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7

8 **BEFORE THE**
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
13 Against:

Case No. 1005244

14 **SAINT JUNIPERO SERRA UNIVERSITY**

STATEMENT OF ISSUES

15
16 **Approval to Operate an Institution Non-**
17 **Accredited Applicant**

Respondent.

18
19 **PARTIES**

20 1. Dr. Michael Marion, Jr. (Complainant) brings this Statement of Issues solely in his
21 official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
22 Consumer Affairs.

23 2. On or about March 6, 2018, the Bureau for Private Postsecondary Education received
24 an application for an Approval to Operate an Institution Non-Accredited from Saint Junipero
25 Serra University (Respondent). On or about November 10, 2017, Chris Plance, Chief Executive
26 Officer, certified under penalty of perjury to the truthfulness of all statements, answers, and
27 representations in the application. The Bureau denied the application on October 9, 2019.

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1 **JURISDICTION**

2 3. This Statement of Issues is brought before the Director of the Department of
3 Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the
4 authority of the following laws. All section references are to the Education Code (Code) unless
5 otherwise indicated.

6 **STATUTORY PROVISIONS**

7 4. Business and Professions Code Section 22 defines the term “board” to include
8 “bureau.”

9 5. Education Code Section 94885¹ states:

10 (a) The bureau shall adopt by regulation minimum operating standards for an institution
11 that shall reasonably ensure that all of the following occur:

12 (1) The content of each educational program can achieve its stated objective.

13 (2) The institution maintains specific written standards for student admissions for each
14 educational program and those standards are related to the particular educational program.

15 (3) The facilities, instructional equipment, and materials are sufficient to enable students to
16 achieve the educational program’s goals.

17 (4) The institution maintains a withdrawal policy and provides refunds.

18 (5) The directors, administrators, and faculty are properly qualified.

19 (6) The institution is financially sound and capable of fulfilling its commitments to
20 students.

21 (7) That, upon satisfactory completion of an educational program, the institution gives
22 students a document signifying the degree or diploma awarded.

23 (8) Adequate records and standard transcripts are maintained and are available to students.

24 (9) The institution is maintained and operated in compliance with this chapter and all other
25 applicable ordinances and laws.

26 (b) Except as provided in Section 94885.1, an institution offering a degree must satisfy one
27 of the following requirements:

28 ¹ California Private Postsecondary Education Act of 2009, Ed. Code §§94800 et seq.

1 **(1)** Accreditation by an accrediting agency recognized by the United States Department of
2 Education, with the scope of that accreditation covering the offering of at least one degree
3 program by the institution.

4 **(2)** An accreditation plan, approved by the bureau, for the institution to become fully
5 accredited within five years of the bureau’s issuance of a provisional approval to operate to the
6 institution. The provisional approval to operate to an unaccredited degree-offering institution
7 shall be in compliance with Section 94885.5.

8 6. Education Code Section 94885.5 states in pertinent part:

9 **(a)** If an institution that has not been accredited by an accrediting agency recognized by the
10 United States Department of Education seeks to offer one or more degree programs, the
11 institution shall satisfy the following requirements in order to be issued a provisional approval to
12 operate from the bureau:

13

14 **(2)** The institution shall submit an accreditation plan, approved by the bureau, for the
15 institution to become fully accredited within five years of issuance of its provisional approval to
16 operate. The plan shall include, at a minimum, identification of an accreditation agency
17 recognized by the United States Department of Education, from which the institution plans to
18 seek accreditation, and outline the process by which the institution will achieve accreditation
19 candidacy or pre-accreditation within two years, and full accreditation within five years, of
20 issuance of its provisional approval.

21

22 7. Education Code Section 94886 States:

23 Except as exempted in Article 4 (commencing with Section 94874) or in compliance with
24 the transition provisions in Article 2 (commencing with Section 94802), a person shall not open,
25 conduct, or do business as a private postsecondary educational institution in this state without
26 obtaining an approval to operate under this chapter.

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1 8. Education Code Section 94487 States:

2 An approval to operate shall be granted only after an applicant has presented sufficient
3 evidence to the bureau, and the bureau has independently verified the information provided by the
4 applicant through site visits or other methods deemed appropriate by the bureau, that the applicant
5 has the capacity to satisfy the minimum operating standards. The bureau shall deny an application
6 for an approval to operate if the application does not satisfy those standards.

7 9. Education Code Section 94900 States:

8 **(a)** An institution shall maintain records of the name, address, e-mail address, and telephone
9 number of each student who is enrolled in an educational program in that institution.

10 **(b)** An institution shall maintain, for each student granted a degree or certificate by that
11 institution, permanent records of all of the following:

12 **(1)** The degree or certificate granted and the date on which that degree or certificate was
13 granted.

14 **(2)** The courses and units on which the certificate or degree was based.

15 **(3)** The grades earned by the student in each of those courses.

16 10. Education Code Section 94900.5 states in pertinent part:

17 An institution shall maintain, for a period of not less than five years, at its principal place of
18 business in this state, complete and accurate records of all of the following information:

19

20 **(b)** The names and addresses of the members of the institution's faculty and records of the
21 educational qualifications of each member of the faculty.

22

23 11. Education Codes Section 94909 states:

24 **(a)** Except as provided in subdivision (d), prior to enrollment, an institution shall provide a
25 prospective student, either in writing or electronically, with a school catalog containing, at a
26 minimum, all of the following:

27 **(1)** The name, address, telephone number, and, if applicable, Internet Web site address of
28 the institution.

1 **(2)** Except as specified in Article 2 (commencing with Section 94802), a statement that the
2 institution is a private institution and that it is approved to operate by the bureau.

3 **(3)** The following statements:

4 **(A)** “Any questions a student may have regarding this catalog that have not been
5 satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary
6 Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and
7 fax numbers).”

8 **(B)** “As a prospective student, you are encouraged to review this catalog prior to signing an
9 enrollment agreement. You are also encouraged to review the School Performance Fact Sheet,
10 which must be provided to you prior to signing an enrollment agreement.”

11 **(C)** “A student or any member of the public may file a complaint about this institution with
12 the Bureau for Private Postsecondary Education by calling (toll-free telephone number) or by
13 completing a complaint form, which can be obtained on the bureau’s Internet Web site (Internet
14 Web site address).”

15 **(4)** The address or addresses where class sessions will be held.

16 **(5)** A description of the programs offered and a description of the instruction provided in
17 each of the courses offered by the institution, the requirements for completion of each program,
18 including required courses, any final tests or examinations, any required internships or
19 externships, and the total number of credit hours, clock hours, or other increments required for
20 completion.

21 **(6)** If the educational program is designed to lead to positions in a profession, occupation,
22 trade, or career field requiring licensure in this state, a notice to that effect and a list of the
23 requirements for eligibility for licensure.

24 **(7)** Information regarding the faculty and their qualifications.

25 **(8)** A detailed description of institutional policies in the following areas:

26 **(A)** Admissions policies, including the institution’s policies regarding the acceptance of
27 credits earned at other institutions or through challenge examinations and achievement tests,
28 admissions requirements for ability-to-benefit students, and a list describing any transfer or

1 articulation agreements between the institution and any other college or university that provides
2 for the transfer of credits earned in the program of instruction. If the institution has not entered
3 into an articulation or transfer agreement with any other college or university, the institution shall
4 disclose that fact.

5 **(B)** Cancellation, withdrawal, and refund policies, including an explanation that the student
6 has the right to cancel the enrollment agreement and obtain a refund of charges paid through
7 attendance at the first class session, or the seventh day after enrollment, whichever is later. The
8 text shall also include a description of the procedures that a student is required to follow to cancel
9 the enrollment agreement or withdraw from the institution and obtain a refund consistent with the
10 requirements of Article 13 (commencing with Section 94919).

11 **(C)** Probation and dismissal policies.

12 **(D)** Attendance policies.

