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

11 In the Matter of the Statement of Issues
Against:
12 **SUNRISE COLLEGE OF MASSAGE AND**
13 **BODYWORKS; CHANG B. SHIN**
14 **Approval to Operate an Institution Non-**
15 **Accredited Applicant**
16 Respondent.

Case No. 999911
STATEMENT OF ISSUES

17
18 Complainant alleges:

19 PARTIES

20 1. Joanne Wenzel (Complainant) brings this Statement of Issues solely in her official
21 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
22 Consumer Affairs.

23 2. On or about January 11, 2012, the Bureau for Private Postsecondary Education
24 received an application for an Approval to Operate an Institution Non-Accredited from Sunrise
25 College of Massage and Bodyworks; Chang B. Shin (Respondent). On or about January 4, 2012,
26 Chun Ha Kim certified under penalty of perjury to the truthfulness of all statements, answers, and
27 representations in the application. The Bureau denied the application on July 14, 2014.

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1 students a document signifying the degree or diploma awarded.

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

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

6 ...”

7 6. Education Code section 94886 states:

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

12 7. Education Code section 94887:

13 “An approval to operate shall be granted only after an applicant has presented sufficient
14 evidence to the bureau, and the bureau has independently verified the information provided by the
15 applicant through site visits or other methods deemed appropriate by the bureau, that the applicant
16 has the capacity to satisfy the minimum operating standards. The bureau shall deny an application
17 for an approval to operate if the application does not satisfy those standards.”

18 8. Education Code section 94909 states:

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

22 ...

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

24 (A) Admissions policies, including the institution's policies regarding the acceptance of
25 credits earned at other institutions or through challenge examinations and achievement tests,
26 admissions requirements for ability-to-benefit students, and a list describing any transfer or
27 articulation agreements between the institution and any other college or university that provides
28 for the transfer of credits earned in the program of instruction. If the institution has not entered

1 into an articulation or transfer agreement with any other college or university, the institution shall
2 disclose that fact.

3 ...”

4 REGULATORY PROVISIONS

5 9. California Code of Regulations, title 5, division 7.5, section 70000, subdivision (r),
6 states:

7 “(r) “Objectives” are the goals and methods by which the institution fulfills its mission
8 and transforms it into measurable student learning outcomes for each educational program.”

9 10. California Code of Regulations, title 5, division 7.5, section 71100 states:

10 “(a) An applicant seeking approval to operate pursuant to Section 94886 of the Code,
11 other than Approval to Operate by Accreditation pursuant to Section 94890(a)(1) of the Code,
12 shall complete the "Application for Approval to Operate for an Institution Not Accredited," Form
13 Application 94886 (rev. 2/10). An applicant seeking approval to operate by accreditation pursuant
14 to Section 94890(a)(1) of the Code shall comply with section 71390.”

15 (b) An applicant shall submit the completed form, the information or documentation,
16 required by this Article, the appropriate application fee as provided in Section 94930.5(a)(1) of
17 the Code, and any appropriate annual fee as required by Article 1 of Chapter 5 of this Division, to
18 the Bureau.

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

21 11. California Code of Regulations, title 5, division 7.5, section 71170 states:

22 “The institution shall describe in detail its mission and objectives.”

23 12. California Code of Regulations, title 5, division 7.5, section 71700 states:

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

26 13. California Code of Regulations, title 5, division 7.5, section 71705 states:

27 “An institution shall have a written statement of its mission and the objectives for each
28 educational program. The mission and the objectives shall indicate the kind of education offered,

1 for whom the instruction is intended and the expected outcomes for graduates.”

2 14. California Code of Regulations, title 5, division 7.5, section 71710, states:

3 “In order to meet its mission and objectives, the educational program defined in section
4 94837 of the Code shall be comprised of a curriculum that includes:

5 (a) those subject areas that are necessary for a student to achieve the educational
6 objectives of the educational program in which the student is enrolled;

7 (b) subject areas and courses or modules that are presented in a logically organized
8 manner or sequence to students:

9 (c) course or module materials that are designed or organized by duly qualified faculty.

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

12 (1) short, descriptive title of the educational program;

13 (2) a statement of educational objectives;

14 (3) length of the educational program;

15 (4) sequence and frequency of lessons or class sessions;

16 (5) complete citations of textbooks and other required written materials;

17 (6) sequential and detailed outline of subject matter to be addressed or a list of skills to be
18 learned and how those skills are to be measured;

19 (7) instructional mode or methods.

