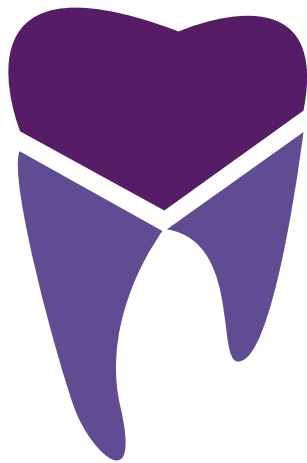




# DHBC

Dental Hygiene  
Board of California

**Saturday, November 8, 2025  
Education Committee  
Meeting Materials**





Notice is hereby given that a public meeting of the  
Dental Hygiene Board of California (DHBC) will be held as follows:

### **EDUCATION COMMITTEE MEETING AGENDA**

The DHBC welcomes and encourages public participation in its meetings.  
The public may take appropriate opportunities to comment on any issue before the Committee  
at the time the item is heard.

#### **Meeting Date and Time**

Saturday, November 8, 2025

**Upon recess of the Legislation and Regulatory Committee until Adjournment**

**The DHBC will conduct the meeting in person, via WebEx teleconference for  
interaction, and Webcast viewing through the DCA portal listed below.**

#### **In Person Meeting Location**

DHBC Headquarters Building  
2005 Evergreen Street  
1st Floor Hearing Room  
Sacramento, CA 95815

#### **Instructions for WebEx Meeting Participation**

The preferred audio connection is via telephone conference and not the microphone  
and speakers on your computer. The phone number and access code will be  
provided as part of your connection to the meeting. Please see the instructions  
attached here to observe and participate in the meeting using WebEx from a  
Microsoft Windows-based PC. Members of the public may, but are not obligated to,  
provide their names or personal information as a condition of observing or  
participating in the meeting. When signing into the WebEx platform, participants may  
be asked for their name and email address. Participants who choose not to provide  
their names will be required to provide a unique identifier, such as their initials or  
another alternative, so that the meeting moderator can identify individuals who wish  
to make a public comment. Participants who choose not to provide their email  
address may utilize a fictitious email address in the following sample format:

[XXXXXX@mailinator.com](mailto:XXXXXX@mailinator.com).

For all those who wish to participate or observe the meeting, please log on to the  
website below. If the hyperlink does not work when clicked on, you may need to  
highlight the entire hyperlink, then right click. When the popup window opens, click on  
“Open Hyperlink” to activate it, and join the meeting.

[Webex Meeting Link](#)

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=md290fde74949ee2a2d77596a797d5ece>

**If joining using the link above:**

Webinar number: 2489 915 3566  
Webinar password: DHBC118

**If joining by phone:**

+1-415-655-0001 US Toll  
Access code: 2489 915 3566  
Passcode: 3422118

The meeting will be webcast, provided there are no unforeseen technical difficulties or limitations. To view the webcast, please visit [Live Webcasts – Department of Consumer Affairs \(thedcapage.blog\)](#). The meeting will not be cancelled if webcast is not available. Meeting adjournment may not be webcast if it is the only item that occurs after a closed session.

**Members of the Education Committee**

Joanne Pacheco, RDH Educator, Chair  
Michael Long, RDHAP Member  
Dr. Justin Matthews, Public Member

**The DHBC welcomes and encourages public participation in its meetings.  
Please see public comment specifics at the end of this agenda.**

**The DHBC and its committees may discuss and act on any item listed on the agenda, including items listed as informational only. All times are approximate and subject to change. Agenda items may be taken out of order to accommodate speakers and to maintain a quorum. The meeting may be cancelled without notice.**

**Agenda**

1. Roll Call & Establishment of Quorum.
2. Public Comment for Items Not on the Agenda.  
[The DHBC may not discuss or act on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting [Government Code sections 11125 & 11125.7(a).]

3. Discussion and Possible Action on the Report from the Dental Hygiene Educational Program Penalty Rubric Taskforce.
4. Discussion and Possible Action on Board Acceptance of the Revised Accreditation Nomenclature Pursuant to the United States Department of Education.
5. Dental Hygiene Educational Program Site Visit Update.
  - (a) Pasadena City College
  - (b) Taft College
  - (c) Concorde Career College-San Diego
  - (d) Cerritos College
  - (e) Concorde Career College – Garden Grove
  - (f) Concorde Career College-San Bernardino
  - (g) West Coast University
  - (h) Diablo Valley College
  - (i) Dental Hygiene Educational Program Site Visit Schedule
6. Discussion and Possible Action on the July 19, 2025, Education Committee Meeting Minutes.
7. Future Agenda Items.
8. Adjournment of the Education Committee.

Public comments will be taken on the agenda items at the time the specified item is raised. Government Code section 11125.7 provides the opportunity for the public to address each agenda item during discussion or consideration by the Committee Members prior to the Committee taking any action on said item. Members of the public will be provided appropriate opportunities to comment on any issue before the Committee, but the Committee Chair may, at their discretion, apportion available time among those who wish to speak. Individuals may appear before the Committee to discuss items not on the agenda; however, the Committee can neither discuss nor take official action on these items at the time of the same meeting [Government Code sections 11125, 11125.7(a).]

A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting the DHBC at 916-263-1978, via email at [dhbcinfo@dca.ca.gov](mailto:dhbcinfo@dca.ca.gov), or by sending a written request to 2005 Evergreen Street, Suite 1350, Sacramento, CA 95815. Providing your request at least five business days prior to the meeting will help to ensure availability of the requested accommodation.



| Member                | Present | Absent |
|-----------------------|---------|--------|
| Joanne Pacheco, Chair |         |        |
| Michael Long          |         |        |
| Justin Matthews       |         |        |

**Saturday, November 8, 2025**

**Dental Hygiene Board of California**

**Education Committee Agenda Item 1.**

**Roll Call & Establishment of Quorum.**



**Saturday, November 8, 2025**

**Dental Hygiene Board of California**

**Education Committee Agenda Item 2.**

**Public Comment for Items Not on the Agenda.**

**[The Education Committee may not discuss or act on any matter raised during the Public Comment section that is not included on this agenda, except whether to decide to place the matter on the agenda of a future meeting (Government Code Sections 11125 & 11125.7(a).]**



**Saturday, November 8, 2025**

**Dental Hygiene Board of California**

**Education Committee Agenda Item 3.**

**Discussion and Possible Action on the Report from the  
Dental Hygiene Educational Program Penalty Rubric  
Taskforce.**

## MEMORANDUM

|                |                                                                                                                                  |
|----------------|----------------------------------------------------------------------------------------------------------------------------------|
| <b>DATE</b>    | November 8, 2025                                                                                                                 |
| <b>TO</b>      | Education Committee<br>Dental Hygiene Board of California                                                                        |
| <b>FROM</b>    | Adina A. Pineschi-Petty DDS<br>Education, Legislative, and Regulatory Specialist                                                 |
| <b>SUBJECT</b> | <b>EDU 3: Discussion and Possible Action on the Report from the Dental Hygiene Educational Program Penalty Rubric Taskforce.</b> |

### BACKGROUND

The Board is mandated by the Legislature to approve all California dental hygiene educational programs (DHEPs) for oversight. When the Board started reviewing the DHEPs, the Board was aware there might be some concerns as to the level of compliance with California laws, regulations, and Commission on Dental Accreditation of the American Dental Association (CODA) Standards, but was not aware of the extent of the issues that were present until the Board began its site visits and observed what practices were occurring and level of non-compliance within the DHEPs.

As a result of those observations and non-compliance of the law, the Board's only recourse of action at the time was to withdraw Board approval of the DHEP. This penalty doesn't prohibit a DHEP from teaching dental hygiene; however, it does eliminate the graduating students from qualifying for a CA dental hygiene license as they must graduate from a Board-approved DHEP by law. When the Board was forced to vote to remove approval of a DHEP at one point, it was determined that other intermediary punitive actions were needed to provide an opportunity for a DHEP to comply with the law and CODA Standards. In 2019, the Board obtained legislative approval to implement citation and fines, and probation as intermediary penalties in lieu of full withdrawal of Board approval alone as a penalty for non-compliance.

Subsequently, in 2023, the Board promulgated regulations regarding "Reviews, Site Visits, Citations and Fines, and Probationary Status for Dental Hygiene Educational Programs" (California Code of Regulations (CCR), Title 16, section 1104.3). Within the regulation, subdivision (b)(3) established factors to be considered in the issuance of any citation or fine to a DHEP due to noncompliance of California laws, regulations, and CODA Standards.

Due to the variance and extent of violations, and the desire to ensure penalties are applied evenly among the DHEPs, at the March 22, 2025, Full Board meeting, the Board voted to create a penalty rubric to allow the Board to be fair and consistent to all DHEPs. The Board appointed Board members Joanne Pacheco and Julie Elginer as co-chairs of the DHEP Penalty Rubric Taskforce. After the meeting, the Taskforce co-chairs received requests from three interested stakeholders who were appointed to the



taskforce based on their qualifications. These experts were JoAnn Galliano, Dr. Michelle Hurlbutt, and Lisa Kamibayashi who have extensive DHEP experience and knowledge of the subject to create an appropriate penalty rubric.

Since the Taskforce conducted their first meeting on June 4, 2025, the Taskforce has met seven (7) times and categorized the violations utilizing the factors as outlined in 16 CCR section 1104.3 which include:

- Nature and severity of the violation;
- Length of time that has passed since the date of the violation;
- Consequences of the violation, including the potential to harm, or actual patient harm;
- History of previous violations of similar nature;
- Evidence that the violation was willful;
- Gravity of the violation; and
- The extent to which the cited DHEP has remediated the deficiencies.

Along with categorizing the aforementioned factors, the Taskforce discussed the frequency of violations discovered at DHEPs along with discussions on timeframes and penalties DHEPs shall be given to remediate violations and deficiencies providing structure to a potentially perceived subjective determination.

The next Taskforce meeting is scheduled for November 21, 2025, and continued meetings will occur until a draft rubric is ready for the committee's review.



**Saturday, November 8, 2025**

**Dental Hygiene Board of California**

**Education Committee Agenda Item 4.**

**Discussion and Possible Action on Board Acceptance of the  
Revised Accreditation Nomenclature Pursuant to the United  
States Department of Education.**

## MEMORANDUM

|                |                                                                                                                                                                    |
|----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>DATE</b>    | November 8, 2025                                                                                                                                                   |
| <b>TO</b>      | Education Committee<br>Dental Hygiene Board of California                                                                                                          |
| <b>FROM</b>    | Anthony Lum<br>Executive Officer                                                                                                                                   |
| <b>SUBJECT</b> | <b>EDU 4 – Discussion and Possible Action on Board Acceptance of the Revised Accreditation Nomenclature Pursuant to the United States Department of Education.</b> |

### **BACKGROUND:**

The Dental Hygiene Board of California (Board) licenses and regulates California dental hygienists pursuant to sections 1900 through 1967.4 of the Business and Professions Code (BPC). Since inception of the statutes, the Board continually analyzes and reviews them for any possible revisions that would help clarify the language for staff, licensees and interested stakeholders; improve procedures; and enhance program efficiencies for the betterment of the Board. This ongoing task is to improve the Board's oversight requirements of Registered Dental Hygienists, Registered Dental Hygienists in Alternative Practice, Registered Dental Hygienists in Extended Functions, and dental hygiene educational programs to uphold the law.

On February 20, 2020, the United States Department of Education (USDE) sent a letter to State Leaders notifying that as the USDE holds all accrediting agencies to the same standards, the distinctions between regional and national accrediting agencies are unfounded, that the USDE will no longer use the terms "regional" or "national" to refer to an accrediting agency, and that the USDE will distinguish only between institutional and programmatic accrediting agencies.

At the Board's November 15, 2024, Education Committee meeting, the members engaged in a robust discussion regarding amending BPC section 1941 to align with USDE accreditation agency terminology. The Education Committee approved the proposed draft statutory language for BPC section 1941 and recommended to the Full Board to consider, complete, and approve the final draft of the proposed statutory language amendment for BPC section 1941. The Full Board approved the final draft of proposed statutory language amendment for BPC section 1941 and directed staff to seek sponsored legislation for 2025. Staff was unable to obtain legislation in 2025.

### **ACTION REQUESTED:**

Staff recommends for the Education Committee to review the amended statutory language and re-affirm the change is warranted. If the Education Committee re-affirms the change is warranted, staff requests the Education Committee recommend to the Full

Board to re-affirm and approve the final draft of the proposed statutory language amendment for BPC section 1941, and direct staff to seek sponsored legislation for 2026.

**Pros:**

- Updates the statutory language in this section to align with the changes in federal law adopted by the U.S. Dept. of Education regarding educational program accreditation agencies.
- Would allow the Board to consider and review new dental hygiene educational program requests for approval from accredited schools that weren't previously accepted, but approved by the USDE (i.e., health professional focused accrediting agencies). They would still require CODA accreditation, too.

**Cons:**

- Would amend existing law that could create backlash from agencies and individuals who believe the regional accreditation is a higher standard of accreditation and should remain. Completed education hours may not be transferable.
- Inhibits expansion and Board approval of new dental hygiene educational programs when new programs are needed in underserved areas of the state and potentially leading to a possible workforce shortage within the dental hygiene profession.

**PROPOSED MOTION LANGUAGE:**

Motion for the Education Committee to review the amended statutory language and re-affirm the change is warranted. If the Education Committee re-affirms the change is warranted, staff requests the Education Committee recommend to the Full Board to re-affirm and approve the final draft of the proposed statutory language amendment for BPC section 1941, and direct staff to seek sponsored legislation for 2026.

**Attachments:**

1. Proposed amendments to BPC section 1941 to be reviewed/considered.
2. Commission on Dental Accreditation of the American Dental Association Standard 1-6.
3. February 26, 2020, USDE letter regarding final accreditation and state authorization regulations.
4. 84 Federal Registry (FR) 58834 regarding amendments to Title 34, Code of Federal Regulations (CFR), sections 600, 602, 603, 654, 668, and 674.
5. What definitions apply to this part?, 34 CFR section 602.3. Westlaw 2024.
6. Geographic area of accrediting activities., 34 CFR section 602.11. Westlaw 2024.
7. United States Code (USC) Title 20, section 1099b.



## Legend:

### Proposed amendments to be reviewed/considered/approved:

#### Proposed Amendments to Business and Professions Code Section

##### 1941: Approval of Educational Programs; Need for New Educational Programs

(a) The dental hygiene board shall grant or renew approval of only those educational programs for RDHs that continuously maintain a high-quality standard of instruction and, where appropriate, meet the minimum standards set by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board.

(b) A new educational program for RDHs shall submit a feasibility study demonstrating a need for a new educational program and shall apply for approval from the dental hygiene board before seeking any required approval for initial accreditation from the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board. The dental hygiene board may approve, provisionally approve, or deny approval of a new educational program for RDHs.

(c) For purposes of this section, a new or existing educational program for RDHs means a program provided by a college or institution of higher education that is accredited by a regional accrediting agency, or a national agency whose mission includes the accreditation of institutions offering allied health education programs, recognized by the United States Department of Education and that has as its primary purpose providing college level courses leading to an associate or higher degree, that is either affiliated with or conducted by a dental school approved by the dental board, or that is accredited to offer college level or college parallel programs by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board.

(d) For purposes of this section, "RDHs" means registered dental hygienists, registered dental hygienists in alternative practice, or registered dental hygienists in extended functions.



## Institutional Accreditation

### CODA Standard 1-6

Programs must be sponsored by institutions of higher education that are accredited by an institutional accrediting agency (i.e., a regional or appropriate\* national accrediting agency) recognized by the United States Department of Education for offering college-level programs.

\* Agencies whose mission includes the accreditation of institutions offering allied health education programs.

#### Intent:

*Dental schools, four-year colleges and universities, community colleges, technical institutes, vocational schools, and private schools, which offer appropriate fiscal, facility, faculty and curriculum resources are considered appropriate settings for the program. The institution should offer appropriate fiscal, facility, faculty and curriculum resources to sponsor the dental hygiene educational program.*

#### Examples of evidence to demonstrate compliance may include:

- Accreditation (or candidate status) from a recognized institutional (regional or national) accrediting agency, for example:  
Commission on Higher Education, Middle States Association of Colleges and Schools; Commission on Institutions of Higher Education, New England Association of Schools and Colleges; Commission on Technical and Career Institutions, New England Association of Schools and Colleges; Commission on Institutions of Higher Education, North Central Association of Colleges and Schools; Commission on Colleges, Northwest Association of Schools and Colleges; Commission on Colleges, Southern Association of Colleges and Schools; Accrediting Commission for Community and Junior Colleges, Western Association of Schools and Colleges; Accrediting Commission for Senior Colleges and Universities, Western Association of Schools and Colleges; Accrediting Bureau of Health Education Schools; Accrediting Commission of Career Schools and Colleges of Technology; Accrediting Commission of the Distance Education and Training Council; The Council on Occupational Education; Accrediting Council for Independent Colleges and Schools.



