

1 KAMALA D. HARRIS  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 322-5524  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

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

Case No. 1001372

13 **KASH CAREER COLLEGE; INNOCENT**  
14 **K. NWAOGU, OWNER**

**STATEMENT OF ISSUES**

15 **Approval to Operate a Non-Accredited**  
16 **Institution**

17 Applicant/Respondent.

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 October 6, 2013, the Bureau for Private Postsecondary Education  
24 received an application for an Approval to Operate a Non- Accredited Institution from Kash  
25 Career College; Innocent K. Nwaogu, Owner (Respondent). On or about October 6, 2013,  
26 Innocent K. Nwaogu certified under penalty of perjury to the truthfulness of all statements,  
27 answers, and representations in the application. The Bureau denied the application on December  
28 7, 2015.



1 that institution, permanent records of all of the following:

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

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

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

5  
6 7. Section 94904 of the Education Code provides:

7  
8 (a) Except as provided in subdivision (c) before an ability-to-benefit student may  
execute an enrollment agreement, the institution shall have the student take an  
independently administered examination from the list of examinations prescribed by  
9 the United States Department of Education pursuant to Section 484(d) of the federal  
Higher Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.). The student shall not  
10 enroll unless the student achieves a score, as specified by the United States  
Department of Education, demonstrating that the student may benefit from the  
11 education and training being offered.

12 (b) If the United States Department of Education does not have a list of relevant  
examinations that pertain to the intended occupational training, the bureau may  
13 publish its own list of acceptable examinations and required passing scores.

14 (c) The bureau shall on or before July 1, 2016, review the list of examinations  
prescribed by the United States Department of Education. If the bureau determines  
15 there is no examination on the list appropriate for ability to benefit students with  
limited English proficiency, the bureau shall approve an alternative examination fir  
16 these students. When approving the alternative examination, the bureau may consider  
the Comprehensive Adult Student Assessment System examination  
17

18 8. Section 94906 of the California Education Code provides:

19  
20 (a) An enrollment agreement shall be written in language that is easily understood. If  
English is not the student's primary language, and the student is unable to understand  
the terms and conditions of the enrollment agreement, the student shall have the right  
21 to obtain a clear explanation of the terms and conditions and all cancellation and  
refund policies in his or her primary language.  
22

23 (b) If the recruitment leading to enrollment was conducted in a language other than  
English, the enrollment agreement, disclosures, and statements shall be in that  
24 language.

25 9. Section 94909 of the California Education Code provides in pertinent part:

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

...

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

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

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

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

...

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

...

(15) The following statement:

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

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

10. Section 94910 of the California Education Code provides:

Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to enrollment, an institution shall provide a prospective student with a School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program:

1 (a) Completion rates, as calculated pursuant to Article 16 (commencing with Section 94928).

2 (b) Placement rates for each educational program, as calculated pursuant to Article 16  
3 (commencing with Section 94928), if the educational program is designed to lead to,  
4 or the institution makes any express or implied claim related to preparing students for,  
5 a recognized career, occupation, vocation, job, or job title.

6 (c) License examination passage rates for programs leading to employment for which  
7 passage of a state licensing examination is required, as calculated pursuant to Article  
8 16 (commencing with Section 94928).

9 (d) Salary or wage information, as calculated pursuant to Article 16 (commencing  
10 with Section 94928).

11 (e) If a program is too new to provide data for any of the categories listed in this  
12 subdivision, the institution shall state on its fact sheet: "This program is new.  
13 Therefore, the number of students who graduate, the number of students who are  
14 placed, or the starting salary you can earn after finishing the educational program are  
15 unknown at this time. Information regarding general salary and placement statistics  
16 may be available from government sources or from the institution, but is not  
17 equivalent to actual performance data."

18 (f) All of the following:

19 (1) A description of the manner in which the figures described in subdivisions (a) to  
20 (d), inclusive, are calculated or a statement informing the reader of where he or she  
21 may obtain a description of the manner in which the figures described in subdivisions  
22 (a) to (d), inclusive, are calculated.

