AMERICAN ARBITRATION ASSOCIATION

In the Matter of the Arbitration Between HEATHER D. NYE, Claimant, v. LAMBDA, INC. D/B/A LAMBDA SCHOOL; JOHN DOES 1-9, Respondents.	AAA Case No. 01-21-0003-8512

CLAIMANT HEATHER D. NYE'S DISPOSITIVE MOTION ON HER CLAIM THAT RESPONDENT LAMBDA SCHOOL WAS UNLAWFULLY OPERATING WITHOUT A LICENSE AT THE TIME SHE ENROLLED

Pursuant to Rule 33 of the American Arbitration Association's Consumer Arbitration Rules, Claimant Heather D. Nye submits this dispositive motion on her claim that Respondent Lambda School was operating without a license from the California Bureau for Postsecondary Education ("BPPE") at the time she enrolled and executed her Income Share Agreement ("ISA"). Pursuant to the California Education Code, an ISA is "not enforceable" if, at the time of execution, the institution does not have "approval to operate." Cal. Educ. Code § 94917. Lambda's execution of Ms. Nye's ISA over one year before it obtained BPPE approval therefore constitutes a *per se* violation of the California Education Code and, consequently, of the unlawful prong of California's Unfair Competition Law ("UCL"). As such, her ISA is "not enforceable" by Lambda.

STATEMENT OF FACTS

As a non-degree granting, private postsecondary institution based in California, Lambda must be approved to operate by the BPPE. *See* Cal. Educ. Code § 94886 ("a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter."). Lambda flouted this clear requirement by operating, recruiting, and enrolling students, including Ms. Nye, prior to receiving BPPE approval. Demand ¶ 17.

On March 20, 2019, prior to Ms. Nye's enrollment, the BPPE issued Lambda a "Citation: Assessment of Fine and Order of Abatement" ("Citation") (Exhibit A), finding that Lambda was "operating without Bureau approval," in violation of the California Education Code. In the Citation, the BPPE ordered Lambda to "cease to operate as a private postsecondary educational institution" and "submit a school closure plan." Demand ¶ 89; Exh. A at 2. The Citation further required that Lambda "discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including the https://lambdaschool.com and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau." *Id.*

Lambda appealed. On July 24, 2019, the BPPE affirmed the Citation because "[n]o new substantive facts were presented." Appeal of Citation Informal Conference Decision: Citation Affirmed (the "Citation Affirmance") (Exhibit B). The BPPE ordered Lambda to "comply with the orders described in the 'Violation Code Sections' of this document." *Id.* at 3. Those orders included the following:

- "The Bureau orders that the Institution cease to operate as a private postsecondary educational institution." *Id.* at 2.

- "The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including the https://lambdaschool,com and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau." *Id.*

- "The Institution must disconnect all telephone service numbers including but not limited to (800) 883-1943 that are associated with the Institution until such time as an approval to operate is obtained from the Bureau." *Id.*

- "To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926." *Id.*

Lambda disregarded all of these orders. After the Citation and Citation Affirmance, Lambda continued to operate, advertise its educational services to the public, and enroll students. In June 2019—after Lambda was required to "discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media"—Lambda enrolled Ms. Nye in its web development program. On June 19, 2019, Mr. Allred and Ms. Nye executed Ms. Nye's ISA. *See* Demand ¶ 76 (attaching Ms. Nye's ISA).[1] Yet Lambda never disclosed to her that it was not approved to operate, had violated the California Education Code, and was under order from the BPPE to cease operations and not enroll students, including Ms. Nye.

Lambda remained unapproved for more than a year following the execution of Ms. Nye's ISA. During this time, the BPPE continued to remind Lambda that it was required to cease

[1] As Lambda describes it: "A Lambda School ISA is a contract under which you agree to pay 17% of your post-Lambda School salary for 24 months, but only once you're making more than $50,000 per year (or the equivalent of $4,166.66 per month). The ISA is capped at a maximum repayment of $30,000, so you won't pay more than $30,000 under any circumstances." *See* Demand ¶ 27.

operations. On August 21, 2019, the BPPE sent Lambda a letter stating that it was unable to grant the school's application for approval due to multiple deficiencies, and reminding Lambda that:

> A citation was issued on July 24, 2019 *(Copy of citation attached);* with an order of abatement and payment of $75,000 due by August 23, 2019.
>
> • **Please note:** Failure for an applicant or institution to abate the violation(s) or to pay the administrative fine within the time allowed may result in denial of an application for an approval to operate or disciplinary action. The Bureau will promptly take all appropriate action to enforce the affirmed citation and recover the civil penalties prescribed therein or found to be due after a hearing.

See Letter from BPPE to Lambda at 3 (Aug. 21, 2019) (Exhibit C).

