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

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

14 **JADE BEAUTY AND BARBER COLLEGE**

15 Application for Renewal of Approval to
16 Operate an Institution Non-Accredited

17 Institution Code No. 90323886

18 Respondent.

Case No. BPPE23-0160

19 **STATEMENT OF ISSUES**

20 **PARTIES**

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

24 2. On or about November 18, 2020, the Bureau for Private Postsecondary Education
25 received an Application for Renewal of Approval to Operate an Institution Non-Accredited
26 (Renewal Application) from Respondent Jade Beauty and Barber College (Respondent). On or
27 about August 26, 2020, Respondent signed its Renewal Application, under penalty of perjury, that
28 the answers it provided in the Application and the documents attached to that Renewal
Application were true and correct. Between December 2020 and November 2022, the Bureau and

1 Respondent conferred regarding the Renewal Application, including Respondent’s transmittal of
2 additional application materials to cure deficiencies in the Renewal Application. On or about
3 February 7, 2023, the Bureau denied the Renewal Application via a Notice of Denial of
4 Application for Renewal of Approval to Operate. On or about February 17, 2023, Respondent
5 submitted to the Bureau a request for administrative hearing.

6 **JURISDICTION**

7 3. This Statement of Issues is brought before the Director of the Department of
8 Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the
9 authority of the following laws. All section references are to the Education Code unless
10 otherwise indicated.¹

11 4. Section 94817 states:

12 “Approval to operate’ or ‘approval’ means the authorization pursuant to this chapter to
13 offer to the public and to provide postsecondary educational programs, as well as the written
14 document issued to an institution signifying its approval to operate.”

15 5. Section 94817.5 states:

16 “Approved to operate’ or ‘approved’ means that an institution has received authorization
17 pursuant to this chapter to offer to the public and to provide postsecondary educational
18 programs.”

19 6. Section 94885, subdivision (a) states:

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

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

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

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

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

28 ¹ All statutes and regulations cited are the versions in effect at the time the Bureau issued its
Notice of Denial of Application for Renewal of Approval to Operate (February 7, 2023).

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

2 . . .

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

5 7. Section 94886 states:

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

10 8. Section 94887 states:

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

16 9. Section 94891 states, in part:

17 “(a) The bureau shall adopt by regulation the process and procedures whereby an institution
18 may obtain a renewal of an approval to operate.

19 “(b) To be granted a renewal of an approval to operate, the institution shall demonstrate its
20 continued capacity to meet the minimum operating standards.

21 “(c)(1) An institution that is denied renewal of an approval to operate may file an appeal in
22 accordance with the procedures established by the bureau pursuant to Section 94888.

23 “(2) An institution that has filed an appeal of a denial of a renewal application may continue
24 to operate during the appeal process, but must disclose in a written statement, approved by the
25 bureau, to all current and prospective students, that the institution’s application for renewal of
26 approval to operate was denied by the bureau because the bureau determined the application did

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1 not satisfy the requirements to operate in California, that the institution is appealing the bureau's
2 decision, and that the loss of the appeal may result in the institution's closure.

3”

4 **STATUTORY PROVISIONS**

5 10. Section 94834 states:

6 “‘Distance education’ means transmission of instruction to students at a location separate
7 from the institution.”

8 11. Section 94837 states:

9 “‘Educational program’ means a planned sequence composed of a set of related courses or
10 modules, or a single course or module if not offered as a component of a set of related courses or
11 modules, that provides education, training, skills, or experience, or a combination of these, except
12 that ‘educational program’ does not include a single course, workshop, seminar, continuing
13 education course, or other instruction that consists of 32 hours of instruction or less that is not
14 designed to lead to employment.”

15 12. Section 94893 states:

16 “If an institution intends to make a substantive change to its approval to operate, the
17 institution shall receive prior authorization from the bureau. Except as provided in subdivision (a)
18 of Section 94896, if the institution makes the substantive change without prior bureau
19 authorization, the institution's approval to operate may be suspended or revoked.”

20 13. Section 94894, subdivision (g) states:

21 “The following changes to an approval to operate are considered substantive changes and
22 require prior authorization:

23 . . .

