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: **CALIFORNIA TAKSHILA UNIVERSITY** **NARAYAN BAIDYA, Owner,** Applicant for Approval to Operate an Institution Not Accredited Application No. 22629, Respondent.	Case No. 998701 OAH No. 2015050538

DECISION AFTER REJECTION

Administrative Law Judge Perry O. Johnson, State of California, Office of Administrative Hearings (OAH), heard this matter on September 26, 2016, February 22, February 24, February 27, and March 3, 2017, in Oakland, California. Deputy Attorney General Aspasia A. Papavassilou represented Joanne Wenzel (complainant), Chief of the Bureau for Private Postsecondary Education (Bureau), Department of Consumer Affairs (DCA). Attorney at Law Joseph Baxter represented respondent California Takshila University and its owner, Narayan Baidya.

The administrative law judge held the record open to afford the parties opportunities to file written closing arguments and, if necessary, to file and serve reply briefs. The parties did so, as reflected in the underlying Proposed Decision. On June 21, 2017, the matter was submitted for decision to OAH and the record closed.

On or about October 24, 2017, the Director of the Department of Consumer Affairs (Department or DCA) issued a notice rejecting the proposed decision pursuant to Government Code section 11517, subdivision (c)(2)(E). The Director requested briefing from the parties and invited argument based on the facts in the record. The Director specifically requested arguments as to whether, and how, the provisions of Education Code sections 94926 through 94927.5, and California Code of Regulations, title 5, section 76240, apply, or should be applied, in this decision. In addition, the parties were asked to address how any recommended closure and teach-out requirements might be necessary to protect the

public, including any existing students. The transcript was ordered, and a deadline for written argument was set and then extended at the request of a party. Both parties timely submitted written argument.

Respondent argued that its application should be granted and an approval to operate issued. Respondent also repeated arguments that were made at the hearing. In addition, respondent's argument included attachments A through F (each with numerous pages) without reference to the existing record. To the extent that respondent's attachments are not exhibits in the record from the OAH hearing, those have not been considered.

Complainant argued that the interests of justice and public protection merit a stay of execution of an order denying respondent's application, in order to allow respondent time to comply with the requirements of Education Code sections 94926 through 94927.5, and California Code of Regulations, title 5, section 76240.

The Director, having now considered the written argument, together with the record, including the transcript, hereby makes this Decision.

STATEMENT OF ISSUES

On the first date of hearing in this matter, under the authority of Government Code section 11507, complainant amended the Statement of Issues at page 16, line 2, to add: ", and then to just one degree, MSCS." Accordingly, the final sentence of paragraph 26 of the Statement of Issues now reads, "During the appeal, Respondent revised the programs to just two degrees, a Master of Business Administration (MBA) and a Master of Science in Computer Science (MSCS), and then to just one degree, [the] MSCS." That is, by the time of hearing, the only program respondent sought approval to offer was its Master of Science in Computer Science.

While no amendment was made to the Statement of Issues, complainant acknowledged during the hearing that since issuance of the Statement of Issues, respondent had addressed eight of the nine causes for denial. As a result, the sole cause for denial of respondent's application was the Statement of Issues' eighth cause for denial, which provides,

> 34. Respondent's application is subject to denial because the institution fails to meet minimum educational requirements for awarding a graduate degree. (Cal. Code Regs., tit. 5, § 71865, subd. (a).) The institution's MSCS program lacks the rigor for a graduate degree and is not equivalent to 30 semester credits of graduate study.

ISSUE

Whether respondent established, by a preponderance of evidence, bases to refute complainant's denial of the application filed by respondent for approval to operate an

institution not previously accredited where the denial is grounded on a single allegation that at the time the application was filed with the Bureau the institution failed to meet minimum educational requirements for awarding a graduate degree? In particular, complainant alleges that the institution's Master of Science in Computer Science program lacked the rigor expected for a graduate degree course of study, and that the institution's program was not equivalent to 30 semester credits of a graduate-level course of study at any time between the time of the application's date in August 2010 through the date the Bureau issued its final Notice of Denial of Application for Approval to Operate, dated May 20, 2014.

FACTUAL FINDINGS

The Agency and the Application for Approval to Operate as an Institution Bestowing a Graduate Degree

1. The Bureau operates in accordance with the California Private Postsecondary Education Act of 2009 (Act), Education Code section 94800, et seq., and provisions of the California Code of Regulations, title 5, section 70000, et seq., govern and regulate private postsecondary educational institutions operating in this state. The statutory provisions and regulations are complex and detailed. Among other things, the statutes and regulations require institutions to strictly adhere to minimum educational requirements in order to award graduate degrees. As a result, the application process to operate as an institution of higher learning itself is complex and detailed. The form of application contains 24 parts, some of which require the applicant to state the institution's mission and objectives, the identification and description of educational programs offered by the institution, recordkeeping, and other matters pertinent to assure that the bestowing of graduate level degrees meet standards expected of all similarly situated universities. In reviewing applications, the Bureau's licensing analysts must ensure that all statutory and regulatory requirements are met.

2. In this matter, complainant contends that after respondent's filing of the application for approval to operate graduate degree level educational programs, the Bureau's licensing analysts, through objective study and contemplation, determined that respondent's proposed Master of Science in Computer Science was substandard or not comparable to the level of academic rigor required for the bestowing of a graduate level degree.

Procedural Background

3. On approximately August 2, 2010, the Bureau received an Application for Approval to Operate for an Institution Not Accredited (application) from respondent California Takshila University (respondent, CTU or institution) with Narayan Baidya as owner. The application was submitted to the Bureau on an application form numbered 94886.

Respondent proposed to operate CTU at 2953 Bunker Hill Lane, Suite 400, Santa Clara, California. Narayan Baidya, also known as Ryan Baidya (respondent Baidya), is the Owner, Chief Executive Officer (CEO) of CTU. At the time of CTU's application filing,

respondent's owner held the positions of Chief Operations Officer and Chief Academic Officer for CTU.

On July 30, 2010, respondent's owner certified under penalty of perjury to the truthfulness of all statements, answers, and representations set out in the application. On approximately August 3, 2010, the Bureau designated respondent's application as having Application Number 22629.

4. The original application showed that CTU sought to offer tens of programs[1] of study consisting of two associate's degrees, six bachelor's degrees, 10 master's degrees, five doctoral degrees, and one certificate program.

