law (OAL). The pre-filing consultation process included webinars, conference calls and an in-person meeting, as detailed below. At each of the webinars, staff presented a power point of the regulations, explaining the purpose of each section. Staff also answered numerous questions that participants submitted via the "chat" feature on WebEx.

<u>Event</u>	<u>Date</u>	<u>Session</u>	<u>Participants</u>
Webinar	May 4, 2012	1	78
		2	54
Conference Call	May 9, 2012		CSU Segmental Representatives
Conference Call	May 15, 2012		Private Proprietary Representatives
Webinar	May 17, 2012	1	74
		2	90
Meeting	May 21, 2012		University of Phoenix Staff
Conference Call	May 23, 2012		UC Segmental Representatives
Conference Call	June 1, 2012		CCC Segmental Representatives
Webinar	June 7, 2012	1	53
		2	76
Conference Call	June 11, 2012		CCCCO Segmental Representatives
Conference Call	June 24, 2012		UC Segmental Representatives

Following the filing of the proposed regulations with OAL on June 26, 2012, the Commission continued to seek comments from interested stakeholders and participated in the following activities:

<u>Event</u>	<u>Date</u>	<u>Session</u>	<u>Participants</u>
Conference Call	June 27, 2012		CAASFAA Representatives
		1	68
Webinar	August 2, 2012	2	63
		3	81
Conference Call	August 8, 2012		CAASFAA Representatives

As demonstrated above, the pre-filing consultation process lasted for more than 50 days prior to the filing of the proposed regulations with OAL. Our consultation lasted an additional 45-days during the public comment period required by the APA.

During the consultation process, staff asked representatives for suggestions or revisions to the draft regulations. Commission staff reviewed and discussed all comments received and incorporated changes from the comments made during the webinars and from the recommendations made by the various segments, including the California State University (CSU) Chancellor's Office, the University of California (UC) Office of the President, and the California Community College (CCC) Chancellor's Office. The proposed regulations that were submitted to (OAL) were the fourth version of the regulations that were circulated and available for comment.

## **THE ADMINISTRATIVE PROCEDURE ACT PROCESS**

The APA procedures include specific timelines for notice to the general public on the proposed rulemaking, publication of documentation in the rulemaking file and, at a minimum, a 45-day public comment period.

On April 27, 2012, the Commission authorized staff to commence the formal rulemaking process required to implement regulations under the APA. This included the development of the proposed text, the Initial Statement of Reasons, the STD 399 Fiscal Impact Statement, and the Notice of Proposed Regulatory Action. The Commission also directed staff to hold a public hearing on the proposed rulemaking.

As noted above, between May 3<sup>rd</sup> and June 24<sup>th</sup>, Commission staff held the public discussion consultation. Commission staff also answered emails and phone calls from institutions that had questions about the proposed regulations that were specific to their particular institution.

On June 26, 2012, the rulemaking documents were submitted to the OAL for review and were thereafter published in the California Notice Register on July 6, 2012. The Commission also published these documents on the Commission's website. The filing and publishing of the documents commenced the required 45-day public comment period which concluded on August 20, 2012.

On August 22, 2012, the Commission's Student Impact Committee held the public hearing on the proposed regulations for SB 70. The Committee heard oral testimony

from 10 commenters, including representatives from UC, CSU, CCC, the California Community Colleges Student Financial Aid Administrators Association (CCCSFAA) and the California Association of Student Financial Aid Administrators (CASFAA).

The APA requires the Commission to summarize and respond on the record to timely comments that are directed at the proposal or at the procedures followed by the agency during this process. With each comment, the agency must either (1) explain how it has amended the proposal to accommodate the comment, or (2) explain the reasons for making no change to the proposal. The summary and response to comments are part of the rulemaking file and are included in the Final Statement of Reasons that is submitted to OAL.

## **PUBLIC COMMENTS**

With the close of the 45-day public comment period, the Commission had received 21 written public comments. These comments can be found in your agenda materials at Tabs 5.c.1 – 5.c.21. An additional three comments were received outside of the public comment period. The comments can be found at Tabs 5.d.1 - 5.d.3. While the Commission will respond individually to each timely comment it received, the following provides general responses to several issues that were raised by multiple commenters.

### **Consultation Process and the Grant Advisory Committee**

Some commenters expressed concerns over the methods used by the Commission staff to consult with the various stakeholders on the proposed regulations. Some indicated that they felt the webinars were “one-way”, that the process was rushed after a 15-month delay, and that the Commission should not have drafted the proposed regulations before meeting with all of the stakeholders to discuss how SB 70 would be implemented. Others indicated that the lack of consultation necessitated a return of the Grant Advisory Committee.

SB 70 was enacted into law in March 2011. It contained other changes to the Cal Grant system in addition to the reporting requirements that were implemented. Commission staff did not hurriedly draft regulations; it thoughtfully evaluated the law as it was written, the data that public segments already collected, and the data that all postsecondary institutions submit to IPEDS, the Bureau of Private Postsecondary Education and to accreditation entities. The Commission talked with MIS professionals at different segments, because it recognized that the most-effective way to have this reporting done was through a technological solution.

Once that process was complete, staff undertook the process of drafting the regulations mindful of both its obligation under the law and the cost and workload associated with implementing new reporting requirements for Cal Grant participating institutions. The steps taken by the staff to consult more formally with interested stakeholders are detailed above.

Throughout this process, Commission staff did not deny a single request for a meeting or conference call to discuss the SB 70 regulations. Although not detailed above, Commission staff responded to numerous email and phone calls that were received from individual schools that had questions about the regulations. The Commission did receive positive feedback from some participants in the webinars and also some of the formal

commenters indicated that they appreciated the consultation process that the Commission engaged in for the SB 70 regulations.

Lastly, the issue of the Grant Advisory Committee (GAC) has been addressed at numerous Commission meetings over the last several years, when meetings by GAC were prohibited by Executive Order. The Commission cannot utilize GAC in the manner in which it was originally structured. In the absence of GAC, staff has worked cooperatively with the CASFAA leadership to provide a representative to their Executive Committee where state issues are addressed. We also have a Commission staff member assigned to the CASFAA State Issues Committee. While the CCCSFAA does not have the same working relationship with the Commission, the Commission's school services representative does also attend their meetings by teleconference or in-person when resources allow.

Nothing, however, would have prevented any of the interested parties, including the former members of GAC, from getting together on their own initiative and providing Commission staff with alternatives and suggestions during the public discussion consultation period or the 45-day public comment period, as has been suggested on previous occasions when the issue of GAC has been raised.

### **Collecting IPEDS data versus utilizing the data being requested through the SB 70 regulations for "Enrollment, Persistence and Graduation"**

IPEDS is the Integrated Postsecondary Education Data System. It is a system of interrelated surveys conducted annually by the U.S. Department's National Center for Education Statistics (NCES). IPEDS gathers information from every college, university, and technical and vocational institution that participates in the federal student financial aid programs. The Higher Education Act of 1965, as amended, requires that institutions that participate in federal student aid programs report data on enrollments, program completions, graduation rates, faculty and staff, finances, institutional prices, and student financial aid.

Many comments focused on whether the Commission should require that an institution submit its IPEDS data to the Commission to meet Education Code section 69433.2(a); that is, enrollment, persistence, and graduation data for all students, including aggregate information on Cal Grant recipients.

#### **1. Enrollment**

Among the enrollment data captured by IPEDS is the "Fall Enrollment" survey. IPEDS considers "fall enrollment" as "the traditional measure of student access to higher education. Fall enrollment data can be looked at by race/ethnicity; gender; enrollment status (part-time or full-time); and/or level of study (undergraduate or graduate)."

The data being requested by the Commission largely mirrors the IPEDS data collection, with one important, statutorily-mandated, addition. Section 30041 "Enrollment data" provides "enrollment data shall be reported by cohort for the undergraduate programs offered by the institution, reported separately for each campus. Enrollment data shall consist of aggregate data on each of the following student characteristics: race/ethnicity, gender and enrollment status."

The only element not being captured specifically by the Commission's proposed regulations, but required by IPEDS is "level of study" (e.g. undergraduate or graduate). However, since SB 70 reporting is limited to undergraduate programs, the Commission would, in a sense, be collecting at least a portion of the "level of study" data already being sent to IPEDS.

This leaves the one additional data element that the Commission is requiring but that IPEDS does not collect; aggregate data on Cal Grant recipients. Education Code section 69433.2 requires that Cal Grant participating institutions provide aggregate data on Cal Grant recipients. That requirement is also found in the proposed regulations at section 30040(a) which provides that "[a] qualifying institution shall annually report to the Commission no later than December 31st, for the academic year ending the preceding June 30<sup>th</sup>, the enrollment data, persistence data and graduation data for all students, excluding students concurrently enrolled in K -12, and including aggregate information on Cal Grant recipients."

Lastly, it should be noted that, as this regulation was originally proposed at the beginning of the consultation period, the Commission was seeking to collect another data element not found in IPEDS. Initially, institutions were being asked to provide the "educational level" of their students upon enrollment. "Educational level" is of particular concern for the Cal Grant Program. Under Education Code section 69433.6(a), "the total number of years of eligibility for [a Cal Grant] shall be based on the student's educational level in his or her course of study as designated by the institution of attendance when the recipient initially receives payment for a grant." Collecting the educational level of the student at enrollment would provide important data on the population being served by the institution, such as whether the student was a first-time student or a transfer student with a significant number of units already completed, and would provide additional information on how such students fared at the institution as the data carried through the persistence and graduation reporting.

During the consultation process, however, many institutions expressed concerns with the collection of educational level data. Hearing these comments, the Commission removed the "educational level" reporting requirements from the proposed regulations.

## **2. Persistence**

For "persistence", IPEDS collects what it refers to as "First-Year Retention Rates". The first-year retention rate measures the percentage of first-year students who had persisted in or completed their educational program a year later for both full-time and part-time students.

The Commission is requesting that institutions provide the same data to the Commission, although the Commission will not be calculating a rate. Under the regulations as proposed by the Commission, retention is measured beyond the First-Year Retention Rate captured by IPEDS. Proposed section 30041.5(b) provides that "persistence data shall be updated annually for each cohort until the number of academic years reported equals at least 200% of the published program length." A longer data reporting period provides information on student behavior and better data on time-to-degree for part-time students. It may also shows trends that develop over the course of student attendance at an institution beyond just whether a first year student persisted in their education by enrolling for the fall term their second year.

### 3. Graduation

IPEDS displays two different graduation rates. The first is an overall graduation rate collected for full-time, first-time degree and certificate-seeking undergraduate students. The data collected includes (1) the number of students entering the institution as full-time, first-time degree- or certificate-seeking students in a particular year (cohort), by race/ethnicity and gender; (2) the number of students completing their program within a time period equal to one and a half times (150%) the normal period of time; and (3) the number of students who transferred to other institutions.

The second graduation rate displayed by IPEDS is a “200% graduation rate”. The data collected for this rate is based upon the number of full-time, first-time, degree- and certificate-seeking undergraduate students who completed within their program’s normal time to completion (100%), 150% of normal time, and 200% of normal time.

Under the IPEDS method for collecting graduation data, not all students at the institution are included within the displayed graduation rates. Students who have already attended another postsecondary institution, or who began their studies on a part-time basis, are not included in the institution’s graduation rate.

Under the Commission’s method for collecting graduation data, every student in attendance at the institution, regardless of their part-time or transfer status, is included in the graduation data. Including every student in this data corrects a failure identified by many institutions serving non-traditional students: IPEDS data does not track nontraditional, part-time students and that an institution’s IPEDS “numbers” are not representative of the institution’s efforts and success in helping students achieve their educational goals.

In addition, recognizing that many part-time students may not complete even within 200% being collected by IPEDS, the Commission gave institutions the opportunity to report additional data up to 400% of published program length for its students.

In summary, the data on enrollment, persistence and graduation required by the proposed regulations is currently being collected by institutions. A significant portion of the enrollment, persistence and graduation data being requested through these regulations follows what institutions are already reporting to IPEDS. However, IPEDS does not collect aggregate data on Cal Grant recipients, which is a statutory requirement for this data collection. In addition, in certain cases, IPEDS leaves significant gaps in the data collection. As a result, the Commission expanded certain elements of the reporting for purposes of SB 70.

#### **Using the Classification of Instructional Program (CIP) Code for reporting graduation data**

Several comments focused on the use of the Classification of Instructional Program (CIP) Code for reporting graduation data to the Commission. Some commenters indicated that use of the CIP went beyond the scope of SB 70, since the CIP code is not mentioned in the statute and therefore it should not be used. Others commented that the name of the CIP Code may not match up directly with the name of a particular major at the institution and therefore the information would be confusing to students. Still

others indicated that there are “no national standards for using the CIP codes as the Commission intends.”

The CIP Code was originally developed by the U.S. Department of Education's National Center for Education Statistics (NCES) in 1980 and it has been updated periodically since that time. The most recent revision occurred in 2010, and it is the 2010 version that the Commission is asking institutions to use in the proposed regulations. As described by IPEDS, “the CIP provides a taxonomic scheme that supports the accurate tracking and reporting of fields of study and program completions activity.” IPEDS uses CIP codes to collect completions data. IPEDS indicates that “Completions data are collected for award levels ranging from postsecondary certificates of less than 1 year to doctoral degrees. Data collected include: ... Degree completions by level and other formal awards by length of program, by race/ethnicity and gender of recipient, and by program (6-digit CIP code).”

Nothing in section 69433.2 prohibits use of a CIP Code for the collection of data. Commission staff chose the CIP Code for collecting graduation data (IPEDS uses the term “completion”) precisely because institutions already collect and report this data to IPEDS in this manner. As explained in the Initial Statement of Reasons:

In order to provide the best information to students and parents, the data reported to the Commission must be consistent across institutions and undergraduate programs. Postsecondary institutions that participate in the federal Title IV programs – which are the overwhelming majority of Cal Grant participating institutions – are already required to report certain program data based upon the Classification of Instructional Programs (CIP) code. (Initial Statement of Reasons, at p.3)

Moreover, the proposed regulations do not specifically address the issue of display of information collected. The regulations focus entirely on what data is to be reported by an institution to the Commission. Institutions are already required to list individual programs by CIP on their Application for Approval to Participate in Federal Student Financial Aid Programs. The institution may not necessarily use that same descriptor when identifying the major to its students. Because the proposed regulations do not address the display of data, there is nothing in the regulations that would prohibit the Commission from using the major that corresponds to that CIP code as indicated or requested by the institution.

Lastly, a comment questioned using the CIP codes in a manner contemplated when there are “no national standards for using the CIP codes as the Commission intends.” It is unclear to Commission staff what is meant by a “lack of national standards” or what need for such “national standards” exists for a California program. It is possible that this comment relates to a much earlier version of the proposed regulations. At one point earlier in the process, Commission staff proposed to use CIP code earlier in the reporting process, i.e. enrollment and persistence reporting. After considering comments raised by the CSU and others, reporting by CIP code was dropped from both the enrollment and persistence reports in the proposed regulations. In the final version of the proposed regulations, the CIP code is only being used to report graduation data; such usage is entirely consistent with how IPEDS uses the CIP Code for its completions data.

The proposed regulations also contemplate the use of the CIP with respect to job placement rate reporting. Once again, however, it is being used to demonstrate which program the student completed. Some commenters raised concerns over the Commission's intent to use the relationship between the CIP Code and the Standard Occupational Code (SOC) to determine if a graduate is "employed in the field". That issue will be addressed below.

**The California Community College's (CCC) representation that they are unable to complete the SB 70 reporting because of cost or lack of needed data and the request by some CCC's for a waiver or the reporting requirement or alternatively to have the CCC Office of the Chancellor provide the data.**

### 1. Cost

The CCC Chancellor's Office has indicated that they can report the enrollment, persistence and graduation data, but that the costs of building the application to perform such reporting will cost an estimated \$240,000 for the first year and \$140,000 per year in the out-year.

With respect to the job placement rate and salary and wage information, the CCC Chancellor's Office has indicated:

No existing resources are currently available to track job placement, wage and salary data. The cost estimate to develop an infrastructure for tracking student placement and wage data from the current MIS is estimated as follows:

- The first year cost for implementation at the college level is a total of \$28 million, with out-year costs estimate at \$16.8 million per year.
- The first year cost for implementation at the Chancellor's Office is estimated at \$240,000, with out-year costs estimated at \$140,000.

The CCC Chancellor's Office has not provided to the Commission any information to substantiate how it calculated the above costs. In preparing to the proposed regulations and the other documents in the rulemaking file we consult with Management Information System professionals at the various segments. None of them relayed any significant concern over the development of an application to create the reports or transmit the data to the Commission, nor did any of them raise any concerns about the cost.

Moreover, one of the comments received was from Shasta College. It indicated that it had "conducted two parallel surveys of former students to determine their employment status." The commenter further explained:

In the first example, we participated in a pilot study with a dozen other institutions. The cost was \$12,000 and paid on our behalf by a regional partner. We provided student contact information of recent graduates and program participants from the 2009-10 to determine their employment in the field, increases in wages, etc. At present we are still

waiting for our results with an estimated 25% response rate. ... The second example was more successful. We piloted our own survey of students from 2010-2011 during our Spring 2012 term. Our survey had a 52% response rate for completers and gave our faculty results within weeks. Our leavers survey followed up with a 33% response rate with results by summer 2012.

Recognizing that cost is a concern for all reporting institutions, the Commission attempted to align wherever possible with data which was already being collected by institutions and reported to IPEDS or elsewhere. However, the statute requires certain elements, such as aggregate data on Cal Grant recipients or job placement data, which most schools do not have readily available. In response to this concern, the Commission included within its regulations the option for any Cal Grant participating institution to send in certain unitary data, such as the student's name, date of birth, part-time or full-time status, graduation date and so forth, through which the Commission could create the necessary report on enrollment, persistence and graduation. (See proposed regulation § 30040(c)(2).) In addition, the Commission included within the regulations the option for the CCCs to submit student unitary data to the Commission so as to permit the Commission to prepare its job placement and salary and wage reporting. (See proposed regulation § 30042.5(g), "In lieu of reporting the data required pursuant to subdivision (a) or (b), as applicable, a California community college may provide student data to the Commission so as to allow the Commission to prepare the report on the institution's behalf.") The result of these two provisions is that for the CCCs, the Commission has offered to complete all of its reporting, without first year costs of \$28 million or out-year costs of \$16.8 million.

## **2. Not currently collecting the job placement or salary and wage data**

Several commenters indicated that the CCC's do not presently collect data related to job placement, salary and wages. A few asked that the Commission alternatively allow the CCC's to use data from the Employment Development Department (EDD) in lieu of the data being requested through the regulations.

SB 70 requires that all Cal Grant participating institutions report job placement and salary and wage information, as mandated in section 69433.2(b). The regulations do include a staggered start to the full reporting of the job placement and salary and wage data so that institutions may begin to collect this data to meet the reporting requirements. For 2012, the only data required to be reported is information relating to those who completed their program during the 2011-12 academic year, which is information that all institutions already collect. For 2013, the institution is required to update its data on the 2011-12 graduates and report completers for the 2012-13 academic year. This process is repeated each year thereafter with the institution completing its data for the academic year ending two years previous and providing graduation data for the academic year which ended the preceding June 30<sup>th</sup>.

Further, the regulations also allow the CCCs to avoid the costs of collecting the job placement and wage information by providing the Commission with student data they already collect. The Commission will then complete the collection job placement and wage information for the CCCs.

In addition, EDD data is incomplete. It is the staff's understanding that EDD does not collect the data elements necessary for compliance with the requirements of the proposed regulations. As currently drafted, the regulations require that there be a nexus between the degree or certificate received by the graduate and the employment being performed by the graduate. There are also minimum hours per week that must be averaged and a minimum number of weeks employed that must be achieved before an institution can report that the graduate is employed in the field. EDD does not collect the type of employment data that would allow an institution to demonstrate that a student has been able to find employment in a field directly related to the degree achieved.

### **3. Waiver from SB 70 / utilizing the CCC Chancellor's Office for the data**

Some individual commenters from the CCCs indicated that it was their belief that it was either "impossible" for their individual campus to meet the SB 70 reporting requirements or that the campus would not be able to complete the reporting requirements in a timely manner. Others suggested that the only way the reporting could get done was if the data came from the CCC Chancellor's Office.

Education Code section 69433.2 requires that all Cal Grant participating institutions report to the Commission information relating to their undergraduate programs including data on enrollment, persistence, graduation, and, for undergraduate programs that meet the conditions enumerated in the section, job placement rate and salary and wage information. The law currently does not provide for an exemption from the reporting requirements for any of the Cal Grant participating institutions.

As noted above, the regulations have been drafted to give the CCCs the option of having the Commission complete all of the job placement and salary and wage reporting for the CCCs. Furthermore, the regulations also accept, to the greatest extent possible, the data that institution's already collect and report. This is especially true with respect to the enrollment, persistence and graduation data collected.

Lastly, while the Commission will work with the CCC Chancellor's Office if it would like to submit data on behalf of the individual campuses, that does not relieve the individual campuses from submitting the required reports if the CCC Chancellor's Office is unable to provide the data directly to the Commission.

### **Reliability and effectiveness of surveys for collection job placement and salary and wage information**

Some comments expressed concern about the reliability and efficacy of using student survey to complete the job placement rate and salary and wage information reporting. Although the regulations do not require any specific method for an institution to utilize in getting its job placement and salary and wage information, surveys have been mentioned as one possible method for gathering the data. Indeed, should the CCCs elect to permit the Commission to prepare its job placement rate and salary and wage report, the Commission staff would use surveys as part of that process.

Surveys have varying level of success in getting a response from the targeted respondents. As quoted above, the commenter from Shasta College relayed that

institution's experience with creating employment surveys for employment data from its students. However, a survey does not require a 100% response rate to provide some valid data; samples are routinely used in many settings to get an impression of the overall area being evaluated.

Because the regulations do not specify how this data must be collected, institutions can select the method, or combination of methods, that works for the institution.

### **Requiring a nexus between the SOC and CIP Code for purposes of job placement rate reporting**

As part of the job placement rate reporting, the proposed regulations require that before an institution can include a particular student in their job placement rate, the student must be "employed in the field". The purpose of the "employed in the field" criteria for job placement is to ensure that the work being performed by the student, which the school is reporting in their job placement rate, is closely related to the field or career studied at the reporting institution. One of the most reported concerns about job placement rates is that an institution may be reporting a student as employed, despite the fact that the job being performed by the student is essentially unrelated to the degree or certificate received.

As a way of mitigating the potential for such abuse, the Commission included the requirement that the CIP code for the program completed by the student tie to the Standard Occupation Code (SOC) for the work being performed by the student. If the job is not related to the degree, the student cannot be counted as "employed in the field" for purposes of the SB 70 reporting.

The SOC Code system is used by the United States Department of Labor to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data. In March 2011, the NCES and the Bureau of Labor Statistics released a "crosswalk" linking the 2010 versions of classifications for which they are responsible, the Standard Occupational Classification (SOC) and Classification of Instructional Programs (CIP).

Under the federal Gainful Employment regulations, institutions are required to disclose the SOC codes that correspond to the selected CIP codes on the O\*NET Crosswalk website that best match the jobs that graduates get after completion of their program. Although the Gainful Employment regulations do not require an institution to report a job placement rate (unless they are required to calculate one by a state or accrediting body), the process for linking between the SOC and CIP via the Crosswalk is the same under both regulations. Moreover, the overwhelming majority of gainful employment programs likely to meet the definition of a program that is subject to job placement rate reporting under SB 70 so institutions will already need to make this correlation between the SOC and the CIP.

### **The proposed regulations "exceed the scope of the law"**

Several commenters indicated that the proposed regulations "exceed the scope of the law." Most do not specify the manner in which they believe the proposed regulations exceed the scope of the law, but it is likely because of one or more of the issues addressed above. In promulgating regulations, the Commission is not limited to the text

of the statute. Every rule or standard of general application, or procedure that implements, interprets, or makes specific the law must be promulgated by regulation. Solely repeating the statute in regulation is not what was intended by the APA.

In reviewing the comments it should be remembered that there are many sections of the proposed regulations which received no comments. Additionally, as will be discussed briefly below, the Commission did receive a joint comment from the Public Advocates, the Center for Public Interest Law at the University of San Diego School of Law and the Children's Advocacy Institute that indicate that in some instances the Commission did not go far enough.

As part of its review process, OAL will evaluate whether the Commission has exceeded its authority with respect to these regulations. The regulations are within the scope of the authority granted by SB 70 and provide the needed definitions, procedures and methodology for institutions to provide the data called for by SB 70.

### **JOINT PUBLIC COMMENT IN SUPPORT OF THE SB 70 REGULATIONS**

The Commission also received comments in support of its proposed rulemaking that were filed jointly by the Public Advocates, the Center for Public Interest Law at the University of San Diego School of Law and the Children's Advocacy Institute. These commenters made suggestions to certain provisions within the regulations that it felt could be strengthened, such as removing a provision within the proposed definition of "employed in the field" which the commenters report has been misused by institutions to manipulate their job placement rates. These commenters cite testimony before the U.S. Senate where a high-level employee at a large for-profit institution included "waiters, payroll clerks, retail sales and gas station attendants as placements for graduates of graphic design and residential planning programs."

In addition, rather than opposing the use of the CIP code, these commenters suggest that the Commission use the six-digit CIP Code (versus the CIP Code at the two- or four-digit level). The Commission's regulations already contemplated the use the six-digit CIP code, but the Commission did add this language to provide clarity.

Similarly, where the Commission excludes reporting on job placement for a "baccalaureate degree program in an area of study which does not directly prepare a student to take a licensing exam, does not lead to a credential, or does not result in a professional certification", these commenters suggest that the Commission remove this exemption altogether or amend it to limit it further.

These comments offer a view of the proposed regulations from the perspective of a group advocating on behalf of students. They note "it is critical to have uniform, comparable data on student outcomes in order to assess how institutions perform, especially when so much state financial aid is at stake."

### **NEXT STEPS**

If the Commission adopts the regulations and authorizes staff to complete the regulatory process, the complete rulemaking file will be submitted to OAL. OAL has 30 working days to conduct its review. OAL must review the rulemaking record to determine whether it demonstrates that the Commission satisfied the procedural requirements of

the APA and complied with the appropriate legal standards. Once OAL has completed its review, and assuming the Commission has met its APA obligations, OAL files the regulation with the Secretary of State and the regulations become effective.

**Recommended Action:** Adopt the regulations and authorize staff to complete the regulatory process, request that the effective date of the regulations be the date of filing, and authorize staff to take the necessary steps to complete the regulatory process.

**Responsible Person(s):** Keri Faseler Tippins, General Counsel  
Legal and Audit Services

Catalina Mistler, Chief  
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**AMENDMENT TO TITLE 5, DIVISION 4, CHAPTER 1, CA CODE OF  
REGULATIONS REGARDING THE CAL GRANT PROGRAM (EDUCATION  
CODE §§ 69430-69460)**

**PROPOSED TEXT**

Text to be added to the California Code of Regulations is displayed in underline type.  
Text to be deleted is displayed in ~~strikeout~~ type.

Text which was modified following the public comment period is illustrated by double underline for text that was added and ~~double strikeout~~ for text that was deleted.

**ARTICLE 1. DEFINITION OF CERTAIN TERMS**

§ 30000. Academic Year.

For Cal Grant A and B an academic year means two semesters or three quarters or their equivalent within a 12-month period between July 1 and June 30. An academic year may include a summer quarter in those colleges which maintain a summer quarter comparable to either the fall, winter or spring quarters. For Cal Grant C an academic year means a period of time usually eight or nine months during which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, or three quarters of instruction.

Note: Authority cited: Section ~~69433.7~~69544, Education Code. Reference: Sections ~~69432.7, 69432.9, 69500-69515~~ and ~~69530-69547~~, Education Code.

§ 30000.5 Commission.

“Commission” means California Student Aid Commission.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7, Education Code.

§ 30001. Grant Recipient.

(a) A grant recipient is a person who has successfully met all of the applicable requirements set forth in Education Code Sections ~~69430 to 69440~~ 69530 to 69547, who has been selected for a grant by the ~~California Student Aid Commission~~, and who has accepted the grant ~~in terms of by enrolling in and~~ attending a qualifying institution school

or college to which he has been admitted.

(1) A Cal Grant A grant recipient, whether entitlement or competitive, as defined in Education Code Sections 69434, 69436, 69532, 69437, and 69437.6 may utilize a grant for tuition and fees as in Education Code Section 69434 and 69437.5 ~~69536~~;

(2) a-A Cal Grant B grant recipient, whether entitlement or competitive, as defined in Education Code Sections 69435, 69435.3, 69436 and 69437.6 ~~69532~~, may utilize a grant for tuition, fees, access costs and subsistence as in Education Code Section 69435 and 69437.5 ~~69538~~;

(3) a-A Cal Grant C grant recipient, as defined in Education Code Section 69439 ~~69532~~, may utilize a grant for occupational or technical training for tuition and training-related costs as in Education Code Section 69439 ~~69539~~.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69437.5, 69439, Education Code.

#### § 30002. Eligible Applicant.

An eligible applicant is any person who has successfully met the requirements for at least one of the Cal Grant programs set forth in Education Code Sections 69430-69440 ~~69530 to 69547, Education Code~~, and has submitted in proper form and prior to established deadlines such applications, supplements and grade point average transcripts of academic record, and financial and other information as the California Student Aid Commission may direct.

Note: Authority cited: Section 69433.7 ~~69544~~, Education Code. Reference: Sections 69433, 69434, 69435, 69436 ~~69534, 69536, 69538, 69539 and 69541~~, Education Code.

#### § 30005. Eligibility Limitations.

Undergraduate course means the first eight semesters or twelve quarters or their equivalent of full-time college attendance beyond the high school graduation and prior to a baccalaureate degree. Eligibility may be extended for two semesters or three quarters or their equivalent for students enrolled in a five-year undergraduate program.

Note: Authority cited: Section 69433.7 ~~69544~~, Education Code. Reference: Sections 69433.6, 69536 and 69538, Education Code.

