



Bureau for Private Postsecondary Education
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APPEAL OF CITATION INFORMAL CONFERENCE
DECISION: CITATION MODIFIED

July 9, 2020

American L & L Education, Inc., Owner
American Academy of English
530 Golden Gate Ave
San Francisco, CA 94102

| Date of Issuance | Citation Number | Institution Code |
|------------------|-----------------|------------------|
| July 9, 2020 | 1920266 | 3804481 |

On May 29, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920266 (Citation) against American L & L Education, Inc., Owner of American Academy of English (Institution). In attendance were Beth Danielson, Enforcement Chief, Henry Law, Director, and Dr. James E. Landes, Academic 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. 1920266.

It is the decision of the Enforcement Chief that on June 9, 2020, Citation No. 1920266 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. |
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| 1. | <p>Violation:</p> <p>5, CCR Section 71770(a)(1) – Admissions Standards and Transferred Credits Policy <i>“(a) The institution shall establish specific written standards for student admissions for each educational program. These standards shall be related to the particular educational program. An institution shall not admit any student who is obviously unqualified or who does not appear to have a reasonable prospect of completing the program. In addition to any specific standards for an educational program, the admissions standards must specify as applicable that:</i> <i>(1) Each student admitted to an undergraduate degree program, or a diploma program, shall possess a high school diploma or its equivalent, or otherwise successfully take and pass the relevant examination as required by section 94904 of the Code.”</i></p> <p>5, CCR Section 71920(b)(1)(A) – Student Records <i>“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</i></p> |

(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;"

CEC Section 94904(a)(b) – Ability to Benefit Students

“(a) Except as provided in subdivision (c), 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 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.

(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.”

Bureau staff reviewed student files and determined that the Institution failed to obtain high school diplomas or the equivalent, or an approved Ability to Benefit (ATB) exam during the admission process. The Institution representative stated that the Institution only requires students to provide documentation consistent with the requirements of the United States Department of Homeland Security.

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how the Institution will maintain future compliance with 5, CCR sections 71770(a)(1), 71920(b)(1)(a), and CEC section 94904(a)(b). In addition, the Bureau orders the Institution to submit the name of the ATB exam they would like to administer to incoming students for Bureau approval.

Reason for modification: New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$1,500.00

The administrative fine for this violation has been modified from \$1,500.00 to \$750.00.

2.

Violation:

CEC Section 94909(a)(8)(A) – 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:

(8) A detailed description of institutional policies in the following areas:

(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.”

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| | <p>Bureau staff reviewed the Institution 's catalog and found that the catalog failed to include a policy requiring a high school diploma or the equivalent, or proof of the successful passing of an approved ATB.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a policy, or procedure, of how the Institution will maintain future compliance with CEC section 94909(a)(8)(A).</p> <p><u>Reason for modification:</u> New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$500.00</u></p> <p>The administrative fine for this violation has been modified from <u>\$500.00</u> to <u>\$250.00</u>.</p> |
| 3. | <p><u>Violation:</u> 5, CCR Section 71920(b)(5)(A) – Student Records <i>“(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</i> <i>(5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following:</i> <i>(A) The courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal;”</i></p> <p>Bureau staff reviewed withdrawn student files and determined that the files failed to contain transcripts showing the courses or educational programs attempted but not completed by the students and the dates of withdrawal.</p> <p><u>Order of Abatement:</u> The Bureau orders the Institution to submit a policy, or procedure, of how the Institution will maintain future compliance with 5, CCR Section 71920(b)(5)(A).</p> <p><u>Reason for modification:</u> New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied</p> <p><u>Assessment of Fine</u> The fine for this violation is <u>\$500.00</u></p> <p>The administrative fine for this violation has been modified from <u>\$500.00</u> to <u>\$250.00</u>.</p> |
| <p>TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$1,250.00</u></p> | |

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:

Gabriella Perez, Discipline Citation Program
Bureau for Private Postsecondary Education
1747 N. Market Blvd., Suite 225
Sacramento, CA 95834

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 AND FINE ASSESSMENT

This modified Citation is effective on **July 9, 2020**. Payment of the administrative fine is due by **August 8, 2020**.

Failure 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 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 at Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“7/9/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine
- Declaration of Service by Certified and First-Class Mail