13 **(E)** Leave-of-absence policies.

14 **(9)** The schedule of total charges for a period of attendance and an estimated schedule of
15 total charges for the entire educational program.

16 **(10)** A statement reporting whether the institution participates in federal and state financial
17 aid programs, and if so, all consumer information that is required to be disclosed to the student
18 pursuant to the applicable federal and state financial aid programs.

19 **(11)** A statement specifying that, if a student obtains a loan to pay for an educational
20 program, the student will have the responsibility to repay the full amount of the loan plus interest,
21 less the amount of any refund, and that, if the student has received federal student financial aid
22 funds, the student is entitled to a refund of the moneys not paid from federal student financial aid
23 program funds.

24 **(12)** A statement specifying whether the institution has a pending petition in bankruptcy, is
25 operating as a debtor in possession, has filed a petition within the preceding five years, or has had
26 a petition in bankruptcy filed against it within the preceding five years that resulted in
27 reorganization under Chapter 11 of the United States Bankruptcy Code (11 U.S.C. Sec. 1101 et
28 seq.).

1 (13) If the institution provides placement services, a description of the nature and extent of
2 the placement services.

3 (14) A description of the student’s rights and responsibilities with respect to the Student
4 Tuition Recovery Fund. This statement shall specify that it is a state requirement that a student
5 who pays his or her tuition is required to pay a state-imposed assessment for the Student Tuition
6 Recovery Fund. This statement shall also describe the purpose and operation of the Student
7 Tuition Recovery Fund and the requirements for filing a claim against the Student Tuition
8 Recovery Fund.

9 (15) The following statement:

10 “NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS
11 EARNED AT OUR INSTITUTION

12 The transferability of credits you earn at (name of institution) is at the complete discretion
13 of an institution to which you may seek to transfer. Acceptance of the (degree, diploma, or
14 certificate) you earn in (name of educational program) is also at the complete discretion of the
15 institution to which you may seek to transfer. If the (credits or degree, diploma, or certificate) that
16 you earn at this institution are not accepted at the institution to which you seek to transfer, you
17 may be required to repeat some or all of your coursework at that institution. For this reason you
18 should make certain that your attendance at this institution will meet your educational goals. This
19 may include contacting an institution to which you may seek to transfer after attending (name of
20 institution) to determine if your (credits or degree, diploma, or certificate) will transfer.”

21 (16) A statement specifying whether the institution, or any of its degree programs, are
22 accredited by an accrediting agency recognized by the United States Department of Education. If
23 the institution is unaccredited and offers an associate, baccalaureate, master’s, or doctoral degree,
24 or is accredited and offers an unaccredited program for an associate, baccalaureate, master’s, or
25 doctoral degree, the statement shall disclose the known limitations of the degree program,
26 including, but not limited to, all of the following:

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1 (A) Whether a graduate of the degree program will be eligible to sit for the applicable
2 licensure exam in California and other states or become certified or registered as required for the
3 applicable profession, occupation, trade, or career field in California.

4 (B) A degree program that is unaccredited or a degree from an unaccredited institution is
5 not recognized for some employment positions, including, but not limited to, positions with the
6 State of California.

7 (C) That a student enrolled in an unaccredited institution is not eligible for federal financial
8 aid programs.

9 (b) If the institution has a general student brochure, the institution shall provide that
10 brochure to the prospective student prior to enrollment. In addition, if the institution has a
11 program-specific student brochure for the program in which the prospective student seeks to
12 enroll, the institution shall provide the program-specific student brochure to the prospective
13 student prior to enrollment.

14 (c) An institution shall provide the school catalog to any person upon request. In addition, if
15 the institution has student brochures, the institution shall disclose the requested brochures to any
16 interested person upon request.

17 (d) An accredited institution is not required to provide a School Performance Fact Sheet to
18 a prospective student who is not a California resident, not residing in California at the time of his
19 or her enrollment, and enrolling in an accredited distance learning degree program offered by the
20 institution, if the institution complies with all federal laws, the applicable laws of the state where
21 the student is located, and other appropriate laws, including, but not limited to, consumer
22 protection and student disclosure requirements.

23 12. Education Code Section 94911 states in pertinent part:

24 An enrollment agreement shall include, at a minimum, all of the following:

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1 (b) A schedule of total charges, including a list of any charges that are nonrefundable and
2 the student’s obligations to the Student Tuition Recovery Fund, clearly identified as
3 nonrefundable charges.

4

5 (e) (1) A disclosure with a clear and conspicuous caption, ‘STUDENT’S RIGHT TO
6 CANCEL,’ under which it is explained that the student has the right to cancel the enrollment
7 agreement and obtain a refund of charges paid through attendance at the first class session, or the
8 seventh day after enrollment, whichever is later.

9 (2) The disclosure shall contain the institution’s refund policy and a statement that, if the
10 student has received federal student financial aid funds, the student is entitled to a refund of
11 moneys not paid from federal student financial aid program funds.

12

13 (f) A statement specifying that, if the student obtains a loan to pay for an educational
14 program, the student will have the responsibility to repay the full amount of the loan plus interest,
15 less the amount of any refund.

16 (g) A statement specifying that, if the student is eligible for a loan guaranteed by the federal
17 or state government and the student defaults on the loan, both of the following may occur:

18 (1) The federal or state government or a loan guarantee agency may take action against the
19 student, including applying any income tax refund to which the person is entitled to reduce the
20 balance owed on the loan.

21 (2) The student may not be eligible for any other federal student financial aid at another
22 institution or other government assistance until the loan is repaid.

23

24 **REGULATORY PROVISIONS**

25 13. Title 5, CCR, section 71100 states in pertinent part:

26

27 (c) An application that fails to contain all of the information required by this article shall
28 render it incomplete.

1 14. Title 5, CCR, Section 71105 states:

2 **(a)** For an application for approval to operate or a substantive change, the owner of an
3 unaccredited institution also requesting provisional approval to offer a degree program shall
4 submit to the Bureau, for its approval, a plan for achieving institutional accreditation by an
5 accrediting agency recognized by the United States Department of Education, with the scope of
6 that accreditation covering the offering of at least one degree program.

7 **(b)** The plan shall include:

8 **(1)** Identification of the accrediting agency from which the institution will seek
9 accreditation;

10 **(2)** Identification of the accrediting agency's eligibility requirements;

11 **(3)** Identification of the accrediting agency's minimum requirements for institutional
12 accreditation covering at least one degree program offered by the institution with an outline of the
13 process and timeline for complying within two years of provisional approval with the accrediting
14 agency's requirements for submission of a completed application for initial accreditation with the
15 required fee; and

16 **(4)** An outline of the process and timeline whereby the institution will achieve full
17 accreditation within five years of provisional approval, including all of the following, if
18 applicable:

19 **(A)** Attendance at the accrediting agency's required accreditation applicant workshop;

20 **(B)** Submission of financial statements as required by the accrediting agency;

21 **(C)** Submission of a self-evaluation report; and

22 **(D)** Hosting of a site visit by the accrediting agency.

23 15. Title 5, CCR, section 71130 states:

24 **(a)**

25 **(1)** The institution shall identify the name, address, email address, and telephone number of
26 each person, as defined in section 94855 of the Code, who owns or controls 25% or more of the
27 stock or an interest in the institution and, to the extent applicable, each general partner, officer,
28 corporate director, member of the board of directors and any other person who exercises

1 substantial control over the institution's management or policies. For the purpose of this
2 paragraph, a person exercises "substantial control over the institution's management or policies" if
3 the person has the authority to cause the institution to expend money or incur debt in the amount
4 of five thousand dollars (\$ 5,000) or more in any year.

5 (2) For each address required, the institution shall provide a physical home address, and
6 may request that the address, email address, and telephone number, of each person described in
7 paragraph (1) be maintained as personal information.

