



**Bureau for Private Postsecondary Education**  
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**NOTICE TO COMPLY – CA-3708721-0616 (Ed. Code § 94935, 5 CCR § 75010)**

Institution Name:	Family Health Services	Institution Telephone:	619-294-2192
Institution Code:	3708721	Administrator Name:	Otis L. Stitt
Street Address:	3500 5 <sup>th</sup> Avenue, Suite 203 San Diego, CA 92103	Date of Inspection:	06-27-2016

Nature and Facts of the Violation(s), Including a Reference to the Statute or Regulation Violated, and Manner in Which the Institution Must Correct the Violation to Achieve Compliance:

Education Code	Subsection , Description, and Required Correction
<b>CEC §94911 – Minimum Requirements for Enrollment Agreements.</b>	<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 enrollment agreement did not include required information.</b></p> <p><b><i>The institution shall submit a copy of its revised enrollment agreement to include a schedule of total charges, including a list of any nonrefundable charges.</i></b></p>
<b>CEC §94911 – Minimum Requirements for Enrollment Agreements.</b>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(c) In underlined capital letters on the same page of the enrollment agreement in which the student’s signature is required, the total charges for the current period of attendance, the estimated total charges for the entire educational program, and the total charges the student is obligated to pay upon enrollment.</p> <p><b>The institution enrollment agreement did not contain the language with the above requirements.</b></p> <p><b><i>Institution shall submit a copy of its revised enrollment agreement which includes the aforementioned required language.</i></b></p>
<b>CEC §94911 – Minimum Requirements for Enrollment Agreements.</b>	<p>An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(d) A clear and conspicuous statement that the enrollment agreement is legally binding when signed by the student and</p>

Notice to Comply – CA-3708721-0616

Inspector’s Initial: *JK*  
 Administrator’s Initial: *S*

	<p>accepted by the institution.</p> <p><b>The institution failed to meet the requirement.</b></p> <p><i>The institution shall submit a copy of its revised enrollment agreement that includes a clear and conspicuous statement that the enrollment agreement is legally binding when signed by the student and accepted by the institution.</i></p>
<p><b>CEC §94902 – General Enrollment Requirements and CEC §94910 – Minimum Requirements for School Performance Fact Sheet.</b></p>	<p><b>General Enrollment Requirements.</b></p> <p>(b) An enrollment agreement is not enforceable unless all of the following requirements are met:</p> <p>(3) Prior to the execution of the enrollment agreement, the student and the institution have signed and dated the information required to be disclosed in the Student Performance Fact Sheet pursuant to subdivisions (a) to (d), inclusive, of Section 94910. Each of these items in the Student Performance Fact Sheet shall include a line for the student to initial and shall be initialed and dated by the student.</p> <p><b>Minimum Requirements for School Performance Fact Sheet.</b></p> <p>Except as provided in subdivision (d) of Section 94909 and Section 94910.5, 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><b>Institution did not include the required information on the School Performance Fact Sheet (SPFS).</b></p> <p><i>Institution shall submit a revised copy of the SPFS that includes the student's initials and date after each section mentioned above.</i></p>

Notice to Comply – CA-3708721-0616

Inspector's Initial: *JR*  
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<p><b>CEC §94910 – Minimum Requirements for School Performance Fact Sheet.</b></p>	<p><b>Minimum Requirements for School Performance Fact Sheet</b>          Except as provided in subdivision (d) of Section 94909 and Section 94910.5, 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>(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 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><b>Institution did not include the correct information on SPFS.</b></p> <p><i>The institution shall submit a copy of its revised SPFS with the above mentioned statement removed from page 6. This statement should only be for programs that are too new to provide data.</i></p>
<p><b>§94912 –Signature, Initials Required.</b></p>	<p>Prior to the execution of an enrollment agreement, the information required to be disclosed pursuant to subdivisions (a) to (d), inclusive, of Section 94910 shall be signed and dated by the institution and the student. Each of these items shall also be initialed and dated by the student.</p> <p><b>Institution did not maintain the required documents.</b></p> <p><i>Institution shall submit three (3) recently enrolled student files that include the School Performance Fact Sheet (SPFS) initialed, signed, and dated by student; as well as signed and dated by institution.</i></p>
<p><b>CEC §94897 – Prohibited Business Practices.</b></p>	<p>(1) Use the terms "approval," "approved," "approval to operate," or "approved to operate" without stating clearly and conspicuously that approval to operate means compliance with state standards as set forth in this chapter. If the bureau has granted an institution approval to operate, the institution may indicate that the institution is "licensed" or "licensed to operate," but may not state or imply either of the following:</p> <p>(1) The institution or its educational programs are endorsed or recommended by the state or by the bureau.</p> <p>(2) The approval to operate indicates that the institution exceeds minimum state standards as set forth in this chapter.</p> <p><b>The institution failed to include a complete statement on web site.</b></p>

