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

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

Case No. 999775

13 **CALIFORNIA PREMIER UNIVERSITY;**
14 **SEEJOON KAHNG, 50% Owner**
CHANG HWAN KIM, 50% Owner

STATEMENT OF ISSUES

15 **Approval to Operate an Institution Non**
16 **Accredited Applicant**

17 Respondent.

18
19 Complainant alleges:

20 PARTIES

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

24 2. On or about December 4, 2012, the Bureau for Private Postsecondary Education
25 received an application for an Approval to Operate for an Institution Non Accredited (Application
26 No. 25587) from California Premier University; Seejoon Kahng, 50% owner, and Chang Hwan
27 Kim, 50% owner, (Respondent). On or about November 30, 2012, Seejoon Kahng and Chang
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1 Hwan Kim certified under penalty of perjury to the truthfulness of all statements, answers, and
2 representations in the application. The Bureau denied the application on May 2, 2014.

3 JURISDICTION

4 3. Education Code section 94891¹ states:

5 “(a) The bureau shall, by January 1, 2011, adopt by regulation the process and procedures
6 whereby an institution may obtain a renewal of an approval to operate.

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

9 STATUTORY PROVISIONS

10 4. Business and Professions Code section 477 as used in this division provides in
11 pertinent part:

12 (a) “Board” includes “bureau” . . .

13 (b) “License” includes certificate, registration or other means to engage in a business
14 or profession regulated by this code.

15 5. Education Code section 94885 states:

16 “The bureau shall, by January 1, 2011, adopt by regulation minimum operating standards
17 for an institution that shall reasonably ensure that all of the following occur:

18 (a) The content of each educational program can achieve its stated objective.

19 (b) The institution maintains specific written standards for student admissions for each
20 educational program and those standards are related to the particular educational program.

21 (c) The facilities, instructional equipment, and materials are sufficient to enable students
22 to achieve the educational program's goals.

23 (d) The institution maintains a withdrawal policy and provides refunds.

24 (e) The directors, administrators, and faculty are properly qualified.

25 (f) The institution is financially sound and capable of fulfilling its commitments to
26 students.

27 _____
28 ¹ California Private Postsecondary Education Act of 2009, Ed. Code §§ 94800 et seq.

1 (g) That, upon satisfactory completion of an educational program, the institution gives
2 students a document signifying the degree or diploma awarded.

3 (h) Adequate records and standard transcripts are maintained and are available to
4 students.

5 (i) The institution is maintained and operated in compliance with this chapter and all
6 other applicable ordinances and laws.”

7 6. Education Code section 94886 states:

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

12 7. Education Code section 94887:

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

18 8. Education Code section 94909 states:

19 “(a) Prior to enrollment, an institution shall provide a prospective student, either in
20 writing or electronically, with a school catalog containing, at a minimum, all of the following:

21 (1) The name, address, telephone number, and, if applicable, Internet Web site address of
22 the institution.

23 (2) Except as specified in Article 2 (commencing with Section 94802), a statement that
24 the institution is a private institution and that it is approved to operate by the bureau.

25 (3) The following statements:

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

3 (B) ‘As a prospective student, you are encouraged to review this catalog prior to signing
4 an enrollment agreement. You are also encouraged to review the School Performance Fact Sheet,
5 which must be provided to you prior to signing an enrollment agreement.’

6 (C) ‘A student or any member of the public may file a complaint about this institution
7 with the Bureau for Private Postsecondary Education by calling (toll-free telephone number) or
8 by completing a complaint form, which can be obtained on the bureau's Internet Web site
9 (Internet Web site address).’

10 (4) The address or addresses where class sessions will be held.

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

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

19 (7) Information regarding the faculty and their qualifications.

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

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

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1 (B) Cancellation, withdrawal, and refund policies, including an explanation that the
2 student has the right to cancel the enrollment agreement and obtain a refund of charges paid
3 through attendance at the first class session, or the seventh day after enrollment, whichever is
4 later. 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 consistent with the requirements of Article 13 (commencing with Section 94919).

