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8

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

11		
12	In the Matter of the Statement of Issues	Case No. 1002964
13	Against:	
14	<b>CODINGDOJO, INC., also known as</b>	<b>STATEMENT OF ISSUES</b>
15	<b>CODING DOJO</b>	
16	<b>Application for Approval to Operate for an</b>	
17	<b>Institution Non-Accredited</b>	
	Respondent.	

18 Complainant alleges:

19 PARTIES

- 20 1. Dr. Michael Marion, Jr. ("Complainant") brings this Statement of Issues solely in his  
21 official capacity as the Chief of the Bureau for Private Postsecondary Education, Department of  
22 Consumer Affairs.
- 23 2. On or about June 8, 2015, the Bureau for Private Postsecondary Education ("Bureau")  
24 received an Application for Approval to Operate an Institution Non-Accredited from Respondent  
25 CodingDojo, Inc., also known as Coding Dojo ("Respondent"), a California corporation.  
26 Between June 22, 2015 and May 25, 2017, the Bureau and Respondent exchanged  
27 correspondence regarding Respondent's application.

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1       13.   **Section 94901** provides:

2       “(a) An institution’s recruiters shall be employees.

3       “(b)(1) An institution shall issue identification to each recruiter identifying the recruiter and  
4 the institution.

5       “(2) The recruiter shall have the issued identification with him or her while recruiting.”

6       14.   **Section 94909, subdivision (a)(16)** provides:

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

10       ...

11       “(16) A statement specifying whether the institution, or any of its degree programs, are  
12 accredited by an accrediting agency recognized by the United States Department of Education. If  
13 the institution is unaccredited and offers an associate, baccalaureate, master's, or doctoral degree,  
14 or is accredited and offers an unaccredited program for an associate, baccalaureate, master's, or  
15 doctoral degree, the statement shall disclose the known limitations of the degree program,  
16 including, but not limited to, all of the following:

17       “(A) Whether a graduate of the degree program will be eligible to sit for the applicable  
18 licensure exam in California and other states or become certified or registered as required for the  
19 applicable profession, occupation, trade, or career field in California.

20       “(B) A degree program that is unaccredited or a degree from an unaccredited institution is  
21 not recognized for some employment positions, including, but not limited to, positions with the  
22 State of California.

23       “(C) That a student enrolled in an unaccredited institution is not eligible for federal  
24 financial aid programs.”

25       15.   **California Code of Regulations, title 5, section 70000, subdivision (c)** provides:

26       “(c) “Chief academic officer” means the person primarily responsible for the administration  
27 of an institution's academic affairs including the supervision of faculty, development of

28

1 educational programs and curricula, and implementation of the institution's mission, purposes and  
2 objectives.”

3 16. **California Code of Regulations, title 5, section 71140, subdivision (b)** provides:

4 “(b) The institution shall provide a description of the job duties and responsibilities of each  
5 administrative and faculty position.”

6 17. **California Code of Regulations, title 5, section 71210, subdivisions (c)(4) and  
7 (c)(6)** provide:

8 “(c) In addition, the institution shall list the following for each educational program offered:

9 ...

10 “(4) The title of the educational programs and other components of instruction offered,  
11 including a description of the level of the courses (e.g., below college level, undergraduate level,  
12 graduate level);

13 ...

14 “(6) The graduation requirements; and

15 ...”

16 18. **California Code of Regulations, title 5, section 71220, subdivision (c)** provides:

17 “For each educational program that the institution offers or proposes to offer, the Form  
18 Application 94886 shall contain a statement that the educational program meets the requirements  
19 of section 71710, as well as the following:

20 ...

21 “(c) A description of the number and qualifications of the faculty needed to teach the  
22 educational program.

23 ...”

24 19. **California Code of Regulations, title 5, section 71250** provides:

25 “The Form Application 94886 shall include a statement that the institution has contracted  
26 with sufficient duly qualified faculty members who meet the qualifications of section 71720.”

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1           20. **California Code of Regulations, title 5, section 71405** provides:

2           “(a) If, after the submission of an application but prior to the Bureau's decision to approve  
3 or deny an approval to operate, there is any material change in circumstances affecting any  
4 information contained in the application or submitted by the institution in support of the  
5 application, the institution shall immediately inform the Bureau in writing.