Notice to Comply – CA-3708721-0616  
 Inspector's Initial: JR  
 Administrator's Initial: S

	<p>The institution shall revise statement on "About Us" section on website that includes the complete "approval to operate" statement. Please see an example below:  <i>This institution is a private institution approved to operate by the California Bureau for Private Postsecondary Education. Approval to operate means the institution is compliant with the minimum standards contained in the California Private Postsecondary Education Act of 2009 (as amended) and Division 7.5 of Title 5 of the California Code of Regulations.</i></p>
CEC §94913 – Institutional Web Site Requirements.	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <p>(1) The school catalog.</p> <p><b>Institution does not have current catalog posted.</b></p> <p><i>Institution shall update website to include the revised school catalog.</i></p>
CEC §94913 – Institutional Web Site Requirements.	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <p>(2) A School Performance Fact Sheet for each educational program offered by the institution.</p> <p><b>Institution does not have current SPFS for each approved program posted.</b></p> <p><i>The institution shall update website to include the revised SPFS for each approved program.</i></p>
CEC §94913 – Institutional Web Site Requirements.	<p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <p>(5) The institution's most recent annual report submitted to the bureau.</p> <p><b>Institution website does not have a link for the most recent annual report.</b></p> <p><i>Institution shall update website to include the most recent annual report submitted to the bureau.</i></p>

Code of Regulations	Subsection, Description, and Required Correction
§71800 – Enrollment Agreement.	<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:</p> <p>(c) Program start date and scheduled completion date.</p> <p><b>The institution failed to include the required information.</b></p>

Notice to Comply – CA-3708721-0616

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	<p><b><i>The institution shall submit a copy of its revised enrollment agreement that includes the program start date and scheduled completion date for which the student has enrolled into.</i></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:</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 institution failed to include the required information.</b></p> <p><b><i>Institution shall submit a copy of its revised enrollment agreement that includes the date by which the student must exercise his or her right to cancel.</i></b></p>
<p><b>§71720 – Faculty.</b></p>	<p>(b) Instructors in an Educational Program Not Leading to a Degree.</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><b>The institution failed to maintain the required continuing education courses information.</b></p> <p><b><i>The institution shall submit copies of the current instructors continuing education courses completed in the past 12 months.</i></b></p>
<p><b>§71730 – Administration.</b></p>	<p>(e) The chief academic officer shall possess a degree or equivalent acceptable experience at least equal to the highest qualifications required of the institution's faculty. Chief academic officers employed on the date of implementation of these regulations, who do not meet the qualifications for their positions, shall have three years to earn the necessary degrees or experience to qualify them for their position.</p> <p><b>The institution failed to maintain the required information.</b></p> <p><b><i>Institution shall submit copies of the Chief Academic Officer's file to show they possess the highest qualifications required of the institution's faculty.</i></b></p>
<p><b>§71920 – Student Records.</b></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) Written records and transcripts of any formal education or training, testing, or experience that are relevant to the student's qualifications for admission to the institution or the institution's award of credit or acceptance of transfer credits including the following:</p>

