

1 XAVIER BECERRA  
Attorney General of California  
2 MARC D. GREENBAUM  
Supervising Deputy Attorney General  
3 GILLIAN E. FRIEDMAN  
Deputy Attorney General  
4 State Bar No. 169207  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 269-6294  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
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8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues  
Against:

Case No. 1003430

13 **AVID CAREER COLLEGE,**  
14 **MANLI YU, OWNER**

**STATEMENT OF ISSUES**

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

17 **Institution Code: 1941551**

18 Respondent.

19  
20  
21 Complainant alleges:

22 **PARTIES**

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

26 2. On or about May 7, 2014, the Bureau for Private Postsecondary Education received  
27 an Application for Renewal of Approval to Operate an Institution Non-Accredited from Avid  
28 Career College, Manli Yu (Respondent). On or about May 1, 2014, Manli Yu certified under

1 penalty of perjury to the truthfulness of all statements, answers, and representations in the  
2 application. The Bureau denied the application on February 23, 2018.

3 **JURISDICTION**

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

8 **STATUTORY PROVISIONS**

9 4. Business and Professions Code of 22 defines the term “board” to include “bureau.”

10 5. Education Code section 94885<sup>1</sup> states:

11 6. Education Code Section 94891 subdivision (b) states:

12 To be granted a renewal of an approval to operate, the institution shall demonstrate its  
13 continued capacity to meet the minimum operating standards.

14 7. Education Code Section 94894 states in pertinent part:

15 The following changes to an approval to operate are considered substantive changes and  
16 require prior authorization:

17 (a) A change in educational objectives, including an addition of a new diploma or a degree  
18 educational program unrelated to the approved educational programs offered by the  
19 institution.

20 . . . . .

21 8. Education Code Section 94906 states:

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

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

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

3 9. Education Code Section 94909 states in pertinent part:

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

7 . . . . .

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

13 . . . . .

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

17 . . . . .

18 (14) A description of the student's rights and responsibilities with respect to the Student  
19 Tuition Recovery Fund. This statement shall specify that it is a state requirement that a student  
20 who pays his or her tuition is required to pay a state-imposed assessment for the Student Tuition  
21 Recovery Fund. This statement shall also describe the purpose and operation of the Student  
22 Tuition Recovery Fund and the requirements for filing a claim against the Student Tuition  
23 Recovery Fund.

24 (15) The following statement:

25 NOTICE CONCERNING TRANSFERABILITY OF CREDITS AND CREDENTIALS  
26 EARNED AT OUR INSTITUTION

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

10           (16) A statement specifying whether the institution, or any of its degree programs, are  
11 accredited by an accrediting agency recognized by the United States Department of Education. If  
12 the institution is unaccredited and offers an associate, baccalaureate, master's, or doctoral degree,  
13 or is accredited and offers an unaccredited program for an associate, baccalaureate, master's, or  
14 doctoral degree, the statement shall disclose the known limitations of the degree program,  
15 including, but not limited to, all of the following:

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

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

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

24           .....

25           10. Education Code Section 94910 states in pertinent part:

26           Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to  
27 enrollment, an institution shall provide a prospective student with a School Performance Fact

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1 Sheet containing, at a minimum, the following information, as it relates to the educational  
2 program:

3 (a) Completion rates, as calculated pursuant to Article 16 (commencing with Section  
4 94928).

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

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

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

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

20 (f) All of the following:

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

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

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

4 (g) The following statements:

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

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

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

16 (i) Data and information disclosed pursuant to subdivisions (a) to (d), inclusive, is not  
17 required to include students who satisfy the qualifications specified in subdivision (d) of Section  
18 94909, but an institution shall disclose whether the data, information, or both provided in its fact  
19 sheet excludes students pursuant to this subdivision. An institution shall not actively use data  
20 specific to the fact sheet in its recruitment materials or other recruitment efforts of students who  
21 are not California residents and do not reside in California at the time of their enrollment.

22 11. Education Code Section 94911 states in pertinent part:

23 . . . .

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

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

4 (3) The text shall also include a description of the procedures that a student is required to  
5 follow to cancel the enrollment agreement or withdraw from the institution and obtain a refund.

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

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

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

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

16 (h) The transferability disclosure that is required to be included in the school catalog, as  
17 specified in paragraph (15) of subdivision (a) of Section 94909.

18 . . . . .

19 (j) The following statements:

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

24 (2) "A student or any member of the public may file a complaint about this institution with  
25 the Bureau for Private Postsecondary Education by calling (toll-free telephone number) or by  
26 completing a complaint form, which can be obtained on the bureau's Internet Web site (Internet  
27 Web site address)."

