



**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 18431210 0115 (Ed. Code § 94935, 5 CCR § 75010)**

|                   |   |                        |                            |
|-------------------|---|------------------------|----------------------------|
| Institution Name: | American College of Nursing                       | Institution Telephone: | 925-689-9900               |
| Institution Code: | 18431210  | Administrator Name:    | Dr. Nieto Beluyut, Interim |
| Street Address:   | 1855 Gateway Blvd, Suite 180<br>Concord, CA 94520 | Date of Inspection:    | 30 January 2015            |

**Nature and Facts of the Violation(s):**

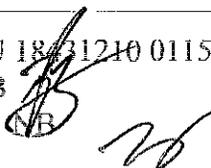
| Education Code                               | Subsection and Description   |
|--|--|
| <b>§94900: Required Student Records</b>      | <p>(a) An institution shall maintain records of the name, address, e-mail address, and telephone number of each student who is enrolled in an educational program in that institution.</p> <p>(b) An institution shall maintain, for each student granted a degree or certificate by that institution, permanent records of all of the following:</p> <p>(1) The degree or certificate granted and the date on which that degree or certificate was granted.</p> <p>(2) The courses and units on which the certificate or degree was based.</p> <p>(3) The grades earned by the student in each of those courses.</p> <p><b>The institution's records retention policy disclosed in the catalog is not compliant with permanent retention of transcripts, as it states student records are kept for a minimum of 5 years. All student records, with the exception of transcripts which indicate items (b)(1), (2) &amp; (3) above, must be retained permanently.</b></p> |
| <b>§94903: Waiving Provisions Prohibited</b> | <p>A student may not waive any term or receipt of any disclosure required by this article.</p> <p><b>The institution's Enrollment Agreement contains an Arbitration Agreement as well as an Agreement to Binding Arbitration and Waiver of a Jury Trial. This is specifically prohibited by this section, as well as by §94922: Student Waiver Prohibited - A student may not waive any provision of this article (Article 13: Cancellations, Withdrawals &amp; Refunds).</b></p>  |

Notice to Comply - CU 18431210 0115  
Inspector's Initial: BJB  
Administrator's Initial: NB

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| <p><b>§94907: Mandatory Internal Dispute Resolution Prohibited</b></p> | <p>An enrollment agreement shall not contain a provision that requires a student to invoke an internal institutional dispute procedure before enforcing any contractual or other legal rights or remedies.</p> <p><b>The institution's grievance procedure published in the catalog indicates students "must" partake in an internal resolution process before contacting an outside agency. This is a violation of this section.</b></p>   |
| <p><b>§94909: Minimum Requirements for School Catalog</b></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>(2) Except as specified in Article 2 (commencing with Section 94802), a statement that the institution is a private institution and that it is approved to operate by the bureau.</p> <p><b>The institution's catalog did not contain this required verbiage.</b></p> <p>(4) The address or addresses where class sessions will be held.</p> <p><b>The institution's catalog did not contain this required verbiage.</b></p> <p>(10) A statement reporting whether the institution participates in federal and state financial aid programs, and if so, all consumer information that is required to be disclosed to the student pursuant to the applicable federal and state financial aid programs.</p> <p><b>The institution's catalog did not contain this required disclosure and related information.</b></p> <p>(12) A statement specifying whether the institution has a pending petition in bankruptcy, is operating as a debtor in possession, has filed a petition within the preceding five years, or has had a petition in bankruptcy filed against it within the preceding five years that resulted in reorganization under Chapter 11 of the United States Bankruptcy Code (11 U.S.C. Sec. 1101 et seq.).</p> <p><b>The institution's catalog did not contain this required verbatim verbiage.</b></p> <p>(16) A statement specifying whether the institution, or any of its degree programs, are accredited by an accrediting agency recognized by the United States Department of Education. If the institution is unaccredited and offers an associate, baccalaureate,</p> |

Notice to Comply – CU 18-81210-0115  
 Inspector's Initial: BJB  
 Administrator's Initial: MB

