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

11 In the Matter of the Statement of Issues
12 Against:

Case No. 999038

13 **THE REFORMED UNIVERSITY OF USA;**
14 **JANE PARK, Owner**
15 3010 Wilshire Blvd., #228
16 Los Angeles, CA 90010

STATEMENT OF ISSUES

17 **Approval to Operate Non-Accredited**
18 **Institution Applicant**

Respondent.

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21 Complainant alleges:

22 **PARTIES**

23 1. Joanne Wenzel (Complainant) brings this Statement of Issues solely in her official
24 capacity as the Chief of the Bureau for Private Postsecondary Education, Department of
25 Consumer Affairs.

26 2. On or about August 5, 2010, the Bureau for Private Postsecondary Education
27 (Bureau) received an application for an Approval to Operate Non-Accredited Institution from The
28 Reformed University of USA; Jane Park, Owner (Respondent). On or about July 15, 2010, Kyu

1 Sok Kang, member Board of Directors and Jun Y. Jung, member Board of Directors, certified -
2 under penalty of perjury to the truthfulness of all statements, answers, and representations in the
3 application. The Bureau denied the application on June 5, 2013.

4 **APPLICANT'S LICENSE HISTORY**

5 3. On or about August 5, 2010, the Bureau received an initial Application for Approval
6 to Operate an Institution Not Accredited.

7 4. On or about August 11, 2011, the Bureau issued a deficiency letter. Respondent
8 provided a response on September 19, 2011. On or about October 4, 2011, the Bureau issued a
9 deficiency letter. Respondent provided a written response on October 20, 2011.

10 5. On or about October 31, 2011, the Bureau issued a subsequent deficiency letter.
11 Respondent provided a written response that was received on November 14, 2011.

12 6. On or about July 13, 2012, the Bureau issued a 1st Deficiency Letter for Quality of
13 Education to Respondent. Respondent provided a written response on October 9, 2012.

14 7. On or about November 3, 2012, the Bureau issued a 2nd Deficiency Letter regarding
15 the new Distance Education program. Respondent provided a written response on December 7,
16 2012.

17 8. On or about December 24, 2012, the Bureau completed its application review. On
18 June 5, 2013, the Bureau denied the application. Respondent submitted Appeal documents on
19 July 29, 2013 that were received by the Bureau on July 15, 2014. The Appeal was denied.

20 **JURISDICTION**

21 9. This Statement of Issues is brought before the Director of the Department of
22 Consumer Affairs (Director) for the Bureau for Private Postsecondary Education, under the
23 authority of the following laws. All section references are to the Education Code unless
24 otherwise indicated.

25 **STATUTORY PROVISIONS**

26 10. Business and Professions Code section 22 defines the term "board" to include
27 "bureau."

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1 11. Education Code section 94885¹ states:

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

4 (1) The content of each educational program can achieve its stated objective.

5 (2) The institution maintains specific written standards for student admissions for each
6 educational program and those standards are related to the particular educational program.

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

9 (4) The institution maintains a withdrawal policy and provides refunds.

10 (5) The directors, administrators, and faculty are properly qualified.

11 (6) The institution is financially sound and capable of fulfilling its commitments to
12 students.

13 (7) That, upon satisfactory completion of an educational program, the institution gives
14 students a document signifying the degree or diploma awarded.

15 (8) Adequate records and standard transcripts are maintained and are available to students.

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

18 (b) Except as provided in Section 94855.1, an institution offering a degree must satisfy
19 one of the following requirements:

20 (i) Accreditation by an accrediting agency recognized by the United States Department of
21 Education, with the scope of that accreditation covering the offering of at least one degree
22 program by the institution.

23 (ii) An accreditation plan, approved by the bureau, for the institution to become fully
24 accredited within five years of the bureau's issuance of a provisional approval to operate to the
25 institution. The provisional approval to operate to an unaccredited degree-offering institution

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27 ¹ California Private Postsecondary Education Act of 2009, California Education Code
28 sections 94800 et seq. The Act was recently amended, effective January 1, 2015. (See, Senate
Bill No. 1247).

1 shall be in compliance with Section 94885.5.”

2 12. Education Code section 94886 states:

3 “Except as exempted in Article 4 (commencing with Section 94874) or in compliance with
4 the transition provisions in Article 2 (commencing with Section 94802), a person shall not open,
5 conduct, or do business as a private postsecondary educational institution in this state without
6 obtaining an approval to operate under this chapter.”

7 13. Education Code section 94887:

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

13 **REGULATORY PROVISIONS**

14 14. California Code of Regulations, title 5, division 7.5, section 71100 states:

15 “(a) An applicant seeking approval to operate pursuant to Section 94886 of the Code,
16 other than Approval to Operate by Accreditation pursuant to Section 94890(a)(1) of the Code,
17 shall complete the "Application for Approval to Operate for an Institution Not Accredited," Form
18 Application 94886 (rev. 2/10). An applicant seeking approval to operate by accreditation pursuant
19 to Section 94890(a)(1) of the Code shall comply with section 71390.