8 (b) The institution shall describe the nature and percentage of the ownership interest and
9 any other financial involvement in the institution of any person identified in subdivision (a) of
10 this section.

11 (c) The institution shall provide a statement from any person identified in subdivision (a)
12 of this section who --

13 (1) Was found in any judicial or administrative proceeding to have violated the Act or the
14 law of any other state related to untrue or misleading advertising, the solicitation of prospective
15 students for enrollment in an educational service, or the operation of a postsecondary school;

16 (2) Was denied any type of license on grounds set forth in Section 480 of the Business and
17 Professions Code;

18 (3) Was adjudicated as responsible for the closure of an institution in which there were
19 unpaid liabilities to the state or federal government or any uncompensated pecuniary losses
20 suffered by students;

21 (4) Has stipulated to a judgment or administrative order or entered a consent decree
22 involving any of the matters described in this section.

23 (5) Was convicted of any misdemeanor or felony as provided in Section 480(a)(1) of the
24 Business and Professions Code;

25 (d) The institution shall furnish an explanation of any legal action pending against the
26 institution or ownership or any of the institution's owners, officers, corporate directors,
27 administrators, or instructors by any federal, state, or local law enforcement agency involving
28

1 alleged acts of fraud, dishonesty, financial mismanagement, unpaid liabilities to any
2 governmental agency or claims for pecuniary loss suffered by any student.

3 16. Title 5, CCR, section 71140 states:

4 (a) The institution shall include in its Form Application 94886 an organization chart that
5 shows the governance and administrative structure of the institution and the relationship between
6 faculty and administrative positions.

7 (b) The institution shall provide a description of the job duties and responsibilities of each
8 administrative and faculty position.

9 (c) The institution shall identify the chief executive officer, chief operating officer, and
10 chief academic officer and describe their education, experience, and qualifications to perform
11 their duties and responsibilities.

12 17. Title 5, CCR, section 71150 states:

13 If the institution has a governing board, the Form Application 94886 shall include the name,
14 work address, email address, and telephone number; of each member of the governing board.

15 18. Title 5, CCR, section 71210 states in pertinent part:

16 (a) The institution shall identify and describe the educational program it offers, or proposes
17 to offer. If the educational program is a degree program, the institution shall identify the full title
18 which it will place on each degree awarded.

19

20 (c) In addition, the institution shall list the following for each educational program offered:

21 (1) The admissions requirements, including minimum levels of prior education,
22 preparation, or training;

23

24 (6) The graduation requirements; and

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1 19. Title 5, CCR, section 71220 states in pertinent part:

2 For each educational program that the institution offers or proposes to offer, the Form
3 Application 94886 shall contain a statement that the educational program meets the requirements
4 of section 71710, as well as the following:

5 **(a)** A description of the educational program.

6

7 **(d)** A projection, and the bases for the projection, of the number of students that the
8 institution plans to enroll in the educational program during each of the three years following the
9 date the Form Application 94886 was submitted.

10

11 20. Title 5, CCR, section 71230 states:

12 If the institution offers an educational program, or a portion of it, in a language other than
13 English, the Form Application 94886 shall contain a description of all of the following for each
14 educational program or portion thereof.

15 **(a)** The language in which each educational program will be offered.

16 **(b)** A statement that the institution has contracted with sufficient duly qualified faculty
17 who will teach each language group of students.

18 **(c)** The language of the textbooks and other written materials to be used by each language
19 group of students.

20 21. Title 5, CCR Section 71240 states in pertinent part:

21

22 **(b)** The institution shall submit current, reviewed financial statements at the time it applies
23 for approval to operate. Each set of financial statements shall comply with Section 74115 of this
24 chapter.

25 22. Title 5, CCR, section 71260 states:

26 **(a)** For each program offered, the Form Application 94886 shall contain a description of
27 the facilities and the equipment which is available for use by students at the main, branch, and
28 satellite locations of the institution.

1 **(b)** For facilities that are leased or rented, the Form Application 94886 shall contain the
2 name and address of the lessor or landlord, together with a copy of any use, lease, or rental
3 agreements for the facilities.

4 **(c)** The description of the physical facilities shall include building diagrams or campus
5 maps to assist the Bureau in locating these facilities. The diagrams or maps shall identify the
6 location of classrooms, laboratories, workshops, and libraries.

7 **(d)** The description shall include specifications of significant equipment that demonstrate
8 that the equipment meets the standards prescribed by the Code and this chapter and is sufficient to
9 enable students to achieve the educational objectives of each education program.

10 **(e)** For each item of significant equipment, the description shall indicate whether the
11 equipment is owned, leased, rented, or licensed for short- or long-term, or owned by another and
12 loaned to be used without charge.

13 **(f)** The Form Application 94886 shall contain a list of all permits, certifications, or other
14 evidence of inspections or authorizations to operate required by the jurisdictions within which the
15 institution operates that the institution has obtained, and/or an explanation as to why those
16 permits, certifications, or inspections have not yet been obtained.

17 23. Title 5, CCR, section 71270 states:

18 The Form Application 94886 shall include a description of library holdings, services,
19 and other learning resources, including policies and procedures for supplying them to students
20 who do not receive classroom instruction. The description need not consist of a list of each
21 holding. The description shall include an explanation of how the library and other learning
22 resources are sufficient to support the instructional needs of students and, if no facilities exist at
23 the institution, how and when students may obtain access to a library and other learning resources
24 as required by the curriculum.

25 24. Title 5, CCR, section 71280 states:

26 If an institution represents to the public, in any manner, that it offers job placement
27 assistance, the Form Application 94886 shall include a description of the job placement assistance
28 that it provides.

1 25. Title 5, CCR, section 71310 states in pertinent part:

2 (a) The Form Application 94886 shall contain a description of how records required
3 by Article 9 of the Act or this chapter are or will be organized and maintained, the types of
4 documents contained in student files, how the records are stored, and whether academic and
5 financial records are maintained in separate files. The description shall include a statement of the
6 institution's procedures for security and safekeeping of records.

7

8 26. Title 5, CCR, section 71320 states:

9 The Form Application 94886 shall contain a description of the procedures used by the
10 institution to assure that it is maintained and operated in compliance with the Act and this
11 Division.

12 27. Title 5, CCR, section 71380 states:

13 (a) The Form Application 94886 shall be signed and dated, and each fact stated therein and
14 each attachment thereto shall be declared to be true under penalty of perjury, as follows:

15 (1) By each owner of the institution, or

16 (2) If the institution is incorporated, by the chief executive officer of the corporation and
17 each person who owns or controls 25 percent or more of the stock or interest in the institution, or

18 (3) By each member of the governing body of a nonprofit corporation.

19 (b) The declaration shall be in the following form:

20 "I declare under penalty of perjury under the laws of the State of California that the
21 foregoing and all attachments are true and correct.

22

23 (Date) (Signature)"

24 28. Title 5, CCR, section 71700 states:

25 The Bureau may request that an institution document compliance with the standards set
26 forth in the Act and this Division to obtain and maintain an approval to operate.

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1 29. Title 5, CCR, section 71710 states in pertinent part:

2 In order to meet its mission and objectives, the educational program defined in section
3 94837 of the Code shall be comprised of a curriculum that includes:

4

5 **(c)** Course or module materials that are designed or organized by duly qualified faculty.

6 For each course or module, each student shall be provided with a syllabus or course outline that
7 contains:

8 **(1)** A short, descriptive title of the educational program;

9 **(2)** A statement of educational objectives;

10 **(3)** Length of the educational program;

11 **(4)** Sequence and frequency of lessons or class sessions;

12 **(5)** Complete citations of textbooks and other required written materials;

13 **(6)** Sequential and detailed outline of subject matter to be addressed or a list of skills to be
14 learned and how those skills are to be measured;

15 **(7)** Instructional mode or methods.