23 (2) A statement informing the reader of where he or she may obtain from the  
24 institution a list of the employment positions determined to be within the field for  
25 which a student received education and training for the calculation of job placement  
26 rates as required by subdivision (b).

27 (3) A statement informing the reader of where he or she may obtain from the  
28 institution a list of the objective sources of information used to substantiate the salary  
disclosure as required by subdivision (d).

(g) The following statements:

(1) "This fact sheet is filed with the Bureau for Private Postsecondary Education.  
Regardless of any information you may have relating to completion rates, placement  
rates, starting salaries, or license exam passage rates, this fact sheet contains the  
information as calculated pursuant to state law."

(2) "Any questions a student may have regarding this fact sheet that have not been  
satisfactorily answered by the institution may be directed to the Bureau for Private  
Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web  
site address), (telephone and fax numbers)."

(h) If the institution participates in federal financial aid programs, the most recent  
three-year cohort default rate reported by the United States Department of Education  
for the institution and the percentage of enrolled students receiving federal student  
loans.

1 (i) Data and information disclosed pursuant to subdivisions (a) to (d), inclusive, is not  
2 required to include students who satisfy the qualifications specified in subdivision (d)  
3 of Section 94909 but an institution shall disclose whether the data, information or  
4 both provided in its fact sheet excludes students pursuant to this subdivision. An  
5 institution shall not actively use data specific to the fact sheet in its recruitment  
6 materials or other recruitment efforts of students who are not California Residents and  
7 do not reside in California at the time of their enrollment.

8 11. Section 94911 of the California Education Code provides in pertinent part:

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

10 ... (b) A schedule of total charges, including a list of any charges that are  
11 nonrefundable and the student's obligations to the Student Tuition Recovery Fund,  
12 clearly identified as nonrefundable charges.

13 (c) In underlined capital letters on the same page of the enrollment agreement in  
14 which the student's signature is required, the total charges for the current period of  
15 attendance, the estimated total charges for the entire educational program, and the  
16 total charges the student is obligated to pay upon enrollment.

17 (d) A clear and conspicuous statement that the enrollment agreement is legally  
18 binding when signed by the student and accepted by the institution.

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

23 ... (j) The following statements:

24 (1) "Any questions a student may have regarding this enrollment agreement that have  
25 not been satisfactorily answered by the institution may be directed to the Bureau for  
26 Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet  
27 Web site address), (telephone and fax numbers)...."

28 12. Section 94919 of the Education Code states:

(a) An institution that participates in the federal student financial aid programs complies with this article by complying with applicable regulations of the federal student financial aid programs under Title IV of the federal Higher Education Act of 1965.

(b) The institution shall advise each student that a notice of cancellation shall be in writing, and that a withdrawal may be effectuated by the student's written notice or by the student's conduct, including, but not necessarily limited to, a student's lack of attendance.

(c) The institution shall also provide a pro rata refund of nonfederal student financial aid program moneys paid for institutional charges to students who have completed 60 percent or less of the period of attendance.

1 (d) Institutions shall refund 100 percent of the amount paid for  
2 institutional charges, less a reasonable deposit or application fee not to exceed two  
3 hundred fifty dollars (\$250), if notice of cancellation is made through attendance at  
4 the first class session, or the seventh day after enrollment, whichever is later.

5 13. Section 94929.5 of the Education Code states in pertinent part:

6 “(a) An institution shall annually report to the bureau, as part of the annual report, and  
7 shall publish in its School Performance Fact Sheet, all of the following:

8 ...

9 (3) Salary and wage information, consisting of the total number of graduates  
10 employed in the field and the annual wages or salaries of those graduates stated in  
11 increments of five thousand dollars (\$5,000)....”

12 14. Title 5, California Code of Regulation section 71190 provides:

13 If an institution receives financial aid because its students qualify for it  
14 under any state or federal financial aid program, the Form Application 94886 shall  
15 include a statement of its policies, practices, and disclosures regarding financial aid.