24 “(g) A significant change in the method of instructional delivery.”

25 14. Section 94895 states:

26 “The bureau shall, by January 1, 2011, adopt by regulation the process and procedures
27 whereby an institution shall seek authorization for substantive changes to an approval to operate.”

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1 “(b) For the purposes of this section, a change in circumstance is “material” if, without the
2 inclusion of the new or different information into the application, the information contained in or
3 the supporting documentation to the application would be false, misleading, or incomplete.”

4 19. California Code of Regulations, title 5, section 71475 states, in part:

5 ...

6 “(d) In addition to the form required in (b), the institution shall submit all information
7 required by section 71100(b), and the appropriate renewal fee as provided in Sections
8 94930.5(b)(1) and 94930.5(b)(2) of the Code, as applicable, to the Bureau. Except for the
9 financial statements required by subdivision (e) of this section and the statement required in
10 subdivision (f) of this section, if the information required in order to renew its approval to operate
11 is substantially similar to the information submitted by the institution in its last renewal
12 application, or initial application if it is the first renewal, the institution may state that there are no
13 substantial changes.

14 ...

15 “(t) In addition, the institution shall list in the application, the following for each
16 educational program offered unless there have been no substantive changes since the last
17 submission. If there have been no substantive changes made the institution may so state and is not
18 required to provide documentation.

19 ...

20 “(7) Whether the educational program is designed to fit or prepare students for employment
21 in any occupation. If so, the application shall identify each occupation and job title to which the
22 institution represents the educational program will lead.

23 “(v) If the institution offers an educational program, or a portion of it, in a language other
24 than English, the application shall contain a description of all of the following for each
25 educational program or portion thereof unless there have been no substantive changes since the
26 last submission. If there have been no substantive changes made the institution may so state and is
27 not required to provide documentation.

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1 “(1) The language in which each educational program will be offered.

2 “(2) A statement that the institution has contracted with sufficient duly qualified faculty
3 who will teach each language group of students.

4 “(3) The language of the textbooks and other written materials to be used by each language
5 group of students.

6 . . .

7 “(y)(1) For each program offered, the application shall contain a description of the facilities
8 and the equipment which is available for use by students at the main, branch, and satellite
9 locations of the institution unless there have been no substantive changes since the last
10 submission. If there have been no substantive changes made the institution may so state and is not
11 required to provide documentation.

12 . . .

13 “(3) The application shall include, in addition to the description of the physical facilities,
14 building diagrams or campus maps to assist the Bureau in locating these facilities. The diagrams
15 or maps shall identify the location of classrooms, laboratories, workshops, and libraries unless
16 there have been no substantive changes since the last submission. If there have been no
17 substantive changes made the institution may so state and is not required to provide
18 documentation.

19 . . .

20 “(kk) An incomplete application filed under this section will render the institution ineligible
21 for renewal.”

22 20. California Code of Regulations, title 5, section 71600, subdivision (a) states:

23 “(a) An institution seeking to make a significant change in its method of instructional
24 delivery shall complete the ‘Significant Change in Method of Instructional Delivery’ form (INS
25 rev. 2/10) to obtain prior authorization. For the purposes of this section a ‘significant change in
26 instructional delivery’ is any change that alters the way students interact with faculty or access
27 significant equipment. The form shall be submitted to the Bureau along with the appropriate fee
28 as provided in Section 94930.5(c) of the Code. For an institution approved under section 94885

1 of the Code, it shall be signed and dated by the signatory(ies) required by section 71380, and for
2 an institution approved under section 94890 of the Code, it shall be signed and dated by the
3 signatory(ies) required by section 71390, and each fact stated therein and each attachment thereto
4 shall be declared to be true under penalty of perjury, in the following form:

5 “I declare under penalty of perjury under the laws of the State of California that the
6 foregoing and all attachments are true and correct.

7 _____
8 (Date)

_____”
(Signature)”

9 21. California Code of Regulations, title 5, section 71700 states:

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

12 22. California Code of Regulations, title 5, section 71705 states:

13 “An institution shall have a written statement of its mission and the objectives for each
14 educational program. The mission and the objectives shall indicate the kind of education offered,
15 for whom the instruction is intended and the expected outcomes for graduates.”

