**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  F (916) 263-1897  www.bppe.ca.gov

**NOTICE TO COMPLY – CA-3804781-0715   (Ed. Code § 94935, 5 CCR § 75010)**

| Institution Name: | Arriba Juntos | Institution Telephone: | 415-487-3240 |
|---|---|---|---|
| Institution Code: | 3804781 | Administrator Name: | Dalilia Ahumada |
| Street Address: | 18㊉Mission Street San Francisco 94103 | Date of Inspection: | July 29, 2015 |

**Nature and Facts of the Violation(s):**

| Education Code | Subsection and Description |
|---|---|
| CEC §94902 – General Enrollment Requirements. | (3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.<br><br>**Student files are not complete and do not include all the required documentation to deem an enrollment agreement valid. Student files do not contain an initialed and signed SPFS for the program enrolled.** |
| CEC §94909 – Ability-to-Benefit- Students. | (a) Before an ability-to-benefit student may execute an enrollment agreement, the institution shall have the student take an *independently administered examination* from the list of examinations prescribed as of July 1, 2012, by the United States Department of Education pursuant to Section 484(d) of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.). *The student shall not enroll unless the student achieves a score, as specified by the United States Department of Education,* demonstrating that the student may benefit from the education and training being offered.<br>(b) If the United States Department of Education does not have a list of relevant examinations that pertain to the intended occupational training, the bureau may publish its own list of acceptable examinations and required passing scores.<br><br>**The CASAS test is not an approved test for Ability-to-Benefit. The catalog needs to include a statement regarding acceptance of Ability-to-Benefit students and which test will be used (must be on the approved list found on BPPE website at http://www.bppe.ca.gov/schools/usde_tests.pdf.) and the applicable score required for admission. Additionally, the ATB** |

| | |
|---|---|
| | cannot be administered by the institution; the test must be administered by an independent party. |
| CEC §94909 – Catalog. | (a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following: (2) Except as specified in Article 2 (commencing with Section 94802), a statement that the institution is a private institution and that it is approved to operate by the bureau.<br><br>(8) A detailed description of institutional policies in the following areas:<br><br>(A) *Admissions policies*, including the institution's policies regarding the acceptance of credits earned at other institutions or through challenge examinations and achievement tests, *admissions requirements for ability-to-benefit students*, and a list describing any transfer or articulation agreements between the institution and any other college or university that provides for the transfer of credits earned in the program of instruction. If the institution has not entered into an articulation or transfer agreement with any other college or university, the institution shall disclose that fact.<br><br>**The admission requirements listed in the catalog (page 23-24) do not include the requirement of a high school diploma, GED or equivalent.** |
| CEC §94909 – Minimum Requirements for School Catalog. | (a) Except as provided in subdivision (d), prior to enrollment, an institution shall provide a prospective student, either in writing or electronically, with a school catalog containing, at a minimum, all of the following:<br>(9) The schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.<br><br>**The catalog does not include both the total charges for the period of attendance AND estimated schedule of total charges for the entire program.** |

| Code of Regulations | Subsection and Description |
|---|---|
| CCR §71720 –Faculty. | (b) Instructors in an Educational Program Not Leading to a Degree. (1) An institution shall employ instructors who possess the academic, experiential and professional qualifications to teach, including a minimum of three years of experience, education and training in current practices of the subject area they are teaching. If an instructor does not possess the required three years of experience, education and training in the subject area they are teaching, the institution shall document the qualifications the instructor possesses that are equivalent to the minimum |

| | |
|---|---|
| | qualifications.<br>(2) Each instructor shall maintain their knowledge by completing continuing education courses in his or her subject area, classroom management or other courses related to teaching.<br><br>**The faculty files do not contain continuing education as required and not all instructors have a minimum of 3 years' experience in the respective field they are instructing.** |
| CCR §71730 – Administration. | (a) Each institution shall have a chief executive officer, a chief operating officer and chief academic officer. One person may serve more than one function.<br><br>**The institution did not identify a CEO, COO and/or CAO. Unable to validate the qualifications of the CAO.** |
| CCR §71810 – Catalog. | (b)The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:<br>(4) Language proficiency information, including:<br>(A) the level of English language proficiency required of students and the kind of documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that will be accepted;<br><br>**The CASAS test reflected in the catalog is not an English language proficiency test.** |
| CCR §71920 – Student Records. | (3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid;<br><br>**Enrollment Agreements were not complete and/or not signed by the institution.** |
| CCR §71920 – Student Records. | (4) Records of the dates of enrollment and, if applicable, withdrawal from the institution, leaves of absence, and graduation; and<br><br>**Student files did not consistently contain documentation of withdrawal, cancellation, leave of absence, graduation, etc.** |
| CCR §71920 – Student Records. | (5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following:<br>(A) The courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal;<br>(B) Credit awarded for prior experiential learning, including the course title for which credit was awarded and the amount of credit;<br>(C) Credit for courses earned at other institutions;<br>(D) Credit based on any examination of academic ability or educational achievement used for admission or college placement purposes; |