The BPPE eventually granted Lambda's approval to operate. *See* Letter from Robert J. Bayles, BPPE, to Juli Tarca, Lambda (Aug. 17. 2020) (Exhibit D). The notification from the BPPE stated that approval of the web development program, in which Ms. Nye had been enrolled for more than a year, took effect on August 17, 2020. *Id.*

From at least May 2019 until Lambda was approved in August 2020, Lambda's course catalogs falsely stated that Lambda was approved by the BPPE. In at least three versions of the 2019 and 2020 catalogs—revised in May 2019, September 2019, and July 2020 (all prior to Lambda's August 2020 approval)—Lambda falsely stated the following:

> **APPROVALS**
> Lambda School is a private institution *approved to operate* by the California Bureau for Private Postsecondary Education. Approval to operate means the institution is compliant with the minimum standards contained in the California Private Postsecondary Education Act of 2009 (as amended) and Division 7.5 of Title 5 of the California Code of Regulations."

See Excerpts of Three Versions of Lambda Course Catalogs for 2019 and 2020 at 5 (emphasis added) (Exhibit E).

ARGUMENT

The UCL's unlawful prong bars "anything that can properly be called a business practice and that at the same time is forbidden by law." *Bank of the West v. Superior Court,* 2 Cal. 4th 1254, 1266 (Cal. 1992) (citations omitted). Thus, if a business practice violates any law, it is *per se* a UCL violation. *See Friedman v. AARP, Inc.*, 855 F.3d 1047, 1052 (9th Cir. 2017) ("[I]t is clear that virtually any state, federal, or local law can serve as the predicate.") (citation omitted) (internal quotation marks omitted); *see also Kasky v. Nike, Inc.*, 27 Cal.4th 939, 949 (Cal. 2002) ("The UCL permits violations of other laws to be treated as unfair competition that is independently actionable."); *San Mateo Union High Sch. Dist. v. Educ. Testing Servs*., No. 13-cv-3660, 2013 WL 4711611, at *12 (N.D. Cal. Aug. 30, 2013) (finding that violations of the California Education Code are actionable under the unlawful prong of the UCL); *Daghlian v. DeVry Univ.*, *Inc.*, 582 F. Supp. 2d 1231, 1236 (C.D. Cal. 2007) (same).

California law (i) bars private postsecondary educational intuitions such as Lambda from doing business without obtaining state approval, Cal. Educ. Code § 94886, (ii) makes it a crime to "[k]nowingly operat[e] a private postsecondary institution without an approval to operate," *id.* § 94943, (iii) holds that enrollment agreements are unlawful and unenforceable if, at the time of execution, the institution did not hold a valid approval to operate, *id.* § 94902(b)(2), and (iv) provides that any "note, instrument, or other evidence of indebtedness relating to payment for an educational program is *not enforceable* by an institution unless, at the time of execution of the note, instrument, or other evidence of indebtedness, the institution held an approval to operate," *id.* § 94917 (emphasis added). Ms. Nye's ISA, fully executed on June 19, 2019, is a "note,

instrument, or other evidence of indebtedness relating to payment for [her] educational program."

Because Ms. Nye's ISA was executed over one year before Lambda obtained the BPPE's approval to operate, as a matter of law it is therefore "not enforceable" by Lambda. Cal. Educ. Code § 94917; *see also Dowell v. Biosense Webster, Inc.*, 179 Cal. App. 4th 564, 575 (Cal. App. Ct. 2009) (finding that noncompete and nonsolicitation clauses that violate separate provisions of California law were "void and unenforceable" under the unlawful prong of the UCL); *cf Asdourian v. Araj*, 38 Cal. 3d 276, 291 (Cal. 1985) ("Generally a contract made in violation of a regulatory statute is void."). Any other result would render the BPPE's orders toothless, and deprive students of the protections that the California Education Code and UCL are intended to provide.

CONCLUSION

In this case, the indisputable facts establish that Lambda was operating without BPPE approval at the time Ms. Nye enrolled. Therefore, her ISA is, as a matter of law, "not enforceable." Ms. Nye therefore requests that the Arbitrator: (i) declare that her ISA is not enforceable pursuant to the California Education Code and UCL; (ii) declare that, until August 17, 2020, Lambda conducted business as a private postsecondary educational institution without approval to operate, in violation of the California Education Code and UCL; (iii) order Lambda to cancel Ms. Nye's ISA and enjoin Lambda from ever collecting on her ISA; and (iv) provide all such further relief as the Arbitrator deems just and proper.

Dated: October 26, 2021

Respectfully Submitted,

/s/ Alexander S. Elson
Alexander S. Elson (D.C. Bar No. 1602459)
NATIONAL STUDENT LEGAL DEFENSE NETWORK
1015 15th St., N.W., Ste. 600
Washington, D.C. 20005
(202) 734-7495
alex@defendstudents.org

Philip Andonian (D.C. Bar No.490792)
CALEBANDONIAN PLLC
1100 H St., N.W., Ste. 315
Washington, D.C. 20005
(202) 953-9850
phil@calebandonian.com

Justin Berger (CA Bar. No. 250346)
COTCHETT, PITRE & McCARTHY, LLP
San Francisco Airport Office Center
840 Malcolm Road
Burlingame, CA 94010
(650) 697-6000
JBerger@cpmlegal.com

