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9 PARK UNIVERSITY, WEBSTER UNIVERSITY,
and COLUMBIA COLLEGE.

10
11 **SUPERIOR COURT OF CALIFORNIA**
12 **COUNTY OF SAN DIEGO**

13 PARK UNIVERSITY, WEBSTER
14 UNIVERSITY, and COLUMBIA COLLEGE
Petitioners/Plaintiffs,

15 v.

16 THE CALIFORNIA STATE APPROVING
17 AGENCY FOR VETERANS EDUCATION,

18 SERVE: Latanaya Johnson, Education Admin.
19 California State Approving Agency for Veterans
Education
20 1227 O Street, Suite 625
21 Sacramento, CA 95814

22 Respondent/Defendant,
23

CASE NO. _____

**VERIFIED PETITION FOR WRIT OF
MANDATE AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE
RELIEF**

1 Petitioners and Plaintiffs Park University (“Park”), Webster University (“Webster”), and
2 Columbia College (“Columbia”) (collectively, the “Plaintiffs”) submit the following petition for writ
3 of mandate and complaint for declaratory and injunctive relief against Respondent and Defendant
4 the California State Approving Agency for Veterans Education (“CSAAVE”).

5 **INTRODUCTION**

6 1. Plaintiffs are fully-accredited, private, nonprofit, postsecondary educational
7 institutions that have educated hundreds of thousands of students, including thousands of military
8 veterans and other students affiliated with the military, in numerous states including California.

9 2. Plaintiffs are each accredited by the Higher Learning Commission (“HLC”), the
10 regional institutional accreditor of postsecondary educational institutions for the North Central
11 region of the United States. Plaintiffs are also approved to operate in California by the California
12 Bureau for Private Postsecondary Education (“BPPE”), the state agency that oversees California’s
13 private postsecondary educational institutions.

14 3. For decades, Plaintiffs have each been approved to educate veterans in dozens of
15 states, including California, under the federal “GI Bill.” Pursuant to the GI Bill, educational
16 institutions are approved by State Approving Agencies to offer courses eligible for federal
17 reimbursement. The State Approving Agency in California is CSAAVE, which under federal and
18 California law, is tasked with determining whether Plaintiffs and other postsecondary educational
19 institutions in California satisfy the federal approval requirements for veteran education. Under
20 California law, CSAAVE *must* approve qualifying institutions. Beginning as early as 1990,
21 CSAAVE has consistently approved the courses offered at Plaintiffs’ California campus centers.
22 CSAAVE is an agency within the California Department of Veterans Affairs (“CalVet”) and acts
23 under the authority of CalVet.

24 4. Despite Plaintiffs’ accreditation by HLC, approval to operate by BPPE, and
25 CSAAVE’s past approval of the courses offered at Plaintiffs’ California campus centers, CSAAVE
26 suspended its approval of Plaintiffs on June 29, 2018, by a materially identical form letter that
27 appears to have been sent to at least nine educational institutions across the country. The suspension
28 notice was sent without any prior notice of any issues with Plaintiffs’ courses that might affect their

1 approval. True and correct copies of the Notice of Suspension Letters (“Suspension Letters”) are
2 attached as Exhibit A.

3 5. According to the Suspension Letters, CSAAVE based its decision to suspend
4 approval of Plaintiffs on two “specific issues”: (1) Plaintiffs’ California locations allegedly do not
5 satisfy the requirements for approval pursuant to 38 C.F.R. § 21.4266(a)(1) and (5), (c), (d), and (e),
6 and (2) Plaintiffs’ California locations allegedly do not administer programs of education leading to
7 educational, professional, or vocational objectives as defined by 38 C.F.R. § 21.7020(b)(23).

8 6. The positions asserted by CSAAVE in the Suspension Letters represent new and
9 novel interpretations of existing law, and have been applied uniformly to Plaintiffs. Specifically,
10 CSAAVE’s new rule of general applicability is that an “extension” in California must be
11 operationally dependent on a main or branch campus *located in California*. These newly adopted
12 interpretations of existing law constitute a rule of general applicability which was required to have
13 been promulgated in accordance with the provisions of the California Administrative Procedures Act
14 (“APA”). Gov. Code, § 11340 et seq. On information and belief, CSAAVE did not comply with the
15 APA in promulgating these new rules.

16 7. CSAAVE’s Suspension Letters concluded with a warning that approval for the
17 training of veterans at Plaintiffs’ California locations would be disapproved effective August 28,
18 2018 if Plaintiffs did not provide documentation demonstrating their compliance with federal law.

19 8. CSAAVE’s suspension and threatened withdrawal of approval for Plaintiffs’ courses
20 at their California campus centers violates federal and state law. The bases for CSAAVE’s
21 suspension are factually and legally erroneous. CSAAVE’s suspension and threatened disapproval
22 are arbitrary and capricious.

23 9. 38 C.F.R. § 21.4266 requires only that Plaintiffs’ California campus centers have
24 administrative capability and a certifying official on site. Plaintiffs submitted documentation
25 demonstrating compliance with both requirements of Section 21.4266. Nevertheless, CSAAVE
26 refused to rescind its suspensions, instead citing irrelevant and different sections of the applicable
27 federal rules and regulations.

28

1 10. 38 C.F.R. § 21.7020(b)(23) requires that Plaintiffs’ California campus centers
2 administer programs of education leading to educational, professional, or vocational objectives.
3 Plaintiffs submitted documentation from the HLC, their regional accreditor, demonstrating that
4 Plaintiffs’ California campus centers offer programs of education leading to an educational,
5 professional, or vocational objective as is required by 38 C.F.R. § 21.7020(b)(23). CSAAVE
6 ignored this documentation and has refused to rescind the suspensions of Plaintiffs.

7 11. Because Plaintiffs meet all applicable requirements for approval under state and
8 federal law, CSAAVE must approve Plaintiffs to administer courses eligible for reimbursement
9 under the GI Bill. Plaintiffs have been and continue to be in compliance with the applicable federal
10 rules and regulations, and they have provided adequate documentation demonstrating their
11 compliance.

12 12. Each of Plaintiffs has entered into a Voluntary Education Partnership Memorandum
13 of Understanding (“MOU”) with the Department of Defense (“DOD”), pursuant to which Plaintiffs
14 are permitted to offer educational services to military students across the United States. The MOU
15 requires each Plaintiff to comply with all state authorization requirements related to post-secondary
16 education. If CSAAVE improperly withdraws its approval, the DOD could determine that Plaintiffs
17 are in violation of the MOU and could deem that Plaintiffs are no longer permitted to serve military
18 students in California.

19 13. CSAAVE’s unlawful suspensions and threatened withdrawal of approval of
20 Plaintiffs’ courses at their California campus centers has caused, and will continue to cause,
21 irreparable harm to Plaintiffs and Plaintiffs’ current and prospective students in the following ways:

- 22 (a) Plaintiffs are unable to guarantee that currently enrolled and prospective
23 veteran and other qualified students will be approved for reimbursement of
24 their qualifying expenses under the GI Bill.
- 25 (b) The suspensions will deter prospective veterans and other qualified students
26 under the GI Bill from enrolling at Plaintiffs’ California campus centers. As a
27 result of the suspension and the inferences that prospective students draw
28

1 from the suspension, Plaintiffs have experienced or will experience a decrease
2 in veteran enrollment at their California campus centers.

3 (c) The suspensions, if not rescinded, will result in the disapproval of veteran
4 funding under the GI Bill and the very real possibility that VA benefits will be
5 denied to Plaintiffs' students. This likely will require Plaintiffs' qualifying
6 students at their California campus centers to withdraw from any face-to-face
7 programs and move online or to another institution to receive VA benefits.
8 Because postsecondary educational institutions have varying transfer of credit
9 policies, there is no guarantee that Plaintiffs' students will receive credit for
10 the courses they have already completed at Plaintiffs' California campus
11 centers. Forcing students who are engaged in a program at Plaintiffs'
12 California campus centers to move elsewhere is disruptive to those students'
13 ability to obtain a degree or certification in a timely fashion.

14 (d) If the suspensions are not rescinded, the DOD could determine that Plaintiffs
15 are in violation of the MOU and could deem that Plaintiffs are no longer
16 permitted to serve military students in California. This would force Plaintiffs
17 to close some or all of their California campus centers, which would
18 irreparably harm Plaintiffs and their students.

19 (e) Even if the DOD determines that Plaintiffs are not in violation of the MOU,
20 the suspensions, if not rescinded, likely will still force Plaintiffs to close some
21 or all of their California campus centers. Plaintiffs depend on veterans and
22 other qualified students at their California campus centers. Without financial
23 assistance from the GI Bill, these veterans and other qualified students may be
24 forced to withdraw entirely from Plaintiffs' California campus centers.

25 14. The Court should issue a peremptory writ of mandate under Code of Civil Procedure
26 § 1085 compelling CSAAVE to immediately rescind CSAAVE' unlawful suspension of approval of
27 Plaintiffs' courses at their California campus centers and to refrain from disapproving Plaintiffs for
28 the current academic year.

1 18. Webster is a private educational institution founded in 1915 and organized as a
2 nonprofit corporation under the laws of Missouri. Its flagship campus is located in St. Louis,
3 Missouri. Webster has been accredited by the HLC since 1925 and is approved to operate in
4 California by BPPE. Webster serves over 14,000 students annually at 54 campus centers in 18 states
5 in the United States, around the world, and online. Webster currently operates on 29 military
6 installations across the country serving soldiers, marines, sailors, and airmen from all branches of the
7 military. In California, Webster operates two campus centers, one of which is located on a military
8 installation—the Los Angeles Air Force Base—and the other is located in Irvine. Among these two
9 campus centers, Webster serves approximately 358 students, 44% of which are active duty, veteran,
10 or military dependent.

11 19. Columbia is a private educational institution founded in 1851 and organized as a
12 nonprofit corporation under the laws of Missouri. Its flagship campus is located in Columbia,
13 Missouri. Columbia has been accredited by the HLC since 1923, and is approved to operate in
14 California by BPPE. Columbia serves over 19,000 students annually at 43 campus centers in 14
15 states, Cuba, and online. Columbia currently operates on 22 military installations across the country
16 serving soldiers, marines, sailors, and airmen from all branches of the military. In California,
17 Columbia operates eight campus centers, five of which are relevant to this case: Los Alamitos, Naval
18 Air Station Lemoore, San Luis Obispo, San Diego, and Coast Guard Island. Columbia’s three other
19 California campus centers are located in Chico, Imperial, and Petaluma. Among its California
20 campus centers, Columbia serves approximately 863 students, 82% of which are active duty,
21 veteran, or military dependent.

22 20. CSAAVE is a division of CalVet and operates as California’s State Approving
23 Agency under the authority of the United States Department of Veterans Affairs.

24 **JURISDICTION AND VENUE**

25 21. Jurisdiction and venue are appropriate in this court under Code of Civil Procedure
26 § 393(b) because Plaintiffs’ cause of action, or some part of Plaintiffs’ cause of action, arose in San
27 Diego County, including at Camp Pendleton and in San Diego. CSAAVE’s unlawful suspension of
28

1 its approval of Plaintiffs’ courses has adversely impacted Plaintiffs’ students and campuses, some of
2 which are located in San Diego County.

3 **GENERAL ALLEGATIONS**

4 ***The G.I. Bill and State Approving Agencies***

5 22. The federal government has established educational programs to benefit military
6 veterans in their pursuit of higher education. These programs are popularly known as the “GI Bill,”
7 and are governed by federal statutes (including chapters 34–36 of Title 38 of the United States Code)
8 and related regulations promulgated by the United States Department of Veterans Affairs (the
9 “VA”). These programs provide financial assistance to qualifying veterans who are pursuing an
10 approved program of education and provide an allowance “to meet, in part, the expenses of the
11 veteran’s subsistence, tuition, fees, supplies, books, equipment, and other educational costs.” 38
12 U.S.C. § 3481(a).

13 23. The responsibility for administering benefits under the GI Bill is divided between the
14 VA and “State approving agencies,” which are established individually by each State. 38 U.S.C.
15 § 3671(a) grants the chief executive of each state the power to “create or designate a State
16 department or agency as the ‘State approving agency’ for such State.”

17 24. Veterans and other eligible students are entitled to the benefits under the GI Bill
18 “when enrolled in a course of education offered by an educational institution only if (1) such course
19 is approved as provided in this chapter and chapters 34 and 35 of this title by the State approving
20 agency for the State where such educational institution is located” 38 U.S.C. §3672(a).

21 ***CSAAVE’s Past Approval of Plaintiffs’ Courses***

22 25. California has designated CSAAVE as its “State approving agency” under Title 38.
23 Cal. Educ. Code § 67101. As the designated State approving agency for California, CSAAVE has
24 the responsibility of designating which educational programs in the State qualify for benefits under
25 the GI Bill. *Id.*; *see also* 38 U.S.C. § 3675(a)(1).

26 26. Under California law, CSAAVE does not have discretion to disapprove qualifying
27 institutions for benefits under the GI Bill, but instead “*shall* approve qualifying institutions desiring
28 to enroll veterans or persons eligible for Title 38 awards in accordance with federal law, this chapter,

1 and other reasonable criteria established by the California State Approving Agency for Veterans
2 Education.” Cal. Educ. Code § 67101 (emphasis added).

3 27. Under federal law, a State approving agency such as CSAAVE may approve courses
4 offered by non-profit educational institutions such as Plaintiffs when the courses “have been
5 accredited and approved by a nationally recognized accrediting agency or association.” 38 U.S.C.
6 § 3675(a)(1)(A); *see also* 38 C.F.R. § 21.4253(a)(1) (“A course may be approved as an accredited
7 course if it meets one of the following requirements: (1) The course has been accredited and
8 approved by a nationally recognized accrediting agency or association.”).

9 28. A “nationally recognized accrediting agency or association” is “one that appears on
10 the list published by the Secretary of Education as required by 38 U.S.C. 3675(a). The State
11 approving agencies may use the accreditation of these accrediting agencies or associations for
12 approval of the course specifically accredited and approved by the agency or association.” 38 C.F.R.
13 § 21.4253(c).