## § 30009. Qualifying Institution.

- (a) A "Qualifying Institution" means an institution as defined by Education Code section 69432.7(1).
- (b) An institution qualifying pursuant to section 69432.7(1)(1)(A) must be participating in the Federal Pell Grant program and in at least two of the three federal campus-based programs specifically listed in subdivisions (A), (B) and (C) of that section. "Participating in federal campus-based programs" means the qualifying institution school has been allocated funds and is spending those funds at each California site which Cal Grant recipients attend.
- ~~(c)(1) An institution qualifying pursuant to section 69432.7(1) (2) means a postsecondary nonprofit institution headquartered and operating in California which:~~  
~~(A) certifies to the Commission that 10 percent of the institution's operating budget is expended for institutionally funded student financial aid in the form of grants; and~~  
~~(B) demonstrates to the Commission that it has the administrative capacity to administer the funds; and~~  
~~(C) is accredited by the Western Association of Schools and Colleges; and~~  
~~(D) meets such other standards adopted by regulation by the Commission in consultation with the Department of Finance.~~  
~~(2) A regionally accredited institution that was deemed qualified by the Commission to participate in the Cal Grant Program for the 2000-01 academic year shall retain its eligibility as long as it maintains its existing accreditation status.~~
- (c) A qualifying institution or a specific site of an otherwise qualifying institution shall be deemed disqualified if it no longer possesses all of the requirements for a qualifying institution.
- ~~(e)(d)~~ An institution that becomes disqualified pursuant to Part 600 of Title 34 Code of Federal Regulations shall not be a "qualified institution" pursuant to this section.
- ~~(f)(e)~~ An institution disqualified pursuant to this section may become a "qualifying institution" by complying with Education Code section 69432.7 (1) and this section.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69432.7(1), Education Code.

§ 30010 Classification of Instructional Programs (CIP) Code

The Classification of Instructional Program (CIP) Code means the 2010 taxonomic scheme developed by the U.S Department of Education, National Center for Education Statistics (NCES) for the tracking and reporting of fields of study and program completion activity as used for the Integrated Postsecondary Education Data System (IPEDS) statistical data gathering and reporting.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69433.2, 69439 Education Code.

## ARTICLE 2. APPLICANT QUALIFICATIONS

### § 30020. Academic Record.

The Commission may establish minimum standards of academic achievement and potential and may adopt criteria for selecting grant recipients ~~recipients of grants~~ from among applicants to qualify for a Cal Grant and may require applicants to submit grade point averages pursuant to section 30007, 30008 or 30026 ~~transcripts of high school and college academic records~~ or other evidence of potential.

Note: Authority cited: Section 69433.7 ~~69544~~, Education Code. Reference: Sections 69434, 69435.3 ~~69500-69515 and 69530-69547~~, Education Code.

### § 30021. Choice of Qualifying Institution ~~School or College~~.

A Cal Grant shall be granted in terms of the applicant's selection of a Commission approved and currently qualifying institution ~~school or college~~ at the time he or she is selected for a grant.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections 69432.7, Education Code.

### § 30022. Change in ~~School or College~~ Choice of Qualifying Institution.

Whenever a grant recipient changes his or her choice of qualifying institution ~~school, college or program~~, the Commission must redetermine his or her financial need eligibility should the cost of attendance differ. Subject to such redetermination, a grant recipient may change his or her choice of college-qualifying institution (a) prior to the time of actual enrollment, or (b) at the conclusion of a quarter or semester, provided that any loss of tuition and fee payments shall be borne by the student.

Note: Authority cited: Section 69433.7, 69452, Education Code. Reference: Sections 69432.7, 69433, 69434, and 69435, Education Code.

## ARTICLE 3. USE OF CAL GRANTS

### § 30030. Application of Cal Grants.

All (a) Initial Cal Grant A and B awards are awarded for use during a specified academic year, and shall be put into effect in no earlier than the fall term of the ~~September of such~~ specified academic year.

~~(b) Exceptions may be made for s~~Students ~~in~~ newly awarded in the Cal Grant C program may activate their new award starting in the summer term, ~~preceding the award year if the summer term begins July 1 or later of the award year.~~

~~(c) Award activation in all Cal Grant programs may be postponed or~~ when a student has been granted a leave of absence or in such other instances as the Commission may otherwise provide.

Note: Authority cited: Section ~~69433.7 69544~~, Education Code. Reference: Sections ~~69432.7, 69433.9 and 69439, 69500-69515 and 69530-69547~~, Education Code.

§ 30032. Refund of Grant Payments.

Refund of unused award funds previously paid to a qualifying institution school or college shall be based on the published regulations of the qualifying institution school or college concerned, as certified to the Commission by such qualifying institution school or college.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections 69432.7, Education Code.

§ 30033. Withdrawal of a Cal Grant.

The Commission may withdraw a Cal Grant if the grant recipient:

- (a) Fails to enroll in a qualifying institution school or college and attend classes.
- (b) Withdraws from a qualifying institution school or college without making a request for a leave of absence.
- (c) Fails to maintain a full-time or part-time program in accordance with the regulations of the qualifying institution school or college he or she is attending and the ~~California~~

~~Student Aid Commission.~~

- ~~(d) Loses his status as a resident in California~~ Fails to meet applicable residency requirements.
- (e) Fails to continue to demonstrate financial need according to ~~California Student Aid Commission~~ criteria.
- (f) Fails to meet institutional Satisfactory Academic Progress requirements established by the institution in accordance with applicable federal standards published in Title 34 of the Code of Federal Regulations for a period of time that exceeds two consecutive semesters or three consecutive quarters.
- ~~(f)~~ Is in violation of ~~California Student Aid Commission~~ regulations.

Note: Authority cited: Section 69433.7 Education Code. Reference: Sections 69432.7, 69433.5 and 69433.9.

**ARTICLE 4. REPORTING OF PROGRAM DATA**§ 30040 Annual Report on Enrollment, Persistence and Graduation

(a) A qualifying institution shall annually report to the Commission no later than December 31st, for the academic year ending the preceding June 30<sup>th</sup>, the enrollment data, persistence data and graduation data for all undergraduate students, excluding students concurrently enrolled in K-12, or who are solely enrolled in basic skills instructional courses, remedial courses or English as a Second Language courses. The qualifying institution shall also include in its report aggregate enrollment data, persistence data and graduation data on all Cal Grant recipients attending the institution.

(b) The Commission may extend the period for filing if the institution demonstrates evidence of substantial need, but in no event longer will the deadline be extended longer than 90 days.

(c) The annual report shall be filed electronically by either:

(1) submitting the information required by subdivision (a) via the Commission's WebGrants website; or

(2) providing sufficient student unitary data to the Commission to allow the Commission to prepare the report on the institution's behalf. An institution electing to have the Commission prepare its report shall provide the following student unitary data: student's first, middle initial, and last name; date of birth; social security number; race/ethnicity; gender; original term enrollment date; enrollment status; institution campus code; CIP code for the student's educational program; units completed by term for the academic year; and program completion date, if applicable.

(A.) An institution electing to submit data to the Commission under this paragraph shall provide it no later than November 15<sup>th</sup> for the academic year ending the preceding June 30<sup>th</sup>. The Commission will calculate the enrollment, persistence and graduation data and provide a draft report to the institution within fifteen business days of its submission. The institution shall thereafter have fifteen business days to review its report and provide any additional information necessary to ensure the accuracy of the report.

(d) Any qualifying institution that fails to timely submit its annual report, or the data necessary for the Commission to prepare the annual report, shall be considered to be out of compliance with its Institutional Participation Agreement with the Commission.

Note: Authority cited: Section 69433.7 Education Code. Reference: Sections 69433.2, Education Code.

§ 30040.2 Cohort

(a) For purposes of reporting enrollment data, persistence data and graduation data, a cohort is defined as the group of students who commenced attendance at the qualifying institution at any point during an academic year. Once assigned to a particular cohort upon initial enrollment, the student remains in that cohort for the duration of his or her

attendance at the institution, or until the student completes his or her program, certificate or degree. Any student who completes his or her program, certificate or degree and pursues a new program, certificate or degree at the same qualifying institution would be assigned to the academic year cohort applicable to the subsequent enrollment.

(b) For purposes of reporting the job placement rate and salary and wage data, a cohort is defined as the group of students who graduated with a certificate, diploma or degree at any point during an academic year. Once assigned to a particular cohort upon graduation, the student remains in that cohort for the duration of institution's reporting obligation.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69433.2, Education Code.

#### § 30040.6 Published Program Length

"Published Program Length" shall mean the institution's normal or expected time for completion of the program, certificate or degree as reported to the U.S. Department of Education through the Program Participation Agreement.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69433.2, Education Code.

#### § 30041 Enrollment data

Enrollment data shall be reported by cohort for ~~the~~ each undergraduate programs offered by the institution, reported separately for each campus. Enrollment data shall consist of aggregate data on each of the following student characteristics: race/ethnicity, gender and enrollment status.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69433.2, Education Code.

#### § 30041.5 Persistence data

(a) Persistence data shall consist of the total number of students in each undergraduate program by cohort who have continued in, or persisted in, their education by enrolling in and completing at least one course at the institution during the academic year following initial enrollment, and every academic year thereafter, segregated by enrollment status, race/ethnicity and gender for each campus.

(b) Persistence data shall be updated annually for each cohort until the number of academic years reported equals at least 200% of the published program length.

Note: Authority cited: Section 69433.7, Education Code. Reference: Section 69433.2, Education Code.

§ 30042 Graduation data

(a) “Graduation data” means, for each undergraduate program offered by a qualifying institution, the number of students within the cohort who complete a program and upon whom the institution has actually conferred the degree, diploma, certificate or other formal award, within 100%, 150% and 200% of the published program length of the program, reported by CIP Code, enrollment status, race/ethnicity and gender. Graduation data shall be segregated by each campus of qualifying institution.

(1) In order for an institution to report a student as completing within 100% of the published program length, the student shall have completed the program, certificate or degree in 100% or less of the published program length regardless of the enrollment status of the student.

(2) In order for an institution to report a student as completing within 150% of the published program length, the student shall have completed the program, certificate or degree in 101-150% of the published program length regardless of the enrollment status of the student.

(3) In order for an institution to report a student as completing within 200% of the published program length, the student shall have completed the program, certificate or degree in 151-200% of the published program length, regardless of the enrollment status of the student.

(b) An institution may elect to report graduation data beyond 200% of the published program length of the program in the same format required by subdivision (a). An institution electing to report additional graduation data may report for students completing the program, certificate or degree in 250%, 300%, 350% and 400% of published program length.

(1) In order for an institution to report a student as completing within 250% of the published program length, the student shall have completed the program, certificate or degree in 201-250% of the published program length regardless of the enrollment status of the student.

(2) In order for an institution to report a student as completing within 300% of the published program length, the student shall have completed the program, certificate or degree in 251-300% of the published program length regardless of the enrollment status of the student.

(3) In order for an institution to report a student as completing within 350% of the published program length, the student shall have completed the program, certificate or degree in 301-350% of the published program length, regardless of the enrollment status of the student.

(4) In order for an institution to report a student as completing within 400% of the published program length, the student shall have completed the program, certificate or degree in 351-400% of the published program length, regardless of the enrollment status of the student.

(c) In addition to reporting graduation data, a California community college may report a transfer-out rate by reporting, for each cohort, the number of students who are known to have transferred from the California community college to a ~~California~~ baccalaureate degree granting institution.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections 69433.2, Education Code.

§ 30042.5 Annual Job Placement Rate and Salary and Wage Reporting

(a) Beginning in 2012, a qualifying institution shall report to the Commission no later than December 31st, for the academic year ending the preceding June 30<sup>th</sup>, the total number of students graduating during the 11-12 academic year aggregated by campus and CIP Code from all of its undergraduate programs that are either:

- (1) designed or advertised to lead to a particular type of job; or
- (2) advertised or promoted with any claims regarding job placement.

(b) Beginning in 2013, a qualifying institution shall annually report to the Commission no later than December 31st, for the two academic years ending the preceding June 30<sup>th</sup>, the job placement rate and the salary and wage information for all students graduating during each of the previous two academic years from any of its undergraduate programs that are either:

- (1) designed or advertised to lead to a particular type of job; or
- (2) advertised or promoted with any claims regarding job placement.

(c) For purposes of this section, an undergraduate program is “designed or advertised to lead to a particular type of job” if it is any of the following:

- (1) A series of credit courses designed to lead to a certificate, degree, or diploma in an instructional program which is designed to the give the student skills, knowledge and aptitudes for a specific field or occupation;
- (2) A series of credit courses designed to lead to a degree, diploma or certificate in a field of study or occupation that requires a license in California;
- (3) Postsecondary career and technical workforce education courses, programs and training in which specific instruction is provided with an occupationally specific objective and for which a certificate and/or associate’s degree is awarded.
- (4) A workforce program designed for entry-level employment or for upgrading skills and knowledge within an occupation.
- (5) A teacher certification program that leads to the awarding of a certificate by the institution or which consist of the course work necessary for the student to receive a state professional teaching credential or certification.

(d) An undergraduate program is not “designed or advertised to lead to a particular type of job” if it is any of the following:

- (1) A two-academic-year program fully transferrable to a baccalaureate degree program, and specifically designed to be a transfer program, including but not limited to the following programs:
  - a. Associate Degree General Education General;

b. Associates in Arts for Transfer (AA-T) / Associates in Science for Transfer (AS-T) codified in Education Code section 66746-66749;

c. California State University General Education Breadth course requirements;

d. Intersegmental General Education Transfer Curriculum (IGETC);

(2) A course of study that is designed to provide students with basic skills, remedial, English as a Second Language (ESL), or other necessary preparatory coursework for enrollment in a certificate, diploma or degree program.

(3) A baccalaureate degree program in an area of study which does not directly prepare a student for a particular type of job ~~to take a licensing exam, does not lead to a credential, or does not result in a professional certification.~~

(e) For purposes of this section, a program is “advertised or promoted with any claim regarding job placement” if it is any of the following:

(1) The institution advertises, promotes, or otherwise represents to students, whether orally or in writing, that ~~the~~ the program will assist students in ~~finding~~ obtaining gainful employment following graduation.

(2) The institution advertises, promotes, solicits, or directly corresponds with a prospective student whether in printed materials or electronic format, the availability of jobs upon graduation.

(3) If the qualified institution’s website hosts a link to either an internal or external website which provides information on the availability of jobs in a specific field or occupation that is related to ~~a~~ the program.

(f) The annual report shall be electronically filed by submitting the information required via the Commission’s WebGrants website.

(g) In lieu of reporting the data required pursuant to subdivision (a) or (b), as applicable, a California community college may provide student data to the Commission so as to allow the Commission to prepare the report on the institution’s behalf. An institution electing to have the Commission prepare its report shall provide the following student unitary data: student’s first name, middle initial, and last name; date of birth; social security number, if applicable; last known address; email address; institution campus code; CIP code for the student’s program; program completion date; and any employer or employment information in the possession of the institution.

(1) A California community college electing to submit data to the Commission shall provide it no later than November 15<sup>th</sup> for the academic year ending the preceding June 30<sup>th</sup>. The Commission will create the institution’s draft report and provide it to the institution. The institution shall thereafter have 30 calendar days to review its report and provide any additional information necessary to ensure the accuracy of the report before it becomes final.

(h) The Commission may extend the period for filing the annual Job Placement Rate and Salary and Wage Report if the institution demonstrates evidence of substantial need, but in no event longer will the deadline be extended longer than 90 days.

(i) Any qualifying institution that fails to timely submit its annual report, or the data necessary for the Commission to prepare the annual report under subdivision (g), shall be considered to be out of compliance with its Institutional Participation Agreement with the Commission.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections 69433.2, Education Code.

§ 30043 Job placement rate data

(a) The job placement rate data shall include, by CIP code for each program subject to reporting under section 69433.2, the total number of graduates in the cohort, the number of graduates available for employment, the number of graduates employed in the field and the job placement rate expressed as a percentage.

(b) The job placement rate shall be calculated by dividing the number of graduates employed in the field by the number of graduates available for employment. The job placement rate shall be reported separately by CIP Code for each campus of a qualifying institution and by cohort for each the applicable reporting periods.

(c) “Graduates available for employment” means the number of graduates who complete a program during an academic year minus the number of graduates unavailable for employment.

(d) “Graduates unavailable for employment” means graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education at a postsecondary institution.

(e) A graduate is “employed in the field” if all of the following criteria are met:

(1)(A) For occupations for which the state does not require passing an examination, the graduate reports that he or she is gainfully employed within six months of graduation in a position for which the skills obtained through the education and training provided by the institution are required or provided with a significant advantage to the graduate obtaining the position; or

(B) For occupations for which the state requires passing an examination, the period of employment shall begin within six months of the announcement of the examination results for the first examination available to the graduate following graduation.

(2) The occupation in which the graduate is employed, as identified by the appropriate Standard Occupational Classification (SOC), is related to the six-digit CIP Code for the program being reported, as established by the 2010 CIP-SOC Crosswalk developed by National Center for Education Statistics and the Bureau of Labor Statistics. The CIP-SOC crosswalk can be found at: <http://www.xwalkcenter.org/> <http://www.onetonline.org/>, and

(3) The graduate has been employed in a single position that averages a minimum of 32 hours per week for a minimum of 24 weeks.

(4) For students who were employed by an employer prior to, or during his or her attendance at the qualifying institution, who remain employed by the same employer in a substantially comparable position following graduation are not “employed in the field” unless the graduate reports a change in duties, salary or other tangible employment benefit received as a result of the skills obtained through the education and training provided by the institution.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections 69433.2, Education Code.

### § 30043.5 Standard Occupational Classification Code

The 2010 Standard Occupational Classification (SOC) Code system is used by the United States Department of Labor to classify workers into occupational categories for the purpose of collecting, calculating, or disseminating data. The SOC code is available from <http://www.bls.gov/soc/>

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections 69433.2, Education Code.

### § 30044 Salary and wage information

(a) The qualifying institution shall report to the Commission the salary and wage information for each undergraduate program that is either (1) designed or advertised to lead to a particular type of job; or (2) advertised or promoted with any claim regarding job placement.

(b) The salary and wage report shall include the total number of graduates employed in the field and the annual wages or salaries of those graduates stated in increments of five thousand dollars (\$5,000) for the two academic years following completion of the student's program. The starting increment for reporting the salary and wage information shall be the lowest salary or wage reported, rounded down to the nearest \$5,000 increment. The reporting range will continue through the highest reported salary or wage rounded up to the next \$5,000 increment. The institution shall also report the number of graduates who declined to provide salary and wage information.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections 69433.2, Education Code.

### § 30044.5 Record Maintenance and data audit

The information used to substantiate the reports submitted to the Commission pursuant to sections 69433.2 shall be documented and maintained by the institution for five years from the date of the publication of that data. An institution may retain this information in an electronic format. Failure to maintain the information necessary for the Commission to audit an institution's filing may result in termination of the institution's institutional participation agreement.

Note: Authority cited: Section 69433.7, Education Code. Reference: Sections 69433.2, Education Code.

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**From:** Steven Spurling  
**Sent:** Tuesday, August 14, 2012 10:19 AM  
**To:** CalGrantRegsComment  
**Subject:** comment on SB 70

Hi,

I am the Assistant Director of Research at City College of San Francisco. I have pulled data for the federal government regarding programs whose students receive financial aid. This was a laborious undertaking which would have to be added to the work load every year. SB 70 also would be a workload if colleges were to have to provide that data themselves. Moreover, data on job placement and salary we are restricted from getting from EDD. We could not under current law get that data from them. Now, if the state Chancellor's office were to do it through their community college database and provide that information to the state without involving the colleges that would be okay. However, since we would have to be ultimately responsible for it, it would mean we would at some level have to okay it. The underlying question is do you want to add more workload requirements on educational systems that are already burdened with state and federal reporting and accreditation requirements. We are in an intense budget squeeze.

Steven Spurling  
Assistant Director of Research  
City College of San Francisco

415 239-3743

California Student Aid Commission  
Attention: Kristen Trimarche, Legal Services  
P. O. Box 419029  
Rancho Cordova, CA 95741-9029

Comments Regarding SB70

The proposed regulations exceed the scope of SB 70 to a level that will be detrimental to the Community College segment.

Please note:

1. The draft regulations exceed the scope of the law.
2. Community Colleges are not structured to gather and track placement, salary and wage data of graduates.
3. The cost of implementing the regulations would be detrimental to our segment.
4. Implementing the regulations as written would result in a serious reduction in services to students.
5. There are adequate consumer disclosures and tools at the federal level; the state should not be spending resources to re-create something that exists at the federal level.

While all Community Colleges support the ideals of the Cal Grant program, offering funding for tuition and subsistence for needy and middle income students, there comes a time when the awarding agency requires data and imposes administrative burden without relief on the very entities that administer the program to students.

It is for this reason the Community Colleges require exemption from SB70 job placement rate reporting, and ask that CSAC use current Federal and MIS data to satisfy data collection.

Thank you for your attention to this matter,

Judith Cohen, Financial Aid Consultant;  
Peralta Community College District Financial Aid Director (retired)



**Memorandum**

August 14, 2012

Kristen Trimarche  
Legal Counsel  
California Student Aid Commission  
P.O. Box 419029  
Rancho Cordova, CA 95741-9029

**Re: Opposition to Proposed SB 70 Regulations, Section 30043(e)(3)**

On behalf of The California Coalition of Accredited Career Schools (The Coalition), I am writing in opposition to Section 30043 (e)(3) related to Job Placement Rate Data.

Specifically, the proposed provision requires that the “graduate has been employed in a single position that averages a minimum of 32 hours per week for a minimum of 24 weeks.” Our opposition is twofold:

1. We urge CSAC to strip the 24 week requirement language from the proposed regulations.

This provision would conflict with the Bureau of Private Postsecondary Education (BPPE) regulations which require graduates employed in the filed to be employed an average of “less than 32 hours per week” and “at least 32 hours per week”. There is no minimum week requirement. The minimum 24 week requirement proposed by CSAC is an arbitrary and unjustified mandate. Therefore, we urge this portion of the provision to be struck from the proposed regulations.

2. We urge CSAC to include clarifying language with respect to “single position.”

The “single position” requirement is over-reaching and does not include self-employment. Why should the job placement requirement only include a single position when the graduate may be working multiple jobs? If the CSAC intends to keep the single position requirement, we urge including additional language to read:

**Nothing in this section prohibits the CSAC from permitting an institution to aggregate single positions held by a graduate to meet any hours per week requirement.**

This proposed language is currently in AB 2296 (Block) pending before the Legislature. This measure would amend the California Private Postsecondary Education Act with respect to “graduates employed in the field”. There is no opposition to the bill and it is expected to be signed by the Governor.

Again, we urge conformity to the BPPE regulations and statute with regard to Section 30043(e)(3) to minimize duplication and ensure conformity.

Sincerely,

Laura Brown, President  
The Coalition

**FAX Cover Sheet****Page 1 of 9, including cover sheet**

**FAX to:** 916-464-8033  
Attn: Kristen Trimarche  
California Student Aid Commission

**FAX from:** Mary Gill  
Higher Education Consultant

**Re:** Comments on Proposed Rulemaking, June 25, 2012

**Date:** August 20, 2012

*Kristen,*  
*I'm not in town so I have to FAX this to meet the deadline. Tomorrow evening I'll forward the electronic version - for your convenience.*

*Mary Gill*  
*8/20/12*

California Student Aid Commission  
 Notice of Proposed Rulemaking  
 Cal Grant Program and Participating Institution Data Reporting Requirements

Comments of Mary Gill, Higher Education Consultant  
 August 20, 2012

Comments will address:

- The consultative process;
- Cost;
- Comparable federal regulations;
- Plans for a new website;
- An alternative to these regulations;
- Specific comments on contents of the proposed rules not related to SB 70 report requirements;
- Specific comments on contents of the proposed rules related to SB 70 report requirements; and
- Omissions from the regulations.

The consultative process

Government Code section 11346.45 requires an agency to engage in pre-notice public discussions if the proposal is large or complex. These reporting requirements are complex. They require agreement on a wide range of definitions, timetables and procedures for hundreds of institutions with differing missions, administrative structures and data systems. The California Student Aid Commission (CSAC) indicates in its Notice of Proposed Rulemaking (NPRM) that it "has consulted with stakeholders and interested parties by holding scheduled webinars, teleconferences, and meetings to develop the proposed action." As part of the state issues committee of the financial aid professional association, I did not experience such consultation. The webinars (no discussion allowed) were not held until the regulations had already been drafted; alternatives were not sought or considered. Requests for early meetings on the implementation of these reporting requirements were met with silence. CSAC may have met the letter of the law in this regard, but certainly not the spirit.

Cost

CSAC determines there is no significant statewide adverse economic impact because 1) this regulatory action only affects higher education institutions that voluntarily participate in Cal Grant and 2) only requires the electronic report of certain data. Setting aside for a moment the fiction of voluntary participation (what would happen to a community college that opted out?), there are significant costs. Voluntary does not mean a requirement does not have a cost; it only means community colleges cannot claim reimbursement under the state-mandate system. The California Community Colleges (CCC) will undoubtedly address this issue, but these regulations will certainly cost millions of dollars for these local agencies. These are scarce dollars that should help students with access and success, scarce dollars that will not be reimbursed by the State, and scarce dollars being spent on an unnecessary initiative (one that could be accomplished more efficiently using existing structures).

In its STD399 – Economic and Fiscal Impact Statement, CSAC states, "The cost for an institution to add the additional fields of data necessary should be negligible." Several years ago when I was a dean in the California Community College Chancellor's Office (CCCCO) I suggested one new MIS data element and was told by the Vice Chancellor that it cost \$5 million for each new element; I doubt the cost is any less today. These local agencies are spending considerable resources meeting new, similar federal regulations. Why not be more efficient and complement that effort, rather than impose new, costly definitions?

There is also potential for significant cost to state agencies. First is CSAC itself. CSAC is providing an option for community colleges to provide student contact information without placement or salary data and stating that it will survey

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these students and complete this function for the colleges. This has to be a costly exercise and the Commissioners, the Legislature, the Department of Finance and the public should be given a more realistic cost estimate for this proposed initiative. The CCCCO is also affected and is spending considerable staff time on this project and may have to commit additional resources if these regulations are approved. CSAC is silent on the impact on this state agency in its regulatory filings.

Comparable federal regulations

The STD 399 asks, "Are there comparable federal regulations?" CSAC checks the "No" box. In its NPRM CSAC states, "There are no comparable provisions of federal law related to this proposal." I am dumbfounded by these assertions. The federal government regulates very similar initiatives through the Integrated Postsecondary Education Data System (IPEDS) and Gainful Employment (GE).

20 USC 1094, Sec 487 (a) (17) of federal statute, as further defined in 34 CFR 668.14 (b) (19) mandate reporting for all institutions of postsecondary education participating in the federal Title IV programs (which includes all institutions subject to the rules now proposed by CSAC). Institutions must report data on enrollment, program completions, retention rates, and graduation rates (among other information). These data are available to the public (and certainly to CSAC) through the College Navigator website and the IPEDS data center.

Furthermore, 75 FR 66665 and FR 66832 published in the Federal Register on October 29, 2010, define, in detail, which postsecondary programs are considered to lead to gainful employment and certain characteristics of students in those programs (such as placement rate and on-time graduation rate). The US Department of Education is currently preparing to roll out a user interface for these GE data.

CSAC knows about these federal initiatives and data sources. Just one month ago CSAC used the graduation rates published by the federal government (and derived from comparable reporting requirements) to eliminate many California institutions from the Cal Grant program based upon language in the 2012 Budget Act and its trailer bills. When the Legislature needed to eliminate institutions, CSAC had no qualms about using the comparable federal regulations while simultaneously claiming such regulations do not exist.<sup>1</sup>

The postsecondary institutions in California (including every institution subject to CSAC's proposed rules) must comply with these comprehensive federal reporting requirements. One of the main reasons financial aid professionals have tried to meet with CSAC staff for the last year is to discuss how the comparable federal effort could be used to provide efficient, effective and improved data for Californians and the Legislature. Unfortunately pre-notice, development discussions with the professional associations did not take place.

Plans for a new website

Throughout its regulatory filings CSAC touts its plans to build a new website, stating, "CSAC can provide a model for the rest of the nation." CSAC cites the public need for this new site as a justification for these new reporting requirements; however, such an activity is beyond the scope of the statute and, ironically, could operate to the detriment of California students and families.

The report requirements adopted 17 months ago by the Legislature in SB 70 do not mention a website or any public initiative. It is CSAC (not the Legislature) that desires this initiative. In fact, CSAC is sponsoring a bill this session, SB 1103 (Wright), to put a mandate on itself to create this website. The bill is currently in Assembly Appropriations Committee; it is not law. Using the website as a justification for these regulations is premature and inappropriate.

Of greater concern, however, is the damage that could be done by creating yet another inconsistent and unnecessary website for students and their families. *By definition*, CSAC can only create a website about Cal Grant eligible schools, thus providing a very limited and possibly misleading tool for the thousands who consider out-of-state higher education. Additionally, due to recent changes in the law, 154 institutions were removed from Cal Grant eligibility so those institutions (mainly vocational schools) will not be subject to these reporting requirements *nor included in the website*.

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These schools with poorer performance are exactly the type of institution upon which California should focus transparency and better public information. And yet this website cannot provide data. And finally, CSAC has proposed definitions and report requirements that are inconsistent with federal requirements, thus yielding results that will not provide a meaningful comparison.

The federal government is way ahead in this entire enterprise; because college search is a national exercise this is appropriate and better for Californians. The federal site called "College Navigator" contains graphic displays (easily found in one place and not steeped in jargon) for every Cal Grant eligible institution and for every other Title IV-eligible institution in the United States. Full, consistent and meaningful comparisons are available; the information is not without flaws, but improving every year."

### An alternative to these regulations

In its "Initial Statement of Reasons" CSAC states, "The Commission did not consider any alternatives to the proposed regulations because it believes the proposed regulations are the best way to align with statutory imperatives." That about sums up the problem. CSAC has promulgated these rules without effective consultation and without regard to existing federal initiatives based solely upon its own beliefs.

