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7

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  
Against:

Case No. 1001039

12 **VALLEY SCHOOL OF ALLIED**  
13 **HEALTH; NONYLON PEDRAJA (60%**  
14 **OWNER) AND CORA FAJARDO (40%**  
**OWNER)**

**STATEMENT OF ISSUES**

15 Application for Renewal of Approval to  
Operate and Offer Education Programs for  
16 Non-Accredited Institutions Applicant

17 Respondent.

18 School Code: 93794235  
19

20 Complainant alleges:

21 **PARTIES**

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

25 2. On or about April 13, 2012, the Bureau received an Application for Renewal of  
26 Approval to Operate and Offer Educational Programs for Non-Accredited Institutions from  
27 Valley School of Allied Health, Nonylon Pedraja (60% Owner) and Cora Fajardo (40% Owner)  
28 (Respondent). On or about April 9, 2012, Nonylon Pedraja and Cora Fajardo certified under

1 penalty of perjury to the truthfulness of all statements, answers, and representations in the  
2 application. On April 30, 2012, the Bureau issued a 30 day letter to Respondent. On June 25,  
3 2013, the Bureau received a response to the letter. On February 17, 2015, the Bureau issued a  
4 deficiency letter to Respondent. On March 18, 2015, the Bureau received a response to the  
5 deficiency letter. On August 17, 2015, the Bureau sent Respondent a “Notice of Denial” letter.  
6 On September 17, 2015, Respondent submitted a request for an appeal.

7 **JURISDICTION AND STATUTORY PROVISIONS<sup>1</sup>**

8 3. This Statement of Issues is brought before the Director of the Department of  
9 Consumer Affairs (Director) for the Bureau, under the authority of the following laws. All  
10 section references are to the Education Code (Code) unless otherwise indicated.

11 4. Section 94891 of the Education Code provides, in pertinent part:

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

14 5. Section 94906 of the Code provides, as follows:

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

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

23 6. Section 94909 of the Code provides, in pertinent part:

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

27 ...

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

<sup>1</sup> The California Private Postsecondary Education Act of 2009 was recently amended, effective January 1,  
2015. See Senate Bill No. 1247. This Statement of Issues is based on the pre-amendment version of the Act.

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

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

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

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

13 (B) Cancellation, withdrawal, and refund policies, including an  
14 explanation that the student has the right to cancel the enrollment agreement and  
15 obtain a refund of charges paid through attendance at the first class session, or the  
16 seventh day after enrollment, whichever is later. The text shall also include a  
17 description of the procedures that a student is required to follow to cancel the  
18 enrollment agreement or withdraw from the institution and obtain a refund consistent  
19 with the requirements of Article 13 (commencing with Section 94919).

20 (C) Probation and dismissal policies.

21 ...

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

24 ...

25 (15) The following statement:

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

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

7. Section 94911 of the Code provides, in pertinent part:

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

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

8. Section 94916 of the Code states:

“An institution extending credit or lending money to an individual for institutional and noninstitutional charges for an educational program shall cause any note, instrument, or other evidence of indebtedness taken in connection with that extension of credit or loan to be conspicuously marked on its face in at least 12-point type with the following notice:

‘NOTICE’

“You may assert against the holder of the promissory note you signed in order to finance the cost of the educational program all of the claims and defenses that you could assert against this institution, up to the amount you have already paid under the promissory note.””

9. Section 94917 of the Code states:

“A note, instrument, or other evidence of indebtedness relating to payment for an educational program is not enforceable by an institution unless, at the time of execution of the note, instrument, or other evidence of indebtedness, the institution held an approval to operate.”

10. Section 94918 of the Code states:

“In making consumer loans to students, an institution shall also comply with the requirements of the Federal Truth in Lending Act pursuant to Title 15 of the United States Code.”

11. Section 94900 of the Code states:

“(a) An institution shall maintain records of the name, address, e-mail address, and telephone number of each student who is enrolled in an educational program in that institution.

(b) An institution shall maintain, for each student granted a degree or certificate by that institution, permanent records of all of the following:

- (1) The degree or certificate granted and the date on which that degree or certificate was granted.
- (2) The courses and units on which the certificate or degree was based.
- (3) The grades earned by the student in each of those courses.”

