

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

1/19/2017

2. Department

Department of Consumer Affairs

3. Organizational Placement (Division/Branch/Office Name)

Bureau for Private Postsecondary Education

4. CEA Position Title

Office of Student Assistance and Relief Chief

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The Department of Consumer Affairs (Department), Bureau for Private Postsecondary Education (BPPE) proposes to establish a CEA A category to provide oversight, management, administrative and program expertise, structure, implementation, responsibility and coordination on a statewide level over BPPE's overall Office of Student Assistance and Relief (Office) which includes the Student Tuition Recovery Fund unit.

The proposed CEA A is the principal policy maker for the Office and has an integral role in the creation and influence of policy affecting BPPE and adhering to the mandates involved in the Senate Bill 1192.

The position is at the second organizational level serving as the Chief of OSAR, reporting directly to the exempt Bureau Chief.

6. Reports to: (Class Title/Level)

Bureau Chief, Exempt

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st 2nd 3rd 4th 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the administrative direction of the Bureau Chief, the Office of Student Assistance and Relief (OSAR) Chief CEA Level A, efficiently oversees the daily operation of the OSAR program and the Student Tuition Recovery Fund (STRF) Unit. The OSAR Chief is responsible for the oversight, execution and maintenance of operational plans, development of policy recommendations and evaluations. As a key member of the Department's senior management team, the OSAR Chief formulates, implements, and interprets departmental policies and procedures; advises the OSAR and STRF Bureau staff on matters relating to the office's operations; and assures that the Strategic Plan objectives are met. Specific duties include, but are not limited to:

Develop and implement student protection related policies and procedures. Plan, organize, direct and ensure the policies and procedures coincide with the Bureau's consumer protection mandate of advancing and promoting the rights of prospective students, current student, or past students of private postsecondary educational institutions. Ensure compliance with all state and federal laws, by maintaining comprehensive and thorough knowledge of all state and federal laws relating to student financial aid and loan programs, and private postsecondary education.

- * Develop strategies, procedures and systems to monitor and manage the Bureau's OSAR functions by measuring outcomes and results.
- * Identify problems and ensure timely corrections.
- * Ensure OSAR is operating in the most efficient manner.
- * Ensure that outreach and assistance to students is performed pursuant to the Bureau for Private Postsecondary Education Act.
- * Ensure that required annual, semi-annual, and other reports to the Legislature and other control agencies are completed accurately and submitted timely.

Oversee the planning, organization, coordination, and directing of the OSAR program. Oversee the administrative functions including those involving the Student Aid Commission, the Office of the Chancellor of the California Community Colleges, the Department of Veterans Affairs, the federal Consumer Financial Protection Bureau, the United States Department of Education, and of state agencies, legal counsels, consumer and various professional organizations.

- * Sponsor projects to improve the Bureau's Outreach Efforts.
- * Serve on committees and management teams that oversee projects and other efforts to redesign, enhance, or improve the Bureau's OSAR Unit.
- * Review the OSAR Unit's fiscal reports and make recommendations to the Bureau Chief and Deputy Bureau Chief as needed.
- * Develop and maintain effective professional relationships with various state control agencies, school officials, and other local, state, and federal officials.
- * Testify before legislative committees on the Bureau's behalf.
- * Recommend modification of existing statutes and regulations to conform with Bureau policies and draft specific language to effect statute and regulatory changes.
- * Oversee and ensure compliance of all aspects of the legislative and rule-making process.
- * Acquire authors for legislation as needed and prepares author's statements and fact sheets.
- * Attend, testify and answer questions at each meeting of the advisory committee.
- * Advise the Bureau Chief of the impact or potential impact of proposed legislation. Participate in the development of the OSAR Unit's performance review report for Legislative Audit.
- * Manage Bureau resources, in partnership with subordinate managers and staff, to ensure workload priorities and performance outcomes are met.
- * Establish Enforcement Section priorities and direct the accomplishment of goals and objectives and evaluate results.
- * Ensure training is provided with consistency and continually evaluated.
- * Advocate consumer protection and lobby on behalf of consumers and the Bureau.
- * Participate in strategic and operational planning for the Bureau.
- * Develop the OSAR Unit's Strategic Plan.
- * Establish, implement, and monitor research concerning industry trends and enforcement actions from various sources to help determine trends and potential violations of the act.
- * Oversee the formulation and implementation of policies and procedures related to the OSAR Unit. Ensure that compliance is met.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The Bureau's mission is to promote and protect the interests of students and consumer. Protecting students and consumers is the Bureau's highest priority and they carry out that mission: (i) conducting qualitative reviews of educational programs and operating standards, (ii) pro-actively combating unlicensed activity, (iii) impartially resolving student and consumer complaints, (iv) and conducting outreach.

In order for the Bureau to meet and maintain their mission to the students and consumers of California, the OSAR Chief will be responsible for working with the Bureau Chief to ensure outreach is provided to current, past and prospective students of private postsecondary educational institutions, advocating on the behalf of the students and identifying industry trends and enforcement actions. Without the OSAR Chief to oversee the effective and thorough outreach and management of the Student Tuition Recovery Fund, the Bureau is not able to effectively enforce the Act, and in turn unable to meet their mission to students and consumers.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

On October 11, 2009, Governor Schwarzenegger signed Assembly Bill(AB) 48. AB 48 is known as the Private Postsecondary Education Act of 2009 and established the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. On January 1, 2010, the Bureau was established and began regulating and implementing the mandates of AB 48. Any private postsecondary schools operating in California fell under the jurisdiction of the Bureau and are subject to the requirements of the act, unless they are exempt.