There are alternatives that would be more effective in serving the needs of California and the Legislature while being less burdensome to the beleaguered colleges and universities in California. Please consider one such alternative as outlined below:

1. CSAC withdraws these proposed regulations.
2. CSAC develops a report from IPEDS and GE to the Legislature prior to December 31, 2012 providing available data on enrollment, persistence, graduation and gainful employment for every Cal Grant eligible institution, noting the absence of any required data and explaining steps to be taken to acquire such data.
3. CSAC convenes an on-going, truly consultative body to discuss improvement in transparency for the students and families in California. This body will have experts, representatives from all types of institutions, financial aid associations, students, and high school counselors. It will be open to the public. Stakeholders will be allowed to talk with CSAC staff in a professionally respectful environment.
4. The consultative body will examine both IPEDS and GE data, note missing or flawed data, and 1) make plans to obtain missing data in an efficient manner and 2) work with federal officials through the upcoming years to improve existing national efforts.
5. The consultative body will provide advice to CSAC and to the Legislature on outreach to link Californians with existing quality information (e.g., College Navigator, "Shopping Sheets", Gainful Employment data) and to train high school counselors in state-of-the-art investment research.

### Specific comments on contents of the proposed rules not related to SB 70 report requirements

If these rules are not withdrawn, amendments are needed.

CSAC used this NPRM opportunity to address some technical clean-up outside of the cited topic. One such item requires clarification and change:

**Proposed regulation:** § 30033. (f) Fails to meet institutional Satisfactory Academic Progress requirements for a period of time that exceeds two consecutive semesters or three consecutive quarters.

**Issue:** Institutions often have two sets of SAP requirements—one to guide continued eligibility for enrollment and the other to guide continued eligibility for financial aid. **Recommendation:** Clarify by inserting ...requirements for the continued receipt of federal Title IV financial aid funds...

**Policy clarification and issue:** CSAC indicates in its Initial Statement of Reasons that this rule is necessary in order for students to have proper notice their grant might be withdrawn. That's laudable but confusing. An example to illustrate the confusion: A student receives Cal Grant, earns a 1.9 GPA. The student is given a warning by the institution and placed

upon probation for the next term. The student earns another 1.9 and is taken off all federal aid. Does this regulation mean the Cal Grant continues for 2 semesters or 3 quarters (while additional notice of some sort is given by someone) or does it mean the student loses Cal Grant but retains the right to reinstatement, but then after 2 semesters or 3 quarters loses the right to reinstatement? This should be clarified. Also, what is the justification for limiting this action to *consecutive* terms when a student's reason for lack of progress is often addressed by taking time off to earn funds, straighten out a personal situation, etc.? And finally note statute does not give CSAC authority to impose its own SAP rules, thus this rule may exceed statutory authority. **Recommendation:** If this is just codification of current underground regulation, the current practice may be inappropriate or in need of improvement. At a minimum, this section should be clarified and rewritten. Even better would be to take this proposed regulation out of the NPRM and place this issue on a future Commission agenda for clarification and policy discussion, particularly in light of the significant changes in SAP rules at the federal level, which should be of interest to the Commissioners.

### Specific comments on contents of the proposed rules related to SB 70 report requirements

If these rules are not withdrawn, amendments are needed.

**Proposed regulation:** § 30040 (a) ...data for all students...

**Issue:** The law specifies this initiative is limited to undergraduates. Insert ... all undergraduate students... However, clarification is required regarding the reporting status for students who are undertaking undergraduate coursework after achieving a first baccalaureate degree. **Recommend:** Discuss this policy issue at the Commission level and determine the reporting status for students who already possess a baccalaureate degree.

**Proposed regulation:** § 30040 (a) ...who are enrolled in basic skills (etc.)...

**Issue:** Many students take a mixture of basic skills, ESL and/or remedial courses (excluded in these regulations) and degree applicable courses (included in these regulations). CSAC apparently means to exclude only those students solely enrolled in such courses. **Recommend:** Insert ...who are solely enrolled in basic skills (etc.)...

**Proposed regulation:** § 30040 (c) (2) ...enrollment status...

**Issues:** There are three issues:

1. Enrollment status is not defined (and is used throughout the regulations). Does this refer to full-time vs. part-time? If so, it should be defined. Sections 30003 and 30004 of existing regulation define full-time, three-quarter and half-time students, but do not specifically label these definitions as 'enrollment status' nor do the existing regulations address less-than-half-time status. **Recommend:** Add language under Article 1 (definitions) to define 'enrollment status' and include less-than-half-time students.
2. Assuming enrollment status refers to number of units, which term or status is desired? Many students are full-time for one term, part-time for another term within the academic year that defines the cohort. **Recommend:** Discuss this policy issue at the Commission level and determine which status or term will be controlling when a mixture of definitions occurs; amend the regulation to clarify.
3. Assuming enrollment status refers to number of units, at what point in the term should the enrollment status be determined for reporting? At the time of enrollment (hence 'enrollment' status), at the census date or equivalent, units completed at the end of the term? **Recommend:** Discuss this policy issue at the Commission level and determine at what point in a term the enrollment status should be determined; amend the regulation to clarify.

**Proposed regulation:** § 30040 (d) Just a typo: ...shall be considered to be out of compliance...

**Proposed regulation:** § 30040.2 ...a cohort is defined as the group of students who commenced attendance at the qualifying institution at any point during an academic year...

**Issue:** This language requires the cohort to include all students who commenced attendance in a given year but some of the data required by subsequent sections speaks to program cohorts, not just academic year cohorts. Two issues should be addressed:

1. There are apparently "program" cohorts as distinct from "all student" cohorts. The subsequent section on enrollment data (§ 30041) requires a report for all undergraduate programs reported separately by campus, but it is not clear if that means reported separately by program or in the aggregate. If cohorts are to be segregated by programs, the regulations are muddy. **Recommend:** Rewrite the definition of cohort to clarify these distinctions.

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2. If all cohorts are to be segregated by program, how does the institution classify a student who has not chosen or declared a program? If I enroll in a local community college for one course in California history (just because it interests me) where am I in these requirements? **Recommend:** Discuss this policy issue at the Commission level and decide upon the reporting structure for students not in programs; amend the regulations to specify treatment of students not in programs, wherever appropriate throughout the regulations.

**Proposed regulation:** § 30040.2 (a) ...student remains in that cohort for the duration of his or her attendance...

**Issue:** Does the student remain in that cohort even if there are gaps in attendance (a frequent occurrence)? Does the length of gap matter? A student might start at a CCC with intent to transfer but decide to join the military and not return for several years. Does that student go back into the original cohort (as the program was not completed)? **Recommend:** Discuss this policy issue at the Commission level and determine how a gap will be treated and whether or not the length of the gap will matter; amend the regulation to clarify.

**Proposed regulation:** § 30040.2 (a) ...any student who completes his or her program...pursues a new program...would be assigned to the...cohort applicable to the subsequent enrollment...

**Issue:** This makes sense (if the goal is to provide the public with meaningful data about success) but why is it limited to completers? A student begins in a bookkeeping certificate program and decides to pursue an AA degree in accounting instead. Why should that student be reported as a continuing non-successful certificate student rather than a student pursuing the new objective? Thousands of students change their programs and objectives as they mature and learn their own abilities and interests; the reporting envisioned here will yield misleading data on success and failure. **Recommend:** Discuss this policy issue at the Commission level and amend the regulation to provide cohort parameters that yield more valid results.

**Proposed regulation:** § 30041 ...enrollment data shall consist of aggregate data on...enrollment status...

**Issue:** See comments on three issues in § 30040 (c) (2). All three are pertinent, but issue #2 and #3 are particularly relevant if we are to avoid publishing data that are inconsistent and of limited value for students and families. Also see comments on cohort definitions for § 30040.2. **Recommend:** Clarify this section after above issues are resolved.

**Proposed regulation:** § 30041.5 (a) ...persistence data shall consist of the number of students by cohort who have continued in...their education by enrolling in and completing at least one course...during the academic year following initial enrollment and every academic year thereafter...segregated by enrollment status...

**Issue:** See comments on three issues in § 30040 (c) (2). All three are pertinent, but issue #2 and #3 are particularly relevant. In addition, further clarification is required on two more issues:

1. Does the institution report the student by the enrollment status at the time of placement in the cohort or at the time of continued enrollment in a subsequent year? **Recommend:** Amend the regulation to clarify which enrollment status is to be used when describing the persistence cohort.
2. In the case of a program wholly offered within one term (e.g. UC or CSU extension classes are often scheduled in this manner, there are many certificate programs of less than one year in duration) will it appear the student did not persist because there is no subsequent enrollment? Or will the reporting mechanism somehow match starters with completers in the same term? **Recommend:** Clarify how this will operate and make regulatory changes if necessary to ensure successful start and completion within one academic year can be recognized.

**Proposed regulation:** § 30041.5 (b) ...data shall be updated annually for each cohort until the number of academic years reported equals at least 200% of the published program length.

**Issue:** It appears cohorts must be segregated by program (or this requirement could not be met) but there is no guidance (here or elsewhere) on students who are not in a program. **Recommend:** After a policy discussion at the Commission level regarding the treatment of students who are not in programs, clarify this regulation.

**Proposed regulation:** § 30042 (a) ...“Graduation data”...reported by...enrollment status...

**Issue:** Again, which enrollment status at what point in time? **Recommend:** Make a policy decision and rewrite the section to clarify.

**Proposed regulation:** § 30042 (a) (1-3) and (b) (1-3) In order for an institution to report a student as completing within (100%, 150%, 200%, etc.) the student shall have completed the program...in (100%, 150%, 200% etc.) of the published program length regardless of the enrollment status of the student.

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**Issue:** "Regardless of enrollment status" can become a major policy problem with these regulations. There are three problems: First is the definitional problem cited throughout these comments (which enrollment status? At what point?). Second is the possibility institutions and programs that attract part-time students will appear to be less successful when the very opposite might be true. Providing genuine part-time opportunities for students who have employment and family obligations is an important service that serves the California economy. Third is the reporting problem inherent in mixed-enrollment status as a student shifts from full to three-quarter to full to half-time, etc., during the program.

**Recommendation:** There are no easy fixes for this reporting challenge, but the Commissioners should acknowledge the value of part-time progress and instruct staff to include clear statements in all published data that warn students and families (and Legislators) not to assume that slow rates of completion necessarily mean inappropriate progress or programs of less value. Additionally, the Commissioners are urged to keep these outcome data in mind as they grapple with definitional problems. If the Commissioners decide (for example) to have a student's enrollment status reported within the academic year as term with the greatest number of units, then a student who also went part-time or took a gap in attendance will appear to be very slow in progress when, in reality, that student might be moving along just fine given individual circumstances. The public could be misled.

**Proposed regulation:** § 30042 (c) ...a California community college may report a transfer-out rate...by reporting...students who are known to have transferred...to a California baccalaureate degree granting institution.

**Issue:** Why just California? Many students transfer out-of-state, including many Black students who transfer to the Historically Black Colleges. The CCCs deserve credit for these successful transfers and the public should not be misled about such activity. **Recommend:** Strike the word 'California' from the type of institution.

**Proposed regulation:** § 30042.5 Annual Job Placement Rate and Salary and Wage Reporting

**Issue:** Why has CSAC created its own definitions without thoroughly examining the GE definitions and attempting to use those? Institutions have spent considerable time and resources structuring their data systems to be compatible with these federal definitions of programs. Significant public and private funds could be saved by being more efficient and adopting the federal identification scheme. The federal definitions are not only more efficient (because they have already been implemented) but also have a different set of rules for profit-making institutions vs. other private and public institutions, which makes sense in an era in which we should be vigilant for profit-making abuse in higher education, while not burdening public institutions with unnecessary reporting. **Recommend:** Conduct a Commission-level policy discussion on the GE program definitions to determine their value for these reporting requirements, particularly in light of the efficiencies that could be achieved.

**Proposed regulation:** § 30042.5 (c) (1-2) ...a series of credit courses...

**Issue:** Why insert 'credit' in the rule? There are programs in CCC noncredit instruction that lead to certificates as well as series of courses in extension programs that should be examined for success. **Recommend:** Delete the word 'credit' in these two subsections.

**Proposed regulation:** § 30042.5 (d) Probably a typo? Associate Degree General Education General

**Proposed regulation:** § 30042.5 (d) (2) A course of study that is designed to provide students with ... other necessary preparatory coursework for enrollment in a certificate, diploma or degree program.

**Issue:** Would this exclusion pertain to credit-level preparatory or prerequisite coursework such as that required for students applying for nursing degree programs? **Recommend:** Discuss and decide upon the policy issue and amend the regulation to clarify.

**Proposed regulation:** § 30042.5 (e) (1) ...(a program is "advertised or promoted with any claim regarding job placement" if it is any of the following: (1) The institution advertises, promotes, or otherwise represents to students, whether orally or in writing, that it will assist students in finding gainful employment following graduation.

**Issue:** This subsection is overly broad because so many institutions maintain career centers that help students write resumes, prepare for interviews, etc. Since any program meeting this definition becomes reportable, one could interpret this as all undergraduate programs must be reported if career services are offered, which does not seem to be the intent of CSAC. **Recommend:** Insert at the end of the above subsection: ...following graduation from one or more programs subject to the reporting requirements as defined in § 30042.5 (c).

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**Proposed regulation:** § 30042.5 (g) (1) The Commission will create the institution's draft report and provide it to the institution. The institution shall thereafter have 30 calendar days to review its report and provide any additional information necessary to ensure the accuracy of the report before it becomes final.

**Issue:** There are four issues and questions:

1. What service, exactly, is the Commission offering? Do they intend to survey students? How quickly? Using what staff? **Recommend:** CSAC should specify the steps that will be taken to create the report to help colleges decide if this is a valuable service. (In addition, CSAC should explain to relevant officials how it will undertake this effort at no or absorbable cost to this state agency.)
2. How will a CCC know information is inaccurate if it is not in possession of the raw data (presumably surveys) or if it did not conduct the survey work itself? **Recommend:** Insert: ...and provide it to the institution *along with raw data and supporting documents used to create the report.*
3. The CCC is given 30 days to respond to the accuracy of the report, but CSAC places no time limit on the report itself. Research of this type could take months. **Recommend:** CSAC and the CCC should have the same amount of time to do this work and check this work. Change the regulation: *The institution shall thereafter have 30 calendar days the same number of calendar days as has expired between the date of submission of data and the receipt of the Commission's draft report to review....*
4. How will CSAC portray the success (or lack thereof) for students for whom no information could be obtained? Is this a separate category? Will it appear the CCC has just failed to track graduates or will there be an explanation provided in public data? **Recommend:** Add subsection: § 30042.5 (g) (2): *Commission generated reports and public displays of those reports shall clearly indicate the portion of students for whom data were not obtainable and shall note that the Commission, not the California Community College, was responsible for obtaining such data.*

**Proposed regulation:** § 30043 (a – c) The job placement rate shall be calculated by dividing the number of graduates employed in the field by the number of graduates available for employment.

**Issue:** How should an institution treat students from whom data cannot be obtained? **Recommend:** Provide an exclusion category for such graduates. Without such an exclusion or separate category the data for some programs will be very misleading.

**Proposed regulation:** § 30043 (f) "Graduates unavailable for employment means....

**Issue:** What about graduates who have newborns or unforeseen family obligations (such a caring for a dying parent) that prevent employment for a period of time? **Recommend:** Insert ...at a postsecondary institution, or have family obligations preventing employment.

**Proposed regulation:** § 30043 (e) (3) A graduate is 'employed in the field' if .... The graduate has been employed in a single position that averages a minimum of 32 hours per week for a minimum of 24 weeks.

**Issue:** There are two issues:

1. Why an average minimum of 32 hours per week? In this job market many people are happy to find part-time employment in their new field, thus earning experience that might help with full-time employment in the future. This does not mean the program failed to train a student for employment. **Recommend:** Reduce this requirement to 20 hours to allow for appropriate part-time employment.
2. Why 24 weeks? How will a college ever demonstrate success for its spring graduates with this restriction? The academic year cohort ends on June 30 and success must be demonstrated in time to meet a December 31 reporting deadline. That's only 26 weeks. It will be a rare graduate who finds the work in the first two weeks and a rarer institution that has time to survey, determine 24 weeks has passed, and then include that success in a December 31 report. It will appear to the public that nearly all programs are failures in the first year after graduation. **Recommend:** Reduce this restriction to something sensible like 8, 10, or 12 weeks, or extend the deadline for job placement and salary information until June 30 of the following academic year.

### Omissions from the regulations

**Omitted Issue:** Students simultaneously enrolled in multiple community colleges.

Many students take courses at multiple CCCs within one term, particularly in these times of impacted enrollment. CSAC has said (verbally) that such a student will be counted as two students, but this is misleading because it will appear the

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student is less successful or did not persist or did not graduate or has a different enrollment status --- all of which will make the CCCs look less successful than they really are. **Recommend:** A policy discussion at the Commission level followed by the development of a mechanism to address reporting on these students in a manner that will not skew the data provided to the public.

**Omitted Issue:** CSU students required to take community college courses to address deficits in language and math skills. CSU often requires/recommends students take English and math courses at the local community college to prepare for degree-level course work at the CSU. These courses are often degree-applicable at the CCC but still considered preparatory for CSU degree work. CSAC has said (verbally) that the CCC should simply consider these students as successful transfers. **Recommend:** If the Commission agrees with this characterization the regulations should specifically allow for a student to be considered a transfer after as little as one degree-applicable course at a community college.

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<sup>1</sup> See "Ineligible Cal Grant Schools for 2012-13" at [http://www.csac.ca.gov/pubs/forms/grmt\\_frm/ineligible\\_cal\\_grant\\_schools.pdf](http://www.csac.ca.gov/pubs/forms/grmt_frm/ineligible_cal_grant_schools.pdf)

<sup>2</sup> This site can be explored at <http://nces.ed.gov/collegenavigator/>



CALIFORNIA ASSOCIATION OF STUDENT FINANCIAL AID ADMINISTRATORS  
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## CASFAA Response to SB 70 Reporting Requirements 8/16/12

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California Student Aid Commission  
Attention: Kristen Trimarche, Legal Services  
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Dear Ms. Kristen Trimarche:

We are writing on behalf of the more than 1,000 financial aid administrators who are members of the California Association of Student Financial Aid Administrators (CASFAA) representing over 500 postsecondary institutions of higher education. The following are our concerns regarding the Commission's intent to seek adoption of regulations regarding the Cal Grant Program and Participating Institution Data Reporting Requirements as a result of SB 70.

We are concerned with the manner that the Commission consulted with stakeholders and interested parties in developing the reporting regulations. The webinars were ineffective as they consisted mainly of one-way communication with information from the Commission going to the field. Additionally, the webinar announcements were late giving the financial aid community very little time to rearrange their schedules to attend the webinars. We feel strongly that the Commission should improve their communications with the financial aid community. Notices need to be sent out in a timely manner. Re-convening the Grant Advisory Committee that includes representation from all of the critical financial aid stakeholders would also facilitate two-way communication. The Commission's consultation process has significantly suffered as a result of their decision to end the Grant Advisory Committee meetings.

We are concerned with the Commission's filing of the Economic and Fiscal Impact Statement (form STD 399) to question B 5 which asks if there are comparable Federal regulations and to which the Commission answered no. There are comparable Federal regulations in the IPEDS and GE reporting and disclosure requirements to which institutions participating in the federal financial aid programs must comply.

We are concerned with the Commission's Notice of Proposed Rulemaking in which they report they have consulted with stakeholders and interested parties but the Commission did not consider any alternatives to the proposed regulations because it believes the proposed regulations are the best way to align with statutory imperatives. We believe there are alternatives that the Commission either has not considered or has not informed the stakeholders of the reasons why the alternatives would not work. Such alternatives include using federal IPEDS and GE reporting requirements.

The following are other areas of concern from the CASFAA membership regarding the Commission's proposed SB 70 institutional reporting regulations.

In the Statement of Reasons, the Commission states:

*By requiring higher education institutions to report enrollment, persistence, graduation and employment data, SB 70 allows the California Student Aid*



*Commission to bring valuable information for students together in one spot. By using this data as the cornerstone for a new user-friendly website, CSAC can provide a model for the rest of the nation in empowering students to understand their options and select the best opportunity that supports their aspirations.*

While we applaud the Commission's aspirations, this new website significantly alters and enlarges the scope of SB 70 and overstates the intent of the legislature. We embrace transparency, but we welcome a thoughtful discussion instead of a rushed approach. We are concerned that the Commission delayed the regulatory process by fourteen months, and is now rushing through a complex regulatory process that requires more time and consultation. The current approach will result in a host of unintended consequences and make information confusing for students and parents. The website will only contain California information and make it difficult to compare California colleges with out-of-state colleges. Congress and the U.S. Department of Education are already progressing with the Shopping Sheet template. There are data that exist on websites such as the colleges' disclosures, Net Price Calculators, College Navigator pages, Federal Student Aid website, FAFSA website, and CSAC website. Because the information the Commission will be collecting is built on a different database than the IPEDS' data used by the U.S. Department of Education on their student websites, the graduation and enrollment data published for a school on the Commission's site could be considerably different from that published on the federal websites. The result will be more confusing than helpful to students and their parents. An agency must find that no alternative would be more effective in carrying out the purpose for which a regulation is proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation. The Commission has not met its obligation with the proposed regulations.

#### Use of CIP Codes

The use of CIP Codes significantly enlarges the scope of SB 70 and is beyond other Cal Grant controlling statutes. We are concerned with the Commission's use of the CIP codes to identify undergraduate programs. Cal Grant awards may only be used for educational expenses of a program of study leading directly to an undergraduate degree or certificate. The Commission wants to use CIP codes to identify major programs of study. Majors and CIP codes are beyond the scope of the existing statute. There are many problems with using CIP codes. The names of CIP codes do not correspond with the names of the majors at schools which will be confusing for students. There are problems when students are undeclared majors or change majors. There are no national standards for using CIP codes as the Commission intends. The data, as a source of comparison for students, would be confusing and incomplete.

#### 30040 Annual report on Enrollment, Persistence and Graduation

A rulemaking agency must determine whether the regulation "may have," or "will not have" a significant, statewide adverse impact directly affecting business. The agency must solicit alternatives if it "may have." CSAC failed to meet its rulemaking obligation of cost-effective alternatives. The Commission had the alternative to use IPEDS reporting that colleges are already using for federal reporting. Instead, the Commission is proposing a very different set of data that is going to be difficult to implement. This additional workload for public colleges constitutes a cost to the state.

A rulemaking agency must describe the potential cost impact of a regulation on a



representative private person or business, if known. The Commission did not accurately describe the potential cost impact of these proposed regulations, which is estimated to be in the tens of millions of dollars. Our schools welcome transparency, but do not welcome additional complex requirements which will divert scarce campus resources, in all segments of higher education, away from being able to serve students and families under these strenuous economic times and instead to figuring out how to comply with the complex and duplicative reporting requirements.

Many institutions will have problems with complying with the job placement and salary reporting requirements because they do not track “graduates unavailable for employment” as defined in the proposed regulations and do not have the resources to begin to do so. The fourteen month delay in writing these regulations guaranteed that institutions would be unable to comply, by simple virtue that that they did not know what information to collect, but now are asked to provide data that must be retroactively collected. Although the Commission has offered to provide this data collection for community colleges, that merely transfers the cost from one state entity to another.

#### 30040 Annual Report

The timeline as indicated is dictated by both the statute (requires institutions to provided data beginning in 2012) and regulatory process, but the regulatory process to define the data requirements is so late as to provide approximately 120 days to collect complex and heretofore untracked data. The timeline as indicated in (a) of the draft regulations needs to be revised to reduce burden and costs to schools since the dates are not in sync with federal IPEDS data reporting dates and the Commission’s reconciliation deadline. The Commission’s reconciliation deadline for institutions is December 31, and it is possible the data provided by schools by the November 15 deadline will be different than the institution’s final reconciliation. We propose the following language:

(a) A qualifying institution shall annually report to the Commission, no later than April 30, for the academic year ending the preceding June 30<sup>th</sup>.

#### 30041.5 Persistence data

*(b) (2) ...An institution electing to have the Commission prepare its report shall provide the following student unitary data: ...enrollment status...*

The term “enrollment status” is unclear. It needs to be clarified and defined.

This alternative provided to institutions directs that the following data be submitted to the agency, “student’s first and last name, date of birth, social security number, race/ethnicity, gender, original term enrollment date, educational level, enrollment status, high school code, institution campus code”. To provide student specific data on their entire student population may conflict with Federal Family Education Reporting Privacy Rights (FFERPA).

#### 30042 Graduation data

(a) Asks for data segregated by “educational level”.

It is not clear what this means and why it is needed for graduation data. This regulation lacks



clarity and appears to enlarge and amend the statute.

#### 300342.5 Annual Job Placement rate

*(a) Beginning in 2012, a qualifying institution shall report to the Commission no later than December 31<sup>st</sup>, for the academic year ending the preceding June 30<sup>th</sup>, the total number of students graduating during the 2011-12 academic year aggregated by campus and CIP code from all of its undergraduate programs*

It appears the placement and salary data is based on a different cohort than for the cohort the graduation reporting described in 30042; it appears there will be two different, unrelated sets of graduation data being reported.

#### 300342.5 (c)(5) regarding teacher certification programs

The Commission should adopt the same standard as the U.S. Department of Education's teacher certification programs where the institution itself does not provide a certificate but which consists of a collection of course work necessary for the student to receive a State professional teaching credential or certification are not gainful employment programs and therefore not subject to the GE Programs' disclosure and reporting requirements. There is no justification to move away from nationally accepted standards.

#### 30033. Withdrawal of a Cal Grant

*(f) Fails to meet institutional Satisfactory Academic Progress requirements for a period of time that exceeds two consecutive semesters or three consecutive quarters.*

This should be changed to "Fails to meet institutional Satisfactory Academic Progress requirements as related to federal Title IV programs." There is no need to include the time periods since the institution determines satisfactory academic progress according to their policy, and thus this, depending on the Commission's interpretation, is either in conflict with federal regulations or duplicative of federal regulation (as referenced in the Ed Code.) The education code states:

*(m) "Satisfactory academic progress" means those criteria required by applicable federal standards published in Title 34 of the Code of Federal Regulations. The commission may adopt regulations defining "satisfactory academic progress" in a manner that is consistent with those federal standards.*

#### 30041.5. Persistence data

*(a) Persistence data shall consist of the total number of students by cohort who have continued in, or persisted in, their education by enrolling in and completing at least one course at the institution during the academic year following initial enrollment, and every academic year thereafter, segregated by enrollment status, race/ethnicity and gender for each campus.*

This proposed regulation is unclear, creates confusion, and attempts to amend the statute. This does not include students who complete the program and do not need to enroll, or who have completed a program that is one year in length. We think these students have



successfully persisted and thus should be included in the statute.

30042. Graduation data

*(a) "Graduation data" means, for each undergraduate program offered by a qualifying institution, the number of students within the cohort who complete a program and upon whom the institution has actually conferred the degree, diploma, certificate or other formal award, within 100%, 150% and 200% of the published program length of the program, reported by CIP Code, enrollment status, race/ethnicity and gender. Graduation data shall be segregated by each campus of qualifying institution.*

*(1) In order for an institution to report a student as completing within 100% of the published program length, the student shall have completed the program, certificate or degree in 100% or less of the published program length regardless of the enrollment status of the student.*

The enrollment status is a concern since students who are attending on a part time basis because they have to work and cannot attend full time will not be considered as successful.

*(c) In addition to reporting graduation data, a California community college may report a transfer-out rate by reporting, for each cohort, the number of students who are known to have transferred from the California community college to a California baccalaureate degree granting institution.*

This regulation both enlarges and amends the statute. By restricting the clarification to only California baccalaureate degree granting institutions, students who transfer to out-of-state colleges are excluded but are no less successful than those who transfer to a California college.

We thank you for the opportunity to provide comments on the SB 70 Draft Regulations on Institution Data Reporting Requirements. We are available to assist in making the reporting requirements manageable for all Cal Grant participating institutions.

Sincerely,

Deb Barker-Garcia  
2012 CASFAA President

Craig Yamamoto  
2012 CASFAA Vice President for State Issues



Shasta-Tehama-Trinity Joint Community College District  
 11555 Old Oregon Trail • P.O. Box 496006 • Redding, CA 96049-6006  
 Phone: (530) 242-7500 • Fax: (530) 225-4990  
[www.shastacollege.edu](http://www.shastacollege.edu)

August 20, 2012

California Student Aid Commission  
 P.O. Box 419029  
 Rancho Cordova, CA 95741-9029  
 Email: [CalGrantRegsComment@csac.ca.gov](mailto:CalGrantRegsComment@csac.ca.gov)

Attention: Kristen Trimarche, Legal Services

RE: Regarding the amendment to title 5, division 4, chapter 1 California Code of Regulations pertaining to data reporting requirements and public input on the rulemaking file Z2012-0626-04.

Dear Commission:

Shasta College recognizes the need for better information to answer the legislators' questions about the performance of publicly sponsored programs, their students and their success in college and in the workforce. We have been responding to calls for accountability measures by our state chancellor's office and accreditation agencies, as well.

Shasta College provides many students access to courses and programs that fit the federal legislation of "gainful employment" which are similar to the changes in Title 5, referred to in this letter. The data required for the Title 5 changes to CSAC reporting are impossible to fulfill by November 15, 2012.

Shasta College does not have individual (unitary) data on our student's employment status or wages. Other parts of the request would have a high percentage of records with blank or unknown/uncollected information, such as current address and email. Students move and change electronic addresses frequently. We know this from direct experience as we survey students and alumni regularly.

Shasta College recognizes the importance of knowing student success beyond our classrooms, and this type of data is important to our own decision-making, as well as the public and its agencies. Our compliance with the disclosure portion of the new federal law on gainful employment was fully implemented within a year. The federal disclosure data required the length of student enrollment and total loans processed by the school's financial aid office. Both types of data were already within the student information systems at community colleges. As a result, Shasta College posted the disclosure of aggregated data as required.

Shasta College conducted two parallel surveys of former students to determine their employment status. We experienced two very different results that may inform the council on this matter.

_____			Governing Board Members _____			
Judi D. Beck McArthur	Harold J. Lucas Red Bluff	Duane K. Miller Anderson	Kendall S. Pierson Redding	Rayola B. Pratt Shasta	Robert M. Steinacher Corning	Scott J. Swendiman Redding
_____			Superintendent/President _____			
			Joe Wyse			

In the first example, we participated in a pilot study with a dozen other institutions. The cost was \$12,000 and paid on our behalf by a regional partner. We provided student contact information of recent graduates and program participants from 2009-10 to determine their employment in the field, increase in wages, etc. At present we are still waiting for our results with an estimated 25% response rate. If we get our report by November, it would not be the cohort requested by CSAC, and would only be an estimate based on the survey results in some cases for very few students within a specific program. Because this study is still in its pilot phase, it is not yet clear whether it could serve as an effective mechanism for ongoing required reporting.