16 **(d)** If degree granting, require research of an appropriate degree that utilizes a library and
17 other learning resources;

18 **(e)** Specific learning outcomes tied to the sequence of the presentation of the material to
19 measure the students' learning of the material; and

20 **(f)** Evaluation by duly qualified faculty of those learning outcomes.

21 30. Title 5, CCR section 71720 states;

22 **(a)** An Educational Program Leading to a Degree.

23 **(1)** An institution offering an educational program that leads to a degree shall employ duly
24 qualified faculty sufficient in number to provide the instruction, student advisement, and learning
25 outcomes evaluation necessary for the institution to document its achievement of its stated
26 mission and objectives, and for students to achieve the specific learning objectives of each course
27 offered;

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1 **(2)** Each institution shall develop and implement written policies and procedures providing
2 for; the participation by duly qualified faculty in the conducting of research, development of
3 curricula, academic planning, enforcement of standards of academic quality, pursuit of academic
4 matters related to the institution's mission and objectives, establishment of criteria for contracting
5 with new faculty, and evaluation of faculty credentials;

6

7 **(4)** The faculty shall have sufficient expertise to support the institution's awarding of a
8 degree identifying a specialty or major field of emphasis, demonstrated by, at a minimum:

9 **(A)** That the person possesses one of the following:

10 **1.** a degree from: an institution approved by the Bureau or previously approved by a
11 predecessor agency of the Bureau; or an accredited institution in the United States or Canada; or
12 other state approved institution that documents that the institution at which the faculty member
13 earned his or her degree is equivalent to an institution that is approved by the Bureau; or an
14 institution outside the United States or Canada and in addition provides a comprehensive
15 evaluation of the degree performed by a foreign credential evaluation service that is a member of
16 the National Association of Credential Evaluation Services (NACES).

17 **2.** a credential generally recognized in the field of instruction.

18 **(B)** The degree, professional license, or credential possessed by the person shall be at least
19 equivalent to the level of instruction being taught or evaluated;

20 **(5)** The institution's faculty as a whole shall possess a diverse educational background
21 which shall be demonstrated in part by earned degrees from a variety of colleges and universities
22 or by credentials generally recognized in the field of instruction;

23

24 **(8)** Each institution shall have a written Academic Freedom Policy which describes the
25 latitude the institution allows faculty in the classroom so faculty will not inadvertently violate the
26 principles of academic freedom. These policies shall be made available to any person upon
27 request. The institution shall not take adverse action based on a staff member's exercise of
28 academic freedom consistent with the institution's policy; and

1 **(9)** The institution shall maintain records documenting that each faculty member is duly
2 qualified and was qualified to perform the duties to which the faculty member was assigned,
3 including providing instruction, evaluating learning outcomes, evaluating graduate dissertations,
4 theses, and student projects, and participating on doctoral committees.

5 **(b)** Instructors in an Educational Program Not Leading to a Degree.

6 **(1)** An institution shall employ instructors who possess the academic, experiential and
7 professional qualifications to teach, including a minimum of three years of experience, education
8 and training in current practices of the subject area they are teaching. If an instructor does not
9 possess the required three years of experience, education and training in the subject area they are
10 teaching, the institution shall document the qualifications the instructor possesses that are
11 equivalent to the minimum qualifications.

12 **(2)** Each instructor shall maintain their knowledge by completing continuing education
13 courses in his or her subject area, classroom management or other courses related to teaching.

14 **(3)** The institution shall not employ or continue to employ an instructor who was
15 adjudicated in a judicial or administrative proceeding as having violated any provision of the Act
16 or this chapter, or as having committed any act that would constitute grounds for the denial of a
17 license under Section 480 of the Business and Professions Code.

18 31. Title 5, CCR, section 71740 states in pertinent part:

19

20 **(c)** An institution shall describe onsite library and other learning resources, if any, that
21 enable students to pursue inquiries, searches for information and documentation, and assignments
22 connected with their study programs.

23

24 32. Title 5, CCR section 71745 states in pertinent part:

25 **(a)** The institution shall document that it has at all times sufficient assets and financial
26 resources to do all of the following:

27

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1 **(6)** Maintain a ratio of current assets to current liabilities of 1.25 to 1.00 or greater at the
2 end of the most recent fiscal year when using generally accepted accounting principles, or for an
3 institution participating in Title IV of the federal Higher Education Act of 1965, meet the
4 composite score requirements of the U.S. Department of Education. For the purposes of this
5 section, current assets does not include: intangible assets, including goodwill, going concern
6 value, organization expense, startup costs, long-term prepayment of deferred charges, and non-
7 returnable deposits, or state or federal grant or loan funds that are not the property of the
8 institution but are held for future disbursement for the benefit of students. Unearned tuition shall
9 be accounted for in accordance with general accepted accounting principles.

10

11 33. Title 5, CCR, section 71770 states in pertinent part:

12 **(c)** If credit for prior experiential learning is to be granted, the policy for granting such
13 credit shall be included in the institution's catalog.

14 34. Title 5, CCR, section 71775 states in pertinent part:

15

16 **(c)** The notice shall also be posted immediately preceding or following as to clearly pertain
17 to the description of the degree program, including, but not limited to, one or more of the
18 following; admissions requirements, length of program, courses offered or areas of focus. Such
19 notice shall be included, at a minimum, in the following locations:

20 **(1)** The institution's catalog where each degree program is described.

21

22 35. Title 5, CCR, section 71800 states:

23 In addition to the requirements of section 94911 of the Code, an institution shall provide to
24 each student an enrollment agreement that contains at the least the following information:

25 **(a)** The name and address of the institution and the addresses where instruction will be
26 provided.

27 **(b)** Period covered by the enrollment agreement.

28 **(c)** Program start date and scheduled completion date.

1 **(d)** Date by which the student must exercise his or her right to cancel or withdraw, and the
2 refund policy, including any alternative method of calculation if approved by the Bureau pursuant
3 to section 94921 of the Code.

4 **(e)** Itemization of all institutional charges and fees including, as applicable:

5 **(1)** Tuition;

6 **(2)** Registration fee (non-refundable);

7 **(3)** Equipment;

8 **(4)** Lab supplies or kits;

9 **(5)** Textbooks, or other learning media;

10 **(6)** Uniforms or other special protective clothing;

11 **(7)** In-resident housing;

12 **(8)** Tutoring;

13 **(9)** Assessment fees for transfer of credits;

14 **(10)** Fees to transfer credits;

15 **(11)** Student Tuition Recovery Fund fee (non-refundable);

16 **(12)** Any other institutional charge or fee.

17 **(f)** Charges paid to an entity other than an institution that is specifically required for
18 participation in the educational program.

19 36. Title 5, CCR section 71810 states:

20 **(a)** Each institution shall provide a catalog pursuant to section 94909 of the Code, which
21 shall be updated annually. Annual updates may be made by the use of supplements or inserts
22 accompanying the catalog. If changes in educational programs, educational services, procedures,
23 or policies required to be included in the catalog by statute or regulation are implemented before
24 the issuance of the annually updated catalog, those changes shall be reflected at the time they are
25 made in supplements or inserts accompanying the catalog.