5. Between June 26, 2011, and May 19, 2012, the Bureau issued three deficiency letters regarding respondent's application. Respondent filed responses to the deficiency letters that the Bureau determined to be legally insufficient to acquire approval to operate an institution regulated by the Bureau. Those responses were not considered satisfactory to the Bureau as it applied the controlling statutes and regulations.

6. On approximately November 29, 2012, the Bureau issued a Notice of Denial of Application for Approval to Operate directing the institution to close its operations. On approximately January 28, 2013, respondents appealed the Bureau's order of denial. On approximately February 20, 2013, the Bureau issued a revised Notice of Denial of Application for Approval to Operate, which included a provision removing the directive that CTU close and cease the provision of instruction in its purported MSCS degree program.

7. On approximately April 11, 2013, the Bureau accepted additional information from respondent. On June 12, 2013, the Bureau agreed to review the additional information filed by respondent; and, it began the process of reconsideration of the application. As part of the reconsideration process, the Bureau required the institution to undergo a site-visit review as conducted by Bureau personnel as well as subject matter experts.

8. On approximately September 26 and 27, 2013, the Bureau, through its personnel, including Mr. Drew Saeteune, and subject matter experts, including Anne- Louise

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[1] The programs included: Associate of Arts, Associate of Science, Bachelor of Science in Computer Engineering, Bachelor of Science in Electrical Engineering, Bachelor of Arts in Animation, Bachelor of Business Administration, Bachelor of Fine Arts, Bachelor of Science in Bioinformatics, Master of Science in Astro Physics, Master of Science in Design and Applied Arts, Master of Science in Electrical Engineering, Master of Science in Bioinformatics, Master of Science in Clinical Research, Master of Science in Pharmacy Administration, Master of Science in Computer Engineering, Master of Science in Health Care Management, Doctor of Philosophy in Aerospace Engineering, Doctor of Philosophy in Bioinformatics, Doctor of Philosophy in Business Administration, Doctor of Philosophy in Computer Engineering, Doctor of Philosophy in Electrical Engineering, and Certificate in English as a Second Language.

Radimsky, Ph.D., (collectively, Visiting Committee), conducted a site visit at the institution's premises regarding its programs, classrooms, library, catalogs, faculty, administrative personnel, and student population as part of the reconsideration process of respondent's application.

9. A comprehensive report, titled "Visiting Committee Report" (VCR), which culminated from the site visit made by the Visiting Committee along with its analysis grounded on the committee's findings and determination, was crafted by the Visiting Committee and then the VCR was mailed to respondent on approximately December 24, 2013. On approximately January 15, 2014, the Bureau received respondent's reply to the VCR. But respondent's reply was insubstantial and it failed to satisfactorily address the Bureau's concerns and objections to the institution's ability to lawfully operate as a place for higher learning.

10. On approximately May 20, 2014, the Bureau issued a Notice of Denial of Application of Approval to Operate after the Bureau had reconsidered respondent's application and additional information. The May 20, 2014, notice consisted of seven detailed pages, which set forth rational and thoughtful bases for denial of the application. Respondent, however, objected to the Bureau's final denial notice.

11. On October 17, 2014, complainant Joanne Wenzel issued the Statement of Issues[2] in her official capacity as Bureau Chief against respondent. As noted above,

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[2] The Statement of Issues, dated October 17, 2014, set forth nine causes for denial: First - the institution's educational program failed to meet minimum operating standards in violation of California Code of Regulations, title 5, section 71710; Second - the institution had not contracted with qualified faculty for the educational programs proposed to be offered in violation of California Code of Regulations, title 5, section 71720, subdivision (a); Third - the institution failed to maintain adequate student records regarding withdrawals and refunds in violation of California Code of Regulations, title 5, sections 71750, subdivision (f), 71920, and 71930; Fourth - the institution's Self-Monitoring Procedure was inadequate to ensure compliance with the California Private Postsecondary Education Act of 2009 and related regulations in violation of California Code of Regulations, title 5, section 71320; Fifth - the institution failed to meet minimum operating standards regarding admissions standards and transferred credit policy in violation of California Code of Regulations, title 5, section 71770, subdivisions (a)(2), and (a)(2); Sixth - the institution's form of enrollment agreement failed to meet statutory and regulatory requirements in violation of Education Code section 94911 and California Code of Regulations, title 5, section 71800 under eleven particular parts alleging deficiencies as alleged under 11 subparts (a) through (k); Seventh - the institution's catalog failed to meet statutory and regulatory requirements in violations of standards in violation of California Code of Regulations, title 5, in violation of Education Code section 94909 and California Code of Regulations, title 5, section 71810, under ten particular parts set out in subparts (a) through (j); Eighth - the institution failed to meet minimum educational requirements for awarding a graduate degree in violation of California Code of Regulations, title 5, section 71865, subdivision (a). In particular, the institution's MSCS (Master of

complainant acknowledged on the first date of hearing that eight of the nine original causes for denial had been addressed by respondent and asserted that complainant proceeded based on solely the eighth cause for denial.

Cause For Denial

ANNE-LOUISE RADIMSKY, PH.D.

12. Anne-Louise Radimsky, Ph.D. (Dr. Radimsky), offered reliable and trustworthy expert witness testimony at the hearing of this matter. Dr. Radimsky has been a professor in computer science at California State University, Sacramento, for approximately 40 years. She served as Chairperson of the Computer Science Department at CSU, Sacramento. From March 1973 to June 1979, Dr. Radimsky acted as an Assistant Professor in Computer Science at the University of California, Davis. Over a period of more than 35 years, she has been involved in the development and execution of curricula for various subtopics making up the study of computer science. And, Dr. Radimsky has supervised numerous projects initiated and executed by graduate level students in the computer science discipline.

13. At the hearing of this matter, as complainant's subject matter expert, Dr. Radimsky rendered compelling, reliable, and persuasive expert witness opinions that were grounded upon her knowledge, skill, experience, and training in the profession of not only serving as an academician, who has taught at universities offering master's degrees programs, but also as an administrator, who has managed and supervised Master of Science degree and doctoratal degree programs in the computer science field of teaching and study. Dr. Radimsky provided credible and compelling evidence establishing, based upon the Bureau's Visiting Committee's examination of respondent's facilities, faculty, relevant documents, and students on September 26 and September 27, 2013, along with her thorough examination from late 2013 to the present time of the institution's catalogs and other records in light of her expertise, the matters set out in Factual Findings 14 through 29, below. Those findings and determinations are dispositive of the matter at issue in this controversy.

