

**FILED**  
San Diego Superior Court

APR 11 2023  
Clerk of the Superior Court  
By: H. Chavarin, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO

**SAN DIEGO UNIVERSITY OF  
INTEGRATIVE STUDIES INC.,**

Petitioner,

v.

**DIVISION OF LEGAL AFFAIRS,  
DEPARTMENT OF CONSUMER  
AFFAIRS; KIMBERLY KIRCHMEYER,  
DIRECTOR; MICHELLE ANGUS,  
ASSISTANT CHIEF COUNSEL; BUREAU  
FOR PRIVATE POSTSECONDARY  
EDUCATION; DEBORAH COCHRANE,  
BUREAU CHIEF; JASON ALLEY,  
ENFORCEMENT CHIEF; ROBERT J.  
BAYLES, ENFORCEMENT OFFICER;  
AND DOES 1-10,**

Respondents.

37-2022-00006167-CU-MC-CTL

**~~[PROPOSED]~~ JUDGMENT DENYING  
PEREMPTORY WRIT OF MANDAMUS  
AND DISMISSING COMPLAINT FOR  
DECLARATORY RELIEF, INJUNCTIVE  
RELIEF AND DAMAGES**

Dates: October 14, 2022 and  
March 10, 2023

Dept.: 67

Judge: Hon. Eddie C. Sturgeon

This matter came on regularly before this Court on October 14, 2022 and March 10, 2023,  
for hearing in Department 67 of the San Diego Superior Court, the Honorable Eddie C. Sturgeon  
presiding. Edward Cramp, Karen Alexander, and Ashley L. Barton appeared as attorneys for  
Petitioner. Rob Bonta, Attorney General of the State of California, by and through Deputy

1 Attorneys General Kristen Dalessio and Dionne Mochon, appeared on behalf of Respondents.

2 The record of the administrative proceedings having been received into evidence and  
3 examined by the Court, and arguments having been presented, the Court has ruled on the  
4 peremptory writ, as set forth in the Minute Order dated November 2, 2022 and as modified by the  
5 Minute Order dated March 16, 2023. The March 16, 2023 Minute Order is incorporated by  
6 reference and attached as Exhibit A hereto.

7 IT IS ORDERED that:

- 8 1. The petition filed in this action for a peremptory writ of mandate is DENIED;
- 9 2. The cause of action for declaratory relief is STRICKEN;
- 10 3. The cause of action for preliminary injunction is STRICKEN;
- 11 4. The Complaint for Declaratory Relief, Injunctive Relief, and Damages is  
12 DISMISSED;
- 13 5. Petitioner shall take nothing from its claim for damages;
- 14 6. This court's partial stay order issued in this action on March 2, 2022 (Exhibit B  
15 hereto), is dissolved as of the date of entry of this Judgment; and
- 16 7. The Bureau of Private Postsecondary Education's suspension order dated December  
17 7, 2021 (Exhibit C hereto), is in full effect as of the date of entry of this Judgment.

18 Dated: APR 11 2023 Eddie C. Sturgeon, Judge

19 Honorable Eddie C. Sturgeon  
20 Judge of the Superior Court

21 JUDGMENT ENTERED on \_\_\_\_\_, in the Judgment Book, Vol. \_\_, page \_\_\_\_\_

22  
23  
24 Clerk  
25 By \_\_\_\_\_  
26 Deputy Clerk

**Exhibit A**

*Minute Order dated March 16, 2023*

SUPERIOR COURT OF CALIFORNIA,  
COUNTY OF SAN DIEGO  
CENTRAL

MINUTE ORDER

DATE: 03/16/2023

TIME: 02:07:00 PM

DEPT: C-67

JUDICIAL OFFICER PRESIDING: Eddie C Sturgeon

CLERK: Herlinda Chavarin

REPORTER/ERM: Not Reported

BAILIFF/COURT ATTENDANT:

CASE NO: 37-2022-00006167-CU-MC-CTL CASE INIT.DATE: 02/16/2022

CASE TITLE: SAN DIEGO UNIVERSITY OF INTEGRATIVE STUDIES INC vs DIVISION OF LEGAL  
AFFAIRS DEPARTMENT OF CONSUMER AFFAIRS [IMAGED]

CASE CATEGORY: Civil - Unlimited CASE TYPE: Misc Complaints - Other

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**APPEARANCES**

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Petitioner San Diego University of Integrative Studies Inc.'s Petition for Writ of Mandate is **DENIED**.  
Petitioner's third and fourth causes of action are stricken.