20 (d) if degree granting, require research of an appropriate degree that utilizes a library and
21 other learning resources.

22 (e) specific learning outcomes tied to the sequence of the presentation of the material to
23 measure the student’s learning of the material

24 (f) evaluation by duly qualified faculty of those learning outcomes.”

25 15. California Code of Regulations, title 5, division 7.5, section 71720 states, in pertinent
26 part:

27 “...

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

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

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

9 ...”

10 16. California Code of Regulations, title 5, division 7.5, section 71735 states:

11 “(a) An institution shall have sufficient facilities and necessary equipment to support the
12 achievement of the educational objectives of all of the courses and educational programs in which
13 students are enrolled. If an institution represents that the educational service will fit or prepare a
14 student for employment in a particular occupation or as described in particular job titles, either of
15 the following conditions shall be met:

16 (1) The equipment used for instruction or provided to the student shall be comparable in
17 model type or features to equipment generally used in those occupations or job titles at the time
18 the instruction is offered.

19 (2) The institution shall establish that the equipment used for instruction or provided to a
20 student is not obsolete and is sufficient for instructional purposes to reasonably assure that a
21 student acquires the necessary level of education, training, skill and experience to obtain
22 employment in the field of training and to perform the tasks associated with the occupation or job
23 title to which the educational program was represented to lead.

24 17. California Code of Regulations, title 5, division 7.5, section 71770, subdivision (b),
25 provides in pertinent part:

26 “The institution shall specify the maximum credit it will transfer from another institution
27 for each educational program, and the basis upon which the transferred credit will be awarded.

28

1 (1) Except as limited by subdivision (c) of this section, a maximum of 75 percent of the
2 units or credit that may be applied toward the award of a bachelor's degree may be derived from a
3 combination of any or both of the following:

4 (A) Units earned at institutions approved by the Bureau, public or private institutions of
5 higher learning accredited by an accrediting association recognized by the U. S. Department of
6 Education, or any institution of higher learning, including foreign institutions, if the institution
7 offering the undergraduate program documents that the institution of higher learning at which the
8 units were earned offers degree programs equivalent to degree programs approved by the Bureau
9 or accredited by an accrediting association recognized by the U.S. Department of Education;

10 (B) Challenge examinations and standardized tests such as the College Level Placement
11 Tests (CLEP) for specific academic disciplines.

12 (2) No more than 20% of graduate semester units or the equivalent in other units awarded
13 by another institution may be transferred for credit toward a Master's degree. An institution may
14 accept transfer credits only from the institutions of higher learning described in subsection (1)(A).

15 (3) No more than 30 graduate semester credits or its equivalent awarded by another
16 institution may be credited toward a doctoral degree. This subdivision does not apply to graduate
17 programs that lead to a profession or an occupation requiring state licensure where the licensing
18 agency has a regulation permitting a different standard.”

19 18. California Code of Regulations, title 5, division 7.5, section 71800, subdivision
20 (e)(11) states, in pertinent part:

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

23 ...

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

25 ...

26 (11) Student Tuition Recovery Fund fee (non-refundable):

27 ...”

28 19. California Code of Regulations, title 5, division 7.5, section 71810, subdivisions (b),

1 (2) and (10), state:

2 “ ...

3 (b) The catalog shall contain the information prescribed by Section 94909 of the Code
4 and all of the following:

5 ...

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

8 ...

9 (10) A description of library and other learning resources and the procedures for student
10 access to these resources.”

11 ...”

12 CAUSES FOR DENIAL OF APPLICATION

13 (Incomplete Application)

14 20. Respondent's application is subject to denial under Business and Professions Code
15 sections 480, subdivision (a)(3)(A), Education Code sections 94885, 94886 and 94887 and
16 California Code of Regulations, title 5, division 7.5, section 71100, subdivisions (a) – (c), in that
17 on or about January 2012, Respondent submitted an incomplete application to the Bureau. Each
18 violation is a sole and separate cause for denial. The violations are as follows:

19 a. Incomplete Application.