14. Respondent's admission requirements for the MSCS degree program were very minimal. At the time of the filing of its application, and for a period of time thereafter, as to the Master of Science in Computer Science degree program, CTU accepted students having little, if any, educational background in computer science. Students enrolled in the

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Science in Computer Science degree) program lacked the rigor for a graduate degree and the course of study was not equivalent to 30 semester credits of graduate study; and, Ninth - the institution failed to meet requirements regarding the maintenance and production of records in violation of Education Code section 94900.5, subdivision (b), and California Code of Regulations, title 5, sections 71720, subdivision (a)(9), 71920, and 71930.

CTU program leading to a MSCS degree came from various educational fields. And, many of the enrolled students had no previous educational backgrounds in computer science.

Such practice by respondent was inconsistent with generally accepted educational prerequisite requirements of institutions that offer computer science graduate-level courses of study. Contrary to standards expected of an institution of higher learning, the practice of accepting such ill-prepared students into the MSCS program did little to ensure that enrolling students were academically prepared to benefit from an actual MSCS course of study. Generally accepted standards in the State of California, and across the United States of America, dictate that acceptance into a MSCS program requires either a Bachelor of Science degree in Computer Science or a demonstrated record of in depth experience and training in the computer science field.

Hence, respondent did not ensure that students, who were accepted into the MSCS program, had adequate preparation to master the theoretical aspects of the computer science discipline.

15. CTU's MSCS core courses were typical of undergraduate upper division courses offered at California State University Sacramento (CSUS). The following demonstrates the comparison:

CTU	*CSUS*
(CORE COURSES FOR ITS MASTER OF SCIENCE DEGREE)	(BACHELOR OF SCIENCE IN COMPUTER SCIENCE, UPPER DIVISION COURSES)
MSCS 501 (Data Structure and Algorithms)	CSC 130 (Data Structure and Algorithm Analysis
MSCS 502 (Computer Architecture)	CSC 35 (Intro. to Comp. Architecture) and CSC 137 (Computer Organization)
MSCS 507 (Operating Systems Design)	CSC 139 (Operating System Principles)
MSCS 511 (Programming Languages)	CSC 15 / CSC 20 (Programming Languages)
MSCS 525 (Data Comm. and Network Des.)	CSC/ CPE (Computer Networks and Internets)
MSCS 526 (Database Systems)	CSC 134 (Database Management)

MSCS 528 (Software Engineering)	CSC 131 (Computer Software Engineering)

16. With regard to Factual Finding 15, above, respondent's graduate program lists MSCS 511 as a programming course (JAVA language). But, in graduate programs in American universities, students are not taught programming language. Programming language is taught at the college-level in a lower division course of study, such as CSUS courses CSC 15 and CSC 20.

17. Under its 2013 and 2014 catalogs, respondent offered courses in its MSCS program that had aspects that significantly overlapped. In particular, MSCS 511 (Programming Languages) duplicated or overlapped substantial portions of the course offered as MSCS 513 (Advanced Programming). Also, the catalog syllabus for MSCS 502 that is titled Computer Architecture conflicts with the catalog's second page that describes another course listed as MSCS 581 that is titled Advanced Concepts in Computer Architecture. Moreover, MSCS 581 is not listed in the List of Courses in the opening pages of the catalog.

18. Respondent offered many elective courses that might be considered marginally acceptable for inclusion for graduate level coursework; such courses, however, cannot be deemed as reflective of a demanding graduate program. In addition, respondent's course for MSCS 542 (Artificial Intelligence) is not suitable for a graduate program.

19. Text books, which were listed even in the 2016 edition catalog, as expected to be used by students in respondent's MSCS degree program, were more suitable to undergraduate, or (lower division) college, level courses for computer science than a master's degree course of study.

20. Respondent's core curriculum did not lay the foundation for students to build towards advanced material. Students were permitted to not complete basic courses. And CTU allowed students to enroll and complete basic courses of study late in the progression through the MSCS degree program. An inference is drawn rejecting the notion that so-called elective courses were sufficiently advanced in academic rigor so as to be deemed to reach a graduate level of study as students were able to successfully complete such courses without first demonstrating a foundation in areas of computer science.

21. The detailed study of CTU's student records established that students were not required to complete core courses before progressing to more advanced courses, or in some instances to graduate. Core courses are those discrete areas of instruction and study that are identified as essential to completion of the degree program. Hence, completion of core courses in a master's degree program must be identified as requirements.

Respondent's 2013 Catalog, which was revised on January 13, 2014, required a student seeking a MSCS degree from CTU to complete at least 12 units as core courses. At

page 54 of the catalog, students are required to complete four courses from a list of five courses titled as follows:

Core Course Number	*Title of Core Courses*
MSCS 501	Fundamental Data Structure and Algorithms
MSCS 511	Programming Languages
MSCS 507	Operating System Design
MSCS 526	Database System, and
MSCS 547	Data Structures and Computer Architecture

Although the CTU's catalog identified several core courses within the MSCS degree program, transcripts of students enrolled in the program showed that the students had been allowed to graduate and receive a Master of Science degree without having completed CTU's identified core courses. In addressing and challenging the Bureau's Visiting Committee Report, respondent offered transcripts of three students as examples of students who had purportedly met the requirements necessary to earn the MSCS degree from CTU. Student K.P., Student K.D.P. and Student S.S. had been subject to respondent's catalog as revised in January 2014 because each student had enrolled in either Spring 2014 or Summer 2014. (The next controlling CTU catalog was not issued until April 2015.) Each of those three CTU students was allowed to graduate by completing only nine units of core courses rather than 12 units of core courses as specified in the controlling catalog. And each of those three students completed only three of the five core courses, rather than the prescribed four out of five core courses. Those students were enrolled in, and completed in the Summer of 2014, core courses under MSCS 510 and MSCS 526. And, in the Spring of 2015, those students completed the core under MSCS 507. None of the three students enrolled in, or completed, the core courses under MSCS 511 or MSCS 547. But, CTU permitted all three students to graduate and to receive a MSCS degree.