The second example was more successful. We piloted our own survey of students from 2010-11 during our spring 2012 term. Our survey had a 52% response rate for completers and gave our faculty results within weeks. Our leavers survey followed up with a 33% response rate with results by summer 2012. These students also do not match the CSAC cohorts for the above Title 5 change, and would still only be estimates, not aggregated data as required.

The above statements demonstrate that a community college with sincere efforts can collect and report some of this information, but it cannot be done this quickly, or using individual student records in any form. Without getting a data match to the Employment Development Department for wage and occupation data, even the best survey would be an estimate and often for a very small number of students in a program.

Sincerely,



Joe Wyse  
Superintendent/President

JW:tm

C: Marc Beam, Director of Research & Planning

**Tab 5.c.7**

Date: August 20, 2012

To: Ms. Kristen Trimarche  
Legal Services  
California Student Aid Commission  
Rancho Cordova, CA 95741-9029  
Fax: 916-464-8033

From: Maury Pearl  
Associate Vice Chancellor for Institutional Effectiveness  
Los Angeles Community College District  
Ph: 213-891-2115  
Email: [pearlmy@email.laccd.edu](mailto:pearlmy@email.laccd.edu)

Attached are comments on Cal Grant Program and Institutional Data Reporting Requirements from the Los Angeles Community College District. Please contact me if you have any questions.

**Tab 5.c.7****LOS ANGELES COMMUNITY COLLEGES**

770 Wilshire Boulevard  
Los Angeles, California 90017-3896  
(213) 891-2115  
Fax (213) 891-2222

Educational Programs and Institutional Effectiveness

Maury Pearl  
Associate Vice Chancellor

August 17, 2012

California Student Aid Commission  
P.O. Box 419029  
Rancho Cordova, CA 95741-9029  
Attention: Kristen Trimarche, Legal Services  
Fax: 916-464-8033  
Email: [CalGrantRegsComment@csac.ca.gov](mailto:CalGrantRegsComment@csac.ca.gov)

Honorable Members of the Commission:

This letter is submitted in response to the request for comments to inform proposed rulemaking for Cal Grant Program and Institutional Data Reporting Requirements (Amendment to Title 5, Division 4, Chapter 1, of the California Code of Regulations) and is submitted on behalf of the Los Angeles Community College District.

Over the past few months, Career-Technical Education, Workforce, and Institutional Effectiveness administrators within the Los Angeles Community College District (LACCD) have held meetings to plan for the new regulations derived from SB 70. As a District we welcome the opportunity to develop a comprehensive model for assessing our career and technical programs. These efforts represent a positive step and the potential to gain valuable information that can lead to programmatic improvement and increased job opportunities for our students. However, through our discussions, we also believe that the placement rates, as defined in the legislation, will not provide the desired information to students or the public. Below we have highlighted several areas of concern that significantly impact the job placement rate data, to the point that the rate will not reflect the true effectiveness of the college programs. We look forward to working with the California Student Aid Commission to develop an effective and efficient means to provide the public with the requested data.

### Method of Data Collection

The ideal method of collecting data on job placements would be through a system that already collects employment information. Unfortunately, the Employment Development Department (EDD) has already stipulated that they do not have the required data elements in their system. Without a reliable database to align with the college's student information, colleges will have to resort to surveying students for the job placement information. This will require a substantial financial and time commitment and represents a significant unfunded mandate. In addition, educational

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#### LOS ANGELES COMMUNITY COLLEGE DISTRICT

EAST LOS ANGELES COLLEGE • LOS ANGELES CITY COLLEGE • LOS ANGELES HARBOR COLLEGE  
LOS ANGELES MISSION COLLEGE • LOS ANGELES PIERCE COLLEGE  
LOS ANGELES SOUTHWEST COLLEGE • LOS ANGELES TRADE TECHNICAL COLLEGE  
LOS ANGELES VALLEY COLLEGE • WEST LOS ANGELES COLLEGE

## Tab 5.c.7

M. Pearl  
Los Angeles Community College District  
Cal Grant Program and Institutional Data Reporting Requirements  
Page 2 of 3

surveys suffer from low response rates. The Research and Planning (RP) Group reports that their efforts to conduct job placement surveys have often garnered less than a twenty percent response rate. With a majority of data missing, the quality of the information is called into question. This is an important element given that some programs matriculate only a few students each year. In addition, because data are reported by CIP code, this could lead to programs with a low response rates erroneously reporting data that may not accurately represent their program. While surveys may be the best current method of obtaining placement data, the LACCD hopes that alternative methods can be found for developing higher quality job placement data.

### Placement Rate Calculation

Section 30043 states that the job placement rates are calculated by dividing the number of graduates employed in the field by the number of graduates available for employment. Given that the data will be collected through survey methods, this method will significantly underestimate the job placement rates by counting survey non-respondents as individuals who have not obtained jobs in their field of study. This will lead to the provision of data that does not accurately represent the effectiveness of the programs. If this method continues to be used, the response rate should be included along with placement rates to give all relevant data to the public.

### Cohort Definition

Section 30040.5 stipulates that a student is to be in only one cohort and that once assigned to a cohort, the student is to remain in that cohort for the duration of the institution's reporting obligation. This is a concern given that a student may continue his/her education after completion of the first certificate or degree. The regulation stipulates that graduates are unavailable for employment if they are continuing their education at a postsecondary institution. Many programs are developed to have stackable certificates in which a student may complete one certificate and continue on to complete a certificate with higher unit requirements. Given the current definitions, these students would be assigned to a cohort even if they are unavailable for employment for the full two years of the reporting requirement.

### Timing of Data Collection

The regulations ask colleges to report on students completing prior to the preceding June 30<sup>th</sup>. Data is scheduled to be submitted by December 31<sup>st</sup> of that year. A graduate is only considered employed if he has been in a single position that averages a minimum of 32 hours per week for a minimum of 24 weeks. This would mean that a student becoming employed on July 1<sup>st</sup> would not be considered to be employed until the

**Tab 5.c.7**

M. Pearl  
Los Angeles Community College District  
Cal Grant Program and Institutional Data Reporting Requirements  
Page 3 of 3

middle of December and would result in students completing in the Spring semester (late May) having to obtain employment almost immediately after graduation in order to be considered employed in the first year of data collection for that cohort. In short, the regulations requiring a six month period of employment and up to six months to obtain employment require that a student be employed almost immediately after graduation to eligible to be counted as employed. Furthermore, the survey method will require months of data collection which will limit the time frame for obtaining responses. Together, these issues limit the applicability of any rate determined in the first year of data collection and warrant reconsideration of the reporting timeframe to allow reasonable periods for job search, employment, and data collection.

**Continued Employment Stipulations**

The regulations stipulate that a student already employed must report a change in duties, salary, or other tangible benefit received as a result of the skills obtained through the education or training provided by the institution. This neglects situations in which the employee may have sought training to maintain employment. Some employers ask employees to improve skills to maintain employment. In addition, the regulation stipulates that a substantial change must take place even when the student becomes employed while attending the program. Not counting students who become employed during program attendance ignores the fact that many students are able to demonstrate needed skills with even partial completion of a program. To fully assess program completion, additional adjustments should be made for students with prior employment or employment during the program.

We thank the Commission for the opportunity to participate in the process for developing the most effective regulations and processes for collecting job placement information. We would welcome the opportunity to discuss this further if the commission has additional inquires.

Sincerely,



Maury Pearl  
Associate Vice Chancellor for Institutional Effectiveness  
Los Angeles Community College District  
770 Wilshire Blvd.  
Los Angeles, CA 90017  
(213) 891-2115



August 20, 2012

California Student Aid Commission  
 Attention: Kristen Trimarche, Legal Services  
 P. O. Box 419029  
 Rancho Cordova, CA 95741-9029

Re: Cal Grant Program and Participating Institution Data Reporting Requirements  
**EDMC Response to CSAC SB 70 Proposed Regulations**  
**Comments due COB: Aug. 20, 2012**

Dear Ms. Trimarche:

Argosy University appreciates the opportunity to submit these comments to the California Student Aid Commission ("CSAC") in response to the July 25, 2012 Notice of Proposed Rulemaking regarding following enactment of Senate Bill 70. As a provider of higher education in the state of California, we recognize the efforts CSAC has made to minimize the regulatory burden on institutions. We appreciate the effort to utilize existing data and reporting requirements where reflected in the proposed rules.

In reviewing the reporting requirements, however, we want to highlight the difficulties inherent the application of several provisions at §30043. As provided in the draft, the definition of graduate "employed in the field" is unnecessarily restrictive and places new and unduly burdensome collection obligations on institutions.

Under the proposed rule, to be considered a graduate in the field, a graduate must be employed in a single position that averages a minimum of 32 hours per week for a minimum of 24 weeks. (Section 30043(e)(3)). The restriction to a single position does not recognize the possibility that graduates may find employment in multiple positions, in part-time positions, or through self-employment. We request that this limitation be eliminated.

In addition, with respect to the data reporting requirements, the rule as written is retroactive because it relates back to academic years in which the required data was not collected. We request that the data reporting requirements not be imposed until the 2013 award year.

Thank you for your anticipated consideration of these comments.

Very truly yours,

Anthony J. Guida Jr.  
 Senior Vice President, External Affairs



Robert E. Oakes, Vice President & General Counsel

Association of Independent California Colleges and University (AICCU)  
**Response to SB 70 Reporting Requirements**

August 20, 2012

California Student Aid Commission  
 Attention: Kristen Trimarche, Legal Services  
 P.O. Box 419029  
 Rancho Cordova, CA 95741-9029

Dear Ms. Trimarche:

AICCU was actively engaged with the legislature when SB 70 worked its way through the process, and was fully aware of its risks, benefits, and the purposes for which it was introduced, passed, and became law. These proposed regulations exceed the intent and purpose of SB 70 and increase the administrative burden without improving student or family understanding about what makes a quality educational program. AICCU concurs with the concerns expressed by the California State University, the California Community Colleges, and the California Association of Student Financial Aid Administrators. Items of specific concern follow:

1. The draft regulations are silent as to CSAC's role and responsibility regarding the data collected or to what parties the information can/will be provided from CSAC.
2. The proposed use of CIP codes is inconsistent with existing statutes governing Cal Grants (as indicated in the excerpts that follow):
  - a. 69433.5 (2)(e) A Cal Grant Program award, except as provided in Section 69440, may only be used for educational expenses of a program of study leading directly to an undergraduate degree or certificate
  - b. 69432.7 (i) (j) program of study that results in the award of an associate or baccalaureate degree or certificate.

Undergraduate programs means a program that leads to the awarding of a bachelors, associate, or certificate. Majors and/or CIP codes exceed the scope of existing statutes, and they are not defined or referenced either within SB 70 or anywhere else.

The inclusion of CIP codes in reporting of graduation rates is premature and without precedent. There are no national standards for and there are numerous unresolved issues about which there is no consensus that must be resolved before a standard based on CIP codes can be adopted. Dean Kulju, of the CSU-Office of the Chancellor, submitted several examples in his June 15, 2012 comment letter.

Alliant International University  
 American Academy of Dramatic Arts  
 American Jewish University  
 Antioch University Los Angeles  
 Art Center College of Design  
 Azusa Pacific University  
 Biola University  
 Brandman University  
 California Baptist University  
 California Institute of Integral Studies  
 California College of the Arts  
 California Institute of Technology  
 California Institute of the Arts  
 California Lutheran University  
 Chapman University  
 Chicago School of Professional Psychology  
 Claremont Graduate University  
 Claremont McKenna College  
 Concordia University  
 Dominican University of California  
 Fielding Graduate University  
 Fresno Pacific University  
 Golden Gate University  
 Harvey Mudd College  
 Holy Names University  
 Hope International University  
 Humphreys College  
 Institute of Transpersonal Psychology  
 Keck Graduate Institute  
 La Sierra University  
 Laguna College of Art & Design  
 Loma Linda University  
 Loyola Marymount University  
 Marymount College  
 Master's College, The  
 Mills College  
 Mount St. Mary's College  
 National University  
 Notre Dame de Namur University  
 Occidental College  
 Otis College of Art and Design  
 Pacific Oaks College  
 Pacific Union College  
 Palo Alto University  
 Patten University  
 Pepperdine University  
 Pitzer College  
 Point Loma Nazarene University  
 Pomona College  
 Saint Mary's College of California  
 Samuel Merritt University  
 San Diego Christian College  
 San Francisco Conservatory of Music  
 Santa Clara University  
 Saybrook University  
 Scripps College  
 Simpson University  
 Soka University  
 Southern CA University of Health Sciences  
 Stanford University  
 Thomas Aquinas College  
 Touro University - California  
 University of La Verne  
 University of Redlands  
 University of San Diego  
 University of San Francisco  
 University of Southern California  
 University of the Pacific  
 Vanguard University of Southern California  
 Western University of Health Sciences  
 Westmont College  
 Whittier College  
 William Jessup University  
 Woodbury University



Robert E. Oakes, Vice President & General Counsel

Further, the proposed use of CIP codes will serve no useful purpose, since CSAC could use data already available from federal agencies and other state agencies in lieu of requiring institutions to report. SB 70 states that enrollment, persistence, and graduation data must be reported. Without a national (or statewide) consensus, there is no justification for adopting alternative reporting requirements or metrics when comprehensive reporting is already required by the nationally agreed upon standards established through IPEDS, which also makes its data widely available.

3. 30040 Annual Report. The annual reporting scope should be for Cal Grant eligible undergraduate programs as recognized in SB 760. AICCU concurs with the comments provided by CSU and its recommended amendment that states: *"(a) A qualifying institution shall annually report to the Commission, no later than April 30, for the academic year ending the preceding June 30<sup>th</sup>..."*

Further, the concerns related to Annual Report's Enrollment, Persistence, and Graduation data as articulated in the CASFAA letter of August 16, 2012 are on-point, and AICCU is in complete agreement with CASFAA's concerns and reasoning.

4. 30042.5 Annual Job Placement Rate. Section(c)(5) relates to teacher certification programs. CSAC should adopt the same standard as the Department of Education because there has been no definitive case or cause to justify moving away from nationally accepted standards in this regard. The language used by USDE states, *"teacher certification programs where the institution itself does not provide a certificate but which consist of a collection of course work necessary for the student to receive a State professional teaching credential or certification are NOT gainful employment programs and therefore NOT subject to the GE Programs' disclosure and reporting requirements."*

AICCU represents 75 nonprofit WASC-accredited colleges and universities that provide educational opportunity in California. Please do not hesitate to contact me if you would like any additional information.

Sincerely,

Robert E. Oakes  
 Vice President & General Counsel

August 20, 2012

California Student Aid Commission  
Attention: Kristen Trimarche, Legal Services  
P. O. Box 419029  
Rancho Cordova, CA 95741-9029

**Subject:** Response of the Fashion Institute of Design and Merchandising (FIDM) to proposed CSAC SB 70 Regulations.

The following comments are based on the Office of Administrative Law (OAL) guidelines, an understanding of the intended propose of the regulation, and the standards the regulations must satisfy.

**In general** the Standards for Regulations require that a regulation must be easily understandable, have a rational, and be the **least** burdensome, effective alternative. A regulation cannot alter, amend, enlarge, or restrict a statute, or be inconsistent or in conflict with a statute.

The proposed CSAC regulation implementing SB 70 fails to meet these minimum standards in several critical ways:

- The proposed regulation is complex, expensive and not the least burdensome, effective alternative for schools, students and families. The proposed regulation duplicates federal "gainful employment" and IPEDS reporting requirements requiring substantial additional workload and expense at the campus level.
- CSAC's Initial Statement of Reasons for the proposed regulatory amendments – to collect data in order to create "the cornerstone of a new user-friendly website [so that] CSAC can provide a model for the rest of the nation..." clearly exceeds the intent of SB 70, which is focused on the much narrower goal of holding Cal Grant institutions accountable for student outcomes.
- The proposed regulation requires schools to report data by "race/ethnicity gender enrollment status". This is a fundamental change not required by the language of SB 70 raising serious student and family privacy issues. In addition CSAC proposes using unitary student information from schools to develop data sets in lieu of collecting reports from schools. As noted by the California Association of Student Financial Aid Administrators (CASFAA) this alternative provided to institutions directs that the following data be submitted to the agency, "student's first and last name, date of birth, social security number, race/ethnicity, gender, original term enrollment date, educational level, enrollment status, high school code, institution campus code". To provide student specific data on their entire student population appears to be in conflict with Federal Family Education Reporting Privacy Rights Act (FFERPA).

- CSAC's rationale for its extensive and duplicative data collection and reporting requirements as expressed in the Statement of Reasons is "Without clear definitions and methodologies for reporting the data, the data collected by the Commission will be inconsistent from institution to institution thereby making it of limited use to the students and parents who may find the information to be a valuable resource in making a decision about attending a particular postsecondary educational institution." Yet the language of SB 70 does not reference students, parents or using the data as a college going evaluation tool. There is *no* evidence that the legislature anticipated or sought to have the data used in this manner.

The following specific comments are linked to the special considerations of the Administrative Procedures Act (APA) that require a rulemaking agency to make specific determinations and findings with regard to a proposed regulation. Included below are those relevant to the proposed SB 70 regulation.

1. *An agency must find that no alternative would be more effective in carrying out the purpose for which a regulation is proposed or would be as effective as and less burdensome to affected private persons than the adopted regulation.*

- In its Statement of Reasons CSAC says the following: "The Commission did not consider any alternatives to the proposed regulations because it believes the proposed regulations are the best way to align with statutory imperatives." But the Commission itself actively pursued legislation (SB 760) which would have allowed it to "use data already available from federal agencies and other state agencies in lieu of requiring institutions to report.." This is not consistent with the claim that SB 70 precludes all alternatives for data gathering and reporting other than that proposed by CSAC. The rejection by the Legislature of SB 760 was not related to the consideration of alternative data sources.
- Clear examples of the failure of the proposed regulation to consider the least burdensome and most effective alternatives can be seen in two critical areas:
  - Requiring participating institutions to provide detailed information disaggregated at the 6-digit CIP code when SB 70 does not require that level of detail. The statute refers to "program," which in other federal and state contexts is much broader and more easily understood than CIP codes. There is no evidence that the statute anticipated or intended this level of detail and in fact this requirement creates major issues in data interpretation including:
    - ✓ The names of CIP codes do not correspond to the names of majors at the school, which generates confusion and misunderstanding for students and families.
    - ✓ The small number of students within a CIP code will yield results that are misleading and not meaningful for students, families or policy makers.
    - ✓ Substantial confusion will result from comparing CIP-code specific rates for graduation and persistence with other federal, state and institutionally generated data

- ✓ Students frequently change majors resulting in a change of CIP classification Clarification.
  - ✓ The detailed 6-digit federal CIP code classification framework proposed by the Commission was never intended to be used to assess outcomes at a particular school.
- Schools already provide extensive institutional data through the federal IPEDS system and Gainful Employment reporting requirements. There is no evidence in statute or legislative intent that the use of existing data would not meet the reporting requirements of SB 70. Under the proposed regulation institutions will need to develop CSAC-specific reports, adding substantially to the administrative burden of compliance.

2. *A rulemaking agency must determine whether the regulation “may have,” or “will not have” a significant, statewide adverse impact directly affecting business. The agency must solicit alternatives if it “may have.”*

- CSAC asserts that the proposed regulatory action would have "no significant statewide adverse economic impact directly affecting business as it affects only institutions of postsecondary education that voluntarily elect to participate in the Cal Grant Program." However, voluntary participation does not mitigate the substantial costs resulting from the proposed regulation. For public institutions the regulation must be considered a state mandated cost that will divert scarce resources from critical student services. At non-public institutions these proposed regulation will contribute directly to an increase in the cost of attendance for students and families.
- Further, the Cal Grant programs are a major state-wide student assistance program that make it possible for California's neediest student to attend the institution of their choice. "Opting out" of the program is not a viable alternative for any school and particularly not for Independent Schools whose competitiveness and ability to meet their Educational mission is directly tied to participation in the Cal Grant programs.

3. *A rulemaking agency must describe the potential cost impact of a regulation on a representative private person or business, if known.*

- CSAC makes no attempt to quantify the costs of compliance with the proposed regulation. Yet the reporting of similar data under the federal Gainful Employment regulation is estimated to have cost California private Schools and effected Community Colleges multiple millions of dollars. The cost to California's public institutions for compliance with the proposed regulation would require similar expenditure of resources. Because CSAC is mandating an entirely new data set, institutions would be required to expend severely limited resources at a time when the States Cal Grant programs have sustained severe cuts and when the data is available from existing sources that meet the accountability goals outlined in SB 70.

4. *A rulemaking agency must state whether a regulation differs from a federal statute or regulation and avoid unnecessary duplication or conflict.*

- As noted by CASFAA, CSAC has proposed data requirements that are complex and that differ from the IPEDS and Gainful Employment data that all institutions are already providing to the U.S. Department of Education. In fact, the 2012-13 State Budget uses IPEDS generated graduation data to determine Cal Grant eligibility for schools.
- The U.S. Department of Education is asking schools to use the newly developed "Shopping Sheet" to help students and families be able to make similar comparisons, which may become a federal requirement. We believe that the proposed CSAC website, which will provide information based on different data than that already provided on federal or state websites, will be more confusing than helpful to students.
- Because of the problems and complexity associated with reporting persistence and graduate rates at such a detailed level, CSAC's requirements reflect a divergence from, not conformance with, federal reporting requirements.
- As noted earlier, there is no statutory basis for requiring data on race/ethnicity, gender and enrollment status identified in the proposed regulation. The stated intention of requiring colleges to report is to empower students "to understand their options and select the best opportunity." This goal is not mentioned or alluded to in the SB 70 language. Furthermore, disaggregating the information to this level of detail is likely to overwhelm and confuse students rather than help them make an informed decision.

In addition to the above comments the following regarding the SB 70 regulatory process should be noted:

- Even though SB 70 requirements impact all California schools, the draft regulations were significantly delayed. This delay has meant inadequate opportunity to respond by affected parties and the creation of deadlines for data submission that will be difficult if not impossible to meet.
- The proposed regulation assumes data collection capabilities that are wholly unrealistic, for example:
  - ✓ The institution does not have the means to know any of the post-graduation factors mentioned in the proposed regulation. I.E. graduates who die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education at a postsecondary institution.
  - ✓ The proposed regulation seems to presume that placement and salary information is available for all graduates. It is not. Further it is unclear how an institution is to obtain the data. If it is to be obtained via surveys of graduates, the response rate is likely to be extremely low, yielding data that is of no use.
- It was stated by CSAC staff in a webinar on the proposed regulation that the data would not be further analyzed or used for comparative purposes. Simply displaying data with no context and

no ranking of relative performance will not help families identify their options but only add to the current confusion generated by the profusion of information from multiple sources.

For all of the reasons outlined above FIDM respectfully requests that CSAC staff reconsider the current course of the proposed SB 70 regulations. This reconsideration should involve the Financial Aid Community and the postsecondary education segments in mutual discussions with the goal of finding a regulatory framework that is reflective of the scope and intent of SB 70, is cost effective and protects the rights of schools, students and families.

Thank you for your consideration of these comments,

Sincerely,

Norine Fuller, Executive Director of Student Financial Services  
FIDM

cc: Tonian Hohberg, President FIDM



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August 20, 2012

California Student Aid Commission  
ATTN: Kristen Trimarche, Legal Services  
P.O. Box 419029  
Rancho Cordova, CA 95741-9029

Re: Comments on SB 70 Requirements

Dear Ms. Trimarche:

I am writing on behalf of San Diego State University (SDSU) in regard to the institutional reporting requirements as proposed by CSAC for SB 70. In general, I believe that CSAC has exceeded its authority in implementing the provisions of SB 70 and that some of the requirements are unnecessary and duplicative. Additionally, I think that SB 70 could produce the unintended consequence of confusing students as some of the data being requested is already reported and published in other forums. Finally, I am concerned that the reporting practices proposed have been established without sufficient opportunity for the higher education community to provide meaningful feedback. If the reporting rules are implemented without a thorough and appropriate consideration of consequences, the results could mislead students and families that we are trying to inform. My comments about specific aspects of the proposed rules follow.

§30041 Enrollment Data; §30041.5 Persistence Data and §30042 Graduation Data

Enrollment, persistence and graduation data are currently collected by the federal government through the Integrated Postsecondary Education Data System (IPEDS). Gathering and publishing this data separately with a different set of conditions or time periods will create the potential for there to be conflicting information about our institution. This can only serve to confuse those constituencies that we are trying to help.

If persistence data will be required to be reported, further clarification will be needed. The proposed language from the June 7, 2012 proposal states:

*§ 30041.5 Persistence data*

*(a) Persistence data shall consist of the number of students who have continued in or persisted in their education by enrolling in and completing at least one course during the academic year following initial enrollment, and every academic year thereafter, segregated by enrollment status, race/ethnicity and gender for each campus.*

*(b) Persistence data shall be updated annually for each cohort until the number of academic years reported equals at least 200 percent of the published program length.*

Since SDSU considers failing grades (F, NC) to be completed, this allows for the possibility that a student could receive only failing grades and still be considered to have persisted in CSAC's formulation. The proposed language also appears to allow for the possibility that a student could complete a course in the fall semester, but not in the spring semester and still be counted as having persisted. These scenarios run counter to our notion of what it means for a student to persist. Persistence implies successful progress toward degree completion and these instances do not validate that definition.

#### CIP Codes

I am also concerned by CSAC's proposal to collect enrollment and graduation data for our student population segregated by Classification of Instructional Program (CIP) codes. CIP codes are not routinely used in the California State University system to classify programs of study. In my experience, faculty and administrators have had great difficulty assigning certain educational programs of study with a CIP code. CIP codes do not align exactly with course content and this creates the possibility for the same program at different institutions to be classified with multiple CIP codes.

Another requirement that will be problematic to comply with is the annual job placement rate and salary and wage reporting. The text of the proposed language is copied below.

#### § 30042.5 Annual Job Placement Rate and Salary and Wage Reporting

*(a) Beginning in 2012, a qualifying institution shall report to the Commission no later than December 31st, for the academic year ending the preceding June 30th, the job placement rate data and the salary and wage information for all students graduating during the 11/12 academic year from all of its undergraduate programs that are either:*

- (1) designed or advertised to lead to a particular type of job; or*
- (2) advertised or promoted with any claims regarding job placement.*

Although not stated specifically, I presume that it is CSAC's intention that this information will be collected through a survey instrument. It is my belief that a survey can be prone to inaccurate self-reporting, particularly when it concerns personal financial information. Without some method of verifying that the survey data is correct, important information will be published without any confirming knowledge that it is valid. Instead of informing and enlightening students and their families, this information could mislead them about outcomes at SDSU. Furthermore, the proposed rules state that the placement rate is based on the "number of graduates employed in the field" which implies that a determination must be made that the degree relates specifically to the position that the student secured. Not all degrees can tie directly to an occupation, but that does not necessarily diminish their value.

I appreciate the opportunity to comment on this important piece of legislation. I hope that the Commission will use its authority to implement SB 70 only after more careful consideration of its impacts on institutions, students and their families. I am available to work with CSAC in order to make the requirements of SB 70 more manageable and relevant.

Sincerely,



Craig Yamamoto  
Director of Financial Aid and Scholarships



## California Community Colleges Student Financial Aid Administrators Association

[www.cccsfaaa.org](http://www.cccsfaaa.org)

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August 18, 2012

California Student Aid Commission  
Attention: Kristen Trimarche, Legal Services  
P. O. Box 419029  
Rancho Cordova, CA 95741-9029

RE: CCCSFAAA Comments on Proposed Regulations for SB 70 Reporting

Dear Ms. Trimarche,

We are writing to you on behalf of the California Community Colleges Student Financial Aid Administrators Association (CCCSFAAA). CCCSFAAA is a professional association representing over 500 financial aid staff and programs at all 112 community colleges serving 2.9 million students. The purpose of this communication is to provide comments on the California Student Aid Commission's (CSAC) proposed regulations on Senate Bill (SB) 70 reporting requirements. CCCSFAAA is concerned that CSAC delayed the regulatory process by fourteen months after SB 70 was signed into law in March 2011 and now is rushing through a complex regulatory process that requires more consultation.

CCCSFAAA has identified several issues with both the rationale expressed by CSAC in their Initial Statement of Reasons and the draft regulations themselves. The main points of concern are:

- The draft regulations exceed the scope of the law.
- The cost of implementing the regulations as written would be detrimental to our segment and redirect scarce resources to comply.
- California community colleges are not structured to gather and track placement, salary and wage data of graduates.
- There are adequate consumer disclosures and tools at the federal level; the state should not be spending resources to re-create something that exists at the federal level.

CCCSFAAA believes that the proposed regulations exceed the scope of SB 70 to a level that will be detrimental to our segment. Education Code Section 69433.2.b requires colleges that want to voluntarily participate in the Cal Grant Programs to annually submit "the job placement rate and salary and wage information for each program that is either (1) designed or advertised to lead to a particular type of job; or (2) advertised or promoted with any claim regarding job placement."

Under the proposed regulations "placement" is specifically regulated by CSAC as being employed in the field from which the student graduated. We are concerned that job placement will be underreported as we may not be able to count many successfully placed students because their jobs will not match the identified Standard Occupational Classification (SOC) or Classification on Instructional Program (CIP) for the program from which student's graduate.



## California Community Colleges Student Financial Aid Administrators Association

The California community colleges (CCC's) will not be able to be compliant with the regulations as written without substantial operational and system changes at both the institution and California Community Colleges Chancellor's Office (Chancellor's Office) levels. CCC's do not currently track graduates after they leave our institutions. We do not have "Placement Offices" that help students obtain jobs after graduation. Specifically, the regulations would require CCC's to obtain data on individual students that will be used to calculate and report placement rates, salaries and wages, including:

- Graduates available for employment (graduates in a program minus graduates unavailable for employment). CCC's can report the number of graduates from each program.
- Graduates unavailable for employment (i.e. students who die, become incarcerated, are called to active military duty, international students that leave the United States, or students that are continuing their education at another postsecondary institution). CCC's do not currently collect or track this data nor do they have the resources to do so.
- Graduates who are employed in their field, as defined as a single job within six months of graduation, for at least 32 hours per week and for at least 24 weeks. CCCs do not currently collect or track this data.
- The salary and wage information, in increments of \$5,000, for graduates employed in the field. CCCs do not currently collect or track this data.