14 29. The HLC is a nationally recognized regional accrediting agency that appears on the
15 list published by the Secretary of Education as required by 38 U.S.C. § 3675(a). *See*
16 <https://ope.ed.gov/accreditation/agencies.aspx>. The HLC was founded in 1895 and accredits degree-
17 granting post-secondary educational institutions in the North Central region of the United States,
18 which includes Missouri and 18 other states.

19 30. Park has been accredited by the HLC since 1913. Webster has been accredited by the
20 HLC since 1925. Columbia has been accredited by the HLC since 1923.

21 31. The BPPE is the state agency charged with regulating private postsecondary
22 educational institutions throughout California. Cal. Educ. Code. § 94875. Under California law, the
23 BPPE “shall grant an institution that is accredited an approval to operate by means of its
24 accreditation.” Cal. Educ. Code § 94890(a)(1). The BPPE has approved each of the Plaintiffs to
25 operate and offer courses in California.

26 32. Likewise, CSAAVE had consistently approved the courses each of the Plaintiffs
27 offers at its California campus centers until June 29, 2018, when CSAAVE issued its Suspension
28 Letters based on a new (and erroneous) interpretation of federal law.

1 33. Because of CSAAVE’s past approvals, veterans and other eligible students have been
2 able to use their GI Bill benefits at each of the Plaintiffs’ California campus centers. Thousands of
3 veterans and other eligible students have pursued higher education at the Plaintiffs’ California
4 campus centers as a result of CSAAVE’s past approvals.

5 *CSAAVE’s Unwarranted Suspensions of Plaintiffs’ Courses*

6 34. Federal law permits State approving agencies to “suspend the approval of a course for
7 new enrollments . . . for a period not to exceed 60 days to allow the institution to correct any
8 deficiencies, if the evidence of record establishes that the course . . . fails to meet any of the
9 requirements for approval.” 38 C.F.R. § 21.4259(a)(1).

10 35. On June 29, 2018, without prior notice of any issues with Plaintiffs’ courses that
11 might affect their approval, CSAAVE sent the Suspension Letters to each of the Plaintiffs. The
12 letters sent to each of the Plaintiffs were substantively identical form letters and expressed
13 CSAAVE’s unwarranted decision to suspend “approval for all programs offered by [Plaintiffs] at the
14 California locations noted below, for the training of veterans and other eligible persons under the
15 provisions of Title 38, U.S. Code § 3675, **EFFECTIVE June 29, 2018.**”¹ (See Exhibit A1 for a
16 copy of the Suspension Letter sent to Park, Exhibit A2 for a copy of the Suspension Letter sent to
17 Webster, and Exhibit A3 for a copy of the Suspension Letter sent to Columbia).

18 36. Park’s California campus centers affected by the Suspension Letter included:

- 19 (a) MCB Camp Pendleton, Joint Education Center, Bldg 1331, Rm. 207, MCB
20 Camp Pendleton, CA 92055, Facility Code: 31-8014-05;
21 (b) Fort Irwin, Commander National Training Center, Fort Irwin, California
22 92310, Facility Code: 31-8422-05;
23 (c) Park University at Victor Valley College, 18422 Bear Valley Road,
24 Victorville, CA 92395, Facility Code: 31-0143-05; and
25

26 ¹ The Suspension Letters include minor variances in language that do not affect the letters’
27 substance. For ease of drafting, Plaintiffs have quoted the language from the Suspension Letter
28 received by Park (Exhibit A1), except as otherwise noted. Any differences between the language
used in the letter to Park and the letters to Webster and Columbia are substantively immaterial.

1 (d) Park University at Barstow Community College, 2700 Barstow Road,
2 Barstow, CA 93211, Facility Code: 31-0131-05.

3 (Exhibit A1).

4 37. Webster's California campus centers affected by the Suspension Letter included:

5 (a) Webster University – Irvine, 32 Discovery, Suite 250, Irvine, CA 92618,
6 Facility Code: 31-8414-05; and

7 (b) Webster University – El Segundo, Los Angeles AFB Campus, 483 N.
8 Aviation, Building 272, Rm 207, El Segundo, CA 90245, Facility Code: 31-
9 8036-05.

10 (Exhibit A2).

11 38. Columbia's California campus centers affected by the Suspension Letter included:

12 (a) Columbia College – Los Alamitos, 11206 Lexington Drive, Suite 110,
13 Building 244 Joint Forces Training Base, Los Alamitos, CA 90720, Facility
14 Code: 31-8013-05;

15 (b) Columbia College – NAS Lemoore, POB 1116, Building 826 Hancock Circle,
16 NAS Lemoore, CA 93246-0001, Facility Code: 31-8019-05;

17 (c) Columbia College – San Luis Obispo, C/O Cuesta College, Building 2700,
18 Room 2701, San Luis Obispo, CA 93403, Facility Code: 31-8026-05;

19 (d) Columbia College – San Diego, 4025 Tripoli Avenue Building 111, San
20 Diego, CA 92140, Facility Code: 31-8041-05; and

21 (e) Columbia College – Coast Guard Island, Coast Guard Island, Building 3,
22 Alameda, CA 94501-5100, Facility Code: 31-8192-05.

23 (Exhibit A3).

24 39. In the Suspension Letters, CSAAVE listed two “specific issues that are the basis” for
25 the suspension. These issues included:

26 (a) “[Plaintiffs’] California locations do not satisfy the requirements for approval
27 pursuant to 38 CFR § 21.4266(a)(1) and (5), (c), (d), and (e).
28

1 (b) “[Plaintiffs’] California locations do not administer programs of education
2 leading to an educational, professional or vocational objective as defined by
3 38 CFR § 21.7020(b)(23).”

4 (*See Exhibit A1*).

5 40. CSAAVE then demanded that each of the Plaintiffs engage in the following
6 corrective actions:

7 (a) Submit to CSAAVE, as issued by the Higher Learning Commission, current
8 verifiable documentation demonstrating that [Plaintiffs’] California locations
9 are designated as branch campuses that are operationally independent of
10 [Plaintiffs’] main campus.”

11 Or

12 (b) Submit to CSAAVE, as issued by the Higher Learning Commission, current
13 verifiable documentation demonstrating that [Plaintiffs’] California locations
14 are operationally dependent on a main or branch campus located within the
15 State of California.

16 And

17 (c) Submit to CSAAVE, as issued by the Higher Learning Commission, current
18 verifiable documentation demonstrating that [Plaintiffs’] California locations
19 offer a complete program of education leading to a predetermined educational
20 or vocational objective as defined in 38 CFR §21.7020(b)(23).

21 (*See Exhibit A1*).

22 41. CSAAVE then demanded that Plaintiffs submit documentation indicating that they
23 had completed the corrective actions by August 14, 2018 “to allow sufficient time for CSAAVE to
24 process, conduct a thorough review, and make an approval determination before the expiration of
25 this suspension on **August 28, 2018.**”² The Letters concluded with a warning that “Should

27 ² The Suspension Letter sent to Columbia states that the expiration of Columbia’s suspension
28 will occur on August 29, 2018. (Exhibit A3).

1 [Plaintiffs] fail to provide CSAAVE with all of the required documentation, the approval for the
2 training of veterans at [Plaintiffs'] California locations will be disapproved effective August 28,
3 2018.”³ (See Exhibit A1).

4 42. The bases for CSAAVE’s suspension decisions are factually and legally erroneous
5 and reflect the arbitrary and capricious nature of CSAAVE’s decisions to suspend approval of
6 Plaintiffs’ courses.

7 ***CSAAVE’s First Basis for Suspension Is Factually and Legally Erroneous***

8 43. In its first basis for suspension, CSAAVE claims that Plaintiffs’ “California locations
9 do not satisfy the requirements for approval pursuant to 38 CFR § 21.4266(a)(1) and (5), (c),(d), and
10 (e).” (See Exhibit A1).

11 44. CSAAVE erroneously claims that federal law requires Plaintiffs’ California locations
12 either to be (1) branch campuses that are operationally independent of Plaintiffs’ out-of-state main
13 campuses or (2) operationally dependent on a main or branch campus located within the State of
14 California. As support for this contention, CSAAVE cites 38 C.F.R. § 21.4266(d) and (e), which do
15 not apply to Plaintiffs.

16 45. 38 C.F.R. § 21.4266(c) establishes the requirements for “[a]pproving a course offered
17 by a branch campus or an extension of an educational institution.”

18 46. Section 21.4266(a)(4) defines a “branch campus” as a “location of an educational
19 institution that—(i) Is geographically apart from and operationally independent of the main campus
20 of the educational institution; (ii) Has its own faculty, administration and supervisory organization;
21 and (iii) Offers courses in education programs leading to a degree, certificate or other recognized
22 educational credential.”

23 47. Section 21.4266(a)(5) defines an “extension” as a “location of an education institution
24 that is geographically apart from and is operationally dependent on the main campus or a branch
25 campus of the educational institution.”

26
27 ³ The Suspension Letter sent to Columbia states that should Columbia fail to provide all
28 necessary documents, the approval at Columbia’s California locations will be disapproved effective
August 29, 2018. (Exhibit A3).

1 48. Plaintiffs’ California campus centers subject to CSAAVE’s Suspension Letters are all
2 “extensions” under Section 21.4266.

3 49. “Before approving a course or a program of education offered at . . . an extension of
4 an educational institution, the State approving agency must ensure that—(1) Except as provided in
5 paragraph (d) of this section, each location where the course or program is offered has administrative
6 capability; and (2) Except as provided in paragraph (f) of this section, each location where the course
7 or program is offered has a certifying official on site.” 38 C.F.R. § 21.4266(c). Thus, to be
8 approved under Section 21.4266(c), an extension need only have administrative capability and a
9 certifying official on site.

10 50. Contrary to CSAAVE’s position in its Suspension Letters, Plaintiffs’ California
11 locations need not be branch campuses operationally independent of Plaintiffs’ out-of-state main
12 campuses or operationally dependent on a main or branch campus located in California to be eligible
13 for approval under Section 21.4266(c). CSAAVE’s contention that Section 21.4266 requires that an
14 extension in California be operationally dependent on a main or branch campus *located in*
15 *California* is an entirely new regulation with no basis whatsoever in the governing law.

16 51. “Administrative capability,” as the term is used in Section 21.4266, means “the
17 ability to maintain all records and accounts that § 21.4209 requires.” 38 C.F.R. § 21.4266(a)(1).
18 The records and accounts listed in § 21.4209 include student academic records and transcripts,
19 student accounts, and other records.

20 52. Each of Plaintiffs’ California campus centers has administrative capability. Plaintiffs
21 maintain the records and accounts listed in § 21.4209 electronically, and appropriate staff at each of
22 Plaintiffs’ California campus centers have access to these electronic records and can make them
23 available for examination as needed or required by federal or state law. Section 21.4209(f)
24 specifically permits the maintenance of these records electronically and states that “[i]f the records
25 are stored electronically, the paper records may be stored at another site.”

26 53. “Certifying official,” as the term is used in Section 21.4266, means “a representative
27 of an educational institution designated to provide VA with the reports and certifications that §§
28 21.4203, 21.4204, 21.5810, 21.5812, 21.7152, and 21.7652 require.” 38 C.F.R. § 21.4266(a)(2).

1 54. Each of Plaintiffs' California campus centers has a certifying official on site.

2 55. Accordingly, because each of Plaintiffs' California campus centers subject to
3 CSAAVE's Suspension Letters has administrative capabilities and certifying officials on site, each
4 qualifies for approval under § 21.4266.

5 56. In suspending the approval of Plaintiffs' California campus centers, CSAAVE
6 ignores the requirements of § 21.4266(c) and instead erroneously focuses on Sections 21.4266(d)
7 and (e), which are inapplicable to Plaintiffs' California campus centers.

8 57. Section 21.4266(d) provides *exceptions to the requirement that administrative*
9 *capability exist at each location* and states that “[t]he State approving agency may approve a course
10 or program offered by an extension *that does not have its own administrative capability* if—(i) The
11 extension and the main campus or branch campus it is dependent on are located within the same
12 State; (ii) The main campus or branch campus the extension is dependent on has administrative
13 capability for the extension; and (iii) The State approving agency combines the approval of the
14 course(s) offered by the extension with the approval of the courses offered by the main campus or
15 branch campus the extension is dependent on.” (emphasis added).

16 58. Because each of Plaintiffs' California campus centers has administrative capability,
17 the exceptions under § 21.4266(d) are inapplicable.

18 59. Section 21.4266(e) provides that “[t]he State approving agency may combine the
19 approval of courses offered by an extension of an educational institution with the approval of the
20 main campus or the branch campus that the extension is dependent on, if the extension is within the
21 same State as the campus it is dependent on.”

22 60. Plaintiffs are not seeking combined approval of courses offered by their California
23 campus centers and their out-of-state main campuses, and this combined approval is not required by
24 § 21.4266. As discussed above, each of Plaintiffs' California campus centers qualifies for approval
25 under § 21.4266(c); therefore, the combined approval contemplated by § 21.4266(e) is unnecessary
26 and inapplicable to Plaintiffs' California campus centers.

1 *CSAAVE's Second Basis for Suspension Is Meritless*

2 61. In its second basis for suspension, CSAAVE claims that Plaintiffs' "California
3 locations do not administer programs of education leading to an educational, professional or
4 vocational objective as defined by 38 C.F.R. § 21.7020(b)(23)." (See Exhibit A1).

5 62. CSAAVE erroneously claims that Plaintiffs' "California locations offer only
6 individual subject courses, not a complete program of education as defined in 38 CFR
7 21.7020(b)(23). Students pursuing individual subject courses at the [Plaintiffs'] California locations
8 are not enrolled in a program of education or conferred a degree, certificate, or diploma. Consistent
9 with their Higher Learning Commission designation as an off-campus site, [Plaintiffs'] California
10 locations individual subject courses are applied toward an educational objective conferred by the
11 main campus in Missouri." (See Exhibit A1).

