



Bureau for Private Postsecondary Education
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 P.O. Box 980818, West Sacramento, CA 95798-0818
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NOTICE TO COMPLY – CU49010910117 (Ed. Code § 94935, 5 5, CCR § 75010)

Institution Name:	Bauman College	Institution Telephone:	707-795-1284
Institution Code:	4901091	Administrator Name:	Karen Rotstein
Street Address:	10151 Main Street, Suite 128 Penngrove, CA 94951	Date of Inspection:	01/19/17

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:

SCHOOL CATALOG

Education Code (CEC) or Code of Regulations (5, CCR)	Subsection, Description, and Required Correction
5, CCR §71810(a).Catalog.	<p>(a) Each institution shall provide a catalog pursuant to section 94909 of the Code, which shall be updated annually. Annual updates may be made by the use of supplements or inserts accompanying the catalog. If changes in educational programs, educational services, procedures, or policies required to be included in the catalog by statute or regulation are implemented before the issuance of the annually updated catalog, those changes shall be reflected at the time they are made in supplements or inserts accompanying the catalog.</p> <p>The institution indicated the catalog is updated periodically.</p> <p>To remedy this violation, the institution’s catalog shall be updated to indicate that the catalog is at least updated annually.</p> <p>The catalog correction shall be submitted with the institution’s response to the NTC and the last page of this document within the specified time frame.</p>
5, CCR §71810(b)(7).Catalog.	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:</p> <p>(7) The institution's policies and procedures for the award of credit for prior experiential learning, including assessment policies and procedures, provisions for appeal, and all charges that a student may be required to pay;</p>

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Inspector’s Initial: *AS-D*
 Administrator’s Initial: *MW*

	<p>The catalog failed to contain the institution's assessment policies, procedures, provisions for appeal, and all charges that a student may be required to pay for the award of <u>credit for prior experiential learning</u> (experience not academic).</p> <p>To remedy this violation, the catalog shall be updated to include the policy addressing the assessment policies, procedures, provisions for appeal, and all charges that a student may be required to pay for the award of credit for <u>prior experiential learning</u>. If the school does not award credit for <u>prior experiential learning</u> that is the school's policy and needs to be stated so in the catalog.</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>
<p>5, CCR §71810(b)(4)(A).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>The catalog does not contain the level of English language proficiency required of students.</p> <p>To remedy this violation, the catalog shall be updated to specify the level of English language proficiency required of students. For example, "English language proficiency must be equivalent to the 12th grade level and up with a High School Diploma or the Test of English as a Foreign Language (TOEFL)."</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>
<p>CEC §94909(a)(9).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>(9) The schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.</p>

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Inspector's Initial: *SD*

Administrator's Initial: *MW*

	<p>The catalog does not contain the schedules of total charges for a period of attendance.</p> <p>To remedy the violation, the catalog shall be updated to contain both a schedule of total charges for a current period of attendance and an estimated schedule of total charges for the entire educational program. If the schedule of total charges for a period of attendance and the estimated schedule of total charges for the entire educational program are the same, that must be stated in the catalog. In addition, the current estimated total charges for the entire educational program shall be updated to include a description of any fees the institution may charge the student for the completion of the program (i.e. late enrollment fee).</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>
<p>5, CCR §76215(a)(b). Student Tuition Recovery Fund Disclosures.</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"> 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 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. <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"> 1. You are not a California resident, or are not enrolled in a residency program, or 2. Your total charges are paid by a third party, such as an employer, government program or other payer, and you have no separate agreement to repay the third party." <p>(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:</p> <p>"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</p>

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Administrator's Initial: *MWJ*

