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

13 In the Matter of the Statement of Issues
14 Against:

15 **UNIVERSITY OF BAY AREA**

16 **Application for Approval to Operate for an
Institution Non-Accredited**

17 Respondent.

Case Number BPPE23-0572

OAH Number 2024030702

**FIRST AMENDED STATEMENT OF
ISSUES**

18
19 **PARTIES**

20 1. Deborah Cochrane (Complainant) brings this First Amended Statement of Issues
21 solely in her official capacity as the Chief of the Bureau for Private Postsecondary Education
22 (Bureau), Department of Consumer Affairs.

23 2. On or about August 31, 2022, the Bureau for Private Postsecondary Education
24 received an Application for Approval to Operate for an Institution Non-Accredited from
25 University of Bay Area (Respondent), owned by Grameen Education Fund, a California non-
26 profit corporation. On or about June 8, 2023, the Bureau issued Respondent a Notice of Denial,
27 denying Respondent's application. On or about July 24, 2023, Respondent requested an
28 administrative hearing regarding the Bureau's denial of its application. During the pendency of

1 this administrative matter, Respondent resolved many but not all of the deficiencies the Bureau
2 identified in its Notice of Denial.

3 **JURISDICTION**

4 3. This First Amended Statement of Issues is brought before the Director of the
5 Department of Consumer Affairs (Director) for the Bureau for Private Postsecondary Education,
6 under the authority of the following laws. All section references are to the Education Code unless
7 otherwise indicated.

8 4. Section 94887 states, in part:

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

14 **STATUTORY AND REGULATORY PROVISIONS**

15 5. Section 94885, subdivision (a) states:

16 “(a) The bureau shall adopt by regulation minimum operating standards for an institution
17 that shall reasonably ensure that all of the following occur:

18 . . .

19 “(3) The facilities, instructional equipment, and materials are sufficient to enable students to
20 achieve the educational program's goals.

21 . . .

22 “(9) The institution is maintained and operated in compliance with this chapter and all other
23 applicable ordinances and laws.

24 6. Section 94887 states:

25 “An approval to operate shall be granted only after an applicant has presented sufficient
26 evidence to the bureau, and the bureau has independently verified the information provided by the
27 applicant through site visits or other methods deemed appropriate by the bureau, that the applicant
28 has the capacity to satisfy the minimum operating standards. The bureau shall deny an application

1 for an approval to operate if the application does not satisfy those standards. The bureau may
2 deny an application for an approval to operate institutions that would be owned by, have persons
3 in control of, or employ institution managers that had knowledge of, should have known, or
4 knowingly participated in any conduct that was the cause for revocation or unmitigated discipline
5 at another institution.”

6 7. California Code of Regulations, title 5, section 71740, subdivision (a) states:

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

9 **CAUSE FOR DENIAL OF APPLICATION**

10 (Library and Other Learning Resources)

11 8. Respondent’s application is subject to denial because its institution has not acquired
12 access to a library or other learning resources. (Educ. Code §§ 94885, subs. (a)(3) and (a)(9)
13 and 94887; and Cal. Code Regs., title 5, § 71740, subd. (a).) In particular, because it proposes
14 granting a Masters Degree, Respondent’s proposed educational program requires research of an
15 appropriate degree that utilizes a library and other learning resources, pursuant to California Code
16 of Regulations, title 5, section 71740, subdivision (a). Although Respondent has offered a source
17 where it could obtain library or other learning resources, Respondent has not engaged or
18 otherwise acquired access to those library or other learning resources. Accordingly, Respondent
19 has not established that it can make available for student use a library and other learning
20 resources, as required by California Code of Regulations, title 5, section 71740, subdivision (a).

21 **PRAAYER**

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

25 1. Denying Respondent University of Bay Area’s Application for Approval to Operate
26 for an Institution Non-Accredited; and

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

DATED: 10/7/2024

"Original Signature on File"
DEBORAH COCHRANE
Chief
Bureau for Private Postsecondary
Education
Department of Consumer Affairs
State of California
Complainant

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