



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

June 25, 2020

Green Valley Truck School, LLC, Owner
Green Valley Truck School
400 12th Street, Suite 16
Modesto, CA 95354

Date of Issuance	Citation Number	Institution Code
June 25, 2020	1920227	5001651

On April 24, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920227 (Citation) against Green Valley Truck School, LLC, Owner of Green Valley Truck School (Institution). In attendance were Beth Danielson, Enforcement Chief, Jorge Madera, Owner/CEO/Office Manager/Instructor and Maria Madera, Owner.

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. 1920227.

It is the decision of the Enforcement Chief that on April 28, 2020, Citation No. 1920227 is affirmed 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>Violation: 5, CCR Section 71930(e) - Maintenance of Records <i>(e) All records that the institution is required to maintain by the Act or this chapter shall be made immediately available by the institution for inspection and copying during normal business hours by the Bureau and any entity authorized to conduct investigations.</i></p> <p>CEC Section 74112(m)(1-9) - Uniform Data-Annual Report, Performance Fact Sheet <i>(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:</i> <i>(1) the list of job classifications determined to be considered gainful employment for the educational program;</i> <i>(2) student name(s), address, phone number, email address, program completed, program start date, scheduled completion date, and actual completion dates;</i></p>

- (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.

Bureau staff requested a complete copy of the supporting documentation to substantiate the data reported on the 2016/2017 SPFS. The Institution representatives were unable to provide Bureau staff with the documentation and the representatives acknowledged that they were aware the files were not in accordance with 5, CCR section 74112 (m)(1-9).

Order of Abatement:

The Bureau orders the Institution to submit the a written policy of how future compliance will be maintained per CEC section 74112 (m)(1-9).

Assessment of Fine

The fine for this violation is \$5,000.00

2.

Violation:

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.

5, CCR Section 71920 (a)(b)(1)(A) – Student Records

(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.

(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent 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;

CEC Section 94904(a)- 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.

The Bureau reviewed student files and found that they failed to include verification of high school completion, equivalency, or other documentation establishing the student's ability to do college level work, such as successful completion of an Ability to Benefit (ATB) Exam. In addition, Bureau staff asked the Institution representatives why the student files did not contain high school diplomas or ATB test results. The Institution representatives stated that they used a third-party to screen all incoming students utilizing the WorkKeys test. Bureau staff informed the Institution representatives that the WorkKeys Ability-to-Benefit test is not an approved ATB test. The Institution representatives acknowledged that they were not aware that WorkKeys was not an approved ATB test and provided a written statement stating that the Institution will be switching to an approved ATB test as soon as possible.

Order of Abatement:

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

Assessment of Fine

The fine for this violation is \$1,501.00

TOTAL AFFIRMED ADMINISTRATIVE FINE DUE: \$6,501.00

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.

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. You *do*, however, have the right to appeal this affirmed Citation through an Administrative Hearing. A hearing before an Administrative Law Judge will be scheduled and you will be notified of the hearing date. The hearing will be held pursuant to Chapter 5 (commencing with section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

If you do not wish to appeal this affirmed Citation you must withdraw your initial request for an Administrative Hearing, if one was made. Please complete and mail the enclosed Withdrawal – Request for Administrative Hearing within **30 Days** of the date of this decision.

EFFECTIVE DATE OF CITATION AND FINE ASSESSMENT

This affirmed Citation is effective on June 25, 2020. The Order of Abatement and payment are due by **July 25, 2020**.

Failure to abate the violation or 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 Affirmed 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”

“6/25/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

- Payment of Fine – Waiver of Appeal Rights
- Withdrawal- Request for Administrative Hearing
- Declaration of Service by Certified and First-Class Mail