A court's review of quasi-judicial or adjudicative agency action under Code of Civ. Proc. § 1094.5(b) examines three questions: (1) whether the agency has proceeded without, or in excess of, jurisdiction; (2) whether there was any prejudicial abuse of discretion; and (3) whether there was a fair trial. The court "exercises independent judgment on pure questions of law, including the interpretation of statutes and judicial precedent." (See *McAllister v. California Coastal Com'n* (2008) 169 Cal.App.4th 912, 921-922.) As for findings of fact, a court typically only considers whether the action is supported by substantial evidence in light of the whole record. (Code Civ. Proc., § 1094.5(c).) Where the case implicates a petitioner's fundamental vested rights, courts exercise independent judgment on both questions of law and fact. (*Bixby v. Pierno* (1971) 4 Cal.3d 130, 143.) Here, BPPE's discretion was limited to determining whether SDUIS was eligible for an extension of time, not whether the institution should operate. Accordingly, it does not implicate SDUIS's fundamental vested rights and the proper standard of review is substantial evidence. That said, the court agrees with Respondents that even under an independent judgment standard review of the evidence, Petitioner's arguments fail.

*First*, Petitioner argues that Respondents exceeded their jurisdiction and violated Education Code section 94885.1(d)(1) by denying SDUIS's request for an extension of time through July 1, 2022. On July 13, 2021, in response to SDUIS's request, BPPE granted a third extension of approximately four months, ending on November 1, 2021, to seek accreditation. At that time, Section 94885.1(d)(1) provided as follows:

"The bureau shall, upon the timely submission of sufficient evidence that an unaccredited institution is making strong progress toward obtaining accreditation, grant institution's request for an extension of time, not to exceed two years, to meet the requirements of this section."

Effective January 1, 2022, the Legislature amended the language to provide:

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DATE: 03/16/2023

MINUTE ORDER

Page 1

DEPT: C-67

Calendar No.

"The bureau shall, upon the timely submission of sufficient evidence that an unaccredited institution is making strong progress toward obtaining accreditation, or if warranted by the accrediting agency's conditions for applying for accreditation related to student enrollment or graduation, grant an institution's request for an extension of time, not to exceed a combined total of five years, to meet the requirements of this section."

Petitioner argues that under either version of the statute, the word "shall" renders BPPE without discretion to approve extensions less than what is requested by an unaccredited institution as long as the request does not exceed the maximum time and the institution is "making strong progress toward obtaining accreditation." Because in July 2021, BPPE found that SDUIS was making strong progress (AR 273), Petitioner argues that BPPE was required to issue an extension until July 1, 2022.

The court disagrees that BPPE had no discretion to issue extensions less than the maximum amount of time. While BPPE is without discretion to deny an extension where strong progress is made, there is nothing in the statutory language which requires BPPE also agree to the length of extension requested by an institution. Instead, the length of time is reserved to the agency in a length of time "not to exceed two years." Not only is this statute's plain reading, but it is also the reading that makes the most practical sense. Under Petitioner's construction, institutions would have the perverse incentive to request the maximum extension in all cases, thereby reducing urgency and decreasing the likelihood that the institution would obtain accreditation sooner rather than later. By allowing unaccredited institutions to continue with maximum-length extensions, BPPE's ability to "[p]revent[] . . . harm to students and the deception of the public that results from fraudulent or substandard educational programs and degrees" would be impeded. (Ed. Code, § 94801(d)(6).)

Further, as Respondents have pointed out, Petitioner never requested any specific amount of time in either their May or July 2021 extension request letters. (AR 247, 268.) Thus, even assuming that Petitioner was correct and BPPE is required to grant whatever extension is requested by an institution, no particular time was requested on these set of facts.

For these reasons, the court finds that BPPE was within its discretion to grant extensions of time less than the maximum two years, including when it granted an extension ending on November 1, 2021.