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF THE UNDER SECRETARY

February 26, 2020

**Re: FINAL ACCREDITATION AND STATE AUTHORIZATION REGULATIONS**

Dear State Leaders:

This letter is to inform you that the U.S. Department of Education (Department) has published final regulations relating to the accreditation of institutions of higher education, as well as State authorization requirements for distance education, which may have an impact on your State.

The final regulations published this year were developed by a diverse negotiated rulemaking panel, which reached consensus in April 2019.<sup>1</sup> The Department published a Notice of Proposed Rule Making based on the consensus language, and received approximately 200 comments from the public regarding the proposed regulations. The Department responded to those comments, as appropriate, in the final regulation. With the exception of a few provisions relating to the recognition of accrediting agencies, which will take effect on January 1, 2021 and July 1, 2021, the accreditation and State authorization regulations will take effect on July 1, 2020.<sup>2</sup>

Below we highlight several key provisions of the final regulation that could have an impact on States. We are providing this notification to help you plan appropriately.

**Regional versus National Accreditation**

The Department is aware that some States have enacted laws and policies that treat institutions and the students who attend them differently based solely on whether the institution is accredited by a “national” accrediting agency or a “regional” accrediting agency. For example, some States limit opportunities to sit for occupational licensing exams to students who have completed a program at a regionally accredited institution. In other instances, transfer of credit determinations at public institutions, and other benefits provided by States, are limited to students who attended regionally accredited institutions.

Because the Department holds all accrediting agencies to the same standards, distinctions between regional and national accrediting agencies are unfounded. Moreover, we have determined that most regional accreditors operate well outside of their historic geographic borders, primarily through the accreditation of branch campuses and additional locations. As a result, our new regulations have removed geography from an accrediting agency’s scope.<sup>3</sup> Instead of distinguishing between regional and national accrediting agencies, the Department will distinguish only between institutional and programmatic accrediting agencies. The Department will no longer use the terms “regional” or “national” to refer to an accrediting agency.

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<sup>1</sup> 84 FR 58834

<sup>2</sup> The new regulations delay implementation of changes to the Department staff’s review of accrediting agency applications for initial or renewal of recognition under 34 C.F.R. § 602.32(d) until January 1, 2021. See 84 FR 58927. The new regulations also delay implementation of changes to the Department staff’s process for responding to accrediting agency applications and allowing agency responses within 180 days under 34 C.F.R. § 602.32(h) until July 1, 2021. See 84 FR 58928.

<sup>3</sup> See 84 FR 58917-58918 (amending 34 C.F.R. §§ 602.3, 602.11).



Because the Department will no longer distinguish between “regional” and “national” accrediting agencies, we wanted to provide States with advanced notice of this change so that State leaders will have sufficient opportunity to adjust State laws, regulations, or policies accordingly.

#### State Authorization

The Department’s revised Accreditation and State Authorization regulations also make changes to State authorization requirements.<sup>4</sup> For example, in order for a distance education provider to serve students in a State other than the one in which the institution has a physical presence, either the State in which the institution is located or the State in which the student is located must have a process in place to receive and review student complaints.<sup>5</sup> We encourage all States to implement the appropriate policies and processes to accept, investigate, and respond to student complaints.

In addition, because it is important for all students – and not just those who enroll in distance education – to understand whether the program in which they are enrolled will qualify them to work in certain occupations in a given State, the revised regulations require both ground-based and online programs to notify students whether the program will or will not meet licensure requirements in a particular State, or in the event that the institution has not made that determination, where a student may obtain that information.<sup>6</sup>

The revised regulations continue to recognize State reciprocity agreements, such that an institution participating in a State reciprocity agreement will have satisfied the Department’s State authorization requirements in any State that also participates in the reciprocity agreement.<sup>7</sup> In response to public comments, the Department provided further clarity that, while States participating in a State authorization reciprocity agreement may still enforce their own general-purpose State laws and regulations outside of the State authorization of distance education, States participating in a reciprocity agreement may not impose additional distance education regulations or requirements upon institutions that participate in such agreements.<sup>8</sup>

The Department of Education has developed informational webinars to help States, institutions of higher education, and accreditors understand what is required of them under our new regulations. The webinars are located on the Department’s website at <https://www2.ed.gov/policy/highered/reg/hearulemaking/2018/index.html>.

Should you have any questions, please feel free to contact the Accreditation Group at the Department of Education at [aslrecordsmanager@ed.gov](mailto:aslrecordsmanager@ed.gov) or 202-453-7615.

Sincerely,



Diane Auer Jones  
Principal Deputy Under Secretary  
Delegated the Duties of Under Secretary

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<sup>4</sup> See generally 84 FR 58914-58915 (amending 34 C.F.R. § 600.2); 84 FR 58915-58916 (amending 34 C.F.R. § 600.9).

<sup>5</sup> See 84 FR 58915 (amending 34 C.F.R. § 600.9(c)). See 84 FR 58845-58846 (comments and discussion).

<sup>6</sup> See 84 FR 58932 (amending 34 C.F.R. § 668.43(a)(5)).

<sup>7</sup> See 34 C.F.R. § 600.9(c)(1)(ii).

<sup>8</sup> See 84 FR 58841-58842, 58914-58915 (amending 34 C.F.R. § 600.2).



## DEPARTMENT OF EDUCATION

### 34 CFR Parts 600, 602, 603, 654, 668, and 674

RIN 1840-AD36, 1840-AD37

[Docket ID ED-2018-OPE-0076]

#### Student Assistance General Provisions, The Secretary's Recognition of Accrediting Agencies, The Secretary's Recognition Procedures for State Agencies

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Final regulations.

**SUMMARY:** The Secretary amends the regulations governing the recognition of accrediting agencies, certain student assistance general provisions, and institutional eligibility, as well as makes various technical corrections.

**DATES:** These regulations are effective July 1, 2020.

*Implementation date:* For the implementation dates of the included regulatory provisions, see the *Implementation Date of These Regulations* section of this document.

**FOR FURTHER INFORMATION CONTACT:** For further information related to recognition of accrediting agencies, Herman Bounds at [herman.bounds@ed.gov](mailto:herman.bounds@ed.gov) or (202) 453-7615 or Elizabeth Daggett at [elizabeth.daggett@ed.gov](mailto:elizabeth.daggett@ed.gov) or (202) 453-6190. For further information related to State authorization, Scott Filter at [scott.filter@ed.gov](mailto:scott.filter@ed.gov) or (202) 453-7249 or Sophia McArdle at [sophia.mcardle@ed.gov](mailto:sophia.mcardle@ed.gov) or (202) 453-6318. For all other information related to this document, Barbara Hoblitzell at [barbara.hoblitzell@ed.gov](mailto:barbara.hoblitzell@ed.gov) or (202) 453-7583 or Annmarie Weisman at [annmarie.weisman@ed.gov](mailto:annmarie.weisman@ed.gov) or (202) 453-6712. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at (800) 877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Executive Summary

*Purpose of This Regulatory Action:* Through this regulatory action, the Department of Education (Department or we): (1) Strengthens the regulatory triad by more clearly defining the roles and responsibilities of accrediting agencies, States, and the Department in oversight of institutions participating in the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (title IV, HEA programs); (2) establishes “substantial compliance” with regard to recognition criteria as the standard for

agency recognition; (3) increases academic and career mobility for students by eliminating artificial regulatory barriers to work in a profession; (4) provides greater flexibility for institutions to engage in innovative educational practices more expeditiously and meet local and national workforce needs; (5) protects institutional autonomy, honors individual campus missions, and affords institutions the opportunity to build campus communities based upon shared values; (6) modifies “substantive change” requirements to provide greater flexibility to institutions to innovate and respond to the needs of students and employers, while maintaining strict agency oversight in instances of more complicated or higher risk changes in institutional mission, program mix, or level of credential offered; (7) clarifies the Department’s accrediting agency recognition process, including accurate recognition of the geographic area within which an agency conducts business; (8) encourages and enables accrediting agencies to support innovative practices, and provides support to accrediting agencies when they take adverse actions; and (9) modifies the requirements for State authorization to clarify the responsibilities of institutions and States regarding students enrolled in distance education programs and students enrolled in programs that lead to licensure and certification.

##### Summary of the Major Provisions of This Regulatory Action

These regulations—

- Revise the requirements for accrediting agencies in their oversight of member institutions and programs to be less prescriptive and provide greater autonomy and flexibility to facilitate agility and responsiveness and promote innovation;
- Revise the criteria used by the Secretary to recognize accrediting agencies to focus on education quality and allow competition;
- Revise the Department’s process for recognition and review of accrediting agencies;
- Clarify the core oversight responsibilities among each entity in the regulatory triad—accrediting agencies, States, and the Department—to hold institutions accountable;
- Establish the roles and responsibilities of institutions and accrediting agencies in the teach-out process;
- Establish that the Department recognizes an institution’s legal authorization to operate postsecondary educational programs when it is exempt

from State authorization under the State constitution or by State law as a religious institution with a religious mission;

- Revise the State authorization requirements for institutions offering distance education or correspondence courses; and
- Remove the regulations related to the Robert C. Byrd Honors Scholarship Program, which has not received funding in many years.

*Authority for this Regulatory Action:* Section 410 of the General Education Provisions Act provides the Secretary with authority to make, promulgate, issue, rescind, and amend rules and regulations governing the manner of operations of, and governing the applicable programs administered by, the Department. 20 U.S.C. 1221e-3. Furthermore, under section 414 of the Department of Education Organization Act, the Secretary is authorized to prescribe such rules and regulations as the Secretary determines necessary or appropriate to administer and manage the functions of the Secretary or the Department. 20 U.S.C. 3474. These authorities, together with the provisions in the HEA, permit the Secretary to disclose information about title IV, HEA programs to students, prospective students, and their families, the public, taxpayers, the Government, and institutions. Further, section 431 of the Department of Education Organization Act provides authority to the Secretary, in relevant part, to inform the public about federally supported education programs and collect data and information on applicable programs for the purpose of obtaining objective measurements of the effectiveness of such programs in achieving their intended purposes. 20 U.S.C. 1231a.

*Costs and Benefits:* As further detailed in the Regulatory Impact Analysis, the benefits of these regulations include increasing transparency and improving institutional access for students, honoring the autonomy and independence of agencies and institutions, restoring focus and clarity to the Department’s agency recognition process, integrating risk-based review into the recognition process, improving teach-outs for students at closed or closing institutions, allowing accrediting agencies to focus greater attention on student learning and the student experience, and restoring public trust in the rigor of the accreditation process and the value of postsecondary education. These regulations reduce regulatory burden on institutions that wish to develop and implement innovative programs and on accrediting agencies because of greater flexibility to

institutions that offer a single program or closely related programs that align with the programmatic accrediting agency's mission. We are confident that these regulations provide that autonomy.

*Changes:* None.

*Comments:* Several commenters requested additional time to come into compliance with the change from national and regional accreditation to institutional accreditation. The commenters did not object to this change but noted that entities that distinguish between national and regional accreditation in some of their policies will need to amend those policies. They cited, for example, some State laws and regulations that distinguish between national and regional accreditation and reported that those State regulators would need time to amend those laws and adjust the procedures in implementing those laws. Some commenters noted that the legislature in their State is not slated to meet again until 2021.

*Discussion:* We appreciate the commenters' support and believe the State policies referenced provide further evidence for the need to eliminate the artificial distinction between regional and national accreditation because some of those policies deny opportunities for successful students to enter certain fields, it is incumbent upon State regulators to ensure the laws pertaining to an academic institution's required accreditation to qualify graduates for licensure and the procedures used to implement those laws do not disadvantage students who enroll in and complete programs at institutionally accredited institutions. While we cannot compel a State to act, we hope that States will recognize the Department's revised accrediting agency designations and make the necessary changes in their own laws or regulations.

*Changes:* None.

#### Severability (§ 602.4)

*Comments:* None.

*Discussion:* We have added § 602.4 to clarify that if a court holds any part of the regulations for part 602, subpart A, invalid, whether an individual section or language within a section, the remainder would still be in effect. We believe that each of the provisions discussed in this preamble serve one or more important, related, but distinct, purposes. Each provision provides a distinct value to the Department, the public, taxpayers, the Federal government, and institutions separate from, and in addition to, the value provided by the other provisions.

*Changes:* We have added § 602.4 to clarify that we designed the regulations to operate independently of each other and to convey the Department's intent that the potential invalidity of one provision should not affect the remainder of the provisions.

#### Link to Federal Programs (§ 602.10)

*Comments:* One commenter objected to the change in this section, stating that the Department proposes to remove a requirement that accrediting agencies demonstrate their worth as gatekeepers to Federal aid and fails to explain or justify why it believes that simply sharing an institution with an accrediting agency recognized as a gatekeeper to Federal aid qualifies a brand-new accrediting agency to immediately gain access to full gatekeeping authority.

*Discussion:* Section 602.10 does not eliminate any requirements. Rather, it provides that if an agency accredits one or more institutions that participate in HEA programs and that could designate the agency as its link to HEA programs, the agency satisfies the Federal link requirement, even if the institution currently designates another institutional accrediting agency as its Federal link.

The significance of a Federal link is that it provides the basis for the Department's recognition of an accrediting agency. A Federal link, in and of itself, does not ensure recognition, nor does it ensure participation in title IV programs. A Federal link simply affirms that the agency's accreditation is a required element in enabling at least one of the institutions or programs it accredits to establish eligibility to participate in some other Federal program.

*Changes:* None.

#### Geographic Area of Accrediting Activities (§ 602.11)

*Comments:* Several commenters wrote in support of the Department's proposal, stating that it will ultimately relieve students of the burden to advocate for the quality of their education if their institution of record is nationally accredited. Another commenter agreed that it is problematic when students are treated disparately based on accrediting agency, especially since all agencies adhere to the same Department requirements. One commenter thanked the Department for clarifying that an agency must conduct its activities within a region or group of States, and for emphasizing that we would not require any institution or program to change to a different accrediting agency as a result of these regulatory changes.

*Discussion:* We appreciate the commenters' support. The Department continues to require accrediting agencies to clarify the geographic area in which they operate, including all branch campuses and additional locations.

*Changes:* None.

*Comments:* One commenter objected to the elimination of the distinction between national and regional accrediting agencies based on a belief that there are differences in their standards for general education and faculty quality.

*Discussion:* The change in nomenclature is intended specifically to counter this prevalent misconception. In fact, the Department applies the same standards for recognition to both national and regional accrediting agencies. Accrediting agencies, both regional and national, are often termed "nationally recognized," including in the HEA and Department materials, which can also lead to confusion.<sup>9</sup> Accrediting agencies do establish their own standards for general education and faculty quality and there is some variation in the standards they have set. For example, many agencies already allow for instructors in applied or vocational programs to substitute years of experience for academic credentials, which may not exist in some fields. However, those standards do not differ based on the agency's geographic scope or prior classification as a national or regional accrediting agency.

*Changes:* None.

*Comments:* One commenter expressed concern that the Department's actions may interfere with academic freedom, while providing little or no relief to students whose academic credits are not accepted for transfer to another institution. The commenter asserted that State and Federal regulations create a floor in which an institution can operate, and an institution may choose to have a higher ceiling. The commenter remarked that institutions will still conduct their own evaluation of transfer credits, and the Department should not have a role in setting policy on academic determinations such as transfer credits. Other commenters echoed the position that the decision whether to accept credits for transfer falls on the institution based on its independent assessment of the quality of the prior learning.

*Discussion:* The Department agrees that the determination of whether to accept credits for transfer falls on the institution based on its independent assessment of the quality of the prior

<sup>9</sup> 20 U.S.C. 1001.



learning. The change to this regulation is designed not to interfere with academic freedom, but rather, to counter a detrimental myth that institutions that are regionally accredited are of higher academic quality than institutions that are nationally accredited. A recent review of regional accrediting standards points to a pervasive lack of focus on student learning and student outcomes among those agencies, although the same is not true among national accrediting agencies.<sup>10</sup> Therefore, it is hard to make the case that regional accrediting agencies do more to ensure academic quality or place higher demands upon the institutions they accredit than national accrediting agencies. That said, because many of the most selective institutions in the United States are accredited by regional accrediting agencies, these agencies benefit from the reputations of a small number of their member institutions that are highly competitive and serve only the most well-qualified applicants.

The Department believes that, regardless of the historical role that accrediting agencies have played, or the institutions that comprise the membership of a given accrediting agency, each student is entitled to an unbiased review of his or her academic record and learning accomplishments when applying for transfer, employment, or graduate school, and that no student should be disadvantaged because of the geographic scope of an institution's accrediting agency.

*Changes:* None.

*Comments:* One commenter asserted that the proposed regulatory change represents an unreasonable interpretation of HEA section 496(a)(1) and is, therefore, not in accordance with the APA, which prohibits arbitrary and capricious changes to regulations, and is in excess of statutory jurisdiction under 5 U.S.C. 706(2)(C). Another commenter agreed that the proposed change does not adhere to the statutory language and suggested that, if regional accrediting agencies are not truly regional because of the manner in which they operate, and are instead national, the Department should classify them as such.