20 1. Respondent failed to provide evidence that it has the capacity to meet the
21 minimum operating standards under Title 5 of the California Code of Regulations (CCR), sections
22 71170, 70000, subdivision (r), and 71705 in that it failed to provide statement of mission and
23 objectives underlying the institution’s educational programs. The mission statement submitted
24 for the Bureau application on May 5, 2014, claims that the institution seek to prepare
25 “chiropractors” among other professionals. The institution did not propose to offer a chiropractor
26 educational program. Further, the institution’s educational objectives are not the goals and
27 methods by which the institution fulfills its mission and transforms it into measurable learning
28 outcomes. For instance, the institution’s first objective is “to graduate at least 90% of students

1 with a passing grade.” The objective does not describe how the institution is going to fulfill the
2 mission of preparing “exceptional healthcare professionals.”

3 2. Respondent failed to provide evidence that it has the capacity to meet the
4 minimum operating standards under CCR, sections 71170, 70000, subdivision (r), and 71705 in
5 that it failed to submit a consistent statement of mission and objectives. The revised statement of
6 mission and objectives received on May 5, 2014 is different than the one in the catalog. The
7 Bureau is unable to determine the institutions statement of mission and objectives.

8 b. Exemplars of Student Agreements.

9 1. Respondent failed to provide evidence that it has the capacity to meet the
10 minimum operating standards under CCR, section 71800 subdivision (e)(11) in that the institution
11 itemization of Enrollment Agreement charges does not indicate the Student Tuition Recovery
12 Fund fee as “non-refundable.”

13 c. Instruction and Degrees Offered.

14 1. Respondent failed to provide evidence that it has the capacity to meet the
15 minimum operating standards under CCR, section 71710 subdivision (c)(4) and (f) in that the
16 Bureau was unable to determine whether the course syllabi submitted meets the minimum
17 requirements of the educational programs. After requesting fourteen (14) specific course syllabi,
18 the institution submitted four (4) consolidated syllabi which may cover all the required topics.
19 The four (4) course syllabi submitted followed the same structure, but failed to include the
20 following: 1) designed or organized by duly qualified faculty, 2) sequence and frequency of
21 lessons or class sessions; and 3) evaluation by duly qualified faculty of the expected learning
22 outcomes.

23 2. Respondent failed to provide evidence that it has the capacity to meet the
24 minimum operating standards under CCR, section 71710 in that the institution failed to develop
25 and provide course syllabi for the Advance Massage Therapy (1000 hour) educational program.
26 Three (3) of the consolidated course syllabi (Anatomy/Physiology/Kinesiology, Pathology and
27 Theory & Practice of Massage) did not provide list of topics necessary for the advanced level.

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1 d. Faculty.

2 1. Respondent failed to provide evidence that it has the capacity to meet the
3 minimum operating standards under CCR section 71720 subdivision (b)(1), in that the Bureau
4 was unable to determine if three of the four faculty that may be actually employed by the
5 institution meet the minimum qualification as “duly qualified faculty.” The institution submitted
6 resumes for C.S.P., S.W.J., and J.Y., to teach the massage therapy programs. The institution
7 failed to provide evidence that these faculty members possess the academic, experiential and
8 professional qualifications to teach massage therapy, including a minimum of three years of
9 experience, education and training in current practices of the subject area they are assigned to
10 teach.

11 2. Respondent failed to provide evidence that it has the capacity to meet the
12 minimum operating standards under CCR section 71720 subdivision (b)(2), in that the Bureau
13 was unable to determine if three of the four faculty that may be actually employed by the
14 institution are maintaining their knowledge by completing continuing education courses in his or
15 her subject area, classroom management or other courses related to teaching. The institution
16 submitted resumes for the C.S.P., S.W.J., and J.Y., to teach the massage therapy programs. The
17 institution failed to provide evidence that these faculty members are actively taking courses
18 related to massage therapy.

19 e. Catalog.

20 1. Respondent failed to provide evidence that it has the capacity to meet the
21 minimum operating standards under CCR sections 70000, subdivision (r), 71170, 71705 and
22 71810, subdivision (b) (2), in that the institution catalog failed to provide a sufficient statement of
23 mission and objectives for each of the institutions educational programs. The submitted statement
24 of mission for all programs is exactly the same except the number of hours for each of the
25 programs. The submitted objectives are merely sets of untested percentages of graduation. The
26 educational objectives should be the goals and methods by which the institution fulfills its
27 mission and transforms it into measurable learning outcomes.

