

MATTER OF BRANDON'S PROFESSIONAL SCHOOLS

Petition for Approval of School

SFR 214.336

Decided by Regional Commissioner October 18, 1965

Where petitioner, a privately-operated professional school offering secretarial and other courses, including English as a foreign language and foreign language courses, failed to submit evidence that the offered language courses had been approved by an appropriate State of California authority, nor did the United States Office of Education, following consultation, approve the language courses, the petition for approval of the school for attendance by nonimmigrant students pursuant to section 101(a)(15)(F), Immigration and Nationality Act, as amended, was denied without prejudice.

Discussion: This case comes forward on appeal from the decision of the District Director, San Francisco, who denied the application on September 15, 1965 in that petitioner (1) failed to submit evidence that two of the courses offered by petitioner, foreign language and English as a foreign language, had been approved by an appropriate State of California authority, and (2) failed to submit evidence that the prior approval of the secretarial, clerk typist, and PBX receptionist courses had been renewed or extended beyond July 6, 1965.

The petitioner is a privately operated professional school doing business under the name of Brandon's Professional Schools at 821 Market Street, San Francisco, California. The school was founded in 1938 and incorporated in the State of California, June 27, 1961, under the name of the Professional Secretarial School, Incorporated. The school has 12 instructors with salaries ranging from \$400 to \$500 per month. The school conducts day and night classes and is in session throughout the year except for national holidays. It has facilities for a maximum of 90 students. None of the instructors or staff have State of California teaching credentials although they have been approved by the Bureau of Readjustment Education, Department of Education of the State of California.

The petitioner is seeking approval for the acceptance of non-immigrant foreign students to pursue secretarial, clerk typist, PBX

Interim Decision #1527

receptionist, English as a foreign language and foreign language courses. The time required for completion of such courses ranges from 210 hours for the PBX receptionist to 720 hours for beginning students in a foreign language. In addition, the petitioner sells courses in such individual subjects as shorthand, typing, and foreign languages which students may purchase and pursue without time limitation. The State of California Department of Education recognizes the certificates awarded students upon completion of the secretarial, clerk typist, and PBX receptionist courses but does not recognize the "Certificate of Accomplishment" awarded upon completion of the foreign language and English as a foreign language courses as these courses do not lead to academic or professional goals.

In support of the appeal, petitioner has presented a document issued by the State of California Department of Education dated July 6, 1965 which shows that the secretarial course, the clerk typist course, and the PBX receptionist course have been approved to July 6, 1966 pursuant to the California Education Code, section 29007.5.

8 CFR 214.3(b) provides in part as follows:

If the petitioner is a vocational school, business school, or American institution of research recognized as such by the Attorney General, it must establish that its courses of study are accepted as fulfilling the requirements for the attainment of an educational, professional, or vocational objective, and are not avocational or recreational in character.

A letter dated September 2, 1965 by the State of California Department of Education and presented by the petitioner in support of the appeal states in part:

The subject English for the Foreign Born and foreign language subjects were not included in the original or subsequent application for approval as the training does not lead to a vocational objective and therefore does not fall under the jurisdiction of the code, section 29007.5.

It has, however, been determined that section 29007.5 further provides that if proper application is made and if accompanied by appropriate fee, the State of California Department of Education may approve the language courses in question if they meet the State's educational requirements.

8 CFR 214.3(c) states that the United States Office of Education has recognized as established institutions of learning (eligible for the enrollment of foreign students) the following types of schools:

1. A school owned or operated as a public educational institution by the United States or a State or a political subdivision thereof.

Interim Decision #1527

2. A school listed in the current United States Office of Education publication, "Accredited Higher Institutions" or "Education Directory, Part 3, Higher Education".
3. A secondary school operated by or as a part of an institution of higher learning listed in the current United States Office of Education publications named in (2) above and further provides as follows:

"Before a decision is made on a petition filed by any other school, the United States Office of Education shall be consulted by the District Director to determine whether the petitioner is an established institution of learning or other recognized place of study, is operating a bona fide school, and has the necessary facilities, personnel, and finances to instruct in recognized courses."

Petitioner does not fall within the type of school listed in (1), (2) and (3) above but falls within the "other school" category of the quoted provision of 8 CFR 214.3(e), and the United States Office of Education must be consulted.

The United States Office of Education was consulted by the District Director, San Francisco and upon review of the petition and supporting documents, the United States Office of Education on July 19, 1965 recommended that petitioner's courses, secretarial, clerk typist, and PBX receptionist, be approved on the condition that these courses previously approved by the State of California Department of Education to July 6, 1965 be extended beyond July 6, 1965 and further recommended that the courses "English as a foreign language" and "foreign language" *not* be approved. It should be noted that at the time the United States Office of Education made this adverse recommendation in regard to the language courses petitioner had not made proper application for approval to the State of California Department of Education. If such approval had been obtained, it would have been considered by the United States Office of Education in making its recommendation.

Petitioner has met the conditional requirements relating to the approved courses by presenting evidence that the three professional courses, secretarial, clerk typist, and PBX receptionist, have been approved to July 6, 1966 by the State of California Department of Education. Petitioner has thus overcome *one* of the grounds of denial by the District Director. However, the language courses have not been approved by either the State of California Department of Education or the United States Office of Education. The petitioning school may not be approved for the enrollment of nonimmigrant foreign students. The decision of the District Director was proper and the appeal will be dismissed. The deficiency as it relates to the non-approved language courses may be overcome if proper application is made to appropriate authorities and the courses subsequently approved by the State of California Department of Education and the

Interim Decision #1527

United States Office of Education. Therefore, the petition is denied without prejudice, and the District Director is authorized to reconsider this petition at such time as evidence is obtained that the language courses in question have been properly approved by the State and Federal educational authorities.

ORDER: It is ordered that the appeal be dismissed.

It is further ordered that the denial of the petition be without prejudice and that the District Director reconsider the petition when the language courses of the petitioning school have been approved by proper authorities.