*Discussion:* HEA section 496(a)(1) states that "the accrediting agency or association shall be a State, regional, or national agency or association and shall demonstrate the ability and experience to operate as an accrediting agency or association within the State, region, or nationally, as appropriate." Section

602.11 specifies that the agency must demonstrate that it conducts accrediting activities within a State, if the agency is part of a State government; a region or group of States chosen by the agency in which an agency provides accreditation to a main campus, a branch campus, or an additional location of an institution; or the United States (*i.e.*, the agency has accrediting activities in every State). However, the HEA does not require the Department to consider the agency's historic footprint to be part of its scope, which the Department has previously done through regulation. Rather, the HEA refers to all accrediting agencies recognized by the Secretary as "nationally recognized" without reference to the number and location of States in which an agency accredits institutions. See HEA section 101(a)(5).

We disagree that this change is arbitrary and capricious. To the contrary, the Department believes this change is critically important given the expansion of distance learning, which allows students to attend an institution accredited by an agency whose geographic scope does not include the student's home State. This can often lead to confusion from students looking to contact their institution's accrediting agency, only to find out that the accrediting agency claims to not do business in their State. In addition, given the growth of institutions that have additional locations and branch campuses across the country, most accrediting agencies that originally accredited institutions only in a well-defined and geographically proximate group of States are now accrediting institutions in multiple States that are outside of their historic footprint. The Department recognizes that accrediting agencies previously described as "regional" are, in fact, conducting business across much of the country. Therefore, the Department seeks to realign its regulatory definitions with the statute to distinguish among agencies that have activities in one State, some or most States, and every State. As always, the Department uses the definition of "State" in § 600.2 for these purposes.

One non-Federal negotiator illustrated the need for this change with a map showing all of the States in which her agency has activities. The map (see Chart 2) revealed that the agency operates across most of the country, with activities in 48 States including the District of Columbia, as well as 163 "international activities," even though the agency was historically classified as a regional agency with activities supposedly confined to 19 States. The Department's prior classifications

inaccurately describe where that agency performs its work. To reduce confusion and to recognize that, in any given State, there may be schools accredited by more than one accrediting agency, the Department will require every accrediting agency to list the States in which it performs accrediting activities. This list could include one, some, most, or all States. However, the Department will align its nomenclature more closely with the HEA by referring to all of the agencies it recognizes as "nationally recognized" accrediting agencies.

Although the historic distinction between regional and national accrediting agencies is irrelevant given the expansion of many accrediting agencies' work to States outside of their historical footprint, there is a meaningful and clear distinction between institutional agencies and programmatic agencies. The Department will continue to recognize that distinction, including that a programmatic accrediting agency could also be considered an institutional accrediting agency if it accredits single-program institutions. We also disagree that this change is outside of the Department's statutory authority and believe instead that it is required of the Department to more accurately describe the changing nature of accrediting agencies' work. The Department will continue fulfilling its statutory responsibility under 20 U.S.C. 1099b to recognize accrediting agencies or associations and it will continue to require accrediting agencies to publish a list of the States in which they perform their work.

The negotiating committee considered reclassifying some regional accrediting agencies with broad geographic scope as national accrediting agencies but did not achieve consensus on this approach. Instead, consensus was achieved on relying upon statutory language that refers to all accrediting agencies recognized by the Secretary as nationally recognized agencies, and adhering to § 602.11 by requiring each accrediting agency to list the States in which it performs accrediting activities.

*Changes:* None.

#### *Accrediting Experience (§ 602.12)*

*Comments:* One commenter was generally supportive of the proposed changes in this section that provide additional flexibility to accrediting agencies to accredit main campuses in States in which they currently or may plan to accredit branch campuses or additional locations. However, this commenter requested the Department require an agency seeking an expansion of scope into an area where it does not

<sup>10</sup> [www.americanprogress.org/issues/education-postsecondary/reports/2018/04/25/449937/college-accreditors-miss-mark-student-outcomes/](http://www.americanprogress.org/issues/education-postsecondary/reports/2018/04/25/449937/college-accreditors-miss-mark-student-outcomes/).

Showing differences between versions effective July 1, 2010 to June 30, 2020 and July 1, 2020 [current]

Key: ~~deleted text~~ **added text**

33 deletions · 33 additions

34 C.F.R. § 602.3

§ 602.3 What definitions apply to this part?

~~<Text of section effective until July 1, 2021.>~~

**(a) The following definitions are contained in the regulations for Institutional Eligibility under the Higher Education Act of 1965, as amended, 34 CFR part 600:**

**(1) Accredited.**

**(2) Additional location.**

**(3) Branch campus.**

**(4) Correspondence course.**

**(5) Direct assessment program.**

**(6) Distance education.**

**(7) Institution of higher education.**

**(8) Nationally recognized accrediting agency.**

**(9) Preaccreditation.**

**(10) Religious mission.**

**(11) Secretary.**

**(12) State.**

**(13) Teach-out.**

**(14) Teach-out agreement.**

**(15) Teach-out plan.**

**(b)** The following definitions apply to this part:

Accreditation means the status of public recognition that an accrediting agency grants to an educational institution or program that meets the agency's standards and requirements.

Accrediting agency or agency means a legal entity, or that part of a legal entity, that conducts accrediting activities through voluntary, non-Federal peer review and makes decisions concerning the accreditation or preaccreditation status of institutions, programs, or both.

Act means the Higher Education Act of 1965, as amended.

Adverse accrediting action or adverse action means the denial, withdrawal, suspension, revocation, or termination of accreditation or preaccreditation, or any comparable accrediting action an agency may take against an institution or program.

Advisory Committee means the National Advisory Committee on Institutional Quality and Integrity.

~~Branch campus means a location of an institution that meets the definition of branch campus in 34 CFR 600.2.~~

-  
Compliance report means a written report that the Department requires an agency to file **when the agency is found to be out of compliance to** demonstrate that the agency has ~~addressed~~ **corrected** deficiencies specified in a ~~the~~ decision letter from the senior Department official or the Secretary. **Compliance reports must be reviewed by Department staff and the Advisory Committee and approved by the senior Department official or, in the event of an appeal, by the Secretary.**

~~Correspondence education means:~~

~~(1) Education provided through one or more courses by an institution under which the institution provides instructional materials, by mail or electronic transmission, including examinations on the materials, to students who are separated from the instructor.~~

~~(2) Interaction between the instructor and the student is limited, is not regular and substantive, and is primarily initiated by the student.~~

~~(3) Correspondence courses are typically self-paced.~~

~~(4) Correspondence education is not distance education.~~

-  
Designated Federal Official means the Federal officer designated under section 10(f) of the Federal Advisory Committee Act, 5 U.S.C. Appdx. 1.

~~Direct assessment program means an instructional program that, in lieu of credit hours or clock hours as a measure of student learning, utilizes direct assessment of student learning, or recognizes the direct assessment of student learning by others, and meets the conditions of 34 CFR 668.10. For title IV, HEA purposes, the institution must obtain approval for the direct assessment program from the Secretary under 34 CFR 668.10(g) or (h) as applicable. As part of that approval, the accrediting agency must-~~

~~(1) Evaluate the program(s) and include them in the institution's grant of accreditation or preaccreditation; and~~

~~(2) Review and approve the institution's claim of each direct assessment program's equivalence in terms of credit or clock hours.~~

~~Distance education means education that uses one or more of the technologies listed in paragraphs (1) through (4) of this definition to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor, either synchronously or asynchronously. The technologies may include-~~

~~(1) The internet;~~

~~(2) One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;~~

~~(3) Audio conferencing; or~~

~~(4) Video cassettes, DVDs, and CD-ROMs, if the cassettes, DVDs, or CD-ROMs are used in a course in conjunction with any of the technologies listed in paragraphs (1) through (3) of this definition.~~

-  
Final accrediting action means a final determination by an accrediting agency regarding the accreditation or preaccreditation status of an institution or program. A final accrediting action is ~~not appealable within~~ **a decision made by the agency, at the conclusion of any appeals process available to the institution or program under the agency's due process policies and procedures**.

~~Institution of higher education or institution means an educational institution that qualifies, or may qualify, as an eligible institution under 34 CFR part 600.~~

-  
Institutional accrediting agency means an agency that accredits institutions of higher education.

~~Nationally recognized accrediting agency, nationally recognized agency, or recognized agency means an accrediting agency that the Secretary recognizes under this part~~ **Monitoring report means a report that an agency means an accrediting agency that the Secretary recognizes under this part is required to submit to Department staff when it is found to be substantially compliant. The report contains documentation to demonstrate that-**

~~Preaccreditation means the status of public recognition that an accrediting agency grants to an institution or program for a limited period of time that signifies the agency has determined that the institution is implementing its current or corrected policies; or program is progressing towards accreditation and is likely to attain accreditation before the expiration of that limited period of time.~~

**(ii) The agency, which is compliant in practice, has updated its policies to align with those compliant practices.**

Program means a postsecondary educational program offered by an institution of higher education that leads to an academic or professional degree, certificate, or other recognized educational credential.

Programmatic accrediting agency means an agency that accredits specific educational programs, **including those** that prepare students **in specific academic disciplines or** for entry into a profession, occupation, or vocation.

Recognition means an unappealed determination by the senior Department official under § 602.36, or a determination by the Secretary on appeal under § 602.37, that an accrediting agency complies with the criteria for recognition listed in subpart B of this part and that the agency is effective in its application of those criteria. A grant of recognition to an agency as a reliable authority regarding the quality of education or training offered by institutions or programs it accredits remains in effect for the term granted except upon a determination made in accordance with subpart C of this part that the agency no longer complies with the subpart B criteria or that it has become ineffective in its application of those criteria.

Representative of the public means a person who is not-

(1) An employee, member of the governing board, owner, or shareholder of, or consultant to, an institution or program that either is accredited or preaccredited by the agency or has applied for accreditation or preaccreditation;

(2) A member of any trade association or membership organization related to, affiliated with, or associated with the agency; or

(3) A spouse, parent, child, or sibling of an individual identified in paragraph (1) or (2) of this definition.

Scope of recognition or scope means the range of accrediting activities for which the Secretary recognizes an agency. The Secretary may place a limitation on the scope of an agency's recognition for ~~Title~~ **title** IV, HEA purposes. The Secretary's designation of scope defines the recognition granted according to-

~~(1) Geographic area of accrediting activities;~~

-

~~(2~~ **i**) Types of degrees and certificates covered;

~~(3~~ **ii**) Types of institutions and programs covered;

~~(4~~ **iii**) Types of preaccreditation status covered, if any; and

~~(5~~ **iv**) Coverage of accrediting activities related to distance education or correspondence ~~education~~ **courses** .

~~Secretary means the Secretary of the U.S. Department of Education or any official or employee of the Department acting for the Secretary under a delegation of authority:~~

-

Senior Department official means the ~~senior~~ official in the U.S. Department of Education **designated by the Secretary** who ~~reports directly to~~ **has, in the judgment of** the Secretary ~~regarding~~ **, appropriate seniority and relevant subject matter knowledge to make independent decisions on** accrediting agency recognition.

State **Substantial compliance** means ~~a State of~~ the Union, American Samoa, the Commonwealth of Puerto Rico, **agency demonstrated to the Department that it has** the ~~District of Columbia, Guam~~ **necessary policies, practices** , the United States ~~Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of~~ **and standards in place and generally adheres with fidelity to those policies, practices, and standards; or** the Marshall Islands, the Federated States of Micronesia **agency has policies, practices** , and ~~the Republic of Palau. The latter three are also known as the Freely Associated States~~ **standards in place that need minor modifications to reflect its generally compliant practice** .

Teach-out agreement means a written agreement between institutions that provides for the equitable treatment of students and a reasonable opportunity for students to complete their program of study if an institution, or an institutional location that provides one hundred percent of at least one program offered, ceases to operate before all enrolled students have completed their program of study.

Teach-out plan means ~~a written plan developed by an institution that provides for the equitable treatment of students if an institution, or an institutional location that provides one hundred percent of at least one program, ceases to operate before all students have completed their program of study, and may include, if required by the institution's accrediting agency, a teach-out agreement between institutions:~~

-

~~(Authority: 20 U.S.C. 1099b)~~

-

#### Credits

[74 FR 55426, Oct. 27, 2009] ; **84 FR 58917, Nov. 1, 2019; 85 FR 54812, Sept. 2, 2020]**

AUTHORITY: [20 U.S.C. 1099b](#), unless otherwise noted.

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Showing differences between versions effective [See Federal Register] to June 30, 2020 and July 1, 2020 [current]

Key: ~~deleted text~~ **added text**

6 deletions · 7 additions

34 C.F.R. § 602.11

§ 602.11 Geographic ~~scope~~ **area** of accrediting activities.

The agency must demonstrate that ~~its~~ **it conducts** accrediting activities ~~cover~~ **within** -

(a) A State, if the agency is part of a State government;

(b) A region ~~of the United~~ **or group of** States ~~that includes at least three States that are reasonably close to one another~~ **chosen by the agency in which an agency provides accreditation to a main campus, a branch campus, or an additional location of an institution. An agency whose geographic area includes a State in which a branch campus or additional location is located is not required to also accredit a main campus in that State. An agency whose geographic area includes a State in which only a branch campus or additional location is located is not required to accept an application for accreditation from other institutions in such State** ; or

(c) The United States.

~~(Authority: 20 U.S.C. 1099b)~~

**(Authority: 20 U.S.C. 1099b)**

**Credits**

**[84 FR 58918, Nov. 1, 2019]**

AUTHORITY: 20 U.S.C. 1099b, unless otherwise noted.

## **§1099b. Recognition of accrediting agency or association**

### **(a) Criteria required**

No accrediting agency or association may be determined by the Secretary to be a reliable authority as to the quality of education or training offered for the purposes of this chapter or for other Federal purposes, unless the agency or association meets criteria established by the Secretary pursuant to this section. The Secretary shall, after notice and opportunity for a hearing, establish criteria for such determinations. Such criteria shall include an appropriate measure or measures of student achievement. Such criteria shall require that-

(1) the accrediting agency or association shall be a State, regional, or national agency or association and shall demonstrate the ability and the experience to operate as an accrediting agency or association within the State, region, or nationally, as appropriate;

(2) such agency or association-

(A)(i) for the purpose of participation in programs under this chapter, has a voluntary membership of institutions of higher education and has as a principal purpose the accrediting of institutions of higher education; or

(ii) for the purpose of participation in other programs administered by the Department of Education or other Federal agencies, has a voluntary membership and has as its principal purpose the accrediting of institutions of higher education or programs;

(B) is a State agency approved by the Secretary for the purpose described in subparagraph (A); or

(C) is an agency or association that, for the purpose of determining eligibility for student assistance under this subchapter, conducts accreditation through (i) a voluntary membership organization of individuals participating in a profession, or (ii) an agency or association which has as its principal purpose the accreditation of programs within institutions, which institutions are accredited by another agency or association recognized by the Secretary;

(3) if such agency or association is an agency or association described in-

(A) subparagraph (A)(i) of paragraph (2), then such agency or association is separate and independent, both administratively and financially of any related, associated, or affiliated trade association or membership organization;

(B) subparagraph (B) of paragraph (2), then such agency or association has been recognized by the Secretary on or before October 1, 1991; or

(C) subparagraph (C) of paragraph (2) and such agency or association has been recognized by the Secretary on or before October 1, 1991, then the Secretary may waive the requirement that such agency or association is separate and independent, both administratively and financially of any related, associated, or affiliated trade association or membership organization upon a demonstration that the existing relationship has not served to compromise the independence of its accreditation process;

(4)(A) such agency or association consistently applies and enforces standards that respect the stated mission of the institution of higher education, including religious missions, and that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education or correspondence courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered; and

(B) if such agency or association has or seeks to include within its scope of recognition the evaluation of the quality of institutions or programs offering distance education or correspondence education, such agency or association shall, in addition to meeting the other requirements of this subpart, demonstrate to the Secretary that-

(i) the agency or association's standards effectively address the quality of an institution's distance education or correspondence education in the areas identified in paragraph (5), except that-

(I) the agency or association shall not be required to have separate standards, procedures, or policies for the evaluation of distance education or correspondence education institutions or programs in order to meet the requirements of this subparagraph; and

(II) in the case that the agency or association is recognized by the Secretary, the agency or association shall not be required to obtain the approval of the Secretary to expand its scope of accreditation to include distance education or correspondence education, provided that the agency or association notifies the Secretary in writing of the change in scope; and

(ii) the agency or association requires an institution that offers distance education or correspondence education to have processes through which the institution establishes that the student who registers in a distance education or correspondence education course or program is the same student who participates in and completes the program and receives the academic credit;

(5) the standards for accreditation of the agency or association assess the institution's-