Attorneys for Claimant

BPPE
Bureau for Private Postsecondary Education

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DEPARTMENT OF CONSUMER AFFAIRS • BUREAU FOR PRIVATE POSTSECONDARY EDUCATION
2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 431-6959 | Toll-Free (888) 370-7589 | www.bppe.ca.gov

CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: Lambda Inc., dba Lambda School, Owner
Lambda Inc.
5820 Stoneridge Mall Rd., Ste. 212
Pleasanton, CA 94588

INSTITUTION CODE: Unapproved
CITATION NUMBER: 1819150
CITATION ISSUANCE/SERVICE DATE: March 20, 2019
DUE DATE: April 19, 2019
FINE AMOUNT: $ 75,000.00
ORDER OF ABATEMENT INCLUDED: Yes

Christina Villanueva issues this Citation: Assessment of Fine and Order of Abatement (Citation) in her official capacity as Discipline Manager for the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to Lambda Inc., dba Lambda School, Owner of Lambda School (Institution) located at 5820 Stoneridge Mall Rd., Ste. 212, Pleasanton, CA 94588 pursuant to Business and Professions Code section 125.9 and 149; California Education Code (CEC) section 94944; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violation(s) described below.

BACKGROUND

On July 13, 2018, the Bureau received a complaint alleging, the Institution was operating without Bureau approval. Through the course of the investigation and evidence obtained, it was determined the Institution is operating without Bureau approval.

VIOLATION(S)

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	**Violation:** **CEC Section 94886. Approval to Operate Required** "Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter."

94858. Private Postsecondary Educational Institution
"Private postsecondary educational institution" means a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge.

CEC Section 94817.5. Approved to Operate or Approved
"Approved to operate" or "approved" means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs."

CEC Section 94868. To Offer to the Public
"To offer to the public" means to advertise, publicize, solicit, or recruit."

CEC Section 94869. To Operate
"To operate" means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided."

On December 5, 2018, Bureau staff investigated the complaint to determine if the Institution was operating as a private postsecondary educational institution. The Institution is listed as "Lambda School" on their website and is advertising to the public a set of introductory and immersive courses in Full Stack Web, iOS Development, Android Development, Data Science, and UX Design. Tuition costs are not listed as they offer Income Sharing Agreements (ISAs). The institution's *"How It Works"* tab reads: *"Lambda School trains people online to be software engineers at no up-front cost. Instead of paying tuition, students can agree to pay a percentage of their income after they're employed, and only if they're making more than $50k per year. If you don't find a job, or don't reach that level of income, you'll never pay a cent."*

The Institution's website indicates, as part of their FAQ tab, that students can pay an upfront tuition cost of $20,000 instead of signing an ISA. This evidence confirms that the Institution violated the requirement for an Approval to Operate, per CEC section 94886, as the Institution is operating unapproved and charging students over $2,500.00 in tuition and does not qualify for any of the exemptions under CEC section 94874.
On December 5, 2018, the Institution was contacted, via their website's instant message option, requesting information regarding the function of their California campus location. A response was not received.

A business license listing was found for Lambda School with the City of Pleasanton.

Order of Abatement:
The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including the https://lambdaschool.com and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau The Institution must disconnect all telephone service numbers including but not limited to (800) 883-1943 that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926.The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including

	phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs. **Assessment of Fine** The fine for this violation is $75,000.00
TOTAL ADMINISTRATIVE FINE DUE: $75,000.00	

ASSESSMENT OF A FINE

In accordance with CEC section 94944; and 5, CCR section 75020(b), the Bureau hereby orders this assessment of a fine in the amount of **$75,0000.00** for the violations described above. **Payment must be made, to the Bureau, within 30 days from the date of service of the Citation.**

COMPLIANCE WITH ORDER OF ABATEMENT

In accordance with the provisions of 5, CCR section 75020 (b) the Bureau hereby issues the order(s) of abatement described above. In accordance with Business and Professions Code Section 149, the Bureau may disconnect any telephone service numbers used by an unapproved Institution. **Evidence of compliance with the order(s) of abatement must be submitted, to the Bureau, within 30 days from the date of service of the Citation.**

APPEAL OF CITATION

You have the right to contest this Citation through an informal conference with the Bureau; and/or through an administrative hearing in accordance with Chapter 5 (Commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you wish to contest this Citation, you must submit the 'Notice of Appeal of Citation – Request for Informal Conference and/or Administrative Hearing' form (enclosed) within 30 days from the date of service of the Citation. *If you do not request an informal conference and/or an administrative hearing within 30 days from the service of the Citation, you will not be able to request one at a later time.*

Unless a written request for an informal conference and/or an administrative hearing is signed by you and delivered to the Bureau by **April 19, 2019,** you will be deemed to have waived or forfeited your right to appeal this matter.

EFFECTIVE DATE OF CITATION

If you do not request an informal conference and/or an administrative hearing, this Citation shall become effective on **March 20, 2019.** Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 19, 2019**. Your payment of the administrative fine shall not constitute an admission of the violation(s) charged.

If a hearing is requested, you will not be required to comply with this Citation until 30 days after a final order is entered against you.