16 23. California Code of Regulations, title 5, section 71710 states, in part:

17 “In order to meet its mission and objectives, the educational program defined in section
18 94837 of the Code shall be comprised of a curriculum that includes:

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

21 “(b) subject areas and courses or modules that are presented in a logically organized manner
22 or sequence to students;

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

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

26 . . .

27 “(2) a statement of educational objectives;

28 “(3) length of the educational program;

1 “(4) sequence and frequency of lessons or class sessions;
2 “(5) complete citations of textbooks and other required written materials;
3 . . .
4 “(7) instructional mode or methods.
5”

6 24. California Code of Regulations, title 5, section 71715 states, in part:

7 . . .
8 “(b) The institution shall document that the instruction offered leads to the achievement of
9 the learning objectives of each course.

10 . . .

11 “(d) Distance education as defined in section 94834 of the Code, does not require the
12 physical presence of students and faculty at the same location but provides for interaction
13 between students and faculty by such means as telecommunication, correspondence, electronic
14 and computer augmented educational services, postal service, and facsimile transmission. In
15 addition to the other requirements of this chapter and the Act, an institution offering distance
16 education shall:

17 . . .

18 “(3) ensure that the materials and programs are current, well organized, designed by faculty
19 competent in distance education techniques and delivered using readily available, reliable
20 technology;

21”

22 25. California Code of Regulations, title 5, section 71735 states:

23 “(a) An institution shall have sufficient facilities and necessary equipment to support the
24 achievement of the educational objectives of all of the courses and educational programs in which
25 students are enrolled. If an institution represents that the educational service will fit or prepare a

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1 student for employment in a particular occupation or as described in particular job titles, either of
2 the following conditions shall be met:

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

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

11 “(b) An institution's facilities, including heating and cooling, ventilation, lighting,
12 classrooms, laboratories, and campus environs, shall be well-maintained. The institution shall
13 maintain all valid permits required by any public agencies relating to the health and safety of the
14 institution’s facilities and equipment on file, and such permits shall be available to the Bureau
15 upon request.”

16
17 **FACTUAL BACKGROUND, PART I**
(INSTRUCTION IN LANGUAGE OTHER THAN ENGLISH)

18 ***A. Respondent Represented that it Offers Instruction Only in English***

19 26. Respondent represented to the Bureau that it offers instruction only in English. In
20 particular:

21 a. In its Renewal Application, referenced in paragraph 2, above, Respondent
22 stated, under penalty of perjury, that it does not offer instruction in a language other than English.
23 In addition, Respondent attached to its Renewal Application a student catalog that reads, in part:
24 “Class instruction is given in English[.] Jade Beauty and Barber College does not provide
25 English as a second language instruction[.] The language proficiency in English should be
26 equivalent to 10th grade level and up.”

27 b. In the process of attempting to cure deficiencies in its Renewal Application, in
28 versions of the catalog Respondent submitted to the Bureau on or about March 20, 2021; April

1 10, 2021; and November 21, 2022, Respondent made the same representation: “Class instruction
2 is given in English. Jade Beauty and Barber College does not provide English as a second
3 language instruction. The language proficiency in English should be equivalent to 10th grade
4 level and up.”

5 ***B. Bureau Staff Witnessed Instruction in Vietnamese***

6 27. Contrary to these representations Respondent offers instruction in a language other
7 than English. In particular, during an onsite quality review visit on October 21, 2022, Bureau
8 staff witnessed theory instruction provided in Vietnamese.² When Bureau staff sought to confer
9 with students, of the twenty-six students in attendance, twenty-three sought from Bureau staff a
10 Vietnamese-language survey to provide feedback, and most required a translator to communicate
11 with Bureau staff.

12 **FIRST CAUSE FOR DENIAL OF APPLICATION**

13 (False or Misleading Information, or
14 Intentional or Negligent Omission of Pertinent Information)

15 28. Respondent’s Renewal Application is subject to denial based on its inclusion of false
16 or misleading information or the intentional or negligent omission of pertinent information in
17 violation of California Code of Regulations, title 5, section 71400.5, subdivision (a). (Educ. Code
18 § 94885, subd. (a)(9) and 94891, subd. (b); and Cal. Code Regs., title 5, §§ 71100; 71400.5, subd.
19 (a); 71405; 71475, subd. (d); and 71700.) The circumstances are set forth in paragraphs 26
20 through 27, above.

