

Date of Hearing: April 5, 2016

ASSEMBLY COMMITTEE ON HIGHER EDUCATION

Jose Medina, Chair

AB 1835 (Holden) – As Amended March 28, 2016

[Note: This bill is double referred to the Assembly Business and Professions Committee and will be heard as it relates to issues under its jurisdiction.]

SUBJECT: California Private Postsecondary Education Act of 2009: exemptions

SUMMARY: Provides an exemption to the requirement for minimum operating standards and accreditation for an institution approved by the Bureau for Private Postsecondary Education (BPPE) to offer psychoanalysis doctoral degrees. Specifically, **this bill:**

- 1) Provides an exemption for institutions granting doctoral degrees in psychoanalysis from existing law that requires minimum operating standards and accreditation of degree-granting programs; provided:
 - a) The institution enrolls only students holding a masters degrees or higher;
 - b) The institution enrolls only students holding a valid professional license to practice psychotherapy and that license remains valid throughout their tenures at the institution and they carry current malpractice insurance in their field;
 - c) The institution does not accept federal student aid;
 - d) The institution is a nonprofit entity; and,
 - e) The institution has obtained accreditation from or has submitted the self-study application to the Accreditation Council for Psychoanalytic Education on or before July 1, 2018.
- 2) Sunsets the provisions of this bill on January 1, 2021.

EXISTING LAW:

- 1) Establishes the BPPE, under the California Private Postsecondary Education Act (Act), until January 1, 2017; and, provides for the oversight and regulation of private postsecondary educational institutions (institutions) to ensure protection of the public and students.
- 2) Requires an institution seeking BPPE approval to operate and to offer a degree to either:
 - a) Be accredited by an accrediting agency recognized by the United States Department of Education (USDE) to offer the degree(s); or
 - b) Have an accreditation plan, approved by BPPE, for the institution to become fully accredited within five years of the BPPE issuance of a provisional approval to operate.

An institution in this category must comply with specified student disclosure, visiting committee review and degree limitation requirements.

- 3) Requires an unaccredited institution that is approved to operate and to offer degree programs by BPPE prior to January 1, 2015, to submit an accreditation plan to BPPE, to obtain pre-accreditation by July 1, 2017, to obtain accreditation by July 1, 2020, and to comply with various student disclosure and visiting committee review requirements.

FISCAL EFFECT: Unknown.

COMMENTS: *Committee amendment.* The author has agreed to accept the following amendment, consistent with the author's stated intent, to provide that these institutions are exempt *only* from the accreditation requirements of the minimum operating standards. The scope of the analysis relates to the bill as it will be amended, and institutions would be required to meet all other minimum operating standards.

94885.2. (a) Notwithstanding any other law, an institution that grants doctoral degrees in psychoanalysis shall not be subject to Section **94885(b)** or 94885.1 if, and as long as, it satisfies all of the following conditions:

Background. According to BPPE, California is one of few states to continue to allow unaccredited degree granting programs. This issue was raised during the 2013 Sunset Review of the BPPE; according to BPPE, “unaccredited degree-granting postsecondary educational institutions are a global concern. Students often choose unaccredited institutions because they are usually less expensive and frequently provide a degree with less rigorous work on the part of the student. While some students may be aware of the possible issues associated with attending an unaccredited institution and remain complacent throughout the process, other students, often from developing countries, enter unaccredited programs simply because they do not understand the difference between approval and accreditation. Credits and degrees earned at unaccredited institutions are unlikely to be recognized by licensing entities, accredited institutions for purposes of transfer, or many employers. So, while the initial cost of the educational program may be less than that of an accredited institution, the potential that the degree may not provide the consumer the anticipated benefits is high.”

According to BPPE, accreditation is the accepted standard for educational degrees. Accrediting bodies, as pointed out in a 2013 report issued by the Legislative Analyst’s Office’s, are good at assessing the quality of educational programs and gathering knowledgeable subject matter experts to assess content, rigor, currency, and delivery of educational programs. They have also been good at keeping up with emerging trends in education and incorporating them into their reviews. BPPE specifically noted in its response to the 2013 Sunset Review that “requiring accreditation would provide a much higher level of consumer protection to students in the state and ensure that California students would have the option of applying for federal financial aid. Additionally, by requiring accreditation for approval to operate in California, the state will save money by not forcing the Bureau to act in the place of an accrediting body for unaccredited institutions.”