(A) success with respect to student achievement in relation to the institution's mission, which may include different standards for different institutions or programs, as established by the institution, including, as appropriate, consideration of State licensing examinations, consideration of course completion, and job placement rates;

(B) curricula;

- (C) faculty;
- (D) facilities, equipment, and supplies;
- (E) fiscal and administrative capacity as appropriate to the specified scale of operations;
- (F) student support services;
- (G) recruiting and admissions practices, academic calendars, catalogs, publications, grading and advertising;
- (H) measures of program length and the objectives of the degrees or credentials offered;
- (I) record of student complaints received by, or available to, the agency or association; and
- (J) record of compliance with its program responsibilities under this subchapter based on the most recent student loan default rate data provided by the Secretary, the results of financial or compliance audits, program reviews, and such other information as the Secretary may provide to the agency or association;

except that subparagraphs (A), (H), and (J) shall not apply to agencies or associations described in paragraph (2)(A)(ii) of this subsection;

(6) such an agency or association shall establish and apply review procedures throughout the accrediting process, including evaluation and withdrawal proceedings, which comply with due process procedures that provide-

(A) for adequate written specification of-

- (i) requirements, including clear standards for an institution of higher education or program to be accredited; and
- (ii) identified deficiencies at the institution or program examined;

(B) for sufficient opportunity for a written response, by an institution or program, regarding any deficiencies identified by the agency or association to be considered by the agency or association-

- (i) within a timeframe determined by the agency or association; and
- (ii) prior to final action in the evaluation and withdrawal proceedings;

(C) upon the written request of an institution or program, for an opportunity for the institution or program to appeal any adverse action under this section, including denial, withdrawal, suspension, or termination of accreditation, taken against the institution or program, prior to such action becoming final at a hearing before an appeals panel that-

(i) shall not include current members of the agency's or association's underlying decisionmaking body that made the adverse decision; and

(ii) is subject to a conflict of interest policy;

(D) for the right to representation and participation by counsel for an institution or program during an appeal of the adverse action;

(E) for a process, in accordance with written procedures developed by the agency or association, through which an institution or program, before a final adverse action based solely upon a failure to meet a standard or criterion pertaining to finances, may on one occasion seek review of significant financial information that was unavailable to the institution or program prior to the determination of the adverse action, and that bears materially on the financial deficiencies identified by the agency or association;

(F) in the case that the agency or association determines that the new financial information submitted by the institution or program under subparagraph (E) meets the criteria of significance and materiality described in such subparagraph, for consideration by the agency or association of the new financial information prior to the adverse action described in such subparagraph becoming final; and

(G) that any determination by the agency or association made with respect to the new financial information described in subparagraph (E) shall not be separately appealable by the institution or program;

(7) such agency or association shall notify the Secretary and the appropriate State licensing or authorizing agency within 30 days of the accreditation of an institution or any final denial, withdrawal, suspension, or termination of accreditation or placement on probation of an institution, together with any other adverse action taken with respect to an institution; and

(8) such agency or association shall make available to the public, upon request, and to the Secretary, and the State licensing or authorizing agency a summary of any review resulting in a final accrediting decision involving denial, termination, or suspension of accreditation, together with the comments of the affected institution.

**(b) "Separate and independent" defined**

For the purpose of subsection (a)(3), the term "separate and independent" means that-

(1) the members of the postsecondary education governing body of the accrediting agency or association are not elected or selected by the board or chief executive officer of any related, associated, or affiliated trade association or membership organization;

(2) among the membership of the board of the accrediting agency or association there shall be one public member (who is not a member of any related trade or membership organization) for each six members of the board, with a minimum of one such public member, and guidelines are established for such members to avoid conflicts of interest;

(3) dues to the accrediting agency or association are paid separately from any dues paid to any related, associated, or affiliated trade association or membership organization; and

(4) the budget of the accrediting agency or association is developed and determined by the accrediting agency or association without review or resort to consultation with any other entity or organization.

**(c) Operating procedures required**

No accrediting agency or association may be recognized by the Secretary as a reliable authority as to the quality of education or training offered by an institution seeking to participate in the programs authorized under this subchapter, unless the agency or association-

(1) performs, at regularly established intervals, on-site inspections and reviews of institutions of higher education (which may include unannounced site visits) with particular focus on educational quality and program effectiveness, and ensures that accreditation team members are well-trained and knowledgeable with respect to their responsibilities, including those regarding distance education;

(2) monitors the growth of programs at institutions that are experiencing significant enrollment growth;

(3) requires an institution to submit for approval to the accrediting agency a teach-out plan upon the occurrence of any of the following events:

(A) the Department notifies the accrediting agency of an action against the institution pursuant to section 1094(f) of this title;

(B) the accrediting agency acts to withdraw, terminate, or suspend the accreditation of the institution; or

(C) the institution notifies the accrediting agency that the institution intends to cease operations;

(4) requires that any institution of higher education subject to its jurisdiction which plans to establish a branch campus submit a business plan, including projected revenues and expenditures, prior to opening the branch campus;

(5) agrees to conduct, as soon as practicable, but within a period of not more than 6 months of the establishment of a new branch campus or a change of ownership of an institution of higher education, an on-site visit of that branch campus or of the institution after a change of ownership;

(6) requires that teach-out agreements among institutions are subject to approval by the accrediting agency or association consistent with standards promulgated by such agency or association;

(7) makes available to the public and the State licensing or authorizing agency, and submits to the Secretary, a summary of agency or association actions, including-



(A) the award of accreditation or reaccreditation of an institution;

(B) final denial, withdrawal, suspension, or termination of accreditation of an institution, and any findings made in connection with the action taken, together with the official comments of the affected institution; and

(C) any other adverse action taken with respect to an institution or placement on probation of an institution;

(8) discloses publicly whenever an institution of higher education subject to its jurisdiction is being considered for accreditation or reaccreditation; and

(9) confirms, as a part of the agency's or association's review for accreditation or reaccreditation, that the institution has transfer of credit policies-

(A) that are publicly disclosed; and

(B) that include a statement of the criteria established by the institution regarding the transfer of credit earned at another institution of higher education.

#### **(d) Length of recognition**

No accrediting agency or association may be recognized by the Secretary for the purpose of this chapter for a period of more than 5 years.

#### **(e) Initial arbitration rule**

The Secretary may not recognize the accreditation of any institution of higher education unless the institution of higher education agrees to submit any dispute involving the final denial, withdrawal, or termination of accreditation to initial arbitration prior to any other legal action.

#### **(f) Jurisdiction**

Notwithstanding any other provision of law, any civil action brought by an institution of higher education seeking accreditation from, or accredited by, an accrediting agency or association recognized by the Secretary for the purpose of this subchapter and involving the denial, withdrawal, or termination of accreditation of the institution of higher education, shall be brought in the appropriate United States district court.

#### **(g) Limitation on scope of criteria**

Nothing in this chapter shall be construed to permit the Secretary to establish criteria for accrediting agencies or associations that are not required by this section. Nothing in this chapter shall be construed to prohibit or limit any accrediting agency or association from adopting additional standards not provided for in this section. Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement.

#### **(h) Change of accrediting agency**

The Secretary shall not recognize the accreditation of any otherwise eligible institution of higher education if the institution of higher education is in the process of changing its accrediting agency or association, unless the eligible institution submits to the Secretary all materials relating to the prior accreditation, including materials demonstrating reasonable cause for changing the accrediting agency or association.

#### **(i) Dual accreditation rule**

The Secretary shall not recognize the accreditation of any otherwise eligible institution of higher education if the institution of higher education is accredited, as an institution, by more than one accrediting agency or association, unless the institution submits to each such agency and association and to the Secretary the reasons for accreditation by more than one such agency or association and demonstrates to the Secretary reasonable cause for its accreditation by more than one agency or association. If the institution is accredited, as an institution, by more than one accrediting agency or association, the institution shall designate which agency's accreditation shall be utilized in determining the institution's eligibility for programs under this chapter.

#### **(j) Impact of loss of accreditation**

An institution may not be certified or recertified as an institution of higher education under section 1002 of this title and subpart 3 of this part or participate in any of the other programs authorized by this chapter if such institution-

- (1) is not currently accredited by any agency or association recognized by the Secretary;
- (2) has had its accreditation withdrawn, revoked, or otherwise terminated for cause during the preceding 24 months, unless such withdrawal, revocation, or termination has been rescinded by the same accrediting agency; or
- (3) has withdrawn from accreditation voluntarily under a show cause or suspension order during the preceding 24 months, unless such order has been rescinded by the same accrediting agency.

#### **(k) Religious institution rule**

Notwithstanding subsection (j), the Secretary shall allow an institution that has had its accreditation withdrawn, revoked, or otherwise terminated, or has voluntarily withdrawn from an accreditation agency, to remain certified as an institution of higher education under section 1002 of this title and subpart 3 of this part for a period sufficient to allow such institution to obtain alternative accreditation, if the Secretary determines that the reason for the withdrawal, revocation, or termination-

- (1) is related to the religious mission or affiliation of the institution; and
- (2) is not related to the accreditation criteria provided for in this section.

#### **(l) Limitation, suspension, or termination of recognition**

(1) If the Secretary determines that an accrediting agency or association has failed to apply effectively the criteria in this section, or is otherwise not in compliance with the requirements of this section, the Secretary shall-

(A) after notice and opportunity for a hearing, limit, suspend, or terminate the recognition of the agency or association; or

(B) require the agency or association to take appropriate action to bring the agency or association into compliance with such requirements within a timeframe specified by the Secretary, except that-

(i) such timeframe shall not exceed 12 months unless the Secretary extends such period for good cause; and

(ii) if the agency or association fails to bring the agency or association into compliance within such timeframe, the Secretary shall, after notice and opportunity for a hearing, limit, suspend, or terminate the recognition of the agency or association.

(2) The Secretary may determine that an accrediting agency or association has failed to apply effectively the standards provided in this section if an institution of higher education seeks and receives accreditation from the accrediting agency or association during any period in which the institution is the subject of any interim action by another accrediting agency or association, described in paragraph (2)(A)(i), (2)(B), or (2)(C) of subsection (a) of this section, leading to the suspension, revocation, or termination of accreditation or the institution has been notified of the threatened loss of accreditation, and the due process procedures required by such suspension, revocation, termination, or threatened loss have not been completed.

#### **(m) Limitation on Secretary's authority**

The Secretary may only recognize accrediting agencies or associations which accredit institutions of higher education for the purpose of enabling such institutions to establish eligibility to participate in the programs under this chapter or which accredit institutions of higher education or higher education programs for the purpose of enabling them to establish eligibility to participate in other programs administered by the Department of Education or other Federal agencies.

#### **(n) Independent evaluation**

(1) The Secretary shall conduct a comprehensive review and evaluation of the performance of all accrediting agencies or associations which seek recognition by the Secretary in order to determine whether such accrediting agencies or associations meet the criteria established by this section. The Secretary shall conduct an independent evaluation of the information provided by such agency or association. Such evaluation shall include-

(A) the solicitation of third-party information concerning the performance of the accrediting agency or association; and

(B) site visits, including unannounced site visits as appropriate, at accrediting agencies and associations, and, at the Secretary's discretion, at representative member institutions.

(2) The Secretary shall place a priority for review of accrediting agencies or associations on those agencies or associations that accredit institutions of higher education that participate most extensively in the programs authorized by this subchapter and on those agencies or associations which have been the subject of the most complaints or legal actions.

(3) The Secretary shall consider all available relevant information concerning the compliance of the accrediting agency or association with the criteria provided for in this section, including any complaints or legal actions against such agency or association. In cases where deficiencies in the performance of an accreditation agency or association with respect to the requirements of this section are noted, the Secretary shall take these deficiencies into account in the recognition process. The Secretary shall not, under any circumstances, base decisions on the recognition or denial of recognition of accreditation agencies or associations on criteria other than those contained in this section. When the Secretary decides to recognize an accrediting agency or association, the Secretary shall determine the agency or association's scope of recognition. If the agency or association reviews institutions offering distance education courses or programs and the Secretary determines that the agency or association meets the requirements of this section, then the agency shall be recognized and the scope of recognition shall include accreditation of institutions offering distance education courses or programs.

(4) The Secretary shall maintain sufficient documentation to support the conclusions reached in the recognition process, and, if the Secretary does not recognize any accreditation agency or association, shall make publicly available the reason for denying recognition, including reference to the specific criteria under this section which have not been fulfilled.

#### **(o) Regulations**

The Secretary shall by regulation provide procedures for the recognition of accrediting agencies or associations and for the appeal of the Secretary's decisions. Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to the standards of an accreditation agency or association described in subsection (a)(5).

#### **(p) Rule of construction**

Nothing in subsection (a)(5) shall be construed to restrict the ability of-

(1) an accrediting agency or association to set, with the involvement of its members, and to apply, accreditation standards for or to institutions or programs that seek review by the agency or association; or

(2) an institution to develop and use institutional standards to show its success with respect to student achievement, which achievement may be considered as part of any accreditation review.

#### **(q) Review of scope changes**

The Secretary shall require a review, at the next available meeting of the National Advisory Committee on Institutional Quality and Integrity, of any change in scope undertaken by an agency or association under subsection (a)(4)(B)(i)(II) if the enrollment of an institution that offers distance education or correspondence education that is accredited by such agency or association increases by 50 percent or more within any one institutional fiscal year.

(Pub. L. 89–329, title IV, §496, as added Pub. L. 102–325, title IV, §499, July 23, 1992, 106 Stat. 641 ; amended Pub. L. 103–208, §2(i)(3)–(8), Dec. 20, 1993, 107 Stat. 2478 , 2479; Pub. L. 105–244, title I, §102(b)(5), title IV, §492(a)(2)–(d), Oct. 7, 1998, 112 Stat. 1622 , 1759, 1760; Pub. L. 110–315, title IV, §495, Aug. 14, 2008, 122 Stat. 3324 ; Pub. L. 111–39, title IV, §408(1), July 1, 2009, 123 Stat. 1953 .)

## **Editorial Notes**

### **Amendments**

**2009**-Subsec. (a)(6)(G). Pub. L. 111–39 substituted semicolon for period at end.

**2008**-Subsec. (a)(4). Pub. L. 110–315, §495(1)(A), added par. (4) and struck out former par. (4) which read as follows: "such agency or association consistently applies and enforces standards that ensure that the courses or programs of instruction, training, or study offered by the institution of higher education, including distance education courses or programs, are of sufficient quality to achieve, for the duration of the accreditation period, the stated objective for which the courses or the programs are offered;".

Subsec. (a)(5)(A). Pub. L. 110–315, §495(1)(B), amended subpar. (A) generally. Prior to amendment, subpar. (A) read as follows: "success with respect to student achievement in relation to the institution's mission, including, as appropriate, consideration of course completion, State licensing examinations, and job placement rates;".

Subsec. (a)(6). Pub. L. 110–315, §495(1)(C), added par. (6) and struck out former par. (6) which read as follows: "such agency or association shall apply procedures throughout the accrediting process, including evaluation and withdrawal proceedings, that comply with due process, including-

"(A) adequate specification of requirements and deficiencies at the institution of higher education or program being examined;

"(B) notice of an opportunity for a hearing by any such institution;

"(C) the right to appeal any adverse action against any such institution; and

"(D) the right to representation by counsel for any such institution;".

Subsec. (c)(1). Pub. L. 110–315, §495(2)(A), inserted ", including those regarding distance education" after "their responsibilities".

Subsec. (c)(2) to (8). Pub. L. 110–315, §495(2)(B)–(D), added pars. (2), (3), and (7), redesignated former pars. (2) to (6) as (4) to (8), respectively, and struck out former par. (7) which read as follows: "maintains and makes publicly available written materials regarding standards and procedures for accreditation, appeal procedures, and the accreditation status of each institution subject to its jurisdiction; and".

Subsec. (c)(9). Pub. L. 110–315, §495(2)(E), (F), added par. (9).

Subsec. (g). Pub. L. 110–315, §495(3), inserted at end "Nothing in this section shall be construed to permit the Secretary to establish any criteria that specifies, defines, or prescribes the standards that accrediting agencies or associations shall use to assess any institution's success with respect to student achievement."

Subsec. (o). Pub. L. 110–315, §495(4), inserted at end "Notwithstanding any other provision of law, the Secretary shall not promulgate any regulation with respect to the standards of an accreditation agency or association described in subsection (a)(5)."

Subsecs. (p), (q). Pub. L. 110–315, §495(5), added subsecs. (p) and (q).

1998-Pub. L. 105–244, §492(a)(2), substituted "Recognition" for "Approval" in section catchline.

Subsec. (a). Pub. L. 105–244, §492(b)(1), (2), substituted "Criteria" for "Standards" in heading and "criteria" for "standards" wherever appearing in introductory provisions.

Subsec. (a)(4). Pub. L. 105–244, §492(b)(3), substituted "offered by the institution" for "at the institution" and inserted ", including distance education courses or programs," after "higher education".