16 15. Title 5, California Code of Regulation section 71210 provides:

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

20 (b) In addition to the general title, such as “Bachelor of Arts” or “Master of Science,”  
21 each degree title shall include the name of a specific major field of learning involved.

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

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

26 (2) If applicable, information regarding the ability-to-benefit examination as required  
27 by section 94904 of the Code;

28 (3) The types and amount of general education required;

(4) The title of the educational programs and other components of instruction offered,  
including a description of the level of the courses (e.g., below college level,  
undergraduate level, graduate level);

(5) The method of instruction;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

(6) The graduation requirements; and

(7) Whether the educational program is designed to fit or prepare students for employment in any occupation. If so, the Form Application 94886 shall identify each occupation and job title to which the institution represents the educational program will lead.

16. Title 5, California Code of Regulation section 71220 provides:

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

- (a) A description of the educational program.
- (b) A description of the equipment to be used during the educational program.
- (c) A description of the number and qualifications of the faculty needed to teach the educational program.
- (d) A projection, and the bases for the projection, of the number of students that the institution plans to enroll in the educational program during each of the three years following the date the Form Application 94886 was submitted.
- (e) A description of the learning, skills, and other competencies to be acquired by students who complete the educational program.
- (f) If licensure is a goal of an educational program, a copy of the approval from the appropriate licensing agency if required. A copy of the intent to approve conditioned solely upon institutional approval from the Bureau will also meet this requirement.

Upon request, the institution shall provide to the Bureau copies of the curriculum or syllabi required pursuant to section 71710.

17. Title 5, California Code of Regulation section 71260 provides in pertinent part:

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

18. Title 5, California Code of Regulation section 71300 provides:

The institution shall submit a copy of the document that is awarded to a graduating student upon successful completion of each educational program.



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

19. Title 5, California Code of Regulation section 71310 provides:

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

(b) The description shall include the name, physical address, email address, and telephone number of the custodian of records, and the physical addresses and telephone numbers of the offices or buildings where the records will be maintained.

20. Title 5, California Code of Regulation section 71710 provides:

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

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

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

(c) course or module materials that are designed or organized by duly qualified faculty. For each course or module, each student shall be provided with a syllabus or course outline that contains:

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

(2) a statement of educational objectives;

(3) length of the educational program;

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

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

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

(7) instructional mode or methods.

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

(e) specific learning outcomes tied to the sequence of the presentation of the material to measure the students' learning of the material; and

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

21. Title 5, California Code of Regulation section 71720 provides in pertinent part:

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

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

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

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

22. Title 5, California Code of Regulation section 71800 provides:

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

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

(b) Period covered by the enrollment agreement.

(c) Program start date and scheduled completion date.

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

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

(1) tuition;

(2) registration fee (non-refundable);

(3) equipment;

(4) lab supplies or kits;

(5) Textbooks, or other learning media;

- 1 (6) uniforms or other special protective clothing;
  - 2 (7) in-resident housing;
  - 3 (8) tutoring;
  - 4 (9) assessment fees for transfer of credits;
  - 5 (10) fees to transfer credits;
  - 6 (11) Student Tuition Recovery Fund fee (non-refundable);
  - 7 (12) any other institutional charge or fee.
- 8 (f) Charges paid to an entity other than an institution that is specifically required for  
9 participation in the educational program.

10 23. Title 5, California Code of Regulation section 71810 provides in pertinent part:

11 “(a) Each institution shall provide a catalog pursuant to section 94909 of the Code,  
12 which shall be updated annually. Annual updates may be made by the use of  
13 supplements or inserts accompanying the catalog. If changes in educational programs,  
14 educational services, procedures, or policies required to be included in the catalog by  
15 statute or regulation are implemented before the issuance of the annually updated  
16 catalog, those changes shall be reflected at the time they are made in supplements or  
17 inserts accompanying the catalog.