Payment of the administrative fine and/or written request for appeal must be mailed to:
Gurinder Sandhu, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

Failure for an applicant or institution to abate the violation(s) listed above or to pay the administrative fine within the time allowed may result in denial of an application for an approval or renewal to operate; disciplinary action, and/or collection action. The Bureau will promptly take all appropriate action to enforce this Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this Citation, or desire further information, please contact Gurinder Sandhu, Citation Analyst, at 916-431-6940 or Gurinder.Sandhu@dca.ca.gov.

Christina Villanueva
Discipline Manager

3/20/19
Date

Enclosures
- Applicable Laws Violated
- Statement of Rights: Appeal Process Information Sheet
- Notice of Appeal of Citation: Request for Informal Conference and/or Administrative Hearing
- Payment of Fine – Waiver of Appeal
- Declaration of Service by Certified and First-Class Mail

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APPEAL OF CITATION INFORMAL CONFERENCE DECISION; CITATION AFFIRMED

July 24, 2019

Lambda Inc., dba Lambda School, Owner
Lambda School
5820 Stoneridge Mall Rd., Ste. 212
Pleasanton, CA 94588

Date of Issuance	Citation Number	Institution Code
July 24, 2019	1819150	Unapproved

On May 15, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1819150 (Citation) against Lambda Inc., dba Lambda School, Owner of Lambda School (Institution). In attendance were Yvette Johnson, Administrative Chief; Keith Zakarin, Attorney; and Trevor McKendrick, Lambda Counsel Chief of Staff.

Pursuant to Business and Professions Code, §148; California Education Code (CEC), section 94944; and Title 5 of California Code of Regulations (5, CCR), section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1819150.

It is the decision of the Administrative Chief that on July 11, 2019, Citation No. 1819150 is affirmed for the following reason(s):

- No new substantive facts were presented at the conference.

VIOLATION CODE SECTIONS

#	Below you will find the California Education Code (CEC) and/or Title 5 of the California Code of Regulations (5, CCR code) section(s) of law you are charged with violating.
1.	**Violation:** **CEC Section 94886. Approval to Operate Required** *"Except as exempted in Article 4 (commencing with Section 94874) or in compliance with the transition provisions in Article 2 (commencing with Section 94802), a person shall not open, conduct, or do business as a private postsecondary educational institution in this state without obtaining an approval to operate under this chapter."* **94858. Private Postsecondary Educational Institution** *"Private postsecondary educational institution" means a private entity with a physical presence in this state that offers postsecondary education to the public for an institutional charge.* **CEC Section 94817.5. Approved to Operate or Approved** *"Approved to operate" or "approved" means that an institution has received authorization pursuant to this chapter to offer to the public and to provide postsecondary educational programs."*

CEC Section 94868. To Offer to the Public
"To offer to the public" means to advertise, publicize, solicit, or recruit."

CEC Section 94869. To Operate
"To operate" means to establish, keep, or maintain any facility or location in this state where, or from which, or through which, postsecondary educational programs are provided."

On December 5, 2018, Bureau staff investigated the complaint to determine if the Institution was operating as a private postsecondary educational institution. The Institution is listed as "Lambda School" on their website and is advertising to the public a set of introductory and immersive courses in Full Stack Web, iOS Development, Android Development, Data Science, and UX Design. Tuition costs are not listed as they offer Income Sharing Agreements (ISAs). The institution's "How It Works" tab reads: "Lambda School trains people online to be software engineers at no up-front cost. Instead of paying tuition, students can agree to pay a percentage of their income after they're employed, and only if they're making more than $50k per year. If you don't find a job, or don't reach that level of income, you'll never pay a cent."

The Institution's website indicates, as part of their FAQ tab, that students can pay an upfront tuition cost of $20,000 instead of signing an ISA. This evidence confirms that the Institution violated the requirement for an Approval to Operate, per CEC section 94886, as the Institution is operating unapproved and charging students over $2,500.00 in tuition and does not qualify for any of the exemptions under CEC section 94874.
On December 5, 2018, the Institution was contacted, via their website's instant message option, requesting information regarding the function of their California campus location. A response was not received.

A business license listing was found for Lambda School with the City of Pleasanton.

Order of Abatement:
The Bureau orders that the Institution cease to operate as a private postsecondary educational institution, unless the Institution qualifies for an exemption under CEC section 94874. The Institution must discontinue recruiting or enrolling students and cease all instructional services and advertising in any form or type of media, including the https://lambdaschool.com and any other websites not identified here that are associated with the Institution, until such time as an approval to operate is obtained from the Bureau The Institution must disconnect all telephone service numbers including but not limited to (800) 883-1943 that are associated with the Institution until such time as an approval to operate is obtained from the Bureau. To comply with the Order of Abatement the Institution must submit a school closure plan to the Bureau pursuant to California Education Code section 94926.The Institution must provide a roster of each student currently enrolled at the Institution. The roster must include the names of the students, their contact information (including phone number, email address, and physical address), the programs in which they are enrolled, the amount paid for the programs.

