



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

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

INSTITUTION CODE: 3804481
CITATION NUMBER: 1920266
CITATION ISSUANCE/SERVICE DATE: March 25, 2020
DUE DATE: April 24, 2020
FINE AMOUNT: \$ 2,500.00
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 American L & L Education, Inc., Owner of American Academy of English (Institution) located at 530 Golden Gate Ave, San Francisco, CA 94102, 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 July 23, 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 As a result, material violations were found related to current, graduate, and dropped/withdrawn student files, and school catalog requirements.

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 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</i></p>

examination as required by section 94904 of the Code.”

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

“(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)(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.

Assessment of Fine

The fine for this violation is \$1,500.00

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.”

	<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>Assessment of Fine</u> The fine for this violation is <u>\$500.00</u></p>
2.	<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: (5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following: (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>Assessment of Fine</u> The fine for this violation is <u>\$500.00</u></p>
TOTAL ADMINISTRATIVE FINE DUE: \$2,500.00	

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 **\$2,500.00** 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 **April 24, 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 **March 25, 2020**. Payment of the administrative fine and evidence of compliance with the order(s) of abatement shall be due by **April 24, 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”

“3/25/2020”

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