21 **SECOND CAUSE FOR DENIAL OF APPLICATION**

22 (Failure to Provide Description of Instruction in Language Other than English)

23 29. Respondent’s Renewal Application is subject to denial based on its failure to include
24 disclosures related to the language(s) in which Respondent offers its educational programs.

(Educ. Code §§ 94885, subs. (a)(1), (a)(3), (a)(5) and 94891, subd. (b); and Cal. Code Regs.,

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27 /////

28 ² Adding Vietnamese as a language for instruction is a significant change that requires Bureau approval pursuant to California Code of Regulations, title 5, section 71600, subdivision (a).

1 title 5, §§ 71475, subds. (v)(1) and (2) and (kk) and 71700.) In particular, as described in
2 paragraphs 26 through 27, above:

3 a. The Renewal Application omits that educational programs are offered in
4 Vietnamese, in violation of California Code of Regulations, title 5, section 71475, subdivision
5 (v)(1).

6 b. The Renewal Application omits a statement that the institution has contracted
7 with sufficient duly qualified faculty who will teach in Vietnamese, in violation of California
8 Code of Regulations, title 5, section 71475, subdivision (v)(2).

9 c. The Renewal Application omits the actual language of the textbooks and other
10 written materials to be used by each language group of students, in violation of California Code
11 of Regulations, title 5, section 71475, subdivision (v)(3).

12
13 **FACTUAL BACKGROUND, PART II**
(INSTRUCTION AND DEGREES OFFERED)

14 ***A. Distance Education Instruction***

15 30. Respondent’s syllabus offers distance education³ via a “hybrid course (theory only)”
16 online method of instruction. But Respondent does not provide an explanation of how or where
17 students will access theory materials online. Nor has Respondent identified online theory
18 instruction resources which are current, well organized, designed by faculty competent in distance
19 education techniques and delivered using readily available, reliable technology. Although the
20 Bureau requested that Respondent “[p]rovide log-in access to the institution’s distance education
21 curriculum,” Respondent only provided a screenshot of its Learning Management System (LMS)
22 portal landing page. Accordingly, the Bureau could not establish if Respondent would or could
23 offer legally compliant distance education.

24 **THIRD CAUSE FOR DENIAL OF APPLICATION**

25 (Instruction – Distance Education)

26 31. Respondent’s Renewal Application is subject to denial in that Respondent failed to
27 ensure that its distance education materials and programs are current, well-organized, designed by

28 ³ Section 94834 defines “distance education” as “transmission of instruction to students at a
location separate from the institution.”

1 faculty competent in distance education techniques and delivered using readily available, reliable
2 technology, as required by California Code of Regulations, title 5, section 71715, subdivision
3 (d)(3). (Educ. Code §§ 94885, subds. (a)(1) and (a)(3) and 94891, subd. (b); and Cal. Code
4 Regs., title 5, §§ 71700 and 71715, subd. (d)(3).) The circumstances are set forth in paragraph
5 30, above.

6 ***B. Instruction Unrelated to Educational Program***

7 32. When Bureau staff visited the institution on October 21, 2022, one of the few
8 English-speaking students explained she is a Manicuring student. She confirmed that she attends
9 morning lecture to earn theory hours towards completion of her program, and she “clocked in”
10 accordingly when she arrived. But the scheduled class she was attending was directed at
11 Cosmetology students and was observed in part to include instruction in the area of facial care
12 and make-up (PowerPoint slides were generally in English despite verbal instruction being in
13 Vietnamese; white board notes were alternately in both languages).

14 33. While Cosmetology and Esthetician students may count instruction in such subjects
15 towards their theory hours, the Manicuring curriculum does not include instruction in these areas.
16 Thus, a student was observed to be earning credit for theory hours in a subject unrelated to her
17 program's intended learning outcomes. A student earning hours for instruction in subjects
18 unrelated to their area of study will result in the student failing to acquire instruction in all of the
19 subject areas that are necessary to achieve the educational objectives of the educational program
20 in which the student is enrolled.