12 63. To correct this alleged deficiency, CSAAVE required Plaintiffs to "[s]ubmit to
13 CSAAVE, as issued by the Higher Learning Commission, current verifiable documentation
14 demonstrating that [Plaintiffs'] California locations offer a complete program(s) of education leading
15 to a predetermined educational or vocational objective as defined in 38 CFR § 21.7020(b)(23)."
16 (See Exhibit A1).

17 64. Plaintiffs have each supplied the requested documentation to CSAAVE from the
18 HLC.

19 65. On July 19, 2018, the HLC sent a letter on behalf of Park to CSAAVE. A copy of
20 this letter is attached hereto as Exhibit B1. In this letter, the HLC explained that "Park University,
21 based in Parkville, MO, is accredited by the Higher Learning Commission (HLC) at the certificate,
22 associate's, bachelor's, and master's degree-granting levels and has been accredited since 1913."
23 The HLC then went on to confirm that "[a]ccreditation extends to the approved additional locations
24 at Camp Pendleton, CA, Fort Irwin, CA, Victorville, CA, and Barstow, CA." Finally, the HLC
25 "confirm[ed] that Park University offers total degree programs at each of these locations and
26 therefore administers programs of education 'leading to an educational, professional or vocational
27 objective as defined by 38 CFR § 21.7020(b)(23)." (Exhibit B1).

28

1 66. On August 7, 2018, the HLC sent a letter on behalf of Webster to CSAAVE. A copy
2 of this letter is attached hereto as Exhibit B2. In this letter, the HLC explained that “Webster
3 University, based in St. Louis, MO, is accredited by the Higher Learning Commission (HLC) at the
4 certificate, bachelor’s, master’s specialist’s, and doctoral degree-granting levels and has been
5 continuously accredited since 1925.” The HLC then went on to “confirm that accreditation of
6 Webster University extends to the following approved additional locations at which the institution
7 offers total degree programs and has staff physically present”:

8 (a) Irvine Metropolitan, 32 Discovery, Irvine, CA 92618 (approved by HLC
9 01/01/1993).

10 (b) Los Angeles Air Force Base, 483 N. Aviation Blvd., Building 272, El
11 Segundo, CA 90245 (approved by HLC 08/01/1997).

12 (Exhibit B2).

13 67. On August 13, 2018, the HLC sent a letter on behalf of Columbia to CSAAVE. A
14 copy of this letter is attached hereto as Exhibit B3. In this letter, the HLC explained that “Columbia
15 College based in Columbia, MO, is accredited by the Higher Learning Commission (HLC) at the
16 certificate, associate’s, bachelor’s, and master’s degree-granting levels and has been continuously
17 accredited since 1923.” The HLC then went on to “confirm that accreditation of Columbia College
18 extends to the following approved additional locations at which the institution offers total degree
19 programs and has staff physically present”:

20 (a) 11206 Lexington Dr., Suite 110, Los Alamitos, CA 90720 (approved by HLC
21 07/20/2015).

22 (b) POB 1116, Bldg 826 Hancock Circle, NAS Lemoore CA 93246 (approved by
23 HLC 03/19/2001).

24 (c) Questa College, Bldg 2700 Rm 2701, San Luis Obispo, CA 93403 (approved
25 by HLC 01/15/2002).

26 (d) 4025 Tripoli Avenue, Bldg 111, San Diego, CA 92140 (approved by HLC
27 01/20/2009).

28

1 (e) Coast Guard Island, Bldg 3, Alameda, CA 94501 (approved by HLC
2 06/10/1976).

3 (Exhibit B3).

4 68. As confirmed by the HLC and communicated to CSAAVE, Plaintiffs' California
5 campus centers offer complete programs of education leading to a predetermined educational or
6 vocational objective as defined in 38 C.F.R. § 21.7020(b)(23). Accordingly, CSAAVE's second
7 basis for the suspension of approval of Plaintiffs' California campus centers is meritless.

8 ***Plaintiffs' Good Faith Efforts To Correct CSAAVE's Errors***

9 69. Plaintiffs have communicated with CSAAVE on multiple occasions to explain that
10 their California campus centers qualify for approval under 38 C.F.R. §§ 21.4266 and 21.7020. In so
11 doing, Plaintiffs also have explained that CSAAVE's reliance on § 21.4266(d) and (e) to support its
12 decision to suspend approval is misplaced.

13 70. On July 19, 2018, Park University President Greg R. Gunderson ("Gunderson") sent a
14 letter to Latanaya Johnson, Education Administrator of CSAAVE. A copy of this letter is attached
15 hereto as Exhibit C1. In that letter, Gunderson explained that "Park believes that it is in full
16 compliance with Title 38, specifically 38 CFR §21.4266 as cited in the Letter." Gunderson then
17 "respectfully request[ed] CSAAVE revoke its suspension to obtain course approval for new
18 enrollments." Gunderson further stated that "[i]f CSAAVE disagrees with Park's analysis and still
19 considers Park to be in violation of Title 38, Park requests an explanation of the basis for that
20 disagreement. Park then requests to discuss any remaining issues and work together with CSAAVE
21 to resolve any differences. During this resolution process, Park also requests an extension of the
22 expiration of the suspension, so that, while it works to find a solution, Park can continue to best
23 serve and assist CA students enrolled/enrolling for Fall 2018 who are greatly dependent on Park's
24 military services and benefits." Gunderson then explained Park's belief that it was in compliance
25 with 38 CFR §21.4266 because it "has administrative capability, as defined in 38 CFR
26 § 21.4266(a)(1), and a certifying official at each of its California locations, as required by 38 CFR
27 § 21.4266(c)." Finally, Gunderson referenced the letter that HLC has provided CSAAVE on Park's
28

1 behalf confirming that “Park’s California locations do administer programs of education leading to
2 an educational objective.” (Exhibit C1).

3 71. After sending the July 19, 2018 letter, representatives from Park followed up with
4 various representatives from CSAAVE via telephone and email. Representatives from Park and
5 CSAAVE had a conference call on August 14, 2018 to discuss CSAAVE’s suspension of Park’s
6 approval. During this call, Park again explained its compliance with §§ 21.4266(c) and 21.7020 and
7 again requested that CSAAVE rescind its suspension. CSAAVE refused to do so.

8 72. On August 8, 2018, Webster University President Elizabeth J. Stroble (“Stroble”) sent
9 a letter to Latanaya Johnson, Education Administrator of CSAAVE. A copy of this letter is attached
10 hereto as Exhibit C2. In that letter, Stroble explained that “[w]e believe that we do meet the
11 requirements for approval for programs under 38 CFR §21.4266. Webster University offers full
12 programs leading to a degree, has certifying officials on site, and has administrative capability.”
13 Stroble then referenced the letter that HLC has provided CSAAVE on Webster’s behalf confirming
14 that Webster’s California campus centers “offer full programs of education that lead to educational
15 objectives; specifically, the programs result in the conferral of a bachelor’s degree, a master’s
16 degree, or a graduate level certificate.” In the letter, Stroble also explained that Webster’s California
17 campus centers “each have a certifying official as defined by 38 CFR §21.4266(a)(2) on site” and
18 “each have administrative capability as defined by 38 CFR §21.4266(a)(1).” Finally, Stroble stated
19 that Webster’s “location in Irvine was just visited by the Department of Veterans Affairs in May
20 2018 for a compliance survey of beneficiary records. According to our Irvine director, no issues
21 mentioned in this letter arose.” (Exhibit C2).

22 73. Columbia’s Director of Compliance contacted Ms. Julissa Silva-Garcia (“Silva-
23 Garcia”) of CSAAVE for clarification immediately after receiving the Suspension Letter from
24 CSAAVE.

25 74. On July 23, 2018, before ever receiving any clarification from Silva-Garcia,
26 Columbia College President Scott Dalrymple (“Dalrymple”) sent a letter to Latanaya Johnson,
27 Education Administrator of CSAAVE. A copy of this letter is attached hereto as Exhibit C3. In that
28 letter, Dalrymple explained that “Approval of Courses at a Branch Campus or Extension allows

1 extension sites with administrative capabilities (in compliance with 38, CFR 21.4209) to be
2 approved without a branch or main campus being located in the same state.” Dalrymple then stated
3 that “Columbia College locations in California have a certifying official and are able to produce all
4 records under 38, CFR 21.4209, as evidenced by successful VA and CSAAVE site visits.”
5 Dalrymple then asked for clarification on the following question: “As Columbia College is able to
6 certify administrative capabilities for the College locations in California, does that qualify these
7 locations as eligible extension sites per 38, CFR 21.4209?” Finally, Dalrymple requested “an
8 extension of the suspension date to 60 days from the time we get the official response to our
9 question.” (Exhibit C3).

10 75. Dalrymple then sent another letter to CSAAVE on August 13, 2018, again explaining
11 that Columbia’s California campus centers satisfy the requirements for approval under 38 CFR
12 §§ 21.4266 and 21.7020. A copy of this letter is attached hereto as Exhibit C4.

13 76. Despite these repeated communications, CSAAVE continues to erroneously assert
14 that Plaintiffs’ suspensions are justified. On August 23, 2018, Latanaya Johnson wrote to Park’s
15 Compliance Officer Ashley Morgan that “the suspension timelines remain in effect and will expire
16 as noted in the letters. . . . If Park is unable to demonstrate compliance within the 60-day suspension
17 period, federal law requires CSAAVE to immediately disapprove the courses.” A copy of this
18 communication is attached as Exhibit D.

19 ***Irreparable Harm Created by CSAAVE’s Unlawful Suspensions of Approval***

20 77. The MOU between Plaintiffs and the DOD requires each Plaintiff to comply with all
21 state authorization requirements related to post-secondary education. If CSAAVE improperly
22 withdraws its approval, the DOD could determine that Plaintiffs are in violation of the MOU and
23 could deem that Plaintiffs are no longer permitted to serve military students in California.

24 78. CSAAVE’s unlawful suspensions and threatened withdrawal of approval of
25 Plaintiffs’ California campus centers has caused, and will continue to cause, irreparable harm to
26 Plaintiffs and Plaintiffs’ current and prospective students in the following ways:

- 1 (a) Plaintiffs are unable to guarantee that currently enrolled and prospective
2 veteran and other qualified students will be approved for reimbursement of
3 their qualifying expenses under the GI Bill.
- 4 (b) The suspensions will deter prospective veterans and other qualified students
5 under the GI Bill from enrolling at Plaintiffs' California campus centers. As a
6 result of the suspension and the inferences that prospective students draw
7 from the suspension, Plaintiffs have experienced or will experience a decrease
8 in veteran enrollment at their California campus centers.
- 9 (c) The suspensions, if not rescinded, will result in the disapproval of veteran
10 funding under the GI Bill and the very real possibility that VA benefits will be
11 denied to Plaintiffs' students. This likely will require Plaintiffs' qualifying
12 students at their California campus centers to withdraw from any face-to-face
13 programs and move online or to another institution to receive VA benefits.
14 Because postsecondary educational institutions have varying transfer of credit
15 policies, there is no guarantee that Plaintiffs' students will receive credit for
16 the courses they have already completed at Plaintiffs' California campus
17 centers. Forcing students who are engaged in a program at Plaintiffs'
18 California campus centers to move elsewhere is disruptive to those students'
19 ability to obtain a degree or certification in a timely fashion.
- 20 (d) If the suspensions are not rescinded, the DOD could determine that Plaintiffs
21 are in violation of the MOU and could deem that Plaintiffs are no longer
22 permitted to serve military students in California. This would force Plaintiffs
23 to close some or all of their California campus centers, which would
24 irreparably harm Plaintiffs and their students.
- 25 (e) Even if the DOD determines that Plaintiffs are not in violation of the MOU,
26 the suspensions, if not rescinded, likely will still force Plaintiffs to close some
27 or all of their California campus centers. Plaintiffs depend on veterans and
28 other qualified students at their California campus centers. Without financial

1 assistance from the GI Bill, these veterans and other qualified students may be
2 forced to withdraw entirely from Plaintiffs' California campus centers.

3 79. As discussed above, Plaintiffs have attempted in good faith to resolve these disputes
4 without judicial intervention. Plaintiffs have provided CSAAVE with all necessary information to
5 resolve the issues raised in CSAAVE's Suspension Letters. The information provided by Plaintiffs
6 conclusively demonstrates why CSAAVE's suspensions of approval are unlawful and unwarranted.
7 Despite Plaintiffs' requests that CSAAVE rescind the suspensions of approval, CSAAVE has not
8 done so.

9 **COUNT I**

10 **(Petition for Writ of Mandate – Code of Civil Procedure § 1085)**

11 80. Plaintiffs adopt and incorporate the foregoing paragraphs as if fully set forth herein.

12 81. CSAAVE's suspensions of its approval of Plaintiffs' courses for enrollment by
13 veterans and other qualified students violate federal law for the reasons discussed above.
14 CSAAVE's bases for the suspensions are factually and legally erroneous. Plaintiffs have explained
15 to CSAAVE that CSAAVE's bases for the suspensions are meritless and have requested that
16 CSAAVE rescind the suspensions of approval. CSAAVE has refused.

17 82. CSAAVE has a clear and present legal duty under federal law to immediately
18 rescind CSAAVE's unlawful and meritless suspensions of Plaintiffs.