26 **(b)** The catalog shall contain the information prescribed by Section 94909 of the Code and
27 all of the following:

28 ////

1 **(1)** The specific beginning and ending dates defining the time period covered by the
2 catalog;

3 **(2)** A statement of the institution's missions and purposes and the objectives underlying
4 each of its educational programs;

5 **(3)** If the institution admits students from other countries, whether visa services are
6 provided or whether the institution will vouch for student status, and any associated charges;

7 **(4)** Language proficiency information, including: (A) the level of English language
8 proficiency required of students and the kind of documentation of proficiency, such as the Test of
9 English as a Foreign Language (TOEFL), that will be accepted; and (B) whether English
10 language services, including instruction such as ESL, are provided and, if so, the nature of the
11 service and its cost;

12 **(5)** Whether any instruction will occur in a language other than English and, if so, the level
13 of proficiency required and the kind of documentation of proficiency, such as the United States
14 Foreign Service Language Rating System, that will be accepted;

15 **(6)** The institution's policies and practices regarding any form of financial aid, including all
16 consumer information which the institution is required to disclose to the student under any state
17 or federal financial aid program;

18 **(7)** The institution's policies and procedures for the award of credit for prior experiential
19 learning, including assessment policies and procedures, provisions for appeal, and all charges that
20 a student may be required to pay;

21 **(8)** The institution's standards for student achievement;

22 **(9)** A description of the facilities and of the types of equipment and materials that will be
23 used for instruction;

24 **(10)** A description of library and other learning resources and the procedures for student
25 access to those resources;

26 **(11)** If the institution offers distance education, the approximate number of days that will
27 elapse between the institution's receipt of student lessons, projects, or dissertations and the
28 institution's mailing of its response or evaluation.

- 1 **(12)** A description of all student services;
- 2 **(13)** Housing information including all of the following:
- 3 **(A)** Whether the institution has dormitory facilities under its control;
- 4 **(B)** The availability of housing located reasonably near the institution's facilities and an
- 5 estimation of the approximate cost or range of cost of the housing; and
- 6 **(C)** If the institution has no responsibility to find or assist a student in finding housing, a
- 7 clear and conspicuous statement so indicating. A statement that the program is "non- residential"
- 8 does not satisfy this subparagraph.
- 9 **(14)** Policies on student rights, including the procedure for addressing student grievances;
- 10 and
- 11 **(15)** Policies on the retention of student records.

12 37. Title 5, CCR section 71865 states in pertinent part:

13 **(a)** A Master's degree may only be awarded to a student who demonstrates at least the

14 achievement of learning in a designated major field that is equivalent in depth to that normally

15 acquired in a minimum of 30 semester credits or its equivalent or one year of study beyond the

16 Bachelor's degree.

17

18 38. Title 5, CCR, section 71920 states:

19 **(a)** The institution shall maintain a file for each student who enrolls in the institution

20 whether or not the student completes the educational service.

21 **(b)** In addition to the requirements of section 94900, the file shall contain all of the

22 following pertinent student records:

23 **(1)** Written records and transcripts of any formal education or training, testing, or

24 experience that are relevant to the student's qualifications for admission to the institution or the

25 institution's award of credit or acceptance of transfer credits including the following:

26 **(A)** Verification of high school completion or equivalency or other documentation

27 establishing the student's ability to do college level work, such as successful completion of an

28 ability-to-benefit test;

1 **(B)** Records documenting units of credit earned at other institutions that have been
2 accepted and applied by the institution as transfer credits toward the student's completion of an
3 educational program;

4 **(C)** Grades or findings from any examination of academic ability or educational
5 achievement used for admission or college placement purposes;

6 **(D)** All of the documents evidencing a student's prior experiential learning upon which the
7 institution and the faculty base the award of any credit;

8 **(2)** Personal information regarding a student's age, gender, and ethnicity if that information
9 has been voluntarily supplied by the student;

10 **(3)** Copies of all documents signed by the student, including contracts, instruments of
11 indebtedness, and documents relating to financial aid;

12 **(4)** Records of the dates of enrollment and, if applicable, withdrawal from the institution,
13 leaves of absence, and graduation; and

14 **(5)** In addition to the requirements of section 94900(b) of the Code, a transcript showing all
15 of the following:

16 **(A)** The courses or other educational programs that were completed, or were attempted but
17 not completed, and the dates of completion or withdrawal;

18 **(B)** Credit awarded for prior experiential learning, including the course title for which
19 credit was awarded and the amount of credit;

20 **(C)** Credit for courses earned at other institutions;

21 **(D)** Credit based on any examination of academic ability or educational achievement used
22 for admission or college placement purposes;

23 **(E)** The name, address, website address, and telephone number of the institution.

24 **(6)** For independent study courses, course outlines or learning contracts signed by the
25 faculty and administrators who approved the course;

26 **(7)** The dissertations, theses, and other student projects submitted by graduate students;

27 **(8)** A copy of documents relating to student financial aid that are required to be maintained
28 by law or by a loan guarantee agency;

1 **(9)** A document showing the total amount of money received from or on behalf of the
2 student and the date or dates on which the money was received;

3 **(10)** A document specifying the amount of a refund, including the amount refunded for
4 tuition and the amount for other itemized charges, the method of calculating the refund, the date
5 the refund was made, and the name and address of the person or entity to which the refund was
6 sent;

7 **(11)** Copies of any official advisory notices or warnings regarding the student's progress;
8 and

9 **(12)** Complaints received from the student.

10 39. Title 5, CCR, section 74112 states in pertinent part:

11

12 **(d)** In addition to the definitions contained in section 94928 of the Code:

13 **(1)** "Number of Students Who Began the Program" means the number of students who
14 began a program who were scheduled to complete the program within 100% of the published
15 program length within the reporting calendar year, and excludes all students who cancelled during
16 the cancellation period.

17 **(2)** "Number of On-time Graduates" means the number of students who completed the
18 program within 100% of the published program length within the reporting calendar year.

19 **(3)** "Gainfully Employed" means:

20 **(A)**

21 **(i)** The graduate is employed in a job classification under the United States Department of
22 Labor's Standard Occupational Classification codes, using the Detailed Occupation (six-digit)
23 level, for which the institution has identified in its catalog and in its employment positions list
24 required by section 94910(f)(2) of the Code that the program prepares its graduates; and

25 **(ii)** The graduate is employed in a single position or concurrent aggregated positions
26 totaling at least 30 hours per week for 5 weeks (35 calendar days), or totaling at least 20 hours per
27 week for 5 weeks (35 calendar days) with a statement signed by the graduate stating that he or she
28 chose to seek part-time employment rather than fulltime employment after graduation; or

1 **(B)** The graduate is employed by the same employer that employed the graduate before
2 enrollment, and any of the following conditions are met:

3 **(i)** the graduate is employed in an occupation with a different Detailed Occupation (six-
4 digit) level Standard Occupational Classification code than applies to the position in which the
5 graduate was employed before enrollment; or

6 **(ii)** the employer or the graduate provides a statement to the effect that the employment
7 after graduation was the result of a promotion with increased pay, due at least in part to
8 graduation from the program; or

9 **(iii)** the employer or the graduate provides a statement to the effect that the degree or the
10 completed program was required as a condition of continued employment; or

11 **(C)** The graduate is self-employed or working freelance as reasonably evidenced by, but
12 not limited to, a business license, fictitious business name statement, advertising (other than
13 business cards), website, or business receipts or other evidence of income from business; or an
14 attestation signed by the graduate of self-employment or freelance work and dated after
15 graduation.

16

17 40. Title 5, CCR, section 74115 states in pertinent part:

18

19 **(b)** A set of financial statements shall contain, at a minimum, a balance sheet, an income
20 statement, and a cash flow statement, and the preparation of financial statements, shall comply
21 with all of the following:

22 **(1)** Audited and reviewed financial statements shall be conducted and prepared in
23 accordance with the generally accepted accounting principles established by the American
24 Institute of Certified Public Accountants by an independent certified public accountant who is not
25 an employee, officer, or corporate director or member of the governing board of the institution.

26

27 **(d)** "Current" with respect to financial statements means completed no sooner than 120
28 days prior to the time it is submitted to the Bureau, and covering no less than the most recent

1 complete fiscal year. If more than 8 months will have elapsed between the close of the most
2 recent complete fiscal year and the time it is submitted, the fiscal statements shall also cover no
3 less than five months of that current fiscal year.