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1 REGULATORY PROVISIONS

2 12. Title 5, CCR, section 71700 states:

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

5 13. Title 5, CCR, section 71710 states:

6 In order to meet its mission and objectives, the educational program defined in section  
7 94837 of the Code shall be comprised of a curriculum that includes:

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

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

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

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

16 (2) a statement of educational objectives;

17 (3) length of the educational program;

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

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

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

22 (7) instructional mode or methods.

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

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

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

28 14. Title 5, CCR, section 71475 states in pertinent part:



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(e) The institution shall submit at the time it applies for renewal current financial statements that meet the requirements of section 74115 as follows: (1) for an institution with annual gross revenues of \$ 500,000 and over, statements shall be audited; (2) for an institution with annual gross revenues less than \$ 500,000, statements shall be reviewed.

....

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

(2) For facilities that are leased or rented, the application shall contain the name and address of the lessor or landlord, together with a copy of any use, lease, or rental agreements for the facilities unless there have been no substantive changes since the last submission. If there have been no substantive changes made the institution may so state and is not required to provide documentation.

(3) The application shall include, in addition to the description of the physical facilities, 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 unless there have been no substantive changes since the last submission. If there have been no substantive changes made the institution may so state and is not required to provide documentation.

(4) The description in the application shall include specifications of significant equipment that demonstrate that the equipment meets the standards prescribed by the Code and this chapter and is sufficient to enable students to achieve the educational objectives of each education program unless there have been no substantive changes since the last submission. If there have been no substantive changes made the institution may so state and is not required to provide documentation.

1 (5) For each item of significant equipment, the description in the application shall indicate  
2 whether the equipment is owned, leased, rented, or licensed for short- or long-term, or owned by  
3 another and loaned to be used without charge unless there have been no substantive changes since  
4 the last submission. If there have been no substantive changes made the institution may so state  
5 and is not required to provide documentation.

6 (6) The application shall contain a list of all permits, certifications, or other evidence of  
7 inspections or authorizations to operate required by the jurisdictions within which the institution  
8 operates that the institution has obtained, and/or an explanation as to why those permits,  
9 certifications, or inspections have not yet been obtained unless there have been no substantive  
10 changes since the last submission. If there have been no substantive changes made the institution  
11 may so state and is not required to provide documentation.

12 . . . .

13 15. Title 5, CCR, section 71705 states:

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

17 16. Title 5, CCR, section 71720 states in pertinent part:

18 . . . .

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

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

26 . . . .

27 17. Title 5, CCR, section 71730 states in pertinent part:

28 . . . .

1 (b) The duties, responsibilities, and performance evaluation criteria for each administrator  
2 shall be set forth in a personnel manual or other writing maintained by the institution.

3 . . . .

4 (e) The chief academic officer shall possess a degree or equivalent acceptable experience at  
5 least equal to the highest qualifications required of the institution's faculty. Chief academic  
6 officers employed on the date of implementation of these regulations, who do not meet the  
7 qualifications for their positions, shall have three years to earn the necessary degrees or  
8 experience to qualify them for their position.

9 18. Title 5, CCR, section 71770 states in pertinent part:

10 (a) The institution shall establish specific written standards for student admissions for each  
11 educational program. These standards shall be related to the particular educational program. An  
12 institution shall not admit any student who is obviously unqualified or who does not appear to  
13 have a reasonable prospect of completing the program. In addition to any specific standards for an  
14 educational program, the admissions standards must specify as applicable that:

15 (1) Each student admitted to an undergraduate degree program, or a diploma program, shall  
16 possess a high school diploma or its equivalent, or otherwise successfully take and pass the  
17 relevant examination as required by section 94904 of the Code.

18 . . . .

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

21 . . . .

22 19. Title 5, CCR, section 71800 states in pertinent part:

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

25 . . .

26 (b) Period covered by the enrollment agreement.

27 . . . .

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

4 20. Title 5, CCR, section 71810 states:

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

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

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

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

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

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

26 . . .

27 21. Title 5, CCR, section 74112 states:

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1 (a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an  
2 easily readable font, with 1.15 line spacing and all titles and column headings shall be in bold 14  
3 pt. type, which shall also identify the program for which the Performance Fact Sheet pertains. The  
4 Performance Fact Sheet shall contain all and only the information required or specifically  
5 permitted by sections 94910 and 94929.5 of the Code or this chapter. A separate Performance  
6 Fact Sheet shall be prepared for each program.

7 (b) An institution offering educational programs that are too new to provide the required  
8 two years of data shall include the date the program began as well as the statement required by  
9 section 94910(e) of the Code. The Performance Fact Sheet shall also disclose the estimated date  
10 of availability for two full years of data for those programs.