6           “(b) For the purposes of this section, a change in circumstance is “material” if, without the  
7 inclusion of the new or different information into the application, the information contained in or  
8 the supporting documentation to the application would be false, misleading, or incomplete.”

9           21. **California Code of Regulations, title 5, section 71710** provides:

10           “In order to meet its mission and objectives, the educational program defined in section  
11 94837 of the Code shall be comprised of a curriculum that includes:

12           “(a) those subject areas that are necessary for a student to achieve the educational objectives  
13 of the educational program in which the student is enrolled;

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

16           “(c) course or module materials that are designed or organized by duly qualified faculty.

17 For each course or module, each student shall be provided with a syllabus or course outline that  
18 contains:

19           “(1) a short, descriptive title of the educational program;

20           “(2) a statement of educational objectives;

21           “(3) length of the educational program;

22           “(4) sequence and frequency of lessons or class sessions;

23           “(5) complete citations of textbooks and other required written materials;

24           “(6) sequential and detailed outline of subject matter to be addressed or a list of skills to be  
25 learned and how those skills are to be measured;

26           “(7) instructional mode or methods.

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

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

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

4 22. **California Code of Regulations, title 5, section 71715, subdivisions (a) and (b)**  
5 provide:

6 “(a) Instruction shall be the central focus of the resources and services of the institution.

7 “(b) The institution shall document that the instruction offered leads to the achievement of  
8 the learning objectives of each course.

9 . . . .”

10 23. **California Code of Regulations, title 5, section 71720** provides:

11 “(a) An Educational Program Leading to a Degree.

12 “(1) An institution offering an educational program that leads to a degree shall employ duly  
13 qualified faculty sufficient in number to provide the instruction, student advisement, and learning  
14 outcomes evaluation necessary for the institution to document its achievement of its stated  
15 mission and objectives, and for students to achieve the specific learning objectives of each course  
16 offered;

17 “(2) Each institution shall develop and implement written policies and procedures providing  
18 for the participation by duly qualified faculty in the conducting of research, development of  
19 curricula, academic planning, enforcement of standards of academic quality, pursuit of academic  
20 matters related to the institution's mission and objectives, establishment of criteria for contracting  
21 with new faculty, and evaluation of faculty credentials;

22 “(3) In determining the number of faculty sufficient to satisfy subdivision (a)(1) of this  
23 section and to implement the policies established pursuant to subdivision (a)(2) of this section, the  
24 institution shall base its faculty requirements on all of the following factors:

25 “(A) The educational level and number of students;

26 “(B) The number of hours needed for direct interaction between students and faculty per  
27 course, quarter, semester, or other term;

28

1           “(C) The number of hours needed to be spent on evaluating written materials prepared by  
2 students, such as distance education, papers, and examinations, per course, quarter, semester, or  
3 other term;

4           “(D) The number of group meetings per course, quarter, semester, or other term;

5           “(E) The faculty duties established by the institution as required under subdivision (a)(2) of  
6 this section; and

7           “(F) The number of hours per week or units per term considered full-time for faculty in the  
8 institution.

9           “(4) The faculty shall have sufficient expertise to support the institution's awarding of a  
10 degree identifying a specialty or major field of emphasis, demonstrated by, at a minimum:

11           “(A) That the person possesses one of the following:

12           “1. a degree from: an institution approved by the Bureau or previously approved by a  
13 predecessor agency of the Bureau; or an accredited institution in the United States or Canada; or  
14 other state approved institution that documents that the institution at which the faculty member  
15 earned his or her degree is equivalent to an institution that is approved by the Bureau; or an  
16 institution outside the United States or Canada and in addition provides a comprehensive  
17 evaluation of the degree performed by a foreign credential evaluation service that is a member of  
18 the National Association of Credential Evaluation Services (NACES).

19           “2. a credential generally recognized in the field of instruction.

