



Bureau for Private Postsecondary Education  
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  
 P.O. Box 980818, West Sacramento, CA 95798-0818  
 P (916) 431-6959 F (916) 263-1897 www.bppe.ca.gov



**NOTICE TO COMPLY - CU-3406111-05/17 (Ed. Code §94935 & 5, CCR §75010)**

Institution Name:	Napoli Culinary Academy of America	Institution Telephone:	916-971-0600
Institution Code:	3406111	Administrator Name:	Penny Ryan
Street Address:	1401 Fulton Ave., Suite B Sacramento, CA 95825	Date of Inspection:	May 25 & 26, 2017

Nature and Facts of the Violation(s), Including a Reference to the Statute or Regulation Violated, and Manner in Which the Institution Must Correct the Violation to Achieve Compliance:

**SCHOOL PERFORMANCE FACT SHEET MINIMUM REQUIREMENTS**

Referenced Law	Deficiency - Requested Submission
5, CCR §74112(a)	<p>(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. <b><u>A separate Performance Fact Sheet shall be prepared for each program.</u></b></p> <p><b>The school failed to prepare separate School Performance Fact Sheets for each program.</b></p> <p><b>To remedy this violation, the school shall prepare separate School Performance Fact Sheets for each program.</b></p>
5, CCR §74112(a)	<p>(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 <b><u>column headings shall be in bold 14 pt. type</u></b>, 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.</p> <p><b>The school failed to follow the required format with regards to the column headings on its School Performance Fact Sheet.</b></p> <p><b>To remedy this violation, the School Performance Fact Sheet column headings shall be in bold 14 pt. type.</b></p>
5, CCR §74112(f)	<p>(f) Total Charges. The institution's Annual Report and Performance Fact Sheet shall include the total charges for a student to complete the program within 100% of the program length. The institution must include the disclosure that there may be additional</p>

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	<p>charges if the program is not completed on-time. Total charges shall be disclosed in the Performance Fact Sheet in a format substantially similar to the format provided in California Code of Regulations, Title 5, Section 74112(f)</p> <p><b>The school failed to include the Total Charges for each program on its School Performance Fact Sheet.</b></p> <p><b>To remedy this violation, the school shall include the total charges for a student to complete the program within 100% of the program length. The institution must also disclose that there may be additional charges if the program is not completed on-time.</b></p>
<p><b>5, CCR §74112(g)(2)</b></p>	<p>(g) Student Loan/Debt Information.</p> <p>(2) Institutions that do not participate in federal financial aid programs shall include one of two statements in the Performance Fact Sheet in a format substantially similar to the following:</p> <p>Students at (name of institution) are not eligible for federal student loans. The U.S. Department of Education has determined that this institution does not meet the criteria that would allow its students to participate in federal student aid programs.</p> <p>or</p> <p>(Name of Institution) is eligible, but chooses not to participate in federal student aid programs. So students here do not have federal student loans.</p> <p><b>The school failed to include the required situational statement which indicates that the institution does not participate in federal financial aid on the School Performance Fact Sheet.</b></p> <p><b>To remedy this violation, the school shall include one of the aforementioned statements.</b></p>
<p><b>CEC §94902(b)(3)</b></p>	<p>(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.</p> <p><b>In the current format, the template for the School Performance Fact Sheet deems the enrollment agreement unenforceable. The School Performance Fact Sheet is missing the required spaces for the student to initial and date after completion rates, job placement rates/gainfully employed categories, license examination passage rates, Salary and Wage information, Cost of Educational Program, and Student Loan/Debt Information section.</b></p> <p><b>To remedy this violation, the school shall include required spaces for the student to initial and date after each above mentioned places throughout the School Performance Fact Sheet.</b></p>
<p><b>5, CCR §74112(l)</b></p>	<p>(l) Definitions. Definitions for all terms contained on the Performance Fact Sheet shall be included as part of the Performance Fact Sheet, in the same format as required in subdivision (a).</p>

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The following are the definitions for the Performance Fact Sheet:

“Number of Students Who Began the Program” means the number of students who began a program who were scheduled to complete the program within 100% of the published program length within the reporting calendar year and excludes all students who cancelled during the cancellation period.

“Students Available for Graduation” is the number of students who began the program minus the number of students who have died, been incarcerated, or been called to active military duty.

“Number of On-time Graduates” is the number of students who completed the program within 100% of the published program length within the reporting calendar year.

“On-time Completion Rate” is the number of on-time graduates divided by the number of students available for graduation.

“150% Graduates” is the number of students who completed the program within 150% of the program length (includes on-time graduates).

“150% Completion Rate” is the number of students who completed the program in the reported calendar year within 150% of the published program length, including on-time graduates, divided by the number of students available for graduation.

“Graduates Available for Employment” means the number of graduates minus the number of graduates unavailable for employment.

