

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

In the Matter of the Statement of Issues
Against:

**THE ACADEMY OF RADIO & TV
BROADCASTING**

School Code 3005451

Applicant for Renewal to Operate an
Accredited Institution,

Respondent.

Case No. 1002664

OAH No. 2017120719

NOTICE OF DECISION

No action having been taken on the attached Proposed Decision, pursuant to Government Code section 11517, subdivision (c)(2), the decision is deemed adopted by operation of law as the final decision in this matter.

The Education Code compels the outcome in this case. Education Code section 94891, subdivision (b), provides, “[t]o be granted a renewal of an approval to operate, the institution shall demonstrate its continued capacity to meet the minimum operating standards.” One such standard is that the institution must be “financially sound” -- it must meet the composite score requirements that the United States Department of Education established. (Ed. Code, § 94885, subd. (a)(6); Cal. Code Regs., tit. 5, § 71745, subd. (a)(6).) The Bureau must deny an application that does not satisfy the minimum financial stability standards: “The bureau shall deny an application for an approval to operate if the application does not satisfy those standards.” (Ed. Code, § 94887.)

As the decision reflects, the institution did not satisfy minimum financial stability standards, nor is there evidence “that it had or now has the continued capacity to meet” such standards. Accordingly, under Education Code section 94887, the application must be denied. The institution may, however, submit a new application for an approval to operate at any time, which the Bureau must review within 30 days of receipt, or by another appropriate time set by the Bureau. (Ed. Code, § 94890, subd. (a)(2).)

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Pursuant to Government Code section 11519, the decision shall become effective on February 22, 2019. Prior to the effective date, a petition for reconsideration may be submitted pursuant to Government Code section 11521, and may include a request to consider new, post-hearing evidence of the institution's compliance with the composite score minimum standard.

DATED: January 25, 2019



RYAN MARCROFT
Deputy Director
Legal Affairs Division
Department of Consumer Affairs