| | |
|---|---|
| | (E) The name, address, website address, and telephone number of the institution.<br><br>**Student files did not contain a transcript showing all courses, grades and program completed.** |
| CCR §71920 – Student Records. | (b)In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:<br>(4)Records of the dates of enrollment and, if applicable, withdrawal from the institution, leaves of absence, and graduation; and<br>(9)A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received;<br>(10)A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;<br><br>**Student files do not contain the required documentation to validate proper refunds were given within the timeframe specified. The files did not contain documentation on funds received or refunded.** |
| CCR §71920 – Student Records. | (1) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:(A) Verification of high school completion or equivalency or other documentation establishing the student's ability to do college level work, such as successful completion of an ability-to-benefit test;<br><br>**Student files do not contain the necessary documentation to validate completion of high school or the equivalency (i.e., no diplomas, no transcripts, no ATB test, no DD214, etc.).** |
| CCR §71930 – Maintenance of Records. | (d) The institution shall maintain a second set of all academic and financial records required by the Act and this chapter at a different location unless the original records, including records stored pursuant to subdivision (b) of this section, are maintained in a manner secure from damage or loss. An acceptable manner of storage under this subsection would include fire resistant cabinets.<br><br>**Student records maintained in a storage unit outside between the two buildings are not stored in a manner that is secure from loss or damage. The files are stored in paper boxes and although the storage unit is locked records are not free from loss due to events such as fire or water damage.** |
| CCR §74110 – Annual Report. | (a) The annual report required by section 94934 of the Code shall |

| | include the information required by section 94934 for all educational programs offered in the prior calendar year. |
|---|---|
| | **The number of programs listed under item number 27, Section 1 of the 2013 Annual Report is not correct. The institution reported a total of 174 programs were offered in 2013. This number should reflect the number of "programs" offered not the number of diplomas/certificates awarded. Additionally, the institution failed to report the ESL program. This should reflect zero if no enrollments for the period.** |
| CCR §76140 – Record-Keeping Requirements. | (a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility under the Fund. Such records shall include the following for each student: <br>(1) Student identification number, <br>(2) First and last names, <br>(3) Email address, <br>(4) Local or mailing address, <br>(5) Address at the time of enrollment, <br>(6) Home address, <br>(7) Date enrollment agreement signed, <br>(8) Courses and course costs, <br>(9) Amount of STRF assessment collected, <br>(10) Quarter in which the STRF assessment was remitted to the Bureau, <br>(11) Third-party payer identifying information, <br>(12) Total institutional charges charged, and <br>(13) Total institutional charges paid. <br><br>**The institution did not provide the supporting documentation to substantiate the STRF reporting.** |

Only minor violations are listed on the Notice to Comply.
☒ If this box is checked additional material violations have been found and will be forwarded to Enforcement for further review.

| Inspector's Name | Shari Morales |
|---|---|
| Inspector's Signature | |
| Institution Administrator Name/Title: | Dalilia Ahumada/Owner |
| Institution Administrator's Signature: | |
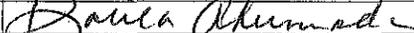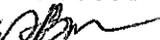
Education Code can be located at: http://www.bppe.ca.gov/lawsregs/ppe_act.shtml
Code of Regulations can be located at: http://www.bppe.ca.gov/lawsregs/regs.shtml

RETURN THIS FORM WITHIN THE SPECIFIED TIME FRAME WITH EITHER: 1) VERIFICATION OF COMPLIANCE OR 2) A NOTICE OF DISAGREEMENT.

---

### IMPORTANT COMPLIANCE NOTICE

California Education Code §94935 and California Code of Regulations §75010 provide that the Bureau for Private Postsecondary Education (Bureau) shall issue a Notice to Comply for minor violations detected during a compliance inspection by the Bureau.

By no later than <u>30 days</u> from the date of the inspection, you must either: 1) Remedy the noncompliance item(s), sign the below declaration and submit this form to the Bureau, along with documentation describing how compliance was achieved; or 2) File with the Bureau a written notice of disagreement, specifying the minor violation(s) described in the Notice to Comply with which you disagree, and appealing it by requesting an informal office conference. If a written notice of disagreement is not timely filed with the Bureau, the right to appeal is deemed to have been waived.

Failure to timely remedy the noncompliance item(s) or file a written request for an informal office conference may result in the Bureau taking administrative enforcement action.

### DECLARATION

Attached to this document is a list describing how compliance was achieved for each violation and supporting documentation. I declare under penalty of perjury that all violations identified in this Notice to Comply are corrected as described in the attachment.

_____          _____
Signature                                                          Date

_____
Print Name and Title

THIS DECLARATION OR A NOTICE OF DISAGREEMENT MUST BE SUBMITTED TO THE BUREAU BY **AUGUST 29, 2015**