12. Section 94910 of the Code states:

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

as it relates to the educational program:

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

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

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

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

...

(f) All of the following:

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

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

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

(g) The following statements:

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

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

### **REGULATORY PROVISIONS**

13. California Code of Regulations, title 5, section 71700 provides, as follows:

"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."

///

1 14. California Code of Regulations, title 5, section 71475 provides, in pertinent part”

2 “(i) The institution shall include in its application an organization chart  
3 that shows the governance and administrative structure of the institution and the  
4 relationship between faculty and administrative positions. If there have been no  
5 substantive changes since the last submission of an organizational chart, the  
6 institution may so state and is not required to submit documentation.

7 ...

8 (n) The institution shall describe in the application, in detail its mission  
9 and objectives. If there have been no substantive changes since the last submission,  
10 the institution may so state and is not required to submit documentation.

11 ...

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

18 ...

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

26 ...

27 (dd)(1) The application shall contain a description of how records  
28 required by Article 9 of the Act or this chapter are or will be organized and  
maintained, the types of documents contained in student files, how the records are  
stored, and whether academic and financial records are maintained in separate files.  
The description shall include a statement of the institution's procedures for security  
and safekeeping of records 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) The description in the application shall include the name, physical  
address, email address, and telephone number of the custodian of records, and the  
physical addresses and telephone numbers of the offices or buildings where the  
records will be maintained 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.

(ee) The application shall contain a description of the procedures used by  
the institution to assure that it is maintained and operated in compliance with the Act  
and this Division.

...

(kk) An incomplete application filed under this section will render the institution ineligible for renewal.”

15. California Code of Regulations, title 5, section 71140 provides, in pertinent part:

“(c) The institution shall identify the chief executive officer, chief operating officer, and chief academic officer and describe their education, experience, and qualifications to perform their duties and responsibilities.”

16. California Code of Regulations, title 5, section 71730 provides, as follows:

“(a) Each institution shall have a chief executive officer, a chief operating officer and chief academic officer. One person may serve more than one function.

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

(c) An institution with one or more branch locations shall establish written institutional policies, consistent with subdivision (d), regarding the division and sharing of administrative responsibilities between the central administration at the main location and the administration at the branch locations.

(d) The administrative staffing at each branch location shall reflect the purposes, size, and educational operations at that location and at any satellite location for which the branch has administrative responsibilities.

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

(f) The institution shall employ administrative personnel who have the expertise to ensure the achievement of the institution's mission and objectives and the operation of the educational programs.

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

17. California Code of Regulations, title 5, section 71170 provides, as follows:

“The institution shall describe in detail its mission and objectives.”

18. California Code of Regulations, title 5, section 71705 provides, as follows:

“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.”

19. California Code of Regulations, title 5, section 71800 provides, as follows:

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

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

(b) Period covered by the enrollment agreement.

(c) Program start date and scheduled completion date.

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

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

(1) tuition;

(2) registration fee (non-refundable);

(3) equipment;

(4) lab supplies or kits;

(5) Textbooks, or other learning media;

(6) uniforms or other special protective clothing;

(7) in-resident housing;

(8) tutoring;

(9) assessment fees for transfer of credits;

(10) fees to transfer credits;

(11) Student Tuition Recovery Fund fee (non-refundable);

(12) any other institutional charge or fee.

(f) Charges paid to an entity other than an institution that is specifically required for participation in the educational program.”

20. California Code of Regulations, title 5, section 71260 provides, in pertinent part:

“(a) For each program offered, the Form Application 94886 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.



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(d) The description 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.”

21. California Code of Regulations, title 5, section 71735 provides, in pertinent part:

“(a) An institution shall have sufficient facilities and necessary equipment to support the achievement of the educational objectives of all of the courses and educational programs in which students are enrolled. If an institution represents that the educational service will fit or prepare a student for employment in a particular occupation or as described in particular job titles, either of the following conditions shall be met:

(1) The equipment used for instruction or provided to the student shall be comparable in model type or features to equipment generally used in those occupations or job titles at the time the instruction is offered.