20           “(B) The degree, professional license, or credential possessed by the person shall be at least  
21 equivalent to the level of instruction being taught or evaluated;

22           “(5) The institution's faculty as a whole shall possess a diverse educational background  
23 which shall be demonstrated in part by earned degrees from a variety of colleges and universities  
24 or by credentials generally recognized in the field of instruction;

25           “(6) When contracting for educational services, the institution shall maintain control of, and  
26 responsibility for, all academic matters, and shall assure that the instruction and faculty satisfy the  
27 standards established by the Act and this chapter;

28

1           “(7) The institution shall not employ or continue to employ any faculty who were  
2 adjudicated in a judicial or administrative proceeding as having violated any provision of the Act  
3 or this chapter or as having committed any act that would constitute grounds for the denial of a  
4 license under Section 480 of the Business and Professions Code;

5           “(8) Each institution shall have a written Academic Freedom Policy which describes the  
6 latitude the institution allows faculty in the classroom so faculty will not inadvertently violate the  
7 principles of academic freedom. These policies shall be made available to any person upon  
8 request. The institution shall not take adverse action based on a staff member's exercise of  
9 academic freedom consistent with the institution's policy; and

10           “(9) The institution shall maintain records documenting that each faculty member is duly  
11 qualified and was qualified to perform the duties to which the faculty member was assigned,  
12 including providing instruction, evaluating learning outcomes, evaluating graduate dissertations,  
13 theses, and student projects, and participating on doctoral committees.

14           “(b) Instructors in an Educational Program Not Leading to a Degree.

15           “(1) An institution shall employ instructors who possess the academic, experiential and  
16 professional qualifications to teach, including a minimum of three years of experience, education  
17 and training in current practices of the subject area they are teaching. If an instructor does not  
18 possess the required three years of experience, education and training in the subject area they are  
19 teaching, the institution shall document the qualifications the instructor possesses that are  
20 equivalent to the minimum qualifications.

21           “(2) Each instructor shall maintain their knowledge by completing continuing education  
22 courses in his or her subject area, classroom management or other courses related to teaching.

23           “(3) The institution shall not employ or continue to employ an instructor who was  
24 adjudicated in a judicial or administrative proceeding as having violated any provision of the Act  
25 or this chapter, or as having committed any act that would constitute grounds for the denial of a  
26 license under Section 480 of the Business and Professions Code.”

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1           24.   **California Code of Regulations, title 5, section 71730** provides, in part:

2           ...

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

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

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

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

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

20           ....”

21           25.   **California Code of Regulations, title 5, section 71770, subdivision (a)** provides:

22           “(a) The institution shall establish specific written standards for student admissions for each  
23 educational program. These standards shall be related to the particular educational program. An  
24 institution shall not admit any student who is obviously unqualified or who does not appear to

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1 have a reasonable prospect of completing the program. In addition to any specific standards for an  
2 educational program, the admissions standards must specify as applicable that:

3 (1) Each student admitted to an undergraduate degree program, or a diploma program, shall  
4 possess a high school diploma or its equivalent, or otherwise successfully take and pass the  
5 relevant examination as required by section 94904 of the Code.

6 (2) Each student admitted into a post-baccalaureate degree program shall possess a  
7 bachelor's degree or its equivalent. If a graduate program leads to a profession or an occupation  
8 requiring state licensure and the licensing agency does not require that a member of the  
9 profession or occupation possess a Bachelor's degree or its equivalent, this subdivision does not  
10 apply.”

11 26. **California Code of Regulations, title 5, section 71810, subdivision (b)** provides, in  
12 part:

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

15 ...

16 “(4) Language proficiency information, including: (A) the level of English language  
17 proficiency required of students and the kind of documentation of proficiency, such as the Test of  
18 English as a Foreign Language (TOEFL), that will be accepted; and (B) whether English  
19 language services, including instruction such as ESL, are provided and, if so, the nature of the  
20 service and its cost;

21 ...

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

24 “(10) A description of library and other learning resources and the procedures for student  
25 access to those resources;

26 ////

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1 “(11) If the institution offers distance education, the approximate number of days that will  
2 elapse between the institution's receipt of student lessons, projects, or dissertations and the  
3 institution's mailing of its response or evaluation.

4 . . . .”

5 FIRST CAUSE FOR DENIAL OF APPLICATION

6 (Operating Without Approval)

7 (Educ. Code §§ 94817.5, 94868, 94869, 94885, and 94886)

8 27. Respondent's application is subject to denial based on its operation, advertising, and  
9 conducting of its institution, as a private postsecondary education institution, without obtaining  
10 approval to operate pursuant to the California Private Postsecondary Education Act of 2009  
11 (Education Code section 94800 *et seq.*). (Educ. Code §§ 94817.5, 94868, 94869, 94885, and  
12 94886).