19 83. Plaintiffs have a beneficial interest that is immediate, direct, and substantial in
20 CSAAVE's immediate rescission of CSAAVE's unlawful suspensions of approval because Plaintiffs
21 and their students have been adversely affected by CSAAVE's unlawful suspensions. CSAAVE's
22 unlawful suspensions and threatened withdrawal of approval of the courses offered at Plaintiffs'
23 California campus centers has caused, and will continue to cause, irreparable harm to Plaintiffs and
24 Plaintiffs' current and prospective students in the following ways:

- 25 (a) Plaintiffs are unable to guarantee that currently enrolled and prospective
26 veteran and other qualified students will be approved for reimbursement of
27 their qualifying expenses under the GI Bill.
28

- 1 (b) The suspensions will deter prospective veterans and other qualified students
2 under the GI Bill from enrolling at Plaintiffs' California campus centers. As a
3 result of the suspension and the inferences that prospective students draw
4 from the suspension, Plaintiffs have experienced or will experience a decrease
5 in veteran enrollment at their California campus centers.
- 6 (c) The suspensions, if not rescinded, will result in the disapproval of veteran
7 funding under the GI Bill and the very real possibility that VA benefits will be
8 denied to Plaintiffs' students. This likely will require Plaintiffs' qualifying
9 students at their California campus centers to withdraw from any face-to-face
10 programs and move online or to another institution to receive VA benefits.
11 Because postsecondary educational institutions have varying transfer of credit
12 policies, there is no guarantee that Plaintiffs' students will receive credit for
13 the courses they have already completed at Plaintiffs' California campus
14 centers. Forcing students who are engaged in a program at Plaintiffs'
15 California campus centers to move elsewhere is disruptive to those students'
16 ability to obtain a degree or certification in a timely fashion.
- 17 (d) If the suspensions are not rescinded, the DOD could determine that Plaintiffs
18 are in violation of the MOU and could deem that Plaintiffs are no longer
19 permitted to serve military students in California. This would force Plaintiffs
20 to close some or all of their California campus centers, which would
21 irreparably harm Plaintiffs and their students.
- 22 (e) Even if the DOD determines that Plaintiffs are not in violation of the MOU,
23 the suspensions, if not rescinded, likely will still force Plaintiffs to close some
24 or all of their California campus centers. Plaintiffs depend on veterans and
25 other qualified students at their California campus centers. Without financial
26 assistance from the GI Bill, these veterans and other qualified students may be
27 forced to withdraw entirely from Plaintiffs' California campus centers.
28

1 84. CSSAVE has the present ability to perform its duty to rescind CSAAVE’s unlawful
2 suspension of Plaintiffs.

3 85. CSSAVE refuses to perform its duty to immediately rescind CSAAVE’s unlawful
4 suspension of Plaintiffs.

5 86. Plaintiffs have no plain, speedy, and adequate remedy in the ordinary course of the
6 law other than the issuance by this Court of a writ of mandate.

7 **COUNT II**

8 **(Violation of the Commerce Clause and 42 U.S.C. § 1983)**

9 87. Plaintiffs adopt and incorporate the foregoing paragraphs as if fully set forth herein.

10 88. At all times relevant to this suit, Latanaya Johnson, Education Administrator of
11 CSAAVE, was acting under color of state law in her official capacity as Education Administrator for
12 CSAAVE.

13 89. The dormant Commerce Clause “denies the States the power unjustifiably to
14 discriminate against or burden the interstate flow of articles of commerce.” *Rocky Mountain*
15 *Farmers Union v. Corey*, 730 F.3d 1070, 1087 (9th Cir. 2013).

16 90. Discrimination in this content means “differential treatment of in-state and out-of-
17 state economic interests that benefits the former and burdens the latter.” *Oregon Waste Systems, Inc.*
18 *v. Dept. of Environmental Quality of State of Or.*, 511 U.S. 93, 99 (1994).

19 91. CSAAVE’s implementation of a new rule (based on a flawed interpretation of federal
20 law)—that an extension in California must be operationally dependent on a main or branch campus
21 *located in California*—facially discriminates against, and unduly burdens, higher education
22 institutions, including Plaintiffs, that are based outside of California and thus do not have a main or
23 branch campus located in California.

24 92. By applying this rule to suspend and withdraw approval of Plaintiffs’ courses,
25 CSAAVE has affirmatively discriminated against the flow of interstate commerce and has prevented
26 Plaintiffs and other out-of-state schools from participating in the California educational marketplace.

27 93. CSAAVE’s new rule is facially discriminatory because it impacts only out-of-state
28 schools, which do not have a main or branch campus located in California.

1 94. The purpose and effect of CSAAVE's new rule also is to discriminate against out-of-
2 state schools. Upon information and belief, CSAAVE has adopted and applied this new rule to
3 protect or promote the economic and financial interests of California universities and colleges to the
4 detriment of out-of-state universities and colleges including Plaintiffs.

5 95. CSAAVE has not and cannot provide any justification for the adoption of this new
6 rule. CSAAVE has not and cannot allege that this new rule serves any legitimate local purpose or
7 that any legitimate local purpose could not be served as well by available nondiscriminatory means.
8 On the contrary, CSAAVE ironically justifies this new rule based on its flawed and erroneous
9 interpretation of federal law.

10 96. CSAAVE's erroneous interpretations of federal law and suspensions of approval
11 unconstitutionally burden interstate commerce by preventing Plaintiffs and other out-of-state schools
12 from offering courses that qualify for reimbursement under the GI Bill at their California campus
13 centers.

14 97. Plaintiffs have no adequate remedy at law to prevent or redress CSAAVE's
15 unconstitutional actions and will suffer irreparable harm as a result of CSAAVE's violations of the
16 Commerce Clause. Plaintiffs are therefore entitled to declaratory and both preliminary and
17 permanent injunctive relief to prevent further deprivations of their rights, as well as those of their
18 students.

19 **COUNT III**

20 **(Complaint for Declaratory Judgment and Injunction)**

21 98. Plaintiffs adopt and incorporate the foregoing paragraphs as if fully set forth herein.

22 99. There is a presently existing, actual controversy between the parties as to whether
23 CSAAVE lawfully suspended the approvals of Plaintiffs' courses for enrollment by veterans and
24 other qualified students at Plaintiffs' California campus centers.

25 100. CSAAVE's interpretations of federal law are arbitrary and capricious. CSAAVE
26 unlawfully suspended the approval of Plaintiffs. After receiving from Plaintiffs evidence
27 demonstrating that Plaintiffs' California campus centers satisfy all aspects of federal law, CSAAVE
28 continues to refuse to rescind the suspensions of approval.

1 101. CSAAVE’s erroneous interpretation of federal law—that an extension in California
2 must be operationally dependent on a main or branch campus *located in California*—also qualifies
3 as a “regulation” subject to the APA. *Capen v. Shewry*, 155 Cal. App. 4th 378, 383 (Cal. Ct. App.
4 2007) (“An unwritten, generally applicable interpretation of an ambiguous statute ‘amount[s] to a
5 regulation’ subject to the APA.”); Cal. Gov. Code § 11342.600 (“‘Regulation’ means every rule,
6 regulation, order, or standard of general application or the amendment, supplement, or revision of
7 any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make
8 specific the law enforced or administered by it, or to govern its procedure.”).

9 102. As a regulation, CSAAVE’s interpretation is subject to the statutory provisions
10 governing administrative procedure. *See* Cal. Gov. Code § 11340 et seq. California Government
11 Code § 11350 provides for judicial review.

12 103. Because CSAAVE has not complied with the rulemaking procedures and standards
13 set forth in the APA, CSAAVE’s interpretation of federal law is void.

14 104. Plaintiffs are entitled to a declaratory judgment that (1) CSAAVE’s interpretations of
15 federal law are arbitrary and capricious and therefore unlawful; (2) that the interpretations of federal
16 law constitute rules of general applicability which were not promulgated in accordance with the
17 APA and are therefore void; (3) CSAAVE’s suspension of CSAAVE’s approval of Plaintiffs’
18 courses for enrollment in their California campus centers was arbitrary, capricious, unreasonable and
19 unlawful; and (4) Plaintiffs have satisfied all aspects of Title 38, specifically 38 C.F.R. §§ 21.4266
20 and 21.7020, and thus have met all requirements under Title 38 for approval of the courses offered at
21 their California campus centers.

22 105. Plaintiffs have no adequate and speedy remedy at law to prevent or redress
23 CSAAVE’s unlawful and unconstitutional actions and will suffer irreparable harm absent a
24 temporary restraining order and preliminary injunction.

25 106. CSAAVE’s unlawful suspensions and threatened withdrawal of approval of the
26 courses offered at Plaintiffs’ California campus centers has caused, and will continue to cause,
27 irreparable harm to Plaintiffs and Plaintiffs’ current and prospective students in the following ways:
28

- 1 (a) Plaintiffs are unable to guarantee that currently enrolled and prospective
2 veteran and other qualified students will be approved for reimbursement of
3 their qualifying expenses under the GI Bill.
- 4 (b) The suspensions will deter prospective veterans and other qualified students
5 under the GI Bill from enrolling at Plaintiffs' California campus centers. As a
6 result of the suspension and the inferences that prospective students draw
7 from the suspension, Plaintiffs have experienced or will experience a decrease
8 in veteran enrollment at their California campus centers.
- 9 (c) The suspensions, if not rescinded, will result in the disapproval of veteran
10 funding under the GI Bill and the very real possibility that VA benefits will be
11 denied to Plaintiffs' students. This likely will require Plaintiffs' qualifying
12 students at their California campus centers to withdraw from any face-to-face
13 programs and move online or to another institution to receive VA benefits.
14 Because postsecondary educational institutions have varying transfer of credit
15 policies, there is no guarantee that Plaintiffs' students will receive credit for
16 the courses they have already completed at Plaintiffs' California campus
17 centers. Forcing students who are engaged in a program at Plaintiffs'
18 California campus centers to move elsewhere is disruptive to those students'
19 ability to obtain a degree or certification in a timely fashion.
- 20 (d) If the suspensions are not rescinded, the DOD could determine that Plaintiffs
21 are in violation of the MOU and could deem that Plaintiffs are no longer
22 permitted to serve military students in California. This would force Plaintiffs
23 to close some or all of their California campus centers, which would
24 irreparably harm Plaintiffs and their students.
- 25 (e) Even if the DOD determines that Plaintiffs are not in violation of the MOU,
26 the suspensions, if not rescinded, likely will still force Plaintiffs to close some
27 or all of their California campus centers. Plaintiffs depend on veterans and
28 other qualified students at their California campus centers. Without financial

1 assistance from the GI Bill, these veterans and other qualified students may be
2 forced to withdraw entirely from Plaintiffs' California campus centers.

3 107. Plaintiffs are entitled to a temporary restraining order, preliminary injunction, and
4 permanent injunction enjoining CSAAVE from enforcing CSAAVE's suspensions of Plaintiffs and
5 from enforcing its arbitrary and capricious, meritless, and void interpretations of federal law.

6 WHEREFORE, Plaintiffs Park University, Webster University, and Columbia College
7 request that the Court:

- 8 1. Issue a peremptory writ of mandate commanding CSAAVE to immediately rescind
9 CSAAVE's suspensions of its approval of Plaintiffs' courses and to refrain from
10 disapproving Plaintiffs for the current academic year;
- 11 2. Enter a declaratory judgment that CSAAVE's interpretations of federal law are
12 arbitrary and capricious, and therefore unlawful;
- 13 3. Enter a declaratory judgment that CSAAVE's new rule that extensions must be
14 operationally dependent on a branch or main campus located in California constitutes
15 a rule of general applicability which was not promulgated in accordance with the
16 APA and are therefore void;
- 17 4. Enter a declaratory judgment that CSAAVE unlawfully suspended CSAAVE's
18 approval of Plaintiffs' courses for enrollment in their California campus centers;
- 19 5. Enter a declaratory judgment that Plaintiffs have satisfied all aspects of Title 38,
20 specifically 38 C.F.R. §§ 21.4266 and 21.7020, and thus have met all requirements
21 under Title 38 for approval of their California campus centers.
- 22 6. Enter a declaratory judgment that CSAAVE's new rule that extensions must be
23 operationally dependent on a branch or main campus located in California is a
24 violation of the Commerce Clause of the United States Constitution.
- 25 7. Issue a temporary restraining order, preliminary injunction, and permanent injunction
26 enjoining CSAAVE from enforcing CSAAVE's suspensions of Plaintiffs and from
27 enforcing its arbitrary and capricious, meritless, void, and unconstitutional
28 interpretations of federal law;

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- 8. Award Plaintiffs attorneys' fees and costs of this proceeding pursuant to Cal. Gov. Code § 800 and 42 U.S.C. § 1983; and
- 9. Award Plaintiffs such other relief as this Court deems just and equitable.

Respectfully submitted,

BRYAN CAVE LEIGHTON PAISNER LLP

Dated: August 24, 2018



By: _____
K. Lee Marshall
Daniel T. Rockey
Jennifer R. Steeve
Attorneys for Plaintiffs
PARK UNIVERSITY, WEBSTER
UNIVERSITY, and COLUMBIA COLLEGE.

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VERIFICATION

I, Ashley Morgan, am authorized to make this verification for and on behalf of Plaintiffs.

I have read the foregoing document entitled **VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** and know its contents. I am informed and believe and, on that ground, allege that matters stated in the foregoing document are true.

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

Executed this 24 day of August, 2018, at Parkville, Missouri.