Institutions will have to divert scarce resources from other services and priorities to comply with very specific reporting requirements that exceed the scope of SB 70. We understand that CSAC has offered to collect this data on behalf of the CCC's. We believe this is a rushed "solution" that fails to address the true cost to comply with the proposed regulation and passes the cost of data collection to another financially strapped state entity which is not a responsible use of our limited resources nor is this potential cost disclosed in the Economic and Fiscal Impact Statement (STD. 399).

- CCCSFAAA believes the potential cost should 112 CCC's defer to CSAC to collect this data requires disclosure.
- Privacy issues (FERPA) have been raised should CCC's decide to have CSAC survey and collect the data as it is required of all students, not just Cal Grant recipients.
- CCC's are currently reporting placement, salary and wage information to federal government agencies, in particular as part of the required reporting for receipt of Perkins funding. CSAC should be able to use similar data in lieu of the data collection requirements outlined in proposed regulations.
- Federal regulations require that colleges disclose placement, salary and wage information to their students if the state has a methodology for calculation of the same. Implementation of this portion of the law and regulations will trigger the need to provide additional disclosures for federal compliance.

The Chancellor's Office has indicated that they can report on the CCC's enrollment, persistence and graduation data because CCC's currently report this annually through MIS; however, they will incur costs to build the application to run the required datasets. The potential cost to the Chancellor's Office or CCC's is not disclosed in the Economic and Fiscal Impact Statement (STD. 399).



## California Community Colleges Student Financial Aid Administrators Association

- For the Chancellor's Office to report annual enrollment, persistence and graduation data for the CCC's, the cost associated with building the application to run the datasets as required are estimated at \$240,000 for the first year and \$140,000 per year for out-years.
- No existing resources are currently available to track job placement, wage and salary data. The cost estimates to develop an infrastructure for tracking student placement and wage data from the current statewide MIS is estimated as follows:
  - The first year cost for implementation at the college level is a total of \$28 million, with out-year costs estimated at \$16.8 million per year.
  - The first year cost for implementation at the Chancellor's Office is estimated at \$240,000, with out-year costs estimated at \$140,000.

CSAC's Initial Statement of Reasons for the proposed regulations indicates that the main reason for the regulations is because helping students make good choices about higher education is critical to their success. CCCSFAAA supports this ideal but does not agree that the drafted regulation will achieve this purpose. We are concerned about CSAC's intent to establish a website providing the enrollment, graduation and placement information for individual colleges. This proposed website will not provide accurate consumer information, will have an unknown cost, is duplicative of federal reporting and exceeds the scope of SB 70.

- CCCSFAAA does not believe the use of surveyed data will be statistically meaningful nor will it provide the best consumer information as it will be self-reported by the graduate and will be incomplete.
- Failure to disclose out-of-state transfer data will result in an underreporting of graduation data and inaccurate consumer information.
- CSAC has chosen to require colleges to report using a different database from that already required by the US Department of Education.
  - The result will be different values for information already required to be reported on the colleges' websites and several websites available to students from the US Department of Education.
  - CCCSFAAA believes that yet another website will create conflicting information and is an unnecessary cost and will be more confusing than helpful for students.

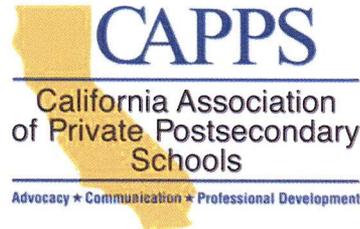
We understand SB 70 requires CSAC to collect enrollment, persistence and graduation data as well as job placement, salary and wage data; however, we believe the promulgation of regulations has been rushed and recommendations from the field not considered.

CCCSFAAA appreciates the opportunity to provide comments on the proposed regulations for SB 70 reporting requirements and looks forward to a more consultative and collaborative approach in adopting final regulations.

Sincerely,

Calvin D. Rankin  
2012 CCCSFAAA President  
323.953.4000 ext. 2014

Margie Carrington  
2012 CCCSFAAA President-Elect  
650.306.3174



August 20, 2012

California Student Aid Commission  
 Attention: Kristen Trimarche, Legal Services  
 P.O. Box 419029  
 Rancho Cordova, CA 95741-9029

RE: Comments in Response to Proposed Rulemaking File Z2012-0626-04

On behalf of the California Association of Private Postsecondary Schools (CAPPS), the largest Association of private postsecondary schools in California with over three hundred members, we would like to offer our comments on the Commission's intention to adopt regulations regarding the Cal Grant Program and Participating Institution Data Reporting Requirements as a result of SB 70.

We note the last minute notices, abrupt changes of meeting dates and in general the seemingly "hide the issue and meeting" behavior of the Commission which does not reflect well on the professionalism of the Commission and especially of its staff. We would urge that you improve on the execution of your duties in a manner more reflective of open Government and two-way communication. As was commented by one of our members, "This is no way to run a Student Aid Commission."

As we related to Senator Alquist when she was drafted a bill on the this topic, we were very concerned that the Commission would seize the opportunity to ignore existing data bases that require detailed Higher Education Reporting and instead invent its own unique set of definitions and requirements that would require Institutions to craft a new set of data collection software and hire additional staff to report the results. This appears to be what the Commission is planning to do.

We believe that in this era of financial limits that implementing a data set that does not incorporate existing data and definitions, is the wrong way to go and we are very disappointed that the Commission has chosen to force additional costs onto a higher education system that can ill afford to add increased reporting costs to a reduced Cal Grant system.

We urge that you formally review the many different Higher Education reporting systems in place and select those data elements that will give you adequate information on eligible Institutions without raising the costs of administration. Creating a separate data system ensures that CSAC is incapable of integrating other existing data systems, which could be politically advantageous to the Commission in avoiding being assimilated or integrated with other agencies, but it is a policy that promotes duplication at a time when we need streamlining and an honest comparison between sectors.

For example, the current Commission "graduation rate" definition uses the IPEDS data system that only counts first time, full time, traditional students. Our sector is almost entirely made up of non-traditional students who do not fit the traditional student definition, yet there are other existing data systems that do count both traditional and non-traditional students. A well-researched analysis could provide a more homogenous reporting system at a much reduced cost.

We also note that the Commission after waiting fourteen months to start the regulatory process seems bent on pushing this action through as quickly as possible. This is odd behavior when rushed processes will most likely result in a poor or incomplete outcome.

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 TRAINING CALIFORNIA'S WORKFORCE FOR THE 21<sup>ST</sup> CENTURY 

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We would agree with other commentators that the potential for student confusion is so great, given the abundance of other websites that contain similar but differing definitions to what the Commission is proposing, that the first duty of the Commission should be to explain what their data collection will do that other websites do not already contain.

The fact that the Commission website and data collection will be limited only to Cal Grant students mitigates in favor of minimal reporting, not the voluminous amount of reporting being proposed in this regulatory release.

We have also identified the following areas that need much more work by the Commission before it proceeds with regulations:

**CIP Codes:**

There are no national standards for using CIP codes as the Commission intends. The data would be misleading, incomplete and confusing

**Timing and Definitions:**

- The proposed timeline does not sync with other major data reporting and as such will never “fit.”
- The proposed regulations ask for data segregated by “educational level,” which for many educational programs will be different. This will add misleading and confusing data to the proposed reporting.
- The Annual Job Placement rate proposed definition is based on different cohorts and will result in two different unrelated sets of graduation data being reported.
- Teacher Certification: The Commission needs to adopt the same definition as the US Department of Education
- SAP definitions: The Commission changes via its proposed regulations the standard definition of satisfactory progress by adding “exceeds two consecutive semesters or three consecutive quarters. This violates and is inconsistent both the USDOE policy and numerous Institutional policies.
- Persistence data: This proposed definition does not include students who complete the program and do not need to enroll or student who have completed in less than a year.
- Graduation data: The many students in our sector that work and attend school part-time would not be included in this definition. While in fact they will graduate and actually be successful, the Commission’s definition will show them as non-graduates. This is not a correct outcome and would be patently unfair and biased as proposed.

We believe that had the Grant Advisory Committee been used properly over the last year or so, many of these problem areas would have been avoided. Unfortunately, it is clear from recent history the objective and thoughtful analysis often provided by the Advisory Commission has not been solicited, therefore resort must be made to utilize the often unwieldy and non-collaborative rule-making process.

Regards,



Robert Johnson  
CAPPs Executive Director

Cc: Matt Back, Lobbyist, Ackler & Associates



California Student Aid Commission  
 Attention: Kristen Trimarche, Legal Services  
 P.O. Box 419029  
 Rancho Cordova, CA 95741-9029

RE: Comments in Response to Proposed Rulemaking File Z2012-0626-04

August 20, 2012

Dear Ms. Trimarche:

I am writing on behalf of American Career College and West Coast University, two institutions that have participated in the Cal Grant program for many years, and have successfully graduated thousands of students and assisted them in their transition into promising careers in health care.

The College and University very much support the idea of transparency and accountability in all of higher education, and we are pleased to see that the new rules would affect all post-secondary educational institutions that participate in the Cal Grant program. The concern we have with the proposed regulations is related to the additional burden of reporting to CSAC and disclosing to prospective students complex and duplicative information that is already being reported to the state of California (under the Bureau for Private Postsecondary Education's (BPPE's) reporting requirements), to various accrediting agencies, and/or to the United States Department of Education, and disclosed to prospective students under the California Private Postsecondary Education Act (and the corresponding BPPE rules) requiring all applicants receive a School Performance Fact Sheet (SPFS) for the individual program of interest, and under the Gainful Employment (GE) disclosure requirements pursuant to the federal Higher Education Act. The information that CSAC is requiring be reported is inconsistent in its definitions and timeframes, creating an additional layer of regulatory reporting that is unnecessary, costly and confusing.

The current approach will result in a host of unintended consequences and make information confusing for students and parents. Congress and the U.S. Department of Education are already progressing with the Shopping Sheet template, which schools participating in the GI Bill and VA Benefits will be required to use, and all other institutions will be encouraged to use. There are data that exist on websites such as the colleges' own disclosures pages, Net Price Calculators, College Navigator pages, Federal Student Aid website, FAFSA website, and CSAC website. Because the information the Commission will be collecting is built on a different database than the IPEDS' data used by the U.S. Department of Education on their student websites, and the information provided in the SPFS and GE disclosures, the graduation and enrollment data published for a school on the Commission's site could be considerably different from that published on the federal, state and school websites. The result will be more confusing than helpful to students and their parents.

Rather than creating another reporting structure, we would suggest that CSAC access the information on "enrollment, persistence and graduation" and "wage and salary" by either accessing the information reported by the institutions through the National Center for Education Statistics (IPEDS) reports, available publically through the College Navigator website at <http://nces.ed.gov/collegenavigator/>, or if the institution reports annually to the BPPE or an accrediting agency, CSAC could accept that information in lieu of creating an entirely new structure. In some cases the language in the proposed regulations is almost verbatim to that which is included under the California Private Postsecondary Education Act, but with a different cohort and timeframes.

If CSAC would accept the BPPE Annual Report as sufficient, those schools could be saved the added expense and manpower of additional reporting to CSAC. Institutions that provide the same type of information in annual reports to their accreditors could provide the report to CSAC as well. If an institution is not required to report similar information to other agencies, it certainly makes sense to provide a means for CSAC to gather this data, but for those schools with existing rigorous and multi-layered reporting requirements, it would be more efficient, both in terms of cost and time, to accept existing reports in lieu of another similar report with slightly different cohort data. In addition, the turnaround time for developing a new reporting structure can be quite long, and to propose new rules less than 6 months before the first report would be due, is unreasonable for any institution.

Additionally, we are concerned about the use of CIP Codes, as their use seems to significantly enlarge the scope of SB 70 and is beyond other Cal Grant controlling statutes, and conflicts with the SOC code identifiers required to be used to identify programs and outcomes for the GE disclosures. The names of CIP codes do not always correspond with the names of an institution's programs, which will be confusing for students, and can result in multiple programs having the same CIP code. This results in confusion for those reporting, and those receiving the data. There are no national standards for using CIP codes as the Commission intends. Furthermore, CIP codes are beyond the scope of the existing statute. The data, as a source of comparison for students, would be confusing and incomplete.

Finally, the detailed student data that is being requested appears to violate the Family Education Rights and Privacy Act (FERPA), as amended. This alternative provided to institutions directs that the following data be submitted to the agency: "student's first and last name, date of birth, social security number, race/ethnicity, gender, original term enrollment date, educational level, enrollment status, high school code, institution campus code". To provide student specific data on their entire student population may conflict with FERPA, and as recently as June 2012, the District Court reviewing the Gainful Employment regulations noted that collecting and maintaining this type of information could create such a violation.

We appreciate the opportunity to comment.

Sincerely

Katherine Lee Carey  
General Counsel  
American Career College  
West Coast University



**Research and Planning Group Responses  
to the  
CALIFORNIA STUDENT AID COMMISSION  
on the proposed text  
AMENDMENT TO TITLE 5, DIVISION 4, CHAPTER 1, CA CODE OF REGULATIONS REGARDING THE CAL  
GRANT PROGRAM (EDUCATION CODE §§ 69430-69460)**

[http://www.csac.ca.gov/pubs/forms/grnt\\_frm/calgrant\\_proposedtextregulations.pdf](http://www.csac.ca.gov/pubs/forms/grnt_frm/calgrant_proposedtextregulations.pdf)

**§ 30040**

Recommend that the term ‘persistence’ be replaced with ‘retention’ to conform to current terminology used in California and nationally.

**§ 30042.5 Annual Job Placement Rate and Salary and Wage Reporting**

Subsection (b) states “Beginning in 2013, a qualifying institution shall annually report to the Commission no later than December 31st, for the two academic years ending the preceding June 30th, the job placement rate and the salary and wage information for all students graduating during each of the previous two academic years from any of its undergraduate programs that are either:

- (1) designed or advertised to lead to a particular type of job; or
- (2) advertised or promoted with any claims regarding job placement.”

This timing is not advisable for useful reporting. It is recommended that reporting allow sufficient time for graduates to obtain employment and for qualifying institutions to collect data. Typically two calendar years after a graduation date are required to allow opportunities for employment and data collection and reporting cycles to occur.

**§ 30043 Job placement rate data**

Subsection (a) states “The job placement rate data shall include, by CIP code for each program subject to reporting under section 69433.2, the total number of graduates in the cohort, the number of graduates available for employment, the number of graduates employed in the field and the job placement rate expressed as a percentage.”

Wage records collected by the Employment Development Department (EDD) do not contain Standard Occupational Codes (SOC) to determine if a graduate was enrolled in the field of their program. The only current means of collecting such data are through surveys. It is recommended that EDD data collection authority be expanded to include collection of employee SOC designations and that EDD reporting authority be expanded to include reporting wage data for students in order to comply with local, state, and federal reporting regulations.

Subsection (e) (3) states “The graduate has been employed in a single position that averages a minimum of 32 hours per week for a minimum of 24 weeks.”

Wage records collected by the EDD do not contain hours employed per quarter. The only current means of collecting such data are through surveys. In addition, wages are collected by the EDD on a quarterly rather than weekly basis. It is recommended that EDD data collection authority be expanded to include hours worked per quarter. In addition, time periods should be expressed as a number of quarters rather than a number of weeks to conform to standard employment reporting time frames.

Subsection (d) states. “ ‘Graduates unavailable for employment’ means graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education at a postsecondary institution. “

While conceptually important, there is no current integration of education, health, public safety, and defense databases that would allow for accurate reporting of this information. It is recommended this section be amended to indicate that these data should be considered when reasonably available.

**§ 30044 Salary and wage information**

This section contains a provision to “report the number of graduates who declined to provide salary and wage information.”

This allows for the use of surveys to collect wage data given the ability to also report nonresponse rates.

**§ 30044.5 Record Maintenance and data audit**

This section states in part “The information used to substantiate the reports submitted to the Commission pursuant to sections 69433.2 shall be documented and maintained by the institution for five years from the date of the publication of that data.”

It is recommended that the sentence be amended to read “...and *securely* maintained by the institution...” [recommended addition in italics].

# LOS RIOS

COMMUNITY  
COLLEGE  
DISTRICT



August 20, 2012

California Student Aid Commission  
P.O. Box 419029  
Rancho Cordova, CA 95741

Dear Commission Members:

This letter is in response to the Commission's request for comments on the Proposed Amendment to Title 5, Division 4, Chapter 1, California Code of Regulations regarding the Cal Grant Program (Education Code §§ 69430-694690). On behalf of the four colleges of the Los Rios Community College District (American River College, Cosumnes River College, Folsom Lake College, and Sacramento City College), I am expressing grave concern about the new Reporting of Program Data requirements.

#### Annual Report on Enrollment, Persistence and Graduation

In 2010-11, the four Los Rios colleges had an unduplicated student headcount of 103,838 students, including 4,261 students participating in the Cal Grant Type B and C programs. This means Cal Grant participants made up just 4.1 % of all Los Rios students. While the colleges understand and are prepared to meet the increased enrollment, persistence, and graduation reporting requirements proposed for their Cal Grant students, they are very concerned that the proposed language requiring data on all students, even with the exclusion of students concurrently enrolled in K-12, or who are enrolled in basic skills instructional courses, remedial courses, or ESL courses. The concerns are two-fold. First, due to the broad mission of California community colleges, many non-Cal Grant students will be pursuing different educational goals than the Cal Grant participants and the colleges wonder how meaningful the Commission will find these data since the colleges already provide a myriad of accountability data to state, federal, and regional accrediting agencies. Second, the proposed requirements will result in a significant workload increase for institutional research offices struggling to keep up with ever increasing reporting requirements from other agencies at the same time California community colleges have experienced a 12% decrease in state funding since 2008.

#### Cohort and Published Program Length Data

As open access institutions, community colleges have many students who either enroll without declaring a specific program goal or who change that goal repeatedly without having to officially notify the college of the change. This makes placing many non-Cal Grant students into meaningful program cohorts very difficult, and therefore difficult to track. Students also stop in and out of college or attend multiple colleges at once in order to find available courses. The colleges are unclear how data on the length of time it takes non-Cal Grant students to complete their programs will benefit the Commission.

#### Job Placement Data

The proposed requirement for job placement rate data is the most troubling requirement of all. The colleges have no ability to require graduates to provide these data. It will be very costly to pursue this request with graduates, many of whom will think it is no business of the colleges to have such

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Cosumnes River College  
Folsom Lake College  
Sacramento City College

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Deborah Ortiz  
Ruth Scribner

staffed impossible to do for all non-Cal Grant graduates. Again, the colleges do not understand why the Commission needs non-Cal Grant graduate data.

The Los Rios colleges greatly appreciate the difference Cal Grants make to students who are eligible and able to participate in the program. We would be very disappointed on behalf of our students if the colleges were to become ineligible to participate in the Cal Grant program due to these proposed changes. The colleges urge the Commission to review the new Program Data Reporting requirements and revise them to focus solely on Cal Grant student participants.

Sincerely,



Susan L. Lorimer, Ed.D.  
Vice Chancellor of Education and Technology  
916-568-3031

# SIERRA COLLEGE

Financial Services Office • 5000 Rocklin Road • Rocklin CA 95677-3397 • (916) 660-7310

August 20, 2012

California Student Aid Commission

Attention: Kristen Trimarche, Legal Services

P. O. Box 419029

Rancho Cordova, CA 95741-9029

RE: Sierra College Comments on Proposed Regulations for SB 70 Reporting

Dear Ms. Trimarche,

I am writing to you on behalf of Sierra College's Financial Aid Department. Sierra College serves over 9,000 on federal or state aid, of this 1,100 are Cal Grant recipients. When I entered into our new Program Participation Agreement, I did so with reservations due to SB 70 not being fully vetted. The purpose of this communication is to provide comments on the California Student Aid Commission's (CSAC) proposed regulations on Senate Bill (SB) 70 reporting requirements. My concern is that CSAC delayed the regulatory process by fourteen months after SB 70 was signed into law in March 2011 and now is rushing through a complex regulatory process that requires more consultation.

I agree with CCCSFAAA's stance on several identified concerns with both the rationale expressed by CSAC in their Initial Statement of Reasons and the draft regulations themselves. The main points of concern are:

- The draft regulations exceed the scope of the law.
- The cost of implementing the regulations as written would be detrimental to our segment and redirect scarce resources to comply.
- California community colleges are not structured to gather and track placement, salary and wage data of graduates.
- There are adequate consumer disclosures and tools at the federal level; the state should not be spending resources to re-create something that exists at the federal level.

I concur with CCCSFAAA; the proposed regulations exceed the scope of SB 70 to a level that will be detrimental to our segment. Education Code Section 69433.2.b requires colleges that want to voluntarily participate in the Cal Grant Programs to annually submit "the job placement rate and salary and wage

information for each program that is either (1) designed or advertised to lead to a particular type of job; or (2) advertised or promoted with any claim regarding job placement.”

Under the proposed regulations “placement” is specifically regulated by CSAC as being employed in the field from which the student graduated. We are concerned that job placement will be underreported as we may not be able to count many successfully placed students because their jobs will not match the identified Standard Occupational Classification (SOC) or Classification on Instructional Program (CIP) for the program from which student’s graduate.

200

200

California Community Colleges

Student Financial Aid Administrators Association

The California community colleges (CCC’s) will not be able to be compliant with the regulations as written without substantial operational and system changes at both the institution and California Community Colleges Chancellor’s Office (Chancellor’s Office) levels. CCC’s do not currently track graduates after they leave our institutions. We do not have “Placement Offices” that help students obtain jobs after graduation. Specifically, the regulations would require CCC’s to obtain data on individual students that will be used to calculate and report placement rates, salaries and wages, including:

- Graduates available for employment (graduates in a program minus graduates unavailable for employment). CCC’s can report the number of graduates from each program.
- Graduates unavailable for employment (i.e. students who die, become incarcerated, are called to active military duty, international students that leave the United States, or students that are continuing their education at another postsecondary institution). CCC’s do not currently collect or track this data nor do they have the resources to do so.
- Graduates who are employed in their field, as defined as a single job within six months of graduation, for at least 32 hours per week and for at least 24 weeks. CCCs do not currently collect or track this data.
- The salary and wage information, in increments of \$5,000, for graduates employed in the field. CCCs do not currently collect or track this data.

Institutions will have to divert scarce resources from other services and priorities to comply with very specific reporting requirements that exceed the scope of SB 70. We understand that CSAC has offered to collect this data on behalf of the CCC’s. We believe this is a rushed “solution” that fails to address the true cost to comply with the proposed regulation and passes the cost of data collection to another financially strapped state entity which is not a responsible use of our limited resources nor is this potential cost disclosed in the Economic and Fiscal Impact Statement (STD. 399).

- CCCSFAAA and I believe the potential cost should 112 CCC's defer to CSAC to collect this data requires disclosure.
- Privacy issues (FERPA) have been raised should CCC's decide to have CSAC survey and collect the data as it is required of all students, not just Cal Grant recipients.
- CCC's are currently reporting placement, salary and wage information to federal government agencies, in particular as part of the required reporting for receipt of Perkins funding. CSAC should be able to use similar data in lieu of the data collection requirements outlined in proposed regulations.
- Federal regulations require that colleges disclose placement, salary and wage information to their students if the state has a methodology for calculation of the same. Implementation of this portion of the law and regulations will trigger the need to provide additional disclosures for federal compliance.

The Chancellor's Office has indicated that they can report on the CCC's enrollment, persistence and graduation data because CCC's currently report this annually through MIS; however, they will incur costs to build the application to run the required datasets. The potential cost to the Chancellor's Office or CCC's is not disclosed in the Economic and Fiscal Impact Statement (STD. 399).

#### California Community Colleges

##### Student Financial Aid Administrators Association

- For the Chancellor's Office to report annual enrollment, persistence and graduation data for the CCC's, the cost associated with building the application to run the datasets as required are estimated at \$240,000 for the first year and \$140,000 per year for out-years.
- No existing resources are currently available to track job placement, wage and salary data. The cost estimates to develop an infrastructure for tracking student placement and wage data from the current statewide MIS is estimated as follows:
  1. The first year cost for implementation at the college level is a total of \$28 million, with out-year costs estimated at \$16.8 million per year.
  2. The first year cost for implementation at the Chancellor's Office is estimated at \$240,000, with out-year costs estimated at \$140,000.

CSAC's Initial Statement of Reasons for the proposed regulations indicates that the main reason for the regulations is because helping students make good choices about higher education is critical to their success. Sierra College and CCCSFAAA supports this ideal but does not agree that the drafted regulation will achieve this purpose. We are concerned about CSAC's intent to establish a website providing the enrollment, graduation and placement information for individual colleges. This proposed website will not provide accurate consumer information, will have an unknown cost, is duplicative of federal reporting and exceeds the scope of SB 70.

- Sierra College and CCCSFAAA does not believe the use of surveyed data will be statistically meaningful nor will it provide the best consumer information as it will be self-reported by the graduate and will be incomplete.
- Failure to disclose out-of-state transfer data will result in an underreporting of graduation data and inaccurate consumer information.
- CSAC has chosen to require colleges to report using a different database from that already required by the US Department of Education.
  1. The result will be different values for information already required to be reported on the colleges' websites and several websites available to students from the US Department of Education.
  2. Sierra College and CCCSFAAA believes that yet another website will create conflicting information and is an unnecessary cost and will be more confusing than helpful for students.

We understand SB 70 requires CSAC to collect enrollment, persistence and graduation data as well as job placement, salary and wage data; however, we believe the promulgation of regulations has been rushed and recommendations from the field not considered.

While attending a recent CSAC webinar, several schools to include Sierra College asked about getting out of the Cal Grant programs due to lack of compliance and the amount of manual work it takes to process the current Cal Grant program. The CSAC trainer's response was "I sure hope not, this program is not hard to administer". Of course it is not hard, just impossible to stay compliant.

I appreciate the opportunity to provide comments on the proposed regulations for SB 70 reporting requirements and looks forward to a more consultative and collaborative approach in adopting final regulations.

Sincerely,

Linda S. Williams, Ed.D

Financial Aid Program Manager

Sierra College

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STATE OF CALIFORNIA

JACK SCOTT, CHANCELLOR

**CALIFORNIA COMMUNITY COLLEGES  
CHANCELLOR'S OFFICE**

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<http://www.cccco.edu>



August 20, 2012

California Student Aid Commission  
Attention: Kristen Trimarche, Legal Services  
P.O. Box 419029  
Rancho Cordova, CA 95741-9029

Dear Commission:

My office represents the 112 California Community Colleges (CCCs) and the 2.6 million students they serve each year. I am writing because we have major concerns about the Commission's proposed regulations to implement the requirements of SB 70, which was passed into law last year. We made several attempts to express our concerns to Commission staff members and some of our recommendations were adopted; however our main concerns and objections have not been addressed. We hope that this official letter of comment will help describe our concerns and that this will result in major changes to the proposed regulations.

**Issues Related to the Commission's Notice of Proposed Rulemaking (NPRM)**

*This proposal has potential costs for state agencies, namely the University of California (UC) and the California State University (CSU), depending upon the method selected by the UC and CSU for collecting and reporting the data required by the proposal. Under the proposal, all Cal Grant participating institutions including UC and CSU institutions have the option to submit electronically to the Commission the student unitary data necessary to satisfy the reporting requirement. If UC and/or CSU elect to collect and compile their reports without Commission assistance, it is possible that UC or CSU could incur some negligible costs. If any additional costs would need to be incurred, both UC and CSU would be able to absorb these costs within their existing budget and resources. (NPRM, page 3, second paragraph of Fiscal Impact Estimates)*

The Commission did not consult with the appropriate staff members of the Chancellor's Office or with Community College Financial Aid Offices about potential costs of implementing the regulations. We clearly communicated to Commission staff that the CCCs would be unable to comply with the proposed placement, wage and salary data reporting requirements because we do not currently have the data proposed in the proposed regulatory package and do not have the resources to create the infrastructure, systems and staff to do so.

- The estimated cost to the CCCs of reporting enrollment, persistence and graduation data is \$240,000 for the first year (costs at Chancellor's Office level for staff and system development) and \$140,000 per year for out-years. The Chancellor's Office has the ability and the data needed to comply with this portion of the proposed regulations. The estimated cost for colleges to provide the data under either the aggregated or unitary data scenarios

would be far in excess of the system costs with 112 colleges each bearing the cost of providing the required data in required formats.

- The first year cost for implementation of the placement, salary and wage data reporting at the college level is a total of \$28 million, with out-year costs estimated at \$16.8 million per year. The first year cost for implementation at the Chancellor's Office is estimated at \$240,000, with out-year costs estimated at \$140,000.

*The Commission has consulted with stakeholders and interested parties by holding scheduled webinars, teleconferences, and meetings to **develop** the proposed action. (Emphasis added)(NPRM, page 4, first paragraph of Alternatives)*

The Commission did not sufficiently consult with community college stakeholders before developing the proposed regulations, although there was nearly a year in which to do so. The proposed regulations were developed internally by Commission staff and presented in a draft format. The Commission began consulting with the Chancellor's Office staff on June 1, 2012. That initial phone call was followed up with an additional call on June 11, 2012. The Chancellor's Office submitted written comments to the Commission on June 1, and June 12, 2012. Copies of these written comments are included at attachments to this letter.

The Commission conducted 3 webinars regarding the proposed regulations (one on the process and two to review the proposed regulations) before issuing the final proposed regulations. The webinars were not designed or conducted as consultation; rather, the webinars were intended to review the content of the proposed regulations. Although the webinar offered a way to ask questions, listeners were not able to view the content of questions posed by other attendees, there was no way of knowing if all questions were answered, and very little change resulted in the final proposed regulations after the webinars were conducted.

Our offices were not consulted in the early development stages of the regulatory process.

The proposed regulations closely duplicate the regulations that define what for-profit schools must report and disclose in either Annual Reports to the Bureau of Private Postsecondary Education or on the Annual Fact Sheet required by BPPE, which must be made available to all students. For-profit career schools have been gathering and reporting this type of data for a number of years and have the infrastructure and resources to be able to continue to do so.

