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BEFORE THE  
DEPARTMENT OF CONSUMER AFFAIRS  
FOR THE BUREAU FOR PRIVATE POSTSECONDARY EDUCATION  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:
RECORDING RADIO FILM AND  
CULINARY CONNECTION, JAMES PETULLA, OWNER
Application to Operate an Institution  
Non-Accredited Applicant
Respondent.

Complainant alleges:

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

2. On or about April 14, 2014, the Bureau for Private Postsecondary Education received an Application to operate a Institution Non-Accredited from Recording Radio Film and Culinary Connection, James Petulla, Owner ("Respondent"). On or about February 24, 2014, James Petulla certified under penalty of perjury to the truthfulness of all statements, answers, and representations in the application. The Bureau denied the application on July 21, 2015.
JURISDICTION

3. This Statement of Issues is brought before the Director of the Department of Consumer Affairs ("Director") for the Bureau for Private Postsecondary Education, under the authority of the following laws.

4. California Education Code section 94885 states:
   "(a) The bureau shall adopt by regulation minimum operating standards for an institution that shall reasonably ensure that all of the following occur:
   
   "(1) The content of each educational program can achieve its stated objective."
   
   "(9) The institution is maintained and operated in compliance with this chapter and all other applicable ordinances and laws."

5. California Education Code section 94886 states:
   "Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter."

6. California Education Code section 94887 states:
   "An approval to operate shall be granted only after an applicant has presented sufficient evidence to the bureau, and the bureau has independently verified the information provided by the applicant through site visits or other methods deemed appropriate by the bureau, that the applicant has the capacity to satisfy the minimum operating standards. The bureau shall deny an application for an approval to operate if the application does not satisfy those standards."

7. California Education Code section 94837 states:
   "Educational program’ means a planned sequence composed of a single course or module, or set of related courses or modules, that provides the education, training, skills, and experience or a combination of those."

8. California Education Code section 94868 states:
   "’To offer to the public’ means to advertise, publicize, solicit, or recruit."
9. Title 5 of the California Code of Regulations, section 70000, subdivision (r), states:
   "'Objectives' are the goals and methods by which the institution fulfills its mission and
   transforms it into measurable student learning outcomes for each educational program."

10. Title 5 of the California Code of Regulations, section 71700 states:
   "The Bureau may request that an institution document compliance with the standards set
   forth in the Act and this Division to obtain and maintain an approval to operate."

11. Title 5 of the California Code of Regulations, section 71705 states:
   "An institution shall have a written statement of its mission and the objectives for each
   educational program. The mission and the objectives shall indicate the kind of education offered,
   for whom the instruction is intended and the expected outcomes for graduates."

12. Title 5 of the California Code of Regulations, section 71710 states:
   "In order to meet its mission and objectives, the educational program defined in section
   94837 of the Code shall be comprised of a curriculum that includes:

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

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

   (1) a short, descriptive title of the educational program;
   (2) a statement of educational objectives;
   (3) length of the educational program;
   (4) sequence and frequency of lessons or class sessions;
   (5) complete citations of textbooks and other required written materials;
   (6) sequential and detailed outline of subject matter to be addressed or a list of
   skills to be learned and how those skills are to be measured;
   (7) instructional mode or methods.

   . . .
“(c) specific learning outcomes tied to the sequence of the presentation of the material
to measure the students' learning of the material . . . .”

13. Title 5 of the California Code of Regulations, section 71715 states:
“(a) Instruction shall be the central focus of the resources and services of the institution.
“(b) The institution shall document that the instruction offered leads to the achievement of
the learning objectives of each course.

“(d) Distance education as defined in section 94834 of the Code, does not require the
physical presence of students and faculty at the same location but provides for interaction between
students and faculty by such means as telecommunication, correspondence, electronic and
computer augmented educational services, postal service, and facsimile transmission. In addition to
the other requirements of this chapter and the Act, an institution offering distance education shall:
“(1) ensure that the educational program offered through distance education is
appropriate for delivery through distance education methods;
“(2) assess each student, prior to admission, in order to determine whether each
student has the skills and competencies to succeed in a distance education environment;
“(3) ensure that the materials and programs are current, well organized, designed by
faculty competent in distance education techniques and delivered using readily available, reliable
technology;
“(4) provide for meaningful interaction with faculty who are qualified to teach using
distance education methods;
“(5) maintain clear standards for satisfactory academic progress;
“(6) timely complete student evaluations of learning outcomes by duly qualified
faculty, which are appropriate for use with the distance education methods used, and evaluated by
duly qualified faculty. . . .”

14. Title 5 of the California Code of Regulations, section 71200 states:
“(a) The institution shall include in its Form Application 94886 copies of advertising and other statements disseminated to the public in any manner by the institution or its representatives that concern, describe, or represent each of the following:

“(1) The institution.