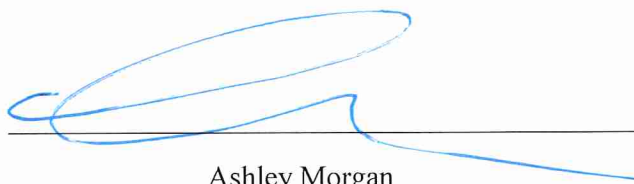

Ashley Morgan

EXHIBIT A1



CSAAVE
CALIFORNIA STATE APPROVING AGENCY FOR VETERANS EDUCATION

1227 O Street, Suite 625, Sacramento, CA 95814 * tel 916.503.8317 * fax 916.653.1035 * web www.calvet.ca.gov/csaave



June 29, 2018

Certified Mail: 7017 1450 0002 0118 8832

Greg Gunderson, Ph.D, President
Park University
8700 NW River Park Drive
Parkville, MO 64152

SUBJECT: TITLE 38 NOTICE OF SUSPENSION LETTER

Dear Mr. Gunderson:

The California State Approving Agency for Veterans Education (CSAAVE), a division of the California Department of Veteran Affairs (CalVet), herein gives **NOTICE OF SUSPENSION** of approval for all programs offered by Park University at the California locations noted below, for the training of veterans and other eligible persons under the provisions of Title 38, U.S. Code §3675, **EFFECTIVE June 29, 2018.**

- MCB Camp Pendleton
Joint Education Center, Bldg 1331, Rm. 207
MCB Camp Pendleton, CA 92055
Facility Code: 31-8014-05
- Fort Irwin
Commander National Training Center
Fort Irwin, California 92310
Facility Code: 31-8422-05
- Park University at Victor Valley College
18422 Bear Valley Road
Victorville, CA 92395
Facility Code: 31-0143-05
- Park University at Barstow Community College
2700 Barstow Road
Barstow, CA 93211
Facility Code: 31-0131-05

Park University
NOTICE OF SUSPENSION LETTER
June 29, 2018

The suspension of course approval for new enrollment by CSAAVE is authorized by the Code of Federal Regulations 38 CFR §21.4259(a)(1). This authorization makes it incumbent upon the SAA to take immediate and appropriate action in each case when it is found that the conduct of a course in any manner fails to comply with the requirements of approval. CalVet will proceed to disapprove the course(s) should the discrepancies cited here fail to be corrected within sixty (60) days from the date of this notice.

The specific issues that are the basis for CSAAVE's action include the following:

- Park University's California locations do not satisfy the requirements for approval pursuant to 38 CFR §21.4266(a)(1) and (5), (c),(d), and (e).
- Park University's California locations do not administer programs of education leading to an educational, professional or vocational objective as defined by 38 CFR §21.7020(b)(23).

As a basis for approval consideration of accredited courses under 38 CFR §21.4253(d), CSAAVE utilizes an institution's accreditation status and accrediting body standards. Based on the application and supporting documentation, it does not appear that Park University's California locations satisfy the requirements for the grant of CSAAVE approval.

Upon review of information from the Higher Learning Commission (HLC), Park University's accrediting body, CSAAVE became aware that Park University is not recognized as a main campus or a branch campus by the Higher Learning Commission, but rather as an off-campus instructional site. According to HLC, an off-campus instructional site is operationally dependent on the main campus.

The main or branch campus for which the Park University California locations are operationally dependent, appears to be located outside of the State of California. Pursuant to 38 CFR §21.4266(e), the State approving agency may combine the approval of courses offered by an extension with the main or branch campus, if the extension is located within the same State as the campus it is dependent on.

Park University's California locations offer only individual subject courses, not a complete program of education as defined in 38 CFR 21.7020(b)(23). Students pursuing individual subject courses at the Park University's California locations are not enrolled in a program of education or conferred a degree, certificate, or diploma. Consistent with their Higher Learning Commission designation as an off-campus site, Park University's California locations individual subject courses are applied toward an educational objective conferred by the main campus in Missouri.

In order for Park University's California locations to be reconsidered for approval by CSAAVE, Park University must complete all of the following:

- Submit to CSAAVE, as issued by the Higher Learning Commission, current verifiable documentation demonstrating that Park University California locations are designated as branch campuses that are operationally independent of Park University's main campus.

Or

Park University
NOTICE OF SUSPENSION LETTER
June 29, 2018

- Submit to CSAAVE, as issued by the Higher Learning Commission, current verifiable documentation demonstrating that Park University's California locations are operationally dependent on a main or branch campus located within the State of California.

And

- Submit to CSAAVE, as issued by the Higher Learning Commission, current verifiable documentation demonstrating that Park University's California locations offer a complete program(s) of education leading to a predetermined educational or vocational objective as defined in 38 CFR §21.7020(b)(23).

Documentation must be received at CSAAVE by **August 14, 2018**, to allow sufficient time for CSAAVE to process, conduct a thorough review, and make an approval determination before the expiration of this suspension on **August 28, 2018**.

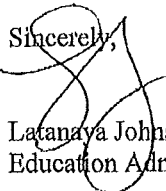
Documentation must be submitted, in one complete mailing, to CSAAVE at:

California Department of Veterans Affairs
California State Approving Agency for Veterans Education
1227 O Street, Suite 625
Sacramento, CA 95814

Should Park University fail to provide CSAAVE with all of the required documentation, the approval for the training of veterans at the Park University California locations will be disapproved effective **August 28, 2018**.

The DVA regional office has been notified of this suspension of new enrollment in courses under Title 38, U.S. Code. Should you have any questions regarding this Notice of Suspension, please contact Cheryl Iannello, Education Specialist at (714) 336-5487 or cheryl.iannello@calvet.ca.gov.

Sincerely,



Latanaya Johnson
Education Administrator

Prepared by:

Cheryl Iannello
Education Specialist

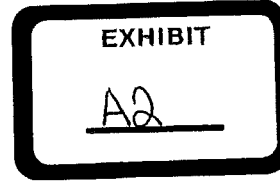
cc: VARO-San Diego

EXHIBIT A2



CSAAVE
CALIFORNIA STATE APPROVING AGENCY FOR VETERANS EDUCATION

1227 O Street, Suite 625, Sacramento, CA 95814 * tel 916.503.8317 * fax 916.653.1035 * web www.calvet.ca.gov/csaave



June 29, 2018

Certified Mail: 7017 1450 0002 0118 8818

Elizabeth Stroble, President
Webster University
470 E. Lockwood Ave
St. Louis, MO 63119

SUBJECT: TITLE 38 NOTICE OF SUSPENSION LETTER

Dear Ms. Stroble:

The California State Approving Agency for Veterans Education (CSAAVE), a division of the California Department of Veteran Affairs (CalVet), herein gives **NOTICE OF SUSPENSION** of approval for all programs offered by Webster University at the California locations noted below, for the training of veterans and other eligible persons under the provisions of Title 38, U.S. Code §3675, **EFFECTIVE June 29, 2018.**

- Webster University - Irvine
32 Discovery, Suite 250
Irvine, CA 92618
Facility Code: 31-8414-05
- Webster University – El Segundo
Los Angeles AFB Campus
483 N. Aviation, Building 272, Rm 207
El Segundo, CA 90245
Facility Code: 31-8036-05

The suspension of course approval for new enrollment by CSAAVE is authorized by the Code of Federal Regulations 38 CFR §21.4259(a)(1). This authorization makes it incumbent upon the SAA to take immediate and appropriate action in each case when it is found that the conduct of a course in any manner fails to comply with the requirements of approval. CalVet will proceed to disapprove the course(s) should the discrepancies cited here fail to be corrected within sixty (60) days from the date of this notice.

Webster University
Notice of Suspension
June 29, 2018

The specific issues that are the basis for CSAAVE's action include the following:

- Webster University's California locations do not satisfy the requirements for approval pursuant to 38 CFR §21.4266(a)(1) and (5), (c), (d), and (e).
- Webster University's California locations do not administer programs of education leading to an educational, professional or vocational objective as defined by 38 CFR §21.7020(b) (23).

As a basis for approval consideration of accredited courses under 38 CFR §21.4253(d), CSAAVE utilizes an institution's accreditation status and accrediting body standards. Based on the application and supporting documentation, it does not appear that Webster University's California locations satisfy the requirements for the grant of CSAAVE approval.

Upon review of information from the Higher Learning Commission (HLC), Webster University's accrediting body, CSAAVE became aware that Webster University's California locations are not recognized as a main campus or a branch campus by the HLC, but rather as additional locations. According to HLC, an additional location is operationally dependent on the main campus.

The main or branch campus for which Webster University's California locations are operationally dependent, appears to be located outside of the State of California. Pursuant to 38 CFR §21.4266(e), the State approving agency may combine the approval of courses offered by an extension with the main or branch campus, if the extension is located within the same State as the campus it is dependent on.

The Webster University's California locations offers only individual subject courses, not a complete program of education as defined in 38 CFR 21.7020(b) (23). Students pursuing individual subject courses at Webster University's California locations are not enrolled in a program of education or conferred a degree, certificate, or diploma. Consistent with their HLC designation as an additional location, Webster University's California locations individual subject courses are applied toward an educational objective conferred by the main campus in Missouri.

In order for Webster University's California locations to be reconsidered for approval by CSAAVE, Webster University must complete all of the following:

- Submit to CSAAVE, as issued by the Higher Learning Commission, current verifiable documentation demonstrating Webster University's California locations designation as branch campuses that are operationally independent of Webster University's main campus.

Or

- Submit to CSAAVE, as issued by the Higher Learning Commission, current verifiable documentation demonstrating that Webster University's California locations are operationally dependent on a main or branch campus located within the State of California.

And

Webster University
Notice of Suspension
June 29, 2018

- Submit to CSAAVE, as issued by the Higher Learning Commission, current verifiable documentation demonstrating that Webster University's California locations offers a complete program(s) of education leading to a predetermined educational or vocational objective as defined in 38 CFR §21.7020(b) (23).

Documentation must be received at CSAAVE by **August 14, 2018**, to allow sufficient time for CSAAVE to process, conduct a thorough review, and make an approval determination before the expiration of this suspension on **August 28, 2018**.

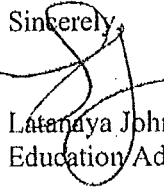
Documentation must be submitted, in one complete mailing, to CSAAVE at:

California Department of Veterans Affairs
California State Approving Agency for Veterans Education
1227 O Street, Suite 625
Sacramento, CA 95814

Should Webster University fail to provide CSAAVE with all of the required documentation, the approval for the training of veterans at Webster University's California locations will be disapproved effective **August 28, 2018**.

The DVA regional office has been notified of this suspension of new enrollment in courses under Title 38, U.S. Code. Should you have any questions regarding this Notice of Suspension, please Cheryl Iannello, Education Specialist at (714) 336-5487 or cheryl.iannello@calvet.ca.gov.

Sincerely,



Latanya Johnson
Education Administrator

Prepared by:

Cheryl Iannello, M.Ed.
Education Specialist

cc: VARO-San Diego

EXHIBIT A3



CSAAVE
CALIFORNIA STATE APPROVING AGENCY FOR VETERANS EDUCATION

1227 O Street, Suite 625, Sacramento, CA 95814 * tel 916.503.8317 * fax 916.653.1035 * email csaaveinfo@calvet.ca.gov

EXHIBIT

A3

June 29, 2018

Certified Mail: 7017 1450 0002 0118 8863

Dr. Scott Dalrymple, Ph.D.
President
Columbia College
1001 Rogers Street
Columbia, MO 65216

SUBJECT: TITLE 38 NOTICE OF SUSPENSION LETTER

Dear Dr. Dalrymple:

The California State Approving Agency for Veterans Education (CSAAVE), a division of the California Department of Veteran Affairs (CalVet), herein gives **NOTICE OF SUSPENSION** of approval for all programs offered by **Columbia College's California locations** as listed below, for the training of veterans and other eligible persons under the provisions of Title 38, U.S. Code §3675, **EFFECTIVE June 29, 2018.**

California Locations:

- | | |
|---|---------------------------|
| 1. Columbia College – Los Alamitos
11206 Lexington Drive, Suite 110,
Building 244 Joint Forces Training Base,
Los Alamitos, CA 90720 | Facility Code: 31-8013-05 |
| 2. Columbia College – NAS Lemoore
POB 1116, Building 826 Hancock Circle
NAS Lemoore, CA 93246-0001 | Facility Code: 31-8019-05 |
| 3. Columbia College – San Luis Obispo
C/O Cuesta College
Building 2700, Room 2701
San Luis Obispo, CA 93403 | Facility Code: 31-8026-05 |
| 4. Columbia College – San Diego
4025 Tripoli Avenue Building 111
San Diego, CA 92140 | Facility Code: 31-8041-05 |
| 5. Columbia College – Coast Guard Island
Coast Guard Island, Building 3
Alameda, CA 94501-5100 | Facility Code: 31-8192-05 |

The suspension of course approval for new enrollment by CSAAVE is authorized by Title 38, Code of Federal Regulations (CFR) §21.4259(a)(1). This authorization makes it incumbent upon the State Approving Agency (SAA) to take immediate and appropriate action in each case when it is found that the conduct of a course in any manner fails to comply with the requirements of approval. CalVet will proceed to disapprove the course(s) should the discrepancies cited here fail to be corrected within sixty (60) days from the date of this notice.

The specific issues that are the basis for CSAAVE's action include the following:

- Columbia College's California locations do not satisfy the requirements for approval pursuant to 38, CFR §21.4266(a)(1) and (5), (c),(d), and (e).
- Columbia College's California locations do not administer programs of education leading to an educational, professional or vocational objective as defined by 38, CFR §21.7020(b)(23).

As a basis for approval consideration of accredited courses under 38, CFR §21.4253(d), CSAAVE utilizes an institution's accreditation status and accrediting body standards. Based on the application and supporting documentation, it does not appear that the Columbia College's California locations satisfy the requirements for the grant of CSAAVE approval.

Upon review of information from the Higher Learning Commission (HLC), Columbia College's accrediting body, CSAAVE became aware that none of Columbia College's locations in California are recognized as a main campus or a branch campus by the HLC. They are all recognized as additional locations. According to HLC, an additional location is operationally dependent on the main campus.

The main or branch campus for which the Columbia College's California locations are operationally dependent, appears to be located outside of the State of California. Pursuant to 38, CFR §21.4266(e), the SAA may combine the approval of courses offered by an extension with the main or branch campus, if the extension is located within the same State as the campus it is dependent on.

Each of the Columbia College's California locations offer only individual subject courses, not a complete program of education as defined in 38, CFR §21.7020(b)(23). Students pursuing individual subject courses at Columbia College's California locations are not enrolled in a program of education or conferred a degree, certificate, or diploma. Consistent with their HLC designation as an additional location, Columbia College's California locations' individual subject courses are applied toward an educational objective conferred by the main campus in Missouri.

