



**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 98908106 0518 (Ed. Code § 94935, 5 CCR § 75010)**

Institution Name:	California Baber & Beauty College	Institution Telephone:	(951) 549-0693
Institution Code:	98908106	Administrator Name:	Silvia Tran, Owner
Street Address:	5315 El Cajon Blvd. San Diego, CA 92115	Date of Inspection:	May 3, 2018

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:

**MINIMUM REQUIREMENTS FOR SCHOOL CATALOG**

Education Code or Code of Regulations	Subsection, Description, and Required Correction
CEC §94904(a)	<p><b>Ability to Benefit Students</b>                      (b) Before an ability-to-benefit student may execute an enrollment agreement, the institution shall have the student take an independently administered examination from the list of examinations prescribed as of July 1, 2012, by the United States Department of Education pursuant to Section 484(d) of the federal Higher Education Act of 1965 (20 U.S.C. Sec. 1070a et seq.). The student shall not enroll unless the student achieves a score, as specified by the United States Department of Education, demonstrating that the student may benefit from the education and training being offered.</p> <p>The institution's admission requirements listed on page 4 of the 2017-2018 catalog conflict with the above statute. While the catalog does specify that an Ability to Benefit (ATB) student will be required to pass one of the ATB tests approved by the US Department of Education (USDOE), it also states that the ATB test used by the institution for admissions purposes is the COMPASS test published by ACT, which is not currently approved by the USDOE.</p> <p>To remedy this violation, the institution shall choose one of the ATB tests approved by the USDOE to use for admission of ATB students, or request approval of an alternative ATB test by contacting the Licensing Unit. Additionally, the catalog shall be updated to reflect the correct information.</p>
5, CCR §71810 (b)(4)	<p><b>Catalog</b>                      (b) The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:                      (4) Language proficiency information, including: (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 (B)</p>

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	<p>whether English language services, including instruction such as ESL, are provided and, if so, the nature of the service and its cost;</p> <p><b>Page 5 of the institution's 2017-2018 catalog failed to include the kind of documentation of proficiency that is used as proof of English level verification for acceptance.</b></p> <p><b>To remedy this violation, the institution updated their 2017-2018 catalog to include the kind of documentation of proficiency that is used as proof of English level verification for acceptance.</b></p>
<p><b>CEC §94909 (a)(9)</b></p>	<p><b>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>(9) The schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.</p> <p><b>Page 13 of the institution's 2017-2018 catalog failed to include the <u>schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.</u></b></p> <p><b>To remedy this violation, the institution shall update the institution's 2017-2018 catalog to indicate the <u>schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.</u> If charges are the same the catalog must specify that.</b></p>
<p><b>5, CCR §76215(a)(b)</b></p>	<p><b>Student Tuition Recovery Fund Disclosures</b></p> <p>(a) A qualifying institution shall include the following statement on both its enrollment agreement and school catalog:</p> <p>"The State of California established the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic loss suffered by a student in an educational program at a qualifying institution, who is or was a California resident while enrolled, or was enrolled in a residency program, if the student enrolled in the institution, prepaid tuition, and suffered an economic loss. Unless relieved of the obligation to do so, you must pay the state-imposed assessment for the STRF, or it must be paid on your behalf, if 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.</p> <p>You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if you are not a California resident, or are not enrolled in a residency program."</p> <p>(b) In addition to the statement required under subdivision (a) of this section, a qualifying institution shall include the following statement in its school catalog:</p> <p>"It is important that you keep copies of your enrollment agreement, financial aid documents, receipts, or any other information that documents the amount paid to the school. Questions regarding the STRF may be directed to the Bureau for Private Postsecondary Education, 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833, (916) 431-6959 or (888) 370-7589.</p> <p>To be eligible for STRF, you must be a California resident or are enrolled in a residency program, prepaid tuition, paid or deemed to have paid the STRF assessment, and suffered an economic loss as a result of any of the following:</p>