11 (c) Institutions approved under section 94874.8 of the Code, which do not include all  
12 required information per section 94874.8(a)(4), shall include on the Performance Fact Sheet the  
13 date of approval to operate and when the required data will be available.

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

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

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

21 (3) "Gainfully Employed" means:

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

26 (ii) The graduate is employed in a single position or concurrent aggregated positions  
27 totaling at least 30 hours per week for 5 weeks (35 calendar days), or totaling at least 20 hours per

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1 week for 5 weeks (35 calendar days) with a statement signed by the graduate stating that he or she  
2 chose to seek part-time employment rather than fulltime employment after graduation; or

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

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

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

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

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

18 (e) Reporting periods:

19 (1) An Annual Report shall include data for all educational programs as defined in section  
20 94837 of the Code for the previous one calendar year.

21 (2) A Performance Fact Sheet shall be current and available not later than December 1st,  
22 and shall report data for the previous two calendar years based upon the "number of students who  
23 began the program," as defined in subdivision (d)(1) of this section and were scheduled to  
24 graduate in the reported year(s).

25 (f) Total Charges. The institution's Annual Report and Performance Fact Sheet shall  
26 include the total charges for a student to complete the program within 100% of the program  
27 length. The institution must include the disclosure that there may be additional charges if the  
28 program is not completed on-time. Total charges shall be disclosed in the Performance Fact

1 Sheet in a format substantially similar to the format listed below (dates and numbers are for  
2 example only):

3 Cost of Educational Program:

4 Total Charges for the program for students completing on-time in 20XX: \$ 50,000.

5 Total Charges may be higher for students that do not complete on-time.

6 Student's Initials: \_\_\_\_\_ Date: \_\_\_\_\_

7 Initial only after you have had sufficient time to read and understand the information.

8 (g) Student Loan/Debt Information.

9 (1) If the institution participates in federal financial aid programs, the institution shall  
10 include loan information in the institution's Annual Report and on the Performance Fact Sheet.

11 The loan information shall include:

12 (A) The most recent three year cohort default rate, as reported by the United States  
13 Department of Education;

14 (B) The percentage of enrolled students receiving federal student loans;

15 (C) The average amount of federal student loan debt of those graduates who have federal  
16 student loan debt in the reporting year; and

17 (D) The percentage of graduates with federal student loans, as calculated by the institution.

18 Loan information shall be included in the Performance Fact Sheet in a format substantially  
19 similar to the format listed below (dates and numbers are for example only):

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1	Federal Student Loan Debt at (Name of Institution)	
2	Percentage of students who defaulted on their federal student loans at	
3	this school:	28%<1>
4	Percentage of students enrolled in 20XX who took out federal student	
5	loans to pay for this program:	43%
6	Percentage of graduates in 20XX who took out federal student loans to	
7	pay for this program:	65%
8	Average federal student loan debt of 20XX graduates who took out	
9	federal student loans at this institution:	\$ 26,000

10 (1) The percentage of students who defaulted on their federal student loans is called the  
11 Cohort Default Rate (CDR). It shows the percentage of this school's students who were more  
12 than 270 days (about 9 months) behind on their federal student loans within three years of when  
13 the first payment was due. This is the most recent CDR reported by the U.S. Department of  
14 Education.

15 Student's Initials: \_\_\_\_\_ Date: \_\_\_\_\_

16 Initial only after you have had sufficient time to read and understand the information.

17 (2) Institutions that do not participate in federal financial aid programs shall include one of  
18 two statements in the Performance Fact Sheet in a format substantially similar to the following:

19 Students at (name of institution) are not eligible for federal student loans. The U.S.  
20 Department of Education has determined that this institution does not meet the criteria that would  
21 allow its students to participate in federal student aid programs.

22 or

23 (Name of Institution) is eligible, but chooses not to participate in federal student aid  
24 programs. So students here do not have federal student loans.

25 Student's Initials: \_\_\_\_\_ Date: \_\_\_\_\_

26 Initial only after you have had sufficient time to read and understand the information.

27 (h) Completion Rates. Reporting of completion rates for an institution's Annual Report  
28 and Performance Fact Sheet shall include, for each educational program, the number of students  
who began the program as defined in subdivision (d)(1) of this section, the number of students  
available for graduation, number of on-time graduates, and completion rate(s). An optional table



1 may be added to include completion rate data for students completing within 150% of the  
 2 published program length. For an institution reporting completion data pursuant to section  
 3 94929(b) of the Code, completion data shall be separately reported for each program and the  
 4 Performance Fact Sheet shall disclose, if true, that the completion data is being reported for  
 5 students completing within 150% of the published program length, and that data is not being  
 6 separately reported for students completing the program within 100% of the published program  
 7 length. Programs that are more than one year in length which are reporting 150% Completion  
 8 Rate will provide four calendar years of data.