“Graduates Unavailable for Employment” means the graduates who, after graduation, die, become incarcerated, are called to active military duty, are international students that leave the United States or do not have a visa allowing employment in the United States, or are continuing their education in an accredited or bureau-approved postsecondary institution.

“Graduates Employed in the Field” means graduates who beginning within six months after a student completes the applicable educational program are gainfully employed, whose employment has been reported, and for whom the institution has documented verification of employment. For occupations for which the state requires passing an examination, the six month period begins after the announcement of the examination results for the first examination available after a student completes an applicable educational program.

“Placement Rate Employed in the Field” is calculated by dividing the number of graduates gainfully employed in the field by the number of graduates available for employment.

“Number of Graduates Taking Exam” is the number of graduates who took the first available exam in the reported calendar year.

“First Available Exam Date” is the date for the first available exam after a student completed a program.

“Passage Rate” is calculated by dividing the number of graduates who passed the exam by the number of graduates who took the reported licensing exam.

“Number Who Passed First Available Exam” is the number of graduates who took and passed the first available licensing exam after completing the program.

“Salary” is as reported by graduate or graduate's employer.

“No Salary Information Reported” is the number of graduates for whom, after making reasonable attempts, the school was not able to obtain salary information.

**The school failed to include the above definitions in its School Performance Fact Sheets.**

**To remedy the violation, the school shall include the above definitions verbatim.**

5, CCR  
§74112(h)

(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

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	<p>students who began the program as defined in subdivision (d)(1) of this section, the number of students available for graduation, number of <b>on-time graduates</b>, 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.</p> <p><b>The school failed to specify whether the “Graduates” column in the School Performance Fact Sheet refers to “On-Time Graduates”.</b></p> <p><b>To remedy this violation, the school shall specify whether the “Graduates” column in the School Performance Fact Sheet refers to “On-Time Graduates”.</b></p>
<p><b>5, CCR §74112(i)</b></p>	<p>(i) Job Placement Rates.</p> <p>(1) Any placement data required by sections 94910(b) and 94929.5(a) of the Code shall be reported for the number of students who began the program as defined in subdivision (d)(1) of this section for each reported calendar year.</p> <p>(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 section 94842 of the Code, the graduates available for employment, graduates employed in the field and job placement rate(s).</p> <p>(3) If the institution makes any claim related to preparing students for a job or regarding job placement, the list required by section 94910(f)(2) of the Code shall identify the employment positions by using the Detailed Occupation or six-digit level of the Standard Occupational Classification codes.</p> <p>(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.</p> <p><b>Job Placement rates and related disclosures shall be included in the Performance Fact Sheet in a format substantially similar to the format provided in California Code of Regulations, Title 5, § 74112(i) et seq.</b></p> <p><b>The school failed to update the formatting of the Placement Rate section of its School Performance Fact sheet in accordance with new regulations implemented on July 14, 2016.</b></p> <p><b>To remedy the violation, the school shall update the formatting of the Placement Rates section of its School Performance Fact Sheet in accordance with the new regulations.</b></p>

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<p>5, CCR §74112(k)</p>	<p>(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 provided in California Code of Regulations, Title 5, Section 74112(k).</p> <p><b>The school failed to include all the required information in the Salary and Wage Information section of its School Performance Fact Sheet; there is no column for "No Salary Information Reported."</b></p> <p><b>To remedy the violation, the school shall add a column with No Salary Information Reported to the Salary and Wage Information section of its School Performance Fact Sheet. Refer to the example listed in 5, CCR §74112(k).</b></p>
<p>CEC §94910(f)(2)</p>	<p>Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to enrollment, an institution shall provide a prospective student with a School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program:</p> <p>(f) All of the following:</p> <p>(2) A statement informing the reader of where he or she may obtain from the institution a list of the employment positions determined to be within the field for which a student received education and training for the calculation of job placement rates as required by subdivision (b).</p> <p><b>The school failed to include a statement informing the reader of where he or she may obtain from the institution a list of the employment positions determined to be within the field for which a student received education and training.</b></p> <p><b>To remedy the violation, the school shall include the abovementioned statement.</b></p>
<p>CEC §94910(f)(3)</p>	<p>Except as provided in subdivision (d) of Section 94909 and Section 94910.5, prior to enrollment, an institution shall provide a prospective student with a School Performance Fact Sheet containing, at a minimum, the following information, as it relates to the educational program:</p> <p>(f) All of the following:</p> <p>(3) <u>A statement informing the reader</u> of where he or she may obtain from the institution a list of the objective sources of information used to substantiate the salary disclosure as required by subdivision (d).</p> <p><b>The school failed to include a statement informing the reader of where he or she may obtain from the institution a list of the objective sources of information used to substantiate the salary disclosure as required by subdivision (d).</b></p> <p><b>To remedy the violation, the school shall include the abovementioned statement.</b></p>