22. In the instance of Student K.D.P., respondent improperly accepted the transfer of six units from San Jose State University for that student's previous enrollment in mechanical engineering. Furthermore, CTU was negligent in accepting the student's computer-aided design course in mechanical engineering as a transfer course simply because it was a computer-aided course.

In accordance with the CTU catalog, 36 units were necessary for graduation with the MSCS degree. Student K.D.P. graduated with 39 units, but six of those units should not have been counted. Absent the transfer units, Student K.D.P. earned only 33 units through course work with CTU.

23. CTU's MSCS program, at best, was an undergraduate-level course of study. In February 2016, respondent revised its catalog. Among other things, four of the five core

courses listed in the catalog as revised in January 2014 were expressed as being "pre-requisites," that is, classes a "student must clear ... before attempting to enroll in graduate level courses." Other courses replaced classes and became core classes for CTU's MSCS degree program.

The fifth class (MSCS 526) of the five core courses as described in the 2013 catalog was neither offered as an elective nor deemed to be a pre-requisite in the January 2016 catalog.

A reasonable inference may be drawn from this factual finding that CTU's core courses, as noted in the 2013 catalog, were not suitable as graduate-level courses leading to a MSCS degree.

24. CTU has published misleading statements in its catalogs. Extending to respondent the benefit of doubt, in addition to the catalog existing at the time of the Visiting Committee's onsite inquiry in September 26/27, 2013, the Visiting Committee examined respondent's recent catalog for 2016 (revised May 20, 2016). That catalog made claims regarding the expected educational gains for a graduate student in the MSCS program that were not supported by the program or its curriculum. Respondent's May 2016 catalog proclaimed that students who complete the MSCS program "will ... gain expertise in software engineering ...." But, CTU offers a single core course (MSCS 528 "Software Engineering") that does not assure that the student will be an expert upon completion of such course.

25. Respondent's catalog listed prerequisite courses, which were necessary to enroll in the MSCS program at CTU, yet are similar or nearly identical to the core courses offered in the MSCS program. The subject matter descriptions of prerequisite courses appears to repeat with respect to the CTU core courses for the MSCS degree program.

26. Respondent's course mapping was flat, and the level of academic structure cannot be deemed capable of enabling a student to build towards discernible advanced knowledge in computer science. In this regard, CTU did not offer a program for higher education that could be characterized to be beyond the level for study leading to a bachelor's degree in computer science. In addition, CTU deviated from accepted practice found in a competent university by failing to observe the principle that core courses should be taken towards the beginning of a MSCS program so as to lay the foundation of further studies; in fact, CTU allowed students to take core courses at the end of a student's academic course of study. Not only course content but also textbooks used in the so-called Master of Science degree courses were more suited to undergraduate coursework as opposed to respondent's putative graduate coursework.

27. Respondent allowed CTU's students to be awarded the Master of Science degree based upon plagiarized student work that was characterized as "capstone projects," or Master Theses. Respondent's catalog describes the "Master Thesis" as "a carefully elaborated scholarly paper, which should present an original argument that is in detail

documented from various sources .... As the final element in the master's degree, the thesis gives the student an opportunity to demonstrate expertise in the chosen research area. A thesis must be written under the guidance of an Advisor."

Respondent permitted CTU's students to graduate based upon the presentation of thesis papers that were filled with wrongly procured text that was not given attribution to the actual author of the text. In particular, Student K.P., who did not complete the requisite number of core courses before he was awarded CTU's MSCS degree, received an "A plus" for a plagiarized capstone project. Another individual, Student N.P., received an "A" for his capstone project that was plagiarized.

Respondent failed to dispute or refute Dr. Radimsky's discovery of students' distinct acts of plagiarism. Respondent's owner and its Chief Academic Officer unreliably advanced that CTU professors or advisors should have probed for plagiarism in the respective students' principal written assignments that were necessary for graduation. The students having clearly used plagiarized work have not had respective degrees revoked or been the subject of academic disciplinary action in any respect.

Further to the matter of detecting plagiarism, respondent's owner was not persuasive that prospectively he will spend one to two hours for each student's written project to detect plagiarism. Very important to this matter was the uncompelling assertion by respondent's owner that the plagiarized projects were "unfortunate exceptions." Nothing was offered by respondent to show that plagiarism is not a common occurrence among students enrolled in CTU's MSCS program.

And, respondent's expert witness, Dr. Roychowdury offered no reliable observation or opinion of the matter of student plagiarism on the efficacy or integrity of the CTU MSCS degree program.

28. At most, respondent's program of instruction was designed to teach basic practical and technical skills relating to information technology, rather than a course of advanced instruction oriented towards developing the deeper, more advanced theoretical knowledge, that is science, that would be appropriate for a MSCS program.

29. A review of the San Jose State University's catalog regarding "frequently asked questions" as compared with the catalog descriptions as well as practices of CTU underscores respondent's deficiencies and unacceptable departures from standards expected for a MSCS program. Dr. Radimsky was credible and especially persuasive when she vividly drew marked contrasts between CTU and San Jose State University on the question of entry requirements into a MSCS program.

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Respondent Lacks a License, or Approval to Operate Document as Issued by the Bureau or the Department of Consumer Affairs

30. Respondent has never obtained from the Bureau, or its predecessor agencies, approval to operate as an institution of higher learning that has the authority to award a Master of Science degree in computer science.

Respondent unpersuasively contends that the Department of Consumer Affairs (DCA) contracted on approximately June 23, 2008, with CTU under a "Voluntary Agreement for Educational Institution." But, the so-called voluntary agreement, was issued to hundreds, if not thousands, of postsecondary training programs, for-profit colleges, and vocational instructional facilities, which were acknowledged as merely operating during the period after the "sunset" of laws and regulations of the Bureau's predecessor agency. The voluntary agreement did not grant a license to operate based upon an authorized state agency having first examined the credentials, competence, and ability of a holder of a voluntary agreement to act as an institution of higher learning. The voluntary agreement constituted a promise or pledge on the part of an institution to "comply with all ... state statutes, rules, and regulations pertaining to private postsecondary institutions ... as [existing] on June 30, 2007 ... *for the purpose of ensuring continued student protection* after ... [portions of] the Education Code became inoperative." (Emphasis added.)

