

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

In the Matter of the Appeal of the Denial of Application for Significant Change in Method of
Instructional Delivery of:

LANECERT EDUCATION GROUP, LLC.

1455 Monterey Pass Rd. #208

Monterey Park, CA 91754

Institution Code: 93794598

BPPE Case No.: BPE24-0795

OAH Case No.: 2025011036

Respondent.

DECISION AND ORDER

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Director of the Department of Consumer Affairs as the Decision in the above-entitled matter.

This Decision shall become effective on July 9, 2025.

It is so ORDERED June 3, 2025.

"Original Signature on File"

RYAN MARCROFT
DEPUTY DIRECTOR, LEGAL AFFAIRS DIVISION
DEPARTMENT OF CONSUMER AFFAIRS

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

**In the Matter of the Appeal of the Denial of Application for
Significant Change in Method of Instructional Delivery of:**

LANECERT EDUCATION GROUP, LLC, Appellant.

Agency Case No. BPE24-0795 (Informal Hearing)

OAH No. 2025011036

PROPOSED DECISION

Thomas Heller, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter by videoconference on April 10, 2025.

Appellant LaneCert Education Group, LLC (LaneCert), was represented by Jianfeng Liu, its owner, and his son Xuan Liu, a LaneCert instructor. Unless otherwise indicated, references to Mr. Liu in this proposed decision refer to Jianfeng Liu.

Blaine A. Noblett, Deputy Attorney General, represented the Bureau for Private Postsecondary Education (Bureau).

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on April 10, 2025.

SUMMARY

LaneCert is a private postsecondary institution that applied for approval of a significant change in its method of instructional delivery, proposing a change from on-campus instruction only to both on-campus and online instruction. The Bureau determined the application did not meet the minimum requirements for approval and denied it. LaneCert appeals the denial and contends the Bureau should have granted the application. But LaneCert did not prove the Bureau should have granted the application, and the Bureau's denial of the application is affirmed.

FACTUAL FINDINGS

Background and Procedural History

1. The Bureau regulates private postsecondary institutions under the California Private Postsecondary Education Act of 2009 (Act). (Ed. Code, § 94800 et seq.) A "private postsecondary educational institution" is "a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge." (Ed. Code, § 94858.) "Postsecondary education" is "a formal institutional educational program whose curriculum is designed primarily for students who have completed or terminated their secondary education . . . , including programs whose purpose is academic, vocational, or continuing professional education." (Ed. Code, § 94857.)

2. On September 3, 2021, the Bureau approved LaneCert's operation of a private postsecondary institution in Monterey Park, California, with 10 non-degree

training programs in data analysis, data science, and enterprise infrastructure. The approval is scheduled to expire on September 3, 2026.

3. On June 13, 2023, the Bureau received LaneCert's "Application for Significant Change in Method of Instructional Delivery," along with a \$500 application fee. In the application, LaneCert proposed to change its method of instructional delivery from on-campus only to "on-campus and hybrid: face-to-face/online." (Exhibit 4, p. A10.)

4. On December 14, 2023, Bureau Senior Education Specialist Joanna Murray visited LaneCert's main campus in Monterey Park during normal operating hours, intending to review the proposed change in the method of instruction. No one was present at the campus. Ms. Murray called owner Jianfeng Liu, who stated he was in Texas and no other faculty or staff would be available to travel to campus and assist. Thus, Ms. Murray could not review the proposed method of instruction that day as planned.

5. On January 11, 2024, the Bureau emailed LaneCert a deficiency letter identifying issues in the following sections of the application: 3 – Proposed New Method; 4 – Curriculum; 5 – Financial Resources & Reports; 6 – Faculty; 7 – Facilities; 8 – Libraries & Other Learning Resources; 9 – Effects; 10 – Implementation; and 11 – Additional Information. In early February 2024, LaneCert provided a written response and copies of instructor files and a LaneCert catalog for Bureau review. On March 14, 2024, Mr. Liu met with Ms. Murray online to provide information and demonstrate the proposed distance education method(s).

6. After reviewing the documents and information, Ms. Murray determined the application did not meet the minimum requirements for approval and

recommended its denial to Ebony Santee, the Bureau's Education Administrator. In a letter dated June 5, 2024, Ms. Santee notified Mr. Liu of the denial and provided details on the deficiencies in the application. The letter also stated LaneCert could either reapply or request an informal hearing on the denial before the Director of the Bureau. On August 2, 2024, LaneCert timely appealed and requested an informal hearing on the denial.

Hearing

7. Ms. Murray testified for the Bureau about the deficiencies in the application that Ms. Eggers identified in the denial letter to Mr. Liu. Ms. Murray described the following deficiencies:

(a) LaneCert did not provide the requested syllabus to document the proposed method of instruction changes.

(b) The application materials and Ms. Murray's conversations with Mr. Liu revealed LaneCert does not accurately disclose or track instructional hours and program length. Clearly communicated class session schedules are not documented, and LaneCert does not ensure and document that students receive the instructional hours assigned to their program. In the Bureau's view, this problem would worsen if students were allowed to earn instructional hours via distance education.

(c) LaneCert's application materials stated that online learning materials would be the same as materials in the school. This statement is incongruent with Mr. Liu's subsequent assertion that students must travel to campus to access materials. Online learning materials were not identified to Ms. Murray or shown to be delivered using readily available, reliable technology. Moreover, Ms. Murray was

unable to observe and evaluate whether the materials and programs are current, well organized, and designed by faculty competent in distance education techniques.

