



Bureau for Private Postsecondary Education  
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**NOTICE TO COMPLY - CA 44298588 1014 (Ed. Code § 94935, 5 CCR § 75010)**

Institution Name:	Marin Success Beauty Academy	Institution Telephone:	415-234-6177
Institution Code:	44298588	Administrator Name:	Alicia Reid
Street Address:	5420 Nave Drive, Suite B Novato, CA	Date of Inspection:	8 October 2014

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

Education Code	Subsection and Description
<b>94900.5. Required Institutional Records</b>	<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><b>The institution's Faculty Files do not contain records of the educational qualifications of the faculty members as required in (b), above.</b></p>
<b>94907. Mandatory Internal Dispute Resolution Prohibited</b>	<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 current grievance policy is in violation of the above section, as it indicates students must partake in an internal process before contacting BPPE or another entity.</b></p>
<b>94909. Minimum Requirements for School Catalog</b>	<p>(a) 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>

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	<p><b>The institution's catalog does not contain language regarding transfer agreements in place, or lack thereof. The institution indicated they have students who transfer from at least one other institution, Maya Beauty Academy, which, although owned and operated by the same person, is still a separate institution and a transfer agreement must exist between the two institutions.</b></p>
<p><b>94909. Minimum Requirements for School Catalog</b></p>	<p>(a) 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:  (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 does not contain language regarding acceptance of federal or state financial aid.</b></p>
<p><b>94909. Minimum Requirements for School Catalog</b></p>	<p>(a) 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:  (11) A statement specifying that, if a 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, and that, if the student has received federal student financial aid funds, the student is entitled to a refund of the moneys not paid from federal student financial aid program funds.</p> <p><b>The institution's catalog does not include this required statement regarding students who obtain a loan to pay for an educational program.</b></p>
<p><b>94909. Minimum Requirements for School Catalog</b></p>	<p>(a) 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:  (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 does not include language regarding their bankruptcy status. This is a required disclosure.</b></p>
<p><b>94909. Minimum Requirements for School Catalog</b></p>	<p>(a) 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:  (13) If the institution provides placement services, a description of the nature and extent of the placement services.</p>

	<p><b>The institution's catalog does not contain a statement regarding placement services offered to students.</b></p>
<p><b>94909. Minimum Requirements for School Catalog</b></p>	<p>(a) 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>(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, 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>The institution's catalog does not contain any language regarding accreditation by an entity recognized by the U.S. Department of Education.</b></p>
<p><b>94910. Minimum Requirements for School Performance Fact Sheet</b></p>	<p>94910. Minimum Requirements for School Performance Fact Sheet</p> <p>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>(a) Completion rates, as calculated pursuant to Article 16 (commencing with Section 94928).</p> <p>(b) Placement rates for each educational program, as calculated pursuant to Article 16 (commencing with Section 94928), if the educational program is designed to lead to, or the institution makes any express or implied claim related to preparing students for, a recognized career, occupation, vocation, job, or job title.</p> <p>(c) License examination passage rates for programs leading to employment for which passage of a state licensing examination is required, as calculated pursuant to Article 16 (commencing with Section 94928).</p> <p>(d) Salary or wage information, as calculated pursuant to Article 16 (commencing with Section 94928).</p> <p>(e) If a program is too new to provide data for any of the categories listed in this subdivision, the institution shall state on its fact sheet: "This program is new. Therefore, the number of students who graduate, the number of students who are placed, or the starting</p>

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	<p>salary you can earn after finishing the educational program are unknown at this time. Information regarding general salary and placement statistics may be available from government sources or from the institution, but is not equivalent to actual performance data."</p> <p>(f) All of the following:</p> <p>(1) A description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated or a statement informing the reader of where he or she may obtain a description of the manner in which the figures described in subdivisions (a) to (d), inclusive, are calculated.</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>(3) 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).</p> <p>(g) The following statements:</p> <p>(1) "This fact sheet is filed with the Bureau for Private Postsecondary Education. Regardless of any information you may have relating to completion rates, placement rates, starting salaries, or license exam passage rates, this fact sheet contains the information as calculated pursuant to state law."</p> <p>(2) "Any questions a student may have regarding this fact sheet 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)."</p> <p>(h) If the institution participates in federal financial aid programs, the most recent three-year cohort default rate reported by the United States Department of Education for the institution and the percentage of enrolled students receiving federal student loans.</p> <p><b>The institution does not have or maintain a School Performance Fact as required.</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 institution's Enrollment Agreement does not identify the Student Tuition Recovery Fund assessment as non-refundable.</b></p>
<p><b>94911. Minimum Requirements for</b></p>	<p>An enrollment agreement shall include, at a minimum, all of the</p>