“(2) Each educational program offered by the institution.

“(b) If advertising is broadcast by television or radio, the Form Application 94886 shall also include a copy of the script.”

15. Title 5 of the California Code of Regulations, section 71220 states:

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

“(a) A description of the educational program.

... .

“(e) A description of the learning, skills, and other competencies to be acquired by students who complete the educational program.

... .

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

FIRST CAUSE FOR DENIAL OF APPLICATION

(Description of Education Program)

16. Respondent’s application is subject to denial under California Education Code sections 94837, 94885, subdivision (a)(1), and 94887, in conjunction with California Code of Regulations, title 5, sections 70000, subdivision (r), 71705, 71700, 71220, and 71710, subdivisions (a), (c), and (e), in that Respondent’s educational programs do not meet the minimum standards established for an educational program. The circumstances are as follows:

a. On or around May 4, 2015, Respondent provided syllabi to the Bureau, which described programs that are 30% theory and 70% externship (“the Syllabi”). The Syllabi are deficient in several material respects:
1. The Syllabi do not include the educational objectives of the externships.
   
2. The Syllabi do not include the specific learning outcomes tied to the sequence of presentation of the material to measure the students’ learning of that material.
   
3. The Syllabi do not include a means to assess a student’s comprehension of the theory portion of the program. Notwithstanding that they include a “MID-TERM STUDENT PERFORMANCE EVALUATION” and “FINAL STUDENT PERFORMANCE EVALUATION,” the templates (“Performance Evaluation Templates”) provided by Respondent appear directed to evaluate employees, rather than an assessment of whether the students have learned the course materials, and students are not employees of the externship site.
   
4. The Syllabi and Performance Evaluation Templates do not adequately define key terminology used in the Templates such as the “four performance factors,” “seven behavioral traits,” and “five supervisory factors,” in addition to “the job description” as referenced in the “instructions to raters.”
   
5. The Syllabi and Performance Evaluation Templates do not adequately define the measures of performance or evaluation such as “quality of work,” “quantity of work,” and “work habits.”
   
   b. Respondent does not provide each student with a syllabus, or, a course outline that contains a detailed outline of subject matter to be addressed or a list of skills to be learned and how those skills are to be measured as required.
   
   c. Respondent does not have a clear method to properly assess students in theory or practical portions of its programs. There are no methods used by the institution to measure student progress in the program.

SECOND CAUSE FOR DENIAL OF APPLICATION

(Instruction, Faculty, Facilities and Equipment)

17. Respondent’s application is subject to denial under California Education Code sections 94837, 94885, subdivision (a)(1), and 94887, in conjunction with California Code of Regulations, title 5, section 71715, subdivisions (a), (b), and (d). The circumstances are as follows:
a. Respondent's central focus of the resources and services does not appear to be instruction.

b. Respondent failed to provide documentation that the instruction offered leads to the achievement of the learning objectives of each program. The Performance Evaluation Templates are insufficient as described in paragraph 16, subparagraph a, which is hereby incorporated by reference as though fully set forth herein.

c. Respondent failed to demonstrate that the distance education portion of its programs are designed by faculty competent in distance education techniques.

d. Although a catalog states that the theory portion of the program will be delivered online, Respondent failed to provide any meaningful details on the Syllabi about the platform and how students are to gain access. The Syllabi also fails to provide instruction on how to submit assignments online, attendance policies to ensure interaction between faculty and students, expectations of online students, quizzes or tests to measure learning, and clear standards for academic progress throughout the program.

THIRD CAUSE FOR DENIAL OF APPLICATION

(Failure to Operate in Compliance with the Law)

18. Respondent's application is subject to denial under California Education Code sections 94868, 94885, 94886, and 94887, in conjunction with California Code of Regulations, title 5, section 71200 and 71700 in that Respondent is operating and offering education programs in California without approval from the Bureau. On or around August 30, 2013, the Bureau denied a prior application from Respondent, Application for Approval to Operate an Institution Non Accredited, No. 22864. One of the causes for denial was that Respondent did not have an approval to operate in California but was nonetheless operating as an unapproved institution. Respondent initially appealed the denial but, on or around April 11, 2014, withdrew the appeal. Three days later, the Bureau received another application from Respondent, Application for Approval to operate an Institution Non Accredited, No. 27250. Respondent has continued to operate an offer educational programs since April 11, 2014, including by way of advertising, without approval from the Board.
PRAYER

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

1. Denying the application of Recording Radio Film and Culinary Connection, James Petulla, Owner, to operate a Non-Accredited Institution; and

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

DATED: 7/8/16

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

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