(2) The institution shall establish that the equipment used for instruction or provided to a student is not obsolete and is sufficient for instructional purposes to reasonably assure that a student acquires the necessary level of education, training, skill, and experience to obtain employment in the field of training and to perform the tasks associated with the occupation or job title to which the educational program was represented to lead.”

22. California Code of Regulations, title 5, section 71810 provides, in pertinent part:

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

...

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

...

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

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

...

(9) A description of the facilities and of the types of equipment and materials that will be used for instruction;

...

(14) Policies on student rights, including the procedure for addressing student grievances;”

1 23. California Code of Regulations, title 5, section 71770 provides, in pertinent part:

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

4 (1) An institution may grant credit to a student for prior experiential  
5 learning only if:

6 (A) The prior learning is equivalent to a college or university level of  
7 learning;

8 (B) The learning experience demonstrates a balance between theory and  
9 practice and;

10 (C) The credit awarded for the prior learning experience directly relates to  
11 the student's degree program and is applied in satisfaction of some of the degree  
12 requirements.

13 (2) Each college or university level learning experience for which credit  
14 is sought shall be documented by the student in writing.

15 (3) Each college or university level learning experience shall be evaluated  
16 by faculty qualified in that specific subject area who shall ascertain (1) to what  
17 college or university level learning the student's prior experience is equivalent and (2)  
18 how many credits toward a degree may be granted for that experience.

19 (4) The faculty evaluating the prior learning shall prepare a written report  
20 indicating all of the following:

21 (A) The documents in the student's record on which the faculty member  
22 relied in determining the nature of the student's prior experience;

23 (B) The bases for determining that the prior experience (i) is equivalent to  
24 college or university level learning and (ii) demonstrates a balance between theory  
25 and practice; and

26 (C) The bases for determining (i) to what college or university level the  
27 experience is equivalent and (ii) the proper number of credits to be awarded toward  
28 the degree for that experience.

(5)(A) The institution shall designate at least one administrator to be  
responsible for the review of faculty determinations regarding the award of credit for  
prior experiential learning.

(B) The administrator shall document the institution's periodic review of  
faculty evaluations to assure that the faculty written evaluations and awards of credit  
comply with this section and the institution's policies and are consistent.

(6) The amount of credit awarded for prior experiential learning shall not  
be related to the amount charged the student for the assessment process.

(7)(A) Of the first 60 semester credits awarded a student in an  
undergraduate program, no more than 15 semester credits may be awarded for prior  
experiential learning.

1 (B) Of the second 60 semester units (i.e., credits 61 to 120) awarded a  
2 student in an undergraduate program, no more than 15 semester credits may be  
awarded for prior experiential learning.

3 (C) Of the first 30 semester credits awarded a student in a graduate  
4 program, no more than 6 semester credits may be awarded for prior experiential  
learning.

5 (D) Of the second 30 semester credits (i.e., credits 31 to 60) awarded a  
6 student in a graduate program, no more than 3 semester credits may be awarded for  
prior experiential learning.

7 (E) No credit for experiential learning may be awarded after a student has  
8 obtained 60 semester credits in a graduate program.”

9 24. California Code of Regulations, title 5, section 71920 provides, as follows:

10 “(a) The institution shall maintain a file for each student who enrolls in  
the institution whether or not the student completes the educational service.

11 (b) In addition to the requirements of section 94900, the file shall contain  
all of the following pertinent student records:

12 (1) Written records and transcripts of any formal education or training,  
13 testing, or experience that are relevant to the student's qualifications for admission to  
the institution or the institution's award of credit or acceptance of transfer credits  
14 including the following:

15 (A) Verification of high school completion or equivalency or other  
documentation establishing the student's ability to do college level work, such as  
16 successful completion of an ability-to-benefit test;

17 (B) Records documenting units of credit earned at other institutions that  
18 have been accepted and applied by the institution as transfer credits toward the  
student's completion of an educational program;

19 (C) Grades or findings from any examination of academic ability or  
educational achievement used for admission or college placement purposes;