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<p><b>Enrollment Agreement</b></p>	<p>following:  (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><b>The institution's Enrollment Agreement does not contain the required text and formatting indicated above.</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:  (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.  (3) The text shall also include a description of the procedures that a student is required to follow to cancel the enrollment agreement or withdraw from the institution and obtain a refund.</p> <p><b>The institution's Enrollment Agreement does not contain any of the required formatting, language or disclosures identified in (1), (2) and (3), above.</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:  (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><b>The institution's Enrollment Agreement does not contain the required disclosure identified above, in (f).</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:  (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.</p>

	<p><b>The institution's Enrollment Agreement does not contain any of the required statements, as identified above in (g)(1) or (g)(2).</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>(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."</p> <p>(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><b>The institution's Enrollment Agreement does not contain the disclosure or formatting required, as identified above in (i)(1) and (i)(2).</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>(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><b>The institution's Enrollment Agreement does not contain the required statement found above, in (k).</b></p>
<p><b>94913. Website</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>(2) A School Performance Fact Sheet for each educational program offered by the institution.</p> <p>(3) Student brochures offered by the institution.</p> <p>(4) A link to the bureau's Internet Web site.</p> <p>(5) The institution's most recent annual report submitted to the</p>

	<p>bureau.</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 does not contain a catalog as required in (a)(1) above.</b></p> <p><b>The institution's website does not contain a School Performance Fact Sheet as required in (a)(2) above.</b></p> <p><b>The institution's website does not contain an Annual Report as submitted to the Bureau as required in (a)(5) above.</b></p> <p><b>The institution's website does not indicate the definition of "Bureau approval" as required by 94897 (1).</b></p>
<p><b>94929. Reporting of Completion Rate</b></p>	<p>(a) An institution shall annually report to the bureau, as part of the annual report, and publish in its School Performance Fact Sheet, the completion rate for each program. Except as provided in subdivision (b), the completion rate shall be calculated by dividing the number of graduates by the number of students available for graduation.</p> <p>(b) In lieu of calculating graduation data pursuant to subdivision (a), an institution may report graduation data reported to, and calculated by, the Integrated Postsecondary Education Data System of the United States Department of Education.</p> <p><b>The institution has failed to maintain a School Performance Fact Sheet, and disclose all of the information as indicated and required.</b></p>
<p><b>94929.5. Reporting of Student Performance Data</b></p>	<p>(a) An institution shall annually report to the bureau, as part of the annual report, and shall publish in its School Performance Fact Sheet, all of the following:</p> <p>(1) The job placement rate, calculated by dividing the number of graduates employed in the field by the number of graduates available for employment for each program that is either (1) designed, or advertised, to lead to a particular career, or (2) advertised or promoted with any claim regarding job placement.</p> <p>(2) The license examination passage rates for the immediately preceding two years for programs leading to employment for which passage of a state licensing examination is required, calculated by dividing the number of graduates who pass the examination by the number of graduates who take the licensing examination the first time that the examination is available after completion of the educational program. The institution shall use state agency licensing data to calculate license examination passage rates. If those data are unavailable, the institution shall calculate the license examination passage rate in a manner consistent with regulations adopted by the bureau.</p> <p>(3) Salary and wage information, consisting of the total number of graduates employed in the field and the annual wages or salaries of</p>

	<p>those graduates stated in increments of five thousand dollars (\$5,000).</p> <p>(4) If applicable, the most recent official three-year cohort default rate reported by the United States Department of Education for the institution and the percentage of enrolled students receiving federal student loans.</p> <p>(b) Nothing in this section shall limit the bureau's authority to collect information from an institution to comply with this section and ensure, by regulation and other lawful means, that the information required by this section, and the manner in which it is collected and reported, is all of the following:</p> <p>(1) Useful to students.</p> <p>(2) Useful to policymakers.</p> <p>(3) Based upon the most credible and verifiable data available.</p> <p>(4) Does not impose undue compliance burdens on an institution.</p> <p><b>The institution has failed to maintain a School Performance Fact Sheet, and disclose all of the information as indicated and required.</b></p>
<p><b>94929.7. Documentation of Performance Data</b></p>	<p>(a) The information used to substantiate the rates and information calculated pursuant to Sections 94929 and 94929.5 shall do both of the following:</p> <p>(1) Be documented and maintained by the institution for five years from the date of the publication of the rates and information.</p> <p>(2) Be retained in an electronic format and made available to the bureau upon request.</p> <p>(b) An institution shall provide a list of employment positions used to determine the number of graduates employed in the field for purposes of calculating job placement rates pursuant to this article.</p> <p>(c) The bureau shall identify the specific information that an institution is required to document and maintain to substantiate rates and information pursuant to this section.</p> <p><b>The institution has failed to compile and maintain the data required as outlined above. The institution has no such data available.</b></p>

