



Bureau for Private Postsecondary Education
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NOTICE TO COMPLY - CU-3012471-0216 (Ed. Code § 94935, 5 CCR § 75010)

Institution Name:	Lincoln Institute of Body Therapy	Institution Telephone:	714-998-4943
Institution Code:	3012471	Administrator Name:	Angela De Leon
Street Address:	202 West Lincoln Ave. Suite A Orange, CA 92865	Date of Inspection:	February 24, 2016

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:

Education Code	Subsection , Description, and Required Correction
§94897 - Prohibited Business Practices.	<p>An institution shall not do any of the following: (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.</p> <p>The institution uses the term "approved" without stating clearly and conspicuously that approval to operate means compliance with state standards as set forth in this chapter.</p> <p>To remedy this violation the institution shall state clearly and conspicuously that approval to operate means compliance with state standards as set forth in this chapter anywhere the term "approved" is used on their website.</p>
§94897 - Prohibited Business Practices.	<p>An institution shall not do any of the following: (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: (1) The institution or its educational programs are endorsed or recommended by the state or by the bureau. (2) The approval to operate indicates that the institution exceeds minimum state standards as set forth in this chapter.</p> <p>The institution states on postcards and advertising "State Compliant".</p> <p>To remedy this violation all advertising may indicate that the institution is "licensed" or "licensed to operate".</p>
§94906 - Language of Enrollment	(a) An enrollment agreement shall be written in language that is


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Administrator's Initial: *AD*

<p>Agreement.</p>	<p>easily understood. If English is not the student's primary language, and the student is unable to understand the terms and conditions of the enrollment agreement, the student shall have the right to obtain a clear explanation of the terms and conditions and all cancellation and refund policies in his or her primary language.</p> <p>The unannounced inspection revealed students are taught in Chinese. The institution is not approved to teach in Chinese. In addition, the enrollment agreements are in English only.</p> <p><i>To remedy this violation enrollment agreement shall be written in language that is easily understood.</i></p>
<p>§94909 - Minimum Requirements for School Catalog.</p>	<p>(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:</p> <p>(8) A detailed description of institutional policies in the following areas:</p> <p>(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> <p>The admissions policy in your catalog is not in compliance with 71770(a)(1).</p> <p><i>To remedy this violation, the institution shall revise the catalog to demonstrate compliance with 71770(a)(1).</i></p>
<p>§94911 - Minimum Requirements for Enrollment Agreement.</p>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(c) In underlined capital letters on the same page of the enrollment agreement in which the student's signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment.</p> <p>The enrollment agreement does not include in underlined capital letters on the same page of the enrollment agreement in which the student's signature is required the total charges the student is obligated to pay upon enrollment.</p> <p><i>To remedy this violation the enrollment agreement shall include in underlined capital letters on the same page of the enrollment</i></p>


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	<i>agreement in which the student's signature is required the total charges the student is obligated to pay upon enrollment.</i>
§94911 - Minimum Requirements for Enrollment Agreement.	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(e) (1) A disclosure with a clear and conspicuous caption, "STUDENT'S RIGHT TO CANCEL," under which it is explained that the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later.</p> <p>The enrollment agreement does not include disclosure the student has the right to cancel the enrollment agreement and obtain a refund of charges paid through attendance at the first class session, or the seventh day after enrollment, whichever is later.</p> <p><i>To remedy this violation the enrollment agreement shall include the required disclosure.</i></p>
§94911 - Minimum Requirements for Enrollment Agreement.	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(e) (2) The disclosure shall contain the institution's refund policy and a statement that, if the student has received federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal student financial aid program funds.</p> <p>The enrollment agreement does not include the required disclosure.</p> <p><i>To remedy this violation the enrollment agreement shall include the required disclosure.</i></p>
§94911 - Minimum Requirements for Enrollment Agreement.	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(f) A statement specifying that, if the student obtains a loan to pay for an educational program, the student will have the responsibility to repay the full amount of the loan plus interest, less the amount of any refund.</p> <p>The enrollment agreement does not include the required statement.</p> <p><i>To remedy this violation the enrollment agreement shall include the required statement.</i></p>
§94911 - Minimum Requirements for Enrollment Agreement.	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(i) (1) The following statement: "Prior to signing this enrollment agreement, you must be given a catalog or brochure and a School Performance Fact Sheet, which you are encouraged to review prior to signing this agreement. These documents contain important policies and performance data for this institution. This institution is required to have you sign and date the information included in the School Performance Fact Sheet relating to completion rates,</p>


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	<p>placement rates, license examination passage rates, salaries or wages, and the most recent three-year cohort default rate, if applicable, prior to signing this agreement.”</p> <p>The enrollment agreement does not include the required verbatim statement in its entirety.</p> <p><i>To remedy this violation the enrollment agreement shall include the required verbatim statement in its entirety disclosure.</i></p>
§94911 - Minimum Requirements for Enrollment Agreement.	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(i)(2) Immediately following the statement required by paragraph (1), a line for the student to initial, including the following statement: “I certify that I have received the catalog, School Performance Fact Sheet, and information regarding completion rates, placement rates, license examination passage rates, salary or wage information, and the most recent three-year cohort default rate, if applicable, included in the School Performance Fact sheet, and have signed, initialed, and dated the information provided in the School Performance Fact Sheet.”</p> <p>The enrollment agreement does not include the required verbatim statement in its entirety.</p> <p><i>To remedy this violation the enrollment agreement shall include the required verbatim statement in its entirety disclosure.</i></p>
§94911 - Minimum Requirements for Enrollment Agreement.	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(k) The following statement above the space for the student’s signature:</p> <p>“I understand that this is a legally binding contract. My signature below certifies that I have read, understood, and agreed to my rights and responsibilities, and that the institution’s cancellation and refund policies have been clearly explained to me.”</p> <p>The enrollment agreement does not include the required verbatim statement in its entirety.</p> <p><i>To remedy this violation the enrollment agreement shall include the required verbatim statement in its entirety disclosure.</i></p>
§94913 - Institutional Web Site Requirements	<p>(a)An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <p>(1) The school catalog.</p> <p>The catalog available on the institution’s website www.lincolnmassage.com is dated (1/1/2014 – 12/31/14).</p> <p><i>To remedy this, the current catalog shall be available on your website.</i></p>
§94913 - Institutional Web Site Requirements	<p>(a)An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p>