20 (D) All of the documents evidencing a student's prior experiential  
21 learning upon which the institution and the faculty base the award of any credit;

22 (2) Personal information regarding a student's age, gender, and ethnicity  
if that information has been voluntarily supplied by the student;

23 (3) Copies of all documents signed by the student, including contracts,  
24 instruments of indebtedness, and documents relating to financial aid;

25 (4) Records of the dates of enrollment and, if applicable, withdrawal from  
the institution, leaves of absence, and graduation; and

26 (5) In addition to the requirements of section 94900(b) of the Code, a  
27 transcript showing all of the following:

28 (A) The courses or other educational programs that were completed, or  
were attempted but not completed, and the dates of completion or withdrawal;

1 (B) Credit awarded for prior experiential learning, including the course  
title for which credit was awarded and the amount of credit;

2 (C) Credit for courses earned at other institutions;

3 (D) Credit based on any examination of academic ability or educational  
4 achievement used for admission or college placement purposes;

5 (E) The name, address, website address, and telephone number of the  
institution.

6 (6) For independent study courses, course outlines or learning contracts  
7 signed by the faculty and administrators who approved the course;

8 (7) The dissertations, theses, and other student projects submitted by  
graduate students;

9 (8) A copy of documents relating to student financial aid that are required  
10 to be maintained by law or by a loan guarantee agency;

11 (9) A document showing the total amount of money received from or on  
behalf of the student and the date or dates on which the money was received;

12 (10) A document specifying the amount of a refund, including the amount  
13 refunded for tuition and the amount for other itemized charges, the method of  
calculating the refund, the date the refund was made, and the name and address of the  
14 person or entity to which the refund was sent;

15 (11) Copies of any official advisory notices or warnings regarding the  
student's progress; and

16 (12) Complaints received from the student.”

17 25. California Code of Regulations, title 5, section 71320 provides, as follows:

18 The Form Application 94886 shall contain a description of the procedures  
19 used by the institution to assure that it is maintained and operated in compliance with  
the Act and this Division.

20 26. California Code of Regulations, title 5, section 71760 provides, as follows:

21 “Each institution shall develop and maintain adequate procedures used by  
22 the institution to assure that it is maintained and operated in compliance with the Act  
and this Division.”

23 27. California Code of Regulations, title 5, section 74112 provides, in pertinent part:

24 “(b) In addition to the definitions contained in section 94928 of the Code:

25 (1) ‘Number of Students Who Began Program’ means the number of  
26 students who began a program who are scheduled to complete the program within  
100% of the published program length within the reporting calendar year, and  
27 includes all the students who remained enrolled after their cancellation period.

28 (2) ‘Number of Graduates’ means the number of students who completed  
the program within 100% of the published program length within the reporting

1 calendar year.

2 (3) 'Graduates Employed in the Field' means those graduates who meet  
3 the definition of section 94928(e) of the Code, who have reported their employment  
4 to the institution.

5 ...

6 (d) Completion Rates. Reporting of completion rates for an institution's  
7 Annual Report and Performance Fact Sheet shall include, for each educational  
8 program, the number of students who began program as defined in subdivision (b),  
9 the number of students available for graduation, number of graduates, and completion  
10 rate(s). An optional column may be added to include completion rate data for students  
11 completing within 101-150% of the published program length. For an institution  
12 reporting completion data pursuant to section 94929(b) of the Code, completion data  
13 shall be separately reported for each program. The Performance Fact Sheet shall  
14 disclose, if true, that the completion data is being reported for students completing  
15 within 150% of the published program length, and that data is not being separately  
16 reported for students completing the program within 100% of the published program  
17 length. Completion rates shall be included in the Performance Fact Sheet in a format  
18 substantially similar to the chart below, including the footnoted information below  
19 (dates, numbers, and other data shown are for example only):

20 Completion Rates (includes data for the two calendar years prior to reporting)

<i>Calendar Year</i>	<i>Number of Students Who Began Program (1)</i>	<i>Students Available for Graduation (2)</i>	<i>Graduates (3)</i>	<i>Completion Rate (4)</i>
20XX	100	98	70	71%
20XY	80	80	55	69%

21 Students Completing After Published Program Length -- 150% Completion Rate

22 Name of Educational Program (Program Length)

<i>Calendar Year</i>	<i>Number of Students Who Began Program (1)</i>	<i>Students Available for Graduation (2)</i>	<i>150% Graduates (5)</i>	<i>150% Completion Rate (6)</i>
20XX	100	98	25	26%
20XY	80	80	23	29%

23 1 'Number of Students Who Began Program' is the number of students who began  
24 the program who are scheduled to complete the program within the reporting calendar  
25 year.