Code of Regulations	Subsection and Description
71720. Faculty	<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>(3) The institution shall not employ or continue to employ an instructor who was adjudicated in a judicial or administrative proceeding as having violated any provision of the Act or this chapter, or as having committed any act that would constitute grounds for the denial of a license under Section 480 of the Business and Professions Code.</p> <p><b>The institution fails to maintain documentation indicating the faculty meets the criteria listed above in (b)(1), (b)(2) &amp; (b)(3).</b></p>
71810. Catalog	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:</p> <p>(3) If the institution admits students from other countries, whether visa services are provided or whether the institution will vouch for student status, and any associated charges;</p> <p><b>The institution's catalog fails to disclose whether students from other countries are admitted and whether the institution offers visa services.</b></p>
71810. Catalog	<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 disclose the institution's policies and practices regarding any form of financial aid.</b></p>

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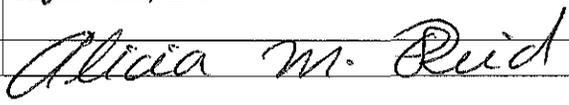
71810. Catalog	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:  (13) Housing information including all of the following:  (A) Whether the institution has dormitory facilities under its control;  (B) The availability of housing located reasonably near the institution's facilities and an estimation of the approximate cost or range of cost of the housing; and  (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 disclose Housing Information as required in (b)(13)(A), (B), &amp; (C).</b></p>
71810. Catalog	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:  (14) Policies on student rights, including the procedure for addressing student grievances;</p> <p><b>The institution's catalog contains a grievance policy which requires students to partake in an internal process before contacting the Bureau or another entity. This is prohibited by 94907 CEC (see above, page 1).</b></p>
71810. Catalog	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:  (15) Policies on the retention of student records.</p> <p><b>The institution's catalog contains a records retention policy which indicates all records are kept for 5 years. Transcripts must be kept permanently, per 94900 CEC.</b></p>
74112. Uniform Data – Annual Report, Performance Fact Sheet	<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. The Performance Fact Sheet shall contain all and only the information required or specifically permitted by section 94910 of the Code or this chapter.</p> <p>(b) In addition to the definitions contained in section 94928 of the Code:  (1) "Number of Students Who Began Program" means the number of students who began a program who are scheduled to complete the program within 100% of the published program length within the reporting calendar year, and includes all the students who remained enrolled after their cancellation period.  (2) "Number of Graduates" means the number of students who completed the program within 100% of the published program</p>

	<p>length within the reporting calendar year.</p> <p>(3) "Graduates Employed in the Field" means those graduates who meet the definition of section 94928(e) of the Code, who have reported their employment to the institution.</p> <p>(c) Reporting periods:</p> <p>(1) An Annual Report shall include data for all educational programs as defined in section 94837 of the Code for the previous one calendar year.</p> <p>(2) A Performance Fact Sheet shall be current and available not later than August 1st, and shall report data for the previous two calendar years based upon the "number of students who began program" or the "number of graduates," as defined in subdivision (b), for each reported calendar year.</p> <p>(d) 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 students who began program as defined in subdivision (b), the number of students available for graduation, number of graduates, and completion rate(s). An optional column may be added to include completion rate data for students completing within 101-150% 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. 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.</p> <p>Completion rates shall be included in the Performance Fact Sheet in a format substantially similar to the chart below, including the footnoted information below (dates, numbers, and other data shown are for example only): SEE ATTACHMENT A</p> <p><b>The institution fails to maintain a School Performance Fact Sheet.</b></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:</p> <ol style="list-style-type: none"> <li>(1) Student identification number,</li> <li>(2) First and last names,</li> <li>(3) Email address,</li> <li>(4) Local or mailing address,</li> </ol>

- (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.

**The institution has failed to maintain data and records pertinent to Student Tuition Recovery Fund as required and outlined above.**

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Inspector's Name	Brian J. Brisco
Inspector's Signature	
Institution Administrator Name/Title:	Alicia Reid, CAO
Institution Administrator's Signature:	

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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>

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  
**NOVEMBER 09, 2014**

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