



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

February 4, 2020

California Truck School, Inc., Owner
Western Truck School
2742 Industrial Blvd.
West Sacramento, CA 95691

Date of Issuance	Citation Number	Institution Code
February 4, 2020	1920131	3401031

On January 17, 2020, an informal telephone conference was held in the matter of Citation: Assessment of Fine and Order of Abatement No. 1920131 (Citation) against California Truck School, Inc., Owner of Western Truck School (Institution). In attendance were Leeza Rifredi, Deputy Bureau Chief, Michael S. Nord, Chief Operations Officer, and Michael A. Nord, President and Chief Executive Officer.

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. 1920131.

It is the decision of the Deputy Bureau Chief that on January 17, 2020, Citation No. 1920131 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></p> <p>5, CCR Section 76130 (a-e) – Collection and Submission of Assessments</p> <p><i>“(a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.</i></p> <p><i>(b) A qualifying institution shall complete the STRF Assessment Reporting Form (Rev. 2/10) and remit it with the STRF assessments collected from students to be received by the Bureau no later than the last day of the month following the close of the quarter as follows:</i></p> <p><i>(1) April 30 for the first quarter,</i></p> <p><i>(2) July 31 for the second quarter,</i></p> <p><i>(3) October 31 for the third quarter, and</i></p> <p><i>(4) January 31 for the fourth quarter. If the due date falls on a Saturday, Sunday or State or federal</i></p>

holiday, the due date shall be extended to the next regular business day for the Bureau. If the due date falls on a Saturday, Sunday, or State or federal holiday, the due date shall be extended to the next regular business day for the Bureau.

(c) The STRF Assessment Reporting Form shall contain the following information:

(1) Total number of students who signed enrollment agreements for educational programs during the reporting period; and

(2) Total number of students eligible for STRF who signed enrollment agreements for educational programs during the reporting period; and

(3) The total number of students who signed their enrollment agreement during the reporting period, were eligible for STRF, and who made their first payment during the reporting period; and

(4) The total number of students who signed their enrollment agreement in a previous reporting period, were eligible for STRF, and who made their first payment during the current reporting period; and

(5) Total amount of institutional charges after rounding each student's institutional charges to the nearest \$1,000, for all eligible STRF students whose STRF assessment was collected in the reporting period; and

(6) Current contact telephone number of the person preparing the form; and

(7) A declaration dated and signed under penalty of perjury by the person preparing the form that the form and any attachments are true and correct.

(d) In the event of a school closure, any collected assessments shall be remitted to the Bureau within seven days following the cessation of instruction.

(e) Submission of all prior reports and assessments required by this section is a condition of renewal."

The Institution has failed to submit STRF Assessment Reporting Form for the following quarter:

- **Second Quarter of 2019**

On June 24, 2019, the Institution was notified via mail at P.O. Box 980393, West Sacramento, CA 95798, that the STRF Assessment Reporting Forms for the 2nd quarter of 2019 was due. As of August 27, 2019, the Bureau has not received the STRF Assessment Reporting Form from the Institution.

Order of Abatement:

The Bureau orders that the Institution submit the delinquent STRF Assessment Reporting Form with the STRF Assessments collected from students for the quarter listed above. The Institution shall also submit the student information to substantiate the data reported on the STRF Assessment Reporting Form. The information provided shall comply with "Record Keeping Requirements" Pursuant to 5, CCR section 76140.

Reason for Modification: New Substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$50.00

2. Violation:

5, CCR Section 76140(a)(1-13)(b) – Record-Keeping Requirements

(a) A qualifying institution shall collect and maintain records of student information to substantiate the data reported on the STRF Assessment Reporting Form and records of the students' eligibility under the Fund. Such records shall include the following for each student:

(1) Student identification number,

(2) First and last names,

- (3) Email address,
- (4) Local or mailing address,
- (5) Address at the time of enrollment,
- (6) Home address,
- (7) Date enrollment agreement signed,
- (8) Courses and course costs,
- (9) Amount of STRF assessment collected,
- (10) Quarter in which the STRF assessment was remitted to the Bureau,
- (11) Third-party payer identifying information,
- (12) Total institutional charges charged, and
- (13) Total institutional charges paid.

(b) The qualifying institution shall maintain the data required under this section in an electronic format that is readily available and open to inspection by the Bureau upon request. The institution shall make the records immediately available to a Bureau representative conducting a site inspection or, upon written request, shall provide a copy within 14 calendar days of the request. All records shall be provided to the Bureau in an intelligible and orderly manner and in an electronic format.

5, CCR Section 71930(e) – Maintenance of Records

(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.

The Institution failed to collect and maintain supporting documentation for STRF forms submitted to the Bureau.

Order of Abatement:

The Bureau orders the Institution to submit a written policy or procedure of how future compliance with 5, CCR Sections 76140 and 71930 will be maintained.

Reason for Modification: New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.

Assessment of Fine

The fine for this violation is \$1,500.00

The fine amount has been modified from \$1,500.00 to \$500.00.

3. **Violation:**

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.

The Institution administers the WRAT3 (Wide Range Achievement Test Revision 3) which is not

approved by the Bureau to be used as an ATB Test. The Institution does not have Bureau approval to offer and administer an alternate ATB test.

Order of Abatement:

The Bureau orders the Institution to submit to the Bureau the name of the ATB examination that they would like to utilize that meets the requirements of CEC section 94904(a)(b).

Reason for Modification: New substantive facts were presented at the informal conference. The Order of Abatement has been satisfied.

Assessment of Fine:

The fine for this violation is \$1,000.00.

The fine amount has been modified from \$1,000.00 to \$500.00.

TOTAL MODIFIED ADMINISTRATIVE FINE DUE: \$1,050.00

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. 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 **February 4, 2020**. The Order of Abatement and payment are due by **March 5, 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 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”

“2/3/2020”

Christina Villanueva
Discipline Manager

Date

Enclosures

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