26 2 'Students available for graduation' is the number of students who began program  
27 minus the number of "Students unavailable for graduation," which means those  
28 students who have died, been incarcerated, or called to active military duty.

1 3 'Graduates' is the number of students who completed the program within 100% of  
the published program length.

2 4 'Completion Rate' is the number of Graduates divided by the Number of Students  
3 Available for Graduation.

4 5 '150% Graduates' is the number of students who completed the program within  
101-150% of the published program length.

5 6 '150% Completion Rate' is the number of students who completed the program in  
6 the reported calendar year within 101-150% of the published program length divided  
7 by the Number of Students Available for Graduation in the published program length  
8 period.

9 (e) Placement Rates.

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

12 (2) Placement is measured six months from the graduation date of each  
13 student. Reporting of placement rates shall include for each educational program: the  
14 number of students who began the program, the number of graduates as defined in  
15 subdivision (b), graduates available for employment, graduates employed in the field  
16 and placement rate(s).

17 (3) Placement rate shall be calculated as follows: the number of graduates  
employed in the field as defined in subsection 74112(b)(3) divided by the number of  
18 graduates available for employment as defined in section 94928(d) of the Code.

19 (4) Graduates employed in the field shall be reported for those graduates  
employed in the field in a single position that averages under 32 hours per week and  
20 those employed in the field in a single position that averages at least 32 hours per  
21 week.

22 References to the Code are to the California Education Code where the  
California Private Postsecondary Education Act of 2009 is located.

23 Placement rates shall be included in the Performance Fact Sheet in a  
format substantially similar to the chart below, including the footnoted information  
24 below (dates, numbers, and other data shown are for example only):

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

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1	Name of Educational Program (Program Length)							
2	<i>Calendar Year</i>	<i>Number of Students Who Began Program (1)</i>	<i>Number of Graduates (2)</i>	<i>Graduates Available for Employment (3)</i>	<i>Graduates Employed in the Field (4)</i>	<i>Placement Rate % Employed in the Field (5)</i>	<i>Graduates Employed in the Field an average of less than 32 hours per week</i>	<i>Graduates Employed in the Field at least 32 hours per week</i>
7	20XX	100	70	70	55	79%	5	50
8	20XY	80	55	55	20	36%	9	11

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1 'Number of Students Who Began Program' means the number of students who began the program who are scheduled to complete the program within the reporting calendar year.

2 'Number of Graduates' is the number of students who have completed the program within 100% of the published program length.

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

4 'Graduates employed in the field' means graduates who report that they are gainfully employed within six months of graduation in a position for which the skills obtained through the education and training provided by the institution are required or provided a significant advantage to the graduate in obtaining the position.

5 Placement Rate is calculated by dividing the number of graduates gainfully employed in the field by the number of graduates available for employment.

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

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

1 after failing initially. The Annual Report shall also include a description of the  
2 processes for attempting to contact those students.

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

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

9 Name of Educational Program (Program Length)

<i>Number of Students Taking Exam (1)</i>	<i>Exam Date (2)</i>	<i>Number Who Passed Exam</i>	<i>Number Who Failed Exam</i>	<i>Passage Rate (3)</i>
80	2/1/20XX	40	40	50%
100	6/1/20XX	75	25	75%
82	10/1/20XX	68	14	76%
80	2/1/20XY	40	40	50%
100	6/1/20XY	70	30	70%
92	10/1/20XY	62	30	67%

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

12 1 Number of Students Taking Exam is the number of students who completed the  
13 program within 150% of published program length and for whom the reported exam  
14 is the first exam that was available after their completion of the program.