4 41. Title 5, CCR, section 76215 states:

5 (a) A qualifying institution shall include the following statement on both its
6 enrollment agreement and school catalog:

7 "The State of California established the Student Tuition Recovery Fund (STRF) to relieve
8 or mitigate economic loss suffered by a student in an educational program at a qualifying
9 institution, who is or was a California resident while enrolled, or was enrolled in a residency
10 program, if the student enrolled in the institution, prepaid tuition, and suffered an economic loss.
11 Unless relieved of the obligation to do so, you must pay the state-imposed assessment for the
12 STRF, or it must be paid on your behalf, if you are a student in an educational program, who is a
13 California resident, or are enrolled in a residency program, and prepay all or part of your tuition.

14 You are not eligible for protection from the STRF and you are not required to pay the STRF
15 assessment, if you are not a California resident, or are not enrolled in a residency program."

16 (b) In addition to the statement required under subdivision (a) of this section, a qualifying
17 institution shall include the following statement in its school catalog:

18 "It is important that you keep copies of your enrollment agreement, financial aid
19 documents, receipts, or any other information that documents the amount paid to the school.
20 Questions regarding the STRF may be directed to the Bureau for Private Postsecondary
21 Education, 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833, (916) 431-6959 or (888)
22 370-7589.

23 To be eligible for STRF, you must be a California resident or enrolled in a residency
24 program, prepaid tuition, paid or deemed to have paid the STRF assessment, and suffered an
25 economic loss as a result of any of the following:

26 1. The institution, a location of the institution, or an educational program offered by the
27 institution was closed or discontinued, and you did not choose to participate in a teach-out plan
28 approved by the Bureau or did not complete a chosen teach-out plan approved by the Bureau.

1 2. You were enrolled at an institution or a location of the institution within the 120 day
2 period before the closure of the institution or location of the institution, or were enrolled in an
3 educational program within the 120 day period before the program was discontinued.

4 3. You were enrolled at an institution or a location of the institution more than 120 days
5 before the closure of the institution or location of the institution, in an educational program
6 offered by the institution as to which the Bureau determined there was a significant decline in the
7 quality or value of the program more than 120 days before closure.

8 4. The institution has been ordered to pay a refund by the Bureau but has failed to do so.

9 5. The institution has failed to pay or reimburse loan proceeds under a federal student loan
10 program as required by law, or has failed to pay or reimburse proceeds received by the institution
11 in excess of tuition and other costs.

12 6. You have been awarded restitution, a refund, or other monetary award by an arbitrator or
13 court, based on a violation of this chapter by an institution or representative of an institution, but
14 have been unable to collect the award from the institution.

15 7. You sought legal counsel that resulted in the cancellation of one or more of your student
16 loans and have an invoice for services rendered and evidence of the cancellation of the student
17 loan or loans.

18 To qualify for STRF reimbursement, the application must be received within four (4) years
19 from the date of the action or event that made the student eligible for recovery from STRF.

20 A student whose loan is revived by a loan holder or debt collector after a period of
21 noncollection may, at any time, file a written application for recovery from STRF for the debt that
22 would have otherwise been eligible for recovery. If it has been more than four (4) years since the
23 action or event that made the student eligible, the student must have filed a written application for
24 recovery within the original four (4) year period, unless the period has been extended by another
25 act of law.

26 However, no claim can be paid to any student without a social security number or a
27 taxpayer identification number."

28 ////

1 **FIRST CAUSE FOR DENIAL OF APPLICATION**

2 (Incomplete Application)

3 42. Respondent's application is subject to denial under, Education Code section 94887 4
and 5, CCR sections 71700, 71100 subdivision (c), 71130, 71230, 71280, 71320 and 71380 in
5 that the Respondent's application did not meet the minimum requirements of the Bureau. On or
6 about September 27, 2018 and January 31, 2019, the Bureau requested the Respondent to correct
7 the deficiencies in the application. The Respondent did not correct the deficiencies. Each of the
8 following deficiencies and grounds for denial constitutes its own separate cause for denial:

9 43. The Respondent failed to complete the Owner(s) Section of the application including
10 listing all persons that own or control 25% or more stock or interest in the institution, exercise
11 substantial control in or financial involvement in the institution and providing a statement from
12 any of these persons or explanation of pending actions if applicable.

13 44. The Respondent failed to indicate whether instruction will be provided in languages
14 other than English.

15 45. The Respondent failed to describe job placement assistance offered by the institution.

16 46. The Respondent failed to describe the procedures used by the institution to assure that
17 it is maintained and operated in compliance with the California Private Postsecondary Education
18 Act (Act).

19 47. The Respondent failed to have the application signed by all board members. The
20 application was signed by CEO Chris Plance and Board of Directors Jane Plance. The
21 institution's bylaws state the board of the institution shall have no fewer than three members.

22 **SECOND CAUSE FOR DENIAL OF APPLICATION**

23 (Enrollment Agreement)

24 48. Respondent's application is subject to denial under, Education Code sections 94887
25 and 94911 subdivision (b), (e) (2), (f), (g) (1) (2) and 5, CCR section 71800 subdivision (a)-(d),
26 (e)(1-12) and (f) in that the Respondent submitted an incomplete enrollment agreement. On or
27 about September 27, 2018 and January 31, 2019, the Bureau requested the Respondent to correct
28 the deficiencies in the enrollment agreement. The Respondent did not correct the deficiencies.

1 Each of the following deficiencies and grounds for denial constitutes its own separate cause for
2 denial:

3 49. The enrollment agreement does not include the name and address of the institution
4 and the address where the instruction will be provided.

5 50. The enrollment agreement does not include the period covered by the enrollment
6 agreement.

7 51. The enrollment agreement does not include the program start date and scheduled
8 completion date.

9 52. The enrollment agreement does not include the date by which the student must
10 exercise his or her right to cancel or withdraw and the refund policy.

11 53. The enrollment agreement does not include an itemization of all institutional charges
12 and fees.

13 54. The enrollment agreement does not include the charges paid to an entity other than an
14 institution that is specifically required for participation in the education program.

15 55. The enrollment agreement does not include the schedule of total charges, including a
16 list of nonrefundable charges and the student's obligation to the Student Tuition Recovery Fund,
17 clearly identified as nonrefundable charge.

18 56. The enrollment agreement does not include the institution's refund policy and a
19 statement that, if the student has received federal student financial aid funds, the student is
20 entitled to a refund of the moneys not paid from the federal student financial aid program funds.

21 57. The enrollment agreement does not include a statement specifying that if the student
22 obtains a loan to pay for an educational program, the student will have the responsibility to repay
23 the full amount of the loan plus interest, less the amount of any refund.

24 58. The enrollment agreement does not include a statement specifying that, if the student
25 defaults on a federal or state loan, both the following may occur: The federal or state government
26 or a loan guarantee agency may take action against the student, including applying any income
27 tax refund to which the person is entitled to reduce the balance owed on the loan and the student
28

1 may not be eligible for any other federal student financial aid at another institution or other
2 government financial assistance until the loan is repaid.

3 **THIRD CAUSE FOR DENIAL OF APPLICATION**

4 (Instruction and Degrees Offered)

5 59. Respondent's application is subject to denial under Education Code section 94885.5
6 subdivision (a)(2) and 5, CCR sections 71105 subdivisions (a) and (b) and 71210 subdivisions
7 (c)(1) and (c)(6) in that the Respondent did not submit information regarding the instruction and
8 degrees offered by the institution. On or about September 27, 2018 and January 31, 2019, the
9 Bureau requested the Respondent to correct the deficiencies in the application. The Respondent
10 did not correct the deficiencies. Each of the following deficiencies and grounds for denial
11 constitutes its own separate cause for denial:

12 60. The Respondent failed to provide an accreditation plan for the institution to become
13 fully accredited within five years of issuance of its provisional approval to operate.

14 61. The Respondent failed to provide the minimum levels of prior education, preparation
15 or training for the educational program.

16 62. The Respondent failed to provide the graduation requirements for the educational
17 program.