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	<p>(2) A School Performance Fact Sheet for each educational program offered by the institution.</p> <p>The School Performance Fact Sheets available on your website www.lincolnmassage.com are dated 2012/2013.</p> <p><i>To remedy this, the current School Performance Fact Sheets shall be available on your website.</i></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> <p>(5) The institution's most recent annual report submitted to the bureau.</p> <p>The Institution's most recent annual report submitted to the bureau is not available on your website.</p> <p><i>To remedy this, the Institution's most recent annual report submitted to the bureau shall be available on your website.</i></p>

Code of Regulations	Subsection, Description, and Required Correction
<p>§71230 - Instruction in Languages Other Than English.</p>	<p>If the institution offers an educational program, or a portion of it, in a language other than English, the Form Application 94886 shall contain a description of all of the following for each educational program or portion thereof.</p> <p>(a) The language in which each educational program will be offered.</p> <p>(b) A statement that the institution has contracted with sufficient duly qualified faculty who will teach each language group of students.</p> <p>(c) The language of the textbooks and other written materials to be used by each language group of students.</p> <p>The unannounced inspection revealed classes are taught in Chinese. The institution is not approved to teach in any other language other than English</p> <p><i>To remedy this, the Institution shall get approval from the bureau to teach in Chinese.</i></p>
<p>§71770 - Admissions Standards and Transferred Credits Policy.</p>	<p>(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:</p> <p>(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</p>

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	<p>examination as required by section 94904 of the Code.</p> <p>The admissions policy in the institution's catalog does not establish that a student admitted to 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.</p> <p><i>To remedy this violation, the institution shall revise the catalog to demonstrate compliance and implement the policy.</i></p>
<p>§71810 - Catalog.</p>	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:</p> <p>(4) Language proficiency information, including:</p> <p>(A) the level of English language proficiency required of students and the kind of documentation of proficiency, such as the Test of English as a Foreign Language (TOEFL), that will be accepted; and</p> <p>(B) whether English language services, including instruction such as ESL, are provided and, if so, the nature of the service and its cost;</p> <p>The institution's catalog does not contain the required information.</p> <p><i>To remedy this violation, the institution shall revise the catalog to include the required information above.</i></p>
<p>§71810 - Catalog.</p>	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:</p> <p>(5) Whether any instruction will occur in a language other than English and, if so, the level of proficiency required and the kind of documentation of proficiency, such as the United States Foreign Service Language Rating System, that will be accepted;</p> <p>The institution's catalog does not contain the required information.</p> <p><i>To remedy this violation, the institution shall revise the catalog to include the required information above.</i></p>
<p>§76130 - Collection and Submission of Assessments.</p>	<p>(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:</p> <p>(1) April 30 for the first quarter, (2) July 31 for the second quarter, (3) October 31 for the third quarter, and (4) January 31 for the fourth quarter. 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.</p>

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Inspector's Initial: *DB*


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	<p>The institution was unable to provide documentation regarding STRF Assessment Reporting Form.</p> <p><i>To remedy this violation, the institution shall provide documentation of the STRF Assessment Reporting Form for all four quarters.</i></p>
§76140 - Record-Keeping Requirements.	<p>(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.</p> <p>The institution was unable to provide documentation of records of student information to substantiate the data reported on the STRF Assessment Reporting Form.</p> <p><i>To remedy this violation, the institution shall provide documentation of records of student information to substantiate the data reported on the STRF Assessment Reporting Form.</i></p>
§76140 - Record-Keeping Requirements.	<p>(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.</p> <p>The institution was unable to provide documentation of STRF Assessment Reporting Form.</p> <p><i>To remedy this violation, the institution shall provide documentation of records of student information to substantiate the data reported on the STRF Assessment Reporting Form.</i></p>

Only minor violations are listed on this Notice to Comply.

Additional material violations have been found? Y N (Circle one)

If yes, material violations will be forwarded to Enforcement for further review. A Bureau representative will contact the institution with additional guidance.

Inspector's Name	Diana Bronshteyn
Inspector's Signature	

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Inspector's Initial: *DB*

Administrator's Initial: *aw*

Institution Administrator Name/Title:	Angela De Leon
Institution Administrator's Signature:	<i>Angela De Leon</i>

Education Code can be located at: http://www.bppe.ca.gov/lawsregs/ppa_act.shtml
Code of Regulations can be located at: <http://www.bppe.ca.gov/lawsregs/regs.shtml>

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

IMPORTANT COMPLIANCE NOTICE

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Inspector's Initial: *DD*
Administrator's Initial: *ADL*

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 MARCH 24, 2016

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Inspector's Initial: *DB*

Administrator's Initial: *CD*