15 2 Exam Date is the date for the first available exam after the students completed the  
16 program.

17 3 Passage Rate is calculated by dividing the number of students who pass the exam  
18 by the number of graduates who take the reported licensing exam.

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

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

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Name of Educational Program (Program Length)				
<i>Calendar Year</i>	<i>Number of Students Taking Exam (1)</i>	<i>Number Who Pass First Exam Taken (2)</i>	<i>Number Who Failed First Exam Taken</i>	<i>Passage Rate (3)</i>
20XX	80	40	40	50%
20XY	100	75	25	75%

License examination passage data is not available from the state agency administering the examination. We were unable to collect data from 10 graduates.

1 Number of Students Taking Exam is the number of students who completed the program within 150% of the published program length and who took the exam in the reported calendar year for the first time.

2 Number Who Passed First Exam Taken is the number of students who took and passed the licensing exam in the reported calendar year on the first attempt.

3 Passage Rate is calculated by dividing the number of graduates who pass the exam the first time that they take it by the number of graduates who took the licensing exam for the first time after completion of the program.

(g) Salary and Wage Information.

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

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

Name of Educational Program (Program Length)							
<i>Calendar Year</i>	<i>Graduates Available for Employment (1)</i>	<i>Graduates Employed in the Field (2)</i>	<i>15,000.00</i>	<i>20,001.00</i>	<i>25,001.00</i>	<i>30,001.00</i>	<i>Students Not Reporting Salary</i>
20XX	100	70	5	40	6	3	16
20XY	80	55	5	7	3	5	35

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

2 Graduates employed in the field means graduates who are gainfully employed within six months of graduation in a position for which the skills obtained through the education and training provided by the institution are required or provided a

1 significant advantage to the graduate in obtaining the position.

2 3 Salary is as reported by the student. Not all graduates reported salary.

3 (h) Documentation supporting all data reported shall be maintained by the institution  
4 for at least five years from the time included in either an Annual Report or a  
5 Performance Fact Sheet, and shall include at a minimum: student name(s), address,  
6 phone number, email address, program completed, program start and completion  
7 dates, place of employment and position, salary, hours, and a description of all  
attempts to contact each student. Documentation shall also include the name, email  
address, phone number, and position or title of the institution's representative who is  
primarily responsible for obtaining the students' completion, placement, licensing,  
and salary and wage data, the date that the information was gathered, and copies of  
notes, letters or emails through which the information was requested and gathered.

8 **FIRST CAUSE FOR DENIAL OF APPLICATION**

9 **(Organization and Management)**

10 28. Respondent's application is subject to denial under section 94891, subdivision (b) of  
11 the Code and California Code of Regulations, title 5, sections 71475, subdivision (i), 71140  
12 subdivision (c), and 71730 in that the institution did not identify and describe the education,  
13 experience, and qualifications to perform the duties and responsibilities for the Chief Academic  
14 Officer and the Chief Operating Officer.

15 **SECOND CAUSE FOR DENIAL OF APPLICATION**

16 **(Mission and Objectives)**

17 29. Respondent's application is subject to denial under section 94891, subdivision (b) of  
18 the Code and California Code of Regulations, title 5, sections 71475, subdivision (n), 71170, and  
19 71705 in that the institution failed to provide an updated mission statement (excluding the  
20 Vocational Nursing program) after providing a statement to the Bureau that Respondent  
21 institution will not be offering the Vocational Nursing program (effective April 30, 2015).

22 **THIRD CAUSE FOR DENIAL OF APPLICATION**

23 **(Exemplars of Student Agreement)**

24 30. Respondent's application is subject to denial under sections 94891, subdivision (b),  
25 and 94906, subdivisions (a) and (b) of the Code in that the institution did not provide a statement  
26 indicating how they provide the enrollment agreement, disclosures and statements to students  
27 when they are unable to understand the terms and conditions of the enrollment agreement due to  
28 English not being their primary language.

31. Respondent's application is subject to denial under sections 94891, subdivision (b), 94911, subdivision (b) of the Code and California Code of Regulations, title 5, and section 71800, in that the enrollment agreement failed to provide an itemization of institutional charges and fees with respect to “in-resident housing” and “other institutional charge.”