Subsec. (a)(5). Pub. L. 105–244, §492(b)(4)(A), (H), substituted "for accreditation" for "of accreditation" in introductory provisions and "(A), (H), and (J)" for "(G), (H), (I), (J), and (L)" in concluding provisions.

Subsec. (a)(5)(A) to (G). Pub. L. 105–244, §492(b)(4)(C), (E), added subpar. (A) and redesignated former subpars. (A) to (F) as (B) to (G), respectively. Former subpar. (G) redesignated (H).

Subsec. (a)(5)(H). Pub. L. 105–244, §492(b)(4)(F), substituted "measures of program length" for "program length and tuition and fees in relation to the subject matters taught".

Pub. L. 105–244, §492(b)(4)(C), redesignated subpar. (G) as (H).

Pub. L. 105–244, §492(b)(4)(B), struck out subpar. (H) which read as follows: "measures of program length in clock hours or credit hours;".

Subsec. (a)(5)(I). Pub. L. 105–244, §492(b)(4)(B), (D), redesignated subpar. (K) as (I) and struck out former subpar. (I) which read as follows: "success with respect to student achievement in relation to its mission, including, as appropriate, consideration of course completion, State licensing examination, and job placement rates;".

Subsec. (a)(5)(J). Pub. L. 105–244, §492(b)(4)(G), inserted "record of" before "compliance", substituted "based on the most recent student loan default rate data provided by the Secretary, the" for ", including any", and inserted "any" after "reviews, and".

Pub. L. 105–244, §492(b)(4)(B), (D), redesignated subpar. (L) as (J) and struck out former subpar. (J) which read as follows: "default rates in the student loan programs under this subchapter, based on the most recent data provided by the Secretary;".

Subsec. (a)(5)(K), (L). Pub. L. 105–244, §492(b)(4)(D), redesignated subpars. (K) and (L) as (I) and (J), respectively.

Subsec. (a)(7). Pub. L. 105–244, §492(b)(5), substituted "State licensing or authorizing agency" for "State postsecondary review entity".

Subsec. (a)(8). Pub. L. 105–244, §492(b)(6), substituted "State licensing or authorizing agency" for "State postsecondary review entity of the State in which the institution of higher education is located".

Subsec. (c). Pub. L. 105–244, §492(c)(1), substituted "recognized by the Secretary" for "approved by the Secretary" in introductory provisions.

Subsec. (c)(1). Pub. L. 105–244, §492(c)(2), substituted "(which may include unannounced site visits)" for "(at least one of which inspections at each institution that provides vocational education and training shall be unannounced)".

Subsec. (d). Pub. L. 105–244, §492(d)(1), substituted "recognition" for "approval" in heading and "recognized" for "approved" in text.

Subsec. (f). Pub. L. 105–244, §492(d)(2), substituted "recognized" for "approved".

Subsec. (g). Pub. L. 105–244, §492(d)(3), substituted "criteria" for "standards" in heading and "establish criteria" for "establish standards" in text.

Subsec. (j). Pub. L. 105–244, §102(b)(5), substituted "section 1002" for "section 1088" in introductory provisions.

Subsec. (k). Pub. L. 105–244, §§102(b)(5), 492(d)(4)(A), amended subsec. (k) identically, substituting "section 1002" for "section 1088" in introductory provisions.

Subsec. (k)(2). Pub. L. 105–244, §492(d)(4)(B), substituted "criteria" for "standards".

Subsec. (l). Pub. L. 105–244, §492(d)(5), substituted "recognition" for "approval" in heading, added par. (1), and struck out former par. (1) which read as follows: "The Secretary shall limit, suspend, or terminate the approval of an accrediting agency or association if the Secretary determines, after notice and opportunity for a hearing, that the accrediting agency or association has failed to apply effectively the standards or operate according to the procedures provided in this section."

Subsec. (n)(1). Pub. L. 105–244, §492(d)(6)(A), substituted "criteria" for "standards" in introductory provisions.

Subsec. (n)(3). Pub. L. 105–244, §492(d)(6)(A), (B), substituted "criteria" for "standards" in two places, "recognition process" for "approval process", and "recognition or denial of recognition" for "approval or disapproval", and inserted at end "When the Secretary decides to recognize an accrediting agency or association, the Secretary shall determine the agency or association's scope of recognition. If the agency or association reviews institutions offering distance education courses or programs and the Secretary determines that the agency or association meets the requirements of this section, then the agency shall be recognized and the scope of recognition shall include accreditation of institutions offering distance education courses or programs."

Subsec. (n)(4). Pub. L. 105–244, §492(d)(6)(C), added par. (4) and struck out former par. (4) which read as follows: "The Secretary shall maintain sufficient documentation to support the conclusions reached in the approval process, and, upon disapproval of any accreditation agency or association, shall make publicly available the reason for such disapproval, including reference to the specific standards under this section which have not been fulfilled."



**1993-**Subsec. (a)(2)(A)(i). Pub. L. 103–208, §2(i)(3), inserted "of institutions of higher education" after "membership".

Subsec. (a)(3)(A). Pub. L. 103–208, §2(i)(4), substituted "subparagraph (A)(i)" for "subparagraph (A)".

Subsec. (a)(5). Pub. L. 103–208, §2(i)(5), substituted a semicolon for the period at end of subpar. (L) and inserted after subpar. (L) the following: "except that subparagraphs (G), (H), (I), (J), and (L) shall not apply to agencies or associations described in paragraph (2)(A)(ii) of this subsection;"

Subsec. (c). Pub. L. 103–208, §2(i)(6), substituted "as a reliable authority as to the quality of education or training offered by an institution seeking to participate in the programs authorized under this subchapter" for "for the purpose of this subchapter".

Subsec. (l)(2). Pub. L. 103–208, §2(i)(7), substituted "institution" for "institutution" and "association, described in paragraph (2)(A)(i), (2)(B), or (2)(C) of subsection (a) of this section, leading to the suspension" for "association leading to the suspension".

Subsec. (n)(1)(B). Pub. L. 103–208, §2(i)(8), amended subpar. (B) generally. Prior to amendment, subpar. (B) read as follows: "site visits at both the accrediting agency or association and member institutions, including unannounced visits where appropriate."

## **Statutory Notes and Related Subsidiaries**

### **Effective Date of 2009 Amendment**

Amendment by Pub. L. 111–39 effective as if enacted on the date of enactment of Pub. L. 110–315 (Aug. 14, 2008), see section 3 of Pub. L. 111–39, set out as a note under section 1001 of this title.

### **Effective Date of 1998 Amendment**

Amendment by Pub. L. 105–244 effective Oct. 1, 1998, except as otherwise provided in Pub. L. 105–244, see section 3 of Pub. L. 105–244, set out as a note under section 1001 of this title.

### **Effective Date of 1993 Amendment**

Amendment by Pub. L. 103–208 effective as if included in the Higher Education Amendments of 1992, Pub. L. 102–325, except as otherwise provided, see section 5(a) of Pub. L. 103–208, set out as a note under section 1051 of this title.

### **Effective Date**

Section effective Oct. 1, 1992, see section 2 of Pub. L. 102–325, set out as an Effective Date of 1992 Amendment note under section 1001 of this title.

## **Study of Transfer of Credits**

Pub. L. 105–244, title VIII, §804, Oct. 7, 1998, 112 Stat. 1806 , which directed the Secretary of Education to conduct a study regarding the treatment of the transfer of credits from one institution of higher education to another and to report to Congress, not later than one year after Oct. 7, 1998, was repealed by Pub. L. 110–315, title IX, §931(1), Aug. 14, 2008, 122 Stat. 3456 .



**Saturday, November 8, 2025**

**Dental Hygiene Board of California**

**Education Committee Agenda Item 5.**

**Dental Hygiene Educational Program Site Visit Update.**

- (a) Pasadena City College**
- (b) Taft College**
- (c) Concorde Career College-San Diego**
- (d) Cerritos College**
- (e) Concorde Career College – Garden Grove**
- (f) Concorde Career College – San Bernardino**
- (g) West Coast University**
- (h) Diablo Valley College**
- (i) Dental Hygiene Educational Program Site Visit Schedule**

## MEMORANDUM

|                |                                                                                  |
|----------------|----------------------------------------------------------------------------------|
| <b>DATE</b>    | November 8, 2025                                                                 |
| <b>TO</b>      | Education Committee<br>Dental Hygiene Board of California                        |
| <b>FROM</b>    | Adina A. Pineschi-Petty DDS<br>Education, Legislative, and Regulatory Specialist |
| <b>SUBJECT</b> | <b>EDU 5: Dental Hygiene Educational Program Site Visit Update and Schedule.</b> |

### 1. Pasadena City College (PCC)

- a. Site visit generated due to a change in administration for PCC, as well as a part of the Dental Hygiene Board of California's (DHBC, Board) oversight goals to monitor all dental hygiene educational programs (DHEPs) in California.
- b. On October 12, 2022, a site visit was conducted at the PCC campus.
- c. At the July 20, 2024, Full Board meeting, the Board voted to issue a citation and placed PCC on two (2) years' probation with quarterly reporting requirements.
- d. PCC requested an Informal Conference with the DHBC's Executive Officer (EO) pursuant to California Code of Regulations (CCR), Title 16, section 1104.3(b)(5)(B) regarding their citation and probationary status.
- e. On September 17, 2024, EO Lum held PCC's Informal Conference where he dismissed the citation but maintained the Board's action of placing PCC on probation for two (2) years with reporting requirements from the date of notification (August 16, 2024).
- f. On August 25, 2025, PCC provided a quarterly report stating:

"PCC received the Division of the State Architect (DSA) approval of the proposed Dental Hygiene clinic renovations on July 24, 2025. As the approval came too late to start the remodeling, this made the completion of the planned remodeling impossible.

The current plan is to complete the renovations of the Pasadena City College Dental Hygiene Clinic during the conclusion of the Spring 2026 term (June 5, 2026) with the renovated clinic being available for occupancy in Fall 2026 (August 24, 2026). Until that time the program will continue to use the existing clinic space, with the temporary modifications approved by the Dental Hygiene Board of California. The Program also

will utilize the previously submitted Temporary Change of Course Sequence (December 10, 2024) for the 2025-26 Academic Year.”

- g. Current Status:
  - i. In temporary compliance.
  - ii. See current quarterly report.

## **2. Taft College (Taft)**

- a. Site Visit was generated due to a CODA Self Study review, as well as a part of the DHBC oversight goals to monitor all DHEPs in California.
- b. On February 20-21, 2024, a site visit was conducted at the Taft campus.
- c. At the July 20, 2024, Full Board meeting, the Board voted to issue a citation and fine of \$2,000 (\$1,000 each for 2022 & 2023 students who graduated without fulfilling Taft’s established requirements to graduate from the Taft dental hygiene program) and placed Taft on probation for three (3) years with quarterly reporting requirements.
- d. Taft requested an Informal Conference with the DHBC’s Executive Officer pursuant to 16 CCR section 1104.3(b)(5)(B) regarding their citation, fine, and probationary status.
- e. On September 19, 2024, EO Lum held Taft’s Informal Conference where he affirmed the Board’s decision (as detailed above) where the Board issued Taft a citation and fine (\$2,000) and placed Taft on probation for three (3) years from the date of notification (August 15, 2024). Taft College paid the fine and is currently on probation for three (3) years from the August 2024 date.
- f. Current Status:
  - i. In compliance.
  - ii. See current quarterly report.

## **3. Concorde Career College-San Diego (CCC-SD)**

- a. Site visit generated due to a change in administration for CCC-SD, a follow-up due to remodel and enrollment increase request, as well as a part of the DHBC oversight goals to monitor all DHEPs in California.
- b. On October 15, 2024, a site visit was conducted at the CCC-SD campus.

- c. On November 14, 2024, CCC-SD provided a response to the violations. Violations 1, 3, 4, 5, 6, and 7 were determined as in compliance, with Violation 2 remaining.
  - i. Violation 1 regarding tabled citation and fine from November 2024 meeting was remediated and now in compliance.
- d. On January 16, 2025, CCC-SD provided a response to the remaining Violation 2.
- e. Current Status:
  - i. Not in compliance.
  - ii. Violation regarding CCC-SD to comply with the laws regarding the program's instructional length to be a minimum of ten (10) weeks, excluding final exams, is **due December 31, 2025**.

#### 4. Cerritos College (Cerritos)

- a. Site visit generated due to a CODA Self Study review, a change in administration for Cerritos, as well as part of the DHBC oversight goals to monitor all DHEPs in California.
- b. On December 2, 2024, a site visit was conducted at the Cerritos campus.
- c. Current Status:
  - i. In temporary compliance.

1. Permanent compliance **due June 1, 2026**.

#### 5. Concorde Career College-Garden Grove (CCC-GG)

- a. Site visit generated due to a change in in administration for CCC-GG, as well as a part of the DHBC oversight goals to monitor all DHEPs in California.
- b. On December 3, 2024, a site visit was conducted at the CCC-GG campus.
- c. On January 17, 2025, CCC-GG provided a response to the violations. Violation 2, Violation 3(a)(1)(iii), Violation 4, Violation 5, Issue 2, and Violation 6 were determined as in compliance; with Violation 1 not in compliance, and Violation 3(a)(1)(i and ii) and Violation 5, Issue 1 in temporary compliance with a due date for permanent compliance of July 1, 2025.

- d. On June 25, 2025, CCC-GG provided a response to the remaining violations.
- e. Current Status:
  - i. Not in compliance.
  - ii. Violation regarding CCC-GG to comply with the laws regarding the program's instructional length to be a minimum of ten (10) weeks, excluding final exams, is **due December 31, 2025**.

#### **6. Concorde Career College-San Bernardino (CCC-SB)**

- a. On February 24, 2025, an announced site visit was conducted due to complaints received by the Board.
- b. Current Status:
  - i. Not in compliance.
  - ii. Violation regarding CCC-SB to comply with the laws regarding the program's instructional length to be a minimum of ten (10) weeks, excluding final exams, is **due December 31, 2025**.

#### **7. West Coast University (WCU)**

- a. Site visit generated due to a CODA Self Study review as well as a part of the DHBC oversight goals to monitor all DHEPs in California.
- b. On September 29, 2025, a site visit was conducted at the WCU campus.
- c. Current Status:
  - i. In compliance.
  - ii. See WCU report.

#### **8. Diablo Valley College (DVC)**

- a. Site visit generated due to a CODA Self Study review as well as a part of the DHBC oversight goals to monitor all DHEPs in California.
- b. On October 14, 2025, a site visit was conducted at the DVC campus.



c. Current Status:

- i. Not in compliance.
- ii. See DVC report.

**DHBC DHEP SITE VISIT SCHEDULE**

| <b>RDH Educational Program</b>             | <b>CODA Visit<br/>Previous/Next Scheduled</b> | <b>DHBC Visit(s)<br/>Previous/Next Scheduled</b>                                                                                                                |
|--------------------------------------------|-----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Cabrillo College                           | 2019 / 2027                                   | November 7, 2019<br>April 9, 2024<br>August 8, 2024<br>October 8, 2024 (complaint)<br><b>TBD [New Program Director (PD)]</b>                                    |
| Carrington - Sacramento                    | 2021 / 2028                                   | February 10, 2021<br>March 8, 2023 (limited)<br>February 12, 2024 (complaint)<br>May 29, 2024 (complaint)<br>September 30, 2024 (New PD)<br><b>TBD (New PD)</b> |
| Carrington - San Jose                      | 2021 / 2028                                   | October 25, 2017<br>November 16, 2020<br>March 1, 2023 (limited)<br>February 12, 2025                                                                           |
| Cerritos College                           | 2016 / 2024                                   | February 15, 2017<br>December 2, 2024                                                                                                                           |
| Chabot College                             | 2023 / 2030                                   | September 8, 2021<br>May 2, 2023                                                                                                                                |
| Concorde Career College-<br>Garden Grove   | 2019 / 2027                                   | June 28, 2016<br>August 10, 2016<br>December 7, 2016<br>January 18, 2018<br>June 29, 2022 (limited)<br>December 3, 2024<br><b>TBD (New PD)</b>                  |
| Concorde Career College-<br>San Bernardino | 2018 / <b>February 17-18, 2026</b>            | December 20, 2016<br>January 19, 2018<br>June 28, 2022 (limited)<br>February 24, 2025 (Complaint)<br><b>Spring 2026</b>                                         |
| Concorde Career College-<br>San Diego      | 2021/ 2028                                    | December 19, 2016<br>May 27, 2021<br>October 15, 2024                                                                                                           |
| Cypress College                            | 2015 / September 27-29, 2023                  | March 3, 2020<br>October 12, 2023                                                                                                                               |

| <b>RDH Educational Program</b>          | <b>CODA Visit<br/>Previous/Next Scheduled</b> | <b>DHBC Visit(s)<br/>Previous/Next Scheduled</b>                                                                   |
|-----------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Diablo Valley College                   | 2017 / October 7-9, 2025                      | February 26, 2019<br>October 14, 2025 (Self Study)                                                                 |
| Foothill College                        | 2018 / June 9-11, 2026                        | October 18, 2018<br>Summer 2026                                                                                    |
| Fresno City College                     | 2021 / 2028                                   | October 27, 2021                                                                                                   |
| Loma Linda University                   | 2016 / February 20-21, 2024                   | October 13, 2022<br>October 10, 2023                                                                               |
| Moreno Valley College                   | 2019 / 2027                                   | May 30, 2017<br>October 11, 2023                                                                                   |
| Oxnard College                          | 2021 / 2028                                   | November 4, 2021                                                                                                   |
| Pasadena City College                   | 2016 / October 15-17, 2024                    | October 12, 2022<br>TBD (Follow-Up and Self Study)                                                                 |
| Sacramento City College                 | 2018 / December 1-3, 2026                     | December 7, 2018<br>Winter 2026                                                                                    |
| San Joaquin Valley College<br>- Ontario | 2022 / 2029                                   | June 24, 2021                                                                                                      |
| San Joaquin Valley College<br>- Visalia | 2019 / 2027                                   | November 14, 2019                                                                                                  |
| Santa Rosa Junior College               | 2023 / 2030                                   | September 16, 2021                                                                                                 |
| Shasta College                          | 2023 / 2030                                   | March 12, 2018<br>March 23, 2021                                                                                   |
| Southwestern College                    | 2023 / 2030                                   | September 22, 2021                                                                                                 |
| Taft College                            | 2016 / February 1-2, 2024                     | May 8, 2017(complaint)<br>May 15, 2017<br>June 9, 2017<br>July 24, 2017<br>February 20-21, 2024<br>May 13-14, 2024 |
| University of the Pacific               | 2022 / 2029                                   | February 13, 2020                                                                                                  |
| West Coast University                   | 2017 / May 6-7, 2025                          | September 15, 2022<br>September 29, 2025 (Self Study)                                                              |
| West Los Angeles College                | 2017 / February 20-21, 2025                   | October 30, 2018<br>February 25, 2025 (Self Study)                                                                 |



**Health Sciences Division**

August 15, 2025

Mr. Anthony Lum  
Executive Officer, DHBC

Dear Mr. Lum.