21 ***C. Student Attendance***

22 34. Although approximately ninety-five students were enrolled in the institution at that
23 time, during their campus visit on October 21, 2022, Bureau staff observed that only
24 approximately twenty-six students were in attendance (between the hours of 9:30 am and 7:00
25 pm). Thus, only about one quarter of the students were in attendance during theory instruction in
26 the morning (some may have attended offsite using distance education) and during the designated
27 hours of practical instruction offered in the afternoon and evening.

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1 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

2 (Educational Program)

3 35. Respondent’s Renewal Application is subject to denial in that Respondent’s
4 educational program is not sufficient to meet its mission and objectives or designed to lead to
5 employment. (Educ. Code §§ 94837; 94885, subd. (a)(1); and 94891, subd. (b); and Cal. Code
6 Regs, title 5, §§ 71475, subd. (t)(7); 71700; and 71710, subds. (a) and (b)). In particular, as
7 described in paragraphs 32 through 34, above:

8 a. Respondent’s educational program is not sufficient to meet its mission and
9 objectives in that Respondent’s curriculum includes subject areas that are unnecessary for a
10 student to achieve the educational objectives of the educational program in which the student is
11 enrolled, as required by California Code of Regulations, title 5, section 71710, subdivision (a).

12 b. Respondent’s educational program is not sufficient to meet its mission and
13 objectives in that Respondent’s curriculum is not presented in a logically organized manner or
14 sequence to students, as required by California Code of Regulations, title 5, section 71710,
15 subdivision (b).

16 c. Respondent has failed to demonstrate that its educational program is designed
17 to lead to employment, as required by California Code of Regulations, title 5, section 71475,
18 subdivision (t)(7).

19 ***D. Unapproved Distance Education for Non-English Speaking Students***

20 36. The Bureau previously approved the institution’s use of distance education for
21 Respondent’s four programs approved by the California Board of Barbering and Cosmetology
22 (specifically, Barber, Cosmetology, Esthetician, and Manicurist) as well as Respondent’s
23 Cosmetology or Barber Instructor course via a “hybrid course (theory only)” online method of
24 instruction, using Milady (by Cengage) software. To date, the Bureau has not approved of
25 Respondent providing instruction in Vietnamese, including distance education in Vietnamese.

26 37. During the Bureau staff’s visit on October 21, 2022, a Vietnamese-speaking student,
27 who did not competently speak English, explained with the assistance of a bilingual student

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1 translator that she was enrolled in Respondent's distance education program and she was
2 permitted to earn theory hours by completing bookwork and exams at home.

3 **FIFTH CAUSE FOR DENIAL OF APPLICATION**

4 (Unapproved Method of Instruction)

5 38. Respondent's Renewal Application is subject to denial in that Respondent made a
6 substantive change to its method of instruction without Bureau approval. (Educ. Code §§ 94885,
7 subds. (a)(1), (a)(3), and (a)(9); 94886; 94893; 94894, subd. (g); and 94895; and Cal. Code Regs.,
8 title 5, § 71600, subd. (a) and 71700.) The circumstances are set forth in paragraphs 36 through
9 37, above.

10 **FACTUAL BACKGROUND, PART III**
11 **(DESCRIPTION OF EDUCATIONAL PROGRAMS)**

12 ***A. Cosmetology or Barber Instructor Syllabus***

13 39. Respondent's Cosmetology or Barber Instructor syllabus contains the following
14 deficiencies:

15 a. The syllabus is disjointed and at times self-contradictory. It does not coherently
16 communicate program requirements. It is unclear whether those subject areas that are necessary
17 for a student to achieve the educational objectives of the educational programs are all contained
18 within the program. In addition, subject areas/modules are not presented in a logically organized
19 manner or sequence.

20 b. The only objective identified on the Cosmetology or Barber Instructor syllabus
21 is a career objective. There are no articulated educational objectives to be taught and assessed as
22 outcomes. Additionally, the career objectives span far beyond the intended scope of the class,
23 including outcomes like beauty product sales representatives. It is unclear how an instructor
24 program would prepare students for such a career.