13 SECOND CAUSE FOR DENIAL OF APPLICATION

14 (Organization and Management)

15 (Educ. Code §§ 94887 and 94901; and Cal. Code of Regs., title 5, §§ 70000, subd. (c);  
16 71140, subd. (b); 71250; 71720; 71730, subds. (b)-(f))

17 28. Respondent's application is subject to denial based on its inability to demonstrate it  
18 will employ qualified administrative personnel and faculty. (Educ. Code §§ 94887 and 94901;  
19 and Cal. Code of Regs., title 5, §§ 70000, subd. (c); 71140, subd. (b); 71250; 71720; 71730,  
20 subds. (b)-(f)). In particular:

21 a. Respondent's application fails to confirm that Respondent's proposed Chief  
22 Academic Officer possesses a degree or equivalent acceptable experience at least equal to the  
23 highest qualifications required of the institution's faculty. (Cal. Code of Regs., title 5, § 71730,  
24 subd. (e)).

25 b. Respondent's application fails to demonstrate that Respondent's proposed  
26 Chief Academic Officer is qualified to be responsible for the development of effective  
27 educational programs and curricula. Accordingly, Respondent's application also fails to  
28 demonstrate that Respondent will 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. (Cal. Code of Regs., title 5, §§ 70000, subd. (c) and 71730, subd. (f)).

1 c. Respondent's application fails to include performance evaluation criteria for its  
2 Chief Academic Officer, Chief Executive Officer, and Chief Operating Officer. (Cal. Code of  
3 Regs., title 5, § 71730, subd. (b)).

4 d. Respondent has failed to demonstrate that its administrative staffing at each  
5 branch location will reflect the purposes, size, and educational operations at that location and at  
6 any satellite location for which the branch has administrative responsibilities. (Cal. Code of  
7 Regs., title 5, § 71730, subds. (c) and (d)).

8 e. Respondent's application fails to clearly identify the responsibilities and duties  
9 of its faculty members, specifically the positions of "Instructors," "Teaching Assistants," and  
10 "Faculty Assistants." (Cal. Code of Regs., title 5, § 71140, subd. (b) and 71720).

11 f. Respondent's job description for the "Instructor" position fails to include any of  
12 the qualifications required by law. (Cal. Code of Regs., title 5, §§ 71140, subd. (b); 71250; and  
13 71720, subd. (b)).

14 g. Respondent's proposed faculty members E.B. and B.S. lack the academic,  
15 experiential and professional qualifications to teach. (Cal. Code of Regs., title 5, § 71720, subd.  
16 (b)).

17 h. Respondent's application does not demonstrate that Respondent employs  
18 proper recruitment practices. (Educ. Code § 94901).

### 19 THIRD CAUSE FOR DENIAL OF APPLICATION

(Instruction)

20 (Educ. Code §§ 94837 and 94887; and Cal. Code of Regs., title 5, §§  
21 71210, subds. (c)(4) and (c)(6); 71220, subd. (c); 71405; 71710;  
71715, subds. (a) and (b); 71720, subd. (b); and 71770, subd. (a))

22 29. Respondent's application is subject to denial because it fails to demonstrate that the  
23 instruction it proposes to offer meets minimum operating standards. (Educ. Code §§ 94837 and  
24 94887; and Cal. Code of Regs., title 5, §§ 71210, subds. (c)(4) and (c)(6); 71220, subd. (c);  
25 71405; 71710; 71715, subds. (a) and (b); 71720, subd. (b); and 71770, subd. (a)). In particular:

26 a. Respondent's application offers instruction and degree descriptions for three  
27 programs: "Onsite Bootcamp," "Online Bootcamp," and "Front End Bootcamp." But  
28 Respondent's website also offers three additional programs, not referenced in its application:

1 “Dev Accelerator,” “Corporate Training,” and “Alexa Skills Workshop.” As a result, it is unclear  
2 how many educational programs Respondent intends to offer. (Cal. Code of Regs., title 5, §§  
3 71405 and 71710).