	<p>Bureau for Private Postsecondary and Vocational Education.</p> <p>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:</p> <ol style="list-style-type: none"> 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. <p>The catalog does not contain the specific required disclosures in quotations verbatim. Page 25, 5, CCR §76215(b) is not recorded correctly.</p> <p>To remedy the violation, the catalog shall be updated to contain the specific required disclosures verbatim to the language in quotations in 5, CCR §76215(a)(b).</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>
<p>5, CCR §71750(c)(3). Withdrawals and Refunds.</p>	<p>(c) A pro rata refund pursuant to section 94919(c) or 94920(d) or 94927 of the Code shall be no less than the total amount owed by the student for the portion of the educational program provided subtracted from the amount paid by the student, calculated as follows:</p> <p>(3) Except as provided herein, all amounts that the student has paid shall be subject to refund unless the enrollment agreement and the refund policy outlined in the catalog specify amounts paid for an</p>

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	<p>application fee or deposit not more than \$250.00, books, supplies, or equipment, and specify whether and under what circumstances those amounts are non-refundable. Except when an institution provides a 100% refund pursuant to section 94919(d) or section 94920(b) of the Code, any assessment paid pursuant to section 94923 of the Code is non-refundable.</p> <p>The catalog states that the nutrition consultant non-refundable registration fee is \$150 and a \$150 late enrollment fee may be charged (if applicable). These charges exceed the \$250 maximum non-refundable fee. When applying the \$150 late enrollment fee to the \$250 natural chef registration fee or the \$150 late enrollment fee to the \$150 distance learning nutrition consultant registration fee, these fees exceed the \$250 maximum non-refundable amount allowed for an application or deposit fee when calculating a pro rata refund.</p> <p>To remedy the violation, the catalog shall be updated to list non-refundable registration fees and the non-refundable late enrollment fee that do not exceed the \$250 maximum non-refundable application or deposit fee amount.</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>
<p>5, CCR §71716(b).Distance Educational Programs.</p>	<p>(b) The student shall have the right to cancel the agreement and receive a full refund pursuant to section 71750 before the first lesson and materials are received. Cancellation is effective on the date written notice of cancellation is sent. The institution shall make the refund pursuant to section 71750. If the institution sent the first lesson and materials before an effective cancellation notice was received, the institution shall make a refund within 45 days after the student's return of the materials.</p> <p>The catalog contained a refund policy for distance learning students that states after the first day of instruction or the seventh day after enrollment, whichever is later a student will be charged for the first program module (NC 101). Henceforth, cancellation must take place within eight days after the student has accessed curriculum materials for the next module(s) from the student dashboard; otherwise, the module(s) will be charged in full.</p> <p>To remedy this violation, the catalog shall have a pro-rata refund example which is consistent with the pro-rata refund policy required by 71750. The catalog shall be updated to state that if the institution sent the first lesson and materials before an effective cancellation notice was received; the institution shall make a refund within 45 days after the student's return of the materials.</p>

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Inspector's Initial: *Y-D*

Administrator's Initial: *MW*

	<p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>
<p>5, CCR §71810(b)(13)(b).Catalog.</p>	<p>(b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:</p> <p>(13) Housing information including all of the following:</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;</p> <p>The catalog does not indicate the availability of housing located reasonably near the institution's facilities nor does it indicate an estimation of the approximate cost or range of cost of the housing.</p> <p>To remedy this violation, the catalog shall be updated to include availability of housing located reasonably near the institution's facilities and an estimation of the approximate cost or range of cost of the housing.</p> <p>The catalog correction shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>

INSTITUTIONAL WEBSITE AND ADVERTISEMENTS

<p>Education Code (CEC) or Code of Regulations (5, CCR)</p>	<p>Subsection , Description, and Required Correction</p>
<p>CEC §94913. and 5, CCR §74117. Institutional Website 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 website. (5) The institution's most recent annual report submitted to the bureau. <p>In addition to the requirements in Section 94913(b) of the Code, an institution that maintains a website shall provide on the homepage of that website clear and conspicuous links to all the items required in Section 94913(a) of the Code.</p> <p>The institution's website homepage does not contain a link to the most current school catalog.</p> <p>To remedy this violation, the institution shall update its website</p>

