



Bureau for Private Postsecondary Education
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833
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NOTICE TO COMPLY - CA-98311708 0915 (Ed. Code § 94935, 5 CCR § 75010)

Institution Name:	The Cosmo Factory Cosmetology Academy	Institution Telephone:	831-621-6161
Institution Code:	98311708	Administrator Name:	James Fisher
Street Address:	131B Front Street Santa Cruz 95060	Date of Inspection:	September 23, 2015

Nature and Facts of the Violation(s):

Education Code	Subsection and Description
§94897 - Prohibited Business Practices	<p>An institution shall not do any of the following:</p> <p>b) Promise or guarantee employment, or otherwise overstate the availability of jobs upon graduation</p> <p>(c) Advertise concerning job availability, degree of skill, or length of time required to learn a trade or skill unless the information is accurate and not misleading.</p> <p>(l) Use the terms "approval," "approved," "approval to operate," or "approved to operate" without stating clearly and conspicuously that approval to operate means compliance with state standards as set forth in this chapter. If the bureau has granted an institution approval to operate, the institution may indicate that the institution is "licensed" or "licensed to operate," but may not state or imply either of the following:</p> <p>(1) The institution or its educational programs are endorsed or recommended by the state or by the bureau.</p> <p>(2) The approval to operate indicates that the institution exceeds minimum state standards as set forth in this chapter.</p> <p>The institutions website does not include the required language where it is indicated the school is approved to operate by BPPE (About us).</p>
§94900.5 - Required Institutional Records	<p>An institution shall maintain, for a period of not less than five years, at its principal place of business in this state, complete and accurate records of all of the following information:</p> <p>(b) The names and addresses of the members of the institution's faculty and records of the educational qualifications of each member of the faculty.</p> <p>Faculty files do not include the required documentation to validate qualifications.</p>

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Inspector's Initial: *RLM*Administrator's Initial: *JM*

<p>§94902 – General Enrollment Requirements</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>A signed and initialed SPFS is not maintained in the student file as required.</p>
<p>§94913 - Institutional Web Site Requirements</p>	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <ol style="list-style-type: none"> (1) The school catalog. (2) A School Performance Fact Sheet for each educational program offered by the institution. (3) Student brochures offered by the institution. (4) A link to the bureau's Internet Web site. (5) The institution's most recent annual report submitted to the bureau. <p>(b) An institution shall include information concerning where students may access the bureau's Internet Web site anywhere the institution identifies itself as being approved by the bureau.</p> <p>The link to the annual report on the school's website is for the incorrect reporting year (2013 versus 2014).</p>

Code of Regulations	Subsection and Description
<p>§71720 –Faculty</p>	<p>(b)Instructors in an Educational Program Not Leading to a Degree.</p> <p>(1)An institution shall employ instructors who possess the academic, experiential and professional qualifications to teach, including a minimum of three years of experience, education and training in current practices of the subject area they are teaching. If an instructor does not possess the required three years of experience, education and training in the subject area they are teaching, the institution shall document the qualifications the instructor possesses that are equivalent to the minimum qualifications.</p> <p>(2)Each instructor shall maintain their knowledge by completing continuing education courses in his or her subject area, classroom management or other courses related to teaching.</p> <p>The faculty files are missing copies of applicable licensure, resumes reflecting years of experience in the field, and proof of continuing education.</p>

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 Administrator's Initial: *SM*

§71920 – 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;

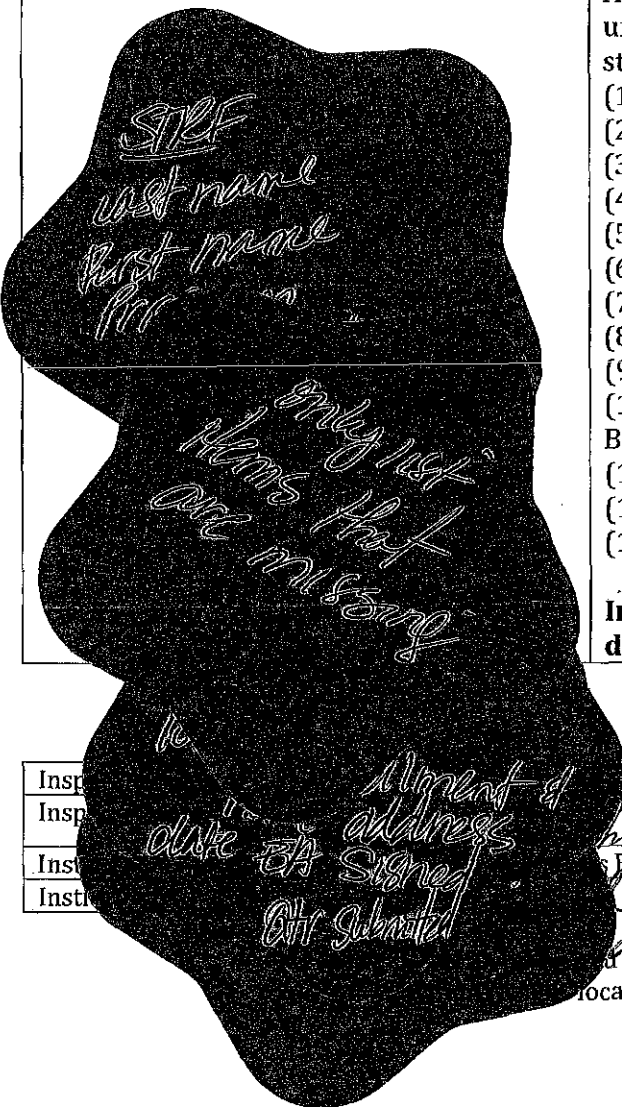
Student files do not consistently include the required documentation (high school diploma, GED or equivalent) to establish enrollment eligibility.

§76140 – 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.

Institution failed to provide the required electronic documentation to validate reporting.



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Insp	<i>[Signature]</i>
Insp	Fisher/Owner
Insp	<i>[Signature]</i>

located at: http://www.bppe.ca.gov/lawsregs/ppe_act.shtml
 located at: <http://www.bppe.ca.gov/lawsregs/regs.shtml>

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Inspector's Initial: *[Signature]*
 Administrator's Initial: *[Signature]*

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 OCTOBER 23, 2015

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Administrator's Initial: *JM*