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

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

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

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

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

24. Title 5, California Code of Regulation section 71920 provides:

Whenever the board deems it necessary to incur a bonded indebtedness for the acquisition, construction, completion, or repair of any or all improvements, works, or property mentioned in this division and to provide for such bonded indebtedness to be payable from taxes levied upon an uninhabited portion of the district, the board shall, by resolution, declare its intention to form an uninhabited improvement district in such portion of the district and to incur such indebtedness.

25. Title 5, California Code of Regulation section 74112 provides in pertinent part:

...(f) License Examination Passage Rates. If license examination passage rates are not available from the appropriate state agency, an institution shall collect the information directly from its graduates. If an institution demonstrates that, after reasonable efforts, it is unable to obtain the examination passage information from its graduates, the institution shall report the number of students it could not contact and note in a font the same size as the majority of the data on the Performance Fact Sheet, "License examination passage data is not available from the state agency administering the examination. We were unable to collect data from [enter the number] graduates."

Reporting of license examination passage rates for the Annual Report and the Performance Fact Sheet shall include, for each educational program: the number of students completing the program within 150% of published program length in the reported year, the number of documented graduates who passed the first examination, number of documented graduates who failed the first examination, the number of graduates for whom data is not available. An optional column may be added to separately report licensing examination data for students who take and pass the exam after failing initially. The Annual Report shall also include a description of the processes for attempting to contact those students.

For licensing examinations that are not continuously administered, license examination passage rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below, including the footnoted information below (dates, numbers, and other data shown are for example only):

Examination Passage Rates (includes data for the two calendar years prior to reporting)...

(g) Salary and Wage Information.

All Salary and Wage Information shall be reported to the Bureau pursuant to section 94929.5(c) of the Code and, if required by section 94910(d) of the Code, shall be included in the Performance Fact Sheet, for each educational program, in a format substantially similar to the chart below, including the footnoted information (dates, numbers, salaries, and other data shown are for example only).

Salary and Wage Information (includes data for the two calendar years prior to reporting)

1  
2 **Name of Educational Program (Program Length)**

3 *Annual Salary and Wages Reported by Graduates*  
4 *Employed in the Field<sup>3</sup>*

5

6	<i>Graduates Available for Employment<sub>1</sub></i>	<i>Graduates Employed in the Field<sup>2</sup></i>	<i>\$15,000.00</i>	<i>\$20,001.00</i>	<i>\$25,001.00</i>	<i>\$30,001.00</i>	<i>Students Not Reporting Salary</i>
7			-	-	-	-	
8			\$20,000.00	\$25,000.00	\$30,000.00	\$35,000.00	
9	20XX 100	70	5	40	6	3	16
10	20XY 80	55	5	7	3	5	35

11 <sup>1</sup> "Graduates available for employment" means the number of graduates minus the  
12 number of graduates unavailable for employment. Graduates unavailable for  
13 employment means graduates who, after graduation, die, become incarcerated, are  
14 called to active military duty, are international students that leave the United States or  
do not have a visa allowing employment in the United States, or are continuing their  
education in an accredited or bureau-approved postsecondary institution.

15 <sup>2</sup> "Graduates employed in the field" means graduates who are gainfully  
employed within six months of graduation in a position for which the skills obtained  
16 through the education and training provided by the institution are required or  
provided a significant advantage to the graduate in obtaining the position.

17 <sup>3</sup> Salary is as reported by the student. Not all graduates reported  
18 salary...."

19 26. Title 5, California Code of Regulation section 76215 provides:

20  
21 (a) A qualifying institution shall include the following statement on both its  
22 enrollment agreement for an educational program and its current schedule of student  
charges:

23 "You must pay the state-imposed assessment for the Student Tuition Recovery Fund  
(STRF) if all of the following applies to you:

24 1. You are a student in an educational program, who is a California resident, or are  
25 enrolled in a residency program, and prepay all or part of your tuition either by cash,  
guaranteed student loans, or personal loans, and

26 2. Your total charges are not paid by any third-party payer such as an employer,  
27 government program or other payer unless you have a separate agreement to repay  
the third party.