4 b. Respondent’s application fails to offer specific written standards for student  
5 admissions for each educational program. (Cal. Code of Regs., title 5, § 71770, subd. (a)).

6 c. Respondent’s application refers to the presence of “Faculty Assistants” in the  
7 classroom, without reference to how “Faculty Assistants” will contribute to instruction.  
8 Accordingly, Respondent’s application fails to list the components of instruction offered,  
9 document that the instruction offered leads to the achievement of the learning objectives of each  
10 course, or otherwise demonstrate that instruction will be the central focus of Respondent’s  
11 resources and services. (Cal. Code of Regs., title 5, §§ 71210, subd. (c)(4) and 71715, subds. (a)  
12 and (b)).

13 d. Respondent’s application fails to provide the graduation requirements for each  
14 educational program, list the subject areas that are necessary for a student to achieve the  
15 educational objectives of the educational program in which the student is enrolled, document that  
16 the instruction offered leads to the achievement of the learning objectives of each course, or  
17 otherwise demonstrate that instruction will be the central focus of Respondent’s resources and  
18 services. (Cal. Code of Regs., title 5, §§ 71210, subd. (c)(6); 71710, subd. (a); and 71715, subds.  
19 (a) and (b)).

20 e. Respondent’s application fails to demonstrate its educational program is  
21 comprised of a curriculum that includes those subject areas that are necessary for a student to  
22 achieve the educational objectives of the educational program in which the student is enrolled.  
23 (Educ. Code § 94837 and Cal. Code of Regs., title 5, § 71710, subd. (a)).

24 f. Respondent’s application fails to describe the qualifications of the faculty  
25 needed to teach the educational program or confirm that its proposed instructors possess the  
26 academic, experiential and professional qualifications to teach. (Cal. Code of Regs., title 5, §§  
27 71220, subd. (c); 71710, subd. (f); and 71720, subd. (b)).

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1 g. Respondent's application fails to describe a curriculum that includes specific  
2 learning outcomes tied to the sequence of the presentation of the material to measure the students'  
3 learning of the material, and evaluation by duly qualified faculty of those learning outcomes; and  
4 fails to include the number and qualifications of the faculty needed to teach the educational  
5 program. (Cal. Code of Regs., title 5, §§ 71220, subd. (c) and 71710, subds. (e) and (f)).

6 h. The curriculum documentation offered by Respondent does not demonstrate it  
7 has the capacity to meet the required mission and objectives of an educational program. (Educ.  
8 Code § 94837, and Cal. Code of Regs., title 5, § 71710).

9  
10 FOURTH CAUSE FOR DENIAL OF APPLICATION  
(Faculty)

11 (Educ. Code §§ 94887 and 94841, and  
12 Cal. Code of Regs., title 5, § 71720, subd. (b)(1))

13 30. Respondent's application is subject to denial based on Respondent's failure to  
14 demonstrate that its instructors possess the academic, experiential and professional qualifications  
15 to teach. (Educ. Code §§ 94887 and 94841, and Cal. Code of Regs., title 5, § 71720, subd.  
16 (b)(1)).

17 FIFTH CAUSE FOR DENIAL OF APPLICATION  
(School Catalog)

18 (Educ. Code §§ 94887 and 94909, subd. (a)(16),  
19 and Cal. Code of Regs., title 5, § 71810, subds. (b)(4) and (b)(9)-(11))

20 31. Respondent's application is subject to denial because Respondent's proposed school  
21 catalog is incomplete. (Educ. Code §§ 94887 and 94909, subd. (a)(16), and Cal. Code of Regs.,  
22 title 5, § 71810, subds. (b)(4) and (b)(9)-(11). In particular:

23 a. Respondent's proposed catalog fails to contain a description of the facilities and  
24 of the types of equipment and materials that will be used for instruction. (Cal. Code of Regs.,  
25 title 5, § 71810, subd. (b)(9)).

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PRAYER

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

1. Denying Respondent's Application for Approval to Operate for an Institution Non-Accredited; and
2. Taking such other and further action as deemed necessary and proper.

DATED: 1/9/18

  
DR. MICHAEL MARION, JR.  
Bureau Chief  
Bureau for Private Postsecondary Education  
Department of Consumer Affairs  
State of California  
*Complainant*

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