Notice to Comply – CA-3708721-0616

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	<p>(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 failed to maintain the proper documentation of student records.</b></p> <p><i>The institution shall submit copies of three (3) current student files with verification of high school completion or equivalent.</i></p>
<p><b>§71920 – Student Records.</b></p>	<p>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</p> <p>(3) Copies of all documents signed by the student, including contracts, instruments of indebtedness, and documents relating to financial aid;</p> <p><b>The institution failed to maintain the proper documentation of student records.</b></p> <p><i>Institution shall submit copies of three (3) currently enrolled student files with all documents signed by the student, including the completed enrollment agreement.</i></p>
<p><b>§71920 – Student Records.</b></p>	<p>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</p> <p>(4) Records of the dates of enrollment and, if applicable, withdrawal from the institution, leaves of absence, and graduation; and</p> <p><b>The institution failed to maintain the proper documentation of student records.</b></p> <p><i>The institution shall submit copies of three (3) recently withdrawn student files with records of dates of withdrawal.</i></p>
<p><b>§71920 – Student Records.</b></p>	<p>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</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>(E) The name, address, website address, and telephone number of the institution.</p> <p><b>The institution failed to maintain the proper documentation of student records.</b></p>

	<p><b><i>Institution shall submit copies of three (3) recently graduated student files with a transcript to reflect all of the above mentioned required information.</i></b></p>
<p><b>§71920 – Student Records.</b></p>	<p>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</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 institution failed to maintain the proper documentation of student records.</b></p> <p><b><i>The institution shall submit copies of three (3) student files with an accounting ledger.</i></b></p>
<p><b>§71920 – Student Records.</b></p>	<p>(b) In addition to the requirements of section 94900, the file shall contain all of the following pertinent student records:</p> <p>(10) A document specifying the amount of a refund, including the amount refunded for tuition and the amount for other itemized charges, the method of calculating the refund, the date the refund was made, and the name and address of the person or entity to which the refund was sent;</p> <p><b>The institution failed to maintain the proper documentation of student records.</b></p> <p><b><i>Institution shall submit copies of three (3) recently withdrawn student files with the required refund document; as mentioned above.</i></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>

	<p>1. You are not a California resident, or are not enrolled in a residency program, or</p> <p>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> <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 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"> <li>1. The school closed before the course of instruction was completed.</li> <li>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.</li> <li>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.</li> <li>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.</li> <li>5. An inability after diligent efforts to prosecute, prove, and collect on a judgment against the institution for a violation of the Act."</li> </ol> <p><b>The institution failed to include required information.</b></p> <p><b><i>The institution shall submit a copy of its revised enrollment agreement that includes the STRF statement verbatim.</i></b></p>
<p><b>§74112 - Uniform Data - Annual Report, Performance Fact Sheet.</b></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</p>

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	<p>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><b>Institution did not include correct completion rates.</b></p> <p><b><i>Institution shall submit a copy of its revised SPFS that includes the correct completion rates for students completing within 101-150% of the published program length. The number of "Graduates" and the "150% Graduates" shall not be more than the total number of "Students Available for Graduation."</i></b></p>
<p><b>§74112 – Uniform Data – Annual Report, Performance Fact Sheet.</b></p>	<p><sup>4</sup> "Completion Rate" is the number of Graduates divided by the Number of Students Available for Graduation.</p> <p><b>Institution did not include correct completion rates.</b></p> <p><b><i>The institution shall submit a revised copy of its SPFS to include the correct completion rate percentage for 2014.</i></b></p>
<p><b>§74112 – Uniform Data – Annual Report, Performance Fact Sheet.</b></p>	<p><sup>6</sup> "150% Completion Rate" is the number of students who completed the program in the reported calendar year within 101-150% of the published program length divided by the Number of Students Available for Graduation in the published program length period.</p> <p><b>Institution did not include correct completion rates.</b></p> <p><b><i>Institution shall submit a copy of its revised SPFS that includes the correct 150% completion rate percentages for 2013 and 2014.</i></b></p>
<p><b>§74112 – Uniform Data – Annual Report, Performance Fact Sheet.</b></p>	<p>(e) Placement Rates.</p> <p>(2) Placement is measured six months from the graduation date of each student. Reporting of placement rates shall include for each educational program: the number of students who began the program, the number of graduates as defined in subdivision (b), graduates available for employment, graduates employed in the field and placement rate(s).</p> <p><b>Institution did not include correct the correct information.</b></p> <p><b><i>The institution shall submit a revised copy of its SPFS that includes correct information for 2014 placement rates. The correct "Number of Graduates" in the Placement Rates section does not match what is reported for the number of "Graduates" in the Course Completion Rates section. These numbers should match.</i></b></p>

