



APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

December 31, 2019

Montessori Institute of Advanced Studies, LLC., Owner
 Montessori Institute of Advanced Studies
 22781 Canyon Court
 Castro Valley, CA 94552

Date of Issuance	Citation Number	Institution Code
December 31, 2019	1920138	0106171

On December 10, 2019, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920138 (Citation) against Montessori Institute of Advanced Studies, LLC., Owner of Montessori Institute of Advanced Studies (Institution). In attendance were Beth Scott, Enforcement Chief, and Meher Van Groenou, Director.

Pursuant to Business and Professions Code, section 125.9; California Education Code, section 94936; and Title 5 of the California Code of Regulations, section 75020 and section 75040, the Bureau for Private Postsecondary Education (Bureau) renders the following decision relative to your appeal of the Citation No. 1920138.

It is the decision of the Enforcement Chief that on December 10, 2019, Citation No. 1920138 is modified and makes the following change(s):

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.	<p><u>Violation:</u> 5, CCR Section 76130 (a-e) – Collection and Submission of Assessments <i>“(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.</i> <i>(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:</i> <i>(1) April 30 for the first quarter,</i> <i>(2) July 31 for the second quarter,</i> <i>(3) October 31 for the third quarter, and</i> <i>(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal</i></p>

holiday, the due date shall be extended to the next regular business day for the Bureau.
If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.

(c) The STRF Assessment Reporting Form shall contain the following information:

(1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and

(2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and

(3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and

(4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and

(5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and

(6) Current contact telephone number of the person preparing the form; and

(7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.

(d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.

(e) Submission of all prior reports and assessments required by this section is a condition of renewal.”

The Institution has failed to submit STRF Assessment Reporting Forms for the following quarter:

- **First Quarter for 2018**

On April 3, 2018 the Institution was notified via mail at, 22781 Canyon Court, Castro Valley, CA 94552, that the STRF Assessment Reporting Form for the 1st quarter of 2018 was due. As of November 13, 2019, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

Order of Abatement:

The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Form with the STRF Assessments collected from students for the quarter listed above. The Institution shall also submit the student information to substantiate the data reported on the STRF Assessment Reporting Form. The information provided shall comply with “Record Keeping Requirements” Pursuant to 5, CCR section 76140.

Reason for modification: New substantive facts were presented at the conference. The Bureau received the delinquent STRF Assessment Reporting Form for First Quarter of 2018 on November 21, 2019. However, the Institution shall also submit the student information to substantiate the data reported on the STRF Assessment Reporting Form. The information provided shall comply with “Record Keeping Requirements” Pursuant to 5, CCR section 76140.

Assessment of Fine

The fine for this violation is \$50.00

	<p>The Bureau received payment of the Administrative fine of \$50.00 was received November 21, 2019. The payment of fine has been satisfied.</p>
<p>2.</p>	<p><u>Violation:</u> 5, CCR Section 74006 (a) and (b) - Annual Fee <i>“(a) An institution’s annual fee is due within 30 days of the date on which the institution originally receives its approval to operate and each year thereafter on the anniversary of the date of the original approval. (b) An institution shall pay its annual fee in addition to any other applicable fees.</i></p> <p>CEC Section 94930.5 (g) - Fee Schedule <i>“(g) Notwithstanding subdivision (d), effective July 1, 2018, the annual fee for each campus described in subparagraphs (A) and (B) of paragraph (1) of subdivision (d) shall be in an amount equal to 0.55 percent of that campus’ total gross revenue derived from students in California, but not to be less than two thousand five hundred dollars (\$2,500) and not to exceed sixty thousand dollars (\$60,000) for each campus.”</i></p> <p>CEC Section 94931(a)- Late Payment <i>“(a) A fee that is not paid on or before the 30th calendar day after the due date for the payment of the fee shall be subject to 25 percent late payment penalty fee.”</i></p> <p>The Institution has failed to pay its late payment penalty fee for calendar year 2019.</p> <p>On April 15, 2019, the 1st Delinquency Notice (Invoice #900341504) was sent via mail at 22781 Canyon Court, Castro Valley, CA 94552, stating that the delinquency fee for calendar year 2019 was due on March 1, 2019.</p> <p>On May 21, 2019, the Bureau received a check from the Institution in the amount of \$2,500.00.</p> <p>The Institution must pay all delinquency fees. As of November 13, 2019, the Bureau has not received the 25 percent late payment penalty fee from the Institution.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution pay all late payment penalty fees in accordance with 5, CCR Section 74006 (a) and (b) and CEC Section 94930.5 (g).</p> <p><u>Reasons for modification:</u> The Bureau waived the 25 percent late payment penalty fee for Calendar year 2019.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$00.00</u></p>
<p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>00.00</u></p>	

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.

APPEAL OF CITATION

You *do not* have the right to request another Informal Conference to appeal this modified Citation. If you did not initially request an Administrative Hearing within 30 days from when the original citation was issued, you can no longer request one.

EFFECTIVE DATE OF CITATION

This modified Citation is effective on December 31, 2019. The Order of Abatement is due by **January 30, 2020**.

Failure to abate the violation 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 Modified 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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

Christina Villanueva
Discipline Manager

Date

Enclosures

- Declaration of Service by Certified and First-Class Mail