25 c. The syllabus includes a course outline totaling only 450 hours, but the program
26 is a 600 hour program. Accordingly, the program length is unclear.

27 d. The syllabus is missing the sequence and frequency of class sessions.

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1 e. The syllabus does not include the textbooks and other required written
2 materials.

3 f. The syllabus contains a “Description of the Instruction” section detailing
4 technical and practical instruction to be offered in the program, which does not correspond to the
5 simple objective of the program: to teach students how to instruct a Cosmetology or Barber
6 program. Respondent did not document how the instruction offered will lead to the achievement
7 of the stated learning objectives.

8 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

9 (Description of Educational Programs – Cosmetology or Barber Instructor Syllabus)

10 40. Respondent’s Renewal Application is subject to denial in that Respondent’s
11 Cosmetology or Barber Instructor syllabus is not compliant with regulations intended to ensure
12 that Respondent’s educational program meets its missions and objectives. (Educ. Code §§
13 94855, subd. (a)(1) and 94891, subd. (b); and Cal. Code Regs., title 5, §§ 71700; 71705; 71710,
14 subds. (a), (b), (c)(2), (c)(3), (c)(4), and (c)(5); and 71715, subd. (b).) In particular:

15 a. The syllabus does not include those subject areas that are necessary for a
16 student to achieve the educational objectives of the educational program in which the student is
17 enrolled, as required by California Code of Regulations, title 5, section 71710, subdivision (a).
18 The circumstances are set forth in paragraph 39, subdivision (a), above.

19 b. The syllabus is not presented in a logically organized manner or sequence to
20 students, as required by California Code of Regulations, title 5, section 71710, subdivision (b).
21 The circumstances are set forth in paragraph 39, subdivision (a), above.

22 c. The syllabus does not contain a statement of educational objectives, as required
23 by California Code of Regulations, title 5, section 71710, subdivision (c)(2). The circumstances
24 are set forth in paragraph 39, subdivision (b), above.

25 d. The syllabus does not state the length of the educational program, as required
26 by California Code of Regulations, title 5, section 71710, subdivision (c)(3). The circumstances
27 are set forth in paragraph 39, subdivision (c), above.

28 /////

1 e. The syllabus does not state the sequence and frequency of lessons or class
2 sessions, as required by California Code of Regulations, title 5, section 71710, subdivision (c)(4).
3 The circumstances are set forth in paragraph 39, subdivision (d), above.

4 f. The syllabus does not contain complete citations of textbooks and other
5 required written materials, as required by California Code of Regulations, title 5, section 71710,
6 subdivision (c)(5). The circumstances are set forth in paragraph 39, subdivision (e), above.

7 g. Respondent has not documented that the instruction offered leads to the
8 achievement of the learning objectives of each course, as required by California Code of
9 Regulations, title 5, section 71715, subdivision (b). The circumstances are set forth in paragraph
10 39, subdivision (f), above.

11 ***B. Massage Therapy Program***

12 41. Respondent has not provided a syllabus for its Massage Therapy Program. In
13 particular, the final syllabus Respondent provided for its Massage Therapy Program appears to
14 mirror the format of Respondent's other program syllabi. As a result, the Massage Therapy
15 program syllabus contains the following deficiencies:

16 a. The identified objectives include "such occupations as a Certified Massage
17 therapist," which is unachievable for graduates of this program because Respondent's institution
18 is not approved by the California Massage Therapy Council. Approval by the California Massage
19 Therapy Council is a prerequisite for graduates to be eligible to apply for certification as a
20 Certified Massage therapist.

21 b. The sequence and frequency of class sessions is missing.

22 c. Complete citations of textbooks and other required written materials is missing.