1 You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if either of the following applies:

- 2 1. You are not a California resident, or are not enrolled in a residency program, or  
3 2. Your total charges are paid by a third party, such as an employer, government  
4 program or other payer, and you have no separate agreement to repay the third party.”

5 (b) In addition to the statement described under subdivision (a) of this section, a  
6 qualifying institution shall include the following statement on its current schedule of  
7 student charges:

8 “The State of California created the Student Tuition Recovery Fund (STRF) to relieve  
9 or mitigate economic losses suffered by students in educational programs who are  
10 California residents, or are enrolled in a residency programs attending certain schools  
11 regulated by the Bureau for Private Postsecondary and Vocational Education.

12 You may be eligible for STRF if you are a California resident or are enrolled in a  
13 residency program, prepaid tuition, paid the STRF assessment, and suffered an  
14 economic loss as a result of any of the following:

- 15 1. The school closed before the course of instruction was completed.  
16 2. The school's failure to pay refunds or charges on behalf of a student to a third party  
17 for license fees or any other purpose, or to provide equipment or materials for which a  
18 charge was collected within 180 days before the closure of the school.  
19 3. The school's failure to pay or reimburse loan proceeds under a federally guaranteed  
20 student loan program as required by law or to pay or reimburse proceeds received by  
21 the school prior to closure in excess of tuition and other costs.  
22 4. There was a material failure to comply with the Act or this Division within 30 days  
23 before the school closed or, if the material failure began earlier than 30 days prior to  
24 closure, the period determined by the Bureau.  
25 5. An inability after diligent efforts to prosecute, prove, and collect on a judgment  
26 against the institution for a violation of the Act.”

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

### 21 BACKGROUND

22 Respondent's submitted an application for an approval to operate a non-accredited  
23 Institution on or about October 21, 2013. On or about January 9, 2014, the Bureau sent a  
24 deficiency letter indicating sections 5,15,17, and 23 were not complete. The Bureau received a  
25 response on July 30, 2015. On August 19, 2015, a deficiency letter was sent to respondent listing  
26 the following sections as incomplete: 1,5,9,10, 12,13,14,16, 17, 19, 20, 21,22, and 23. On October  
27 14, 2015, the Bureau received a response. The Bureau's Notice of Denial of the Application for  
28 Approval to Operate as sent on December 7, 2015.

1 FIRST CAUSE FOR DENIAL OF APPLICATION

2 (Financial Aid Policies, Practices, and Disclaimers)

3 27. Respondent's application is subject to denial in that the application states that the  
4 institution will not offer financial aid, yet the catalog references financial probation and a  
5 potential payment schedule. The Bureau is unable to determine compliance with California  
6 Education Code section 94919 and Title 5, California Code of Regulations section 71190.

7 SECOND CAUSE FOR DENIAL OF APPLICATION

8 (Exemplars of Student Agreements)

9 28. Respondent's application is subject to denial in that the student agreements failed to  
10 comply with the code as follows below:

11 a. Respondent's application is subject to denial pursuant to Education Code section  
12 94906 subdivision (a) in that the institution failed to provide a separate statement in which they  
13 detail how they will provide the enrollment agreement and disclosures to students whose primary  
14 language is not English

15 b. Respondent's application is subject to denial pursuant to Title 5, California Code of  
16 Regulations section 71800 subdivisions (b) and (d) in that the institution's proposed enrollment  
17 agreement did not include a time period covered by the agreement. Also, the enrollment  
18 agreement did not include a date by which the student must exercise his or her right to cancel or  
19 withdraw from the agreement.

20 c. Respondent's application is subject to denial pursuant to Title 5, California Code of  
21 Regulations section 71800 subdivisions (e)(5),(e)(6), and (e)(11), in that the institution's  
22 proposed enrollment agreement failed to include: 1) an itemization of all the institutional charges  
23 and fees for each educational program; 2) a list of the required books and uniforms which are as  
24 listed in the student catalog as non-refundable; and 3) documentation of the Student Tuition  
25 Recovery Fund fee.