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|   | <p>master's, or doctoral degree, or is accredited and offers an unaccredited program for an associate, baccalaureate, master's, or doctoral degree, the statement shall disclose the known limitations of the degree program, including, but not limited to, all of the following:</p> <p>(A) Whether a graduate of the degree program will be eligible to sit for the applicable licensure exam in California and other states.</p> <p>(B) A degree program that is unaccredited or a degree from an unaccredited institution is not recognized for some employment positions, including, but not limited to, positions with the State of California.</p> <p>(C) That a student enrolled in an unaccredited institution is not eligible for federal financial aid programs.</p> <p>(b) If the institution has a general student brochure, the institution shall provide that brochure to the prospective student prior to enrollment. In addition, if the institution has a program-specific student brochure for the program in which the prospective student seeks to enroll, the institution shall provide the program-specific student brochure to the prospective student prior to enrollment.</p> <p>(c) An institution shall provide the school catalog to any person upon request. In addition, if the institution has student brochures, the institution shall disclose the requested brochures to any interested person upon request.</p> <p>(d) An accredited institution is not required to provide a School Performance Fact Sheet to a prospective student who is not a California resident, not residing in California at the time of his or her enrollment, and enrolling in an accredited distance learning degree program offered by the institution, if the institution complies with all federal laws, the applicable laws of the state where the student is located, and other appropriate laws, including, but not limited to, consumer protection and student disclosure requirements.</p> <p><b>The institution's catalog did not contain this required verbiage and disclosures, as applicable to the institution.</b></p> |
| <p><b>§94911: Minimum Requirements for Enrollment Agreement</b></p> | <p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(b) A schedule of total charges, including a list of any charges that are nonrefundable and the student's obligations to the Student Tuition Recovery Fund, clearly identified as nonrefundable charges.</p> <p><b>The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal, Introduction to Anatomy &amp; Physiology.</b></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</p>  |

Notice to Comply – CU 18/31210 0115  
Inspector's Initial: BJB  
Administrator's Initial: 

**§94911, Continued**

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.

**The following inspected Enrollments Agreements did not contain the required information underlined above: CPR, IV Certification and Blood Withdrawal, Introduction to Anatomy & Physiology, Hemodialysis Technician, Certified Nursing Assistant, Psychiatric Technician, Vocational Nursing.**

- (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.  
(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.

**The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal, Introduction to Anatomy & Physiology.**

- (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.

**The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal.**

- (g) A statement specifying that, if the student is eligible for a loan guaranteed by the federal or state government and the student defaults on the loan, both of the following may occur:  
(1) The federal or state government or a loan guarantee agency may take action against the student, including applying any income tax refund to which the person is entitled to reduce the balance owed on the loan.  
(2) The student may not be eligible for any other federal student financial aid at another institution or other government assistance until the loan is repaid.

**The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal, Introduction to Anatomy & Physiology.**

Notice to Comply – CU 18431210-0115  
Inspector's Initial: BJB  
Administrator's Initial: NB

**§94911, Continued**

(h) The transferability disclosure that is required to be included in the school catalog, as specified in paragraph (15) of subdivision (a) of Section 94909.

**The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal.**

(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, 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."

(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."

**The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal.**

(j) The following statements:

(1) "Any questions a student may have regarding this enrollment agreement that have not been satisfactorily answered by the institution may be directed to the Bureau for Private Postsecondary Education at (address), Sacramento, CA (ZIP Code), (Internet Web site address), (telephone and fax numbers)."

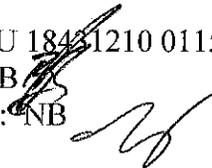
(2) "A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (toll-free telephone number) or by completing a complaint form, which can be obtained on the bureau's Internet Web site (Internet Web site address)."

**The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal.**

Notice to Comply – CU 18461210 0115  
Inspector's Initial: BJB  
Administrator's Initial: NB

