


MEMORANDUM

DATE	March 30, 2016
TO	Policy and Advocacy Committee
FROM	 Jason Glasspiegel Central Services Coordinator
SUBJECT	Agenda Item #22 (a)(3) – Legislative Update – AB 1835 (Holden) Private Postsecondary Education: Operating Standards

Background:

This bill will add additional accreditation exemption criteria to the Bureau for Private Postsecondary Education Act of 2009 (Act) for psychoanalytical degree granting institutions.

Location: Assembly Appropriations Committee

Status: In Assembly. Read second time and amended. Re-referred to Committee on Appropriations.

Action Requested:

No action is requested at this time. Staff will continue to watch AB 1835 (Holden).

Attachment A is the analysis of AB 1835 (Holden)

Attachment B is the language of AB 1835 (Holden)

Attachment C is the Assembly Business and Professions Analysis of AB 1835 (Holden)

CALIFORNIA STATE BOARD OF PSYCHOLOGY

BILL ANALYSIS

BILL NUMBER: AB 1835

VERSION: AMENDED: 04/25/2016

AUTHOR: HOLDEN (D)

SPONSOR: THE INSTITUTE OF CONTEMPORARY
PSYCHOANALYSIS

BOARD POSITION: NONE

SUBJECT: PRIVATE POSTSECONDARY EDUCATION: EXEMPTIONS

Overview:

This bill will add additional accreditation exemption criteria to the Bureau for Private Postsecondary Education Act of 2009 (Act) for psychoanalytical degree granting institutions.

Existing Law:

Changes were made to the Act in 2014 that mandates that all nonexempt degree granting institutions that were approved by the Bureau for Private Postsecondary Education (BPPE) on or before January 1, 2015, be institutionally accredited by an accrediting body recognized by the United States Department of Education by July 1, 2020.

This Bill:

This bill would allow any psychoanalytical degree granting institution to be exempt from the July 1, 2020 accreditation requirement under BPPE, so long as it meets the following criteria:

- All students hold a master's or doctoral degree prior to enrolling in the institution;
- All students, except research candidates governed by subdivision (a) of Section 2529 of the Business and Professions Code and regulated by the Medical Board of California, hold a professional license to practice psychotherapy that remains valid throughout the period of their enrollment at the institution and carry current malpractice insurance in their respective field.
- The institution does not accept federal student aid.
- The institution is a nonprofit entity.
- The institution has obtained accreditation from, or has submitted a self-study application to, the Accreditation Council for Psychoanalytic Education on or before July 1, 2018.

This section would remain in effect until January 1, 2021 unless a later enacted statute deletes or extends that date.

Comments:

Author's Intent.

This bill is intended to allow graduate programs in psychoanalysis an exemption from the BPPE accreditation requirement which mandates that the accrediting body be recognized by the U.S. Department of Education. The author understands that the field of psychoanalysis is a narrow field of study, and that there is no national accreditation body for these programs that is currently recognized by the U.S. Department of education.

Impact to the Board

The current version of the language does not pose an impact to the Board as the Board does not accept psychanalysis as a degree for licensure.

1) Previous Legislation.

The 2014 changes mentioned above were created in SB 1247 (BPPE's sunset bill). The reason for this change was because at the time, California was one of the last states to allow non-accredited schools to grant degrees.

2) Support

Institute of Contemporary Psychoanalysis (sponsor)
Psychoanalytic Center of California
The Newport Center for Psychoanalytic Studies
The Los Angeles Institute and Society for Psychoanalytic Studies

3) Opposition

None on file

4) History

04/26/16 Re-referred to Com. on APPR.
04/25/16 Read second time and amended.
04/21/16 From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 16. Noes 0.) (April 19).
04/07/16 Re-referred to Com. on B. & P.
04/06/16 Read second time and amended.
04/05/16 From committee: Amend, and do pass as amended and re-refer to Com. on B. & P. (Ayes 13. Noes 0.) (April 5).
03/29/16 Re-referred to Com. on HIGHER ED.
03/28/16 From committee chair, with author's amendments: Amend, and re-refer to Com. on HIGHER ED. Read second time and amended.
03/15/16 In committee: Hearing postponed by committee.
02/25/16 Referred to Coms. on HIGHER ED. and B. & P.
02/10/16 From printer. May be heard in committee March 11.
02/09/16 Read first time. To print.



AB-1835 California Private Postsecondary Education Act of 2009: minimum operating standards: exemptions. (2015-2016)

AMENDED IN ASSEMBLY APRIL 25, 2016

AMENDED IN ASSEMBLY APRIL 06, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

ASSEMBLY BILL

No. 183

Introduced by Assembly Member Holden

February 09, 2016

An act to add and repeal Section 94885.2 of the Education Code, relating to private postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1835, as amended, Holden. California Private Postsecondary Education Act of 2009: minimum operating standards: exemptions.