LALU DREW SAETEUNE

31. Mr. Lalu Drew Saeteune (Mr. Saeteune) is a Senior Education Specialist with the Bureau. The duties of his civil service classification include the review of applications, curricula, and educational programs of both applicants for authorization to operate as well as licensees authorized by the Bureau to operate. He offered at the hearing credible and compelling testimonial evidence.

Mr. Saeteune is familiar with respondent's application for authorization to operate. In 2013, he was the Bureau's lead operative with the Visiting Committee that conducted, among other things, a site visit to respondent's facilities in Santa Clara County.

Mr. Saeteune was persuasive when he provided a history of the Bureau's objective analysis of respondent's application. The Senior Education Specialist noted the Bureau Chief's determination to deny licensure to respondent was grounded concluding that "after numerous attempts by the institution to correct deficiencies in its application material so as to bring up the MSCS program to a satisfactory level, it failed." Respondent was unable to prove to the satisfaction of the Bureau that CTU students, who completed respondent's MSCS program, were adequately educated so as to competently perform as master's degree graduates.

Very importantly, Mr. Saeteune expressed that he possessed no knowledge that any license or authorization to operate as an institution of higher learning capable to award the MSCS degree had been granted respondent. The Bureau has a database, titled "Schools

Automated Link," which issues all postsecondary education organizations a "school's code" number that connotes the granting of authorization to operate. Respondent has never been issued by the Bureau a school's code number. Hence, CTU has not been authorized to operate, or licensed to function, as an educational program.

JOANNE WENZEL

32. Ms. Joanne Wenzel (Chief Wenzel) was the Bureau's Chief, namely the principal executive officer for the subject state agency, which is part of the DCA. At the hearing of this matter, Chief Wenzel compellingly provided a detailed and credible account of the statutes that respectively effected the "sunset" of the Bureau's predecessor and then creation of the Bureau. Among other things, Chief Wenzel pointed out that those institutions, such as CTU, that came into existence between mid-2007, and January 1, 2010, did not acquire licensure, or an authorization to operate, by reason of receiving from the DCA a voluntary agreement. The voluntary agreement system, which began use on July 1, 2007, granted relief to newly created institutions that trained persons to take state licensing examinations. DCA did not conduct a review process regarding any voluntary agreement. And, the Director of DCA did not sign any voluntary agreement form.

After June 25, 2008, when a voluntary agreement was dated and purportedly issued to respondent, CTU was never included on any DCA-published list identifying it as an officially recognized institution of higher learning, which could then issue a duly sanctioned MSCS degree. Rather, state law, as promulgated at Education Code section 94809, subdivision (b), states:

> An institution that did not have a valid approval to operate issued by, and did not have an application for approval to operate pending with, the former Bureau for Private Postsecondary and Vocational Education on June 30, 2007, that began operations between July 1, 2007, and January 1, 2010, and filed an application to operate by August 2, 2010, may continue to operate unless a denial of approval to operate has been issued and has become final, but shall comply with, and is subject to, [the California Private Postsecondary Education Act of 2009].

33. Chief Wenzel credibly pointed out that for all times since the date that CTU filed an application in August 2010, respondent has been subject to the transition requirement specified in California Code of Regulations, title 5, section 70040, subdivision (b), that reads:

> Pursuant to section 94809 of the Code, an institution that did not have an approval to operate issued by the former Bureau for Private Postsecondary and Vocational Education on or before June 30, 2007, shall, until an application for approval to operate is approved, include in its catalog and its enrollment agreement in at least the same size font as the majority of the information, and outlined with a bold line, the following statement:

> What You Should Know About Our Pending Application for State Approval
>
> This institution's application for approval to operate has not yet been reviewed by the Bureau for Private Postsecondary Education. For more information, call the Bureau for Private Postsecondary Education at (916) 574-7720, or toll-free at (888) 370-7589, or visit its website at www.bppe.ca.gov.

An institution that has not filed an application for approval to operate may not state or imply that such an application has been filed with the Bureau.

34. Respondent has neither a license nor an authorization to operate as a private postsecondary education institution, or university, in the State of California.

35. Chief Wenzel supported the expert witness opinion of Dr. Radimsky as well as the findings and determinations of Bureau employee, Mr. Saeteune, along with the Visiting Committee's determinations, that respondent, under the name of CTU, did not present sufficient documentary proof along with its application to overcome the agency's conclusion that respondent's proposed MSCS degree program was sufficiently rigorous in its academic course of study. Chief Wenzel was well aware that since the date of August 2, 2010, when the application was filed with the Bureau until mid-May 2014, respondent made repeated, but unsuccessful, attempts to show that CTU met requirements under the law to acquire authorization to operate.

Respondent's Evidence

NARAYAN BAIDYA

36. Narayan Baidya, as owner of respondent (respondent's owner), acts as CTU's chief executive officer[3] and chief operating officer. Respondent's owner has been awarded a Ph.D. degree in biochemistry and a Master of Business Administration degree. Respondent's owner does not hold any degree in computer science.

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[3] The positions, held by respondent's owner as chief executive officer and chief operating officer, are defined at California Code of Regulations, title 5, sections 70000, subdivisions (c) and (e), and 71730, subdivision (a). Under the regulations of the Bureau, the "chief executive officer" means the "person primarily responsible for the overall administration of an institution, including the supervision of the chief academic officer and the chief operating officer. The chief executive officer is often ... called the 'president.'" And, the regulations require that each institution must have a chief executive officer, a chief operating officer and chief academic officer, although "one person may serve more than one function."

37. After the sunset of the law that authorized the Bureau for Private Postsecondary and Vocational Education, which preceded enactment of the 2009 statute creating the Bureau, respondent's owner incorporated the institution that was to operate as CTU.

In approximately 2008, respondent's owner fostered the idea to operate an institution of higher learning. He perceived that in the area of high tech, information technology, and computer science, a gap existed between the instructional objectives of traditional universities and the real world that uses skilled workers.