**Second**, Petitioner argues that the hearing officer erred in concluding SDUIS was required to demonstrate that it could achieve full accreditation by the July 1, 2022. Instead, Petitioner argues that the amended version of Section 94885.1(d) should apply since it was effective on January 1, 2022 and the hearing took place on January 6, 2022. Under the amended statute, Petitioner argues the hearing officer should have used July 1, 2025 as the correct deadline for achieving full accreditation. But the amended statute was not in effect at the time BPPE made the decision under review and the hearing was to determine whether BPPE's decision was correct at the time it was made. The law applicable to this case is the prior version of Section 94885.1(d)(1). Given that determination, the court finds no reason to alter the decision that SDUIS did not provide sufficient evidence to show that it would obtain accreditation by July 1, 2022 as opposed to July 1, 2025.

In any case, regardless of which law was applicable, strong progress was required to be shown and as of the November 1, 2021 deadline, BPPE determined that SDUIS had not shown strong progress. In its July 13, 2021 letter, BPPE laid out milestones for how SDUIS would be required to show strong progress by November 1, 2021. Specifically, SDUIS was required "to provide documentation confirming that institution's July 2021 application to DEAC (referencing the institution's amended accreditation timeline) and fee have been accepted on or before November 1, 2021." (AR 273.) SDUIS was well aware of this

requirement. (AR 129 ["Thank you for the extension letter that SDUIS received on July 13, 2021, which provided SDUIS with a 4-month extension to submit our application and have it accepted by DEAC."].) SDUIS failed to meet that milestone. Strong progress toward the *milestone* was not what was expected-meeting the milestone *was* the strong progress that was required for any further extension.

Additionally, SDUIS also failed to properly request an extension under the requirements of Education Code section 94885.1(d)(2). Under that provision, evidence submitted to BPPE in support of an extension "shall" include:

"an amended accreditation plan adequately identifying why pre-accreditation, accreditation candidacy, or accreditation as outlined in the original plan . . . was not achieved, active steps the institution is taking to comply with this section, and documentation from an accrediting agency demonstrating either the institution's likely ability to meet the requirements of this section or the accrediting agency's relevant conditions for an institution to apply for accreditation."

(Ed. Code, § 94885.1(d)(2).) The court agrees with the hearing officer's finding that this evidence was not adequately submitted to BPPE. (AR 354; see also AR 150 ["The institution did not provide an amended timeline showing the October 26, 2021 initial application submission date. The institution did not explain why the final initial application as not submitted in July 2021 as intended, nor did they explain why it was not at least submitted in early September 2021 once the financial statements had become available."]; AR 265 [emails showing that BPPE learned of SDUIS's untimely application efforts from DEAC after the November extension request was submitted].)

Accordingly, because BPPE determined that there was not strong progress and SDUIS failed to comply with Section 94885.1(d)(2), no extension could be issued.

*Third*, Petitioner argues that it was not afforded a fair hearing because the hearing officer interjected during the examination of SDUIS's witness, Dr. Versari. (See, e.g., AR 322-24.) Petitioner also complains that it was not afforded the ability to cross-examine BPPE's witness and that the two-hour time limit was prejudicial. Upon examination of the hearing transcript the court finds that SDUIS's attorney did not object to BPPE's witness testimony or request to cross-examine BPPE's witness, despite the Notice of Informal Office Conference explaining that right. (AR 12.) While the hearing was limited to two hours, the hearing officer stated several times that a continuance was possible if more time was needed. (AR 319.) SDUIS did not request any additional time at the end of the hearing. The hearing was fair.

*Fourth*, upon its own motion, the court has reconsidered its November 2, 2022 order and determined that the third and fourth causes of action for injunctive and declaratory relief should be dismissed. (*Le Francois v. Goel* (2005) 35 Cal.4th 1094, 1107 [describing trial court's inherent authority to reconsider its orders prior to entry of judgment].) On January 13, 2023, at a scheduled case management conference, the parties conferred with the court regarding entry of judgment on the November 2, 2022 minute order. (ROA 74.) Petitioner argued that the November 2, 2022 order had not disposed of the third and fourth causes of action and therefore no judgment could be entered. To ensure that the parties had a full and fair opportunity to set forth their respective positions, the court requested the parties to submit cross-briefs due on February 3, 2023, responsive briefs due on February 17, 2023, and set a hearing for March 10, 2023. The parties timely submitted their briefs. BPPE made its position clear, both through its proposed judgment (ROA 81, Ex. 1) and its papers (ROAs 75, 84), that the court had adequately adjudicated the third and fourth causes of action and the court should enter judgment accordingly. On March 10, 2023, the parties once again came before the court to argue the merits of their respective

positions.