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<p>5, CCR §74112(n)</p>	<p>(n) The institution shall provide on a separate document along with the Performance Fact Sheet the same cancellation disclosure as that which is required to be included with the enrollment agreement by Section 94911(e)(1) of the Code. The separate document shall be substantially the same size as the Performance Fact Sheet and shall be captioned "STUDENT'S RIGHT TO CANCEL" using bold 14 pt. type.</p> <p><b>The school failed to provide on a separate document along with the Performance Fact Sheet the same cancellation disclosure as that which is required to be included with the enrollment agreement by Section 94911(e)(1) of the Code.</b></p> <p><b>To remedy the violation, the school shall provide on a separate document along with the Performance Fact Sheet the abovementioned cancelation disclosure.</b></p>
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**ANNUAL REPORT MINIMUM REQUIREMENTS**

<p><b>Referenced Law</b></p>	<p><b>Deficiency – Requested Submission</b></p>
<p>5, CCR §74110(c) &amp; (d)</p>	<p>(c) An institution shall file its annual report by December 1st. The Bureau may extend the period for filing if the institution demonstrates evidence of substantial need but in no case longer than 60 days. The institution shall not change the date of its filing its annual report because of a change in the fiscal year without the Bureau's approval.</p> <p><b>The school failed to file its Annual Report electronically by December 1<sup>st</sup> of 2016. The 2015 Annual Report posted on the school website is in an outdated format, and was never electronically filed.</b></p> <p><b>To remedy this violation the school shall file its current 2015 Annual Report (Section 1, Section 2, and Section 3- if applicable) through the Bureaus website at: <a href="https://www.dca.ca.gov/webapps/bppe/2015_annual_report.php">https://www.dca.ca.gov/webapps/bppe/2015_annual_report.php</a></b></p> <p><b>The school shall provide a copy of the report with a tracking number.</b></p>
<p>5, CCR §74110(d)</p>	<p>(d) The annual report shall be electronically filed by submitting the information required by section 94934 of the Code and this section via the online form provided on the Bureau's website, electronically attaching, as directed, the School Performance Fact Sheet, the enrollment agreement, and the school catalog.</p> <p><b>The school failed to electronically attach links to its School Performance Fact Sheets and catalog with the 2015 Annual Report.</b></p> <p><b>To remedy this violation, during the electronic filing of its Annual Report, the school shall include links to its School Performance Fact Sheets and catalog.</b></p>



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**Student Files**

Referenced Law	Deficiency - Requested Submission
<p>5, CCR §71920(a)(1)(A)</p>	<p>(a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.</p> <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:</p> <p>(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;</p> <p>Six student files contained the requests for transcripts from the student's reported high school, however, the file failed to contain hard copies of the diplomas.</p> <p>To remedy this violation the school shall provide copies of the diplomas and a policy on the requirement of high school diplomas, equivalent or Ability to Benefit tests.</p>

**Only minor violations are listed on a Notice to Comply.**

Inspector's Name	Michelle Allee
Inspector's Signature	
Institution Administrator Name/Title:	Penny Ryan, Director of Administration
Institution Administrator's Signature:	

Education Code can be located at: [http://www.bppe.ca.gov/lawsregs/ppe\\_act.shtml](http://www.bppe.ca.gov/lawsregs/ppe_act.shtml)  
 Code of Regulations can be located at: <http://www.bppe.ca.gov/lawsregs/regs.shtml>

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RETURN THIS FORM WITHIN THE SPECIFIED TIME FRAME WITH EITHER: 1) VERIFICATION OF COMPLIANCE OR 2) A NOTICE OF DISAGREEMENT

**IMPORTANT COMPLIANCE NOTICE**

California Education Code §94935 and California Code of Regulations §75010 provide that the Bureau for Private Postsecondary Education (Bureau) shall issue a Notice to Comply for minor violations detected during a compliance inspection by the Bureau.

By no later than 30 days from the date of the inspection, you must either: 1) Remedy the noncompliance item(s), sign the below declaration and submit this form to the Bureau, along with documentation describing how compliance was achieved; or 2) File with the Bureau a written notice of disagreement, specifying the minor violation(s) described in the Notice to Comply with which you disagree, and appealing it by requesting an informal office conference. If a written notice of disagreement is not timely filed with the Bureau, the right to appeal is deemed to have been waived.

Failure to timely remedy the noncompliance item(s) or file a written request for an informal office conference may result in the Bureau taking administrative enforcement action.

**DECLARATION**

Attached to this document is a list describing how compliance was achieved for each violation and supporting documentation. I declare under penalty of perjury that all violations identified in this Notice to Comply are corrected as described in the attachment.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title

**THIS DECLARATION OR A NOTICE OF DISAGREEMENT MUST BE SUBMITTED TO THE BUREAU BY June 26, 2017**

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Administrator's Initial: