

**DEPARTMENT OF CONSUMER AFFIARS
STATE OF CALIFORNIA**

In the Matter of the Automatic Suspension of Approval to Operate Degree Granting

Programs Directed to:

UNIVERSITY OF MANSFORD

Institution Code 95475825

Appellant.

Case No. BPPE22-369

DECISION

INTRODUCTION

Effective June 25, 2022, the Bureau for Private Postsecondary Education (Bureau) automatically suspended the provisional approval to operate degree programs issued to University of Mansford and its owner (collectively, the University). The Bureau determined that the University was subject to automatic suspension for failing to submit evidence to the Bureau of having achieved full accreditation by May 19, 2022.

The Director of the Department of Consumer Affairs received from the University a timely appeal of the Bureau's suspension order. The Director, or her designee, is required to hear such appeals at an informal office conference. (Cal. Code Regs., tit. 5, § 71410, subd. (b).)

An informal office conference was held on August 5, 2022, before the Director's designee, Deputy Director Ryan Marcroft. Tik Lo, the University's Chief Operating Officer, and consultant Chris Golda appeared on behalf of the University. Joanna Murray, Senior Education Specialist, appeared on behalf of the Bureau. At the conclusion of the informal office conference, the matter was submitted for a final decision.

After considering the evidence and argument submitted by the University and the Bureau, the Bureau's order is AFFIRMED.

FACTUAL AND PROCEDURAL BACKGROUND

I. The University Did Not Achieve Full Accreditation By The Date Required By Law, May 19, 2022

The University was provisionally approved on May 19, 2017, to offer two degree programs: a Master of Science in Psychology and a Master of Science in Business Administration.

Provisionally-approved institutions must meet certain accreditation benchmarks in order to maintain approval. They must submit to the Bureau evidence of having achieved accreditation candidacy or pre-accreditation within two years of provisional approval, and evidence of having achieved full accreditation within five years of provisional approval. (Ed. Code, § 94885.5, subd. (b)(3).) Accordingly, here, the University was required to submit evidence to the Bureau of having achieved accreditation candidacy or pre-accreditation by May 19, 2019, and full accreditation by May 19, 2022. The Bureau must suspend an institution's provisional approval if it does not meet accreditation deadlines. (Ed. Code, § 94885.5, subd. (c).)

The University planned to pursue accreditation through the Distance Education Accrediting Commission (DEAC), and in its first six months, the University made good progress toward accreditation. It reviewed the DEAC handbook and application and completed the DEAC tutorial. On February 20, 2019, a visiting committee of the Bureau presented to the University a report regarding its accreditation progress. At that time, the University had not submitted to DEAC an application for accreditation, but the Bureau found that the University "satisfactorily demonstrated that they are prepared to move forward if/when their application is submitted and then accepted by DEAC." (Bureau Ex. 10 [Visiting Comm. Report], p. 2.) The Bureau encouraged the University

to “[p]roactively and transparently communicate with the Bureau . . . regarding . . . anything that will impact the pursuit of accreditation.” (*Id.* at p. 3.)

On March 12, 2019, the University requested a three-month extension of time to achieve pre-accreditation status, and the Bureau granted the request. The Bureau again encouraged the University to “maintain ongoing contact with the Bureau regarding [its] progress toward achieving accreditation” (Bureau Ex. 12.) On August 16, 2019, and within the extended timeframe, the University achieved pre-accreditation status with DEAC. (Bureau Ex. 13.) The Bureau at that time reminded the University of the statutory requirement to achieve full accreditation within five years of its provisional approval, i.e., by May 19, 2022, and again requested the University to “provide the Bureau with any updates to its accreditation plan progress.” (*Ibid.*)

Approximately two and half years later, and less than two months before the University should have been fully accredited, on March 29, 2022, the University sought an extension of the accreditation deadline. The University informed the Bureau at that time that it withdrew its application from DEAC in November 2020, signifying that nearly five years into its provisional approval, the University was not even pre-accredited with an accrediting agency, the first significant step in the years-long accreditation process.

On May 26, 2022, the Bureau denied the University’s request to extend the accreditation deadline because the University did not sufficiently explain why its original plan to pursue DEAC accreditation was not achieved, and it did not show that the University took active steps toward accreditation in the 18 months since voluntarily withdrawing from DEAC in November 2020. The University also did not provide evidence that it was likely to achieve accreditation with DEAC, or that it was pursuing accreditation at that time.

II. The Bureau Suspended The University For Failing To Achieve Full Accreditation Within The Time Required By Law

Effective June 25, 2022, the Bureau suspended the University's provisional approval to operate its degree programs for failing to achieve full accreditation by May 19, 2022. The Bureau directed the University to cease enrolling new students in its degree programs, and to submit to the Bureau in 30 days a degree program closure plan that includes, in summary:

- (1) The date the institution stopped enrolling new students in the degree programs;
- (2) A list of contact information for all students currently enrolled in each degree program; and,
- (3) A teach-out plan with information on the arrangements the University made for students to complete their educational programs at another institution.

The Bureau also directed the University to notify currently enrolled students of the following:

- (1) That the institution received a notice of suspension from the Bureau and may not offer degree programs;
- (2) The teach-out plan; and,
- (3) That the student may choose not to participate in the teach-out plan and instead seek a refund for classes the student is currently enrolled in or has not completed.

III. The University Appealed The Bureau's Decision, But It Did Not Establish Grounds To Overturn The Decision

The University timely appealed the Bureau's suspension order to the Director of the Department of Consumer Affairs.

Thereafter, the University submitted additional information in response to the Bureau's decision to deny an extension. The University explained that since November

2020, it promoted its Chief Academic Officer to President, changed its business model to add continuing education courses and boost revenue, revised its degree programs, and prepared a new accreditation application for DEAC. The University also explained that it is currently ineligible for accreditation through DEAC due to its suspended status, and that it could petition DEAC in January 2023 to specially consider its accreditation application. At hearing, the University further explained that it was previously prepared to submit a new application to DEAC, but that it withheld submitting the application while it prepared and submitted an application to renew its approval with the Bureau.

Separately, after it was suspended, the University submitted an initial accreditation questionnaire and application fee to a different accreditor, the Accrediting Council for Continuing Education and Training (ACCET), but there was no evidence that the accreditor accepted an application from the University. The Bureau testified that the University is not eligible for accreditation through ACCET because the University offers two master's-level degree programs, and ACCET's accreditation is limited to institutions offering degrees at an associate's degree level.

LEGAL STANDARDS

The University was required to submit evidence to the Bureau of having achieved accreditation candidacy or pre-accreditation by May 19, 2019, and full accreditation by May 19, 2022. Education Code section 94885.5 provides in relevant part:

(b) If an institution is granted a provisional approval to operate degree programs . . . , the following is required:

[¶] . . . [¶]

(3) The institution shall provide evidence of accreditation candidacy or pre-accreditation within two years of issuance of its provisional approval to operate degree programs, and evidence of accreditation within five years of issuance of its provisional approval to operate degree programs, with the scope of that accreditation covering the offering of at least one degree program.

Accreditation candidacy and pre-accreditation are defined in regulation to mean that the institution “submitted a completed application for initial accreditation with the required fee, which was accepted by the accreditor.” (Cal. Code Regs., tit. 5, § 70000, subd. (s).)

An institution that does not submit evidence to the Bureau of having achieved accreditation candidacy, pre-accreditation, or full accreditation by the specified dates

shall have its provisional approval to operate degree programs automatically suspended on the applicable date. The bureau shall issue an order suspending the institution’s degree programs and that suspension shall not be lifted until the institution complies with the requirements of this section or has its accreditation reinstated.

(Ed. Code, § 94885.5, subd. (c)(1); see also Cal. Code Regs., tit. 5, § 71410, subd. (a).)

A suspended institution must cease enrolling students, provide the Bureau with a degree-program closure plan within 30 days, and provide notice of the suspension to currently-enrolled students within five days. (Ed. Code, § 94885.5, subd. (c)(1); Cal. Code. Regs., tit. 5, § 74250, subds. (a), (b).)

Institutions may request to extend the time for achieving pre-accreditation or full accreditation, and the Bureau will grant such requests upon timely submission of sufficient evidence that an institution made “strong progress” toward obtaining accreditation, or if warranted by the accrediting agency’s conditions for applying for accreditation related to student enrollment. (Ed. Code, § 94885.5, subd. (d).)

Institutions requesting to extend time must submit to the Bureau an amended accreditation plan that adequately explains why pre-accreditation, accreditation candidacy, or full accreditation were not achieved, evidence of active steps the institution took toward accreditation, and documentation from an accrediting agency demonstrating that the institution is likely to become accredited, or meet the accrediting agency’s relevant conditions for applying for accreditation. (*Ibid.*)

DISCUSSION

The University was provisionally approved to offer degree programs on May 19, 2017. Pursuant to Education Code section 94885.5, it was required to achieve accreditation candidacy or pre-accreditation two years later, by May 19, 2019, and full accreditation within five years, by May 19, 2022. The Bureau extended the University's deadline to become pre-accredited, and the University initially satisfied the two-year statutory deadline when it became pre-accredited within the Bureau's extended timeframe.