After hearing from the parties, the court explained that it would decide whether to modify its prior order and enter BPPE's proposed judgment or require a motion for summary judgment to be filed and heard on the third and fourth causes of action. The court has determined the former option is appropriate.

Petitioner had an adequate remedy at law for review of BPPE's decision through their administrative writ. All parties agreed and the court made clear that the issues were to be adjudicated as "an administrative writ under [Code of Civil Procedure section] 1094.5, period[.]" (ROA 81, Dalessio Decl., Reporter's Transcript, p. 13:20-27.) Because Petitioner had an adequate remedy at law, "they are not entitled to injunctive or declaratory relief." (*Livingston Rock & Gravel Co. v. Los Angeles County* (1954) 43 Cal.2d 121, 129; see also *State of California v. Superior Court* (1974) 12 Cal.3d 237, 249 ["It is settled that an action for declaratory relief is not appropriate to review an administrative decision."].) Even if Petitioner was entitled to bring such causes of action along with their writ, they involve the same underlying facts and claims that the court found to be without merit. There is nothing left to litigate on the petition or complaint. The third and fourth causes of action for injunctive and declaratory relief are stricken. (E.g., Code Civ. Proc., § 436 [authorizing court to strike pleadings at any time on own motion]; *Lodi v. Lodi* (1985) 173 Cal.App.3d 628, 631 [court struck complaint on own motion where complaint failed to state facts constituting a cause of action].)

For the above reasons, the petition is denied and the complaint dismissed.

**IT IS SO ORDERED:**

*Eddie C. Sturgeon*

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Judge Eddie C Sturgeon

**Exhibit B**

*Minute Order dated March 2, 2022*



1 Edward Cramp (SBN 212490)  
2 Karen L. Alexander (SBN 265926)  
3 **DUANE MORRIS LLP**  
4 750 B Street, Suite 2900  
5 San Diego, CA 92101-4681  
6 Telephone: 619 744 2200  
7 Facsimile: 619 744 2201  
8 E-mail: emcramp@duanemorris.com  
9 klalexander@duanemorris.com

10 Attorneys for Petitioner,  
11 San Diego University of Integrative Studies, Inc.

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
13 **COUNTY OF SAN DIEGO**

14 SAN DIEGO UNIVERSITY OF  
15 INTEGRATIVE STUDIES INC.,  
16 *Petitioner,*

Case No. 37-2022-00006167-CU-MC-CTL

**NOTICE OF ENTRY OF ORDER**

17 v.

JUDGE: Honorable Eddie C. Sturgeon  
DEPT: SD-67

18 DIVISION OF LEGAL AFFAIRS,  
19 DEPARTMENT OF CONSUMER AFFAIRS;  
20 KIMBERLY KIRCHMEYER, DIRECTOR;  
21 MICHELLE ANGUS, ASSISTANT CHIEF  
22 COUNSEL; BUREAU FOR PRIVATE  
23 POSTSECONDARY EDUCATION;  
24 DEBORAH COCHRANE, BUREAU CHIEF;  
25 JASON ALLEY, ENFORCEMENT CHIEF;  
26 ROBERT J. BAYLES, ENFORCEMENT  
27 OFFICER; AND DOES 1-10,

28 *Respondents.*

TO ALL PARTIES AND THEIR COUNSEL:

PLEASE TAKE NOTICE that on March 2, 2022, the Court entered an Order Granting In Part Petitioner's Ex Parte Application For Stay. A copy of said Order is attached hereto.