Please accept our quarterly report on updates regarding PCC Dental Hygiene Program clinic renovation.

PCC received the Division of the State Architect (DSA) approval of the proposed Dental Hygiene clinic renovations on July 24, 2025. As the approval came too late to start the remodeling, this made the completion of the planned remodeling impossible.

The current plan is to complete the renovations of the Pasadena City College Dental Hygiene Clinic during the conclusion of the **Spring 2026** term (June 5, 2026) with the renovated clinic being available for occupancy in **Fall 2026** (August 24, 2026). Until that time the program will continue to use the existing clinic space, with the temporary modifications approved by the Dental Hygiene Board of California. The Program also will utilize the previously submitted Temporary Change of Course Sequence (December 10, 2024) for the 2025-26 Academic Year. As clinic plan drawings are too large to be shared by email, please advise how to make them available to the Board for the review.

Please let me know if any additional information is necessary.

Sincerely,

*Adrine Reganian*

Adrine Reganian, RDHAP, BSDH, MSHS-HPE  
Dental Hygiene Program Director  
[aareganian@pasadena.edu](mailto:aareganian@pasadena.edu)  
(626) 5857545

ecc: Adina A. Pineschi-Petty, Education, Legislative, and Regulatory Specialist, DHBC  
Albert Law, Assistant Executive Officer, DHBC  
Jose A. Gomez, Superintendent-President  
Laura M. Ramirez, Ed.D, Assistant Superintendent, VP of Instruction  
Micah Young, MD, Dean, Health Sciences

1570 E. Colorado Blvd., W204 Pasadena, CA 91106 (626) 585 7325

Oct 1, 2025

Dental Hygiene Board of California  
2005 Evergreen St, Suite 1350  
Sacramento, CA 95815

**RE: Taft College Dental Hygiene Probation**

**1. Handling Deficiencies (None to Report):**

Taft College continues to operate in full compliance, with no deficiencies to report this quarter. Compliance continues to be maintained, supported by consistent monitoring and faculty engagement.

**2. Ensuring Competency Requirements Are Met:**

Taft College continues to emphasize student competency and clinical readiness as core priorities of the program. Based on feedback from student exit surveys, adjustments have been made to faculty calibration exercises so that instruction is more consistent across courses. This has helped students feel more confident in their learning. Competencies are tracked and documented in both Ascend and Canvas, providing strong record keeping and a reliable system for monitoring student progress.

- **Second-Year Students:** All graduates have taken the National Board Dental Hygiene Examination, with a 94% success rate. The current second-year class is progressing steadily through required competencies. Faculty are monitoring performance closely, and students are meeting benchmarks on schedule.
- **First-Year Students:** The incoming class began with 20 students, and all 20 remain in the program and are doing well. Ongoing faculty support and feedback have played an important role in helping them succeed as they establish their foundation in patient care.

**3. Reporting to the Dental Hygiene Board of California (DHBC):**

An MOU with a local clinic has been finalized to establish a minor rotation site for students. The program is now working to gather the necessary information for submission, and formal notification will be provided to the DHBC and CODA once all details are complete.

**4. Concerns or Challenges in Maintaining Compliance:**

There are no compliance concerns to report this quarter. The program continues to operate smoothly, with faculty and administration keeping a close eye on processes. By staying proactive and reviewing practices regularly, we aim to catch any potential issues early and maintain the highest standards.

Sincerely,



Gina Johnson, RDH, MEd  
Director, Dental Hygiene  
[gjohnson@taftcollege.edu](mailto:gjohnson@taftcollege.edu)  
661-763-7752



October 20, 2025

Michelle Hurlbutt, RDH, MSDH, DHSc  
Dean & Associate Professor, Dental Hygiene  
West Coast University  
1477 S. Manchester Ave.  
Anaheim, CA 92802

Dear Dr. Hurlbutt,

The Dental Hygiene Board of California (Board) conducted a site visit at the West Coast University Dental Hygiene Educational Program (WCU) on September 29, 2025. This site visit was generated due to the submission of a Commission on Dental Accreditation (CODA) Self Study, as well as to the Board's oversight goals to monitor all Dental Hygiene Educational Programs in California. Evidence of program compliance with the minimum DHEP standards set by the Business and Professions Code, the California Code of Regulations, and CODA was **satisfactory for the current cohort size** (125 students, divided into five different cohorts of 25 each).

Additionally, at the March 23, 2024, Board meeting, the Board **approved** West Coast University's request to increase the program's facilities to allow for a larger simulation/dental materials lab and a new clinical area to accommodate an additional nine (9) dental hygiene units with radiography, bringing the dental hygiene units to a total of 39, with 19 having radiography capability. Although the Board was not asked to approve an increase in enrollment, it is understood that CODA has now approved a permanent enrollment increase to 35 students per cohort. As a result of CODA's approval, the Board requests a facility plan update, including diagrams and timeline as to when this process will be completed. In addition, West Coast University must submit a formal request to the Board to increase the annual cohort size (175 students, divided into five different cohorts of 35 each) along with CODA's approval of the 35-student capacity per cohort.

Please note the following recommendation from the September 15, 2022, Board Site Visit Report:

*Recommendation – Facilities*

*1. Site Visit Observation:*

- a. Students and faculty expressed concerns that as the cohorts are at maximum capacity, there is a lack of space to accomplish tasks.*

- b. The lack of space has been managed satisfactorily but has led to scheduling constraints such as requiring early morning labs and utilizing twelve-hour days.**

2. Refer to:

- a. 16 CCR section 1105(i)  
*The educational program shall have learning resources, including faculty, library, staff and support services, technology and physical space and equipment, including laboratory and clinical facilities, to support the program's stated mission and goals and in accordance with approved accreditation standards referenced in subsection (c) of section 1103 of this article.*
- b. CODA Standard 2-5  
*The number of students enrolled in the program must be proportionate to the resources available*
- c. CODA Standard 4-1  
*The program must provide sufficient and appropriately maintained facilities to support the academic and clinical purposes of the program that conform to applicable local, state and federal regulations.*

3. Recommendation:

*WCU to investigate increasing space in the facility to accommodate pre-clinics and laboratories.*

The priority of the Board is consumer protection. To ensure consumer protection and the public's right to receive quality dental hygiene care, the Board has a responsibility to ensure that all dental hygiene programs meet the same educational standards in preparing their graduates for the profession. If you have any questions, feel free to contact me at (916) 576-5002 or by email at [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov).

Sincerely,

*Adina A. Pineschi-Petty DDS*

Education, Legislative and Regulatory Specialist  
Dental Hygiene Board of California

Cc: Anthony Lum, Executive Officer, Dental Hygiene Board of California



October 20, 2025

Dr. Monica Chahal  
President  
Diablo Valley College  
321 Golf Club Road  
Pleasant Hill, CA 94523

Dear Dr. Chahal,

The Dental Hygiene Board of California (DHBC) conducted a site visit at the Diablo Valley College Dental Hygiene Educational Program (DVC) on October 14, 2025. This site visit was generated due to the submission of DVC's Commission on Dental Accreditation (CODA) Self Study as well as to the Board's oversight goals to review all Dental Hygiene Educational Programs (DHEPs) in California. Evidence of program compliance with the **minimum** DHEP standards set by the Business and Professions Code (BPC), the California Code of Regulations (CCR), and CODA was deficient.

The results of the site visit are as follows:

**I. Violation 1: Student Clinical Direct Patient Care Hours**

[BPC Section 1941(a), 16 CCR Section 1105.2(d), and CODA Standards 2-10 and 3-11.]

**A. Violation 1, Issue 1: Senior Fall Student Clinical Direct Patient Care Hours**

1. Self Study: Senior Fall Class Schedule
  - a. Seniors scheduled for 14 hours per week [Exhibit 2-16 (page 220)]
    1. Morning Clinic is scheduled from 8:00am – 11:30am on Tuesdays and Thursdays.
    2. Afternoon Clinic is scheduled from 1:00pm – 4:30pm on Tuesdays and Thursdays.
    3. Rotation Schedule [Exhibit 2-27 (pages 264 – 265)]



- i. Requires one (1) student to be assigned a "Clinical Assistant" rotation in each session.

2. Site Visit:

a. Schedule in practice:

1. Morning Clinic is scheduled from 8:00am – 11:15am with direct patient care hours of 8:00am – 10:45am on Tuesdays and Thursdays, resulting in only two- and three-quarter (2.75) hours of direct patient care per session.
2. Afternoon Clinic is scheduled from 1:00pm – 4:15pm with direct patient care hours of 1:00pm – 3:45pm on Tuesdays and Thursdays, resulting in only two- and three-quarter (2.75) hours of direct patient care hours per session.

b. Reported Faculty Concerns:

1. Decreased clinic time has led to decreased time allotted for "test cases" (patient treatment competency exams) from two (2) hours to one- and one-half (1.5) hours, thereby providing inadequate time for faculty to ensure student competency.

3. Results:

- a. Total of only 11 hours of scheduled direct patient care hours per week.
  - b. The "Clinical Assistant" rotation in each session results in further reduced direct patient care hours to only eight- and one-quarter (8.25) hours per week for those four (4) students.
4. **Effect:** Students are not receiving the appropriate amount of direct patient care hours to obtain competency in the practice of dental hygiene.

**B. Violation 1, Issue 2: Senior Spring Student Clinical Direct Patient Care Hours**

1. Self Study: Senior Spring Class Schedule

a. Seniors scheduled for 16 hours per week [Exhibit 2-16 (page 222)]

1. Morning Clinic is scheduled from 8:00am – 12:00am on Tuesdays and Thursdays.

2. Afternoon Clinic is scheduled from 1:00pm – 5:00pm on Tuesdays and Thursdays.
  3. Rotation Schedule [Exhibit 2-27 (pages 262 – 263)]
    - i. Requires one student to be assigned a “Clinical Assistant” rotation in each session.
2. Site Visit:
- a. Schedule in practice:
    1. Morning Clinic is scheduled from 8:00am – 11:50am with direct patient care hours of 8:00am – 11:25am on Tuesdays and Thursdays, resulting in only three- and one-quarter (3.25) hours of direct patient care per session.
    2. Afternoon Clinic is scheduled from 1:00pm – 4:50pm with direct patient care hours of 1:00pm – 4:25pm on Tuesdays and Thursdays, resulting in only three- and one-quarter (3.25) hours of direct patient care hours per session.
  - b. Reported Faculty Concerns:
    1. Decreased clinic time has led to decreased time allotted for “test cases” from two (2) hours to one- and one-half (1.5) hours, thereby providing inadequate time for faculty to ensure student competency.
    2. Decreased clinic time has led to inadequate time to allow for students to provide dental hygiene treatment two patients at the of their Spring semester (historically allowed), thereby decreasing readiness to adapt to the rigors of patient treatment in post DHEP patient care settings.
3. Results:
- a. Total of only 13 hours of scheduled direct patient care hours per week.
  - b. The “Clinical Assistant” rotation in each session results in further reduced direct patient care hours to only nine- and three-quarter (9.75) hours per week for those four (4) students.
4. **Effect:** Students are not receiving the appropriate amount of direct patient care hours to obtain competency in the practice of dental hygiene.

### C. Violation 1, Issue 3: Junior Spring Student Clinical Direct Patient Care Hours

1. Self Study: Junior Spring Class Schedule
  - a. Juniors scheduled for nine- and three-quarter (9.75) hours per week [Exhibit 2-16 (page 223)]
    1. Morning Clinic is scheduled from 8:30am – 11:45am on Wednesdays and Fridays.
    2. Afternoon Clinic is scheduled from 1:00pm – 4:15pm on Wednesdays.
    3. Rotation Schedule [Exhibit 2-27 (pages 256 – 261)]
      - i. Requires one student to be assigned a “Clinical Assistant” rotation in each session.
2. Site Visit:
  - a. Schedule in practice:
    1. Morning Clinic is scheduled from 8:30am – 11:35am with direct patient care hours of 8:30am – 11:00am on Tuesdays and Thursdays, resulting in only two- and three-quarter (2.75) hours of direct patient care per session.
    2. Afternoon Clinic is scheduled from 1:00pm – 4:00pm with direct patient care hours of 1:00pm – 3:30pm on Tuesdays and Thursdays, resulting in only two- and three-quarter (2.75) hours of direct patient care hours per session.
3. Results:
  - a. Total of only eight- and one-quarter (8.25) hours of scheduled direct patient care hours per week.
  - b. The “Clinical Assistant” rotation in each session results in further reduced direct patient care hours to only five- and one-half (5.5) hours per week for those three (3) students.
4. **Effect:** Students are not receiving the appropriate amount of direct patient care hours to obtain competency in the practice of dental hygiene.

#### **D. Refer to:**

1. BPC Section 1941(a):

The dental hygiene board shall grant or renew approval of only those educational programs for RDHs that continuously maintain a high-quality standard of instruction and, where appropriate, meet the minimum standards set by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board.

2. 16 CCR Section 1105.2(d):

The content of the curriculum shall include biomedical and dental sciences and dental hygiene sciences and practice. This content shall be of sufficient depth, scope, sequence of instruction, quality and emphasis to ensure achievement of the educational program's standard of competency.

3. CODA Standard 2-10:

Clinical experiences must be distributed throughout the curriculum. The number of hours of preclinical practice and direct patient care must ensure that students attain clinical competence and develop appropriate judgment.

Intent:

*Sufficient practice time and learning experiences should be provided during preclinical and clinical courses to ensure that students attain clinical competence. The number of hours devoted to clinical practice time should increase as the students progress toward the attainment of clinical competence.*

*The preclinical course should have at least six hours of clinical practice per week. As the first-year students begin providing dental hygiene services for patients, each student should be scheduled for at least eight to twelve hours of direct patient care per week. In the final prelicensure year of the curriculum, each student should be scheduled for at least twelve to sixteen hours of direct patient care per week in the dental hygiene clinic.*

4. CODA Standard 3-11:

Student assignments to clerical and dental assisting responsibilities during clinic sessions must be minimal and must not be used to compensate for limitations of the clinical capacity or to replace clerical or clinical staff.

## **E. Determination:**

1. **Not in compliance.**
2. DVC is in violation of BPC Section 1941(a), 16 CCR Section 1105.2(d), and CODA Standards 2-10 and 3-11.
3. DVC shall provide and provide evidence of required student clinical direct patient care hours pursuant to BPC Section 1941(a), 16 CCR Section 1105.2(d), and CODA Standards 2-10 and 3-11 **by November 7, 2025.**

## **II. Violation 2: Program Director Assignment Compliance**

[BPC Section 1941(a), 16 CCR Section 1105(j), 16 CCR Section 1105.1(a), and CODA Standards 3-2 and 3-4.]