38. Respondent's owner examined that web site of the bureau's predecessor agency, the Bureau of Private Postsecondary and Vocational Education (BPPVE), to acquire some knowledge about the process to acquire authorization from state government to form an institution of higher learning. After the sunset of the law authorizing the existence of the BPPVE, respondent's owner secured a form titled "Voluntary Agreement" from the internet website of the DCA. Despite his belief regarding the import of the voluntary agreement, respondent's owner never acquired licensure from DCA for CTU to be designed as holding approval to operate (licensure) as an institution of higher learning. Since the outset of the application submitted to the Bureau by respondent, no assurance, guarantee, or pronouncement was extended by any state agency that could have instilled a reasonable impression on respondent's owner that respondent possesses an approval to operate, that is licensure, as an institution of higher education. Despite respondent's owner's assertions that he had personally extended countless hours as well as hundreds of thousands of dollars to create and develop respondent, neither the Bureau nor DCA or the predecessor agency (BPPVE) gave an impression to respondent's owner of information upon which CTU's owner could reasonable rely to his detriment. Moreover, respondent did not prove that the Bureau's governmental operations were in such a state of chaos after 2010 that respondent's application for approval to operate, along with supporting documents, were misplaced or destroyed by the Bureau so as to unfairly impair respondent's quest to gain approval to operate.

Respondent owner's perceptions, however, are now in error that the agency's treatment of CTU's application was handled through incompetency and treachery. And, respondent's owner erred when he contends that the Bureau and DCA personnel defamed or irreparably harmed CTU's reputation with its students beginning in 2010 when the agency refused to grant respondent approval to operate (licensure).

39. Respondent's owner does not possess the experience, qualifications, or expertise to manage or effect overall oversight of a college or university that offers a Master of Science in Computer Science degree. And, contrary to respondent's owner's impressions, in this matter the Bureau's denial of approval to operate does not turn upon mere "technicalities." Rather, the Bureau's personnel and expert witness grounded respective determinations on rational, objective analysis that respondent's MSCS degree program lacks academic rigor.

WISELIN DHAS MATHURAM

40. Wiselin Dhas Mathuram (Mr. Mathuram) has been a CTU professor for approximately one and one-half years. He holds a Master of Science in Industrial Engineering degree. He is pursuing a Ph.D. degree in Business Management with an emphasis in Optimizing Models for Capacity Planning. He does not possess any degree in the Computer Science field of education. He has 15 years of work experience in "information technology" (IT).

The courses presented by Mr. Mathuram at CTU are in the IT field.

At the hearing, Mr. Mathuram made an admission that he teaches courses at CTU that are aimed at a "practical understanding" rather than to instill students with "theoretical knowledge."

Mr. Mathuram has a teaching position at Herguan University (Herguan). He acknowledged at the hearing that the Herguan CEO has been convicted of Student Visa fraud and that he been sentenced to incarceration in federal prison.

Mr. Mathuram did not provide sufficient or substantial evidence that he has the requisite qualifications to teach computer science classes at a graduate level.

AHMED AYED

41. Ahmed Ayed is a CTU professor. He has taught at CTU since late 2014 or early 2015. Mr. Ayed taught Unix Tools (MSCS 523), Security IT Disaster Recovery and Business Continuity (MSCS 570), Masters Seminars (MSCS 600), and the Senior Design Projects.

Mr. Ayed possesses a Bachelor of Science degree in Computer Information Systems. And, he holds a Master of Science degree in Cyber Security and Information Assurance. He is a candidate for a Ph.D. in Computer Science.

CTU offers a MSCS class titled "Hello World." Mr. Ayed acknowledged that a course that teaches students to craft or compile a "Hello World" program would be too elementary a course for a graduate degree in computer science.

Also, upon being asked to explain the CTU syllabus in course MSCS 511 (Programming Language), Mr. Ayed was not able to offer a reasonable justification for the syllabus description language. And, he had no rational explanation for CTU's permissive policy of allowing MSCS program students to take core classes at the end of the such students' course of study towards the Master of Science degree.

Mr. Ayed was not a CTU professor at the time of the visit inspection by the Bureau's Visiting Committee. As he has taught at the university level for less than three years, he

lacked significant experience. Mr. Ayed was also not readily familiar with courses being offered by CTU. Respondent attempted to establish through Mr. Ayed that CTU has a rigorous MSCS program that meets standards expected of a university capable of awarding the Master of Science degree to students, but respondent failed to persuasively establish that the MSCS program satisfied the minimum educational requirements.

JEONG HEE KIM

42. Jeong Hee Kim is a CTU professor. He holds a Ph.D. in Electrical Engineering. In addition to teaching at CTU, Dr. Kim teaches undergraduate courses in engineering at San Jose State University and San Francisco State University. Further, Dr. Kim participated in training employees of electronics stores regarding electronic consumer products manufactured by Panasonic. Dr. Kim's background, education and training does not wholly support a conclusion that he is very qualified to teach graduate-level courses in computer science.

AJIT RENAVIKAR

43. Ajit Renavikar is a CTU professor. He holds a Master of Science in Computer Engineering degree. (Computer Engineering is a synthesis field involving Electrical Engineering and Computer Science.)

Mr. Renavikar also acts as the CTU Chief Academic Officer[4] (CAO); but, on cross-examination he made an admission that he is not wholly knowledgeable regarding the duties, functions, or responsibilities of a CAO. The Bureau's Visiting Committee's VCR noted Mr. Renavikar as the CTU CAO. But, at the hearing of this matter, Mr. Renavikar asserted that he was only part of a group within the CTU organization that was responsible for the duties, functions, and responsibilities of the CAO. By the manner of his testimony, Mr. Renavikar was hesitant to claim the title or designation as "chief" for CTU's academic activities and operations.

During his testimony, Mr. Renavikar made an admission that he had no recollection of the new courses of instruction that had been added to the CTU curricula for the most recent academic semester, that is the Fall of 2016. By his lack of knowledge, Mr. Renavikar demonstrated that he does not hold an actual leadership role for CTU's academic affairs.

During her testimony, complainant's expert, Dr. Radimsky vividly identified that at least two graduates of CTU obtained a Master of Science in Computer Science degree through their separate presentation of plagiarized student thesis or critical course reports. (As

[4] The position of CAO is defined at California Code of Regulations, title 5, sections 7000, subdivision (c), and 71730, subdivisions (a) and (e), as: "the person primarily responsible for the administration of an institution's academic affairs including the supervision of faculty, development of educational programs and curricula, and implementation of the institution's mission, purposes and objectives."

part of the Bureau's reconsideration of respondent's application for Approval to Operate, CTU was asked to provide samples of three students so as to demonstrate the nature and extent of student work products.) Mr. Renavikar acted as the academic advisor of one of the students, who submitted plagiarized documents as part of the process to obtain a CTU degree. By his neglect regarding the failure to detect the student who used plagiarized material, Mr. Renavikar demonstrated weakness as a graduate level professor and that he is lacking in skills to serve as a chief academic officer.