Dated: March 3, 2022

Respectfully submitted,  
**DUANE MORRIS LLP**

By: 1st Edward Cramp  
Edward Cramp  
Karen Lehmann Alexander  
Attorneys for Petitioner

**ATTACHMENT**

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**FILED**  
Clerk of the Superior Court

**MAR 08 2022**

By: S. Daski, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN DIEGO**

SAN DIEGO UNIVERSITY OF  
INTEGRATIVE STUDIES INC.,

*Petitioner,*

v.

DIVISION OF LEGAL AFFAIRS,  
DEPARTMENT OF CONSUMER AFFAIRS;  
KIMBERLY KIRCHMEYER, DIRECTOR;  
MICHELLE ANGUS, ASSISTANT CHIEF  
COUNSEL; BUREAU FOR PRIVATE  
POSTSECONDARY EDUCATION;  
DEBORAH COCHRANE, BUREAU CHIEF;  
JASON ALLEY, ENFORCEMENT CHIEF;  
ROBERT J. BAYLES, ENFORCEMENT  
OFFICER; AND DOES 1-10,

*Respondents.*

Case No. 37-2022-00006167-CU-MC-CTL

**[PROPOSED] ORDER GRANTING IN  
PART PETITIONER'S EX PARTE  
APPLICATION FOR STAY**

JUDGE: Honorable Eddie C. Sturgeon  
DEPT: SD-67

Petitioner San Diego University of Integrative Studies, Inc.'s ("SDUIS") Ex Parte Application For Stay came before this Court on February 22 and 24, 2022. SDUIS seeks to stay Respondent Bureau for Private Postsecondary Education's ("BPPE's") December 7, 2021 order suspending SDUIS' approval to operate its degree-offering programs ("Order"), and the Respondent Department of Consumer Affairs' ("Department's") January 27, 2022 decision affirming the Order ("Decision") under Code of Civ. Proc. section 1094.5(g) during the pendency of these proceedings.

1           After considering the moving and opposing papers and the Parties' arguments, and finding  
2 that a partial stay is not against the public interest (see CCP section 1094.5(g)), this Court hereby  
3 GRANTS the Application IN PART and DENIES the Application IN PART. The BPPE's  
4 December 7, 2021 "Order Suspending Approval To Operate Degree Granting Programs" (Exhibit B  
5 to SDUIS's Petition) (and the Department's Decision affirming this Order (Exhibit C to SDUIS's  
6 Petition)) is STAYED IN PART as follows:

7           1. As to the condition that SDUIS immediately cease enrolling new students in its  
8 degree programs (Order, ¶ 1), the stay is DENIED. SDUIS may not enroll new students in its  
9 degree programs absent further order of this Court or the the approval BPPE and Department.

10           2. As to the condition that SDUIS cease teaching its degree programs and submit a  
11 degree closure and teach out plan to the BPPE (Order, ¶ 2), the stay is GRANTED and this  
12 condition is STAYED. SDUIS is approved to offer its degree-granting programs to currently-  
13 enrolled students until further order of this Court.

14           3. As to the condition that SDUIS notify all currently-enrolled students that the  
15 institution has received a notice of suspension and may no longer offer degree programs; that it has  
16 prepared a teach-out plan; and that the student has a right to choose not to participate in the teach-  
17 out plan and request a refund (Order, ¶ 3), the stay is GRANTED and this condition is STAYED.

18           4. As to the condition that SDUIS must provide refunds to any students who choose not  
19 to participate in the teach-out program (Order, ¶ 4), the stay is GRANTED and this condition is  
20 STAYED. SDUIS is approved to continue offering its degree-granting programs to currently-  
21 enrolled students until further Order of this Court.

22           5. As to the condition that failure to comply with the requirements of the Order will be  
23 considered a violation and subject to action by the BPPE (Order, ¶ 5), the stay is GRANTED and  
24 this condition is STAYED.

25           6. SDUIS shall notify its currently-enrolled students of the terms this Order via email  
26 using the text attached as Exhibit A. SDUIS shall also publish Exhibit A on its website at:  
27 <https://sduis.edu/about-us/institutional-status/>. Respondent BPPE shall publish a copy of this Order  
28

1 on its website at [https://bppe.ca.gov/enforcement/disciplinary\\_actions.shtml#s](https://bppe.ca.gov/enforcement/disciplinary_actions.shtml#s) under the section for  
2 "San Diego University for Integrative Studies."