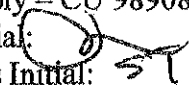
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	<p>1. The institution, a location of the institution, or an educational program offered by the institution was closed or discontinued, and you did not choose to participate in a teach-out plan approved by the Bureau or did not complete a chosen teach-out plan approved by the Bureau.</p> <p>2. You were enrolled at an institution or a location of the institution within the 120 day period before the closure of the institution or location of the institution, or were enrolled in an educational program within the 120 day period before the program was discontinued.</p> <p>3. You were enrolled at an institution or a location of the institution more than 120 days before the closure of the institution or location of the institution, in an educational program offered by the institution as to which the Bureau determined there was a significant decline in the quality or value of the program more than 120 days before closure.</p> <p>4. The institution has been ordered to pay a refund by the Bureau but has failed to do so.</p> <p>5. The institution has failed to pay or reimburse loan proceeds under a federal student loan program as required by law, or has failed to pay or reimburse proceeds received by the institution in excess of tuition and other costs.</p> <p>6. You have been awarded restitution, a refund, or other monetary award by an arbitrator or court, based on a violation of this chapter by an institution or representative of an institution, but have been unable to collect the award from the institution.</p> <p>7. You sought legal counsel that resulted in the cancellation of one or more of your student loans and have an invoice for services rendered and evidence of the cancellation of the student loan or loans.</p> <p>To qualify for STRF reimbursement, the application must be received within four (4) years from the date of the action or event that made the student eligible for recovery from STRF.</p> <p>A student whose loan is revived by a loan holder or debt collector after a period of noncollection may, at any time, file a written application for recovery from STRF for the debt that would have otherwise been eligible for recovery. If it has been more than four (4) years since the action or event that made the student eligible, the student must have filed a written application for recovery within the original four (4) year period, unless the period has been extended by another act of law.</p> <p>However, no claim can be paid to any student without a social security number or a taxpayer identification number."</p> <p><b>Page 13 of the institution's 2017-2018 catalog failed to include the most current STRF disclosure listed above.</b></p> <p><b>To remedy this violation, the institution shall update their institution's 2017-2018 catalog to include the most current STRF disclosure listed above.</b></p>
<p>5, CCR §71810 (b)(15)</p>	<p><b>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>(15) Policies on the retention of student records.</p> <p><b>Page 6 of the institution's 2017-2018 catalog failed to indicate that student transcripts are kept permanently in accordance with CEC §94900(b)(1-3).</b></p>

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Inspector's Initial: 

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	To remedy this violation, the institution shall update their 2017-2018 catalog to indicate that student transcripts are kept permanently.
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**MINIMUM REQUIREMENTS FOR ENROLLMENT AGREEMENTS**

Education Code or Code of Regulations	Subsection, Description, and Required Correction
5, CCR §71800(a)	<p><b>Enrollment Agreement</b>            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:            (a) The name and address of the institution and the addresses where instruction will be provided.</p> <p><b>The enrollment agreement failed to include the addresses where instruction will be provided.</b></p> <p><b>To remedy this violation, the institution shall update their enrollment agreement to include the addresses where instruction will be provided. If all instruction is taking place at the institutions location, the enrollment agreement must specify that.</b></p>
5, CCR §71800(b)	<p><b>Enrollment Agreement</b>            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:            (b) Period covered by the enrollment agreement.</p> <p><b>The enrollment agreement failed to include the period covered by the enrollment agreement.</b></p> <p><b>To remedy this violation, the institution shall update their enrollment agreement to include the period covered by the enrollment agreement. If the date is the same as the start and end date of the program, the enrollment agreement must specify that.</b></p>
CEC §94911(i)(1)(2)	<p><b>Student Tuition Recovery Fund Disclosures</b>            (a) A qualifying institution shall include the following statement on both its enrollment agreement and school catalog:            "The State of California established the Student Tuition Recovery Fund (STRF) to relieve or mitigate economic loss suffered by a student in an educational program at a qualifying institution, who is or was a California resident while enrolled, or was enrolled in a residency program, if the student enrolled in the institution, prepaid tuition, and suffered an economic loss. Unless relieved of the obligation to do so, you must pay the state-imposed assessment for the STRF, or it must be paid on your behalf, if 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.            You are not eligible for protection from the STRF and you are not required to pay the STRF assessment, if you are not a California resident, or are not enrolled in a residency program."</p> <p><b>The institution's enrollment agreement failed to include the most current STRF disclosure listed above.</b></p>

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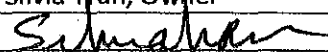
	<p>To remedy this violation, the institution shall update their enrollment agreement to include the most current STRF disclosure listed above.</p>
CEC §94911 (g)(1)(2)	<p><b>Minimum Requirements for Enrollment Agreements</b>  An enrollment agreement shall include, at a minimum, all of the following:  (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>The institution's enrollment agreements failed to have the full required 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>To remedy this violation, the institution shall update all enrollment agreements to include the full required statement specified above.</p>

**MAINTENANCE AND PRODUCTION OF RECORDS**

Education Code or Code of Regulations	Subsection, Description, and Required Correction
5, CCR §71920(a)(b)(5)(E)	<p><b>Student Records</b>  (a) The institution shall maintain a file for each student who enrolls in the institution whether or not the student completes the educational service.  (b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:  (5) In addition to the requirements of section 94900(b) of the Code, a transcript showing all of the following:  (E) The name, address, website address, and telephone number of the institution.</p> <p>The institution's transcripts failed to include the institution's website address.</p> <p>To remedy this violation, the institution shall update their transcripts to include the institution's website address.</p>

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Only minor violations are listed on a Notice to Comply.


Inspector's Name	Jessica Espinoza
Inspector's Signature	
Institution Administrator Name/Title:	Silvia Tran, Owner
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>

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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 June 3, 2018.**

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