9 Completion rates shall be included in the Performance Fact Sheet in a format substantially  
 10 similar to the chart below (dates, numbers, and other data shown are for example only):

11 On-time Completion Rates (Graduation Rates) (includes data for the two calendar years  
 12 prior to reporting)

13 Name of Educational Program (Program Length)

14 Calendar Year	Number of Students Who Began Program	Students Available for Graduation	Number of On-time Graduates	On-time Completion Rate
15 20XX	100	98	70	71%
16 20XY	80	80	55	69%

17 Students Completing Within 150% of the Published Program Length

18 Name of Educational Program (Program Length)

19 Calendar Year	Number of Students Who Began Program	Students Available for Graduation	150% Graduates	150% Completion Rate
20 20XX	100	98	95	97%
21 20XY	80	80	78	98%
22 *20XZ	90	90	87	97%
23 *20YA	87	85	74	87%

24 \*Included only if program is more than one year in length

25 Student's Initials: \_\_\_\_\_ Date: \_\_\_\_\_

1 Initial only after you have had sufficient time to read and understand the information.

2 (i) Job Placement Rates.

3 (1) Any placement data required by sections 94910(b) and 94929.5(a) of the Code shall be  
4 reported for the number of students who began the program as defined in subdivision (d)(1) of  
5 this section for each reported calendar year.

6 (2) Placement is measured six months from the graduation date of each student. For  
7 programs that require passage of a licensing examination, placement shall be measured six  
8 months after the announcement of the examination results for the first examination available after  
9 a student completes an applicable educational program. Reporting of placement rates shall  
10 include for each educational program: the number of students who began the program, the  
11 number of graduates as defined in section 94842 of the Code, the graduates available for  
12 employment, graduates employed in the field and job placement rate(s).

13 (3) If the institution makes any claim related to preparing students for a job or regarding  
14 job placement, the list required by section 94910(f)(2) of the Code shall identify the employment  
15 positions by using the Detailed Occupation or six-digit level of the Standard Occupational  
16 Classification codes.

17 (4) Placement rate shall be calculated as follows: the number of graduates employed in the  
18 field as defined in section 94928(e)

19 (1) of the Code in conjunction with section 74112(d)(3) divided by the number of  
20 graduates available for employment as defined in section 94928(d) of the Code.

21 Job Placement rates and related disclosures shall be included in the Performance Fact Sheet  
22 in a format substantially similar to the charts below, (dates, numbers, and other data shown are for  
23 example only):

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1 Job Placement Rates (includes data for the two calendar years prior to reporting)

2 Name of Educational Program (Program Length)

3 Calendar Year	4 Number of Students who began Program	5 Number of Graduates	6 Graduates Available for Employment	7 Graduates Employed in the Field	8 Placement Rate % employed in the Field
9 20XX	100	70	70	55	79%
11 20XY	80	55	55	20	36%

8 Gainful Employment Categories (includes data for the two calendar years prior to reporting)

10 Name of Educational Program (Program Length)

11 Part Time vs. Full Time Employment

12	13 Graduates Employed in the field 20 to 29 hours per week	14 Graduates Employed in the field at least 30 hours per week	15 Total Graduates Employed in the Field
16 20XX	15	40	55
17 20XY	5	15	20

18 Single Position vs. Concurrent Aggregated Positions

19	20 Graduates Employed in the Field in a Single Position	21 Graduates Employed in the Field in Concurrent Aggregated Positions	22 Total Graduates Employed in the Field
23 20XX	52	3	55
24 20XY	19	1	20

24 Self-Employed/Freelance Positions

25	26 Graduates Employed Who Are Self-employed or Working Freelance	27 Total Graduates Employed in the Field
28 20XX	3	55
29 20XY	5	20

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Institutional Employment

**Graduates Employed in the Field Who Are Employed  
by the Institution, an Employer Owned by the  
Institution, or an Employer Who Shares Ownership  
with the Institution**

**Total Graduates  
Employed in the  
Field**

20XX	15	55
20XY	5	20

Student's Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Initial only after you have had sufficient time to read and understand the information.

(5) The following self-employment/freelance worker disclosure shall be initialed by students entering any programs in which the majority of graduates who obtain jobs obtain in this type of work:

This program may result in freelance or self-employment.

\* The work available to graduates of this program is usually for freelance or self-employment.

\* This type of work may not be consistent.

\* The period of employment can range from one day to weeks to several months.

\* Hours worked in a day or week may be more or less than the traditional 8 hour work day of 40 hour work week.