3 7. By agreement of the Parties and by operation of law, this Order does not affect  
4 SDUIS' non-degree or certificate programs, and SDUIS may continue to enroll and teach students  
5 in those programs.

6 8. This Order will remain in effect until modified by further Order of this Court or as  
7 specified in CCP Section 1094.5(g).

8

9 **SO ORDERED.**

10

11 Dated: MAR 02 2022

**Eddie C. Sturgeon, Judge**

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\_\_\_\_\_  
Honorable Eddie C. Sturgeon  
Superior Court Judge

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**Exhibit B: Petitioner's Proposed Student Notice**

**Dear Students:**

Today we write to update you on the University's status with respect to our certificate and degree programs. We have some good news. The University can continue to teach all of our current students in their programs, both degree and certificate. We will enroll new students in our certificate programs. We will not enroll new students in our degree programs, as we have not been doing since December 7, 2021.

**Background:** As you know from our communication last month, on January 26, the California Department of Consumer Affairs (the "DCA") denied our appeal of an Order from the Bureau for Private Postsecondary Education (the "BPPE") requiring that we stop enrolling and teaching our degree programs, among other things. We disagreed with this determination.

**What happened?** On February 17, 2022, the University filed a lawsuit against the BPPE and the DCA asking that the Order be reversed and seeking an immediate stay. On February 24, Judge Eddie Sturgeon of the San Diego Superior Court, granted in part the University's request for a stay. The Judge's order, issued verbally in court, stated that the University may continue to teach students currently enrolled in degree programs. (The University may also teach its certificate programs, which are not affected.) However, the Court ordered the University to stop enrolling new students in its degree programs for the time being.

**What happens next?** The Judge has issued an order confirming this. He has also approved this official communication to all of you. The case will be litigated over the next several months and we expect to have more information later this year. In the meantime, current students may continue their studies as normal at the University.

**Is my visa affected?** No, your visa is not affected. Your status remains the same.

**What is the University's accreditation status?** We are currently not accredited, but the University will continue pursuing accreditation.

Exhibit C

*BPPE's Suspension Order dated December 7, 2021*



Business, Consumer Services and Housing Agency-- Governor Gavin Newsom

Bureau for Private Postsecondary Education  
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834  
P.O. Box 980818, West Sacramento, CA 95798-0818  
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov



**ORDER SUSPENDING APPROVAL TO OPERATE**  
**DEGREE GRANTING PROGRAMS**

To: San Diego University for Integrative Studies, Inc., Owner  
San Diego University for Integrative Studies  
2725 Congress Street, Suite 2M  
San Diego, CA 92110

**INSTITUTION CODE:** 3711111  
**ORDER NUMBER:** BPPE21-656  
**ORDER MAILING DATE:** December 2, 2021  
**ORDER EFFECTIVE DATE:** December 7, 2021  
**DUE DATE TO REQUEST INFORMAL OFFICE CONFERENCE:** January 6, 2022

Jason Alley, as the designee of the Bureau Chief of the Bureau for Private Postsecondary Education (Bureau), hereby issues an Order Suspending Approval to Operate Degree Granting Programs (Order) of the above Institution.

This Order is hereby issued to San Diego University for Integrative Studies, Inc., Owner of San Diego University for Integrative Studies (Institution) located at 2725 Congress Street, Suite 2M, San Diego, CA 92110, pursuant to California Education Code (CEC) section 94885.1(b)(2) and Title 5 of the California Code of Regulations (5 CCR) section 71410 for the violations described below.

**Factual Basis**

Bureau records indicate that you obtained an approval to operate from the Bureau on or before January 1, 2015, and that you are operating an approved, unaccredited institution that offers one or more degree programs. Pursuant to CEC section 94885.1(b)(2), your institution was required to submit evidence of having achieved accreditation candidacy or pre-accreditation<sup>1</sup> by July 1, 2017 and full accreditation by July 1, 2020.

On July 1, 2015, the Bureau received an accreditation plan from the institution to achieve accreditation through the Accrediting Council for Independent Colleges and Schools (ACICS) accrediting agency.

On September 27, 2016, a Visiting Committee Report was crafted assessing the institution's progress toward achieving accreditation with ACICS by the July 1, 2020 deadline. The institution was deemed by the Committee likely to become accredited by ACICS; however, the institution was also directed to develop and provide to the Bureau a contingency plan to be acted upon in the event that ACICS ceased to be a Department of Education recognized accreditor.

<sup>1</sup> As defined by 5 CCR section 70000(s), for this purpose, "pre-accreditation" or "candidacy" means that an institution has submitted a completed application for initial accreditation with the required fee, which was accepted by the accreditor.



On March 13, 2017, the Bureau mailed a letter to the Institution acknowledging they had achieved pre-accreditation status with ACICS on February 5, 2016, but as the Secretary of the U.S. Department of Education denied re-recognition of ACICS, the Bureau requested the Institution select a new accrediting agency and provide an accreditation plan.

On April 13, 2017, the Bureau received an accreditation plan from the Institution for the Distance Education Accrediting Commission (DEAC). The plan indicated the institution would be pre-accredited before August 2017 and fully accredited by January 2019.

On January 30, 2019, the Bureau mailed to the Institution a letter requesting an update on the accreditation progress, outlining the procedure to follow if accreditation is no longer pursued, and informing the Institution of the opportunity to request an extension by June 1, 2020 in order to meet the accreditation requirements.

On February 21, 2019, the Bureau received documentation of having achieved pre-accreditation with DEAC on August 3, 2018.

On January 22, 2020, the Bureau mailed to the Institution a letter requesting an update on the accreditation progress, outlining the procedure to follow if accreditation is no longer pursued, and informing the Institution of the opportunity to request an extension by June 1, 2020 in order to meet the accreditation requirements.

On April 15, 2020, the Bureau received documentation that showed since February 2019 the Institution had not made any accreditation progress with DEAC.

On May 31, 2020, the Bureau received an extension request from the Institution to achieve accreditation with DEAC.

On June 22, 2020, the Bureau informed the Institution that a 6-month extension to achieve accreditation with DEAC on or before January 1, 2021 was granted.

On December 14, 2020, the Bureau received an extension request from the Institution to achieve accreditation with DEAC.

On December 28, 2020, the Bureau informed the Institution that a 6-month extension to achieve accreditation with DEAC on or before July 1, 2021 was granted.

On May 28, 2021, the Bureau received an extension request from the Institution to achieve accreditation with DEAC.

On July 9, 2021, the Bureau received documentation in support of the May 28, 2021 request for extension. The Institution provided a revised timeline showing a final initial application to DEAC would be submitted on July 20, 2021. In addition, the Institution provided documentation from DEAC stating that the proposed aggressive timeline to achieve accreditation might be achieved.

On July 13, 2021, the Bureau informed the Institution that a 4-month extension to provide documentation confirming that Institution's July 2021 application to DEAC and fee have been accepted on or before November 1, 2021.

Between November 1, 2021 and November 3, 2021, the Bureau received a two-part extension request from the Institution to achieve accreditation with DEAC.

On November 17, 2021, the Bureau notified the Institution that their request for extension was denied, as the request did not provide the following: an amended accreditation plan adequately identifying why accreditation outlined in the original plan was not achieved, evidence to demonstrate that the institution had made strong progress toward achieving accreditation and documentation from an accrediting agency demonstrating that the Institution's likely ability to meet the requirements of CEC section 94885.1.

The Institution, therefore, did not achieve accreditation by November 1, 2021, following the 4-month extension that had been granted.

### **ORDER**

In accordance with the provisions of CEC section 94885.1(b)(2) and 5 CCR sections 71410 and 74250, the Bureau hereby orders the following:

The approval to operate, issued to San Diego University for Integrative Studies, is automatically suspended as to all of the institution's degree programs. The Bureau will not lift the suspension until the Institution complies with the requirements of CEC section 94885.1(b)(2) by submitting evidence to the Bureau of having achieved accreditation.