The University did not, however, submit evidence to the Bureau that it was accredited within five years of its provisional approval, i.e., by May 19, 2022. To the contrary, as of November 2020, the University voluntarily withdrew from DEAC consideration, meaning that it has now not even completed the first step in the accreditation process—achieving pre-accreditation or accreditation candidacy within two years of provisional approval.

As discussed, an institution that does not submit evidence to the Bureau of having achieved accreditation candidacy, pre-accreditation, or full accreditation within the prescribed times “shall have its provisional approval to operate degree programs automatically suspended on the applicable date. The bureau shall issue an order suspending the institution’s degree programs and that suspension shall not be lifted until the institution complies with the requirements of this section” (Ed. Code, § 94885.5, subd. (c)(1).) Since the University did not satisfy the statutory accreditation deadlines, the Bureau appropriately suspended the University’s approval to operate its degree programs.

On March 29, 2022, the University requested an extension of the five-year accreditation deadline. The Bureau, however, properly denied the University’s request on May 26, 2022, because the University did not show sufficient progress toward obtaining accreditation. (Ed. Code, § 94885.5, subd. (d).) The University voluntarily

withdrew its application from DEAC in November 2020, and did not inform the Bureau until March 2022 that it had done so, despite repeated admonitions from the Bureau to keep it apprised of any changes in its accreditation progress. And apart from the University's assurance that it was "diligently working toward submitting its application to DEAC" by September 2022 (six months later), it did not explain what active steps it took since November 2020 toward accreditation. (Ed. Code, § 94885.5, subd. (d)(2).) Moreover, the University did not provide the Bureau with information from DEAC demonstrating that it was likely to achieve pre-accreditation or accreditation, or otherwise satisfy DEAC's application requirements. (*Ibid.*)

Thereafter, on July 25, 2022, *after* the Bureau already properly denied the University's extension request, and *after* it suspended the institution, the University submitted detailed information in support of a renewed request for an extension. The University described in detail some commendable steps it took since November 2020 to prepare to re-apply for accreditation with DEAC. It supplied financial statements that an accountant reviewed in May 2022, information relating to improvements to its degree programs dated April 15, 2022, and a new application for accreditation with DEAC that the University reported was ready to be submitted to DEAC in March 2022 (its March 29, 2022, extension request said the application would be filed in September).

Nonetheless, even through the date of the hearing in this matter, the University did not supply evidence from DEAC or another accrediting agency demonstrating that the University was likely to become pre-accredited or accredited, as required. To the contrary, once the University was suspended, it was no longer eligible for accreditation with DEAC due to its suspended status. And according to the University, the earliest DEAC might be willing to specially consider its application would be in January 2023. The University also did not submit evidence that it is likely to be pre-accredited with ACCET, and according to the Bureau, the University's current degree programs are ineligible for accreditation through ACCET.

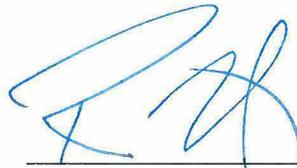
CONCLUSION

The University did not present evidence that its application for initial accreditation and fee were accepted by an accreditor, or evidence that it was accredited, by May 19, 2022. Accordingly, the University did not demonstrate that it achieved accreditation candidacy, pre-accreditation, or full accreditation by the statutory deadlines, and the Bureau properly suspended the institution.

DECISION

The Bureau's Order Suspending Approval to Operate Degree Granting Programs is AFFIRMED.

DATED August 26, 2022



RYAN MARCROET
Deputy Director
Legal Affairs Division
Department of Consumer Affairs

DECLARATION OF SERVICE VIA FIRST CLASS MAIL and E-MAIL

Case Name: University of Mansford

Case No.: BPPE22-369

I am employed in the County of Sacramento, State of California. I am over the age of 18 and not a party to the within action; my business address is Department of Consumer Affairs, Legal Affairs Division, 1625 North Market Blvd., Suite S-309, Sacramento, California 95834.

On August 26, 2022, I served the following document(s):

1. DECISION

by placing the envelope for collection and mailing, following our ordinary business practices, addressed to the persons at the addresses listed below. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

I also served the documents listed above via e-mail and First-Class Mail, addressed as follows:

University of Mansford
12440 Firestone Blvd. Suite 210
Norfolk, CA 90650
deborah@umansford.org

Bureau for Private Postsecondary
Education
Cheryl.Lardizabal@dca.ca.gov
Christina.Villanueva@dca.ca.gov

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on August 26, 2021, at Sacramento, California.



Elizabeth Madden