20 “(b) An applicant shall submit the completed form, the information or documentation,
21 required by this Article, the appropriate application fee as provided in Section 94930.5(a)(1) of
22 the Code, and any appropriate annual fee as required by Article 1 of Chapter 5 of this Division, to
23 the Bureau.

24 “(c) An application that fails to contain all of the information required by this article shall
25 render it incomplete.”

26 15. California Code of Regulations, title 5, division 7.5, section 71700 states:

27 “The Bureau may request that an institution document compliance with the standards set
28 forth in the Act and this Division to obtain and maintain an approval to operate.”

1 16. California Code of Regulations, title 5, division 7.5, section 71720 subdivision (a)
2 states:

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

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

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

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

17 (A) The educational level and number of students;

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

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

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

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

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

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

3 (A) That the person possesses one of the following:

4 1. a degree from: an institution approved by the Bureau or previously approved by a
5 predecessor agency of the Bureau; or an accredited institution in the United States or Canada; or
6 other state approved institution that documents that the institution at which the faculty member
7 earned his or her degree is equivalent to an institution that is approved by the Bureau; or an
8 institution outside the United States or Canada and in addition provides a comprehensive
9 evaluation of the degree performed by a foreign credential evaluation service that is a member of
10 the National Association of Credential Evaluation Services (NACES).

11 2. a credential generally recognized in the field of instruction.

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

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

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

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

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

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

5 17. California Code of Regulations, title 5, division 7.5, section 71715, subdivision (d)
6 states in pertinent part:

7 “(d) Distance education as defined in section 94834 of the Code, does not require the
8 physical presence of students and faculty at the same location but provides for interaction
9 between students and faculty by such means as telecommunication, correspondence, electronic
10 and computer augmented educational services, postal service, and facsimile transmission. In
11 addition to the other requirements of this chapter and the Act, an institution offering distance
12 education shall:

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14 (2) assess each student, prior to admission, in order to determine whether each student has
15 the skills and competencies to succeed in a distance education environment;”

16 (3) ensure that the materials and programs are current, well organized, designed by faculty
17 competent in distance education techniques and delivered using readily available, reliable
18 technology;

19 (4) provide for meaningful interaction with faculty who are qualified to teach using
20 distance education methods;

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22 (6) timely complete student evaluations of learning outcomes by duly qualified faculty,
23 which are appropriate for use with the distance education methods used, and evaluated by duly
24 qualified faculty.

25 (7) employ a sufficient number of faculty to assure that (A) the institution's response to, or
26 evaluation of, each student lesson is returned to the student within 10 days after the lesson is
27 received by the institution; and (B) the institution's response to, or evaluation of, each student
28 project or dissertation is returned to the student within the time disclosed in the catalog; and

1 (8) shall maintain a record of the dates on which lessons, projects, and dissertations were
2 received and responses were returned to each student.”

3 18. California Code of Regulations, title 5, division 7.5, section 71740, states in pertinent
4 part:

5 “(b) An institution shall provide or make provisions for the library and other learning
6 resources needed to support each educational program it offers, including resources such as
7 reference works, periodicals, monographs, and media and equipment specific to the educational
8 programs offered.

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10 (d) An institution that depends for library and other learning resources primarily on other
11 institutions' collections and resources not in its possession shall do all of the following:

12 (1) Describe those library and other learning resources, in the application and catalog.

13 (2) Provide students and faculty with access to the regular services of a professional
14 librarian or information specialist experienced in the electronic retrieval of information, who shall
15 provide support for faculty in curriculum matters and actively serve as a resource guide for both
16 graduate and undergraduate students.

17 (3) Assure that students have access to the library collections and resources of another
18 institution, organization, or library.

19 (4) Document compliance with paragraphs (1), (2), and (3).”

20 19. California Code of Regulations, title 5, division 7.5, section 71850, states:

21 Graduation requirements for an undergraduate degree program shall meet minimum credit
22 requirements and shall include provisions for general education appropriate to the level and type
23 of degree. The institution shall specify the distribution of general education credit requirements
24 by subject area for each undergraduate degree program.

25 (a) A Bachelor's degree may be awarded to a student whom the institution can document
26 has achieved sequential learning equivalent in general education and equivalent in depth of
27 achievement in a designated major field to that acquired in four years of study beyond high
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1 school, as measured by a minimum of 120 semester credits or its equivalent. At least 25 percent
2 of the credit requirements for a Bachelor's degree shall be in general education.

3 (b) An Associate degree may be awarded only to a student whom the institution can
4 document has achieved sequential learning equivalent to that acquired in two years of study
5 beyond high school, as measured by a minimum of 60 semester credits or its equivalent. Except
6 as provided in subdivision (c) of this section, at least 25 percent of the credit requirements for an
7 Associate degree shall be in general education.