**FOURTH CAUSE FOR DENIAL OF APPLICATION**

**(Facilities and Equipment)**

32. Respondent's application is subject to denial under section 94891, subdivision (b) of the Code and California Code of Regulations, title 5, sections 71475, subdivision (y)(4), 71260, subdivision (a)(d), and 71735, subdivision (a) in that the institution failed to clearly identify what equipment would be used by the students to achieve the educational objectives for each educational program.

**FIFTH CAUSE FOR DENIAL OF APPLICATION**

**(Catalog)**

33. Respondent's application is subject to denial under section 94891, subdivision (b) of the Code and California Code of Regulations, title 5, section 71810, subdivision (b)(2) in that the institution failed to provide a revised catalog with a revised statement excluding the Vocational Nursing Program (the institution no longer offered this program effective April 30, 2015).

34. Respondent's application is subject to denial under section 94891, subdivision (b) of the Code and California Code of Regulations, title 5, sections 71810, subdivision (b)(9) and 71735 in that the institution’s list of equipment and materials that will be used for instruction was not inclusive of the equipment necessary to support the achievement of the educational objectives of all the courses and educational programs.

35. Respondent's application is subject to denial under section 94891, subdivision (b) of the Code and California Education Code section 94909, subdivision (a)(15) in that the institution failed to properly cite the required disclosure in the catalog. Specifically, the statement was not verbatim from the Code and the institution was not consistent when referencing the types of credentials earned at the institution.

36. Respondent's application is subject to denial under sections 94891, subdivision (b),

1 and 94909, subdivision (a)(8)(A) of the Code in that the institution did not provide sufficient  
2 admission requirements for each program and did not indicate whether they accept ability-to-  
3 benefit students.

4 37. Respondent's application is subject to denial under section 94891, subdivision (b) of  
5 the Code and California Code of Regulations, title 5, sections 71810, subdivision (b)(7), and  
6 71770, subdivision (c). Specifically, the institution stated that an applicant may be required to  
7 pay for the time allotted for the assessment of skills and knowledge regarding prior award of  
8 credit for prior experiential learning, but failed to provide the fee for the time allotted for the  
9 assessment of skills or provide an explanation in regards to when this fee may apply.

10 38. Respondent's application is subject to denial under sections 94891, subdivision (b),  
11 and 94909, subdivision (a)(5) of the Code in that the institution did not remove the Vocational  
12 Nursing Program Curriculum from the catalog even though the institution states they will no  
13 longer offer the Vocational Nursing Program effective April 30, 2015.

14 39. Respondent's application is subject to denial under sections 94891, subdivision (b)  
15 and 94909, subdivision (a)(6) of the Code in that the institution did not remove the requirements  
16 for eligibility for the Vocational Nursing Program from the catalog when the institution states  
17 they will no longer offer the Vocational Nursing Program (effective April 30, 2015).

18 40. Respondent's application is subject to denial under sections 94891, subdivision (b)  
19 and 94909, subdivision (a)(9) of the Code in that the institution did not exclude the Vocational  
20 Nursing Program from the schedule of total charges, even though the institution states they will  
21 no longer offer the Vocational Nursing Program (effective April 30, 2015).

22 41. Respondent's application is subject to denial under sections 94891, subdivision (b)  
23 and 94909, subdivision (a)(8)(B) of the Code in that the registration fee referenced in the  
24 institution's catalog is inconsistent.

25 42. Respondent's application is subject to denial under sections 94891, subdivision (b)  
26 and 94909, subdivision (a)(7) of the Code in that the institution did not provide sufficient  
27 information regarding the faculty and their qualifications referenced on page (73).

28 43. Respondent's application is subject to denial under section 94891, subdivision (b) of

1 the Code and California Code of Regulations, title 5, section 71810, subdivision (b)(6) in that the  
2 institution failed to provide its policies and practices regarding the payment plan in the catalog.