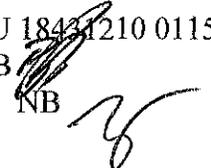
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| <p><b>§94911, Continued</b></p>                          | <p>(k) The following statement above the space for the student's signature:<br/>         "I understand that this is a legally binding contract. My signature below certifies that I have read, 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><b>The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal, Introduction to Anatomy &amp; Physiology.</b></p>  |
| <p><b>§94913: Institutional Website Requirements</b></p> | <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><b>The institution's website did not contain a catalog.</b></p> <p>(2) A School Performance Fact Sheet for each educational program offered by the institution.</p> <p><b>The institution's website did not contain a School Performance Fact Sheet for every educational program offered.</b></p> <p>(3) Student brochures offered by the institution.</p> <p><b>The institution's website did not contain the various brochures the institution has available.</b></p> <p>(4) A link to the bureau's Internet Web site.</p> <p><b>The institution's website did not contain a link to the Bureau's website.</b></p> <p>(5) The institution's most recent annual report submitted to the bureau.</p> <p><b>The institution's website did not contain the institution's most recent annual report submitted to the Bureau. There was a link on the website titled BPPE Annual Report, however it was not active.</b></p> <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><b>The institution's website made no mention of the Bureau.</b></p> |

Notice to Comply – CU 18431210 0115  
 Inspector's Initial: BJB  
 Administrator's Initial: NB



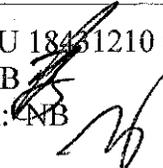
| Code of Regulations                        | Subsection and Description   |
|--|--|
| <p><b>§71721: Faculty</b></p>              | <p>(b) Instructors in an Educational Program Not Leading to a Degree.<br/>           (2) Each instructor shall maintain their knowledge by completing continuing education courses in his or her subject area, classroom management or other courses related to teaching.</p> <p><b>The institution's faculty files did not contain documentation of completed continuing education as required by this paragraph.</b></p>   |
| <p><b>§71800: Enrollment Agreement</b></p> | <p>In addition to the requirements of section 94911 of the Code, an institution shall provide to each student an enrollment agreement that contains at the least the following information:<br/>           (b) Period covered by the enrollment agreement.</p> <p><b>The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal, Introduction to Anatomy &amp; Physiology.</b></p> <p>(d) Date by which the student must exercise his or her right to cancel or withdraw, and the refund policy, including any alternative method of calculation if approved by the Bureau pursuant to section 94921 of the Code.</p> <p><b>The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal, Introduction to Anatomy &amp; Physiology, Hemodialysis Technician.</b></p> <p>(e) Itemization of all institutional charges and fees including, as applicable:<br/>           (2) registration fee (non-refundable);</p> <p><b>The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal, Introduction to Anatomy &amp; Physiology.</b></p> <p>(5) Textbooks, or other learning media;</p> <p><b>The following inspected Enrollments Agreements did not contain this required information: Introduction to Anatomy &amp; Physiology.</b></p> <p>(11) Student Tuition Recovery Fund fee (non-refundable);</p> <p><b>The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal, Introduction to Anatomy &amp; Physiology.</b></p> |

Notice to Comply – CU 18431210 0115  
 Inspector's Initial: BJB  
 Administrator's Initial: NB



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| <p><b>§71800, Continued</b></p>       | <p>(f) Charges paid to an entity other than an institution that is specifically required for participation in the educational program.</p> <p><b>The following inspected Enrollments Agreements did not contain this required information: CPR.</b></p>   |
| <p><b>§71810: Catalog</b></p>         | <p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:</p> <p>(6) The institution's policies and practices regarding any form of financial aid, including all consumer information which the institution is required to disclose to the student under any state or federal financial aid program;</p> <p><b>The institution's catalog fails to contain the required policies and practices pursuant to this paragraph.</b></p> <p>(13) Housing information including all of the following:</p> <p>(A) Whether the institution has dormitory facilities under its control;</p> <p>(B) The availability of housing located reasonably near the institution's facilities and an estimation of the approximate cost or range of cost of the housing; and</p> <p>(C) If the institution has no responsibility to find or assist a student in finding housing, a clear and conspicuous statement so indicating. A statement that the program is "non- residential" does not satisfy this subparagraph.</p> <p><b>The institution's catalog fails to contain these required disclosures.</b></p> |
| <p><b>§71920: Student Records</b></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>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</p> <p>(1)(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><b>The institution's inspected student files failed to contain verification of high school completion or equivalency as required by this paragraph.</b></p> <p>(3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid;</p>   |

Notice to Comply – CU 18451210 0115  
Inspector's Initial: BJB  
Administrator's Initial: NB