After the Bureau's VCR was sent to CTU, which should have notified him of acts of plagiarism, Mr. Renavikar, in the capacity of CAO, did not take any meaningful action. In particular, Mr. Renavikar did not take action to rescind the Master of Science in Computer Science degree that had been granted the student guilty of plagiarism.

Under the direction of Mr. Renavikar, CTU neglected to provide the Bureau with an assurance that it has rescinded the degree given to the guilty student who cheated in securing a Master of Science degree, or has directed the offending student to submit a document free of plagiarism.

The significant weight of evidence indicates that Mr. Renavikar is not prepared to act as an effective CAO. He cannot be trusted to assure that CTU will require sufficient academic rigor for the granting of a MSCS degree.

VIRUPAKSHAIAH ITTIGIMADH

44. Virupakshaiah Ittigimadh is currently enrolled as a CTU student.

Mr. Ittigimadh holds himself out as a hardware engineer. He is engaged in stress-test automation team work that challenges hardware and software that is manufactured by his current employer, Oracle Corporation.

Mr. Ittigimadh was credible when he testified that he recognized that electrical engineering is a distinct and different discipline when compared with computer science. While the former pertains to the study of hardware, the latter field involves the study of software. By his testimony, Mr. Ittigimadh showed that CTU's position is weakened that electrical engineering and computer science are interchangeable for both respondent's professors and students.

VWANI ROYCHOWDHURY

45. Vwani Roychowdhury is employed as a Professor of Electrical Engineering at UCLA. He holds a Ph.D. in Electrical Engineering.

Dr. Roychowdhury offered testimony at the hearing of this matter in the capacity of respondent's expert witness. His testimony, however, was neither reliable nor wholly credible in assessing facts pertinent to resolution of the issues raised by complainant's

Statement of Issues. Dr. Roychowdhury offered insubstantial evidence that between the date respondent filed the application for Approval to Operate as an institution qualified to offer a Master of Science in Computer Science degree and the date the Bureau issued its final letter of denial of the application, that CTU maintained a program reflecting the necessary rigor of instruction for the granting of a MSCS degree. Nor did Dr. Roychowdhury establish that for the subject period of time that CTU offered an equivalent of 30 hours of instruction at the level expected of an institution awarding the MSCS degree.

Of importance was the admission made by Dr. Roychowdhury that he did "not feel qualified" to state an expert opinion that all of the courses in respondent's catalog for the period of time at issue were appropriate as courses leading to the award of a MSCS degree.

Further, Dr. Roychowdhury could not state a reasonable and cogent expert opinion of the correct steps for a graduate level program to address the problem of detecting plagiarism by a student.

Dr. Roychowdhury was neither compelling nor persuasive on the issue of whether respondent's course of instruction/program reflected for the subject period of time the degree of rigor necessary to award the MSCS degree.

Respondent's Matters in Rehabilitation

46. CTU has remained in operation throughout the application process. The vision of the institution is to educate high tech professionals to acquire practical knowledge, which is grounded upon universally recognized science-like theories and expanded knowledge, in order to provide employers with computer technicians in computer science. CTU has scores of graduates with the MSCS degree, who are doing well in computer science for large or well-known corporations. Respondent's owner aspires to obtain full accreditation for respondent CTU with the Western Association of Schools and Colleges.

47. Respondent offered letters from 16 individuals[5] regarding the qualities and skills shown by CTU graduates who have received the Master of Science in Computer

[5] Letter, dated September 17, 2015, by Jagnyaseni Panda, HR Executive, ITDR Custom Software of Herndon, Virginia; letter, dated September 23, 2015, by Saratbabu Ginjupalli, President, Tecno Minds LLC of Redmond, Washington; Satya Chgurupati, President, Data Experts LLC; letter, dated September 25, 2015, by Sudeep Virk, Director-Operation, Fusion Forte, Inc., of Union City, California; letter, dated October 14, 2015, by Venu Vaishya, Executive Vice President, HTC Global Services; letter, dated October 18, 2013, by Shiva Naidu, Resource Manager, Avventis Inc., of Edison, New Jersey; letter, dated October 21, 2013, by Vijaya Mohan Chowdary Rayala, Director of Operations, Sree Infotech, of Irving, Texas; letter, dated October 18, 2013, by Tarandeep Narula, HR Manager, Torque Technologies of Stamford, Connecticut; letter, dated October 5, 2013, by Suveen Vuppala, President, Camano Solutions LLC of Issaquah, Washington; letter, dated October 7, 2013, by Sailaja Allu, Operations Manager, Intone Networks, Inc., of Iselio, New

Science degree through respondent. The letters focus upon the individuals, who are employees of respective companies, but the letters do not provide specific comments regarding the rigor of particular courses of study or the combined effect of all classes constituting requisite and elective courses necessary to acquire the MSCS degree from CTU.

Ultimate Factual Finding

48. Respondent, through its owner, witnesses and expert witness opinions, advanced several contentions, denunciations, and claims. Those matters not specifically addressed in this Decision are deemed to be without merit. The arguments, which were not addressed herein, are not grounded upon substantial evidence that may be deemed material to the matter at issue.

49. Respondent did not provide legally sufficient, competent evidence that would permit sustaining any of the Special Denials or Affirmative Defenses as set out in respondent's five-page pleading, dated November 14, 2014.

50. Respondent did not overcome its burden of establishing that the Bureau erred when that state agency determined respondent's application is subject to denial because the institution failed to meet minimum educational requirements for awarding a graduate degree. Respondent did not refute the Bureau's determination that CTU's Master of Science in Computer Science degree program lacks the rigor for a graduate degree because, among other things, the program is not equivalent to 30 semester credits of graduate study.