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	<p>homepage to include clear and conspicuous link to the required item listed above.</p> <p>A printout or a link to the updated website shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>
5, CCR §74140. Retention of Advertising.	<p>Every institution shall retain, for a minimum of five years, copies of all advertising, including (a) flyers, brochures, newspaper, and other print advertisements, (b) scripts for, and audio and video recordings of, broadcast advertisements, and (c) internet content, and (d) scripts for telephone solicitations. The institution shall make these records immediately available for inspection and copying during normal business hours to site visit teams and the Bureau.</p> <p>The institution failed to have the advertising records immediately available for inspection and copying during normal business hours to site visit teams and the Bureau.</p> <p>To remedy this violation, the institution shall make all advertising records immediately available for inspection and copying during normal business hours to site visit teams and the Bureau.</p> <p>Printouts or a thumb drive of all advertising shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>

STUDENT TUITION RECOVERY FUND (STRF) MINIMUM REQUIREMENTS

Education Code (CEC) or Code of Regulations (5, CCR)	Subsection, Description, and Required Correction
5, CCR §76140(a). 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"> (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>The institution did not maintain records of:</p>

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	<p>(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>To remedy this violation, the institution shall update the STRF Assessment Reporting records to include the items listed above to substantiate the data reported on the STRF Assessment Reporting Form and to record each student's eligibility under the fund.</p> <p>The STRF eligibility documentation shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>
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Enrollment Agreement

Education Code (CEC) or Code of Regulations (5, CCR)	Subsection, Description, and Required Correction
<p>5, CCR §71716(b), Distance Educational Programs.</p>	<p>(b) The student shall have the right to cancel the agreement and receive a full refund pursuant to section 71750 before the first lesson and materials are received. Cancellation is effective on the date written notice of cancellation is sent. The institution shall make the refund pursuant to section 71750. If the institution sent the first lesson and materials before an effective cancellation notice was received, the institution shall make a refund within 45 days after the student's return of the materials.</p> <p>The enrollment agreement contained a refund policy for distance learning students that states after the first day of instruction or the seventh day after enrollment, whichever is later a student will be charged for the first program module (NC 101). Henceforth, cancellation must take place within eight days after the student has accessed curriculum materials for the next module(s) from the student dashboard; otherwise, the module(s) will be charged in full.</p> <p>To remedy this violation, the enrollment agreement shall have a pro-rata refund example which is consistent with the pro-rata refund policy required by 71750 and also match the pro-rata refund policy in</p>



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	<p>the institution's catalog. The enrollment agreement shall be updated to state that if the institution sent the first lesson and materials before an effective cancellation notice was received; the institution shall make a refund within 45 days after the student's return of the materials.</p> <p>The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>
<p>CEC §94908. Size Of Text In Required Documents.</p>	<p>Any information or statement required by this article to be included in the catalog, School Performance Fact Sheet, or enrollment agreement shall be printed in at least the same size font as the majority of the text in that document.</p> <p>The enrollment agreement contained information such as the total number of clock hours required to complete the program and the period covered by the enrollment agreement that is not the same size font as the majority of the text on the enrollment agreement.</p> <p>^A size To remedy this violation, all information throughout the enrollment agreement shall be updated to be printed in at least the same size font as the majority of the text.</p> <p>The enrollment agreement correction shall be submitted with the institution's response to the NTC and the last page of this document within the specified time frame.</p>

Only minor violations are listed on this Notice to Comply.

Inspector's Name	Gina De La Rosa
Inspector's Signature	
Institution Administrator Name/Title:	Melanie Wu/Office Manager
Institution Administrator's Signature	

Education Code can be located at: http://www.bppe.ca.gov/lawsregs/ppe_act.shtml

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

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Inspector's Initial: *G.D.*

Administrator's Initial: *MW*

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 February 20, 2017.

Notice to Comply – CU49010910117

Inspector's Initial: *JD*

Administrator's Initial: *MW*