



Bureau for Private Postsecondary Education
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CITATION: ASSESSMENT OF FINE AND ORDER OF ABATEMENT

To: KD Education, LLC, Owner
Healthstaff Training Institute, Inc.
601 S. Milliken Avenue, Suite A
Ontario, CA 91761

INSTITUTION CODE: 3006691
CITATION NUMBER: 1920309
CITATION ISSUANCE/SERVICE DATE: May 13, 2020
DUE DATE: June 12, 2020
FINE AMOUNT: \$ 6,500.00
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 of the Bureau for Private Postsecondary Education (Bureau) of the California Department of Consumer Affairs.

CITATION

A Citation is hereby issued to KD Education, LLC, Owner of Healthstaff Training Institute, Inc. (Institution) located at 601 S. Milliken Avenue, Suite A, Ontario, CA 91761, pursuant to Business and Professions Code section 125.9; California Education Code (CEC) sections 94936 and 94932; and Title 5 of the California Code of Regulations (5, CCR) section 75020 for the violations described below.

BACKGROUND

On September 25, 2019, Bureau staff conducted an unannounced Compliance inspection at the Institution. As a result, material violations were found related to current, graduate, and dropped/withdrawn student files. In addition, Bureau staff found violations related to the 2016-2017 School Performance Fact Sheet (SPFS) and supporting documentation.

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. | <p>Violation: 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> <i>(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:</i> <i>(A) Verification of high school completion or equivalency or other documentation establishing the</i></p> |

student's ability to do college level work, such as successful completion of an ability-to-benefit test;"

5, CCR Section 71770(a)(1) – Admissions Standards and Transferred Credits Policy

"(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:

(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."

Bureau staff reviewed student files and found that the Institution failed to verify that its students possess a high school diploma or its equivalent, or other documentation establishing the student's ability to do college level work.

Order of Abatement:

The Bureau orders the Institution to submit a policy, or procedure, of how future compliance with 5, CCR sections 71920(b)(1)(A) and 71770(a)(1) will be maintained.

Assessment of Fine

The fine for this violation is \$1,500.00

2.

Violation:

5, CCR Section 74112(a)(h)(j)(m)(3)(4)(5)(6)(8)(9) – Uniform Data – Annual Report, Performance Fact Sheet

"(a) Format. The format for the Performance Fact Sheet shall be in at least 12 pt. type, in an easily readable font, with 1.15 line spacing and all titles and column headings shall be in bold 14 pt. type, which shall also identify the program for which the Performance Fact Sheet pertains. The Performance Fact Sheet shall contain all and only the information required or specifically permitted by sections 94910 and 94929.5 of the Code or this chapter. A separate Performance Fact Sheet shall be prepared for each program.

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

Completion rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below (dates, numbers, and other data shown are for example only):

On-time Completion Rates (Graduation Rates) (includes data for the two calendar years prior to reporting) Name of Educational Program (Program Length)

| Calendar Year | Number of Students Who Began the Program | Students Available for Graduation | Number of On-time Graduates | On-Time Completion Rate |
|---------------|--|-----------------------------------|-----------------------------|-------------------------|
| 20XX | 100 | 98 | 70 | 71% |
| 20XY | 80 | 80 | 55 | 69% |

Students Completing Within 150% of the Published Program Length
Name of Educational Program (Program Length)

| Calendar Year | Number of Students Who Began the Program | Students Available for Graduation | 150% Graduates | 150% Completion Rate |
|---------------|--|-----------------------------------|----------------|----------------------|
| 20XX | 100 | 98 | 95 | 97% |
| 20XY | 80 | 80 | 78 | 98% |
| *20XZ | 90 | 90 | 87 | 97% |
| *20YA | 87 | 85 | 74 | 87% |

**Included only if program is more than one year in length*

Student's Initials: _____ Date: _____
Initial only after you have had sufficient time
to read and understand the information.

94928. Definitions

As used in this article, the following terms have the following meanings:

(c) "On-time graduates" means the number of students who complete a program within 100 percent of the published program length. An institution may separately state completion information for students completing the program within 150 percent of the original contracted time, but that information may not replace completion information for students completing within the original scheduled time. Completion information shall be separately stated for each campus or branch of the institution.

(j) License Examination Passage Rates. If license examination passage rates are not available from the appropriate state agency, an institution shall collect the information directly from its graduates. If an institution demonstrates that, after reasonable efforts, it is unable to obtain the examination passage information from its graduates, the institution shall report the number of students it could not contact and note in a font the same size as the majority of the data on the Performance Fact Sheet, "License examination passage data is not available from the state agency administering the examination. We were unable to collect data from [enter the number] graduates."