	<p>(f) License Examination Passage Rates.</p> <p><sup>1</sup> Number of Students Taking Exam is the number of students who completed the program within 150% of the published program length and who took the exam in the reported calendar year for the first time.</p> <p><sup>2</sup> Number Who Passed First Exam Taken is the number of students who took and passed the licensing exam in the reported calendar year on the first attempt.</p> <p><sup>3</sup> Passage Rate is calculated by dividing the number of graduates who pass the exam the first time that they take it by the number of graduates who took the licensing exam for the first time after completion of the program.</p> <p><b>Institution did not include correct information for exam passage rates.</b></p> <p><b><i>Institution shall submit a copy of its revised SPFS that includes the correct information for "Number who passed first exam taken" and "Number of students failed exam." These numbers should not add up to more than the total "Number of students taking exam."</i></b></p>
<p><b>§74112 – Uniform Data – Annual Report, Performance Fact Sheet.</b></p>	<p>(h) Documentation supporting all data reported shall be maintained by the institution for at least five years from the time included in either an Annual Report or a Performance Fact Sheet, and shall include at a minimum: student name(s), address, phone number, email address, program completed, program start and completion dates, place of employment and position, salary, hours, and a description of all attempts to contact each student. Documentation shall also include the name, email address, phone number, and position or title of the institution's representative who is primarily responsible for obtaining the students' completion, placement, licensing, and salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.</p> <p><b>Institution did not include complete supporting data for the SPFS for each approved program.</b></p> <p><b><i>The institution shall submit the updated 2013/2014 SPFS supporting data to include at a minimum: student name(s), address, phone number, email address, program completed, program start and completion dates, place of employment and position, salary, hours, and a description of all attempts to contact each student. Documentation shall also include the name, email address, phone number, and position or title of the institution's representative who is primarily responsible for obtaining the students' completion, placement, licensing, and</i></b></p>

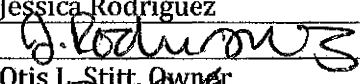
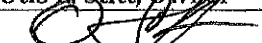
Notice to Comply – CA-3708721-0616

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Administrator's Initial: *S*

	<p><i>salary and wage data, the date that the information was gathered, and copies of notes, letters or emails through which the information was requested and gathered.</i></p>
<p><b>§76140 - Record-Keeping Requirements.</b></p>	<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> <li>(5) Address at the time of enrollment,</li> <li>(6) Home address,</li> <li>(7) Date enrollment agreement signed,</li> <li>(8) Courses and course costs,</li> <li>(9) Amount of STRF assessment collected,</li> <li>(10) Quarter in which the STRF assessment was remitted to the Bureau,</li> <li>(11) Third-party payer identifying information,</li> <li>(12) Total institutional charges charged, and</li> <li>(13) Total institutional charges paid.</li> </ol> <p><b>The institution failed to include the complete records.</b></p> <p><b><i>Institution must submit records to substantiate the data reported on the 4<sup>th</sup> Quarter 2015 and 1<sup>st</sup> Quarter 2016 STRF Assessment Reporting Forms. The data must include all 13 fields mentioned above.</i></b></p>

Only minor violations are listed on a Notice to Comply.

Inspector's Name	Jessica Rodriguez
Inspector's Signature	
Institution Administrator Name/Title:	Otis L. Stitt, Owner
Institution Administrator's Signature:	


Notice to Comply - CA-3708721-0616


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Administrator's Initial: OS

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 – CA-3708721-0616

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Administrator's Initial: 

**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 JULY 27, 2016**

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