Assessment of Fine
The fine for this violation is $ 75,000.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: $75,000.00

ORDER OF ABATEMENT

The Bureau orders that you comply with the orders described in the 'Violation Code Sections' of this document and submit evidence of compliance within 30 days from the date of this decision.

PENALTY – ASSESSMENT OF A FINE

Payment of the administrative fine is due within 30 days from the date of this decision. Please complete the Payment of Fine form. Payment must be made to the Bureau by check, or money order. Please include the citation number on the payment of the fine assessment. Payment of the administrative fine shall not constitute an admission of the violation(s) charged and shall be represented as satisfactory resolution of the matter for purposes of public disclosure. Payments may be mailed to:

Cheryl Lardizabal, Discipline Citation Program
Bureau for Private Postsecondary Education
2535 Capitol Oaks Drive, Suite 400
Sacramento, CA 95833

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this affirmed Citation. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on July 24, 2019. The order of abatement and payment are due by **August 23, 2019.**

Failure to abate the violation or to pay the administrative fine within the time allowed is grounds for denial of an application for an approval to operate or discipline. The Bureau will promptly take all appropriate action to enforce the Affirmed Citation and recover the civil penalties prescribed therein or found to be due after a hearing.

CONTACT INFORMATION

If you have any questions regarding this decision or desire further information, please contact insert name, Cheryl Lardizabal, at (916) 621-2591 or at Cheryl.Lardizabal@dca.ca.gov.

Christina Villanueva
Discipline Manager

7/24/19
Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail

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August 21, 2019

Juli Tarca
Lambda School
250 Montgomery Street, 16th Floor
San Francisco, CA 94104

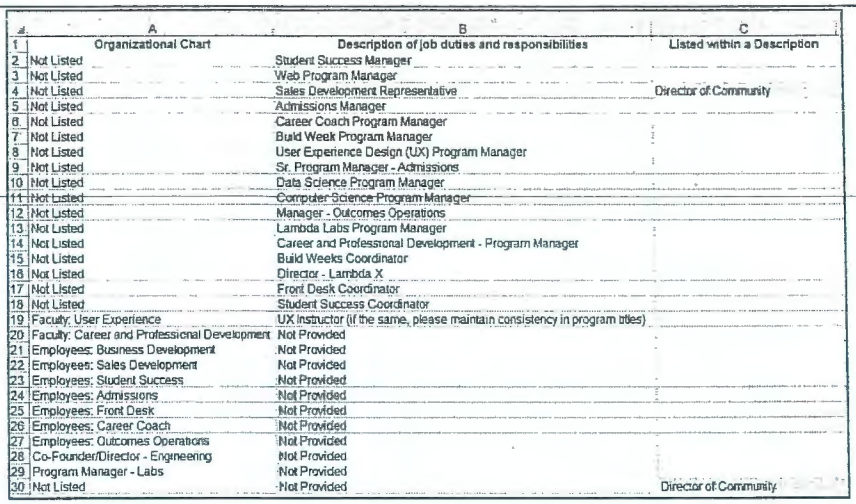
RE: Application for Approval to Operate for an Institution Not Accredited, #32274

Dear Ms. Tarca:

The Bureau for Private Postsecondary Education (Bureau) is in receipt of your Application for Approval to Operate for an Institution Non-Accredited, received May 14, 2019. The Bureau makes every effort to be as complete and thorough as possible in our initial review of all documents.

Unfortunately, at this time the Bureau is unable to grant approval, based on the requirements of the California Education Code (CEC) and Title 5 of the California Code of Regulations (CCR), in the Sections outlined below (The Educational Programs may be subject to a further in-depth review once we have corrected all of these deficiencies listed). Prior to approval, the Bureau must receive the following information:

Application Section	Issue	Current Law Code
5	Organization and Management • Various positions listed in the organizational chart, do not have descriptions and/or are not consistent with the titles within the description section. *(See comparison chart on next page – larger version of the chart enclosed).* • The Director of Community position listed within the description for the Sales Development Representative is not shown in the organizational chart. • Various positions described in the description of job duties and responsibilities section are not listed in the organizational chart. *(See comparison chart on next page – larger version of the chart enclosed).* • The Director of Community position listed within the description for the Sales Development Representative is not part of the description of the job duties and responsibilities documents. Please provide. Please be sure that you maintain consistency in all areas. *(See comparison chart on next page – larger version of the chart enclosed).*	CCR 71140 CCR 71720 CCR 71730

		
6	Governing Board • Section 3.2 of the bylaws titled "Number of Directors", does not include the actual minimum-maximum number of board members in the corporation. Please provide the number of directors required for your governing board.	CCR 71150
9	Exemplars of Student Agreements – The institution provided two Enrollment Agreements. No deficiencies found on the conventional agreement; however, the Income Share Agreement (ISA) tuition model is incompatible with the Bureau's Current Laws due to the following: • The institution is not disclosing "total charges" for the educational program in the enrollment agreement as required by California Education Code (CEC) §94911(b) and Title 5, California Code of Regulations (CCR) §71800(e). • The institution is not able to have a refund policy for the return of unearned institutional charges as required by CEC §94920(d) and 5, CCR §71750(c). • The institution, if it was in default of the enrollment agreement or closing, would not be able to provide a refund calculation required by CEC §94927. • The institution is not able to assess or report Student Tuition Recovery Fund (STRF) fees required by 5, CCR §76130, §76140(a), §76000(c), and § 76210(e)(2). • The institution is not able to report costs of tuition in Annual Reports and SPFS required by 5, CCR §74112(f). Please update the ISA to comply with all applicable laws and regulations. A blank checklist is included. Please return the signed checklist noting the page numbers on which the corrections have been made.	CCR 71180 CEC 94902