18 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

19 (Description of Educational Program)

20 63. Respondent's application is subject to denial under 5, CCR sections 71210
21 subdivision (a), 71220 subdivisions (a) and (d), 71865 subdivision (a), and 71710 subdivisions
22 (c)(1-7), (d), (e) and (f) in that the Respondent submitted incomplete information regarding the
23 educational program of the institution. On or about September 27, 2018 and January 31, 2019, the
24 Bureau requested the Respondent to correct the deficiencies in the application. The Respondent
25 did not correct the deficiencies. Each of the following deficiencies and grounds for denial
26 constitutes its own separate cause for denial:

27 64. The Respondent failed to provide a description and full title of the educational
28 program.

1 65. The Respondent failed to provide a projection and the bases for the projection, of the
2 number of students that the institution plans to enroll in the education program for all three years
3 following the date of the Form Application 94866 was submitted.

4 66. The Respondents proposed Master of Theology degree program does not meet the
5 minimum semester credits required for a Master's degree.

6 67. The Respondent failed to provide syllabi or course outlines that contain the following;
7 a short, descriptive title of the educational program, a statement of educational objectives, length
8 of the educational program, sequence and frequency of lessons or class sessions, complete
9 citations of textbooks and other required written materials, sequential and detailed outline of
10 subject matter to be addressed or a list of skills to be learned and how those skills are to be
11 measured, instructional mode or methods, if degree granting, if requires research of an
12 appropriate degree that utilizes a library or other learning resources, or specific learning outcomes
13 tied to the sequence of the presentation of the material to measure the students' learning of the
14 material, and evaluation of duly qualified faculty of those learning outcomes.

FIFTH CAUSE FOR DENIAL OF APPLICATION

(Financial Resources and Statements)

17 68. Respondent's application is subject to denial under 5, California Code of Regulations
18 § 71240 subdivision (b), 71745 subdivision (a)(6), 74115 subdivision (b)(1) and (d) in that the
19 Respondent failed to submit the required financial statements. On or about September 27, 2018
20 and January 31, 2019, the Bureau requested the Respondent to provide the required financial
21 statements. The Respondent did not provide the required financial statements. The following
22 deficiency and ground for denial constitutes its own separate cause for denial:

23 69. The Respondent failed to provide current reviewed financial statements, prepared in
24 accordance with generally accepted accounting principles (GAAP), completed by a licensed CPA,
25 that contain at a minimum, a balance sheet, an income statement and a cash flow statement and
26 the ability to meet the required ratio of current assets to current liabilities of 1.25 to 1.00 or
27 greater at the end of the most recent fiscal year.

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1 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

2 (Catalog)

3 70. Respondent's application is subject to denial under Education Code section 94909 4
subdivisions (a)(1),(a)(2),(a)(4),(a)(5),(a)(6),(a)(8)(A)-(E), (a)(9), (a)(10),(a)(11), (a)(13),
5 (a)(14),(a)(15), (a)(16)(A) -(C) and 5, CCR 71810 subdivisions (b)(1)-(7), (b)(9), (b)(10),
6 (b)(12),(b)(13)(A)-(C), (b)(14),(b)(15), 71770 subdivision (c), 71775 subdivision (c)(1), 76215
7 subdivisions (a) and (b), 71920, and 74112 subdivision (d)(3) in that the Respondent submitted an
8 incomplete catalog. On or about September 27, 2018 and January 31, 2019, the Bureau requested
9 the Respondent to correct the deficiencies in the catalog. The Respondent did not correct the
10 deficiencies. Each of following deficiencies and grounds for denial constitutes its own separate
11 cause for denial:

12 71. The catalog does not include the name, address, telephone number and internet web
13 site address of the institution.

14 72. The catalog does not include the address or addresses where class sessions will be
15 held.

16 73. The catalog does not include beginning and ending dates defining the time period
17 covered by the catalog.

18 74. The catalog does not include the complete statement that, the institution is a private
19 institution, that it is approved to operate by the Bureau, and that approval to operate means
20 compliance with state standards as set forth in the California Education Code and 5, California
21 Code of Regulations.

22 75. The catalog does not include the mission and purposes and objectives underlying each
23 of its educational programs.

24 76. The catalog does not include a description of the facilities and the types of equipment
25 and materials that will be used for instruction that demonstrates compliance with 5, CCR section
26 71735.

27 77. The catalog does not include a description of the online library resources and the
28 procedures to access these resources.

1 78. The catalog does not include the specific required language that addresses
2 transferability of credits and credentials.

3 79. The catalog does not include the specific required language regarding the Notice to
4 Prospective Degree Program Students.

5 80. The catalog does not include the admissions policies for the educational program and
6 the requirements for ability-to-benefit-students.

7 81. The catalog does not include the institution's policies and procedures for the award of
8 credit for prior experiential learning, including assessment policies and procedures, provisions for
9 appeal, and all charges that a student may be required to pay.

10 82. The catalog does not include a statement specifying that, if the institution admits
11 students from other countries, whether visa services are provided or whether the institution will
12 vouch for student status, and any associated charges.

13 83. The catalog does not include language proficiency information, including the level of
14 English language proficiency required of students and the kind of documentation of proficiency,
15 such as the Test of English as a Foreign Language (TOEFL), that will be accepted; and whether
16 English language services, including instruction such as ESL, are provided and, if so, the nature
17 of the service and its cost.

18 84. The catalog does not include information regarding whether any instruction will
19 occur in a language other than English and, if so, the level of proficiency required and the kind of
20 documentation of proficiency, such as the United States Foreign Service Language Rating
21 System, that will be accepted.

22 85. The catalog does not include a description of the instruction provided in each of the
23 courses offered by the institution and detailed information regarding any final tests or
24 examinations.

25 86. The catalog does not include a notice and a list of the requirements for eligibility for
26 licensure, if the educational program is designed to lead to positions in a profession, occupation,
27 trade, or career field requiring licensure in the state.

28 ////

1 87. The catalog does not include a statement specifying whether the institution or any of
2 its degree programs are accredited by an accrediting agency recognized by the United States
3 Department of Education. If the institution is unaccredited and offers a degree program, or is
4 accredited and offers an unaccredited degree program, the statement shall disclose the known
5 limitations of the degree program, including, but not limited to, all of the following: (A) Whether
6 a graduate of the degree program will be eligible to sit for the applicable licensure exam in
7 California and other states. (B) A degree program that is unaccredited or a degree from an
8 unaccredited institution is not recognized for some employment positions, including but not
9 limited to, positions with the State of California. (C) That a student enrolled in an unaccredited
10 institution is not eligible for federal financial aid programs.

11 88. The catalog does not include a schedule of total charges for a period of attendance
12 and an estimated schedule of total charges for the entire educational program. Total Charges
13 means the sum of institutional and non-institutional charges.

14 89. The catalog does not include a description of student's rights and responsibilities with
15 respect to the Student Tuition Recovery Fund (STRF). This statement shall specify that it is a
16 state requirement that a student who pays his or her tuition is required to pay a state-imposed
17 assessment for the STRF. This statement shall also describe the purpose and operation of the
18 STRF and the requirements for filing a claim against the STRF.

19 90. The catalog does not describe cancellations, withdrawal, and refund policies,
20 including an explanation that the student has the right to cancel the enrollment agreement and
21 obtain a refund of charges paid through attendance at the first class session, or the seventh day
22 after enrollment, whichever is later. The text shall also include a full description of the procedures
23 that a student is required to follow to cancel the enrollment agreement or withdraw from the
24 institution and obtain a refund consistent with the requirements of the Education Code
25 commencing with section 94919.

26 91. The catalog does not include a statement, reporting whether the institution
27 participates in state financial aid programs, and, if so, all consumer information that is required to
28 be disclosed to the student pursuant to state financial aid programs.