3 44. Respondent's application is subject to denial under sections 94891, subdivision (b)  
4 and 94909, subdivision (a)(8)(C) of the Code in that the institution provided inconsistent  
5 information regarding the probation policy. Specifically, the catalog references automatic  
6 termination but also references a Plus (Remediation) Program.

7 45. Respondent's application is subject to denial under section 94891, subdivision (b) of  
8 the Code and California Code of Regulations, title 5, section 71810, subdivision (b)(14) in that  
9 the institution's catalog was outdated in that it referred concerned students to the California Board  
10 of Vocational Nursing and Psychiatric Technicians even though the institution states they will no  
11 longer offer the Vocational Nursing Program (effective April 30, 2015).

12 **SIXTH CAUSE FOR DENIAL OF APPLICATION**

13 **(Student Records and Recordkeeping)**

14 46. Respondent's application is subject to denial under sections 94891, subdivision (b)  
15 and 94900 of the Code and California Code of Regulations, title 5, sections 71920 and 71475,  
16 subdivision (dd) in that the institution stated that transcripts are kept for five years (but failed to  
17 exclude transcripts, meaning that they must be kept permanently).

18 **SEVENTH CAUSE FOR DENIAL OF APPLICATION**

19 **(Self-Monitoring)**

20 47. Respondent's application is subject to denial under section 94891, subdivision (b) of  
21 the Code and California Code of Regulations, title 5, sections 71320, 71760, and 71475,  
22 subdivision (ee) in that the institution did not identify comprehensive self-monitoring procedures  
23 (to ensure that the institution is maintained and operated in compliance).

24 **EIGHTH CAUSE FOR DENIAL OF APPLICATION**

25 **(School Performance Fact Sheet)**

26 48. Respondent's application is subject to denial under sections 94891, subdivision (b)  
27 and 94910 of the Code and California Code of Regulations, title 5, section 74112 in that the  
28 institution did not provide a School Performance Fact Sheet for each Educational Program, as

1 requested. Specifically, the institution did not provide a School Performance Fact Sheet for the  
2 Home Health Aide program.

3 49. Respondent's application is subject to denial under sections 94891, subdivision (b)  
4 and 94910, subdivision (a) of the Code and California Code of Regulations, title 5, section 74112,  
5 subdivision (d) in that the institution did not provide a complete School Performance Fact Sheet  
6 for the Nursing Assistant Program. Specifically, the institution failed to provide complete  
7 completion rate information.

8 50. Respondent's application is subject to denial under sections 94891, subdivision (b)  
9 and 94910, subdivision (b) of the Code and California Code of Regulations, title 5, section 74112,  
10 subdivision (e) in that the institution did not provide a complete School Performance Fact Sheet  
11 for the Nursing Assistant Program. Specifically, the institution failed to provide complete  
12 placement rate information.

13 51. Respondent's application is subject to denial under sections 94891, subdivision (b)  
14 and 94910, subdivision (c) of the Code and California Code of Regulations, title 5, section 74112,  
15 subdivision (f) in that the institution did not provide a complete School Performance Fact Sheet  
16 for the Nursing Assistant Program. Specifically, the institution failed to provide complete  
17 license/examination passage or certification passage rate information.

18 52. Respondent's application is subject to denial under sections 94891, subdivision (b)  
19 and 94910, subdivision (d) of the Code and California Code of Regulations, title 5, section 74112,  
20 subdivision (g) in that the institution did not provide a complete School Performance Fact Sheet  
21 for the Nursing Assistant Program. Specifically, the institution failed to provide complete salary  
22 and wage information and the institution has incorrect column for placement rates.

23 53. Respondent's application is subject to denial under sections 94891, subdivision (b)  
24 and 94910, subdivisions (f) through (i) of the Code and California Code of Regulations, title 5,  
25 section 74112, subdivision (b) in that the institution did not provide the definitions, required  
26 disclosures, signatures and initials.

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PRAYER

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

1. Denying the application of Valley School of Allied Health, Nonylon Pedraja (60% Owner) and Cora Fajardo (40% Owner) for a Renewal of Approval to Operate and Offer Education Programs for Non-Accredited Institutions;
2. Taking such other and further action as deemed necessary and proper.

DATED: 6/27/16



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

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