7 (C) Probation and dismissal policies.

8 (D) Attendance policies.

9 (E) Leave-of-absence policies.

10 ...”

11 REGULATORY PROVISIONS

12 9. California Code of Regulations, title 5, division 7.5, section 71100 states:

13 “(a) An applicant seeking approval to operate pursuant to Section 94886 of the Code,
14 other than Approval to Operate by Accreditation pursuant to Section 94890(a)(1) of the Code,
15 shall complete the "Application for Approval to Operate for an Institution Not Accredited," Form
16 Application 94886 (rev. 2/10). An applicant seeking approval to operate by accreditation pursuant
17 to Section 94890(a)(1) of the Code shall comply with section 71390.

18 (b) An applicant shall submit the completed form, the information or documentation,
19 required by this Article, the appropriate application fee as provided in Section 94930.5(a)(1) of
20 the Code, and any appropriate annual fee as required by Article 1 of Chapter 5 of this Division, to
21 the Bureau.

22 (c) An application that fails to contain all of the information required by this article shall
23 render it incomplete.”

24 10. California Code of Regulations, title 5, division 7.5, section 71270 states:

25 “The Form Application 94886 shall include a description of library holdings, services, and
26 other learning resources, including policies and procedures for supplying them to students who do
27 not receive classroom instruction. The description need not consist of a list of each holding. The
28 description shall include an explanation of how the library and other learning resources are

1 sufficient to support the instructional needs of students and, if no facilities exist at the institution,
2 how and when students may obtain access to a library and other learning resources as required by
3 the curriculum.”

4 11. California Code of Regulations, title 5, division 7.5, section 71340, subdivision (a),
5 states:

6 “The institution shall include in the Form Application 94886 any material facts, which have
7 not otherwise been disclosed in the Form Application 94886 that without inclusion would cause
8 the information in the Form Application 94866 to be false, misleading or incomplete or that might
9 reasonably affect the Bureau's decision to grant an approval to operate. In this context, a fact
10 would be ‘material’ if it would alter the Bureau's determination concerning the institution's ability
11 to comply with any applicable provisions of the Act.”

12 12. California Code of Regulations, title 5, division 7.5, section 71705 states:

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

16 13. California Code of Regulations, title 5, division 7.5, section 71710, states, in pertinent
17 part:

18 “In order to meet its mission and objectives, the educational program defined in section
19 94837 of the Code shall be comprised of a curriculum that includes:

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

22 ...

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

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

26 ...

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

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(7) instructional mode or methods.

...

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

14. California Code of Regulations, title 5, division 7.5, section 71720 states, in pertinent part:

“(a) An Educational Program Leading to a Degree.

(1) An institution offering an educational program that leads to a degree shall employ duly qualified faculty sufficient in number to provide the instruction, student advisement, and learning outcomes evaluation necessary for the institution to document its achievement of its stated mission and objectives, and for students to achieve the specific learning objectives of each course offered;

....

(4) The faculty shall have sufficient expertise to support the institution's awarding of a degree identifying a specialty or major field of emphasis, demonstrated by, at a minimum:

(A) That the person possesses one of the following:

1. a degree from: an institution approved by the Bureau or previously approved by a predecessor agency of the Bureau; or an accredited institution in the United States or Canada; or other state approved institution that documents that the institution at which the faculty member earned his or her degree is equivalent to an institution that is approved by the Bureau; or an institution outside the United States or Canada and in addition provides a comprehensive evaluation of the degree performed by a foreign credential evaluation service that is a member of the National Association of Credential Evaluation Services (NACES).

2. a credential generally recognized in the field of instruction.

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1 (9) The institution shall maintain records documenting that each faculty member is duly
2 qualified and was qualified to perform the duties to which the faculty member was assigned,
3 including providing instruction, evaluating learning outcomes, evaluating graduate dissertations,
4 theses, and student projects, and participating on doctoral committees.

5 ...”

6 15. California Code of Regulations, title 5, division 7.5, section 71740 states:

7 “(a) A degree granting institution shall make available for student use a library and other
8 learning resources.