We acknowledge that the Commission had an obligation to consider other state regulations while developing their data reporting regulations. However, adoption of the regulations as written would result in little to no additional costs or resources to the for-profit segment, while the rest of California's institutions would be subject to additional workload, especially the CCCs in placement, salary and wage data. For-profit schools offer programs that are usually full-time modular programs with proscribed courses at proscribed times. There are little to no opportunities to change majors, stop out for a term, or attend part-time for these programs; this structure, in addition to the high revenues per students and the structured Placement Offices at these institutions, make it possible to provide what the Commission is asking for. The law governing reporting of this data by for-profit institutions excludes public and non-profit colleges and universities. The reporting requirements are appropriate and reasonable for for-profit institutions but not for the other segments of institutions in California. Adoption of the regulations as written would not provide a level playing field and would be detrimental to the CCCs. Low per-student funding and budget cuts at the CCCs are additional reasons why we should not be asked to divert critically limited college resources from serving existing students to tracking former students for this duplicative data collection effort.

We appreciate that the Commission also has limited staffing capacity to accomplish all of the tasks assigned to the agency over the past year (e.g. implementation of new student eligibility and institutional eligibility requirements, the new Institutional Participation Agreement, and the California Dream Application). While we understand that SB 70 specifies implementation of these new requirements before the end of the year, the community colleges face numerous fiscal and staffing challenges in meeting these requirements in accordance with the proposed regulations. In as much as the regulations are still proposed and colleges are still uncertain what the final regulatory requirements will be for the proposed Nov/Dec deadlines, it will likely be impossible for colleges to comply with the all of the data reporting requirements by the deadlines.

We encourage the Commission to make every effort possible to find a solution that meets the needs of the legislature, the students of California, and the institutions that serve those students. Our recommendations include changing the regulations so that data we are already submitting through other sources (e.g. IPEDS and Gainful Employment Disclosures, or through the same mechanisms used to report Perkins fund success data) can be used instead of developing new and complex reporting requirements, and working with the legislature to restructure the reporting requirement timelines so that they align with federal reporting timelines (e.g. IPEDS data due in April, 2013).

*In accordance with Government code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the Commission or that has been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy. (NPRM, page 4, second paragraph of Alternatives)*

The Chancellor's Office proposes to allow the colleges to use existing methodology for placement and wage data already being reported to federal agencies for Perkins funding purposes as a way to significantly reduce reporting costs. This proposal was presented verbally in a conference call, and in writing before the proposed regulations were finalized. Our proposed solution was not adopted by the Commission. An alternate approach would be to require colleges to submit the data used for their federal Gainful Employment disclosures to the Commission for use in lieu of a new set of data.

As mentioned above, institutions already report enrollment and graduation data to the federal government using IPEDS. This data could be used in lieu of complex and expensive data reporting requirements set by the Commission.

Over the past several years federal financial aid program regulations have resulted in a multitude of consumer information data reporting requirements. We strongly recommend that the Commission consider utilizing federal reporting practices already in place as a way to collect wage and placement data and mitigate new costs.

### **Issues Related to the Commission's Statement of Reasons**

*By requiring higher education institutions to report enrollment, persistence, graduation and employment data, SB 70 allows the California Student Aid Commission to bring valuable information for students together in one spot. By using this data as the cornerstone for a new*

*user-friendly website, CSAC can provide a model for the rest of the nation in empowering students to understand their options and select the best opportunity that supports their aspirations. (Statement of Reasons, page 2, fifth paragraph of Introduction)*

We support the idea of providing valuable consumer information to students and families as they are making college-going decisions. However, we believe that good consumer information is already available to students and that California should not be spending scarce dollars to duplicate these efforts.

- The federal government requires that colleges report certain data on student success. That data is searchable via the College Navigator site at <http://nces.ed.gov/collegenavigator/> . Although the data reported here are not as extensive as the data proposed by CSAC, they provide valuable and easy to locate information to the public without incurring substantial new costs.
- In addition to the College Navigator, the federal government will be implementing a new, searchable database within the next 90 days as part of its Gainful Employment implementation. All colleges will have to report certain data via a template to the federal government. That data, by educational program, will include on-time completion rates, loan debt, tuition and fee costs and estimated costs for books and supplies.
- In addition the federal government has recently issued the "Shopping Sheet" and is encouraging widespread use by all colleges. Although not required as of this date the administration is attempting to make the use of the "Shopping Sheet" as requirement. This document, intended to replace or supplement individual college award letters, is designed to include student success data as well as the individual student's financial aid award data.

### **Issues Related to the Commission's Economic and Fiscal Impact Statement (STD.399)**

The required STD 399 filing form asks the question, "Are there comparable Federal regulations?" and the Commission's answer was a simple "no". As mentioned above we believe the Commission has failed to acknowledge and consider comparable tools and data reporting structures governed by federal regulation that could be employed to meet the intent of the statute with significant savings to the state.

The Commission is offering, in the proposed regulations, to collect and track placement, wage and salary information on behalf of the CCCs. However, there is no mechanism for the Commission to do that without relying on community colleges to supply data and there is no estimate of the costs of doing so indicated in the STD 399. It is our understanding that the Commission should be including all estimated costs involved in implementing the proposed regulations. I do not believe the Commission has met its obligation to do so.

### **Issues Related to the Commission's Proposed Regulations**

#### **Section 30010: Use of CIP Codes**

We are concerned with the Commission's use of the CIP codes to be used to identify undergraduate programs. Cal Grant awards may only be used for educational expenses of a program of study leading directly to an undergraduate degree or certificate. The Commission wants to use CIP codes to identify major programs of study. Majors and CIP codes are beyond the scope of the existing statute. There are many problems with using CIP codes. The names of CIP codes do not correspond with the names of the majors at schools which will be confusing for students. There are problems when students are undeclared majors or change majors.

The CCCs use TOP codes (Taxonomy of Program Codes) for our programs. Although we have a “cross-walk” that allows translation from TOP to CIP codes they don’t always align. We have experienced some problems already with reporting via CIP codes to the federal government for Gainful Employment reporting and disclosures and expect that the use of CIP codes to meet these reporting regulations will result in the same issues. The law does not allow the Commission to require use of CIP codes for this purpose. This is a clear instance where the Commission’s proposed regulations exceed the scope of the law and its intended purposes.

#### Section 30033: Withdrawal of a Cal Grant

*(f) Fails to meet institutional Satisfactory Academic Progress requirements for a period of time that exceeds two consecutive semesters or three consecutive quarters.*

The Commission has inserted into its Data Reporting regulations this change in the definition of Satisfactory Academic Progress. This is beyond the scope of SB70 and has no place in this set of regulations.

If included in this set of regulations, the statement should be changed to “Fails to meet Satisfactory Academic Progress requirements adopted by the institution in accordance with applicable federal standards published in Title 34 of the Code of Federal Regulations.”

The inclusion of a specific time standard places colleges in the position of having potentially conflicting requirements in federal and state regulations. Since SB 70 defines “Satisfactory Academic Progress” as the standards contained in federal regulations, the term should not be further defined in these regulations.

#### Section 30040: Annual Report on Enrollment, Persistence and Graduation

Although the Chancellor’s Office will be able to report the data suggested in the proposed regulations there is a cost associated with doing so. As mentioned above we encourage the Commission to fully explore other data reporting formats already in use instead of creating a new California model. Our colleges welcome transparency, but do not welcome additional complex requirements which will divert scarce campus resources away from being able to serve students and families under these difficult economic times

The Chancellor’s Office appreciates that the Commission has added language that would allow institutions to report graduation data beyond the 200% normal program length, as well as allowing CCC’s to report on students who transfer. Regardless of these changes we continue to have concerns that reporting limitations may result in a system-wide underreporting of graduation data.

- The proposed regulations allow us to report graduation data for up to 400% of normal program length, which is important for our segment since we have such a large number of part-time students. However, the sections of the regulations pertaining to persistence are still limited to 200% of program length, and do not include the ability to report a student that either graduates or transfers during the first year of a program as a student that has persisted.
- The proposed regulations will allow us to report graduation for students through 400% of the published length of the program. However, it is unclear whether the Commission intends to publish any data that exceeds the 200% threshold originally proposed in the regulation. Not reporting and publishing all of our graduates through the 400% program length will result in a serious under-reporting of successful students from our segment which, among all of the

California higher education segments, offers the most flexibility to the most diverse of California's population.

- In addition to graduation data, the Commission added regulations that allow CCCs to report *"a transfer-out rate by reporting, for each cohort, the number of students who are known to have transferred from the California community college to a California baccalaureate degree granting institution."*
  - We are concerned as to why students who transfer to out-of-state colleges are excluded.

#### Section 30042.5 Annual Job Placement Rate and Salary and Wage Reporting

The California Community Colleges will not be able to be compliant with the regulations as written without substantial infrastructure, operational and system changes at both the college and Chancellor's Office levels. We believe that the proposed regulations exceed the scope of the law to a level that is detrimental to the state's interests.

- The law (Education Code Section 69433.2.b) requires colleges that want to voluntarily participate in the Cal Grant Programs to annually submit *"the job placement rate and salary and wage information for each program that is either (1) designed or advertised to lead to a particular type of job; or (2) advertised or promoted with any claim regarding job placement."*
  - Under the proposed regulations "placement" is only counted if the student is employed in the field they graduated from and is then further defined as to how long and how often the student works in a particular job in that field.

As mentioned above, the first year cost for implementation at the college level is a total of \$28 million, with out-year costs estimated at \$16.8 million per year. The first year cost for implementation at the Chancellor's Office is estimated at \$240,000, with out-year costs estimated at \$140,000. CCC's do not have the capacity to track individual graduates into the workforce for two full years after graduation. We rely upon a data match with the EDD to determine, in a cost-effective manner, the industry sectors in which our graduates are employed and the income they receive.

- Specifically, the regulations would require CCCs to obtain data on individual students that will be used to calculate and report placement, salaries and wages, including:
  - Graduates available for employment (graduates in a program minus graduates unavailable for employment). CCCs can report the number of graduates from each program.
  - Graduates unavailable for employment (i.e. students who die, become incarcerated, are called to active military duty, international students that leave the United States, or students that are continuing their education at another postsecondary institution). CCCs do not currently collect or track this data.
  - Graduates who are employed in their field, as defined as a single job within six months of graduation, for at least 32 hours per week and for at least 24 weeks. CCCs do not currently collect or track this data.
  - The salary and wage information, in increments of \$5,000, for graduates employed in the field. CCCs do not currently collect or track this data. However, we could supply this data via match with EDD records as mentioned above.

The Commission is suggesting that colleges survey their graduates for data regarding placement and wages. Data which is self-certified by students may be misreported, or inaccurate, and should not be used as the Commission intends, nor should it be used to do any comparison of success between institutions. If we survey our graduates many will not be reached, many more will not respond and for those who do respond there is some likelihood of

misread/misunderstood survey questions resulting in misreported information or no response. Our "placement rates" could potentially be significantly underreported due to not being able to gather responses from students. Those students that do respond may or may not respond with accurate data and there will be no way to verify the validity of their answers.

CSAC has offered to survey, track and calculate the placement, salary and wage information on behalf of the CCCs. For security purposes, we oppose providing CSAC access to unitary data regarding our students to carry out this activity. In addition, the Commission would have to rely on the CCCs providing unitary data, which would still result in additional costs to the campuses and districts. Also, the Commission would not get any better response rate or accuracy than the campuses would if they surveyed graduates. Campuses would then be held accountable for the results of the Commission's data collection over which the colleges would have no control. For these many reasons we oppose the Commission taking on these tasks on behalf of the CCCs.

### Recommendation and Final Comments

We strongly encourage the Commission to work with the legislature to delay implementation of the SB70 statute so that federal and state reporting requirements are aligned, clear and reasonable. In lieu of delaying the entire statute we recommend delaying or nullifying the statutory provisions that require placement, wage and salary data. In addition to extending the timeline for implementation we repeat our strong recommendation that the Commission develop regulations that take advantage of existing data reporting formats and timelines.

The California Community Colleges provide an affordable and accessible entry point to higher education for many, many Californians. About 60,000 of our students receive a Cal Grant each year and promulgation of the regulations as written will compromise our colleges' participation in the Cal Grant programs. If our colleges are unable to comply with the placement, wage and salary data reporting requirements, the Commission may be placed in the position of having to deny use of Cal Grants to those recipients who choose the CCC as their gateway to higher education. We are quite sure this is not the intent of the legislature and encourage the Commission to find a way to rectify the pending disaster that could be waiting for us if the regulations as written are approved.

Sincerely,



Linda Michalowski  
Vice Chancellor  
Student Services and Special Programs Division

## Identified Issues with Draft Regulations Related to Data Collection Requirements Notes after conference call June 1, 2012

### Annual Report –

- 30040(a): CSAC confirmed that they will accept aggregate data from us. We pointed out that we would like to see record layouts for the files as soon as possible so we can begin work on these pieces.
- 30040(b): References the wrong section in law: should read section 69433.2, not section 69422.6.
- 30040 (d): Should perhaps be a subsection of (c) as this relates only to schools that send unitary data.

### Cohort –

- 30040.5: Defines “cohort” but does not specify how far back we must go to determine cohorts of students for data collection purposes. (CSAC explained their intent to start with one cohort of students who first began attendance at the institution during the 2011-12 academic year). In addition the regulation explains how to treat a student who completes their program and then enrolls in a new program, but does not reference students who move to a new program without completing the first program.

### Enrollment Data –

- 30041: Although the law reads that institutions must submit data for “all students” this section of the regulation states that enrollment data has to be submitted for only students enrolled in a degree or other formal award, or in programs leading to a certificate. We should clarify whether we are reporting on all students or just on students with stated goals and programs. It is not clear if transfer programs are included in the data reporting requirements or not. CSAC clarified on the call that they are only looking for information on students who have stated program goals or who are pursuing transfer programs based on course taking patterns. We would not be reporting on students who were enrolled, for instance, for enrichment purposes. We recommend specifically mentioning transfer programs in the regulations.
- 30041(b): This is a section that has been added since our first review. The requirement that enrollment data include the educational level, if the educational level is based on new regulations 30004.5, will be problematic.

### Persistence Data –

- 30041.5: The regulations are written so that persistence is only reported for those students that are enrolled for more than one academic year. Students who complete a program within the same cohort year that they start the program are not reported as persisting, resulting in lower persistence rates for our segment.
- 30041.5 (b): See concerns raised in the following section about limiting reporting to 200 percent of normal completion time.

Graduation Data –

- 30042(b): Our colleges have struggled with the determination of “normal completion time” for the federal programs. The proposed regulations state that the Published Program Length used to calculate graduation rates should be that reported to the U.S. Department of Education through their Program Participation Agreement (PPA) or disclosed to students in college publications. At issue is that what was reported on the PPA might be different than what is being disclosed in publications. Also at issue is the dilemma of deciding which is better: a longer completion time resulting in a higher graduation rate, or a shorter completion time that reflects full-time enrollment and a competitive program length.
- 30042(b) (1) (2) and (3): These subsections should perhaps be moved to 30042(a) as they more naturally help define that section.
- 30042(b) (3): The regulations state that only students who complete their program of study within 200 percent of the published (calendar) length of the program can be reported as graduates. Students who take longer to graduate, regardless of enrollment status, are not reportable as graduates. This could seriously affect the graduation rates calculated for our segment. The discussion with CSAC indicated that there might be some opportunity to expand this length of time so that more of our graduates could get reported as graduates.
- 30042(c): As discussed CSAC has added the ability for CCCs to report transfer students as graduates. However, we continue to have concerns with the 200 percent completion time limitation.

**Identified Issues with Draft Regulations Related to Educational Level Determination**Education Level –

- 30004.5: Although titled “SB 70 Reporting Requirements” this set of regulations adds a significant change to long standing practice related to the determination of educational level. The law reads that the educational level (and, hence, the total number of years of remaining Cal Grant eligibility) is designated by the institution based on the educational level of the student when the recipient initially receives payment for their Cal Grant. The new regulations add definitions of Educational Levels 1 through 4 with specific number of units assigned to each level. For instance Education Level 1 is defined 0 to 29.9 semester units.
  - It is unclear what units would count in the determination (i.e. only units at that campus, all units ever attempted, all units competed)
  - This section of the regulations has not been discussed with the field. At the least it will cause additional workload for our colleges. Many colleges will not be pleased that the ability to establish educational level based on their own policies and determinations will be taken away from them.

Issues Relating to Draft Regulations issued by the California Student Aid Commission  
 Job placement, salary and wage data reporting requirements  
 Educational Level  
 June 8, 2012

Education Code Section 69433.2:

(a) The job placement rate and salary and wage information for each program that is either (1) designed or advertised to lead to a particular type of job; or (2) advertised or promoted with any claim regarding job placement.”

Regulation #	Proposed Regulation Text	Issues and Concerns
30043	<p>(a) The job placement rate data shall include, by CIP code for each program subject to reporting under section 30042.5, the total number of graduates in the cohort, the number of graduates available for employment, <u>the number of graduates employed in the field</u> and the job placement rate expressed as a percentage.</p> <p>(b) The job placement rate shall be calculated by dividing <u>the number of graduates employed in the field</u> by the number of graduates available for employment. The job placement rate shall be reported separately by CIP Code for each campus of a qualifying institution and by cohort for each the applicable reporting periods.</p>	<p>Exceeds the scope of the law. Impossible for CCCs to comply as written.</p> <p>CCC's are currently reporting placement, salary and wage information to federal government agencies, in particular as part of the required reporting for receipt of Perkins funding. The data is obtained by matching records of graduated students with data stored by the California Employment and Development Department (EDD). The data is limited to the following:</p> <ul style="list-style-type: none"> <li>• The assumption that, if there are wages, the student has been “placed”.</li> <li>• Wage information is only reported for people who pay unemployment taxes; self-employed individuals are not included and would be unable to be counted as “placed”.</li> <li>• Only include wages earned in California.</li> <li>• Does not include information about the field of employment for the individual.</li> </ul> <p>CCC's do not track graduates after they leave our institutions. Generally we do not do any survey data on placement, wages or</p>

		<p>salaries. Nor do we have "Placement Offices" that help students obtain jobs after graduation.</p> <p>Proposed solutions –</p> <ul style="list-style-type: none"> <li>• Remove language related to the number of graduates employed "in their field".</li> <li>• Add language that would allow public institutions to report data as reported to federal agencies for other purposes.</li> </ul>
<p>30042.5 and 30044</p>	<p>30042.5 Annual Job Placement Rate and Salary and Wage Reporting</p> <p>(a) Beginning in 2012, a qualifying institution shall report to the Commission no later than December 31st, for the academic year ending the preceding June 30<sup>th</sup>, the job placement rate data and the salary and wage information for <u>all students graduating during the 11/12 academic year</u> from all of its undergraduate programs that are either:</p> <ol style="list-style-type: none"> <li>(1) designed or advertised to lead to a particular type of job; or</li> <li>(2) advertised or promoted with any claims regarding job placement.</li> </ol> <p>30044 Salary and wage information</p> <p>The qualifying institution shall report to the Commission the salary and wage information, consisting of the total number of <u>graduates employed in the field</u> and the annual wages or salaries of those graduates stated in increments of five thousand dollars (\$5,000) for the <u>two academic years following graduation</u>.</p>	<p>Needs clarification.</p> <p>The two years' worth of wage and salary information required by 30044 would not enable us to comply with the requirements for students who have just graduated during 2011-12.</p> <p>Even for the following year we would not have two years' worth of salary and wage information for students graduating at the end of 2011-12. And, we would not have two years' worth of data for new 2012-13 graduates.</p> <p>Are annual wages based on a 12 month calendar year from the date of graduation or a standard yearly earnings amount?</p> <p>Proposed solutions –</p> <ul style="list-style-type: none"> <li>• Change the initial cohort to those who graduated during the 2009-10 academic year.</li> <li>• Remove language related to "employed in the field".</li> </ul>
<p>30043 (c)(d)</p>	<p>(c) "Graduates available for employment" means the number of graduates who complete a program during an academic</p>	<p>Exceeds the scope of the law. Impossible for CCCs to comply as written.</p>

	<p>year minus the number of <u>graduates unavailable for employment</u>.</p> <p>(d) "<u>Graduates unavailable for employment</u>" means graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education at a postsecondary institution.</p>	<p>CCC's do not have the systems or resources to track "graduates unavailable for employment" as defined in the regulations.</p> <p>Proposed solution:</p> <ul style="list-style-type: none"> <li>• Add language that would allow public institutions to report data as reported to federal agencies for other purposes.</li> </ul>
<p>30043 (e)</p>	<p>(e) A graduate is "employed in the field" if all of the following criteria are met:</p> <p>(1)(A) For occupations for which the state does not require passing an examination, <u>the graduate reports</u> that he or she is gainfully employed within six months of graduation in a position for which the skills obtained through the education and training provided by the institution are required or provided with a significant advantage to the graduate in obtaining the position; or</p> <p>(B) For occupations for which the state requires passing an examination, the period of employment shall begin within six months of the announcement of the examination results for the first examination available to the graduate following graduation.</p> <p>(2) The occupation in which the graduate is employed, as identified by the appropriate Standard Occupational Classification (SOC), is related to the CIP Code for the program being reported, as established by the 2010 CIP-SOC Crosswalk developed by National Center for Education Statistics and the Bureau of Labor Statistics. The CIP-SOC crosswalk can be found at: <a href="http://www.xwalkcenter.org/">http://www.xwalkcenter.org/</a>, and</p> <p>(3) The graduate has been employed in a single position that averages a minimum of 32 hours per week for a minimum of 24 weeks.</p> <p>(4) For students who were employed by an employer prior to, or during his or her attendance at the qualifying institution, who remain employed by the same</p>	<p>Exceeds the scope of the law Impossible for CCCs to comply as written</p> <p>Based on the proposed written regulations and on information shared in a recent webinar, CSAC will expect institutions to survey all of their graduates to obtain information on the graduate's field of employment, exam status, and the number of hours worked per week and the number of weeks employment has lasted.</p> <p>These regulations are nearly duplicated from Bureau of Private Postsecondary Education regulations that require private vocational schools to publish consumer information sheets for prospective students. CCC's are exempt from the BPPE regulations. Unlike most private vocational schools CCCs do not have placement offices that help graduates obtain employment in their fields, nor do we have the resources to be able to survey, track and retain, by program, all the data CSAC is asking for.</p> <p>The proposed regulations are burdensome to the extreme.</p> <p>Proposed solution:</p> <ul style="list-style-type: none"> <li>• Add language that would</li> </ul>

	<p>employer in a substantially comparable position following graduation are not "employed in the field" unless the graduate reports a change in duties, salary or other tangible employment benefit received as a result of the skills obtained through the education and training provided by the institution.</p>	<p>allow public institutions to report data as reported to federal agencies for other purposes.</p>
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Education Code Section 69433.6 "...Commencing with the 2001-02 academic year, the total number of years of eligibility for grants pursuant to this section shall be based on the student's educational level in his or her course of study as designated by the institution of attendance when the recipient initially receives payment for a grant." Note: this is not a new section of the law.

	<p>(a) For purposes of determining a grant recipient's total program eligibility, the institution shall determine, at the time of initial payment, the educational level of the grant recipient based upon the number of units completed, as follows:</p> <ul style="list-style-type: none"> <li>(1) Educational level 1 shall consist of 0 to 29.9 semester units, 0 to 44.9 quarter units, or the equivalent;</li> <li>(2) Educational level 2 shall consist of 30 to 59.9 semester units, 45 to 89.9 quarter units, or the equivalent;</li> <li>(3) Educational level 3 shall consist of 60 to 89.9 semester units, 90 to 134.9 quarter units, or the equivalent; and</li> <li>(4) Educational level 4 shall consist of 90 or more semester units, 135 or more quarter units, or the equivalent.</li> </ul>	<p>Exceeds the authority, intent and scope of the law.          Would harm students who have previously attempted an educational goal by reducing the number of years of Cal Grant eligibility available for the current educational goal.</p> <p>An institution has historically and traditionally set the educational levels of its students based on their current educational goal. Units transferred in toward that goal would typically be counted but units taken perhaps years before in an earlier, unsuccessful attempt at higher education would not necessarily be included in determining the educational level.</p> <p>CSAC is suggesting that all units completed be counted in determining educational level of the student, and hence the number of years of Cal Grant eligibility. As explained in a recent webinar if a student had taken 85 units prior to entering Community College XYZ then the student would have to be certified as an educational level 3, regardless of the fact that community colleges only have educational level 1 and 2 programs. This same student then would not have any remaining eligibility left when</p>
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		<p>he was ready to transfer to a CSU or UC.</p> <p>The proposed regulations also assume that most students are able to take 30 units per year, when 24 units per year are generally accepted as full-time.</p> <p>This section of the regulations will seriously harm students at all higher education segments, including those at UC, CSU and private non-profit institutions, and is an unfair attempt to ration Cal Grant dollars by regulation.</p> <p>Proposed Solution:</p> <ul style="list-style-type: none"> <li>• Remove this section of the regulations and retain the institution's right to establish educational level as stated in law.</li> </ul>
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UNIVERSITY OF CALIFORNIA

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

OFFICE OF THE VICE PRESIDENT – STUDENT AFFAIRS

OFFICE OF THE PRESIDENT  
1111 Franklin Street, 9<sup>th</sup> Floor  
Oakland, California 94607-5200

August 20, 2012

California Student Aid Commission  
Student Impact Committee  
Attn: Kristen Trimarche, Legal Services  
P.O. Box 419029  
Rancho Cordova, CA 95741-9029

By email and fax

Dear Student Impact Committee members:

On behalf of the University of California, I am writing to submit the enclosed comments regarding the proposed data reporting requirements for Cal Grant participating institutions (rulemaking file Z2012-0626-04).

I would also like to express my gratitude to California Student Aid Commission staff, who hosted several helpful web seminars and conference calls in order to explain the proposed requirements and to solicit the community's feedback on them.

If I can provide you with any additional information, please do not hesitate to contact me at David.Alcocer@ucop.edu or at 510-987-9540.

Sincerely,

A handwritten signature in black ink that reads "David Alcocer".

David Alcocer  
Interim Director  
Student Financial Support

enclosure

**WRITTEN COMMENTS PREPARED BY  
THE UNIVERSITY OF CALIFORNIA  
IN RESPONSE TO PROPOSED CAL GRANT PARTICIPATING INSTITUTION  
REPORTING REQUIREMENTS**

Submitted August 20, 2012

The University of California has a long track record of providing prospective students with detailed, relevant information to help them choose the college or university that is right for them. For example:

- UC submits exhaustive information about student enrollment and success, academic opportunities, cost, and financial aid to all major college-related surveys, such as those sponsored by U.S. News and Peterson’s.
- UC provides an ever-increasing amount of data related to enrollment, graduation, student expenses and financial aid to the U.S. Department of Education, which hosts a student-focused website intended to help students make well-informed decisions.
- UC, along with several hundred other public and private institutions, provides detailed information about majors, enrollment, and student outcomes to californiacolleges.edu, sponsored by the California Education Roundtable.
- UC creates publications at both the campus and system level, many of which are targeted at specific subsets of students with unique circumstances or interests, such as transfer students.
- UC campuses plan to adopt the Consumer Financial Protection Bureau’s new College Cost “Shopping Sheet,” which will help students make individually tailored, apples-to-apples comparisons regarding college costs.

The University supports efforts to provide meaningful, helpful information to prospective students as they make the very important decision about where to enroll, and supports the spirit behind the proposed regulations to implement new reporting requirements authorized by SB 70. Nevertheless, the University continues to believe that the proposed regulations raise four questions that should be considered before final regulations are issued.

1. As written, are the proposed regulations consistent with the statutory language of SB 70?
2. Will the proposed regulations result in genuinely useful information for students?
3. Should the proposed regulations be evaluated in light of developments at the Federal level?
4. How can the Commission ensure that developing, deploying, marketing, and maintain its proposed website does not consume scarce resources – both at the Commission and at participating institutions – at the expense of the Commission’s core mission, which is “Making education beyond high school financially accessible to all Californians”?

Each question is discussed in greater detail below.

**1. Do the Proposed Regulations Extend Beyond the Scope of SB 70?**

SB 70 requires, in part, that each Cal Grant participating institution provide “enrollment, persistence, and graduation data for all students, including aggregate information for Cal Grant recipients.” The intent of the requirement is not stated explicitly in statute, but as a matter of principle, the University concurs that Cal Grant participating institutions should be expected to provide indicators of their success at enrolling, advancing, and graduating Cal Grant recipients.

The intent expressed in the Commission’s Initial Statement of Reasons, however, suggests a more expansive purpose for collecting the required data:

“By requiring higher education institutions to report enrollment, persistence, graduation, and employment data, these regulations would allow the California Student Aid Commission to bring valuable information for students together in one spot. By using this data as the cornerstone of a new user-friendly website, CSAC can provide a model for the rest of the nation in empowering students to understand their options and select the best opportunity that supports their aspirations.” [Source: Cal Grant Program and Participating Institutional Data Reporting Requirements, Initial Statement of Reasons, 7/3/2012]

Consistent with this expansive view, the Commission proposes that institutions provide data above and beyond the enrollment, persistence, and graduation data that Title IV participating institutions are required to submit to the Federal government. Although a CSAC-hosted website is envisioned in SB 1103, imposing new requirements that are predicated upon that bill is premature given that SB 1103 has not yet been signed into law. Moreover, CSAC’s ambitious vision for its new website extends even beyond the provisions of SB 1103, let alone SB 70. Neither bill requires the expansive interpretation represented by the proposed regulations, which would require participating institutions to provide information at an unprecedented level of detail that is far greater than that currently required by Federal aid programs.

**2. Will the Required Information be Helpful to Students?**

The University questions whether the proposed requirements – which will create additional workload both at the institutional level and for CSAC staff—will actually help students and families make better enrollment decisions.

A vast industry already exists to collect, sort, interpret, and publish college data in order to help prospective students make better decisions. Examples include private-sector entities such as U.S. News and Peterson’s, as well as the U.S. Department of Education, which publishes its own free College Navigator website. Extensive information regarding not only enrollment, persistence, and graduation, but also financial aid, student demographics, and crime statistics is already available from those sources. A copy of the College Navigator web page for UC Berkeley is attached as an example (see Attachment A).

It is telling that none of these entities attempts to collect or report graduation data at the level of detail requested by the Commission. That decision likely reflects the limited added value that such detailed data would actually provide to students.