26 d. Respondent's application is subject to denial pursuant to Education Code section  
27 94911 subdivision (b) in that the institution's proposed enrollment agreement failed to include a  
28

1 schedule of total charges, including a list of non-refundable charges and an explanation of the  
2 students obligation to the Student Tuition Recovery Fund.

3 e. Respondent's application is subject to denial pursuant to Education Code section  
4 94911 subdivision (c) in that the institution's proposed enrollment agreement failed to include the  
5 following required language on the same page as the signature:

6 "TOTAL CHARGES FOR THE CURRENT PERIOD OF ATTENDANCE:  
7 ESTIMATED TOTAL CHARGES FOR THE ENTIRE EDUCATIONAL  
8 PROGRAM; and THE TOTAL CHARGES THE STUDENT IS OBLIGATED TO  
9 PAY THE UPON ENROLLMENT."

10 f. Respondent's application is subject to denial pursuant to Education Code section  
11 94911 subdivision (j)(1) in that the institution's proposed enrollment agreement failed to include  
12 the following required statement:

13 "Any questions a student may have regarding this enrollment agreement that have not  
14 been satisfactorily answered by the institution may be directed to the Bureau for  
15 Private Postsecondary Education at P.O. Box 980818, West Sacramento, CA 95798-  
16 0818, [www.bbpe.ca.gov](http://www.bbpe.ca.gov) , (916) 431-6959 Toll Free: (888) 370-7589, Fax. (916) 263-  
17 1897"

18 g. Respondent's application is subject to denial pursuant to Education Code section  
19 94911 subdivision (d) in that the institution's proposed enrollment agreement failed to include a  
20 clear and conspicuous statement that the enrollment agreement is legally binding when signed by  
21 the student and accepted by the institution.

### 22 THIRD CAUSE FOR DENIAL OF APPLICATION

23 (Instructions and Degree Offered)

24 29. Respondent's application is subject to denial in that the admission requirements  
25 detailed below failed to comply with the code as follows:

26 a. Respondent's application is subject to denial pursuant to Education Code section  
27 94904 and Title 5, California Code of Regulations section 71210 subdivision (c) (2) in that the  
28 institution's admission requirement for the Certified Nurse Assistant program states that the  
student must have the ability to read and write up to a ninth grade level; however the specific test  
and scores required for ability-to-benefit students entering the program was not submitted.







1 SEVENTH CAUSE FOR DENIAL OF APPLICATION

2 (Catalog)

3 35. Respondent's application is subject to denial in that the proposed catalog failed to  
4 comply with the code as set forth more specifically below:

5 a. Respondent's application is subject to denial pursuant to California Education Code  
6 section 94909 (a) (15) in that the institution's catalog failed to include the Licensed Vocational  
7 Nurse Program in the section addressing transferability of credits and credentials as required.

8 b. Respondent's application is subject to denial pursuant to California Education Code  
9 section 94909 (a)(8)(A) in that the institution's catalog failed to include admissions policies for  
10 all educational programs as required.

11 c. Respondent's application is subject to denial pursuant to Title 5, California Code of  
12 Regulations section 71810 subdivision (b) (4) in that the institution's catalog failed to include  
13 language proficiency information as required.

14 d. Respondent's application is subject to denial pursuant to California Education Code  
15 section 94909 subdivision (a) (5) in that the institution's catalog failed to include a complete  
16 description of the proposed Licensed Vocational Nurse Program as required.

17 e. Respondent's application is subject to denial pursuant to California Educational Code  
18 section 94909 section subdivision (a)(b) in that the institution's catalog failed to include a notice  
19 and specific list of all requirements for eligibility for licensure for their proposed educational  
20 programs as required.

21 f. Respondent's application is subject to denial pursuant to California Educational Code  
22 section 94909 subdivision (a)(9) in that the institution's catalog failed to include a schedule of  
23 total charges for a period of attendance and for the estimated total charges for attendance of the  
24 entire Licensed Vocational Nurse program as required.