In exercising its powers, and performing its duties, AB 48 states that protection of the public shall be the Bureau's highest priority. The Bureau has authority to approve and deny applications for approval to operate a private postsecondary institution in California. The Bureau also verifies an institution's compliance with applicable laws and regulations, investigates student and consumer complaints against institution for possible violations of operating standards, investigates activities of unlicensed institutions and discipline institutions when their operations are found to be in violation of the Act and regulations.

When the Bureau was established in 2010, they received 63 total authorized positions, including 1 Bureau Chief(Exempt) and 1 Deputy Bureau Chief (CEA A), along with line staff managers, professional level and clerical support staff. Since the establishment, the Bureau has grown to 99 authorized positions to keep up with the mandates and regulations by the State of California.

SB 1192, the "sunset bill" for the Bureau was authorized by the Chair of the Senate Business, Professions and Economic Development Committee.

According to the bill's author, SB 1192 is necessary to make changes to the Act to ensure continued oversight of private postsecondary institutions that supports quality, innovative programs which are approved in a timely manner, while also making sure a robust government structure prevents predatory practices and promotes student success.

The author further notes that we must continue to ensure that the Californians working to better their lives through education and skills based training have some confidence in the quality of education and training they receive. It is also important to find ways to increase accountability for California students, as well as for the significant amount of public and private resources spent on educational and training endeavors. It is important to ensure that students are provided proper recourse through the Bureau and the vast array of tools the Bureau has to help students in the event that they are not provided all of the opportunities they were promised.

SB 1192 extends the sunset date of the Act until January 1, 2021, and requires the Bureau to create the OSAR program for the purpose of advancing and promoting the rights of prospective students, current students, or past students of private postsecondary educational institutions, and expand economic recovery from the Student Tuition Recovery Fund (STRF) to all California students of Corinthian Colleges.

SB 1192 further requires that the duties of the OSAR program shall be vested in a chief, who shall be appointed by the Director of the Department of Consumer Affairs. The OSAR Chief shall advocate on behalf of students and consumers and shall have knowledge in the state and federal laws governing student protection, student financial aid and loan programs, and the policies and practices of private postsecondary educational institutions.

In addition to the proposed OSAR Chief request, the Bureau has submitted a Budget Change Proposal (BCP) to establish 10 positions for the OSAR unit. The BCP request is pending approval.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

Policy Areas:

- Oversee the implementation and modification of policies related to the advancement, promotion and protection of private postsecondary educational institution students' rights, as mandated by Senate Bill 1192.
- Formulate outreach and education policies, practices and material in order to assist individuals who have been affected by the unlawful activities or closures of postsecondary education institutions.
- Identify and advise the DCA Director and the Bureau Chief of trends and potential violations of the California Private Postsecondary Education Act.
- Develop policies necessary to provide individualized assistance to students in order to relieve or mitigate the economic and educational opportunity loss incurred by attending an eligible private postsecondary educational institution.
- Attend, testify and answer questions at each Bureau advisory committee meeting. The 12-member advisory committee, appointed by the Director and various members of the Legislature, is responsible for examining the oversight functions and operational policies of the Bureau, including the OSAR.

Statewide Impact:

Students who are affected by the unlawful activities or closures of postsecondary education institutions statewide, are eligible to receive assistance from OSAR. In Fiscal Year 15/16, 42 institutions closed statewide, negatively impacting 5,490 students.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The OSAR Chief is responsible for direct management and oversight of the Bureau's Office of Student Assistance and Relief and formulates and implements policies to ensure compliance with the guidelines set for by AB 48 for the purpose of advancing and promoting the rights of prospective students, current students, or past students of private postsecondary educational institutions in California. The CEA independently and through subordinate staff plans, directs, and coordinates the operations of the Bureau's Office of Student Assistance and Relief, which includes interpreting, formulating, recommending and implementing policies and regulations to assure efficient and effective daily operations, the delivery of outreach related services, compliance with statutes, and provides executive leadership and guidance to the Chief and Executive Management team and staff in relation to Student Assistance activities.

The CEA's scope of decision making authority:

- * Develop strategies, procedures and systems to monitor and manage the Bureau's OSAR functions by measuring outcomes and results.
- * Identify problems and ensure timely corrections.
- * Ensure OSAR is operating in the most efficient manner.
- * Ensure that outreach and assistance to students is performed pursuant to the Bureau for Private Postsecondary Education Act.
- * Ensure that required annual, semi-annual, and other reports to the Legislature and other control agencies are completed accurately and submitted timely.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The OSAR Chief will have full responsibility to formulate, review, modify and implement laws, regulations and policies and procedures to ensure compliance with constantly changing requirements of AB 48 to ensure consumers, students and colleges are protected. The CEA will review and evaluate proposed legislation and regulations relating to the Office of Student Assistance and Relief Unit and the Student Tuition Recovery Fund Unit; identify the need for new or changes in existing legislation; and recommend modifications of existing statutes and regulations to conform to State and federal requirements. The CEA will research, develop and implement viable options to reach and provide assistance to California students.