In order for Columbia College's additional locations in California to be reconsidered for approval by CSAAVE, Columbia College must complete all of the following:

- Submit to CSAAVE, as issued by the HLC, current verifiable documentation demonstrating at least one of Columbia College's locations in California is designated as a branch campus that is operationally independent of Columbia College's main campus.

Or

- Submit to CSAAVE, as issued by the HLC, current verifiable documentation demonstrating that Columbia College's additional locations in California are operationally dependent on a main or branch campus located within the State of California.

And

- Submit to CSAAVE, as issued by the HLC, current verifiable documentation demonstrating that Columbia College's locations in California offer a complete program(s) of education leading to a predetermined educational or vocational objective as defined in 38, CFR §21.7020(b)(23).

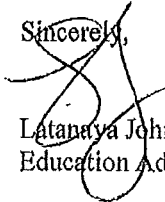
Documentation must be received at CSAAVE by **August 14, 2018**, to allow sufficient time for CSAAVE to process, conduct a thorough review, and make an approval determination before the expiration of this suspension on **August 29, 2018**. Documentation must be submitted, in one complete mailing, to CSAAVE at:

California Department of Veterans Affairs
California State Approving Agency for Veterans Education
1227 O Street, Suite 625
Sacramento, CA 95814

Should Columbia College fail to provide CSAAVE with all of the required documentation, the approval for the training of veterans and other eligible persons at all Columbia College's additional locations in California listed above will be disapproved effective **August 29, 2018**.

The U.S. Department of Veterans Affairs (DVA) regional office has been notified of this suspension of new enrollment in courses under Title 38, U.S. Code. Should you have any questions regarding this Notice of Suspension, please contact Julissa Silva-Garcia, Education Specialist at 916-503-8309 or Julissa.Silva-Garcia@calvet.ca.gov.

Sincerely,


Latanya Johnson
Education Administrator

Prepared by:

Julissa Silva-Garcia, Education Specialist

cc: VARO – San Diego

Carl David, Director, Columbia College - Los Alamitos, 11206 Lexington Drive, Suite 110,
Building 244 Joint Forces Training Base, Los Alamitos, CA 90720

Betsy Quade, Director, Columbia College – NAS Lemoore, POB 1116, Building 826 Hancock
Circle, NAS Lemoore, CA 93246-0001

Keith Glindemann, Director, Columbia College – San Luis Obispo, C/O Cuesta College, Building
2700, Room 2701, San Luis Obispo, CA 93403

Diana Schrefer, Director, Columbia College – San Diego, 4025 Tripoli Ave, Building 111, San
Diego, CA 92140

John Masis, Director, Columbia College – Coast Guard Island, Coast Guard Island, Building 3,
Alameda, CA 94501-5100

EXHIBIT B1



HIGHER LEARNING COMMISSION

230 South LaSalle Street, Suite 7-500
Chicago, IL 60604-1411
312.263.0456 800.621.7470
Fax: 312.263.7462 hlcommission.org

July 19, 2018



California Department of Veterans Affairs
California State Approving Agency for Veterans Education
1227 O Street, Suite 625
Sacramento, CA 95814

To Whom It May Concern:

Park University, based in Parkville, MO, is accredited by the Higher Learning Commission (HLC) at the certificate, associate's, bachelor's, and master's degree-granting levels and has been accredited since 1913. Additional information on this institution is available on HLC's website at <https://www.hlcommission.org/component/directory/?Itemid=&Action=ShowBasic&instid=1455>

Accreditation extends to the approved additional locations at Camp Pendleton, CA, Fort Irwin, CA, Victorville, CA, and Barstow CA. This letter is to confirm that Park University offers total degree programs at each of these locations and therefore administers programs of education "leading to an educational, professional or vocational objective as defined by 38 CFR §21.7020(b)(23)."

If you have further questions at this time, please feel free to contact me at pnewton@hlcommission.org or 312.263.0456, ext. 146.

Sincerely,

Patricia Newton-Curran
Associate Vice President for Accreditation
Processes and Systems

EXHIBIT B2



HIGHER LEARNING COMMISSION

240 South LaSalle Street, Suite 700
Chicago, IL 60604-0001
312.263.0456 300.691.7649
Fax: 312.978.2467 hlcommission.org

August 7, 2018

California State Approving Agency for Veteran Education
1227 O Street, Suite 625
Sacramento, CA 95814



To Whom It May Concern:

Webster University, based in St. Louis, MO, is accredited by the Higher Learning Commission (HLC) at the certificate, bachelor's, master's, specialist's, and doctoral degree-granting levels and has been continuously accredited since 1925. Additional information on this institution is available on HLC's website at <https://www.hlcommission.org/component/directory/?Itemid=&Action=ShowBasic&instid=1474>

This is to confirm that accreditation of Webster University extends to the following approved additional locations at which the institution offers total degree programs and has staff physically present. Programs offered at each location are listed on the attachment to this letter.

- Irvine Metropolitan, 32 Discovery, Irvine, CA 92618 (approved by HLC 01/01/1993)
- Los Angeles Air Force Base, 483 N. Aviation Blvd., Building 272, El Segundo, CA 90245 (approved by HLC 08/01/1997)

An additional location is a place, geographically separate from any main or branch campus, where instruction takes place and students can do one or more of the following:

- Complete 50 percent or more of the courses leading to a degree program.
- Complete 50 percent or more of the courses leading to a Title IV eligible certificate.
- Complete a degree program that they began at another institution even if the degree completion program provides less than 50 percent of the courses leading to a degree program.

An additional location typically does not have a full range of administrative and student services staffed by the facility's personnel. Such services may be provided at a distance from the main campus or another campus.

If you have further questions at this time, please feel free to contact me at pnewton@hlcommission.org or 312.263.0456, ext. 146.

Sincerely,

Patricia Newton-Curran
Associate Vice President for Accreditation
Processes and System

Attachment

Webster University programs currently offered at California additional locations:

IRVINE

Master of Business Administration (MBA)
MS in Cybersecurity
MA in Human Resources Management
MA in Management & Leadership
Graduate Certificate in Latino Media
Graduate Certificate in Latino Communication Leadership
BA in Management (degree completion program)

LOS ANGELES AIR FORCE BASE

MA in Business and Organizational Security Management
MS in Cybersecurity
MA in Management & Leadership
Master of Business Administration (MBA)
MA in Procurement and Acquisitions Management
Graduate Certificate in Government Contracting
BA in Management (degree completion program)

Please note the following:

Both locations offer the MS in Cybersecurity, but the program is new at both locations and no degrees have been conferred yet.

At Irvine, the two graduate certificates in Latino areas (Latino Media and Latino Communication Leadership) are active, but as yet, have not attracted students; thus, no certificates conferred yet.

EXHIBIT B3



HIGHER LEARNING COMMISSION

230 South LaSalle Street, Suite 7500
Chicago, IL 60604-1411
312.263.0456 800.621.7449
Fax: 312.263.7467 hlc.commission.org

August 13, 2018

California State Approving Agency for Veteran Education
1227 O Street, Suite 625
Sacramento, CA 95814



To Whom It May Concern:

Columbia College based in Columbia, MO, is accredited by the Higher Learning Commission (HLC) at the certificate, associate's, bachelor's, and master's degree-granting levels and has been continuously accredited since 1923. Additional information on this institution is available on HLC's website at <https://www.hlcommission.org/component/directory/?Itemid=&Action=ShowBasic&instid=1421>

This is to confirm that accreditation of Columbia College extends to the following approved additional locations at which the institution offers total degree programs and has staff physically present. Programs offered at each location are listed on the attachment to this letter.

- 11206 Lexington Dr., Suite 110, Los Alamitos, CA 90720 (approved by HLC 07/20/2015)
- POB 1116 , Bldg 826 Hancock Circle, NAS Lemoore CA 93246 (approved by HLC 03/19/2001)
- Questa College, Bldg 2700 Rm 2701, San Luis Obispo, CA 93403 (approved by HLC 01/15/2002)
- 4025 Tripoli Avenue, Bldg 111, San Diego, CA 92140 (approved by HLC 01/20/2009)
- Coast Guard Island, Bldg 3, Alameda, CA 94501 (approved by HLC 06/10/1976)

An additional location is a place, geographically separate from any main or branch campus, where instruction takes place and students can do one or more of the following:

- Complete 50 percent or more of the courses leading to a degree program.
- Complete 50 percent or more of the courses leading to a Title IV eligible certificate.
- Complete a degree program that they began at another institution even if the degree completion program provides less than 50 percent of the courses leading to a degree program.

An additional location typically does not have a full range of administrative and student services staffed by the facility's personnel. Such services may be provided at a distance from the main campus or another campus.

If you have further questions at this time, please feel free to contact me at pnewton@hlcommission.org or 312.263.0456, ext. 146.

Sincerely,

Patricia Newton-Curran
Associate Vice President for Accreditation
Processes and System

Attachment

Columbia College programs currently offered at California additional locations:

Columbia College - Los Alamitos

Facility Code: 31-8013-05

Associate in General Studies

Associate in Science in Business Administration

Associate in Science in Criminal Justice

Bachelor of Arts in Business Administration

Bachelor of Arts in Criminal Justice Administration

Bachelor of General Studies

Bachelor of Science in Business Administration

Columbia College - NAS Lemoore

Facility Code: 31-8019-05

Associate in Arts

Associate in General Studies

Associate in Science in Business Administration

Associate in Science in Computer Information Systems

Bachelor of Arts in Business Administration

Bachelor of Arts in Human Services

Bachelor of General Studies

Bachelor of Science in Business Administration

Bachelor of Science in Management Information Systems

Master of Business Administration

Columbia College - San Luis Obispo

Facility Code: 31-8026-05

Bachelor of Arts in Business Administration

Bachelor of Arts in Criminal Justice Administration

Bachelor of Arts in Psychology

Bachelor of General Studies

Bachelor of Science in Business Administration

Bachelor of Science in Computer Information Systems

Columbia College - San Diego

Facility Code: 31-8041-05

Associate in Science in Business Administration

Associate in Science in Human Services

Associate in General Studies

Bachelor of Arts in Business Administration

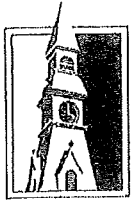
Bachelor of Arts in Human Services

Bachelor of General Studies

Bachelor of Science in Business Administration

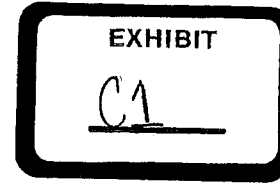
Columbia College - Coast Guard Island
Facility Code: 31-8192-05
Associate in Arts
Associate in General Studies
Associate in Science in Business Administration
Associate in Science in Criminal Justice Administration
Associate in Science in Environmental Studies
Bachelor of Arts in Business Administration
Bachelor of Arts in Human Services
Bachelor of Arts in Criminal Justice Administration
Bachelor of Arts in Psychology
Bachelor of General Studies
Master of Business Administration
Bachelor of Science in Computer Information Systems
Bachelor of Science in Management Information Systems

EXHIBIT C1



PARK
UNIVERSITY™

Office of the President



July 19, 2018

Latanaya Johnson
Education Administrator
Department of Veteran Affairs
California State Approving Agency for Veterans Education
1227 O Street, Suite 625
Sacramento, CA 95814

Dear Ms. Johnson:

Park University ("Park") has received a Title 38 Notice of Suspension Letter ("Letter") from the California State Approving Agency for Veterans Education ("CSAAVE") dated June 29, 2018. Please see Exhibit A attached herein.

Park is a private, not-for-profit university with a long history of serving the U.S. military. Park is a nationally recognized leader in education for service members, veterans, and their families. Over the past two decades in California, Park University has been honored to provide tailored educational opportunities to the men and women of the U.S. Armed Forces. Park deeply cares for its military and veteran students and makes every effort to comply with all local, state, and federal laws and regulations so that it may continue to offer exemplary educational services to its students.

Park believes that it is in full compliance with Title 38, specifically 38 CFR §21.4266 as cited in the Letter. Park's analysis of 38 CFR §21.4266 and its application to Park is outlined below. Park respectfully requests CSAAVE revoke its suspension to obtain course approval for new enrollments.

If CSAAVE disagrees with Park's analysis and still considers Park to be in violation of Title 38, Park requests an explanation of the basis for that disagreement. Park then requests to discuss any remaining issues and work together with CSAAVE to resolve any differences. During this resolution process, Park also requests an extension of the expiration of the suspension, so that, while it works to find a solution, Park can continue to best serve and assist CA students enrolled/enrolling for Fall 2018 who are greatly dependent on Park's military services and benefits.

In relevant part(s), the Letter states that Park is suspended from course approval for new enrollment by CSAAVE on the basis of the following:

1. Park's California locations do not satisfy the requirements for approval pursuant to 38 CFR §21.4266(a)(1) and (5), (c), (d), and (e); and
2. Park's California locations do not administer programs of education leading to an educational, professional or vocational objective as defined by 38 CFR §21.7020(b)(23).

Regarding number (1) above, Park interprets 38 CFR §21.4266 to solely require educational institutions' locations (either branch or extensions) to have (a) administrative capability, as defined in 38 CFR §21.4209 and 38 CFR §21.4266(a)(1), and (b) an on-site certifying official in order to obtain CSAAVE course approval under Title 38.

Park has administrative capability, as defined in 38 CFR §21.4266(a)(1), and a certifying official at each of its California locations, as required by 38 CFR §21.4266(c). All Park staff members at each of its California locations have access to Park's student records and information via its internal CX/Jenzabar system. Additionally, there are Park staff members who are certifying officials at every California location as demonstrated in Park's Designation of Certifying Officials (22-8794) forms. Please see Exhibit B attached herein.

In January 2017, CSAAVE instructed Park to complete and submit its 2017-18 CSAAVE Applications for Approval of Branch and Extension Campus ("Application(s)") for its four California locations as extensions (as defined by 38 CFR §21.4266(a)(5)) and to name Park's flagship campus, located in Parkville, Missouri, as its main campus on which the extensions are dependent. Please see Exhibit C attached herein.

