



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

September 17, 2020

Prospect Education, LLC, Owner
Charter College - Oxnard
2000 Outlet Center Drive, Suite 150
Oxnard, CA 93036

Date of Issuance	Citation Number	Institution Code
September 17, 2020	1920325	81701402

On July 31, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920325 (Citation) against Prospect Education, LLC, Owner of Charter College – Oxnard (Institution). In attendance were Beth Scott, Enforcement Chief, Joshua Swayne, President/CEO, Vickey Cook, Vice President of Student Finances and Compliance, and Alison Roope, Associate Director of Compliance.

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. 1920325.

It is the decision of the Enforcement Chief that on August 28, 2020, Citation No. 1920325 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 74112(h)(i)(2)(4)(k)(m)(3)(4)(5)(6)(7)(8)(9) – Uniform Data – Annual Report, Performance Fact Sheet</p> <p><i>“(h) Completion Rates. Reporting of completion rates for an institution’s Annual Report and Performance Fact Sheet shall include, for each educational program, the number of students who began the program as defined in subdivision (d)(1) of this section, the number of students available for graduation, number of on-time graduates, and completion rate(s). An optional table may be added to include completion rate data for students completing within 150% of the published program length. For an institution reporting completion data pursuant to section 94929(b) of the Code, completion data shall be separately reported for each program and the Performance Fact Sheet shall disclose, if true, that the completion data is being reported for students completing within 150% of the published program length, and that data is not being separately reported for students completing the program within 100% of the published program length. Programs that are more than one year in length which</i></p>

are reporting 150% Completion Rate will provide four calendar years of data.

(i) Job Placement Rates

(2) Placement is measured six months from the graduation date of each student. For programs that require passage of a licensing examination, placement shall be measured six months after the announcement of the examination results for the first examination available after a student completes an applicable educational program. Reporting of placement rates shall include for each educational program: the number of students who began the program, the number of graduates as defined in subdivision (b) section 94842 of the Code, the graduates available for employment, graduates employed in the field and job placement rate(s).

(4) Placement rate shall be calculated as follows: the number of graduates employed in the field as defined in section 94928(e)(1) of the Code in conjunction with section 74112(d)(3) divided by the number of graduates available for employment as defined in section 94928(d) of the Code.

(k) Salary and Wage Information. All Salary and Wage Information shall be reported to the Bureau pursuant to sections 94910(d) and 94929.5(a)(3) of the Code and shall be included in the Performance Fact Sheet, for each educational program, in a format substantially similar to the chart below (dates, numbers, salaries, and other data shown are for example only)

(m) Documentation supporting all data reported shall be maintained electronically by the institution for at least five years from the last time the data was included in either an Annual Report or a Performance Fact Sheet, and shall be provided to the Bureau upon request; and the data for each program shall include at a minimum:

(3) graduate's place of employment and position, date employment began, date employment ended, if applicable, actual salary, hours per week, and the date employment was verified;

(4) for each employer from which employment or salary information was obtained, the employer name(s) address and general phone number, the contact person at the employer and the contact's phone number and email address, and all written communication with employer verifying student's employment or salary;

(5) for students who become self-employed, all documentation necessary to demonstrate self-employment;

(6) a description of all attempts to contact each student. or employer;

(7) any and all documentation used to provide data regarding license examinations and examination results;

(8) for each student determined to be unavailable for graduation or unavailable for employment, the identity of the student, the type of unavailability, the dates of unavailability, and the documentation of the unavailability; and

(9) the name, email address, phone number, and position or title of the institution's representative who was primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered."