\* You can expect to spend unpaid time expanding your networks, advertising, promoting your services, or honing your skills.

\* Once graduates begin to work freelance or are self-employed, they will be asked to provide documentation that they are employed as such so that they may be counted as placed for our job placement records.

\* Students initialing this disclosure understand that either a majority or all of this school's graduates are employed in this manner and understand what comprises that work style.

Student's Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Only initial after you have had sufficient time to read and understand the information.



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

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

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

19 License Examination Passage Rates (includes data for the two calendar years prior to  
20 reporting)

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Name of Educational Program (Program Length)				
	<b>First Available Exam Date</b>	<b>Date Exam Result Announced</b>	<b>Number of Graduates in Calendar Year</b>	<b>Number of Graduates Taking Exam</b>
	2/1/20XX	3/15/20XX	277	80
	6/1/20XX	7/15/20XX	277	100
	10/1/20XX	11/15/20XX	277	82
	2/1/20XY	3/20/20XX	304	80
	6/1/20XY	7/19/20XX	304	100
	10/1/20XY	11/19/20XX	304	92

	<b>First Available Exam Date</b>	<b>Number Who Passed Exam</b>	<b>Number Who Failed Exam</b>	<b>Passage Rate</b>
	2/1/20XX	40	40	50%
	6/1/20XX	75	25	75%
	10/1/20XX	68	14	76%
	2/1/20XY	40	40	50%
	6/1/20XY	70	30	70%
	10/1/20XY	62	30	67%

License examination passage data is not available from the state agency administering the examination. We were unable to collect data from 32 graduates.

Student's Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Initial only after you have had sufficient time to read and understand the information.

For licensing examinations that are continuously administered, license examination passage rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below (dates, numbers, and other data shown are for example only):

1 License Examination Passage Rates (includes data for the two calendar years prior to  
 2 reporting)

3 Name of Educational Program (Program Length)

4 Calendar Year	5 Number of Graduates in Calendar Year	6 Number of Graduates Taking Exam	7 Number Who Passed First Available Exam
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20XX	95	80	40
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20XY	109	100	75
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9 Calendar Year	10 Number Who Failed First Available Exam	11 Passage Rate
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20XX	40	50%
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20XY	25	75%
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14 License examination passage data is not available from the state agency administering the  
 15 examination. We were unable to collect data from 10 graduates.

16 Student's Initials: \_\_\_\_\_ Date: \_\_\_\_\_

17 Initial only after you have had sufficient time to read and understand the information.

18 (k) Salary and Wage Information.

19 All Salary and Wage Information shall be reported to the Bureau pursuant to sections  
 20 94910(d) and 94929.5(a)(3) of the Code and shall be included in the Performance Fact Sheet, for  
 21 each educational program, in a format substantially similar to the chart below (dates, numbers,  
 22 salaries, and other data shown are for example only).

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

2 Name of Educational Program (Program Length)

3 4 5 6 7	Calendar Year	Graduates Available for Employment	Graduates Employed in the Field	\$ 15,000-\$ 20,000	\$ 20,001- \$25,000
8	20XX	100	70	5	40
9	20XY	80	55	5	7
10 11 12	Calendar Year	\$ 25,001-\$ 30,000	\$ 30,001-\$ 35,000	No Salary Information Reported	
13	20XX	6	3	16	
14	20XY	3	5	35	

13 A list of sources used to substantiate salary disclosures is available from the school. (Insert  
14 how student can obtain this information.)

15 Student's Initials: \_\_\_\_\_ Date: \_\_\_\_\_

16 Initial only after you have had sufficient time to read and understand the information.

17 (l) Definitions. Definitions for all terms contained on the Performance Fact Sheet shall be  
18 included as part of the Performance Fact Sheet, in the same format as required in subdivision (a).

19 The following are the definitions for the Performance Fact Sheet:

20 "Number of Students Who Began the Program" means the number of students who began a  
21 program who were scheduled to complete the program within 100% of the published program  
22 length within the reporting calendar year and excludes all students who cancelled during the  
23 cancellation period.

24 "Students Available for Graduation" is the number of students who began the program  
25 minus the number of students who have died, been incarcerated, or been called to active military  
26 duty.

27 "Number of On-time Graduates" is the number of students who completed the program  
28 within 100% of the published program length within the reporting calendar year.

1 "On-time Completion Rate" is the number of on-time graduates divided by the number of  
2 students available for graduation.

3 "150% Graduates" is the number of students who completed the program within 150% of  
4 the program length (includes on-time graduates).

5 "150% Completion Rate" is the number of students who completed the program in the  
6 reported calendar year within 150% of the published program length, including on-time  
7 graduates, divided by the number of students available for graduation.