For example, the table below shows the graduation-related information that UC would report, under the proposed regulations, for students who graduated in 2010-11 in majors related to psychology. (Figures are preliminary and represent students in the 2010-11 graduating cohort. The proposed regulations

require institutions to report students according to their entering cohort, but the results would likely be similar.)

Campus	CIP Name	UC Major Name	Students by Years to Degree		
			0 to 4	4 to 6	6 to 8
Berkeley	Psychology, General	Psychology	234	11	0
Davis	Psychology, General	Psychology	496	89	2
Irvine	Psychology, General	Psychology	247	31	1
Irvine	Social Psychology	Psych & Social Behavior	335	31	1
Los Angeles	Linguistic, Comp, And Related Lang Studies, Oth	Ling & Psychology	19	1	0
Los Angeles	Psychology, General	Psychology	475	19	0
Los Angeles	Physiological Psychology/Psychobiology	Psychobiology	189	33	0
Merced	Psychology, General	Psychology	76	5	0
Riverside	Psychology, General	Psychology	247	88	1
Riverside	Psychology, Other	Psych And Law & Society	17	4	0
Santa Barbara	Psychology, General	Psychology	353	11	0
Santa Barbara	Physiological Psychology/Psychobiology	Biopsychology	92	14	0
Santa Cruz	Psychology, General	Psychology	360	35	0
San Diego	Psychology, General	Psychology	384	108	2

The data are difficult for students and families to interpret for several reasons. For example:

- The Classification of Instructional Programs (CIP) names do not always correspond to the names of majors and, in some cases, are quite general (e.g., “Psychology, Other”)
- Counting students according to the CIP code of their degree as well as their years enrolled masks several important factors, including (a) the extent to which students entered as transfer students, which will generally reduce their apparent time to degree since years at their prior institution are not counted, (b) the extent to which students were double-majors, which will generally lengthen their time to degree, and (c) the number of students who, at some point, were enrolled in the major but received no degree in the major – either because they changed majors or dropped out.

It is unclear how students deciding between psychology-related majors at UC campuses would be able to make an improved decision based on the table provided above, given the large amount of information already available to them from other sources.

**3. Should the proposed regulations be evaluated in light of developments at the Federal level?**

Since SB 70 was enacted, the Consumer Financial Protection Bureau and the U.S. Department of Education have emerged as strong advocates for national standards on how information related to student access and success should be presented to the public. UC supports their efforts to increase the number of meaningful, standardized metrics made available to students.

It is unclear whether having the Commission establish a different set of metrics, applicable only to Cal Grant participating institutions, is well aligned with that national effort. Alternatively, the Commission could collect and aggregate metrics related to enrollment, persistence, and graduation that institutions already provide to the Federal government and other entities while additional metrics related to student access and success are developed and promulgated at the national level.

**4. Do the Measures Proposed in the Regulation Represent the Best Use of Scarce Resources?**

The current economic recession has resulted in a “perfect storm” for both the Student Aid Commission and participating institutions: demand for student aid has never been higher, while administrative resources are limited. Consequently, the Commission and institutions alike have been forced to make difficult decisions and to focus limited resources on core functions.

The Commission’s core mission has never been more critical: “Making education beyond high school financially accessible to all Californians.” Yet the Commission faces several administrative challenges over the next few years, including successfully implementing the California DREAM Act and, potentially, playing a major operational role in the proposed Middle Class Scholarship Program. Both challenges are, we believe, more closely aligned with the Commission’s core mission than the data collection and dissemination role described in the proposed regulations. Consequently, while the Commission is clearly obligated to execute those responsibilities assigned to it under SB 70, it should do so in a manner that neither (1) diverts scarce resources away from its more central functions nor (2) creates significant workload for participating institutions when less burdensome and equally helpful alternatives are available.



**University of California-Berkeley**

200 California Hall, Berkeley, California 94720

**General information:** (510) 642-6000  
**Website:** [www.berkeley.edu](http://www.berkeley.edu)  
**Type:** 4-year, Public  
**Awards offered:** Bachelor's degree  
 Postbaccalaureate certificate  
 Master's degree  
 Post-master's certificate  
 Doctor's degree - research/scholarship  
 Doctor's degree - professional practice  
**Campus setting:** City: Midsize  
**Campus housing:** Yes  
**Student population:** 36,137 (25,885 undergraduate)  
**Student-to-faculty ratio:** 17 to 1



IPEDS ID: 110635  
 OPE ID: 00131200

**GENERAL INFORMATION**

**Net Price Calculator** [calculator.berkeley.edu/](http://calculator.berkeley.edu/)

**Mission Statement**  
[www.berkeley.edu/tour/](http://www.berkeley.edu/tour/)

**Special Learning Opportunities**

ROTC (Army, Navy, Air Force)  
 Study abroad

**Student Services**

Academic/career counseling service  
 Employment services for students  
 Placement services for completers  
 On-campus day care for students' children

**Credit Accepted**

Advanced placement (AP) credits

**Carnegie Classification**

Research Universities (very high research activity)

**Religious Affiliation**

Not applicable

**Federal Aid**

Eligible students may receive Pell Grants and other federal aid (e.g. Direct Loans).

**Undergraduate students enrolled who are formally registered with office of disability services**

3% or less

FACULTY AND GRADUATE ASSISTANTS BY PRIMARY FUNCTION, FALL 2011	FULL TIME	PART TIME
Total faculty	3,079	1,017
Instructional	1,603	648
Research and public service	1,476	369
Total graduate assistants	-	4,486
Instructional	-	2,707
Research and public service	-	1,779

**TUITION, FEES, AND ESTIMATED STUDENT EXPENSES**

**ESTIMATED EXPENSES FOR FULL-TIME BEGINNING UNDERGRADUATE STUDENTS**

- Beginning students are those who are entering postsecondary education for the first time.

ATTACHMENT A

ESTIMATED EXPENSES FOR ACADEMIC YEAR	2008-2009	2009-2010	2010-2011	2011-2012	% CHANGE 2010-2011 TO 2011-2012
<b>Tuition and fees</b>					
In-state	\$7,656	\$8,938	\$10,940	\$12,834	17.3%
Out-of-state	\$28,264	\$31,655	\$33,819	\$35,712	5.6%
Books and supplies	\$1,268	\$1,307	\$1,315	\$1,202	-8.6%
<b>Living arrangement</b>					
On Campus					
Room and board	\$14,494	\$15,308	\$15,317	\$15,272	-0.3%
Other	\$3,168	\$3,344	\$3,482	\$3,324	-4.5%
Off Campus					
Room and board	\$9,528	\$10,036	\$10,304	\$10,182	-1.2%
Other	\$3,708	\$3,901	\$4,044	\$3,943	-2.5%
Off Campus with Family					
Other	\$9,084	\$9,473	\$9,704	\$9,456	-2.6%
<b>TOTAL EXPENSES</b>	<b>2008-2009</b>	<b>2009-2010</b>	<b>2010-2011</b>	<b>2011-2012</b>	<b>% CHANGE 2010-2011 TO 2011-2012</b>
<b>In-state</b>					
On Campus	\$26,586	\$28,897	\$31,054	\$32,632	5.1%
Off Campus	\$22,160	\$24,182	\$26,603	\$28,161	5.9%
Off Campus with Family	\$18,008	\$19,718	\$21,959	\$23,492	7.0%
<b>Out-of-state</b>					
On Campus	\$47,194	\$51,614	\$53,933	\$55,510	2.9%
Off Campus	\$42,768	\$46,899	\$49,482	\$51,039	3.1%
Off Campus with Family	\$38,616	\$42,435	\$44,838	\$46,370	3.4%
 <b>MULTIYEAR TUITION CALCULATOR</b>	 Estimate the total tuition and fee costs over the duration of a typical program				
<b>AVERAGE GRADUATE STUDENT TUITION AND FEES FOR ACADEMIC YEAR</b>					<b>2011-2012</b>
In-state tuition					\$11,220
In-state fees					\$1,614
Out-of-state tuition					\$26,322
Out-of-state fees					\$1,614
<b>ALTERNATIVE TUITION PLANS</b>					
<b>TYPE OF PLAN</b>					<b>OFFERED</b>
Tuition guarantee plan					
Prepaid tuition plan					
Tuition payment plan					X
Other alternative tuition plan					

**FINANCIAL AID**

**UNDERGRADUATE STUDENT FINANCIAL AID, 2010-2011**

**Full-time Beginning Undergraduate Students**

- Beginning students are those who are entering postsecondary education for the first time.

TYPE OF AID	NUMBER RECEIVING AID	PERCENT RECEIVING AID	TOTAL AMOUNT OF AID RECEIVED	AVERAGE AMOUNT OF AID RECEIVED
Any student financial aid <sup>1</sup>	2,692	66%	—	—
Grant or scholarship aid	2,284	56%	\$34,881,678	\$15,272
Federal grants	1,236	30%	\$6,479,934	\$5,243
Pell grants	1,091	27%	\$4,986,694	\$4,571
Other federal grants	1,055	26%	\$1,493,240	\$1,415
State/local government grant or scholarships	967	24%	\$9,892,893	\$10,230
Institutional grants or scholarships	2,176	53%	\$18,508,851	\$8,506
Student loan aid	1,180	29%	\$6,373,337	\$5,401
Federal student loans	1,165	29%	\$5,870,279	\$5,039
Other student loans	34	1%	\$503,058	\$14,796

- <sup>1</sup> Includes students receiving Federal work study aid and aid from other sources not listed above.

**All Undergraduate Students**

TYPE OF AID	NUMBER RECEIVING AID	PERCENT RECEIVING AID	TOTAL AMOUNT OF AID RECEIVED	AVERAGE AMOUNT OF AID RECEIVED
Grant or scholarship aid <sup>1</sup>	15,814	62%	\$230,098,794	\$14,550
Pell grants	8,798	34%	\$38,121,491	\$4,333
Federal student loans	8,257	32%	\$46,691,744	\$5,655

- <sup>1</sup> Grant or scholarship aid includes aid received, from the federal government, state or local government, the institution, and other sources known by the institution.

- For more information on Student Financial Assistance Programs or to apply for financial aid via the web, visit [Federal Student Aid](#).

**NET PRICE**

**AVERAGE NET PRICE FOR FULL-TIME BEGINNING STUDENTS**

Full-time beginning undergraduate students who paid the in-state or in-district tuition rate and were awarded grant or scholarship aid from federal, state or local governments, or the institution.

	2008-2009	2009-2010	2010-2011
Average net price	\$14,818	\$15,765	\$15,589

- The University of California's financial aid programs are designed to make a UC education accessible to students at every income level. For California residents, the cost of attendance – which includes in-state tuition and fees, room and board, books and supplies, transportation, and other expenses – is fully covered through a combination of the federal Parent Contribution (for dependent students), a student self-help contribution, and grants and scholarships. Many students receive grants to help cover costs in addition to tuition and fees, and many students with parent incomes above \$80,000 also qualify for financial aid. For more information about financial aid at UC, see <http://www.universityofcalifornia.edu/admissions/paying.html>

ATTACHMENT A

Full-time beginning undergraduate students who paid the in-state or in-district tuition rate and were awarded Title IV aid by income.

AVERAGE NET PRICE BY INCOME	2008-2009	2009-2010	2010-2011
\$0 – \$30,000	\$8,170	\$7,908	\$8,051
\$30,001 – \$48,000	\$9,699	\$10,051	\$9,210
\$48,001 – \$75,000	\$14,501	\$14,685	\$13,139
\$75,001 – \$110,000	\$22,215	\$22,807	\$22,388
\$110,001 and more	\$24,903	\$26,517	\$27,669

- Average net price is generated by subtracting the average amount of federal, state/local government, or institutional grant or scholarship aid from the total cost of attendance. Total cost of attendance is the sum of published tuition and required fees (lower of in-district or in-state), books and supplies, and the weighted average for room and board and other expenses.
- Beginning students are those who are entering postsecondary education for the first time.
- Title IV aid to students includes grant aid, work study aid, and loan aid. These include: Federal Pell Grant, Federal Supplemental Educational Opportunity Grant (FSEOG), Academic Competitiveness Grant (ACG), National Science and Mathematics Access to Retain Talent Grant (National SMART Grant), Teacher Education Assistance for College and Higher Education (TEACH) Grant, Federal Work-Study, Federal Perkins Loan, Subsidized Direct or FFEL Stafford Loan, and Unsubsidized Direct or FFEL Stafford Loan. For those Title IV recipients, net price is reported by income category and includes students who received federal aid even if none of that aid was provided in the form of grants. While Title IV status defines the cohort of student for which the data are reported, the definition of net price remains the same – total cost of attendance minus grant aid.

**NET PRICE CALCULATOR**

An institution's net price calculator allows current and prospective students, families, and other consumers to estimate the net price of attending that institution for a particular student.

Visit this institution's **net price calculator**  [calculator.berkeley.edu/](http://calculator.berkeley.edu/)

**ENROLLMENT**

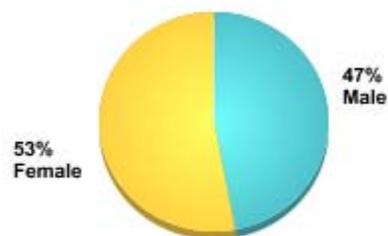
**FALL 2011**

TOTAL ENROLLMENT	36,137
Undergraduate enrollment	25,885
Undergraduate transfer-in enrollment	2,336
Graduate enrollment	10,252

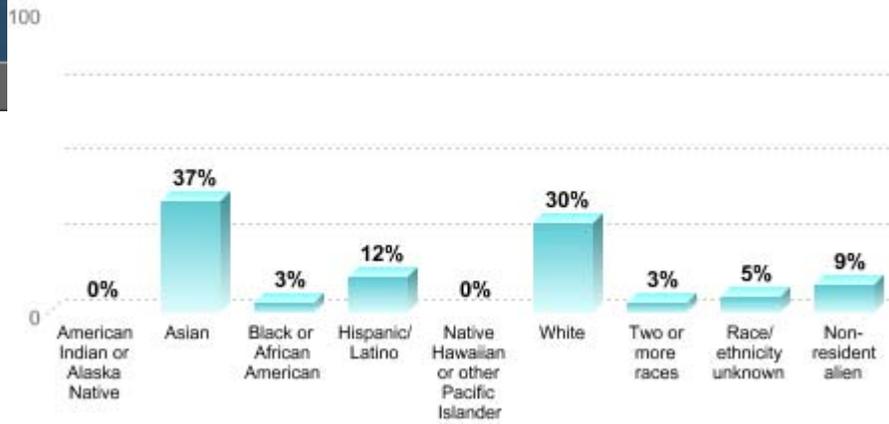
**UNDERGRADUATE ATTENDANCE STATUS**



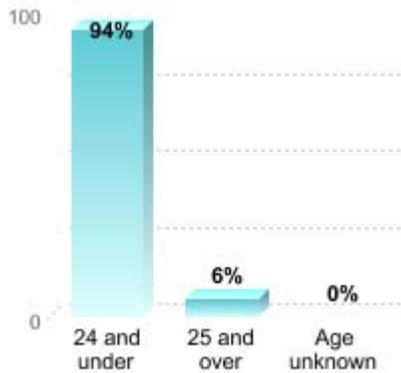
**UNDERGRADUATE STUDENT GENDER**



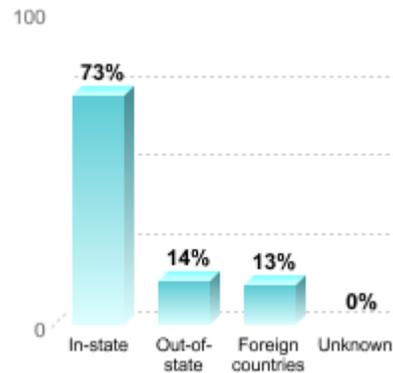
UNDERGRADUATE RACE/ETHNICITY



UNDERGRADUATE STUDENT AGE



UNDERGRADUATE STUDENT RESIDENCE



■ Residence data are reported for first-time degree/certificate-seeking undergraduates, Fall 2010.

GRADUATE ATTENDANCE STATUS



ADMISSIONS

Undergraduate application fee (2011-2012): \$60

UNDERGRADUATE ADMISSIONS FALL 2010

	TOTAL	MALE	FEMALE
Number of applicants	50,374	24,473	25,901
Percent admitted	21%	20%	23%
Percent admitted who enrolled	38%	39%	38%

ATTACHMENT A

ADMISSIONS CONSIDERATIONS	REQUIRED	RECOMMENDED
Secondary school GPA	X	
Secondary school record	X	
Completion of college-preparatory program	X	

Admission test scores (SAT/ACT)	X	
TOEFL (Test of English as a Foreign language)		X

**TEST SCORES: FALL 2010 (ENROLLED FIRST-TIME STUDENTS)**

STUDENTS SUBMITTING SCORES	NUMBER	PERCENT
SAT	3,894	94%
ACT	1,567	38%

TEST SCORES	25TH PERCENTILE*	75TH PERCENTILE**
SAT Critical Reading	600	730
SAT Math	630	760
SAT Writing	610	740
ACT Composite	27	32
ACT English	26	33
ACT Math	27	34

**NOTES:**

- \* 25% of students scored at or below
- \*\* 25% of students scored above

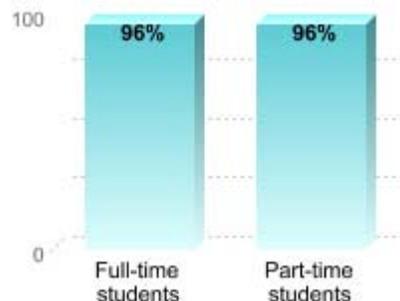
- Data apply to first-time degree/certificate-seeking students.
- Institutions are asked to report test scores only if they are required for admission.

**RETENTION AND GRADUATION RATES**

**FIRST-TO-SECOND YEAR RETENTION RATES**

Retention rates measure the percentage of first-time students who are seeking bachelor's degrees who return to the institution to continue their studies the following fall.

**RETENTION RATES FOR FIRST-TIME STUDENTS PURSUING BACHELOR'S DEGREES**



Percentage of Students Who Began Their Studies in Fall 2010 and Returned in Fall 2011

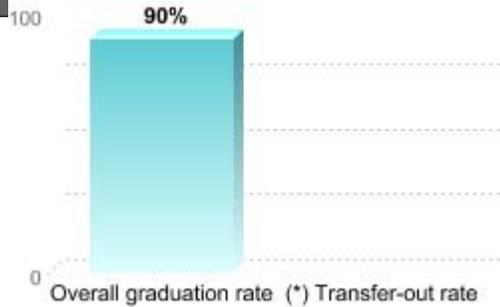
**OVERALL GRADUATION RATE AND TRANSFER-OUT RATE**

The overall graduation rate is also known as the "Student Right to Know" or IPEDS graduation rate. It tracks the progress of students who began their studies as **full-time, first-time degree- or certificate-seeking students** to see if they complete a degree or other award such as a certificate within 150% of "normal time" for completing the program in which they are enrolled.

Some institutions also report a transfer-out rate, which is the percentage of the full-time, first-time students who transferred to another institution.

Note that not all students at the institution are tracked for these rates. Students who have already attended another postsecondary institution, or who began their studies on a part-time basis, are not tracked for this rate. At this institution, 65 percent of entering students were counted as "full-time, first-time" in 2011.

OVERALL GRADUATION AND TRANSFER-OUT RATES FOR STUDENTS WHO BEGAN THEIR STUDIES IN FALL 2005



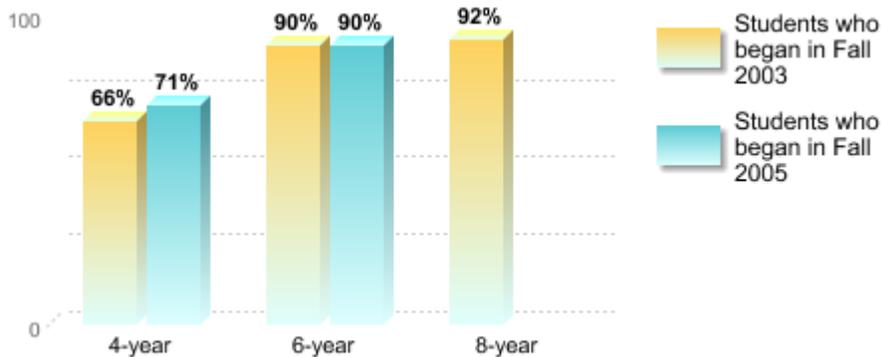
Percentage of Full-time, First-Time Students Who Graduated or Transferred Out Within 150% of "Normal Time" to Completion for Their Program

■ (\*) Not all institutions report transfer-out rates.

BACHELOR'S DEGREE GRADUATION RATES

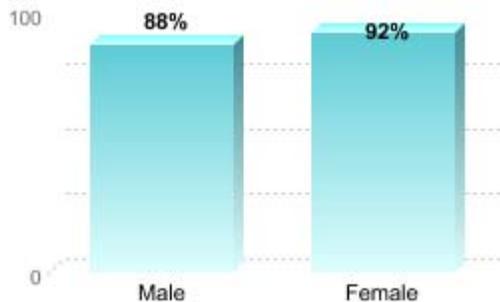
Bachelor's degree graduation rates measure the percentage of entering students beginning their studies full-time and are planning to get a bachelor's degree and who complete their degree program within a specified amount of time.

GRADUATION RATES FOR STUDENTS PURSUING BACHELOR'S DEGREES



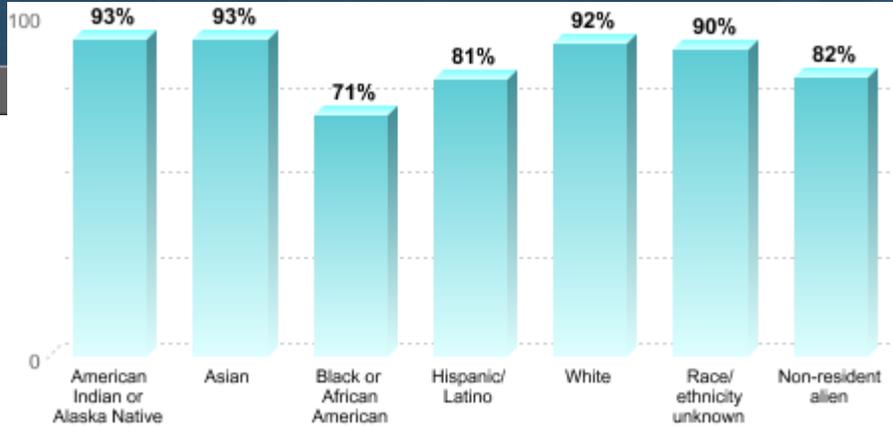
Percentage of Full-time, First-time Students Who Graduated in the Specified Amount of Time

6-YEAR GRADUATION RATE BY GENDER FOR STUDENTS PURSUING BACHELOR'S DEGREES



Percentage of Full-time, First-time Students Who Began Their Studies in Fall 2005 and Received a Degree or Award Within 150% of "Normal Time" to Completion for Their Program

6-YEAR GRADUATION RATE BY RACE/ETHNICITY FOR STUDENTS PURSUING BACHELOR'S DEGREES



Percentage of Full-time, First-time Students Who Began Their Studies in Fall 2005 and Received a Degree or Award Within 150% of "Normal Time" to Completion for Their Program

PROGRAMS/MAJORS

COMPLETIONS 2010-2011

PROGRAM	BACHELOR	MASTER	DOCTOR	CERTIFICATE
<b>Agriculture, Agriculture Operations, and Related Sciences</b>				
Agricultural Economics	-	9	19	-
Range Science and Management	-	3	-	-
<b>Category total</b>	<b>-</b>	<b>12</b>	<b>19</b>	<b>-</b>
<b>Architecture and Related Services</b>				
Architecture	174	57	7	-
City/Urban, Community and Regional Planning	-	59	6	-
Landscape Architecture	20	22	-	-
<b>Category total</b>	<b>194</b>	<b>138</b>	<b>13</b>	<b>-</b>
<b>Area, Ethnic, Cultural, Gender and Group Studies</b>				
African-American/Black Studies	19	-	2	-
American Indian/Native American Studies	0	-	-	-
American/United States Studies/Civilization	108	-	-	-
Asian Studies/Civilization	15	4	-	-
Asian-American Studies	11	-	-	-
Ethnic Studies	37	8	5	-
Hispanic-American, Puerto Rican, and Mexican-American/Chicano Studies	16	-	-	-
Latin American Studies	14	6	-	-
Near and Middle Eastern Studies	10	-	6	-
Women's Studies	18	-	-	-
<b>Category total</b>	<b>248</b>	<b>18</b>	<b>13</b>	<b>-</b>
<b>Biological And Biomedical Sciences</b>				
Biochemistry	-	-	4	-
Biology/Biological Sciences, General	315	1	11	-

- Data shown are for first majors.
- (-) Program is not offered at this award level.

ATTACHMENT A

PROGRAM	BACHELOR	MASTER	DOCTOR	CERTIFICATE
Biophysics	-	1	14	-
Biostatistics	-	7	8	-
Botany/Plant Biology	19	2	10	-
Cell/Cellular and Molecular Biology	515	3	44	-
Endocrinology	-	1	2	-
Epidemiology	-	1	11	-
Microbiology, General	39	1	9	-
Neuroscience	-	-	6	-
Toxicology	34	-	-	-
Vision Science/Physiological Optics	-	1	5	-
<b>Category total</b>	<b>922</b>	<b>18</b>	<b>124</b>	<b>-</b>
<b>Business, Management, Marketing, and Related Support Services</b>				
Business Administration and Management, General	357	551	14	-
Business Administration, Management and Operations, Other	-	66	-	-
<b>Category total</b>	<b>357</b>	<b>617</b>	<b>14</b>	<b>-</b>
<b>Communication, Journalism, and Related Programs</b>				
Journalism	-	52	-	-
Mass Communication/Media Studies	225	-	-	-
<b>Category total</b>	<b>225</b>	<b>52</b>	<b>-</b>	<b>-</b>
<b>Computer and Information Sciences and Support Services</b>				
Computer Science	101	25	31	-
Information Science/Studies	-	37	3	-
<b>Category total</b>	<b>101</b>	<b>62</b>	<b>34</b>	<b>-</b>
<b>Education</b>				
Education, General	-	88	33	68
Education, Other	-	-	1	-
Educational Leadership and Administration, General	-	-	11	-
Special Education and Teaching, General	-	-	5	-
<b>Category total</b>	<b>-</b>	<b>88</b>	<b>50</b>	<b>68</b>
<b>Engineering</b>				
Agricultural Engineering	0	-	-	-
Bioengineering and Biomedical Engineering	109	1	8	-
Chemical Engineering	86	15	13	-
Civil Engineering, General	137	154	31	-
Electrical and Electronics Engineering	255	32	45	-
Engineering Physics/Applied Physics	15	-	-	-
Engineering Science	4	-	-	-
Engineering, General	-	1	6	-
Engineering, Other	24	-	-	-
Environmental/Environmental Health Engineering	6	-	-	-
<ul style="list-style-type: none"> <li>■ Data shown are for first majors.</li> <li>■ (-) Program is not offered at this award level.</li> </ul>				

ATTACHMENT A

PROGRAM	BACHELOR	MASTER	DOCTOR	CERTIFICATE
Manufacturing Engineering	1	-	-	-
Mechanical Engineering	128	62	49	-
Nuclear Engineering	10	8	10	-
Operations Research	49	16	7	-
<b>Category total</b>	<b>824</b>	<b>289</b>	<b>169</b>	<b>-</b>
<b>English Language and Literature/Letters</b>				
English Language and Literature, General	319	1	18	-
Rhetoric and Composition	76	11	4	-
<b>Category total</b>	<b>395</b>	<b>12</b>	<b>22</b>	<b>-</b>
<b>Foreign Languages, Literatures, and Linguistics</b>				
Ancient/Classical Greek Language and Literature	1	-	-	-
Celtic Languages, Literatures, and Linguistics	6	-	-	-
Chinese Language and Literature	16	1	1	-
Classics and Classical Languages, Literatures, and Linguistics, General	6	3	3	-
Comparative Literature	28	1	7	-
Foreign Languages, Literatures, and Linguistics, Other	14	5	2	-
French Language and Literature	25	4	3	-
German Language and Literature	14	4	4	-
Hispanic and Latin American Languages, Literatures, and Linguistics, General	24	2	8	-
Italian Language and Literature	9	3	2	-
Japanese Language and Literature	28	1	1	-
Linguistics	48	9	9	-
Middle/Near Eastern and Semitic Languages, Literatures, and Linguistics, Other	5	-	-	-
Romance Languages, Literatures, and Linguistics, General	-	-	1	-
Scandinavian Languages, Literatures, and Linguistics	1	4	2	-
Slavic Languages, Literatures, and Linguistics, General	8	5	5	-
<b>Category total</b>	<b>233</b>	<b>42</b>	<b>48</b>	<b>-</b>
<b>Health Professions and Related Programs</b>				
Environmental Health	-	7	5	-
Health/Health Care Administration/Management	-	-	1	-
Optometry	-	-	62	5
Public Health, General	183	213	14	-
<b>Category total</b>	<b>183</b>	<b>220</b>	<b>82</b>	<b>5</b>
<b>History</b>				
History, General	198	21	32	-
<b>Category total</b>	<b>198</b>	<b>21</b>	<b>32</b>	<b>-</b>
<b>Legal Professions and Studies</b>				
Advanced Legal Research/Studies, General	-	144	14	-
Law	-	-	310	-

- Data shown are for first majors.
- (-) Program is not offered at this award level.