LEGAL CONCLUSIONS

Burden of Proof and Standard of Proof

1. This matter springs from allegations advanced by complainant's Statement of Issues. (Gov. Code, § 11504.) Accordingly, respondent has the burden of proof. (*Martin v. Alcoholic Beverage Control Appeals Board* (1959) 52 Cal. 2nd 238; *Breakzone Billiards v. City of Torrance* (2000) 81 Cal.App.4th 1205.) The standard of proof is by a preponderance of the evidence. (*Hughes v. Board of Architectural Engineers* (1998) 17 Cal.4th 763, 784.) By that standard of proof, respondent must show that the Bureau erred in denying the application for Approval to Operate an Institution Not Accredited. Moreover, the Bureau's

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Jersey; letter, dated October 15, 2013, by Ujjwala Girish Thobbi, Director, Horizon Technologies, Inc., of Sunnyvale, California; letter, dated October 17, 2013, by Rajesh Pericherla, President, Novisync Solutions, Inc., of Fishkill, New York; letter, dated January 30, 2012, by Lakshmi Vs, HR Department, ISquare Technologies, Inc., of Houston, Texas; letter, dated August 1, 2012, by Ramesh C. Anumala, President, Global Pharmatek, of New Jersey; letter, dated September 23, 2009, by Deanne M. Brewer, Executive Director Hensco, LLC of Sunol, California; letter, dated November 9, 2009, by Len Dodge, Chief Operating Officer, VolPTREX, LLC; and, letter, dated October 29, 2009, by Sandeep Kindo, Human Resources, The Chugh Firm, APC, of Santa Clara, California.

authorizing statute established that the subject state agency may properly require an institution, such as California Takshila University, to show its fitness in the process of continuing with its operation. (*Anton v. San Antonio Community Hospital* (1977) 19 Cal.3d 802, 809.)

Controlling Statutory Provisions

2. Education Code section 94809, subdivision (b), states, "[a]n institution that did not have a valid approval to operate issued by, and did not have an application for approval to operate pending with, the former Bureau for Private Postsecondary and Vocational Education on June 30, 2007, that began operations between July 1, 2007, and January 1, 2010, and filed an application to operate by August 2, 2010, may continue to operate unless a denial of approval to operate has been issued and has become final, but shall comply with, and is subject to, [the California Private Postsecondary Education Act of 2009]."

Education Code section 94875 provides, "[t]he Bureau for Private Postsecondary Education, as established by Section 6 of Chapter 635 of the Statutes of 2007, is continued in existence and shall commence operations. This chapter [the California Private Postsecondary Education Act of 2009] establishes the functions and responsibilities of the bureau, for the purposes of Section 6 of Chapter 635 of the Statutes of 2007. The bureau shall regulate private postsecondary educational institutions through the powers granted, and duties imposed, by this chapter. In exercising its powers, and performing its duties, the protection of the public shall be the bureau's highest priority. If protection of the public is inconsistent with other interests sought to be promoted, *the protection of the public shall be paramount*." (Emphasis added.)

Education Code section 94886 prescribes, in pertinent part, that, "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 [the California Private Postsecondary Education Act of 2009]."

Education Code section 94887 sets forth that an approval to operate as a private postsecondary educational institution shall be granted only after an applicant has presented sufficient evidence to the Bureau that the applicant has the capacity to satisfy the minimum operating standards. An application that does not satisfy those standards shall be denied. California Code of Regulations, title 5, section 71100, prescribes that an application for approval to operate for an institution not accredited that fails to contain all information required by sections 71100-71380 is incomplete.

Pertinent Regulations

3. California Code of Regulations, title 5, section 71100 states:

(a) An applicant seeking approval to operate pursuant to Section 94886 of the Code, other than Approval to Operate by Accreditation pursuant to Section

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

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

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

California Code of Regulations, title 5, section 71710 is the regulation outlining the requirements for an educational program. The regulation 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;

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

(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.

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

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

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

Eighth Cause for Denial: Failure to Meet Minimal Educational Requirements for Awarding a Graduate Degree

4. California Code of Regulations, title 5, section 71865, subdivision (a), sets for the minimum educational requirements in order to award a graduate degree. Subdivision (a) of section 71865 states:

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

5. Cause for denial of the application exists under California Code of Regulations, title 5, section 71865, subdivision (a), as that regulation interacts with Education Code sections 94809, subdivision (b), 94875, 94886, and 94887, by reason of the matters set forth in Findings 14 through 35, 48 through 50, along with Legal Conclusions 1 through 4.

6. Respondent CTU and its owner are commended for the efforts to correct deficiencies brought to the attention of respondent Baidya and the senior executive for respondent CTU. However, it is noted that respondent's application and supportive materials reflect serious deficiencies in the CTU graduate degree program that were not remedied between the date for filing of the original application for approval to operate through May 2014 when the Bureau issued its final letter of denial. Among other things, respondent failed to demonstrate a sufficient depth and degree of learning for its MSCS degree program. In other words, the degree program lacked sufficient rigor. Such lack of rigor for the degree project was a serious deficiency that could not be rectified before the date of the issuance of the Statement of Issues.

The highest priority for the Bureau is consumer protection. There is evidence of actual or potential harm to students and the set of employers who may hire graduates of respondent's MSCS program.

7. Pursuant to Factual Finding 11, at the time of the hearing, cause did not exist to deny the application for the First through Seventh and Ninth Causes for Denial of Application.

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Dispositive Determination

8. Respondent CTU's application for Approval to Operate must be denied because respondent failed to establish, by a preponderance of evidence, that at the August 2010 date of the application, for a reasonable amount of time for consideration and reconsideration of the application until May 2014, the institution known as the California Takshila University possessed the qualifications for approval to operate a Master of Science in Computer Science degree program. Further, respondent did not establish by substantial evidence that at the subject time it did have a Master of Science in Computer Science program that was rigorous insofar as reflecting an equivalent to 30 semester units of graduate level instruction and study.

ORDER

The application of respondent California Takshila University, with Narayan Baidya as owner, for approval to operate an institution not accredited, is denied. The denial is, however, STAYED for a period of 30 days after the effective date of the decision in order to allow respondent to comply with Education Code sections 94926 through 94927.5, and California Code of Regulations, title 5, section 76240.

This Decision shall become effective on APR 27 2018.

IT IS SO ORDERED March 24, 2018.

Ryan Marcroft
Deputy Director, Legal Affairs
Department of Consumer Affairs