8 "Graduates Available for Employment" means the number of graduates minus the number  
9 of graduates unavailable for employment.

10 "Graduates Unavailable for Employment" means the graduates who, after graduation, die,  
11 become incarcerated, are called to active military duty, are international students that leave the  
12 United States or do not have a visa allowing employment in the United States, or are continuing  
13 their education in an accredited or bureau-approved postsecondary institution.

14 "Graduates Employed in the Field" means graduates who beginning within six months after  
15 a student completes the applicable educational program are gainfully employed, whose  
16 employment has been reported, and for whom the institution has documented verification of  
17 employment. For occupations for which the state requires passing an examination, the six month  
18 period begins after the announcement of the examination results for the first examination  
19 available after a student completes an applicable educational program.

20 "Placement Rate Employed in the Field" is calculated by dividing the number of graduates  
21 gainfully employed in the field by the number of graduates available for employment.

22 "Number of Graduates Taking Exam" is the number of graduates who took the first  
23 available exam in the reported calendar year.

24 "First Available Exam Date" is the date for the first available exam after a student  
25 completed a program.

26 "Passage Rate" is calculated by dividing the number of graduates who passed the exam by  
27 the number of graduates who took the reported licensing exam.

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1 "Number Who Passed First Available Exam" is the number of graduates who took and  
2 passed the first available licensing exam after completing the program.

3 "Salary" is as reported by graduate or graduate's employer.

4 "No Salary Information Reported" is the number of graduates for whom, after making  
5 reasonable attempts, the school was not able to obtain salary information.

6 (m) Documentation supporting all data reported shall be maintained electronically by the  
7 institution for at least five years from the last time the data was included in either an Annual  
8 Report or a Performance Fact Sheet and shall be provided to the Bureau upon request; the data for  
9 each program shall include at a minimum:

10 (1) the list of job classifications determined to be considered gainful employment for the  
11 educational program;

12 (2) student name(s), address, phone number, email address, program completed, program  
13 start date, scheduled completion date, and actual completion date;

14 (3) graduate's place of employment and position, date employment began, date  
15 employment ended, if applicable, actual salary, hours per week, and the date employment was  
16 verified;

17 (4) for each employer from which employment or salary information was obtained, the  
18 employer name(s) address and general phone number, the contact person at the employer and the  
19 contact's phone number and email address, and all written communication with employer  
20 verifying student's employment or salary;

21 (5) for students who become self-employed, all documentation necessary to demonstrate  
22 self-employment;

23 (6) a description of all attempts to contact each student or employer;

24 (7) any and all documentation used to provide data regarding license examinations and  
25 examination results;

26 (8) for each student determined to be unavailable for graduation or unavailable for  
27 employment, the identity of the student, the type of unavailability, the dates of unavailability, and  
28 the documentation of the unavailability; and



1 (9) the name, email address, phone number, and position or title of the institution's  
2 representative who was primarily responsible for obtaining the students' completion, placement,  
3 licensing, and salary and wage data, the date that the information was gathered, and copies of  
4 notes, letters or emails through which the information was requested and gathered.

5 (n) The institution shall provide on a separate document along with the Performance Fact  
6 Sheet the same cancellation disclosure as that which is required to be included with the  
7 enrollment agreement by Section 94911(e)(1) of the Code. The separate document shall be  
8 substantially the same size as the Performance Fact Sheet and shall be captioned "STUDENT'S  
9 RIGHT TO CANCEL" using bold 14 pt. type.

10 22. Title 5, CCR, section 74115 states in pertinent part:

11 . . . .

12 (d) "Current" with respect to financial statements means completed no sooner than 120  
13 days prior to the time it is submitted to the Bureau, and covering no less than the most recent  
14 complete fiscal year. If more than 8 months will have elapsed between the close of the most  
15 recent complete fiscal year and the time it is submitted, the fiscal statements shall also cover no  
16 less than five months of that current fiscal year.

17 23. Title 5, CCR, section 76215 states:

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

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

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

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

3 "It is important that you keep copies of your enrollment agreement, financial aid  
4 documents, receipts, or any other information that documents the amount paid to the school.  
5 Questions regarding the STRF may be directed to the Bureau for Private Postsecondary  
6 Education, 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833, (916) 431-6959 or (888)  
7 370-7589.

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

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

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

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

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

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

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

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1           27. The Enrollment Agreement does not contain the date by which the student must  
2 exercise their right to cancel or withdraw, and the refund policy. In addition, the Enrollment  
3 Agreement does not contain a description of the procedures that a student is required to follow to  
4 cancel the Enrollment Agreement or withdraw from the institution and obtain a refund.

5           28. The Enrollment Agreement does not contain specific required statements related to  
6 the Student Tuition Recovery Fund (STRF).

7           29. The Enrollment Agreement does not contain a clear and conspicuous caption,  
8 "STUDENT'S RIGHT TO CANCEL," under which it is explained that the student has the right to  
9 cancel and obtain a refund of charges paid through attendance at the first class session, or the  
10 seventh day after enrollment, whichever is later.

11           30. The Enrollment Agreement does not contain a statement that, if the student has  
12 received federal student financial aid funds, the student is entitled to a refund of moneys  
13 not paid from federal student financial aid program funds.

14           31. The Enrollment Agreement does not include a statement specifying that, if the student  
15 obtains a loan to pay for an educational program, the student will have the responsibility to repay  
16 the full amount of the loan plus interest, less the amount of any refund.

17           32. The Enrollment Agreement does not include a statement specifying that, if the student  
18 defaults on a federal or state loan, both the following may occur: (1) The federal or state  
19 government or a loan guarantee agency may take action against the student, including applying  
20 any income tax refund to which the person is entitled to reduce the balance owed on the loan. (2)  
21 The student may not be eligible for any other federal student financial aid at another institution  
22 or other government financial assistance until the loan is repaid

23           33. The Enrollment Agreement does not include the required transferability disclosure  
24 that is required to be included in the school catalog.

25           34. The Enrollment Agreement does not include specific required statements directing  
26 students to the Bureau for unanswered questions and for filing a complaint with the Bureau.

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1           41. Respondent failed to provide a separate statement indicating how Respondent  
2 provides the school catalog to a prospective student or to the general public when requested.

3           42. Respondent failed to provide a catalog that contains the objectives underlying each of  
4 its educational programs.

5           43. Respondent failed to provide a catalog that contains compliant admission policies in  
6 that it allows admission of students into a diploma program who do not possess a high school  
7 diploma or its equivalent.

8           44. Respondent failed to provide a catalog that contains the institution's policies and  
9 procedures for the award of credit for prior experiential learning, and the provisions for appeal.

10          45. Respondent failed to provide a catalog that contains language proficiency  
11 information, including the level of English language proficiency required of students and the  
12 kind of documentation of proficiency, such as the Test of English as a Foreign Language  
13 (TOEFL), that will be accepted; and whether English language services, including instruction  
14 such as ESL, are provided and, if so, the nature of the service and its cost.

15          46. Respondent failed to provide a catalog that clarifies whether any instruction will  
16 occur in a language other than English and, if so, the level of proficiency required and the kind of  
17 documentation of proficiency, such as the United States Foreign Service Language Rating  
18 System, that will be accepted. Respondent represented that classes may be conducted in Chinese  
19 language.

20          47. Respondent failed to provide a catalog that contains a description of the requirements  
21 for completion of each program, including required courses, any final tests, or examinations.

22          48. Respondent failed to provide a catalog that contains a statement specifying whether  
23 the institution is accredited by an accrediting agency recognized by the United States Department  
24 of Education.

25          49. Respondent failed to provide a catalog that contains the required verbatim description  
26 of the student's rights and responsibilities with respect to the Student Tuition Recovery Fund  
27 (STRF).

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- a. On or about October 27, 2017, the Bureau requested the Institution provide a syllabus for each course/module in each educational program. By the response received, the Bureau is unable to determine that each educational program contains subject areas that are necessary for the students to achieve the educational objectives of that educational program, and educational courses or modules that are logically organized and sequenced.
- b. On or about December 29, 2017, the Bureau received a catalog that provided inconsistent class schedules in different sections of the same catalog.
- c. On or about December 29, 2017, the Bureau received a catalog that lists the Massage Therapy program as 1010 Clock Hours, however the total clock hours for the 16 courses comprising the program is 1020. The Bureau is unable to determine the length of the educational program.
- d. On or about December 29, 2017, the Bureau received a catalog that lists the Practical Massage Therapy program as 500 Clock Hours, however the total clock hours for the 12 courses comprising the program is 510. The Bureau is unable to determine the length of the educational program.
- e. On or about December 29, 2017, the Bureau received a catalog that lists inconsistent amounts of clock hours for the course MBP-102. Kinesiology. The Bureau is unable to determine the length of the educational program.
- f. On or about December 29, 2017, the Bureau received a catalog that lists inconsistent amounts of clock hours for the course MBP-104, Massage and Bodywork Assessment. The Bureau is unable to determine the length of the educational program.
- g. On or about December 29, 2017, the Bureau received a catalog that lists inconsistent amounts of clock hours for the course Ref100: The science and art of Reflexology. The institution does not provide the number of lecture hours and the number of laboratory hours. The Bureau is unable to determine the length of the educational program.