### **A. Program Director Assignment Violation:**

1. Self Study:
  - a. **Issue:** Program director is on a ten-month contract working 40 hours each week. (Self Study narrative page 97)
    1. Program instruction consists of two (2) fall terms, two (2) spring terms, and two (2) summer terms. (Self Study narrative page 97)
  - b. **Effect:** Program director unavailable and does not provide oversight of the program during the summer term.

### **B. Refer to:**

1. BPC Section 1941(a):

The dental hygiene board shall grant or renew approval of only those educational programs for RDHs that continuously maintain a high-quality standard of instruction and, where appropriate, meet the minimum standards set by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board.

2. 16 CCR Section 1105(j):

The educational program director shall have the primary responsibility for developing policies and procedures, planning, organizing, implementing and evaluating all aspects of the program.

3. 16 CCR Section 1105.1(a):

“Program Director” or “Interim Program Director” means a registered dental hygienist or dentist who has the authority and responsibility to administer the educational program in accordance with approved accreditation standards referenced in subsection (c) of section 1103 of this article. The educational program may have an Interim Program Director for a maximum of twelve (12) months. The director shall have a full-time appointment as defined by the institution, whose primary responsibility is for the operation, supervision, evaluation and revision of the program. The program director shall meet the following minimum qualifications: (1) Possess an active, current dental or dental hygiene license issued by the Committee or the Dental Board of California (DBC), with no disciplinary actions; (2) Possess a master's or higher degree from a college or university accredited by an agency recognized by the U.S. Department of Education or Council for Higher Education Accreditation; (3) Documentation of two (2) years' experience teaching in pre- or post-licensure registered dental hygiene or dental programs. This requirement may be waived for an Interim Program Director; and (4) Documentation of a minimum of 2,000 hours in direct patient care as a registered dental hygienist, or working with a registered dental hygienist.

4. CODA Standard 3-2:

The dental hygiene program administrator must have a full-time appointment as defined by the institution, whose primary responsibility is for operation, supervision, evaluation and revision of the program.

5. CODA Standard 3-4:

The program administrator must have the authority and responsibility necessary to fulfill program goals including: a) curriculum development, evaluation and revision; b) faculty recruitment, assignments and supervision; c) input into faculty evaluation; d) initiation of program or department in-service and faculty development; e) assessing, planning and operating program facilities; f) input into budget preparation and fiscal administration; g) coordination, evaluation and participation in determining admission criteria and procedures as well as student promotion and retention criteria.

**C. Determination:**

1. **Not in compliance.**

2. DVC is in violation of BPC Section 1941(a), 16 CCR Section 1105(j), 16 CCR Section 1105.1(a), and CODA Standards 3-2 and 3-4.

3. DVC shall provide evidence of dental hygiene program director responsibilities pursuant to BPC Section 1941(a), 16 CCR Section 1105(j), 16 CCR Section 1105.1(a), and CODA Standards 3-2 and 3-4 **by June 1, 2026.**

### **III. Violation 3: Health Insurance Portability and Accountability Act of 1996 (HIPAA) Compliance**

[BPC Section 1941(a), 16 CCR Section 1105.2(d)(3)(C), CODA Standards 4-1 and 6-5, Health and Safety Code (HSC) Division 109 Section 130203(a), and the HIPAA Act of 1996 Public Law 104-191 (45 Code of Federal Regulations (CFR) Sections 160, 162, and 164 esp. 164.530(c))]

#### **A. Patient Privacy Rights Violation:**

1. Site Visit:
  - a. **Issue 1:** Students have confidential patient data and radiographs ("x-rays") displayed on computer monitors without physical safeguards.
    1. **Effect:** Patient confidential data able to be viewed by the public, thereby violating patient privacy rights.
  - b. **Issue 2:** Chartroom/front desk door left open (top of door open and bottom door unlatched) and unsecure when staff/students not present.
    1. **Effect:** Patient confidential charts able to be accessed by the public, thereby violating patient privacy rights.

#### **B. Refer to:**

1. BPC Section 1941(a):

The dental hygiene board shall grant or renew approval of only those educational programs for RDHs that continuously maintain a high-quality standard of instruction and, where appropriate, meet the minimum standards set by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board.

2. 16 CCR Section 1105.2(d)(3)(C):

An educational program shall comply with local, state, and federal health and safety laws and regulations.



3. CODA Standard 4-1:

The program must provide sufficient and appropriately maintained facilities to support the academic and clinical purposes of the program that conform to applicable regulations. Clinical Facilities: The dental hygiene facilities must include the following: h) patient records kept in an area assuring safety and confidentiality.

4. CODA Standard 6-5:

The program's policies must ensure that the confidentiality of information pertaining to the health status of each individual patient is strictly maintained.

5. Health and Safety Code (HSC) Division 109 Section 130203 (a):

Every provider of health care shall establish and implement appropriate administrative, technical, and physical safeguards to protect the privacy of a patient's medical information. Every provider of health care shall reasonably safeguard confidential medical information from any unauthorized access or unlawful access, use, or disclosure.

6. [HIPAA Act of 1996 Public Law 104-191](#)  
[45 Code of Federal Regulations \(CFR\) Sections 160, 162, and 164 esp. 164.530\(c\)](#)

**C. Determination:**

1. **Not in compliance.**

2. DVC is in violation of BPC Section 1941(a), 16 CCR Section 1105.2(d)(3)(C), CODA Standards 4-1 and 6-5, Health and Safety Code (HSC) Division 109 Section 130203 (a), and the HIPAA Act of 1996 Public Law 104-191 (45 Code of Federal Regulations (CFR) Sections 160, 162, and 164 esp. 164.530(c)).
3. DVC shall provide and provide evidence of patient privacy protection safeguards pursuant to BPC Section 1941(a), 16 CCR Section 1105.2(d)(3)(C), CODA Standards 4-1 and 6-5, Health and Safety Code (HSC) Division 109 Section 130203 (a), and the HIPAA Act of 1996 Public Law 104-191 (45 Code of Federal Regulations (CFR) Sections 160, 162, and 164 esp. 164.530(c)) by **November 7, 2025**.

#### IV. Violation 4: Student Supervision

[BPC Section 1941(a), 16 CCR Section 1105(i), 16 CCR Section 1105(k), and CODA Standards 2-5 and 3-10]

##### A. Student Supervision in Sterilization Area Violation:

###### 1. Site Visit:

- a. **Issue:** Student observed in sterilization area unsupervised by faculty.
- b. **Effect:** Exposure of unsupervised, unlicensed student to potential hazards, thereby compromising the required safe environment for the provision of instruction.

##### B. Refer to:

###### 1. BPC Section 1941(a):

The dental hygiene board shall grant or renew approval of only those educational programs for RDHs that continuously maintain a high-quality standard of instruction and, where appropriate, meet the minimum standards set by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board.

###### 2. 16 CCR Section 1105(i):

The educational program shall have learning resources, including faculty, library, staff and support services, technology and physical space and equipment, including laboratory and clinical facilities, to support the program's stated mission and goals and in accordance with approved accreditation standards referenced in subsection (c) of section 1103 of this article.

###### 3. 16 CCR Section 1105(k):

The number and distribution of faculty and staff shall be sufficient to meet the educational program's stated mission and goals.

###### 4. CODA Standards 2-5:

The number of students enrolled in the program must be proportionate to the resources available.

5. CODA Standard 3-10:

Qualified institutional support personnel must be assigned to the program to support both the instructional program and the clinical facilities providing a safe environment for the provision of instruction and patient care.

**C. Determination:**

1. **Not in compliance.**

2. DVC is in violation of BPC Section 1941(a), 16 CCR Section 1105(i), 16 CCR Section 1105(k), and CODA Standards 2-5 and 3-10.
3. DVC shall provide and provide evidence of student supervision in sterilization area pursuant to BPC Section 1941(a), 16 CCR Section 1105(i), 16 CCR Section 1105(k), and CODA Standards 2-5 and 3-10 by **November 7, 2025.**

**V. Violation 5: Infection Control Compliance**

[BPC Section 1941(a), 16 CCR Section 1105.2(d)(3)(D)(xii), 16 CCR Section 1005, CODA Standard 4-1, 8 CCR Section 5193, CDC Summary of Infection Prevention Practices in Dental Settings: Basic Expectations for Safe Care – 2024, CDC Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings – 2007, and CDC Guidelines for Infection Control in Dental Health-Care Settings – 2003]

**A. Clinic Aerosol Exposure to General Public Violation**

1. Site Visit:

- a. **Issue:** Rear clinic door propped open and unsecured to the outer school hallway (observed multiple times after being closed multiple times.)
- b. **Effect:** DVC students and general public exposed to clinic-generated contaminated aerosols.

**B. Refer to:**

1. BPC Section 1941(a):

The dental hygiene board shall grant or renew approval of only those educational programs for RDHs that continuously maintain a high-quality

standard of instruction and, where appropriate, meet the minimum standards set by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board.

2. 16 CCR Section 1105.2(d)(3)(D)(xii):

Proper infection control procedures according to the provisions of Title 16, Division 10, Chapter 1, Article 1, Section 1005 of the California Code of Regulations.

3. [16 CCR Section 1005](#)

4. CODA Standard 4-1:

The program must provide sufficient and appropriately maintained facilities to support the academic and clinical purposes of the program that conform to applicable regulations. Clinical Facilities: The dental hygiene facilities must include the following: a) sufficient clinical facility with clinical stations for students including conveniently located hand washing sinks and view boxes and/or computer monitors; a working space for the patient's record adjacent to units; functional, modern equipment; an area that accommodates a full range of operator movement and opportunity for proper instructor supervision; b) a number of clinical stations based on the number of students admitted to a class (If the number of stations is less than the number of students in the class, one clinical station is available for every student scheduled for each clinical session.); c) a capacity of the clinic that accommodates individual student practice on a regularly scheduled basis throughout all phases of preclinical technique and clinical instruction; d) a sterilizing area that includes sufficient space for preparing, sterilizing and storing instruments; e) sterilizing equipment and personal protective equipment/supplies that follow current infection and hazard control protocol; f) facilities and materials for students, faculty and staff that provide compliance with accepted infection and hazard control protocols; g) space and furnishings for patient reception and waiting provided adjacent to the clinic; h) patient records kept in an area assuring safety and confidentiality.

5. [8 CCR Section 5193](#)

6. [CDC Summary of Infection Prevention Practices in Dental Settings: Basic Expectations for Safe Care – 2024](#)

7. [CDC Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings – 2007](#)

8. [CDC Guidelines for Infection Control in Dental Health-Care Settings – 2003](#)

### **C. Determination**

1. **Not in compliance.**
2. DVC is in violation of BPC Section 1941(a), 16 CCR Section 1105.2(d)(3)(D)(xii), 16 CCR Section 1005, CODA Standard 4-1, 8 CCR Section 5193, CDC Summary of Infection Prevention Practices in Dental Settings: Basic Expectations for Safe Care – 2024, CDC Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings – 2007, and CDC Guidelines for Infection Control in Dental Health-Care Settings – 2003.
3. DVC shall provide and provide evidence of infection control compliance pursuant to BPC Section 1941(a), 16 CCR Section 1105.2(d)(3)(D)(xii), 16 CCR Section 1005, CODA Standard 4-1, 8 CCR Section 5193, CDC Summary of Infection Prevention Practices in Dental Settings: Basic Expectations for Safe Care – 2024, CDC Guideline for Isolation Precautions: Preventing Transmission of Infectious Agents in Healthcare Settings – 2007, and CDC Guidelines for Infection Control in Dental Health-Care Settings – 2003 by **November 7, 2025**.

### **VI. Violation 6: Student Resources**

[BPC Section 1941(a), 16 CCR Section 1105(i), CODA Standards 2-5, and 4-1, and Education Code (EDU), Title 2, Section 49011(b)(1)]

#### **A. Violation 6, Issue 1: Student Supplies**

1. Students required to provide their own personal protective equipment (e.g., gloves, masks, and gowns).
2. **Effect:** Poses a significant cost incurrence to students and prohibited by law.

#### **B. Violation 6, Issue 2: “Mini Clinic” Resources**

1. “Mini clinic” supplies:
  - a. No “sharps” containers present in each operatory for proper disposal of disposable sharp instruments (e.g., used needles, etc.).
  - b. No monitors to display radiographs during patient care.

2. **Effect:** Students are not provided necessary clinic supplies to ensure proper care of the patient, as well as compromising the safety of the student.

**C. Refer to:**

1. BPC Section 1941(a):

The dental hygiene board shall grant or renew approval of only those educational programs for RDHs that continuously maintain a high-quality standard of instruction and, where appropriate, meet the minimum standards set by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board.

2. 16 CCR Section 1105(i):

The educational program shall have learning resources, including faculty, library, staff and support services, technology and physical space and equipment, including laboratory and clinical facilities, to support the program's stated mission and goals and in accordance with approved accreditation standards referenced in subsection (c) of section 1103 of this article.

3. CODA Standard 2-5:

The number of students enrolled in the program must be proportionate to the resources available.

4. CODA Standard 4-1:

The program must provide sufficient and appropriately maintained facilities to support the academic and clinical purposes of the program that conform to applicable regulations. Clinical Facilities: The dental hygiene facilities must include the following: a) sufficient clinical facility with clinical stations for students including conveniently located hand washing sinks and view boxes and/or computer monitors; a working space for the patient's record adjacent to units; functional, modern equipment; an area that accommodates a full range of operator movement and opportunity for proper instructor supervision; b) a number of clinical stations based on the number of students admitted to a class (If the number of stations is less than the number of students in the class, one clinical station is available for every student scheduled for each clinical session.); c) a capacity of the clinic that accommodates individual student practice on a regularly scheduled basis throughout all phases of preclinical technique and clinical instruction; d) a sterilizing area that includes sufficient space for preparing, sterilizing and storing instruments; e) sterilizing equipment and

personal protective equipment/supplies that follow current infection and hazard control protocol; f) facilities and materials for students, faculty and staff that provide compliance with accepted infection and hazard control protocols; g) space and furnishings for patient reception and waiting provided adjacent to the clinic; h) patient records kept in an area assuring safety and confidentiality.

5. 2 EDC section 49011(b)(1):

(a) A pupil enrolled in a public school shall not be required to pay a pupil fee for participation in an educational activity.

(b) All of the following requirements apply to the prohibition identified in subdivision (a):

(1) All supplies, materials, and equipment needed to participate in educational activities shall be provided to pupils free of charge.

**D. Determination:**

1. **Not in compliance.**

2. DVC is in violation of BPC Section 1941(a), 16 CCR Section 1105(i), CODA Standards 2-5, and 4-1, and Education Code (EDU), Title 2, Section 49011(b)(1).
3. DVC shall provide and provide evidence of student resources pursuant to BPC Section 1941(a), 16 CCR Section 1105(i), CODA Standards 2-5, and 4-1, and Education Code (EDU), Title 2, Section 49011(b)(1) by **November 7, 2025.**

DVC shall provide evidence of compliance to the above violations **by the aforementioned dates.**

**VII. Concern 1: National Board Dental Hygiene Examination (NBDHE) Performance**  
[BPC Section 1941(a), BPC Section 1941.5(a), and CODA Standard 1-1.]

**A. Self Study:**

1. **Issue:** DVC Student NBDHE Performance

a. Self Study [page 19, and Exhibit 2 (page 53-54)]:

1. "The DVC Dental Hygiene Program has seen a decline in NBDHE scores over the last few years, with **pass rate** of 94.4% in 2021, 90% in 2022, **75% in 2023, and 78% in 2024.**" (Emphasis added.)



2. "The 2022 NBDHE results showed **below national average performance** in Pathology, Periodontology, Dental Hygiene Care, and Community Health." (Emphasis added.)
  3. "The 2023 NBDHE Profile Report showed **below national average performance in all areas.**" (Emphasis added.)
- b. Dental Advisory Board Meeting Minutes 4.17.24 [Exhibit 1-18 (page 139)]
1. "Class of 2024 (Tona): We still struggle with students not passing the National Board Dental Hygiene exam. Five students didn't pass the first time; one retook it and passed."
2. **Concern:** Concern with program effectiveness due to low National Board scores since DHBC does not require clinical boards.

## B. Site Visit

1. **Issue:** Faculty report students not required to pass NBDHE prior to graduation.
2. **Concern:** Students unable to remediate and receive guidance from faculty if students fail attempt(s) of the NBDHE after graduation.

## C. Refer to:

1. BPC Section 1941(a):

The dental hygiene board shall grant or renew approval of only those educational programs for RDHs that continuously maintain a high-quality standard of instruction and, where appropriate, meet the minimum standards set by the Commission on Dental Accreditation of the American Dental Association or an equivalent body, as determined by the dental hygiene board.

2. BPC Section 1941.5(a):

The dental hygiene board shall renew approval of educational programs for a registered dental hygienist, a registered dental hygienist in alternative practice, or a registered dental hygienist in extended functions that certify to the dental hygiene board on a form prescribed by the dental hygiene board that the program continues to meet the requirements prescribed by the dental hygiene board.