	A	B	C
1	Organizational Chart	Description of job duties and responsibilities	Listed within a Description
2	Not Listed	Student Success Manager	
3	Not Listed	Web Program Manager	
4	Not Listed	Sales Development Representative	Director of Community
5	Not Listed	Admissions Manager	
6	Not Listed	Career Coach Program Manager	
7	Not Listed	Build Week Program Manager	
8	Not Listed	User Experience Design (UX) Program Manager	
9	Not Listed	Sr. Program Manager - Admissions	
10	Not Listed	Data Science Program Manager	
11	Not Listed	Computer Science Program Manager	
12	Not Listed	Manager - Outcomes Operations	
13	Not Listed	Lambda Labs Program Manager	
14	Not Listed	Career and Professional Development - Program Manager	
15	Not Listed	Build Weeks Coordinator	
16	Not Listed	Director - Lambda X	
17	Not Listed	Front Desk Coordinator	
18	Not Listed	Student Success Coordinator	
19	Faculty: User Experience	UX instructor (if the same, please maintain consistency in program titles)	
20	Faculty: Career and Professional Development	Not Provided	
21	Employees: Business Development	Not Provided	
22	Employees: Sales Development	Not Provided	
23	Employees: Student Success	Not Provided	
24	Employees: Admissions	Not Provided	
25	Employees: Front Desk	Not Provided	
26	Employees: Career Coach	Not Provided	
27	Employees: Outcomes Operations	Not Provided	
28	Co-Founder/Director - Engineering	Not Provided	
29	Program Manager - Labs	Not Provided	
30	Not Listed	Not Provided	Director of Community

17	Facilities and Equipment • Please provide an update on the fire code violation from the San Francisco Fire Department. • The business registration certificate shows an expiration date of 6/30/2019; please provide a current certificate.	CCR 71260
20	Catalog A checklist noting deficiencies within the catalog is included. Please return the signed checklist noting the page numbers on which the corrections have been made. • Items marked with page numbers represent information within the catalog that has been found to be in compliance. If the catalog is revised and this information is relocated, please indicate the new page numbers on which the information has been placed. • Items without page numbers represent information within the catalog that needs to be added or revised. Please refer to the checklist for detailed information regarding each deficient item.	CCR 71290 CCR 71810 CCR 71750 CCR 71770
	Citation Number 1819150 - A citation was issued on July 24, 2019 *(Copy of citation attached)*; with an order of abatement and payment of $75,000 due by August 23, 2019. • **Please note:** Failure for an applicant or institution to abate the violation(s) or to pay the administrative fine within the time allowed may result in denial of an application for an approval to operate or disciplinary action. The Bureau will promptly take all appropriate action to enforce the affirmed citation and recover the civil penalties prescribed therein or found to be due after a hearing.	CCR 75050

Please submit all requested information to my attention by September 21, 2019. Failure to provide this information may result in the denial of your application. If you have any further questions, please feel free to call me at (916) 431-6919 or email at Lucy.castillo-riley@dca.ca.gov.

Sincerely,

Lucy Castillo-Riley

LUCY CASTILLO-RILEY
Licensing Analyst
Phone: (916) 431-6919
Lucy.castillo-riley@dca.ca.gov

8/17 COPY

Business, Consumer Services and Housing Agency– Governor Gavin Newsom

Bureau for Private Postsecondary Education
1747 N. Market Blvd. Ste 225 Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818
P (916) 574-8900 F (916) 263-1897 www.bppe.ca.gov

August 17, 2020

Juli Tarca
Lambda School
250 Montgomery Street, 16th Floor
San Francisco, CA 94104

RE: Application for Approval to Operate for an Institution Non-Accredited #32274
Approval Granted – Institution Code: 83979039

Dear Ms. Tarca:

The Bureau for Private Postsecondary Education (Bureau) completed the review of your Application for Approval to Operate for an Institution Non-Accredited, #32274. The review included your application and supplemental documentation most recently received by the Bureau on August 14, 2020. The Bureau determined that your application complies with the minimum standards contained in the California Education Code (CEC) and the California Code of Regulations (CCRs).

Approval to operate is granted effective August 17, 2020, with an expiration date of August 17, 2025.

Enclosed for your record is the Approved Educational Program List for your institution. Please post this approval information in a prominent location so prospective students and other interested parties are aware of your approval to operate.

Bureau records will reflect the following ownership for Lambda School (83979039):

Lambda Inc. 100%
Austen Allred, CEO 17.9%

Your institution is required to maintain compliance with the CEC and CCRs of the Bureau and is subject to review by the Bureau staff at any time for the purpose of monitoring compliance with the provisions of the California Private Postsecondary Education Act of 2009.