25 g. Respondent's application is subject to denial pursuant to Title 5, California Code of  
26 Regulations section 76215 subdivision (a) and (b) in that the institution's catalog failed to include  
27 language related to the Student Tuition Recovery Fund as required.

28

1 h. Respondent's application is subject to denial pursuant to Title 5, California Code of  
2 Regulations section 71810 subdivision (b) (6) in that the institution's catalog failed to include the  
3 institution's policy and practices regarding financial aid in the form of installment payment plan  
4 options as required.

5 EIGHTH CAUSE FOR DENIAL OF APPLICATION

6 (School Performance Fact Sheet)

7 36. Respondent's application is subject to denial in that the proposed School Performance  
8 Fact Sheet had omissions and failed to comply with the code as set forth more specifically below:

9 a. Respondent's application is subject to denial pursuant to California Educational Code  
10 section 94910 subdivision (f) (2) in that the institution's School Performance Fact Sheet failed to  
11 contain a statement setting forth where a student may obtain from the institution a list of  
12 employment positions determined to be within the field for which a student received education  
13 and training used for the calculation of job placement rates as required.

14 b. Respondent's application is subject to denial pursuant to Title 5, California Code of  
15 Regulations section 74112 subdivision (f) in that the institution's School Performance Fact Sheet  
16 did not include Examination Passage Rate tables that differentiate between continuously  
17 administered and not continuously administered exams as required.

18 c. Respondent's application is subject to denial pursuant to California Educational  
19 Code section 94910 subdivision (e) in that the institution's school performance fact sheet omitted  
20 the following required statement:

21 "This program is new, Therefore, the number of students who graduate, the number of  
22 students who are placed, or the starting salary you can earn after finishing the  
23 educational program are unknown at this time. Information regarding general salary  
24 and placement statistics may be available from government sources or from the  
25 Institution, but is not equivalent to actual performance data."

26 d. Respondent's application is subject to denial pursuant to California Educational Code  
27 sections 94929.5 subdivision (a)(3) and 94910 subdivision (f) (3) in that the institution's School  
28 Performance Fact Sheet did not include salary and wage information, consisting of the total

1 number of graduates employed in the field and annual wages or salaries of those graduates stated  
2 in increments of five thousand dollars (\$5,000). Additionally, there is no statement informing the  
3 reader of where he or she may obtain from the Institution a list of the objective sources of  
4 information used to substantiate the salary disclosure.

5 e. Respondent's application is subject to denial pursuant to Title 5, California Code of  
6 Regulations section 74112 subdivision(g) (3) in that the institution's School Performance Fact  
7 Sheet omitted the following required statement: "Salary is as reported by the student. Not all  
8 graduates reported salary."

9 NINTH CAUSE FOR DENIAL OF APPLICATION

10 (Graduation/Completion Documents)

11 37. Respondent's application is subject to denial pursuant to California Educational Code  
12 section 94885 and Title 5, California Code of Regulations section 71300 in that the intuition did  
13 not provide graduation or completion documents for the proposed Licensed Vocational Nurse  
14 program as is required.

15 TENTH CAUSE FOR DENIAL OF APPLICATION

16 (Record Keeping)

17 38. Respondent's application is subject to denial pursuant to California Educational Code  
18 section 94900 and Title 5, California Code of Regulations sections 71310 and 71920 in that the  
19 intuition did not provide a complete and compliant list of documents that would be maintained in  
20 student files as is required.

21 PRAYER

22 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
23 and that following the hearing, the Director of the Department of Consumer Affairs issue a  
24 decision:  
25

26 1. Denying the application of Kash Career College; Innocent K. Nwaogu, Owner for an  
27 Approval to Operate an Institution Non-Accredited;

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2. Taking such other and further action as deemed necessary and proper.

DATED: 9-8-16



JOANNE WENZEL  
Chief  
Bureau for Private Postsecondary Education  
Department of Consumer Affairs  
State of California  
*Complainant*

SA2016100637  
12415952.doc