### 3. CODA Standard 1-1:

The program must demonstrate its effectiveness using a formal and ongoing planning and assessment process that is systematically documented by: a) developing a plan addressing teaching, patient care, research and service; b) an ongoing plan consistent with the goals of the sponsoring institution and the goals of the dental hygiene program; c) implementing the plan to measure program outcomes in an ongoing and systematic process; d) assessing and analyzing the outcomes, including measures of student achievement; e) use of the outcomes assessment results for annual program improvement and reevaluation of program goals.

Intent:

*Assessment, planning, implementation and evaluation of the educational quality of a dental hygiene education program (inclusive of distance education modalities/programs), that is broad-based, systematic, continuous and designed to promote achievement of program goals will maximize the academic success of the enrolled students in an accountable and cost effective manner. The Commission on Dental Accreditation expects each program to define its own goals for preparing individuals in the discipline and that one of the program goals is to comprehensively prepare competent individuals in the discipline.*

#### **D. Determination:**

1. The Board recommends for DVC to establish additional study sessions, access to faculty, and additional dental hygiene learning resources.
2. Recommend for students to attempt first NDHBE prior to graduation so they can obtain faculty assistance if they fail their first attempt.

Pursuant to 16 CCR section 1104(b)(5), continuation of approval of all educational programs shall be contingent upon compliance with the requirements described in Title 16, Division 11, Article 3 of the CCR. As DVC is operating outside the structured parameters of California law and CODA Standards with these violations, DVC is therefore putting students, faculty, and the public at risk. **Please note:** 16 CCR section 1104(e) states: "A material misrepresentation of fact by a new educational program or an approved educational program in any information required to be submitted to the Dental Hygiene Board is grounds for denial of approval or revocation of the program's approval."

The priority of the DHBC is consumer protection. To ensure consumer protection and the public's right to receive quality dental hygiene care, the DHBC has a responsibility to ensure that all dental hygiene programs within the state meet the

same educational standards in preparing their graduates for the profession. If you have any questions regarding this report, please feel free to contact me at [adina.petty@dca.ca.gov](mailto:adina.petty@dca.ca.gov).

Sincerely,

*Adina A. Pineschi-Petty DDS*

Education, Legislative and Regulatory Specialist  
Dental Hygiene Board of California

Cc: Anthony Lum, Executive Officer, Dental Hygiene Board of California  
Joseph Gorga, Vice President, Equity and Instruction, Diablo Valley College  
Charles Ramos, Dean Biological and Physical Sciences, Diablo Valley College  
Tonette Steeb, CDA, RDH, MEd



**Saturday, November 8, 2025**

**Dental Hygiene Board of California**

**Education Committee Agenda Item 6.**

**Discussion and Possible Action on the July 19, 2025,  
Education Committee Meeting Minutes.**



## **Dental Hygiene Board of California Education Committee Meeting Minutes**

**Saturday, July 19, 2025**

**DRAFT**

DHBC Headquarters Building  
2005 Evergreen Street  
1<sup>st</sup> Floor Hearing Room  
Sacramento, CA 95815

### **Education Committee Members Present:**

Chair – Joanne Pacheco, Registered Dental Hygienist (RDH) Educator Member  
Committee Member – Michael Long, Registered Dental Hygienist in Alternative Practice (RDHAP)  
Committee Member – Dr. Justin Matthews, Public Member

### **DHBC Staff Present:**

Anthony Lum, Executive Officer  
Adina A. Pineschi-Petty, Doctor of Dental Surgery (DDS), Education, Legislative, and Regulatory Specialist  
Crystal Yuyama, Administrative Analyst  
Yuping Lin, Department of Consumer Affairs (DCA) Legal Counsel  
Elizabeth Dietzen-Olsen, DCA Regulatory Legal Counsel

### **1. EDU Committee Agenda Item 1: Roll Call and Establishment of a Quorum.**

Joanne Pacheco, Education Committee Chair, called the Education Committee meeting to order at **9:08 a.m.** A quorum was established with three (3) members present.

### **2. EDU Committee Agenda Item 2: Public Comment for Items Not on the Agenda.**

**Committee Member comment:** None.

**Public comment:** None.

**3. EDU Committee Agenda Item 3: Discussion and Possible Action on the Request for Approval to Transfer Sponsorship of the San Joaquin Valley College (SJVC) - Ontario and SJVC - Visalia Dental Hygiene Educational Programs to Carrington College.**

Dr. Adina Petty stated September 14, 2018, Carrington College - San Jose Campus (Carrington-SJ) and Carrington College - Sacramento Campus (Carrington-Sacramento) each submitted a "Report of Program Change" to the Commission on Dental Accreditation (CODA) to inform of the proposed change of ownership and control of Carrington College to the proposed new parent entity, San Joaquin Valley College, Inc. In the transaction, San Joaquin Valley College, Inc. acquired the stock of Carrington College, and did not enact any changes to Carrington College's governance, operational, or corporate structure as a result of the transfer of ownership. The stock purchase transaction did not result in a merger, and Carrington College and San Joaquin Valley College continued to operate as separate and distinct postsecondary institutions with independent boards, governance, and management.

The Dental Hygiene Committee of California (Committee) approved the major change request of San Joaquin Valley College, Inc. to acquire the stock of Carrington College at the Committee's November 16, 2018, Meeting.

San Joaquin Valley College, Inc., the parent organization for both San Joaquin Valley College (SJVC) and Carrington College, recently announced a Strategic Institutional Alignment Plan. This plan will create two specialized institutions: SJVC will focus exclusively on trades, technical and business programs, while Carrington College will concentrate on nursing and allied health education. As part of the realignment, the SJVC - Ontario and SJVC - Visalia dental hygiene educational programs are requesting a transfer sponsorship to Carrington College

On May 1, 2025, San Joaquin Valley College, Inc. requested for the Dental Hygiene Board of California (Board) to place their request on the Board's July 19, 2025, meeting agenda to approve the transfer of sponsorship of the SJVC - Ontario and SJVC - Visalia Dental Hygiene Educational Programs to Carrington College.

Staff recommends for the Education Committee to consider the request from San Joaquin Valley College, Inc., to approve, pending approval of CODA, to transfer sponsorship of the SJVC - Ontario and SJVC - Visalia Dental Hygiene Educational Programs from SJVC to Carrington College.

Dr. Petty stated that three representatives from the San Joaquin Valley College and Carrington were present for the meeting, including Dr. Danielle Mills, Vice Provost from Carrington College, Brenda Serpa, Dental Hygiene Program Director at SJVC-Visalia (San Joaquin Valley College), and Jericho Black, Dental Hygiene Program Director at the SJVC-Ontario.

**Motion:** Member Long moved for the Education Committee to recommend to the Full Board to approve, pending approval of CODA, to transfer sponsorship of the SJVC - Ontario and SJVC - Visalia Dental Hygiene Educational Programs to from SJVC to Carrington College.

**Second:** Member Matthews.

**Committee Member discussion:** Member Long asked the representatives how they plan to manage their existing compliance issues at the Carrington College. Dr. Mills stated that they have put into place processes and procedures to rectify these issues. She stated that it will be a benefit for Carrington joining SJVC to adopt their best practices for maintaining compliance and communication.

Member Matthews asked the representatives what challenges they foresee happening during this changeover if any. Ms. Serpa stated that she is hopeful to building a compliant program, learning best practices, and exchanging resources from their campuses. Ms. Black stated that she looks forward to the collaboration and partnership between the colleges. She stated 16 Section 1105 (j) and 16 CCR 1105.1 (a) references the standards and responsibility of the program director. Dr. Petty asked for the administration to assure that the governance of each program will remain within the sponsoring institution and be guided by the respective program director.

Education Committee Chair Pacheco asked Dr. Mills to expand on the administration of the four programs. Dr. Mills stated that the four programs will be led by their own program director, who will then direct the program and direct the management of the students.

Member Long asked Dr. Petty to state her experience with communicating with each of the schools' program directors. Dr. Petty explained that historically she has had issues communicating directly with the Carrington campuses' program directors.

**Public comment:** None.

**Vote: Motion for the Education Committee to recommend to the Full Board to approve, pending approval of CODA, to transfer sponsorship of the SJVC - Ontario and SJVC - Visalia Dental Hygiene Educational Programs to from SJVC to Carrington College. Passed 2:1:0.**

| Name                  | Aye | Nay | Abstain/Absent |
|-----------------------|-----|-----|----------------|
| Joanne Pacheco, Chair | X   |     |                |
| Michael Long          | X   |     |                |
| Justin Matthews       |     | X   |                |



#### 4. EDU Committee Agenda Item 4: Discussion and Possible Action on the Request to Increase the Initial Enrollment at the Proposed California Baptist University Dental Hygiene Educational Program.

Dr. Adina Petty stated on December 5, 2024, California Baptist University (CBU) submitted a letter of intent to request Dental Hygiene Board of California (Board) approval to establish a Bachelor of Science in Dental Hygiene education program based in Riverside, California to address educational needs as well as increase preventative oral health services and access to care in the communities of Riverside, Ontario, San Bernardino, and the many underserved populations of the Inland Empire region.

On January 9, 2025, CBU submitted a feasibility study to the Board for review and consideration to establish a Bachelor of Science in Dental Hygiene education program. The Board reviewed the feasibility study at the March 21 – 22, 2025, Full Board Meeting and “provisionally approved” a new Dental Hygiene Educational Program offered by California Baptist University (the provision being an extendable 2-year probation period once the program begins operations).

On June 9, 2025, CBU submitted a request, along with supporting documentation, to increase the initial student enrollment at the proposed CBU Dental Hygiene Educational Program to two (2) cohorts of 24 students each, with one cohort starting in the fall semester of 2028 and an additional cohort starting in the spring semester of 2029. This increase would result in a stepped programmatic capacity of 96 students.

Dr. Petty stated that two representatives from California Baptist University were present at the meeting including Dr. David Pearson, Dean of College of Allied Health Science and Dr. Kelly Donovan, Educational Program Director for the DHEP at CBU.

**Motion:** Member Matthews moved for the Education Committee to recommend to the Full Board to approve the request to increase the initial student enrollment at the proposed California Baptist University Dental Hygiene Educational Program, with the terms of the Board’s March 2025 initial provisional approval to remain.

**Second:** Member Long.

**Committee Member discussion:** The Committee Members engaged in a robust discussion with representatives from CBU to better understand the rationale behind the program’s request to increase enrollment size, especially given that their initial proposal and feasibility study had been thoroughly praised by the Board at a previous meeting.

Committee members raised concerns regarding compliance, funding, and operational oversight. In response, CBU representatives explained that the proposed expansion is intended to address critical oral health needs in the Inland Empire region while also expanding educational opportunities. They emphasized that the program is a traditional four-year curriculum and not an accelerated program. The CBU representatives stated that the university fully supports the initiative and fully recognizes the cost of program.

CBU noted that their request to increase enrollment would allow for more efficient use of the new facility they plan to construct, which is aligned with projected student demand. However, concerns were also raised about the financial implications of scaling up, particularly regarding faculty and staff resources. The program leadership clarified that faculty contracts span both 9-month and 12-month terms, and that summer coverage and oversight remain a priority to ensure program quality and safety for students and faculty.

Board staff expressed concern about maintaining program oversight and the potential strain on resources from increased site visits. They are hesitant to approve the request, noting that CBU has already received approval for two initial cohorts.

**Public comment:** None.

**Vote: Motion for the Education Committee to recommend to the Full Board to approve the request to increase the initial student enrollment at the proposed California Baptist University Dental Hygiene Educational Program, with the terms of the Board's March 2025 initial provisional approval to remain. Failed 0:3:0.**

| Name                  | Aye | Nay | Abstain/Absent |
|-----------------------|-----|-----|----------------|
| Joanne Pacheco, Chair |     | X   |                |
| Michael Long          |     | X   |                |
| Justin Matthews       |     | X   |                |

**5. EDU Committee Agenda Item 5: Report from the Dental Hygiene Educational Program Penalty Rubric Taskforce. (Informational Only).**

Education Committee Chair and Co-Chair of the Educational Program Penalty Rubric, Joanne Pacheco stated the Board is mandated by the Legislature to approve all California dental hygiene educational programs (DHEPs) for oversight. When the Board started reviewing them, we were aware there might be some concerns as to the level of compliance with California laws, regulations, and Commission on Dental Accreditation of the American Dental Association (CODA) Standards but was not aware of the extent of the issues that were present until the Board began its site visits and observed what practices were occurring within the DHEPs.

As a result of those observations and non-compliance of the law, the Board's only recourse of action at the time was to remove Board approval of the DHEP. This penalty doesn't prohibit a DHEP from teaching dental hygiene; however, it does eliminate the graduating students from qualifying for a CA dental hygiene license as they must graduate from a Board-approved DHEP by law. When the Board was forced to vote to remove approval of a DHEP at one point, it was determined that other intermediary punitive actions were needed to provide an opportunity for a DHEP to comply with the law and CODA Standards. In 2019, the Board obtained legislative approval to implement citation and fines, and probation

as intermediary penalties in lieu of full removal of Board approval alone as a penalty of non-compliance.

Subsequently, in 2023, the Board promulgated regulations regarding “Reviews, Site Visits, Citations and Fines, and Probationary Status for Dental Hygiene Educational Programs” (California Code of Regulations, Title 16, section 1104.3). Within the regulation, subdivision (b)(3) established factors to be considered in the issuance of any citation or fine to a DHEP due to noncompliance of California laws, regulations, and CODA Standards.

Due to the variance of violations, and the desire to ensure penalties are applied evenly among the DHEPs, the Board voted to create a penalty rubric to allow the Board to be fair and consistent to all DHEPs.

At the March 22, 2025, Full Board meeting, the Board appointed Board members Joanne Pacheco and Julie Elginer as co-chairs of the DHEP Penalty Rubric Taskforce. After the meeting, the Taskforce co-chairs received requests from three interested stakeholders who were appointed to the taskforce based on their qualifications. These experts were JoAnn Galliano, Dr. Michelle Hurlbutt, and Lisa Kamibayashi who have extensive DHEP experience and knowledge of the subject to create an appropriate penalty rubric.

The Taskforce conducted their first meeting on June 4, 2025, and began discussions on how to start categorizing the violations with consideration of the factors outlined in 16 CCR section 1104.3 which include:

- Nature and severity of the violation;
- Length of time that has passed since the date of the violation;
- Consequences of the violation, including the potential to harm, or actual patient, harm;
- History of previous violations of a similar nature;
- Evidence that the violation was willful;
- Gravity of the violation; and
- The extent to which the cited DHEP has remediated the deficiencies.

Along with beginning to categorize the aforementioned factors, the Taskforce discussed the frequency of violations discovered at DHEPs along with discussions on timeframes DHEPs shall be given to remediate violations and deficiencies.

There is anticipated to be several future meetings prior to a draft penalty rubric to be presented to the Board for consideration and the next Taskforce meeting is scheduled for July 22, 2025.

**Committee Member comment:** Member Matthews commented on the usefulness and benefit of having the Taskforce create a rubric allows for greater transparency to enforce regulations for the program and for the public going forward. He expressed gratitude for the creation and development of the Taskforce.

Education Committee Chair Pacheco thanked Dr. Petty for putting these resources together and that she hopes program directors find them helpful.

**Public comment:** None.

#### **6. EDU Committee Agenda Item 6: Dental Hygiene Educational Program Site Visit Update and Schedule. (Informational Only).**

Dr. Adina Petty reported on the current status of the following DHEPs: at Pasadena City College (PCC), Taft College (Taft), Concorde Career College-San Diego (CCC-SD), Cerritos College (Cerritos), Concorde Career College-Garden Grove (CCC-GG), Carrington College-San Jose (Carrington-SJ), Concorde Career College-San Bernardino (CCC-SB), and West Los Angeles College (WLAC).

Dr. Petty also shared the upcoming Dental Hygiene Educational Program (DHEP) site visit schedule.

**Committee Member comment:** Member Long asked why the deadline scheduled for Concorde Career College's compliance was moved from the July to December. Dr. Petty stated that it was a reasonable request submitted by the schools due to the change in instructional date and was granted by EO Lum.

**Public comment:** Jennifer Nowotney asked if currently enrolled students would be impacted by a program that is out of compliance. Chair Pacheco and Dr. Petty stated that students would still be recognized graduates of a board approved school. Dr. Petty stated that there is currently no effect on students and that the program will maintain board approval as they are working towards compliance.

#### **7. EDU Committee Agenda Item 7: Future Agenda Items.**

**Committee Member comment:** None.

**Public comment:** None.

#### **8. EDU Committee Agenda Item 8: Education Committee Adjournment.**

Chair Pacheco adjourned the Education Committee at **10:10 a.m.**



**Saturday, November 8, 2025**

**Dental Hygiene Board of California**

**Education Committee Agenda Item 7.**

**Future Agenda Items.**



**Saturday, November 8, 2025**

**Dental Hygiene Board of California**

**Education Committee Agenda Item 8.**

**Adjournment of the Education Committee.**