In February 2017, upon full and reasonable reliance on CSAAVE's January 2017 Application instructions and representations, Park demonstrated its compliance with 38 CFR §21.4266 by submitting all Applications and required documentation to CSAAVE to obtain course approval.

On February 13, 2017, Park received its initial CSAAVE approval confirming its compliance with Title 38 in toto. Please see Exhibit D attached herein.

In August 2017, Park submitted its (renewal) Application for Approval of Accredited Proprietary Institutions to CSAAVE, and, on August 17, 2017, received CSAAVE renewal approval for all California locations once again confirming its compliance with Title 38 in toto. Please see Exhibit E attached herein.

Since Park has administrative capability and certifying officials at each California location, Park believes it has lawfully complied with the requirements of Title 38, namely, 38 CFR §21.4266(a)(c). Further, under these facts, Park believes that 38 CFR §21.4266(d)(e) is inapplicable to Park as section (d) is an exception to section (c) and section (e) is discretionary.

Regarding number (2) above, Park's regional accreditor, the Higher Learning Commission, has provided a letter to CSAAVE confirming that Park's California locations do administer programs of education leading to an educational objective. Please see Exhibit F attached herein.

Accordingly, Park respectfully requests CSAAVE revoke its Title 38 suspension or provide explanation as to why CSAAVE continues to consider Park out of compliance with Title 38 as requested above.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "Greg Gunderson".

Greg R. Gunderson, Ph.D.
President

EXHIBIT C2

August 8, 2018



Latanaya Johnson, Education Administrator
California Department of Veterans Affairs
California State Approving Agency for Veterans Education
1227 O Street, suite 625
Sacramento, CA 95814

RE: Response to Title 38 Notice of Suspension Letter

Dear Ms. Johnson,

We received your letter, dated June 29, 2018, notifying us that of a suspension of approval for programs offered by Webster University at our California locations. We have reviewed the letter and our operations at our two locations in California – at Irvine and El Segundo. We believe that we do meet the requirements for approval for programs under 38 CFR §21.4266. Webster University offers full programs leading to a degree, has certifying officials on site, and has administrative capability. We believe that there may be some misunderstanding based on the Higher Learning Commission's definition of "additional location" which caused CSAAVE to think Webster offered only individual courses and not full programs. Below please find our response to the letter, and attached please find a letter and attachment from the Higher Learning Commission.

In addition, we note that the letter, in the first paragraph, notes an effective termination date of June 29, 2018. However, at the end of the letter, it notes we should submit information by August 14, so that CSAAVE has necessary information in order to make a determination by August 28, 2019. Thus, we understand that we can work to provide information showing our compliance with 38 CFR §21.4266 until August 14, 2018.

First Issue: The June 29, 2018 letter states that "Webster University's California locations do not administer programs of education leading to an educational, professional or vocational objective as defined by 38 CFR §21.7020(b)(23)."

Webster University Response: This is not correct. Webster University has two "additional locations" (in the vocabulary of the Higher Learning Commission, our institutional accreditor) in California. Both of these locations offer full programs of

education that lead to educational objectives; specifically, the programs result in the conferral of a bachelor's degree, a master's degree, or a graduate level certificate.

The definition of *additional location* for the Higher Learning Commission (HLC) is "a place, geographically separate from any main or branch campus, where instruction takes place and students can do one or more of the following:

- Complete 50 percent or more of the courses leading to a degree program
- Complete 50 percent or more of the courses leading to a Title IV eligible certificate
- Complete a degree program that they began at another institution even if the degree completion program provides less than 50 percent of the courses leading to a degree program." (HLC, Institutional Change. (n.d.). Retrieved from <https://www.hlcommission.org/General/glossary.html>)

At Webster University, all additional locations offer 100% of the courses leading to the educational programs offered at the location or, as described in the third bullet above, offer courses needed to complete a bachelor's degree completion program. Webster does not, at any of its additional locations, offer "individual subject courses" which do not lead to the conferral of a credential. This would not benefit students seeking degrees and certificates to further their professional and personal goals. Students at Webster's additional locations in California are degree-seeking students who will be awarded a degree or certificate upon successful completion of their program. Webster confers degrees and certificates five times per year on students in California and at other additional locations across the U.S., internationally, and online.

Webster University makes clear what degrees and certificates are offered at each of its additional locations through 1) the locations' websites and 2) the academic catalogs (Graduate Studies Catalog and Undergraduate Studies Catalog). In California, Webster's additional locations in Irvine and at Los Angeles Air Force Base offer the following educational programs:

IRVINE

Master of Business Administration (MBA)
MS in Cybersecurity
MA in Human Resources Management
MA in Management & Leadership
Graduate Certificate in Latino Media
Graduate Certificate in Latino Communication Leadership
BA in Management (degree completion program)

LOS ANGELES AIR FORCE BASE

MA in Business and Organizational Security Management
MS in Cybersecurity

MA in Management & Leadership
Master of Business Administration (MBA)
MA in Procurement and Acquisitions Management
Graduate Certificate in Government Contracting
BA in Management (degree completion program)

Second Issue: The June 29, 2018 letter states that Webster University does not meet requirements for approval of courses at its two additional locations in California because: 1) the locations do not have a *certifying official* on site and 2) the locations do not have *administrative capability*. (38 CFR §21.4266(c).

Webster University Response on Certifying Officials: Webster University's additional locations in California each have a certifying official as defined by 38 CFR §21.4266(a)(2) on site. In fact, each location has two staff members who serve as certifying officials.

38 CFR §21.4266(a)(2) defines certifying official as a "representative of an educational institution designated to provide VA with the reports and certifications that §§21.4203, 21.4204, 21.510, 21.5812, 21.7152, and 21.7652 require." It is Webster's practice to have such a representative at its additional locations. At Webster University Irvine, that person is Steve Nshanian; the campus director, Brian Dozer, also serves as a school certifying official. At Webster University Los Angeles AFB, that person is Deborah Marshall; the campus director, Janice Neal, also serves as a school certifying official.

Webster University Response on Administrative Capability: Webster University's additional locations in California each have administrative capability as defined by 38 CFR §21.4266(a)(1). 38 CFR §21.4266(a)(1) defines administrative capability as the "ability to maintain all records and accounts that §21.4209 requires."

Webster University's additional locations in California are staffed with permanent, full-time staff, including a director, a staff member with responsibility as the certifying official, and other professional and support staff necessary to provide students with academic support and other services to successfully complete the degree or certificate they have elected to pursue. The HLC's definition of additional location includes the note: "An additional location typically does not have a full range of administrative and student services staffed by the facility's personnel. Such services may be provided from the main campus or another campus." (HLC, Institutional Change. (n.d.). Retrieved from <https://www.hlcommission.org/General/glossary.html>). This is true for Webster's additional locations, which are supported by Webster University's main campus in Webster Groves, Missouri in many aspects, from academic support (such as a main library with numerous online books and journals available to all students) to operational support (such as a central office of Information Technology) to academic operations (such as a central Office of the Registrar).

However, each of Webster's additional locations outside of Missouri has, as noted above, staff and faculty to provide the support needed for students to successfully complete degrees. They also have *administrative capability* as defined in 38 CFR §21.4266(a)(1), which is the "ability to maintain all records and accounts that §21.4209 requires." The records and accounts listed in §21.4209 include student academic records and transcripts, student accounts, and other records. Webster University maintains these records electronically, and appropriate staff at each additional location have access to these electronic records and can make them available for examination as needed and required to Government representatives for purposes of compliance with state and other regulations. Staff at Webster's main campus, who have expertise in managing the student data system, assist staff at the additional locations to collect and compile the records and accounts needed for purposes in their state.

In conclusion, we appreciate your review of this letter and the attached letter from the Higher Learning Commission, which document Webster University's compliance with regulations allowing us to offer programs for veterans under Title 38. We have a long and successful history of working with veterans to provide educational programs for their professional and personal advancement. In fact, our location in Irvine was just visited by the Department of Veterans Affairs in May 2018 for a compliance survey of beneficiary records. According to our Irvine director, no issues mentioned in this letter arose.

We look forward to your response.

Sincerely,



Elizabeth J. Stroble, PhD
President, Webster University

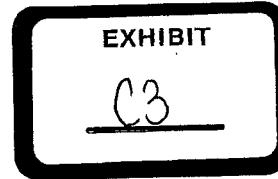
Enclosure: Letter from Higher Learning Commission

Cc: Julian Schuster, Ph.D., Provost
Nancy Hellerud, J.D., Vice Provost

EXHIBIT C3



Columbia College
Office of the President
1001 Rogers Street
Columbia, MO 65216
(573) 875-8700
www.ccls.edu



July 23, 2018

Ms. Latanaya Johnson
California State Approving Agency for Veterans Education
1227 O Street, Suite 625
Sacramento, CA 95814

Re: CSAAVE letter dated June 29, 2018 with Subject: Title 38 Notice of Suspension Letter

Dear Ms. Johnson:

Columbia College received the letter referenced above on July 10, 2018, 11 days after the letter was dated and the 60-day response clock started. Upon receipt, the Columbia College Director of Compliance immediately reached out to Ms. Julissa Silva-Garcia for clarification on the notification. We are awaiting response to the question we posed to Ms. Silva-Garcia, as outlined below.

One discrepancy in the notification states the Columbia College locations in California do not satisfy the requirements for approval pursuant to 38, CFR 21.4266(a)(1) and (5),(c),(d), and (e). The Approval of Courses at a Branch Campus or Extension allows extension sites with administrative capabilities (in compliance with 38, CFR 21.4209) to be approved without a branch or main campus being located in the same state. A State Approving Agency may approve a course or program offered by an extension that does not have its own administrative capability so long as the location has a branch or main campus within the state (per exception under 38, CFR 21.4266 (d).

The Columbia College locations in California cited in the Title 38 Notice of Suspension letter met the Higher Learning Commission's (HLC) definition of an additional location. CSAAVE advised Columbia College that an additional location, as defined by HLC, does not meet the administrative capabilities required by 38, CFR 21.4209. Specifically, CSAAVE stated that these locations need to have the ability to issue transcripts and confer degrees to meet the aforementioned regulation. When asked where this requirement (transcripts and degree conferral) is stated in 38, CFR 21.4209, CSAAVE did not provide an answer.

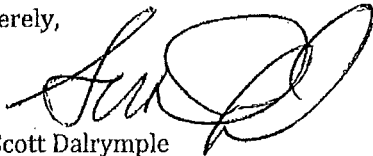
Columbia College locations in California have a certifying official and are able to produce all records under 38, CFR 21.4209, as evidenced by successful VA and CSAAVE site visits. Further, HLC confirmed that although an additional location per the HLC definition cannot produce transcripts or confer degrees, they are able to perform the functions required by the cited regulations.

Columbia College needs clarification on the following question: As Columbia College is able to certify administrative capabilities for the College locations in California, does that qualify these locations as eligible extension sites per 38, CFR 21.4209?

Per your letter, documents responding to the notification must be received by August 14, 2018. Due to the 11-day delay in the receipt of the letter and the need for a response to question outlined above, I request an extension of the suspense date to 60 days from the time we get the official response to our question.

Should you have any questions regarding this request, please contact Ms. April Longley, Director of Institutional Compliance at (573) 875-7792 or alongley@ccis.edu.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Dalrymple", written in a cursive style.

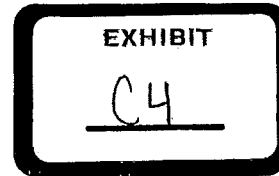
Dr. Scott Dalrymple
President

cc: Dr. Jeff Musgrove, Vice President for Adult Higher Education
Ms. April Longley, Director of Institutional Compliance

EXHIBIT C4



Columbia College
Office of the President
1001 Rogers Street
Columbia, MO 65216
(573) 875-8700
www.ccls.edu



August 13, 2018

Ms. Latanaya Johnson
California State Approving Agency for Veterans Education
1227 O Street, Suite 625
Sacramento, CA 95814

Re: CSAAVE letter dated June 29, 2018 with Subject: Title 38 Notice of
Suspension Letter
Consideration for Approval
Request to Certify at Extension Sites

Dear Ms. Johnson:

When Columbia College received the CSAAVE Title 38 Notice of Suspension Letter, the College was immediately concerned for the veteran student population who will be affected by this action. Columbia College believes no veteran student be denied the ability to utilize their earned educational entitlements at the institution of their choice.

The Columbia College California locations satisfy the requirements for approval pursuant to 38 CFR 21.4266(a)(1) and (5)(c). Furthermore, the Columbia College California locations administer programs of education leading to an educational, professional or vocational objective as defined by 38 CFR 21.7020(b)(23).