(d) LaneCert's application materials indicate that a standard measure of success is a student's ability to teach someone else correctly. However, Mr. Liu subsequently stated that student interaction is encouraged but optional, and that students advance through a course by completing lab exams in under 10 minutes. Thus, the standards for satisfactory academic progress were inconsistently stated and unclear.

(e) The Bureau asked how LaneCert provides timely student evaluations of learning outcomes by duly qualified faculty, which are appropriate for use with the distance education methods used and evaluated by duly qualified faculty. LaneCert provided no evidence that documented, graded feedback is in fact provided.

(f) LaneCert's plan to assess each student, prior to admission, to determine whether each student has the skills and competencies to succeed in a distance education environment was insufficient, in that no assessment questions concerned distance education.

(g) When asked how and where LaneCert would maintain records of the dates on which lessons and projects were received and responses were returned to each student, LaneCert's response did not indicate that lessons/projects are in fact tracked.

(h) The catalog that LaneCert provided did not reference distance education outside of asserting that the institution does not offer it.

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8. Overall, Murray had difficulty understanding what LaneCert was proposing, and the explanations she received were increasingly confusing. She therefore recommended that the Bureau deny the application.

9. Xuan Liu testified there may have been communication difficulties between his father and the Bureau, but LaneCert should be able to provide the missing information. LaneCert has been operating for 10 years in Texas, and the institution has the necessary infrastructure for hybrid learning in California. According to Xuan Liu, LaneCert keeps track of student progress because students cannot take more advanced courses without passing examinations in less advanced courses. While testifying, Xuan Liu gave a demonstration of part of a course module that required a student to complete it successfully before advancing to the next module.

10. Mr. Liu testified LaneCert has a hybrid instructional license in Texas, and it would be able to provide hybrid instruction in California, although it does not do so at this time.

11. Considering the evidence, LaneCert has not shown that its application was sufficient, or that it has corrected the deficiencies the Bureau identified. LaneCert provided no additional documentary evidence about the application, and the deficiencies Ms. Murray described were essentially un rebutted. Therefore, LaneCert did not prove the Board erred in denying the application.

LEGAL CONCLUSIONS

1. The Bureau may deny an application for a substantive change in instructional method if the application is incomplete; if the application includes false or misleading information, or the intentional or negligent omission of pertinent

information; if the applicant fails to establish that the proposed change will meet the Bureau's institutional operating standards; or any act or failure to act that would constitute grounds for revocation. (Cal. Code Regs., tit. 5, § 71655, subds. (b)-(d).) "An applicant denied an approval for a substantive change to its approval to operate . . . may reapply or may request an informal hearing before the Director." (*Id.*, subd. (e).)

2. As the party who applied for a change to the status quo, LaneCert bears the burden of proving its application should be granted. (See Evid. Code, § 500; *In re Conservatorship of Hume* (2006) 140 Cal.App.4th 1385, 1388.) That burden of proof requires proof by a preponderance of the evidence. (Evid. Code, § 115 ["Except as otherwise provided by law, the burden of proof requires proof by a preponderance of the evidence."].)

3. LaneCert did not prove its application should be granted. Ms. Murray's review of the application identified deficiencies that correlate with violations of the Bureau's minimum operating standards, as follows:

(a) LaneCert did not provide a syllabus that documents the proposed method of instruction changes. (Cal. Code Regs., tit. 5, § 71710, subd. (a)(3)(G).)

(b) LaneCert's application does not show that the institution accurately discloses or tracks instructional hours and program length. (Cal. Code Regs., tit. 5, § 71710, subd. (a)(3)(C)-(D); Ed. Code, § 94897, subd. (u).)

(c) LaneCert's application does not demonstrate that distance education materials and programs are current, well organized, designed by faculty competent in distance education techniques, and delivered using readily available, reliable technology. (Cal. Code Regs., tit. 5, § 71715, subd. (d)(3).)

(d) LaneCert has not demonstrated how it would maintain clear standards for satisfactory academic progress in distance education. (Cal. Code Regs., tit. 5, § 71715, subd. (d)(5).)

(e) LaneCert's application does not show that the institution would timely complete student evaluations of learning outcomes by duly qualified faculty, which are appropriate for use with the distance education methods used. (Cal. Code Regs., tit. 5, § 71715, subd. (d)(6).)

(f) LaneCert provided no plan to assess each student, prior to admission, to determine whether each student has the skills and competencies to succeed in a distance education environment. (Cal. Code Regs., tit. 5, § 71715, subd. (d)(2).)

(g) LaneCert's application does not indicate or explain how the institution will maintain a record of the dates on which lessons or projects were received and responses were returned to each student. (Cal. Code Regs., tit. 5, § 71715, subd (d)(8).)

(h) The LaneCert catalog provided to the Bureau does not contain any distance education information that disclosed the response time for student projects. (Cal. Code Regs., tit. 5, § 71715, subd. (d)(7).)

4. LaneCert presented no evidence that Ms. Murray's review of the application was inaccurate, or that LaneCert has corrected the identified deficiencies. Therefore, LaneCert has not demonstrated grounds for granting its appeal.

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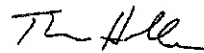
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5. Nothing in the foregoing prevents LaneCert from reapplying for a significant change in its method of instructional delivery. (Cal. Code Regs., tit. 5, § 71655, subd. (e).)

ORDER

The Bureau's denial of LaneCert Education Group, LLC's Application for Significant Change in Method of Instructional Delivery is affirmed.

DATE: 05/12/2025



Thomas Heller (May 12, 2025 09:49 PDT)

THOMAS HELLER

Administrative Law Judge

Office of Administrative Hearings