If your institution is planning to establish a website, or already has a website, you must ensure the website complies with Bureau laws and regulations as provided on the attached Approved School Fact Sheet.

It is highly recommended that a representative from the school attend one of the Bureau's Compliance Workshops, which are held in locations across the State.

These workshops are designed to provide institutions with information and guidance on how to remain in compliance with Bureau laws and regulations.

Please refer to the attached flier for additional information regarding the workshops. Any failure to maintain compliance could affect your institution's approval status and could result in disciplinary action by the Bureau.

If you require additional assistance on this matter, please contact Senior Education Specialist Joanna Murray at 916-320-3872 or email at Joanna.Murray@dca.ca.gov.

Sincerely,

Robert J. Bayles
Education Administrator
Quality of Education Unit

Enclosure(s)

Business, Consumer Services and Housing Agency - Gavin Newsom, Governor
Bureau for Private Postsecondary Education
1747 North Market Blvd., Suite 225, Sacramento, CA 95834
P.O. Box 980818, West Sacramento, CA 95798-0818

Approved Educational Program List

In accordance with the provisions of California Education Code 94866 or 94890, the Bureau for Private Postsecondary Education approves:

Lambda School

250 Montgomery Street, 16th Floor
San Francisco, CA 94104

School Code #: 83979039
Site Type: Main

to offer the following program(s)/course(s):

Program Name	Length of Instruction	Program Approved	Program Type	Distance Learning
Android Development 1200 hours (online)		08/17/2020	Non-Degree	Yes
Data Science 1200 hours (900 part-time) (online)		08/17/2020	Non-Degree	Yes
Full Stack Web Development 1200 hours (900 part-time) (online)		08/17/2020	Non-Degree	Yes
iOS Development 1200 hours (900 part-time) (online)		08/17/2020	Non-Degree	Yes
User Experience Design 1200 hours (900 part-time) (online)		08/17/2020	Non-Degree	Yes

Non-Degree (Vocational) Programs\Courses: 5
Total Programs/Courses: 5

The program list above represents all currently approved educational programs for this institution. The Main, Branch, or Satellite locations of this institution may offer any subset of this list.

Robert Bayles, Education Administrator

This document is valid if all fees are current. Subject to earlier termination in accordance with the law.

Approval Memorandum

To: Robert Bayles

CC: File

From: Joanna Murray

Date: 8/14/2020

Re: Lambda School, Application #32274, Institution Code: N/A

I have completed the review and analysis of the above noted Application for Approval to Operate for an Institution Non Accredited received on May 14, 2019.

I determined the application, including the educational programs, complies with the minimum standards contained in the California Education Code and the California Code of Regulations. The application, enrollment agreement, and catalog checklist are complete and all required information has been received.

The institution offers the following programs:

- Full Stack Web Development 1200 hours (900 part-time) (online)
- iOS Development 1200 hours (900 part-time) (online)
- Android Development 1200 hours (online)
- Data Science 1200 hours (900 part-time) (online)
- User Experience Design 1200 hours (900 part-time) (online)

The programs are found to meet the minimum operating standards as specified in 5, CCR §71710.

Faculty: Review of faculty demonstrates that the institution has contracted with duly qualified faculty. Faculty is found to meet the minimum operating standards as specified in 5, CCR §71720.

Method of Delivery: The institution's method of delivery is online, synchronous/asynchronous.

Lambda School has an operating unapproved hearing scheduled that may involve fines/fees.

I determined the educational programs comply with the minimum standards contained in the California Education Code and the Title 5, California Code of Regulation.

I recommend issuing an approval to operate for the institution.

☒ I agree with the recommendation.

☐ I do not agree with the recommendation.

Comments:

Lambda School CATALOG

June 1, 2019 – May 31, 2020

Volume I

250 Montgomery Street, 16th floor, San Francisco, CA 94102
(800) 833-1943 | www.lambdaschool.com

Published: MM, DD, 2019
Effective: MM, DD, 2019

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WELCOME MESSAGE

The most important thing we tell new Lambda School students is: start now.

You have a fixed number of days between now and graduation. There's a good chance that the next several months will swing the trajectory of your career more than any others. Your time at Lambda School will be some of the most highly leveraged hours of your life. Now is the time to put your head down and work.

Sincerely,

Austen Allred,
Co-Founder & CEO

10 ## MISSION

The mission of Lambda School is to find untapped or underutilized talent, and train that talent for in-demand careers in the computer science field; making entry to the computer science field more accessible.

Lambda School will provide an educational environment that respects the values of individual students and their intellectual, cultural, and social development. It is Lambda School's objective to:

- Foster among students, faculty, and staff a commitment to life-long learning.
- Provide opportunities for students to exercise a positive influence and be productive in society.
- Prepare students for entry-level employment in the computer science field.

OBJECTIVES

In order to fulfill its mission, Lambda is committed to the following objectives for its educational and training programs:

- To provide the basic and prerequisite knowledge to specialize in the computer science field.
- To educate students to become well qualified professionals in their chosen field.
- To provide practical training to enhance students' capabilities in their chosen field.