ATTACHMENT A

PROGRAM	BACHELOR	MASTER	DOCTOR	CERTIFICATE
Legal Professions and Studies, Other	-	2	11	-
Legal Studies, General	110	-	-	-
<b>Category total</b>	<b>110</b>	<b>146</b>	<b>335</b>	<b>-</b>
<b>Liberal Arts and Sciences, General Studies and Humanities</b>				
Humanities/Humanistic Studies	1	-	-	-
<b>Category total</b>	<b>1</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Mathematics and Statistics</b>				
Applied Mathematics, General	113	-	-	-
Mathematics, General	72	10	19	-
Statistics, General	39	18	10	-
<b>Category total</b>	<b>224</b>	<b>28</b>	<b>29</b>	<b>-</b>
<b>Multi/Interdisciplinary Studies</b>				
Classical, Ancient Mediterranean and Near Eastern Studies and Archaeology	25	1	6	-
Cognitive Science	79	-	-	-
International/Global Studies	-	2	-	-
Multi-/Interdisciplinary Studies, Other	128	18	12	-
Nutrition Sciences	62	-	4	-
Peace Studies and Conflict Resolution	60	-	-	-
<b>Category total</b>	<b>354</b>	<b>21</b>	<b>22</b>	<b>-</b>
<b>Natural Resources and Conservation</b>				
Environmental Science	57	-	-	-
Environmental Studies	224	2	25	-
Forest Management/Forest Resources Management	3	-	-	-
Natural Resources and Conservation, Other	1	-	-	-
Natural Resources/Conservation, General	114	-	-	-
<b>Category total</b>	<b>399</b>	<b>2</b>	<b>25</b>	<b>-</b>
<b>Philosophy and Religious Studies</b>				
Jewish/Judaic Studies	-	-	2	-
Logic	-	-	1	-
Philosophy	99	-	4	-
Religion/Religious Studies	18	-	-	-
<b>Category total</b>	<b>117</b>	<b>-</b>	<b>7</b>	<b>-</b>
<b>Physical Sciences</b>				
Astrophysics	20	6	4	-
Atmospheric Sciences and Meteorology, General	4	-	-	-
Chemistry, General	111	16	60	-
Geology/Earth Science, General	6	9	9	-
Geophysics and Seismology	6	-	-	-
Materials Science	16	21	15	-
Oceanography, Chemical and Physical	10	-	-	-

- Data shown are for first majors.
- (-) Program is not offered at this award level.

ATTACHMENT A

PROGRAM	BACHELOR	MASTER	DOCTOR	CERTIFICATE
Physical Sciences	2	-	-	-
Physics, General	52	39	29	-
<b>Category total</b>	<b>227</b>	<b>91</b>	<b>117</b>	<b>-</b>
<b>Psychology</b>				
Psychology, General	298	8	20	-
<b>Category total</b>	<b>298</b>	<b>8</b>	<b>20</b>	<b>-</b>
<b>Public Administration and Social Service Professions</b>				
Public Policy Analysis, General	-	70	1	-
Social Work	103	92	10	16
<b>Category total</b>	<b>103</b>	<b>162</b>	<b>11</b>	<b>16</b>
<b>Social Sciences</b>				
Anthropology	124	6	20	-
Anthropology, Other	-	-	3	-
Demography and Population Studies	-	3	1	-
Economics, General	473	2	26	-
Geography	25	1	4	-
Political Science and Government, General	339	17	23	-
Social Sciences, Other	298	4	-	-
Sociology	207	15	13	-
Urban Studies/Affairs	22	-	-	-
<b>Category total</b>	<b>1,488</b>	<b>48</b>	<b>90</b>	<b>-</b>
<b>Visual and Performing Arts</b>				
Art History, Criticism and Conservation	64	3	7	-
Dance, General	8	-	-	-
Design and Visual Communications, General	-	4	-	-
Drama and Dramatics/Theatre Arts, General	24	-	2	-
Film/Cinema/Video Studies	42	-	1	-
Fine/Studio Arts, General	88	6	-	-
Music, General	39	3	6	-
<b>Category total</b>	<b>265</b>	<b>16</b>	<b>16</b>	<b>-</b>
<b>Grand total</b>	<b>7,466</b>	<b>2,111</b>	<b>1,292</b>	<b>89</b>

■ Data shown are for first majors.  
 ■ (-) Program is not offered at this award level.

**Varsity Athletic Teams**

**2010-2011 Varsity Athletes**

NCAA Division I-A	Men	Women
All Track Combined	112	130
Baseball	36	-
Basketball	15	29
Field Hockey	-	27
Football	115	-

**Tab 5.c.19**  
**ATTACHMENT A**

NCAA DIVISION I-A	MEN	WOMEN
Golf	14	9
Gymnastics	19	16
Lacrosse	-	32
Other Sports	66	-
Rowing	64	65
Soccer	32	33
Softball	-	22
Swimming and Diving	42	39
Tennis	13	9
Volleyball	-	23
Water Polo	43	26

- For further information on varsity athletic teams please visit the [OPE Athletics Home Page](#).

**ACCREDITATION**

**INSTITUTIONAL ACCREDITATION**

AGENCY	PERIODS OF ACCREDITATION	STATUS
Western Association of Schools and Colleges, Accrediting Commission for Senior Colleges and Universities	1/1/1949 -	Accredited

**SPECIALIZED ACCREDITATION**

AGENCY / PROGRAM	PERIODS OF ACCREDITATION	STATUS
<b>American Bar Association, Council of the Section of Legal Education and Admissions to the Bar</b>		
Law (LAW) - Professional schools	1/1/1923 -	Accredited
<b>American Dietetic Association, Commission on Accreditation for Dietetics Education</b>		
Didactic Program in Dietetics	11/1/1971 -	Accredited
<b>American Optometric Association, Accreditation Council on Optometric Education</b>		
Optometry (OPT) - Professional degree programs	6/30/1941 -	Accredited
<b>American Psychological Association, Committee on Accreditation</b>		
Clinical Psychology (CLPSY) - PhD Doctoral programs	2/1/1948 -	Accredited
School Psychology (SCPSY) - PhD Doctoral programs	11/25/1980 -	Accredited
<b>Commission on Accreditation of Healthcare Management Education</b>		
Health Services Administration (HSA) - Graduate programs in health services administration	<sup>(1)</sup> 7/1/2001 - 8/26/2009	Resigned
<b>Council on Education for Public Health</b>		
Public Health (PHG) - Graduate schools of public health	11/1/1946 -	Accredited

- (!) Estimated date
- [FINANCIAL AID FOR POSTSECONDARY STUDENTS - Accreditation & Participation](#)

**CAMPUS SECURITY**

**2010 CRIME STATISTICS**

ATTACHMENT A

ARRESTS - ON-CAMPUS	2008	2009	2010
Illegal weapons possession	22	24	20
Drug law violations	83	103	115
Liquor law violations	186	188	147

ARRESTS - ON-CAMPUS RESIDENCE HALLS <sup>1</sup>	2008	2009	2010
Illegal weapons possession	2	4	1
Drug law violations	4	6	14
Liquor law violations	1	5	6

CRIMINAL OFFENSES - ON-CAMPUS	2008	2009	2010
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses - Forcible	11	5	6
Sex offenses - Non-forcible (incest and statutory rape only)	0	0	0
Robbery	20	13	14
Aggravated assault	22	14	8
Burglary	54	48	63
Motor vehicle theft	8	14	13
Arson	3	12	13

CRIMINAL OFFENSES - ON-CAMPUS RESIDENCE HALLS <sup>1</sup>	2008	2009	2010
Murder/Non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Sex offenses - Forcible	7	1	3
Sex offenses - Non-forcible (incest and statutory rape only)	0	0	0
Robbery	2	1	3
Aggravated assault	1	1	0
Burglary	12	7	5
Motor vehicle theft	0	0	2
Arson	1	0	2

- (!) Residence Halls are a subset of On-Campus statistics
- The crime data reported by the institutions have not been subjected to independent verification by the U.S. Department of Education. Therefore, the Department cannot vouch for the accuracy of the data reported here.
- These data do not include incidents that: (a) took place off campus on public property immediately adjacent to and accessible from the Campus; (b) took place on a noncampus building or property owned or controlled by a student organization that is officially recognized by the institution; or (c) incidents at buildings/property owned or controlled by an institution but is not contiguous to the institution. For further information, see <http://ope.ed.gov/security>.

**COHORT DEFAULT RATES**

**DEFAULT RATES**

FISCAL YEAR	2009	2008	2007
Default rate	1.2%	1.1%	0.9%
Number in default	59	63	52
Number in repayment	4,558	5,687	5,412

ATTACHMENT A

■ For further information on default rates please visit the [Cohort Default Rate Home Page](#). This school's six-digit OPE ID is 001312.

**AID PROGRAMS**

■ Federal Direct Loan (Direct Loan)

[English](#) | [Español](#) | **▶ About** | [Search Plug-in](#)

[College Navigator Home](#) | [College Costs](#) | [Prepare](#) | [Financial Aid](#)

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National Center for Education Statistics - <http://nces.ed.gov>  
U.S. Department of Education



August 20, 2012

Kristen Trimarche  
 Legal Services  
 California Student Aid Commission  
 P.O. Box 419029  
 Rancho Cordova, CA 95741-9029

Via email (CalGrantRegsComment@csac.ca.gov)

**RE: Comments to Proposed Rulemaking Amending California Code of Regulations, Title 5, Division 4, Chapter 1 (Cal Grant Program and Participating Institution Data Reporting Requirements)**

Dear Ms. Trimarche:

Please accept the following comments to proposed regulations amending Title 5 implementing Cal Grant Program and Participating Institution Data Reporting Requirements provisions in Cal. Educ. Code Sections 69432.7, 69432.9, 69433.2, 69433.6, and 69433.7.

Since its founding in 1971, Public Advocates has served as a key voice for educational equity in California. Our mission is to challenge the systemic causes of poverty and discrimination by defending and expanding civil rights through advocacy, litigation, and partnership with low-income communities, people of color, and immigrants. In our higher education work, we strive to ensure that California's postsecondary education system provides quality education programs to our students, trains our workforce capably, and rewards taxpayers' investment in education.

The Center for Public Interest Law at the University of San Diego School of Law is a nonprofit, nonpartisan, academic center of research, teaching, learning, and advocacy in regulatory and public interest law based at the University of San Diego School of Law. Since 1980, the Center has studied the state's regulation of business, professions, and trades, and has monitored the activities of state occupational licensing agencies — including the regulatory boards within the Department of Consumer Affairs. CPIL publishes the *California Regulatory Law Reporter*, which chronicles the activities and decisions of 25 California regulatory agencies.

The Children's Advocacy Institute, founded at the nonprofit University of San Diego School of Law in 1989, is an academic, research, and advocacy law firm representing the interests and rights of children and youth in impact litigation, legislative and regulatory advocacy, research and public education projects, and public service programs.

We applaud CSAC's efforts to create meaningful performance measures that will help the State ensure that Cal Grant money is invested wisely. It is critical to have uniform, comparable data on student outcomes in order to assess how institutions perform, especially when so much state financial aid is at stake. However, we believe that in order to realize this objective, CSAC should strengthen the proposed regulations based on the following comments and recommendations:

1. Proposed § 30043(e) (definition of graduate "employed in the field") should be amended to ensure that the regulations do not produce misleading job placement information.

We focus our comments on the strengths and the significant limitations of the job placement definition proposed under Section 30043(e). Under SB 70, Cal Grant participating institutions must report "[t]he job placement rate and salary and wage information for each program that is either (1) designed or advertised to lead to a particular type of job; or (2) advertised or promoted with any claim regarding job placement."<sup>1</sup> In the draft regulation, CSAC has interpreted "job placement" to mean the rate at which graduates of a program are "employed in the field" and has proposed an approach to define this standard.

First, we recognize that designing a job placement definition that effectively measures meaningful employment is a challenging task, and we appreciate CSAC's thoughtful approach to this question in these draft regulations. In particular, these measures are an important step forward:

- Limiting the timeframe of measurement to six months after graduation or passing of a required examination – to ensure that graduates obtain positions as a result of the program in a timely manner (§ 30043(e)(1)(A) & (B));
- Requiring a graduate to be employed in a single position that averages a minimum of 32 hours per week for a minimum of 24 weeks (§ 30043(e)(3)) – to ensure that the position is not intended to be temporary; and
- Excluding graduates who were employed by an employer prior to attendance at the program who remain employed there, unless the graduate reports a change in duties, salary, or tangible employment benefit as a result of the program's education or training (§ 30043(e)(4)) – to ensure that only positions or promotions obtained as a result of the program are counted.

These requirements help to ensure that in reporting job placement rates, institutions only count graduates who are substantially employed in non-temporary positions. Establishing this more accurate measure of job placement is essential for CSAC to evaluate the performance of Cal Grant participating institutions.

However, we are deeply concerned about and oppose the language in § 30043(e)(1)(A) that allows an institution to count a graduate as "employed in the field" if "the skills obtained through the education and training provided by the institution are required, or provided the graduate with a significant advantage in obtaining the position." Numerous reports indicate that this language is

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<sup>1</sup> Cal. Educ. Code § 69433.2(b).

prone to abuse because it is overly broad;<sup>2</sup> skills from most educational programs can be claimed to be “required” for or to provide a “significant advantage in obtaining” virtually any position. Indeed, this definition is especially vulnerable to manipulation by schools serving the least educated because for students lacking a GED or high school diploma, *any* additional improvement in skills would be “required” for or would provide a “significant advantage” in obtaining any job.

As a result, the “skills” provision allows schools to lawfully count graduates employed *outside* the field as “graduates employed in the field.” For example, a former high level employee at a large for-profit school testified before the U.S. Senate that her institution counted working as waiters, payroll clerks, retail sales, and gas station attendants as placements for graduates of graphic design and residential planning programs.”<sup>3</sup> The Children’s Advocacy Institute reports similar stories from the perspective of homeless, former foster youth: One youth, who graduated from a medical assistant program, shared that the career counselors at his school repeatedly sent him to employment opportunities at fast food restaurants rather than to jobs in the medical field for which he was trained. Again, the draft regulations would permit a school to legally count such a placement as “in the field” because the skills gained in attending the program could easily be considered required by or providing an advantage in securing a job in any field.

Because of such manipulations and the absurd results allowed under this standard, the California State Legislature is on the verge of eliminating this troubling language from the current Private Postsecondary Education Act through AB 2296, which passed the Assembly and will be voted upon by the full Senate this week. We strongly recommend that CSAC similarly remove the language “in a position for which the skills obtained through the education and training provided by the institution are required, or provided the graduate with a significant advantage in obtaining the position” in order to ensure that the regulation does not defeat the agency’s intent to require schools to provide meaningful disclosures.

Further, this provision not only undermines CSAC’s stated objectives, it is also superfluous and could result in detrimental uncertainty. Section 30043(e)(2) already requires a graduate’s occupation to fall within a Standard Occupational Classification (SOC) code that is related to the Classification of Instructional Programs (CIP) code of the school’s program in order to be counted as “in the field”; thus, the secondary method of establishing that a job is “in the field” outlined in Section 30043(e)(1)(A) is unnecessary, and may lead only to greater confusion for schools in their reporting. Again, we strongly urge CSAC to delete the “skills . . . are required, or provided... a significant advantage” language from the proposed regulations.

In addition to removing this problematic provision, we recommend that CSAC adopt one of two alternatives to ensure that its use of the SOC codes in the draft regulations accurately measures “graduates employed in the field”:

- (1) Section 30043(e)(2) should specify that institutions must use the *six-digit* CIP code to establish which jobs are related under the CIP- SOC crosswalk in order to ensure the position is directly relevant to the program of study. Otherwise, an institution can too easily manipulate the CIP-SOC crosswalk if it reports only two or four digits, as these shorter numbers would map onto an overly expansive range of SOC codes that include

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<sup>2</sup> See, e.g., Stephen Burd, *Tricks of the Trade School: A Guide to Manipulating Job Placement Rates*, NEW AMERICA FOUNDATION HIGHER ED WATCH, SEPTEMBER 6, 2011.

<sup>3</sup> Testimony of Kathleen A. Bittel, U.S. Senate Committee on Health, Education, Labor, and Pensions, Sep. 30, 2010.

unrelated jobs. We further suggest that CSAC clarify that for the CIP-SOC crosswalk procedure, it is the information listed in the crosswalk document and not the institution that establishes which SOC code “is related” to a program’s CIP code.

- (2) As an alternative to the CIP-SOC crosswalk, we recommend eliminating the CIP code provision and requiring the institutions to determine the SOC codes for the jobs for which they train their students and count only graduates in these positions as employed in the field.

Finally, we note, and request that CSAC consider, that the concept of “graduates employed in the field” is also used in the statutory framework for the consumer protection oversight conducted by the Bureau for Private Postsecondary Education. Under AB 2296, the Bureau may soon interpret the meaning of the statutory term “graduates employed in the field” through its own regulatory process. The schools covered by Bureau regulations are primarily for-profit vocational schools, some of which engage in aggressive and misleading recruiting and other business practices, as documented in the recent investigative report released by the U.S. Senate and numerous other reports.<sup>4</sup> Thus, it is particularly critical that the Bureau’s regulations require the most precise and specific disclosures possible so students have accurate information about the specific career outcomes of a program’s graduates to compare against potentially exaggerated marketing claims.

As advocates for students, we urge CSAC to promulgate strong job placement regulations to provide state policymakers with meaningful measures to compare the performance of Cal Grant participating institutions. Further, if CSAC’s regulations rely on “graduates employed in the field” as the applicable measure, CSAC’s definition should be strong and specific enough for the Bureau to use a substantially similar definition to fulfill its regulatory mandate.

If, however, CSAC determines that the purpose of its regulations – and the role CSAC plays in overseeing a broader array of schools, including public institutions – merits a different course than would be appropriate for the Bureau, we request that CSAC explain how these distinguishing factors impact its decision-making in its statement of reasons or in intent language. This will provide regulatory clarity in the high likelihood that the Bureau must also define “employed in the field” in the near future.

2. Proposed § 30042.5(b) (job placement rate and salary information) should be amended to fix loopholes in the reporting requirement.

We are deeply concerned that proposed regulation § 30042.5(d)(3) exempts “A baccalaureate degree program in an area of study which does not directly prepare a student to take a licensing exam, does not lead to a credential, or does not result in a professional certification” from programs that are “designed or advertised to lead to a particular type of job.” This would improperly exclude many baccalaureate degree programs that lead to particular types of jobs that do not necessarily have licensing exams, credentials, or certifications, such as graphic design,

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<sup>4</sup> “For Profit Higher Education: The Failure to Safeguard the Federal Investment and Ensure Student Success,” U.S. Senate Health, Education, Labor, and Pensions Committee, July 30, 2012. Available at [http://www.help.senate.gov/imo/media/for\\_profit\\_report/Contents.pdf](http://www.help.senate.gov/imo/media/for_profit_report/Contents.pdf).

network and communications management, software applications development, and software engineering technology.

We recommend that this exemption be removed altogether, or as an alternative, be amended to state, “A baccalaureate degree program in an area of study which does not directly prepare a student for a particular type of job,” so that it reflects the statute.

Like CSAC, we believe that postsecondary schools should provide accurate and meaningful job placement rate disclosures in order for the State government to assess the value of its higher education investments. For this reason, we strongly urge you to incorporate our recommendations to ensure that CSAC’s proposed regulations bring about their intended effect.

Please do not hesitate to contact us if you have questions about our comments.

Sincerely,



Elisabeth Voigt, Senior Staff Attorney  
Public Advocates Inc.



Sophia Lai, Law Fellow and Attorney  
Public Advocates Inc.



Ed Howard, Senior Counsel  
Center for Public Interest Law  
Children’s Advocacy Institute  
University of San Diego



CELL: 916-247-9880

FROM THE DESK OF  
**RONALD W. HARDEN, PRESIDENT/CEO**

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EMAIL: [RHARDEN@EPIC.EDU](mailto:RHARDEN@EPIC.EDU)

California Student Aid Commission  
 Attention: Ms. Kristen Trimarche

To Whom It May Concern:

EPIC Bible College (EPIC) would like to comment regarding the Rule-making on Senate Bill 70 that was passed in June 2012. The concerns of EPIC are primarily found in how the Graduation Rate requirement is reported and processed and the validity of the 2008 3-Year TRIAL CDR as a valid reflection on an institutions CDR.

**The first area to address** is the graduation rate process to determine eligibility based on the graduation rate reported on the IPEDS. The IPEDS graduation rate report is only for First-Time Full-time students in the Summer and Fall Cohort, whereas the State is a compilation of the students within a cohort for that particular year who completed the program enrolled within 150% regardless of transfer and part-time status. In a study and analysis conducted by the The Chronicle of Higher Education (CHEA) the cohort conducted by the IPEDS leaves many institutions, that serve non-traditional students that are not full-time and transfer students, to report information that does not accurately reflect their effectiveness and simply distorts statistics based on a few students rendering many students invisible to the calculation. Additionally, EPIC mostly serves non-traditional, commuter, minority, and low-income students that are traditionally unsuccessful when government agencies lessen the availability of grant funding. Because the cohort is not the same the results will not accurately reflect the State's requirements.

**The second area to address** is how the State of California has chosen to use the 2008 TRIAL 3-Year CDR, which greatly misrepresents EPIC's (as well as many other institutions) CDR's in the past and present. Our latest OFFICIAL rate is 8% and never been over 11.1% over the last 10 years.

The accuracy of this CDR is HIGHLY questionable, admittedly so by members of the USDE. According to Electronic Announcement on 02/04/2011 by William J. Taggart, Chief Operating Officer, FSA stated, "These rates are provided for information only. NO BENEFITS OR SANCTIONS APPLY to these TRIAL rates. In addition, because these rates are UNOFFICIAL rates and serve as PREVIEW DATA ONLY, institutions may NOT submit challenges or appeals that normally apply to draft and official rates...The calculation and release of these rates is simply to assist institutions in preparing for the upcoming release of the official 3-Year FY 2009 CDRs."

To emphasize this point, there is a report by Mary Lyn Hammer (President of College Services Inc.) entitled "FY 2008 3-year CDR: Questioning the validity of the Information." Our understanding of this report lists the faulty calculations creating an inflated and inaccurate reporting that couldn't be challenged by institutions. In comparing 2-year CDR's to the 3-year CDR's we see that private institutions specifically nearly doubled

CELL: 916-247-9880

FROM THE DESK OF  
**RONALD W. HARDEN, PRESIDENT/CEO**

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actual rates across the board. This inaccurate report accurately describes EPIC's experience.

In closing, EPIC Bible College is in compliance with the graduation rates and CDR's as per SB 1016, Section 69432.7, CH. 38, Section 3, Section I and is therefore qualified to remain eligible through the 2016-17 academic year with a 60% graduation rate based on the State graduation rate and the official 2009 CDR of 8%.

On behalf of our students, I thank you in advance for your diligence in responding to this request. Please feel free to contact me directly on my personal cell at 916-247-9880 should you have any questions at any time. Should you need any email please do so at [rharden@epic.edu](mailto:rharden@epic.edu).

Respectfully Submitted,



Ronald W. Harden

President / CEO

EPIC Bible College

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**Comments After the 45-day Public-Comment Period**

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The attached comments were received after the statutory 45-day public-comment period officially ended, and cannot be considered as part of the rulemaking proceeding. Commission staff will be able to respond to the comments, however, should Commissioners wish to discuss them during the Commission meeting.

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**From:** Luanne Buchman  
**Sent:** Monday, August 20, 2012 5:53 PM  
**To:** CalGrantRegsComment  
**Subject:** Comments Regarding SB70

California Student Aid Commission

Attention: Kristen Trimarche, Legal Services P. O. Box 419029 Rancho Cordova, CA 95741-9029

The proposed regulations exceed the scope of SB 70 to a level that will be detrimental to the Community College segment as noted below:

1. Community Colleges do not have the organizational structure to gather and track placement and income data of graduates.
  3. The cost of implementing the regulations, particularly during these tough economic times, would be damaging to the segment.
  4. Implementing the regulations as written would result in a serious reduction in services to students at a time when services are already being cut.
  5. The state should not be spending resources to re-create something that exists at the federal level.
- The Community Colleges support the ideals of the Cal Grant program, offering funding for tuition and assistance for needy and middle income students, however, the cost of the administrative burden that SB70 would impose is unrealistic. CSAC can, and should, use the current Federal data to satisfy their data collection needs.

Thank you,

Luanne Canestro

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**From:** Robert Parisi  
**Sent:** Tuesday, August 21, 2012 8:47 AM  
**To:** CalGrantRegsComment  
**Subject:** SB70 comments

CCCSFAAA has submitted a letter to regarding SB70's impact on California community colleges. I have thoroughly read their comments and fully support comments about SB70. The data reporting requirements are onerous and duplicative of what the federal government is requesting. This information would provide no additional value to the student n making an informed decision on educational programs. Also, the use of CIP and SOC codes for placement tracking is very inaccurate and misleading. Training programs provide many transferable job skills for other occupations. The person may not place into his field of study but if he places into another field at a higher pay than his field of study because of some transferable skills he learned in the program why shouldn't this be counted as a success?

This data reporting requirement is burdensome and will not provide any information of value to the consumer.

Robert Parisi, Ed. D.  
Dean, Student Services

# Compliance with SB 70 Reporting Requirements An Alternative Plan to the Current Proposed Rules DRAFT 8/28/12

## Background and Purpose

On March 24, 2011, SB 70 was signed into law, requiring reporting of certain data from all institutions that voluntarily participate in Cal Grant, beginning in 2012. A full 15 months later, on June 26, 2012, the Student Aid Commission (CSAC) filed proposed regulations to implement this law. On August 22, 2012 a first (and only) public hearing was held regarding these regulations.

All participants agreed that information on institutional quality is a vital component of smart college choice and that California should promote such information. No institution or segment expressed unwillingness to comply with the law. No one came forth to support the regulations as written.

Oral and written testimony revealed many concerns with the regulatory process: There was insufficient pre-development consultation, one-way webinars were not effective, and CSAC was very late in beginning the regulatory process leaving a terribly narrow window to comply with the law. While numerous technical issues were cited – some more important than others (e.g., the use of CIP codes, lack of guidance on changes in status, missing or unclear definitions) – the bigger concerns surrounded cost, availability of data, CSAC's failure to consider more efficient and less expensive alternatives, failure to acknowledge existing federal regulations and CSAC's announced plans to create its own website for students without acknowledging or considering the comparable federal (and more valuable) website.

Commissioner Siqueiros summarized her concerns at the end of the testimony and asked for input on alternative strategies to meet the requirements of the law. The following alternative expands upon an alternative offered in previous written testimony. This plan seeks to: use existing federal initiatives, protect the budgets of public institutions while better serving the needs of the Legislature and the students, provide for appropriate professional consultation, and to do so in a manner that complies with the Education Code.

## An Alternative Plan

1. CSAC will amend the current regulatory package (see #3).
2. Commissioners will instruct staff (as quickly as possible) to convene an informal working group on reporting and transparency ("RT Group") to consider the most effective and efficient ways to meet the requirements of SB 70 and SB 1103 (enrolled 8/20/12, likely to be chaptered).
  - a. The group is to be composed of representatives of UC, CSU, CCCs, independent colleges, proprietary schools, financial aid and IT professional associations, high school counselors and students.
  - b. The group will consult with federal officials where appropriate.
  - c. Members of the group must agree to pay for their own expenses (except students).
  - d. The meeting format (in person and virtual) will allow for open discussion among members and relevant CSAC staff.
  - e. A chair shall be elected from among the membership and the group shall be free to form subcommittees as necessary to conduct its business in an efficient manner
3. While the RT Group considers long-term solutions for effective and efficient reporting, CSAC staff will amend the regulatory package to provide that:
  - a. All Cal Grant participating institutions are required to report 2010-11 IPEDS data on undergraduate enrollment, persistence and graduation to CSAC by 12/31/12 and annually thereafter;

- b. All Cal Grant participating institutions are required to identify and report as a subset, 2010-11 IPEDS data on enrollment, persistence and graduation for Cal Grant recipients to CSAC by 12/31/12 and annually thereafter;
  - c. All Cal Grant participating institutions for whom the State may currently require placement and wage data under rules promulgated and enforced by the Bureau of Private Postsecondary Education (BPPE), shall report such data, by program as defined by BPPE, to CSAC by 12/31/12 and annually thereafter; and
  - d. All other Cal Grant participating institutions, shall report to CSAC by 12/31/12 the names of the programs at the institution that are subject to reporting under the federal Gainful Employment (GE) regulations [75 FR 66665 and FR 66832] and, to the extent the institution has access to such data, shall report the placement rate and salary and wage information for 2010-11 completers of each program.
  - e. The California Community Colleges, may, at their discretion, report unitary data by 12/31/12 for students completing programs identified as Gainful Employment in the 2010-11 academic year, after completing the required FERPA agreement for such an exchange. CSAC will assume responsibility for compiling placement rate and salary and wage information and providing the draft results (with the underlying raw data) to the community college for review prior to publishing a final report.
4. The Commission will ask the Legislature, when it reconvenes for the 2013 session, for a 3-year exemption from placement and salary and wage data for the California Community Colleges, explaining the data are not collected and no resources exist to collect such data, further explaining that a state mandate to collect these data could trigger an expensive federal mandate, compounding the problems for beleaguered colleges and causing some California Community Colleges to seriously consider ceasing participation in the Cal Grant programs—as a grim but necessary fiscal alternative. The Commission will note that it has taken over this responsibility in a time of scarce resources and hope the Legislature will understand there may be higher priorities for both the Community Colleges and the Student Aid Commission.
  5. If the Legislature grants an exemption, CSAC shall still undertake a small pilot program in 2013, using unitary data from up to 10 community colleges, as received by 12/31/12. CSAC will complete the placement, salary and wage research (as offered in the proposed regulations) to estimate the feasibility, timeframe, cost and staff redirection necessary to make this method of reporting a permanent obligation of CSAC.
  6. The RT Group will examine the results of this pilot project and other suggested methods for acquiring such information and recommend to the Commission feasible and cost-effective solutions for reporting placement and salary and wage data for GE programs offered in California. In considering this issue the RT Group will consult with federal officials regarding impending GE initiatives and receive their advice on possible complementary actions at the state level.
  7. The RT Group will examine and recommend to the Commission improvements in IPEDS and/or Gainful Employment reporting so that CSAC, in partnership with the segments and professional associations, might seek to influence improvements in these federal initiatives.
  8. The RT Group will examine the federal ‘College Navigator’ website and recommend to the Commission how it might use this website to the advantage of Californians by training high school counselors and other mentors, how it might link students to this valuable information through web grants and other efforts and how the site might be improved – so that CSAC, in partnership with the segments and professional associations, might seek to influence improvements.
  9. The RT Group will examine the data submitted by 12/31/12 and the current website of CSAC and recommend how such data might be posted and searched in compliance with SB 1103 (if chaptered) and in a manner to complement federal transparency efforts (such as College Navigator or ‘Shopping Sheets’).

Mary Gill  
August 28, 2012