Violation: 5 CCR, Section 74112(h): Bureau staff reviewed the 2016-2017 SPFS and the supporting documentation and found that the documentation provided does not substantiate the information listed:

2017 Dental Assisting SPFS Data

- SPFS reports 24 graduates completed within 150%; supporting documentation identifies 21

students

2017 Veterinary Assistant SPFS Data

- SPFS reports 43 graduates completed within 150%; supporting documentation identifies 36 students

Violation: 5 CCR, Section 74112(i)(2)(4): Bureau staff reviewed the 2016-2017 SPFS and the supporting documentation and found that the supporting documentation provided does not substantiate the 2016-2017 Job Placement Rates and Gainful Employment data

2017 Dental Assisting SPFS Data

- **Job Placement Rate**
 - The SPFS reports 13 “Number of Graduates”; supporting documentation identifies 24 graduates
 - The SPFS reports 12 “Graduates Available for Employment”; supporting documentation identifies 24 graduates
 - The SPFS reported 6 “Graduates Employed in the Field”; supporting documentation identifies 10 graduates

Gainful Employment Categories

- The SPFS reports 6 “Total Graduates Employed in the Field”; supporting documentation identifies 10

2017 Medical Assistant SPFS Data

- **Job Placement Rate**
 - The SPFS reports 16 “Number of Graduates”; supporting documentation identifies 24 graduates
 - The SPFS reports 15 “Graduates Available for Employment”; supporting documentation identifies 21 graduates
 - The SPFS reported 9 “Graduates Employed in the Field”; supporting documentation identifies 11 graduates

Gainful Employment Categories

- The SPFS reports 9 “Total Graduates Employed in the Field”; supporting documentation identifies 11

2017 Veterinary Assistant SPFS Data

- **Job Placement Rate**
 - SPFS reports 9 “Graduates in the Field”; supporting documentation identifies 8 graduates

Gainful Employment Categories

- SPFS reports 9 “Total Graduates Employed in the Field”; supporting documentation identifies 8

Violation: 5 CCR, Section 74112(k): Bureau staff reviewed the 2016-2017 SPFS and supporting documentation and found that the supporting documentation does not substantiate the Salary and Wage data reported in the 2016-2017 Dental Assisting SPFS, Medical Assistant SPFS and Veterinary

Assistant SPFS.

2017 Dental Assisting SPFS Data

- Salary and Wage Data
 - The SPFS reports 12 “Graduates Available for Employment”; supporting documentation identified 24
 - The SPFS reports 6 “Graduates Employed in the Field”; supporting documentation identifies 10

2017 Medical Assistant SPFS Data

- Salary and Wage Data
 - The SPFS reports 15 “Graduates Available for Employment”; supporting documentation identified 21
 - The SPFS reports 9 “Graduates Employed in the Field”; supporting documentation identifies 11

2017 Veterinary Assistant SPFS Data

- Salary and Wage Data
 - The SPFS reports 9 “Graduates Employed in the Field”; supporting documentation identifies 8

Violation: 74112(m)(3)(4)(5)(6)(7)(8)(9): Bureau staff reviewed the 2016-2017 SPFS and supporting documentation and found that the supporting documentation failed to contain the following elements for all students:

- Graduate Employment Information:
 - Date employment ended (if applicable)
 - Actual salary
 - Hours per week
- Employer Information:
 - All written communication with employer verifying employment or salary
 - Description of all attempts to contact each student or employer
- License examination data/results
- Documentation of “unavailable for graduation” or “unavailable for employment”:
 - Type of unavailability
 - Dates of unavailability
 - Documentation of unavailability
- Institutional representative primarily responsible for collecting performance data:
 - Name
 - Email address
 - Phone number
 - Position or Title
 - Date information was gathered
 - Copies of notes, letters, and/or emails

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance with 5, CCR Section 74112 will be maintained.

	<p>Reason for modification: New substantive facts were presented at the conference. The Order of Abatement has been satisfied.</p> <p>Assessment of Fine The fine for this violation is <u>\$5,500.00</u></p> <p>The administrative fine has been modified from <u>\$5,500.00</u> to <u>\$250.00</u>.</p>
TOTAL MODIFIED ADMINISTRATIVE FINE DUE: <u>\$250.00</u>	

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 **September 17, 2020**. Payment of the administrative fine is due by **October 17, 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”

“9/17/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

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