Existing law, the California Private Postsecondary Education Act of 2009, provides, among other things, for student protections and regulatory oversight of private postsecondary institutions in the state. The act is enforced by the Bureau for Private Postsecondary Education within the Department of Consumer Affairs. The act, among other things, requires the bureau to adopt by regulation minimum operating standards and imposes accreditation requirements for certain institutions. The act is to be repealed by its own provisions on January 1, 2017.

This bill would exempt institutions that grant doctoral degrees in psychoanalysis from the provisions of the act requiring the imposition of the accreditation requirements if, and as long as, these institutions satisfy specific conditions, including a requirement that all of the institution's students hold master's or doctoral degrees before enrollment in the institution, and a requirement that the institution has obtained accreditation from, or submitted a self-study application to, the Accreditation Council for Psychoanalytic Education on or before July ~~2017~~ 2018.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 94885.2 is added to the Education Code, to read:

94885.2. (a) Notwithstanding any other law, an institution that grants doctoral degrees in psychoanalysis shall be subject to subdivision (b) of Section 94885, or Section 94885.1 if, and as long as, it satisfies all of the following conditions:

- (1) All of the institution's students hold master's or doctoral degrees before they enroll in the institution.
 - (2) All of the institution's students, with the exception of research candidates governed by subdivision (a) Section 2529 of the Business and Professions Code and regulated by the Medical Board of California, hold professional license to practice psychotherapy that remains valid throughout the period of their enrollment at institution and carry current malpractice insurance in their respective fields.
 - (3) The institution does not accept federal student aid.
 - (4) The institution is a nonprofit entity.
 - (5) The institution has obtained accreditation from, or has submitted a self-study application to, the Accreditation Council for Psychoanalytic Education on or before July 1, ~~2017~~ 2018.
- (b) This section shall remain in effect only until January 1, 2021, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2021, deletes or extends that date.

Date of Hearing: May 11, 2016

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gorzalez, Chair

AB 1835 (Holden) – As Amended April 25, 2016

Policy Committee:	Higher Education	Vote:	13 - 0
	Business and Professions		16 - 0

Urgency: No State Mandated Local Program: No Reimbursable: No

SUMMARY:

This bill, until January 1, 2021, exempts any institution approved by the Bureau of Private Postsecondary Education (BPPE) and that grants doctoral degrees in psychoanalysis from the requirement to be accredited by an accrediting agency recognized by the United States Department of Education (USDE), if the institution meets all of the following:

- 1) All students hold master's or doctoral degrees before enrolling in the institution.
- 2) All students, except as specified, hold a professional license to practice psychotherapy that remains valid throughout enrollment at the institution and carry current malpractice insurance in their respective fields.
- 3) Does not accept federal student aid.
- 4) Is a nonprofit entity.
- 5) Has obtained accreditation by the Accreditation Council for Psychoanalytic Education (ACPE), or has submitted a self-study application to the ACPE, on or before July 1, 2018.

FISCAL EFFECT:

Negligible fiscal impact.

COMMENTS:

- 1) **Background.** The BPPE is responsible for oversight of private postsecondary educational institutions operating with a physical presence in California, pursuant to AB 48 (Portantino), Chapter 310, Statutes of 2009—the California Private Postsecondary Act of 2009. The Act requires all unaccredited colleges in California to be approved by BPPE, and all nationally accredited colleges to comply with numerous student protections.

At the time of the 2013 Sunset Review Hearings, the BPPE highlighted that California is one of few states to continue to allow unaccredited degree granting programs. The BPPE stated in 2014 that “requiring accreditation for approval to operate would allow the BPPE to focus on its mandate of consumer protection, while relying on academic experts approved by USDE to evaluate academic programs.” In response to these concerns, SB 1247 (Lieu), Chapter 840, Statutes of 2014, amended the Act to require that all degree granting programs be accredited, unless they meet at least one of the specified exemptions.

- 2) **Purpose.** This bill, sponsored by the Institute of Contemporary Psychoanalysis, exempts institutions who are approved by the BPPE and who grant doctoral degrees in psychoanalysis from accreditation by an accrediting agency recognized by the USDE. According to the

author, "[This bill] provides graduate programs in psychoanalysis an exemption to the [Act] as there is currently no national accrediting body for the psychoanalyst field."

According to a letter to the BPPE from former Senator, and now Congressman, Ted Lieu, who authored SB 1247, "the purpose and design [of SB 1247] was never intended to apply to an institution such as the Institute of Contemporary Psychoanalysis (ICP)." The letter goes on to say "ICP's standards for training far exceed the usual organizations accredited by the BPPE. ... In contrast [to conventional educational settings], ICP's admission requirements differ markedly - it requires proof of a terminal degree in the particular setting (e.g. Ph.D., Psy.D, MFT, LCSW, MD), including official school transcripts, and licensure prior to admission, something that distinguishes programs at ICP from many other degree granting institutions."

Analysis Prepared by: Chuck Nicol / APPR. / (916) 319-2081