9 (b) An institution shall provide or make provisions for the library and other learning
10 resources needed to support each educational program it offers, including resources such as
11 reference works, periodicals, monographs, and media and equipment specific to the educational
12 programs offered.

13 (c) An institution shall describe onsite library and other learning resources, if any, that
14 enable students to pursue inquiries, searches for information and documentation, and assignments
15 connected with their study programs.

16 (d) An institution that depends for library and other learning resources primarily on other
17 institutions' collections and resources not in its possession shall do all of the following:

18 (1) Describe those library and other learning resources, in the application and catalog.

19 (2) Provide students and faculty with access to the regular services of a professional
20 librarian or information specialist experienced in the electronic retrieval of information, who shall
21 provide support for faculty in curriculum matters and actively serve as a resource guide for both
22 graduate and undergraduate students.

23 (3) Assure that students have access to the library collections and resources of another
24 institution, organization, or library.

25 (4) Document compliance with paragraphs (1), (2), and (3).”

26 16. California Code of Regulations, title 5, division 7.5, section 71770, subdivision (b),
27 provides in pertinent part:
28

1 “The institution shall specify the maximum credit it will transfer from another institution
2 for each educational program, and the basis upon which the transferred credit will be awarded.

3 (1) Except as limited by subdivision (c) of this section, a maximum of 75 percent of the
4 units or credit that may be applied toward the award of a bachelor's degree may be derived from a
5 combination of any or both of the following:

6 (A) Units earned at institutions approved by the Bureau, public or private institutions of
7 higher learning accredited by an accrediting association recognized by the U. S. Department of
8 Education, or any institution of higher learning, including foreign institutions, if the institution
9 offering the undergraduate program documents that the institution of higher learning at which the
10 units were earned offers degree programs equivalent to degree programs approved by the Bureau
11 or accredited by an accrediting association recognized by the U.S. Department of Education;

12 (B) Challenge examinations and standardized tests such as the College Level Placement
13 Tests (CLEP) for specific academic disciplines.

14 (2) No more than 20% of graduate semester units or the equivalent in other units awarded
15 by another institution may be transferred for credit toward a Master's degree. An institution may
16 accept transfer credits only from the institutions of higher learning described in subsection (1)(A).

17 (3) No more than 30 graduate semester credits or its equivalent awarded by another
18 institution may be credited toward a doctoral degree. This subdivision does not apply to graduate
19 programs that lead to a profession or an occupation requiring state licensure where the licensing
20 agency has a regulation permitting a different standard.”

21 17. California Code of Regulations, title 5, division 7.5, section 71810 states:

22 “ ...

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

25 ...

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

28 ...

- 1 (4) Language proficiency information, including:
 - 2 (A) the level of English language proficiency required of students and the kind of
 - 3 documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that
 - 4 will be accepted; and
 - 5 (B) whether English language services, including instruction such as ESL, are provided
 - 6 and, if so, the nature of the service and its cost;
- 7 (5) Whether any instruction will occur in a language other than English and, if so, the
- 8 level of proficiency required and the kind of documentation of proficiency, such as the United
- 9 States Foreign Service Language Rating System, that will be accepted;
- 10 (6) The institution's policies and practices regarding any form of financial aid, including
- 11 all consumer information which the institution is required to disclose to the student under any
- 12 state or federal financial aid program;
- 13 (7) The institution's policies and procedures for the award of credit for prior experiential
- 14 learning, including assessment policies and procedures, provisions for appeal, and all charges that
- 15 a student may be required to pay;
- 16 . . .
- 17 (14) Policies on student rights, including the procedure for addressing student grievances;
- 18 and
- 19 (15) Policies on the retention of student records.”
- 20 18. California Code of Regulations, title 5, division 7.5, section 71850 provides, in
- 21 pertinent part:
 - 22 “Graduation requirements for an undergraduate degree program shall meet minimum credit
 - 23 requirements and shall include provisions for general education appropriate to the level and type
 - 24 of degree. The institution shall specify the distribution of general education credit requirements
 - 25 by subject area for each undergraduate degree program.
- 26 (a) A Bachelor's degree may be awarded to a student whom the institution can document
- 27 has achieved sequential learning equivalent in general education and equivalent in depth of
- 28 achievement in a designated major field to that acquired in four years of study beyond high

1 school, as measured by a minimum of 120 semester credits or its equivalent. At least 25 percent
2 of the credit requirements for a Bachelor's degree shall be in general education.