23 **SEVENTH CAUSE FOR DENIAL OF APPLICATION**

24 (Description of Educational Programs – Massage Therapy Program Syllabus)

25 42. Respondent's Renewal Application is subject to denial in that Respondent's Massage
26 Therapy Program syllabus is not compliant with regulations intended to ensure that Respondent's
27 educational program meets its missions and objectives. (Educ. Code §§ 94855, subd. (a)(1) and

28 ////

1 94891, subd. (b); and Cal. Code Regs., title 5, §§ 71700; 71705; and 71710, subds. (c)(2), (c)(4),
2 and (c)(5).) In particular, as stated in paragraph 41, above:

3 a. The syllabus does not contain a statement of educational objectives, as required
4 by California Code of Regulations, title 5, section 71710, subdivision (c)(2).

5 b. The syllabus does not state the sequence and frequency of lessons or class
6 sessions, as required by California Code of Regulations, title 5, section 71710, subdivision (c)(4).

7 c. The syllabus does not contain complete citations of textbooks and other
8 required written materials, as required by California Code of Regulations, title 5, section 71710,
9 subdivision (c)(5).

10 **EIGHTH CAUSE FOR DENIAL OF APPLICATION**

11 (Prohibited Representation)

12 43. Respondent's Renewal Application is subject to denial in that Respondent's Massage
13 Therapy Program syllabus makes a promise or guarantee employment, or otherwise overstate the
14 availability of jobs upon graduation, in violation of Section 94897, subdivision (b). (Educ. Code
15 §§ 94855, subd. (a)(1); 94891, subd. (b); and 94897, subd. (b); and Cal. Code Regs., title 5, §
16 71700.) The circumstances are set forth in paragraph 41, above.

17 ***C. Distance Education Syllabi***

18 44. Through its Renewal Application, Respondent seeks to obtain Bureau approval to
19 continue to offer many of its programs through distance education via a "hybrid course (theory
20 only)" online method of instruction. Respondent's syllabi references this method of instruction,
21 but the syllabi do not describe or identify how Respondent provides distance education. Instead,
22 the syllabi reference "Audios, visual films, tapes, disc, slides." This statement is contrary to
23 Respondent's representation to the Bureau that it continues to offer distance education via Milady
24 (by Cengage) software. Accordingly, Respondent's Renewal Application inconsistently
25 communicates the methods by which the institution provides distance education.

26 45. In addition, none of Respondent's syllabi offering distance education include
27 complete citations of textbooks to be used. Instead, Respondent only describes supplemental
28 learning materials.

1 **NINTH CAUSE FOR DENIAL OF APPLICATION**

2 (Description of Educational Programs – Distance Education Syllabi)

3 46. Respondent’s Renewal Application is subject to denial in that Respondent’s syllabi
4 offering distance education are not compliant with regulations intended to ensure that
5 Respondent’s educational program meets its missions and objectives. (Educ. Code §§ 94855,
6 subd. (a)(1) and 94891, subd. (b); and Cal. Code Regs., title 5, §§ 71700 and 71710, subds. (c)(5)
7 and (c)(7).) In particular:

8 a. The syllabi do not state instructional mode or methods, as required by
9 California Code of Regulations, title 5, section 71710, subdivision (c)(7). The circumstances are
10 set forth in paragraph 44, above.

11 b. The syllabi do not contain complete citations of textbooks and other required
12 written materials, as required by California Code of Regulations, title 5, section 71710,
13 subdivision (c)(5). The circumstances are set forth in paragraph 45, above.

14 **FACTUAL BACKGROUND, PART IV**
15 **(FACILITIES AND EQUIPMENT)**

16 ***A. Respondent’s Facilities***

17 47. During their October 21, 2022 campus visit, Bureau staff observed that the campus
18 was in need of cleaning and clearing of clutter. The campus could not reasonably be described as
19 well-maintained.

20 48. Bureau staff also found that Respondent’s location lacks sufficient facility space to
21 deliver all approved programs. In addition, the Bureau staff observed that no section of the
22 campus is set up to offer Respondent’s Massage Therapy Program.

23 49. Additionally, Respondent’s campus diagram/map is not consistent with how the
24 Bureau staff observed the space was actually used. In particular:

25 a. The nail care area was actually used as lockers and storage (including large
26 precariously stacked boxes).

27 b. Students were setting up for Manicuring practicals on the main floor walkway
28 adjacent the main lecture room.