1. You must immediately cease enrolling new students in all of your degree programs.
2. Within 30 days of the effective date of this Order, you must submit a **degree program closure plan** to the Bureau with all of the following:
  - a. The date the institution stopped enrolling new students in the degree program(s).
  - b. A list of contact information for all students currently enrolled in each degree program.
  - c. A **teach-out plan** with information on the arrangements you have made for students to complete their educational programs at another institution. **The institution shall not teach-out its own students.** The teach-out plan must: (1) provide the name and location of the institution(s) providing the teach-out; (2) include a plan for the disposition of student records per CEC section 94927.5; (3) be compliant with the refund provisions of CEC section 94927; and (4) include a copy of the notification to be provided to students identified in item # 4 below.
3. The institution must notify, in writing, all currently enrolled students within five (5) business days of the effective date of this Order of the following:
  - a. That the institution has received a notice of suspension from the Bureau and may no longer offer degree programs.
  - b. The teach-out plan, which shall provide, at minimum, the following information: (1) the name and location of the institution(s) that is providing the teach-out, (2) the date upon which instruction at the teach-out institution(s) will begin, (3) how and when payments

- will be made to the new institution and any relevant financial information, and (4) a contact person at the new institution(s).
- c. That the student has a right to choose not to participate in the teach-out, and instead seek a refund for any classes the student is currently enrolled in or has not yet completed.
  4. Any student may seek a refund from the institution rather than participate in a proposed teach-out program. The school must provide refunds within 45 days of the request by a student.
  5. Failure of any institution to comply with the requirements of this section will be considered a violation and subject to action by the Bureau.

#### **APPEAL OF ORDER**

You may request an appeal of this Order before the Director of the Department of Consumer Affairs, or his or her designee. (5 CCR section 71410.)

Because this suspension is automatic per CEC section 94885.1(e), the institution shall not operate its degree programs during any appeal.

If you wish to appeal this Order, you must do so within 30 days from the effective date of the Order. *Unless you sign a written request for an appeal and deliver it to the Bureau within 30 days from the effective date of the Order, you will be deemed to have waived your right to appeal this matter to the Department of Consumer Affairs.*

Upon timely receipt of your request for an appeal, an informal office conference will be arranged within 30 days, or as extended at your request or by the Bureau for good cause. Upon request and approval, the person approved to operate the institution or representative may participate in the office conference by telephone.


Please submit your request to:

Bureau for Private Postsecondary Education  
Attn: Cheryl Lardizabal, Discipline Analyst  
1747 N. Market Blvd., Ste. 225  
Sacramento, CA 95834

Failure by an institution to comply with the Order above may result in further enforcement action.  
The Bureau will promptly take all appropriate action to enforce this Order.

CONTACT INFORMATION

If you have any questions regarding this Order or can verify that you submitted evidence to the Bureau of accreditation candidacy or pre-accreditation, please contact Cheryl Lardizabal, Discipline Analyst, at (916) 574-7427 or at Cheryl.Lardizabal@dca.ca.gov.

  
\_\_\_\_\_  
Jason Alley  
Enforcement Chief

12/1/2021  
Date

Enclosures

- Declaration of Service by Certified and First-Class Mail

**DECLARATION OF SERVICE BY ELECTRONIC MAIL AND U.S. MAIL**

Case Name: **San Diego University of Integrative Studies Inc., v. Division of Legal Affairs, et al.**

San Diego

Sup. Ct.

Case No.: **37-2022-00006167-CU-MC-CTL**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On March 28, 2023, I served the attached [**PROPOSED**] **JUDGMENT DENYING PEREMPTORY WRIT OF MANDAMUS AND DISMISSING COMPLAINT FOR DECLARATORY RELIEF, INJUNCTIVE RELIEF AND DAMAGES** by transmitting a true copy via electronic mail. In addition, I caused a true copy thereof to be enclosed in a sealed envelope and placed in the internal mail system of the Office of the Attorney General, addressed as follows:

Edward Cramp  
Karen Alexander  
Duane Morris, LLP  
750 B Street, Suite 2900  
San Diego, CA 92101  
**E-mail Address:**  
[EMCramp@duanemorris.com](mailto:EMCramp@duanemorris.com)  
[KLAlexander@duanemorris.com](mailto:KLAlexander@duanemorris.com)

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on March 28, 2023, at San Diego, California.

\_\_\_\_\_  
M. Gieselman  
Declarant

\_\_\_\_\_  
*M. Gieselman*  
Signature