3 . . .”

4 19. California Code of Regulations, title 5, division 7.5, section 71865, subdivision (a)
5 provides, in pertinent part:

6 “A Master's degree may only be awarded to a student who demonstrates at least the
7 achievement of learning in a designated major field that is equivalent in depth to that normally
8 acquired in a minimum of 30 semester credits or its equivalent or one year of study beyond the
9 Bachelor's degree.”

10 CAUSES FOR DENIAL OF APPLICATION

11 (Incomplete Application)

12 20. Respondent's application is subject to denial under Business and Professions Code
13 sections 480, subdivision (a)(3)(A), Education Code section 94887 and California Code of
14 Regulations, title 5, division 7.5, section 71100, subdivisions (a) – (c), in that on or about
15 December 4, 2012, Respondent submitted an incomplete application to the Bureau. Each
16 violation is a sole and separate cause for denial. The violations are as follows:

17 a. Instruction and Degrees Offered.

18 1. Respondent failed to provide specific written objectives or expected outcome
19 for each of the five English as a Second Language (ESL) Levels, violating California Code of
20 Regulations, title 5, division 7.5, section 71705;

21 2. Respondent failed to clearly state the requirements for students graduating
22 from each of the 5 ESL level programs, violating California Code of Regulations, title 5, division
23 7.5, section 71710, subdivision (a);

24 3. Respondent failed to provide information such that the Bureau is able to
25 determine the level of rigor offered for the Master of Music, including course descriptions and
26 syllabi and an explanation as to why the Bachelor degree and the Master degree programs share
27 the same learning outcomes, violating California Code of Regulations, title 5, division 7.5,
28 section 71865, subdivision (a);

1 4. Respondent failed to provide a course description for the GNS 101 Life Science
2 course, and failed to clearly indicate whether there is a required laboratory class associated,
3 violating California Code of Regulations, title 5, division 7.5, section 71710, subdivision (a);

4 5. Respondent failed to offer 25 percent of credits in general education
5 requirements for the Associate and Bachelor degrees, and included only 15 percent in general
6 education, violating California Code of Regulations, title 5, division 7.5, section 71850,
7 subdivision (a);

8 6. Respondent provided course syllabi which failed to include the instructional
9 mode or methods, an evaluation by duly qualified faculty of learning outcomes, and sequential
10 and detailed outline of subject mater to be addressed or a list of skills to be learned and how those
11 skills are to be measured, violating California Code of Regulations, title 5, division 7.5, section
12 71710, subdivisions (c)(6)(7) and (f).

13 b. Faculty

14 1. Respondent failed to provide a list of faculty course assignments for two
15 courses and five programs, violating California Code of Regulations, title 5, division 7.5, section
16 71720, subdivisions (a)(1) and (a)(9);

17 2. Respondent failed to provide transcripts for faculty members and provide
18 documentation evidencing that faculty was duly qualified and failed to verify and screen faculty
19 qualifications before submitting their resumes and tentative employment contract to the Bureau,
20 violating California Code of Regulations, title 5, division 7.5, section 71720, subdivisions (a)(4)
21 (A) and (a) (9);

22 3. Respondent failed to provide evidence that instructors are qualified to perform
23 the duties to which the faculty members are assigned for each of the programs, violating
24 California Code of Regulations, title 5, division 7.5, section 71720, subdivision (a) (9);

25 c. Catalog

26 1. Respondent failed to develop a clearly written policy for acceptance of credits
27 earned at other institutions, violating Education Code section 94909, subdivision (a)(3)(A), and
28 California Code of Regulations, title 5, division 7.5, section 71770, subdivision (b);

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

DATED: 11/11/14



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

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