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| <p><b>§71920, Continued</b></p>                                 | <p><b>Several of the inspected student files contained Enrollment Agreements, which are considered both contracts and instruments of indebtedness, which were either not signed by the student, not signed by a school official, or both.</b></p> <p>(5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following:</p> <p>(A) The courses or other educational programs that were completed, or were attempted but not completed, and the dates of completion or withdrawal;</p> <p>(B) Credit awarded for prior experiential learning, including the course title for which credit was awarded and the amount of credit;</p> <p>(C) Credit for courses earned at other institutions;</p> <p>(D) Credit based on any examination of academic ability or educational achievement used for admission or college placement purposes;</p> <p>(E) The name, address, website address, and telephone number of the institution.</p> <p><b>The inspected graduated student files failed to contain a transcript from the institution.</b></p> <p>(9) A document showing the total amount of money received from or on behalf of the student and the date or dates on which the money was received;</p> <p><b>The inspected student files, with the exception of one withdrawal student, failed to contain a ledger as required by this paragraph.</b></p> |
| <p><b>§76215: Student Tuition Recovery Fund Disclosures</b></p> | <p>(a) A qualifying institution shall include the following statement on both its enrollment agreement for an educational program and its current schedule of student charges:</p> <p>"You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:</p> <ol style="list-style-type: none"> <li>1. You are a student in an educational program, who is a California resident, or are enrolled in a residency program, and prepay all or part of your tuition either by cash, guaranteed student loans, or personal loans, and</li> <li>2. Your total charges are not paid by any third-party payer such as an employer, government program or other payer unless you have a separate agreement to repay the third party.</li> </ol> <p>You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if either of the following applies:</p> <ol style="list-style-type: none"> <li>1. You are not a California resident, or are not enrolled in a residency program, or</li> <li>2. Your total charges are paid by a third party, such as an employer,</li> </ol>   |

Notice to Comply – CU 18421210 0115  
 Inspector's Initial: BJB  
 Administrator's Initial: NB

government program or other payer, and you have no separate agreement to repay the third party."

(b) In addition to the statement described under subdivision (a) of this section, a qualifying institution shall include the following statement on its current schedule of student charges:

"The State of California created the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic losses suffered by students in educational programs who are California residents, or are enrolled in a residency programs attending certain schools regulated by the Bureau for Private Postsecondary and Vocational Education.

You may be eligible for STRF if you are a California resident or are enrolled in a residency program, prepaid tuition, paid the STRF assessment, and suffered an economic loss as a result of any of the following:

1. The school closed before the course of instruction was completed.
  2. The school's failure to pay refunds or charges on behalf of a student to a third party for license fees or any other purpose, or to provide equipment or materials for which a charge was collected within 180 days before the closure of the school.
  3. The school's failure to pay or reimburse loan proceeds under a federally guaranteed student loan program as required by law or to pay or reimburse proceeds received by the school prior to closure in excess of tuition and other costs.
  4. There was a material failure to comply with the Act or this Division within 30 days before the school closed or, if the material failure began earlier than 30 days prior to closure, the period determined by the Bureau.
  5. An inability after diligent efforts to prosecute, prove, and collect on a judgment against the institution for a violation of the Act."
- However, no claim can be paid to any student without a social security number or a taxpayer identification number.

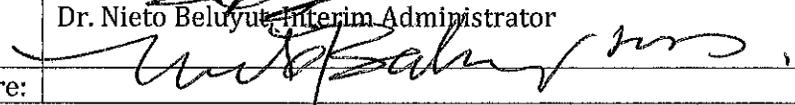
Note: Authority cited: Sections 94803, 94877 and 94923, Education Code. Reference: Section 94923, Education Code.

**The following inspected Enrollments Agreements did not contain this required information: CPR, IV Certification and Blood Withdrawal, Introduction to Anatomy & Physiology.**

Notice to Comply – CU 18431210 0115

Inspector's Initial: BJB

Administrator's Initial: NB

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| Inspector's Name                       | Brian J Brisco   |
| Inspector's Signature                  |  |
| Institution Administrator Name/Title:  | Dr. Nieto Beluyut, Interim Administrator   |
| 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>

Notice to Comply – CU 18431210 0115

Inspector's Initial: BJB 

Administrator's Initial: NB 

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 **March 3, 2015**

Notice to Comply – CU 18421210 0115  
Inspector's Initial: BJB  
Administrator's Initial: 