Reporting of license examination passage rates for the Annual Report and the Performance Fact Sheet shall include, for each educational program: the number of graduates in the reported year, the number of documented graduates who passed the first available examination, number of documented graduates who failed the first available examination, the number of graduates for whom data is not available. An optional column may be added to separately report licensing examination data for graduates who take and pass the exam after failing initially. The Annual Report shall also include a description of the processes for attempting to contact those students.

For licensing examinations that are not continuously administered, license examination passage rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below, (dates, numbers, and other data shown are for example only):

License Examination Passage Rates (includes data for the two calendar years prior to reporting)
Name of Educational Program (Program Length)

| First Available Exam Date | Date Exam Results Announced | Number of Graduates in Calendar Year | Number of Graduates Taking Exam | Number Who Passed Exam | Number Who Failed Exam | Passage Rate |
|----------------------------------|------------------------------------|---|--|-------------------------------|-------------------------------|---------------------|
| 2/1/20XX | 3/15/20XX | 277 | 80 | 40 | 40 | 50% |
| 6/1/20XY | 7/15/20XX | 277 | 100 | 75 | 25 | 75% |
| 10/1/20XX | 11/15/20XX | 277 | 82 | 68 | 14 | 76% |
| 2/1/20XY | 3/20/20XY | 304 | 60 | 40 | 40 | 50% |
| 6/1/20XY | 7/10/20XY | 304 | 100 | 70 | 30 | 70% |
| 10/1/20XY | 11/19/20XY | 304 | 92 | 62 | 30 | 67% |

License examination passage data is not available from the state agency administering the examination. We were unable to collect data from 32 graduates.

Student's Initials: _____ Date: _____
 Initial only after you have had sufficient time to read and understand the information.

For licensing examinations that are continuously administered, license examination passage rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below (dates, numbers, and other data shown are for example only):

License Examination Passage Rates (includes data for the two calendar years prior to reporting)
Name of Educational Program (Program Length)

| Calendar Year | Number of Graduates in Calendar Year | Number of Graduates Taking Exam | Number Who Passed First Available Exam | Number Who Failed First Available Exam | Passage Rate |
|----------------------|---|--|---|---|---------------------|
| 20XX | 95 | 80 | 40 | 40 | 50% |
| 20XY | 109 | 100 | 75 | 25 | 75% |

License examination passage data is not available from the state agency administering the examination. We were unable to collect data from 10 graduates.

Student's Initials: _____ Date: _____
 Initial only after you have had sufficient time to read and understand the information.

(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:

- (1) the list of job classifications determined to be considered gainful employment for the educational program;*
- (2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;*
- (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(a): Bureau staff reviewed the 2016-2017 SPFS and found that the program hours identified on the SPFS for the Pharmacy Technician Program are not consistent with the Bureau's record of approved program hours. The Institution identifies the program as 600 hours on the SPFS, while Bureau records identify the program as being approved for 720 hours.

Violation: 5 CCR, Section 74112(h) and CEC Section 94928: Bureau staff reviewed the 2016-2017 SPFS and supporting documentation and found that the Institution combined the data for their main, branch, satellite, and online programs to create one SPFS for all locations. In compliance with 5 CCR section 74112(h), the data provided should be separated by main and branch campus.

Violation: 5 CCR, Section 74112(j): Bureau staff reviewed the 2016-2017 SPFS and found that it did not contain the License Examination Passage Rate table.

Violation: 5 CCR, Section 74112(m)(3)(4)(5)(6)(8)(9): Bureau staff reviewed the 2016-2017 supporting documentation and found that section (m)(3) failed to include the date employment ended, if applicable, and hours per week. Furthermore, section (m)(4) did not contain the contact person at the employer email address, and all written communication with employer verifying student's employment or salary. In addition, Bureau staff found that the supporting documentation did not contain any of the required information for 5 CCR, Sections 74112(m)(5)(6)(8)(9).

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.

Assessment of Fine

The fine for this violation is \$5,000.00

TOTAL ADMINISTRATIVE FINE DUE: \$6,500.00

ASSESSMENT OF A FINE

In accordance with CEC section 94936; and 5, CCR sections 75020 and 75030, the Bureau hereby orders this assessment of fine in the amount of **\$6,500.00** 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 CEC section 94936 and 5, CCR section 75020 the Bureau hereby issues the order(s) of abatement described above. **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 **June 12, 2020**, 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 **May 13, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **June 12, 2020**. 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:

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

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 Gabriella Perez, Citation Analyst, at (916) 574-8969 or Gabriella.Perez@dca.ca.gov.

“Original signature on file”

“5/13/2020”

Christina Villanueva
Discipline Manager

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