Additionally, below are detailed explanations of how the Columbia College locations in California meet the requirements for administrative capabilities at an extension site without a branch or main campus located in the state as attested to below:

38 CFR 21.4209 Examination of Records

- (a) *Availability of records.* Notwithstanding any other provision of law, educational institutions must make the following records and accounts available to authorized Government representatives:

- 1) Records and accounts pertaining to veterans or eligible persons who received education assistance under Chapter 1606 of Title 10 U.S.C. or Chapters 30, 32, 34, or 38 of title 38 U.S.C.;
 - **Columbia College certifies the ability to produce these records and accounts at the California locations referenced in the CSAAVE letter dated June 29, 2018.**
- 2) Other students' records necessary for the Department of Veterans Affairs to ascertain institutional compliance with the requirements of these chapters; and
 - **Columbia College certifies the ability to produce these records and accounts at the California locations referenced in the CSAAVE letter dated June 29, 2018.**

(b) *Type of records.* Each school will upon request of duly authorized representatives of the Government will make available for examination all appropriate records and accounts, including, but not limited to:

- 1) Records and accounts which are evidence of tuition and fees charged to and received from or on behalf of all veterans and eligible persons and from other students similarly circumstances;
 - **Columbia College certifies the ability to produce these records and accounts at the California locations referenced in the CSAAVE letter dated June 29, 2018.**
- 2) Records of previous education or training of veterans and eligible persons at the time of admission as students and records of advance credit, if any, granted by the school at the time of admission;
 - **Columbia College certifies the ability to produce these records at the California locations referenced in the CSAAVE letter dated June 29, 2018.**
- 3) Records of the veterans or eligible persons grades and progress;
 - **Columbia College certifies the ability to produce these records at the California locations referenced in the CSAAVE letter dated June 29, 2018.**
- 4) Records of all advertising, sales or enrollment materials as required by 21.4252(h) and section 3696(b), title 39 U.S.C.;
 - **Columbia College certifies the ability to produce these records at the California Locations referenced in the CSAAVE letter dated June 29, 2018.**
- 5) Records and computations showing compliance with the requirements of 21.4201 regarding the 85-15 percent ratio of students for each course; and
 - **Columbia College certifies the ability to produce these records at the California locations referenced in the CSAAVE letter dated June 29, 2018.**

- 6) Records necessary to demonstrate compliance with the requirements of 21.4252€ pertaining to the time necessary to complete a correspondence course.
 - o **Columbia College certifies the ability to produce these records at the California locations referenced in the CSAAVE letter dated June 29, 2018.**
- 7) Records necessary to demonstrate compliance with the requirements of 21.4252(g) pertaining to employment of graduated of the course.
 - o **Columbia College certifies the ability to produce these records at the California locations referenced in the CSAAVE letter dated June 29, 2018.**

Indeed, the Columbia College California locations administer programs of education leading to an educational, professional or vocational objective as defined by 38 CFR 21.7020(b)(23). The Higher Learning Commission (HLC), the College's accreditor, approves programs at the main campus and these programs may be taught at any other location provided that Columbia College obtains all necessary state approvals to offer said programs. HLC does not approve programs by location but by Institution. Columbia College has state approval for each California location and its associated programs through the Bureau for Private Postsecondary Education within the State of California. In addition to completing all coursework in-seat at a California location, California students may complete portions of their program through distance learning. According to the VA advisory dated August 9, 2018: Revised Guidance on the Approval of Programs Involving Online Courses Offered in Another State (see attachment 1), Columbia College students located at the affected California locations can complete their programs by supplementing online courses if they so wish. This constitutes a complete education program with a conferred degree. According to attachment 1, "[t]he VA does not view the fact that some of the courses required for completion of a program of education are provided through distance learning courses offered by the same institution as sufficient grounds for denying or withdrawing approval for GI Bill benefits, notwithstanding the fact that the additional distance learning courses (including a majority of courses) are offered by a campus in a different state."

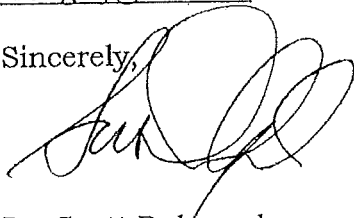
The Columbia College locations listed on the CSAAVE letter dated June 29, 2018 have a certifying official and can produce all records onsite under 38 CFR 21.4209, as evidenced by recent successful VA and past CSAAVE site visits. Further, through numerous discussions with both the VA Central Office and Muskogee Regional Processing Office, the College has been advised that the California locations meet the definition of an extension with administrative capability and the College hereby requests that it be granted the opportunity to submit applications for these sites as extension locations.

During this time, the College asks that CSAAVE not withdraw VA program approval at the referenced facility codes until CSAAVE can make a complete review of VA program approval applications for each extension location. The College will begin preparation of the application materials for the extension locations while awaiting your response.

As Columbia College is able to certify administrative capabilities for the College locations in California, these locations should be considered as eligible extension sites under 38CFR 21.4209. Columbia College confirms that the California locations administer programs of education leading to an educational, professional, or vocational objective as defined by 38 CFR 21.7020(b)(23).

Should you have any questions regarding this request, please contact Ms. April Longley, Director of Institutional Compliance at (573) 875-7792 or alongley@ccis.edu.

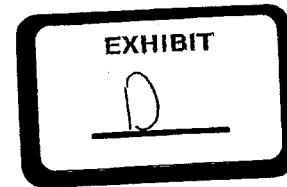
Sincerely,

A handwritten signature in black ink, appearing to read "Scott Dalrymple", written over a large, faint circular stamp or watermark.

Dr. Scott Dalrymple
President

EXHIBIT D

From: Johnson, Latanaya@CalVet [<mailto:Latanaya.Johnson@calvet.ca.gov>]
Sent: Thursday, August 23, 2018 9:21 AM
To: Morgan, Ashley <ashley.morgan@park.edu>
Cc: Ferrebee, Shane@CalVet <Shane.Ferrebee@calvet.ca.gov>
Subject: RE: <https://www.bppe.ca.gov/lawsregs/index.shtml>



Hello Ashley,

I wanted to follow up with you regarding my communications with CalVet and VA, relating the challenges that Park University and other similarly situated colleges are experiencing in demonstrating compliance with the Notices of Suspension. There's been extensive internal and external conversations regarding the 60-day timeline of the suspension, the ability for California schools to demonstrate compliance with state law, and the potential impact on the school and California veterans. Although its widely agreed that there is significant impact, no alternatives solutions were found.

Concerning the 60-day expiration of the suspension, there doesn't appear to be any legal authority within 38 CFR 21.4259 to extend the suspension or allow the school additional time to correct deficiencies. Schools are obligated to comply with the standards and requirements for approval, at all times. Therefore, the suspension timelines remain in effect and will expire as noted in the letters.

As previously explained, Park must submit verifiable documentation demonstrating that each of the California schools operate in compliance with applicable state law. CSAAVE will review all documentation and must conduct an on-site visit at each school to substantiate compliance, before the expiration of the Notice of Suspensions. If Park is unable to demonstrate compliance within the 60-day suspension period, federal law requires CSAAVE to immediately disapprove the courses.

Should you have any further questions, please let me know.



Latanaya Johnson,
Assistant Deputy Secretary
Chief of Postsecondary Education
California State Approving Agency for Veterans Education
916-503-8319 (Direct) | 916-653-1035 (Fax)

From: Morgan, Ashley [<mailto:ashley.morgan@park.edu>]
Sent: Wednesday, August 15, 2018 8:04 AM
To: Johnson, Latanaya@CalVet; Ferrebee, Shane@CalVet
Subject: RE: <https://www.bppe.ca.gov/lawsregs/index.shtml>

Thank you for the clarification.

Park is considered a branch campus in CA as approved by BPPE; BPPE instructed Park that Barstow campus is its main. Whatever issue there is there, I would presume that that's an issue between BPPE and the institution. Meaning, if HLC designated Park incorrectly and/or BPPE designated Park incorrectly, it's presumed that that issue and designation-resolution would remain between Park and HLC and between Park and BPPE, correct?

Regardless, it remains difficult to rectify the situation as CSAAVE interprets it since Park is approved and fully compliant under HLC rules, Title 38 law, and BPPE regulations. Meaning, Park operationally fits into HLC's operational designation as an additional location; Park operationally fits into BPPE's operational designation as a branch campus, and Park operationally fits into Title 38's operational designation as an extension. It's difficult to see how changing Park into a branch campus under HLC solves CSAAVE's interpreted issue.

Again, I can't thank you enough for any clarification provided and your time with this issue.

Ashley



PARK
UNIVERSITY

Ashley Morgan, J.D.

Compliance Coordinator
Park University- Parkville Campus
Office of General Counsel
8700 NW River Park Drive, CMB#93
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From: Johnson, Latanaya@CalVet [<mailto:Latanaya.Johnson@calvet.ca.gov>]
Sent: Wednesday, August 15, 2018 9:41 AM
To: Morgan, Ashley <ashley.morgan@park.edu>; Ferrebee, Shane@CalVet <Shane.Ferrebee@calvet.ca.gov>
Subject: RE: <https://www.bppe.ca.gov/lawsregs/index.shtml>

Good morning Ashley,

Thanks for reaching out. I want to reiterate that the difficulty for CSAAVE is the lack of consistency and clarity of the operating status and approval and/or recognition of the campuses, within California. There shouldn't be an attempt to fit the campuses into a definition; instead, there should be sufficient verifiable information demonstrating that the campuses are operating consistently with how they are approved and/or recognized by each entity.

I think it necessary to point out that some of the challenge is how the California campuses are viewed. BPPE considers each Park University location as an independent institution or "main"; as such, each is approved and must comply with California law. However, HLC and Park-MO considers each of the California locations as "additional" and/or instructional sites of the Missouri institution. Consequently, would be difficult for an "additional" location to demonstrate that it is an "institution." The definition or terminology of the state, federal, and/or accreditor isn't the problem, because the issue is the difference between what the state requires, HLC requires, and how Park operates within the state.

As I explained, CSAAVE's authority is for the approval of programs of education at a California institution. Consequently, it is imperative that each of the institutions demonstrate full compliance with

state law. While Park expressed concern with demonstrating compliance before the expiration of the Notice of Suspensions, I want to reiterate my commitment to assist the school to resolve this matter as expeditiously as possible. I'll contact VA and CalVet Legal, for additional guidance.

Latanaya



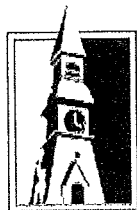
Latanaya Johnson,
Assistant Deputy Secretary
Chief of Postsecondary Education
California State Approving Agency for Veterans Education
916-503-8319 (Direct) | 916-653-1035 (Fax)

From: Morgan, Ashley [<mailto:ashley.morgan@park.edu>]
Sent: Tuesday, August 14, 2018 5:28 PM
To: Ferrebee, Shane@CalVet
Cc: Johnson, Latanaya@CalVet
Subject: RE: <https://www.bppe.ca.gov/lawsregs/index.shtml>

Apologies, I meant to add in my last email that becoming an HLC-approved branch campus would also be difficult to demonstrate consistency and uniformity with respect to state and federal regulations as HLC has a different definition of branch campus than Title 38's definition and BPPE's definition. Likewise, a satellite under BPPE is different than an additional location under HLC and different from an extension under Title 38. With that, I'm trying to reconcile how Park would demonstrate consistency and uniformity.

Any further guidance or regulation cites would be helpful so that we can work to figure out which issues may need to be addressed and fixed before the 60-day suspension ends.

Thank you again, in advance, for your time.
Ashley



PARK
UNIVERSITY

Ashley Morgan, J.D.
Compliance Coordinator
Park University- Parkville Campus
Office of General Counsel
8700 NW River Park Drive, CMB#93
Parkville, MO 64152
816-584-6513 (Office)
ashley.morgan@park.edu

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From: Morgan, Ashley
Sent: Tuesday, August 14, 2018 6:38 PM
To: 'Ferrebee, Shane@CalVet' <Shane.Ferrebee@calvet.ca.gov>

Cc: Johnson, Latanaya@CalVet <Latanaya.Johnson@calvet.ca.gov>
Subject: RE: <https://www.bppe.ca.gov/lawsregs/index.shtml>

Great, thank you Shane. Can Park presume, then, that changing its designation under BPPE to satellite location (similar to additional location) would demonstrate consistency and uniformity with respect to state and federal regulations?

Again, many thanks to you both for your time and guidance. It is much appreciated.

Ashley

From: Ferreebe, Shane@CalVet [<mailto:Shane.Ferreebe@calvet.ca.gov>]
Sent: Tuesday, August 14, 2018 5:51 PM
To: Morgan, Ashley <ashley.morgan@park.edu>
Cc: Johnson, Latanaya@CalVet <Latanaya.Johnson@calvet.ca.gov>
Subject: RE: <https://www.bppe.ca.gov/lawsregs/index.shtml>

Hi Ashley,
Latanaya is out for the day. CSAAVE is responsible for ensuring institutions meet the requirements of local, state and federal regulations for the approval of programs under Title 38. CSAAVE is a unique state agency in that we are required to enforce both state *and* federal regulations. As such, institutions must demonstrate consistency and uniformity with respect to state and federal regs. How the institution is doing business (as defined by the institutions accrediting agency and the BPPE), within California- degrees conferred, campus recognition, institutional/program status, etc.,- will be considered by CSAAVE for a grant of approval. Per our discussion today, CSAAVE is unable to determine the operational status of Park University campuses within California due to the differing campus designations given by the BPPE and HLC.

I hope this helps.

Shane Ferreebe

From: Johnson, Latanaya@CalVet
Sent: Tuesday, August 14, 2018 12:36 PM
To: Ferreebe, Shane@CalVet <Shane.Ferreebe@CalVet.ca.gov>
Subject: Fwd: <https://www.bppe.ca.gov/lawsregs/index.shtml>

Sent from my iPhone

Begin forwarded message:

From: "Morgan, Ashley" <ashley.morgan@park.edu>
Date: August 14, 2018 at 12:15:03 PM PDT
To: "Johnson, Latanaya@CalVet" <Latanaya.Johnson@calvet.ca.gov>
Subject: RE: <https://www.bppe.ca.gov/lawsregs/index.shtml>

Hi Latanaya,

First, thanks so much for the phone call today. I apologize for another interruption in your celebration. Congrats on the new addition!

However, whenever possible, will you please send the law or reg. that states that the BPPE designation (e.g., branch, satellite, etc.) must match the accreditor's designation?

Thank you again,
Ashley



Ashley Morgan, J.D.
Compliance Coordinator
Park University- Parkville Campus
Office of General Counsel
8700 NW River Park Drive, CMB#93
Parkville, MO 64152
816-584-6513 (Office)
ashley.morgan@park.edu

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From: Johnson, Latanaya@CalVet [<mailto:Latanaya.Johnson@calvet.ca.gov>]
Sent: Tuesday, August 14, 2018 12:59 PM
To: Morgan, Ashley <ashley.morgan@park.edu>
Subject: <https://www.bppe.ca.gov/lawsregs/index.shtml>



Latanaya Johnson,
Assistant Deputy Secretary
Chief of Postsecondary Education
California State Approving Agency for Veterans Education
916-503-8319 (Direct) | 916-653-1035 (Fax)
www.calvet.ca.gov

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