GENERAL INFORMATION

HISTORY

Founded in 2017, Lambda School ("Lambda") is a unique model of higher education in which the school invests in its students, instead of the other way around. Lambda offers no upfront tuition costs. Tuition payments do not have to begin until students find a job within field providing an annual salary of at least $50,000. This commitment from Lambda School supports its mission to find untapped or underutilized talent and train that talent for in-demand jobs in the computer science field. The school is headquartered in San Francisco, while students attend remotely. The school has raised funds previously from investors including Y Combinator, Google Ventures, Bedrock Capital, and Tandem. Given the no upfront cost tuition model of Lambda, our school demographics typically cater to minority and diverse students. Our student body is far more diverse than the general population.

7 ### APPROVALS

Lambda School is a private institution approved to operate by the California Bureau for Private Postsecondary Education. Approval to operate means the institution is compliant with the minimum standards contained in the California Private Postsecondary Education Act of 2009 (as amended) and Division 7.5 of Title 5 of the California Code of Regulations.

FACILITY AND EQUIPMENT

Lambda headquarters is located at 250 Montgomery Street, 16th floor, San Francisco, CA 94102. Lambda offers training in an online format in a virtual classroom with your instructors and fellow learners. Distance education coursework is completed at a location determined by the student.

System Requirements

- Minimum
  - 1.6 GHz Processor
  - 4 GB RAM (8 GB of RAM for the iOS course)
  - 120 GB Hard Drive
  - Web Cam
  - Microphone
- Recommended
  - 2 GHz Processor
  - 8 GB RAM
  - 256 GB Hard Drive (preferably solid state)

Recommended operating systems (in descending order): macOS, Windows 10, Ubuntu. For UX and iOS, macOS is heavily encouraged. For iOS, Mojave 10.14 is required.

Other versions of Windows work but students should anticipate occasional environment issues. Chromebooks are *not* supported, as coursework involves installing and running software locally.

Please refer to the current Student Manual for full details system requirements.

LOANER EQUIPMENT

If your computer becomes unusable during your time at Lambda School and you are unable to obtain a replacement, you can submit a request for a loaner laptop by submitting this form https://airtable.com/shrEHS8dPFyhcYBMI

Laptops are paid for by the Perpetual Access Fund and there is limited inventory. In order to be considered for a loaner laptop, you must be in compliance with the Code of Conduct, attendance, and participation policies. In addition to compliance, you need to have a record of meaningful progress with the curriculum.

Lambda School
CATALOG

6 June 1, 2019 – May 31, 2020

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Published: September 16, 2019
Effective: September 16, 2019

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Lambda School Catalog

January 1, 2020 – December 31, 2020

Volume I

2000 Ashton BLVD, Suite 400, Lehi, UT 84043
250 Montgomery ST, 16th floor, San Franscio, CA 94104
415.262.4219 | www.lambdaschool.com

Published: MM/DD/YY
Effective: MM/DD/YY

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WELCOME MESSAGE

Welcome to Lambda School, and congratulations on taking the first step toward a high-paying career in tech.

The most important thing we tell new Lambda School students is: commit now to hustling harder than you ever have before.

You have a critical opportunity to develop your skills between now and graduation, and there's a good chance that the next several months will swing the trajectory of your career more than any others. Your time at Lambda School will be some of the most intense, impactful months of your life - now is the time to put your head down and work, and every instructor, career coach, and staff member will do everything possible to help you succeed. We're so excited that you're here.

Let's get started.

Sincerely,

Austen Allred,
Co-Founder & CEO

10

MISSION

The mission of Lambda School is to unlock potential, regardless of circumstance. That means working with untapped or underutilized talent, and training that talent for in-demand careers in the technology fields including web development, engineering, data science, user experience design, and iOS development..

Lambda School is committed to making the field of technology more accessible, and will provide an educational environment that respects the values of individual students and their intellectual, cultural, and social development. It is Lambda School's intention to:

- Foster among students, faculty, and staff a commitment to life-long learning.
- Provide opportunities for students to exercise a positive influence and be productive in society.
- Prepare students for entry-level employment in technology fields including web development, software engineering and data science.

10

OBJECTIVES

In order to fulfill its mission, Lambda is committed to the following objectives for its educational and training programs:

- To provide the basic and prerequisite knowledge to specialize in the field of technology via online learning on Zoom and multiple tools.
- To educate students to become well-qualified professionals in their chosen field of Data Science or Full Stack Web Development.
- To provide practical training to enhance students' capabilities in their chosen program.

7

APPROVALS

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HISTORY

Founded in 2017, Lambda School ("Lambda") is a unique model of higher education in which the school invests in its students, instead of the other way around. Lambda requires no upfront tuition. Tuition payments do not begin until students find a job providing an annual salary of at least $50,000. This commitment from Lambda School supports its mission of finding untapped or underutilized talent and training that talent for in-demand jobs in technology. The school has offices in Lehi, UT and San Francisco, CA, and students attend remotely. The school has raised funds