In response to these concerns and as a means of better serving students while aiming to decrease the Bureau's significant workload associated with reviewing unaccredited degree granting institutions, SB 1247 (Lieu), Chapter 840, Statutes of 2014, amended the Act to require that degree granting programs be accredited by an accrediting agency recognized by the United States Department of Education (USDE). Institutions offering a degree that seek BPPE approval are now required to either be accredited by an accrediting agency recognized by the USDE to offer the degree(s) or have an accreditation plan, approved by BPPE, for the institution to become fully accredited within five years of the BPPE issuance of a provisional approval to operate. SB 1247 also outlined a process for institutions that are currently approved by BPPE and offer degrees to submit an accreditation plan to the Bureau by July 1, 2015, to obtain pre-accreditation by July 1, 2017, to obtain accreditation by July 1, 2020, and to comply with various student disclosure and visiting committee review requirements.

According to BPPE, as of August 1, 2015, there are approximately 107 unaccredited institutions offering degrees that are approved by the Bureau or have applied for approval. These 107 institutions submitted plans to the Bureau outlining how they will achieve accreditation by July 1, 2020. BPPE is currently in the process of training staff to organize site visits to verify that progress is being made toward accreditation.

Purpose of this bill. According to the author, AB 1835 is attempting to assist credible, nonprofit graduate level psychoanalysis programs that were inadvertently caught up in the reforms targeting for-profit, low-quality, degree-granting institutions. AB 1835 will provide a narrow exception to the accreditation requirements contained in SB 1247 for institutions offering qualified students doctoral degrees in psychoanalysis, provided that the institution seeks accreditation from the Accreditation Council for Psychoanalytic Education before July 1, 2018; this exemption would sunset on January 1, 2021.

Background on psychoanalytic studies. This bill is limited to nonprofit institutions granting doctoral degrees in psychoanalysis. According to the Accrediting Council for Psychoanalytic Education (ACPE), "psychoanalysis is a specific form of individual psychotherapy that aims to bring unconscious mental elements and processes into awareness in order to expand an individual's self-understanding, enhance adaptation in multiple spheres of functioning, alleviate symptoms of mental disorder, and facilitate character change and emotional growth." According to the author, "beginning in the early 1990's the field of psychoanalysis began to develop within the mental health community. Several non-profit educational institutions were established to provide medical professional post-graduate, continuing education training in the emerging field."

Eligible students. This bill is limited to nonprofit psychoanalysis institutions that enroll students with masters degrees or higher, and students must hold a valid professional license to practice psychotherapy. The term "valid professional license" is not explicitly defined in the bill. Further, committee staff understands that the practice of psychotherapy is not explicitly regulated in California. According to information provided by the author, psychoanalysis institutions serve students licensed as Clinical Psychologists, Licensed Clinical Social Workers, Marriage and Family Therapists, Research Psychoanalysts, Medical Doctors, and nurses. The author may wish to clarify that students must hold a professional license in one of these fields of licensure.

Background on psychoanalytic accreditation. This bill would require institutions to seek accreditation from the ACPE by July 1, 2018. SB 1247 required institutions offering degrees in California to obtain accreditation from a USDE-recognized accrediting agency. USDE recognition ensures that the accrediting agency meets outlined criteria to ensure educational quality. According to the author, because of the relatively small nature of psychoanalytic training programs, there is no USDE-recognized programmatic accreditation agency. In order to comply with the requirements of SB 1247, institutions would likely need to seek regional accreditation by the WASC-Senior College and University Commission. According to the author and supporters of this measure, WASC-accreditation is an expensive and lengthy process that is unattainable for these small, narrow nonprofit institutions. ACPE is not a USDE-recognized accrediting agency; Committee staff was unable to determine if ACPE is seeking USDE-recognition. If ACPE does not gain USDE-recognition by the sunset date contained in this bill, additional legislative action may be necessary.

BPPE Sunset Review. BPPE is currently undergoing the Sunset Review process. The issue of unaccredited degree granting programs is raised in the BPPE Sunset Review report, prepared by committee staff. The report notes that many unaccredited degree-granting institutions have contacted the Committees, citing opposition to the requirement to obtain accreditation. The author and committee may wish to raise this issue through the 2016 Sunset Review process.

REGISTERED SUPPORT / OPPOSITION:

Support

Institute of Contemporary Psychoanalysis
Los Angeles Institute and Society for Psychoanalytic Studies
Newport Center for Psychoanalytic Studies
Psychoanalytic Center of California

Opposition

None on File

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