1 92. The catalog does not include a correct statement containing all required language
2 specifying that, if a student obtains a loan to pay for an educational program, the student will have
3 to repay the full amount of the loan plus interest, less the amount of any refund, and that, if the
4 student receives federal student financial aid funds, the student is entitled to a refund of the
5 moneys not paid from federal financial aid funds.

6 93. The catalog does not state the institution’s policies and practices, including required
7 disclosures, regarding any form of financial aid.

8 94. The catalog does not include attendance policies.

9 95. The catalog does not include probation and dismissal policies.

10 96. The catalog does not include in the leave-of-absence policies

11 97. The catalog does not include policies on student rights, including the procedure for
12 addressing student grievances.

13 98. The catalog does not include a description of all student services.

14 99. The catalog does not include a description of the nature and extent of the placement
15 services, if provided by the institution.

16 100. The catalog does not include housing information to include all of the following: (A)
17 Whether the institution has dormitory facilities under its control; (B) The availability of housing
18 located reasonably near the institution’s facilities and an estimation of the approximate cost or
19 range of cost of the housing; and (C) If the institution has no responsibility to find or assist a
20 student in finding housing, a clear and conspicuous statement so indicating. A statement that the
21 program is “non-residential” does not satisfy the requirements.

22 101. The catalog does not include the policies on the retention of student records that
23 demonstrates compliance California Evidence Code section 94900 and 5, California Code of
24 Regulations section 71920.

25 102. The catalog does not include the job classification(s) each program prepares its
26 graduates for using the United States Department of Labor’s Standard Occupational Classification
27 codes, at the Detailed Occupation (six-digit) level. If the school advertises that it prepares its
28

1 graduates for a certain job and if the school plans to report graduates as gainfully employed as
2 defined under California Education Code section 74112 subdivision(d)(3)(A).

3 **SEVENTH CAUSE FOR DENIAL OF APPLICATION**

4 (Faculty)

5 103. Respondent's application is subject to denial under Education Code section
6 94900.5(b) and 5, CCR section 71720 subdivisions (a)(1), (a)(2), (a)(4), (a)(5), (a)(8) and (a)(9)
7 in that the Respondent failed to provide the required information relating to the faculty of the
8 institution. On or about September 27, 2018 and January 31, 2019, the Bureau requested the
9 Respondent to correct the deficiencies in the application. The Respondent did not correct the
10 deficiencies. Each of the following deficiencies and grounds for denials constitutes its own
11 separate cause for denial:

12 104. The Respondent failed to provide the transcripts or curriculum vitae for any faculty
13 members.

14 105. The Respondent failed to provide policies or procedures for the participation by duly
15 qualified faculty in the conducting of research, development of curricula, academic planning,
16 enforcement of standards of academic quality, pursuit of academic matter related to the
17 institution's mission and objectives, establishment of criteria for contracting with new faculty and
18 evaluation of faculty credentials.

19 106. The Respondent failed to provide the academic freedom policy for the faculty
20 members.

21 **EIGHTH CAUSE FOR DENIAL OF APPLICATION**

22 (Organization and Management)

23 107. Respondent's application is subject to denial under 5, CCR section 71140
24 subdivisions (a)-(c) in that the Respondent failed to provide required information regarding the
25 organization and management of the institution. On or about September 27, 2018 and January 31,
26 2019, the Bureau requested the Respondent to correct the deficiencies in the Respondent's
27 submitted application. The Respondent did not correct the deficiencies. Each of the following
28 deficiencies and grounds for denial constitutes its own separate cause for denial:

1 108. The Respondent failed to provide an organization chart that shows the governance
2 and administrative structure of the institution and the relationship between faculty and
3 administrative positions.

4 109. The Respondent failed to provide a description of the job duties and responsibilities
5 of each administrative and faculty position.

6 110. The Respondent failed to identify the Chief Executive Officers, Chief Operating
7 Officer and Chief Academic Officer and provide their education, experience and qualifications to
8 perform their duties and responsibilities.

9 **NINTH CAUSE FOR DENIAL OF APPLICATION**

10 (Governing Board)

11 111. Respondent's application is subject to denial under 5, CCR section 71150 in that the
12 Respondent failed to provide required information regarding the governing board of the
13 institution. On or about September 27, 2018 and January 31, 2019, the Bureau requested the
14 Respondent to correct the deficiencies in the Respondent's submitted application. The
15 Respondent did not correct the deficiencies. The following deficiency and ground for denial
16 constitutes its own separate cause for discipline:

17 112. The Respondent failed to provide the name, work address, email address and
18 telephone number of each member of the governing board.

19 **TENTH CAUSE FOR DENIAL OF APPLICATION**

20 (Facilities)

21 113. Respondent's application is subject to denial under 5, CCR section 71260 (a)-(d) and
22 (f) in that the Respondent failed to provide required information regarding the facilities and
23 equipment of the institution. On or about September 27, 2018 and January 31, 2019, the Bureau
24 requested the Respondent to correct the deficiencies in the Respondent's submitted application.
25 The Respondent did not correct the deficiencies. Each of the following deficiencies and grounds
26 for denial constitutes its own separate cause for denial:

27 114. The Respondent failed to provide a description of the facilities and the equipment
28 available for use by students at the institution.

1 115. The Respondent failed to provide the name and address of the lessor or landlord,
2 together with a copy of any use, lease or rental agreements for the facilities.

3 116. The Respondent failed to provide a description of the physical facilities including the
4 building diagrams or campus maps that identify the location of classrooms, laboratories,
5 workshops and libraries.

6 117. The Respondent failed to provide specifications of significant equipment that
7 demonstrate that the equipment meets the standards of the Education code and is sufficient to
8 enable students to achieve the educational objectives of the educational program.

9 118. The Respondent failed to provide a list of all permits, certifications or other evidence
10 of inspections or authorizations to operate, required by the jurisdiction that the institution has
11 obtained, and/or an explanation as to why those permits certifications or inspections have not yet
12 been obtained.

13 **ELEVENTH CAUSE FOR DENIAL OF APPLICATION**

14 (Libraries and Other Learning Resources)

15 119. Respondent's application is subject to denial under 5, CCR sections 71270 and 71740
16 subdivision (c) in that the Respondent failed to provide required information regarding the
17 library and other learning resources of the institution. On or about September 27, 2018 and
18 January 31, 2019, the Bureau requested the Respondent to correct the deficiencies in the
19 Respondent's submitted application. The Respondent did not correct the deficiencies. The
20 following deficiency and ground for denial constitutes its own separate cause for denial:

21 120. The Respondent failed to provide a description of the library holdings, services and
22 other learning resources, including policies and procedures for supplying them to students.

23 **TWELFTH CAUSE FOR DENIAL OF APPLICATION**

24 (Record Keeping)

25 121. Respondent's application is subject to denial under 5, CCR section 71310 subdivision
26 (a) in that the Respondent failed to provide required information regarding the record keeping of
27 the institution. On or about September 27, 2018 and January 31, 2019, the Bureau requested the
28 Respondent to correct the deficiencies in the Respondent's submitted application. The

1 Respondent did not correct the deficiencies. The following deficiency and ground for denial
2 constitutes its own separate cause for denial:

3 122. The Respondent failed to provide a description of how records required by the
4 Education Code are or will be organized and maintained, the types of documents contained in the
5 student files, how the records are stored and whether academic and financial records are
6 maintained in separate files.

7 **PRAYER**

8 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
9 and that following the hearing, the Director of the Department of Consumer Affairs issue a
10 decision:

- 11 1. Denying the application of Saint Junipero Serra University for an Approval to
12 Operate an Institution Non-Accredited;
- 13 2. Taking such other and further action as deemed necessary and proper.
- 14

15 DATED: "5/1/2020" _____

15 "Original signature on file" _____
16 DR. MICHAEL MARION, JR.
17 Chief
18 Bureau for Private Postsecondary
19 Education
20 Department of Consumer Affairs
21 State of California
22 *Complainant*

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