8 (c) The Specialized Associate degree (Occupational) or the Associate of Applied Science
9 degree may be awarded only to a student who completes at least the learning outcomes equivalent
10 to a minimum of 60 semester credits or the equivalent. A minimum of seventy-five percent of the
11 credits shall be in the occupational area for which training is offered. The general education
12 offered as part of a Specialized Associate degree (Occupational) or an Associate of Applied
13 Science degree program shall be such as is necessary for a student to achieve the educational
14 objectives of the program in which the student is enrolled. General education shall be at the same
15 level of quality as that taught in approved Bachelor's or Associate degree programs.

16 **FIRST CAUSE FOR DENIAL OF APPLICATION**

17 (Failed to Meet Minimum Operating Standards - Faculty)

18 20. Respondent's application is subject to denial under Education Code sections 94885,
19 94886 and 94887 and California Code of Regulations, title 5, division 7.5, section 71700 and
20 71720(a) in that Respondent's application does not satisfy the legally required minimum
21 operating standards for faculty at the facility. Based on the number of programs provided by the
22 institution, courses offered, and the methods of instruction, the identified eleven (11) faculty
23 members do not appear adequate to deliver its educational programs as described more fully
24 below:

25 21. Respondent purports to offer degrees that include a Bachelor of Arts in Theological
26 Studies, Master of Divinity, Master of Arts in Theological Studies, Doctor of Ministry, and
27 Doctor of Theology.

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1 22. Respondent has identified a total of eleven (11) faculty members, seven (7) of whom
2 have little or no teaching experience, one (1) who may be the librarian, and four (4) faculty
3 members who do have teaching experience. Additionally, of the four (4) teachers with
4 experience, three (3) are currently teaching at Azusa Pacific University.

5 23. The Bureau is informed, and believes, that as of April 17, 2013, Respondent had a
6 total of 60 students in the various programs. In light of the number of students, compared with
7 the number of required courses, it does not appear that the eleven (11) faculty members would be
8 sufficient to provide each student with adequate office hours, teach direct instruction, teach
9 distance education, assess student work, and serve on a doctoral committee. Also, it is unclear if
10 faculty members would be serving as part-time or full-time as some have other employment

11 **SECOND CAUSE FOR DENIAL OF APPLICATION**

12 (Failure to Meet Minimum Operating Standards – Instruction)

13 24. Respondent's application is subject to denial under Education Code sections 94885,
14 94886 and 94887 and California Code of Regulations, title 5, division 7.5, section 71700 and
15 71715(d)(2)-(4) and (6)-(8) in that Respondent has not developed an educational platform, hired
16 sufficient qualified faculty, nor sufficiently demonstrated a fully developed curriculum that is
17 ready to be delivered via distance education as described more fully below:

18 25. The Respondent's stated method of delivery of its educational program is "by-mail
19 correspondence." According to the distance education syllabi, each course is sixteen (16) weeks
20 long, with instruction to be given through email, mail, and through the *join.me* online conference
21 page.

22 26. However, before a student can enroll in a distance education program, the student
23 must be assessed, prior to admission to assure that they know how to use the various online
24 platforms that are available through the institution. Respondent does not provide "meaningful
25 interaction between the student and instructor" through teleconferencing with the instructor once
26 or twice a semester, or using *join.me* once every three weeks. Such interaction does not meet
27 minimum standards.

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THIRD CAUSE FOR DENIAL OF APPLICATION

(Failure to Meet Minimum Institutional Operating Standards –
Minimum Education Requirements in order to Award an Undergraduate Degree)

27. Respondent’s application is subject to denial under Education Code sections 94885, 94886 and 94887 and California Code of Regulations, title 5, division 7.5, section 71700 and 71850 in that Respondent does not satisfy General Education (GE) requirements in English Language Communication and Critical Thinking, Scientific Inquiry and Quantitative Reasoning, and Lifelong Learning and Development for an undergraduate degree as described more fully below:

28. Respondent is attempting to circumvent the GE requirement by not offering GE courses such as MT204 Statistics, LT204 World Literature Critique, LT101, Intro to Drama, LT 102 Intro to Film, Appreciation, HI204 World History, MT201, Mathematics for Liberal Arts, M202 College Algebra, and MT203 Calculus that had been identified in a prior denial. As a result, Respondent now fails to meet the required general education requirements appropriate to the level and type of degree. Moreover, the institution has failed to specify the distribution of general education credit requirements by subject area.

FOURTH CAUSE FOR DENIAL OF APPLICATION

(Failure to Meeting Minimum Operating Standards –
Library and Other Learning Resources)

29. Respondent’s application is subject to denial under, Education Code sections 94885, 94886 and 94887 and California Code of Regulations, title 5, division 7.5, section 71700 and 71740(b) and (d) in that Respondent does not describe the resources available through the librarian and information specialist(s). Respondent identifies C.P. as librarian and H.L. as information specialist, but does not describe their education and training for such positions, thus not accurately describing the resources for the institution.

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PRAYER

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

1. Denying the application of The Reformed University of USA; Jane Park, Owner for a Approval to Operate Non-Accredited Institution;
2. Taking such other and further action as deemed necessary and proper.

DATED: 2/24/15



JOANNE WENZEL
Chief
Bureau for Private Postsecondary Education
Department of Consumer Affairs
State of California
Complainant

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