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- h. On or about December 29, 2017, the Bureau received a catalog that lists inconsistent amounts of clock hours for the Acupressure program that is made up of 2 courses: Accu-101 Introduction to Acupressure, 40 hours; and Accu-102 Deep Tissue Massage. The Bureau is unable to determine the length of the educational program.
- i. On or about December 29, 2017, the Bureau received a catalog that lists a Tui Na Therapy program. However, the catalog does not contain a description of this program. The Bureau is unable to determine if the curriculum includes the subject areas that are necessary for a student to achieve the educational objectives of the educational program in which the student is enrolled.
- j. On or about December 29, 2017, the Bureau received a catalog that lists Accu-103 Tui-Na and Accu-103 Advanced Massage and Bodywork Techniques. The numbering system for these two courses is inconsistent. The Bureau is unable to determine if the curriculum includes subject areas and courses or modules
- k. On or about December 29, 2017, the Bureau received a catalog that lists "Accu-101 Accupressre". The course titles are the same on both page 23 and page 24 but the course descriptions are different. The Bureau is unable to determine if the curriculum includes the subject areas that are necessary for a student to achieve the educational objectives of the educational program in which the student is enrolled.
- l. On or about December 29, 2017, the Bureau received a catalog that lists Accu-103 Tui-Na as 40 total clock hours, 20 lecture hours and 20 lab hours; however, the course description provided is for the clinical educational setting and does not include lecture. The Bureau is unable to determine if the curriculum includes the subject areas that are necessary for a student to achieve the educational objectives of the educational program in which the student is enrolled.

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1 **NINTH CAUSE FOR DENIAL OF APPLICATION**

2 (Faculty)

3 58. Respondent's application is subject to denial under 5, California Code of Regulations  
4 § 71710 subdivision (f) and 71720 subdivision (b)(1) for not meeting the minimum operating  
5 standards as to the faculty. The circumstances are as follows:

- 6 a. On or about October 27, 2017, the Bureau requested the Institution provide a  
7 list of faculty members assigned to teach each course. The Institution did not  
8 provide a list of course teaching-assignments for each faculty member. The  
9 Bureau is unable to determine if the Institution's program learning outcomes  
10 are evaluated by duly qualified faculty.
- 11 b. On or about October 27, 2017, the Bureau requested the Institution provide a  
12 resume, signed employment contract (tentative contracts are acceptable)  
13 indicating course assignments, and relevant certifications or licenses for each  
14 faculty member. The Institution did not provide faculty resumes, employment  
15 contracts or relevant certifications or licenses for each faculty member. The  
16 Bureau is unable to determine if the institution employs instructors who possess  
17 the academic, experiential and professional qualifications to teach, and training  
18 in current practices of the subject area they are teaching.

19 **TENTH CAUSE FOR DENIAL OF APPLICATION**

20 (School Performance Fact Sheets)

21 59. Respondent's application is subject to denial under California Education Code §  
22 94910 and 5, California Code of Regulations § 74112 for not meeting the minimum requirements  
23 for a School Performance Fact Sheet. The circumstances are as follows:

- 24 a. On or about October 27, 2017, the Bureau requested the Institution provide a  
25 copy of the institution's School Performance Fact Sheet (SPFS). The institution did not provide  
26 copies of the SPFS for each program.

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1 DISCIPLINE CONSIDERATIONS

2 To determine the degree of discipline, Complainant alleges that:

3 60. On or about August 16, 2018, the Bureau issued a Citation: Assessment of Fine and  
4 Order of Abatement No. 1819019 fine for failing to electronically file its 2016 annual report.  
5 Respondent was ordered to submit its Annual Report in accordance with 5, California Code of  
6 Regulations § 74110 (a-d) and California Education Code § 94934(a)(1-9) and pay a fine of  
7 \$5,000. Citation: Assessment of Fine and Order of Abatement No. 1819019 was modified on  
8 November 6, 2018 and fine was reduced to \$500.00. As of January 28, 2019, the Assessment of  
9 Fine and Order of Abatement has been complied with.

10 PRAYER

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

- 14 1. Denying the application of Avid Career College, Manli Yu, Owner, for Renewal of  
15 Approval to Operate an Institution Non-Accredited;  
16 2. Taking such other and further action as deemed necessary and proper.

17  
18 DATED: 2/7/19



19 DR. MICHAEL MARION, JR.  
20 Bureau Chief  
21 Bureau for Private Postsecondary Education  
22 Department of Consumer Affairs  
23 State of California  
24 Complainant

25 LA2018601544  
26 62936646.docx