1 c. While a separate eating area is identified in the catalog, students were observed
2 eating lunch in the same area as practicals subsequently took place.

3 **TENTH CAUSE FOR DENIAL OF APPLICATION**

4 (Facility Maintenance)

5 50. Respondent's Renewal Application is subject to denial in that the institution's
6 facilities are not well-maintained, as required by California Code of Regulations, title 5, section
7 71735, subdivision (b). (Educ. Code §§ 94885, subd. (a)(3) and 94891, subd. (b); and Cal. Code
8 Regs., title 5, §§ 71700 and 71735, subd. (b).) The circumstances are set forth in paragraph 47,
9 above.

10 **ELEVENTH CAUSE FOR DENIAL OF APPLICATION**

11 (Insufficient Facilities)

12 51. Respondent's Renewal Application is subject to denial in that Respondent lacks
13 sufficient facilities to support the achievement of the educational objectives of all of the courses
14 and educational programs in which students are enrolled, as required by California Code of
15 Regulations, title 5, section 71735, subdivision (a). (Educ. Code §§ 94885, subd. (a)(3) and
16 94891, subd. (b); and Cal. Code Regs., title 5, §§ 71700; 71735, subd. (a); and 71475, subd.
17 (y)(1).) The circumstances are set forth in paragraph 48, above.

18 **TWELFTH CAUSE FOR DENIAL OF APPLICATION**

19 (Inaccurate Description of Facilities)

20 52. Respondent's Renewal Application is subject to denial in that it contains an
21 inaccurate description of the institution's facilities, in violation of California Code of Regulations,
22 title 5, section 71475, subdivision (y)(1). (Educ. Code §§ 94885, subd. (a)(3) and 94891, subd.
23 (b); and Cal. Code Regs., title 5, §§ 71700 and 71475, subs. (y)(1) and (y)(3).) The
24 circumstances are set forth in paragraph 49, above.

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1 ***B. Respondent's Equipment***

2 53. Bureau staff found insufficient necessary equipment available for use, and that
3 Respondent's list of equipment referenced the institution's catalog is more extensive than the
4 equipment available. For example:

5 a. Six hair dryers are referenced in Respondent's catalog, but Bureau staff did not
6 observe any.

7 b. Fifteen styling/barber chairs are referenced in Respondent's catalog, but Bureau
8 staff observed fewer than half that number.

9 c. Six proper manicure stations are referenced in Respondent's catalog, but the
10 Bureau staff did not find any proper manicure stations. Rather, instruction was provided using
11 repurposed desks moved to another section of the room after lecture.

12 d. Not all sinks/hair washing stations were attached to a water source.

13 e. No massage program equipment was identified on campus at all.

14 **THIRTEENTH CAUSE FOR DENIAL OF APPLICATION**

15 (Insufficient Equipment)

16 54. Respondent's Renewal Application is subject to denial in that Respondent lacks
17 necessary equipment to support the achievement of the educational objectives of all of the courses
18 and educational programs in which students are enrolled as required by California Code of
19 Regulations, title 5, section 71735, subdivision (a). (Educ. Code §§ 94885, subd. (a)(3) and
20 94891, subd. (b); and Cal. Code Regs., title 5, §§ 71700; 71735, subd. (a); and 71475, subd.
21 (y)(1).) The circumstances are set forth in paragraph 53, above.

22 **FOURTEENTH CAUSE FOR DENIAL OF APPLICATION**

23 (Inaccurate Description of Equipment)

24 55. Respondent's Renewal Application is subject to denial in that it contains an
25 inaccurate description of the institution's equipment, in violation of California Code of
26 Regulations, title 5, section 71475, subdivision (y)(1). (Educ. Code §§ 94885, subd. (a)(3) and
27 94891, subd. (b); and Cal. Code Regs., title 5, §§ 71700 and 71475, subd. (y)(1).) The
28 circumstances are set forth in paragraph 53, above.

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PRAYER

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

1. Denying the Application for Renewal of Approval to Operate and Offer Educational Programs for Non-Accredited Institutions of Jade Beauty and Barber College; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 7/26/2023

"Original Signature on File"
DEBORAH COCHRANE
Chief
Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant

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