



**Bureau for Private Postsecondary Education**  
 2535 Capitol Oaks Drive, Suite 400, Sacramento, CA 95833  
 P.O. Box 980818, West Sacramento, CA 95798-0818  
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**NOTICE TO COMPLY - CA 2800141 0516** <sup>max</sup> (Ed. Code § 94935, 5 CCR § 75010)

Institution Name:	Calistoga Massage Therapy School	Institution Telephone:	707-542-4577
Institution Code:	2800141	Administrator Name:	Kristy Katz
Street Address:	2801 Yulupa Avenue, Ste B Santa Rosa, CA 95405	Date of Inspection:	May 17, 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
CEC §94900.5 (b)	<p><b>Required Institutional Records</b>                      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:                      (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 did not maintain a faculty files for the Chief Academic Officer.</b></p> <p><b>To remedy this violation, the institution shall create a faculty file for the Chief Academic Officer. Per 5, CCR 71730(e) the file shall verify the Chief academic Officer's acceptable experience and qualifications.</b></p>
CEC §94909(a)(14)	<p><b>Minimum Requirements for School Catalog</b>                      (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:                      (14) A description of the student's rights and responsibilities with respect to the Student Tuition Recovery Fund. This statement shall specify that it is a state requirement that a student who pays his or her tuition is required to pay a state-imposed assessment for the Student Tuition Recovery Fund. This statement shall also describe the purpose and operation of the Student Tuition Recovery Fund and the requirements for filing a claim against the Student Tuition Recovery Fund.</p> <p><b>The STRF disclosure in the Catalog is not verbatim.</b></p> <p><b>To remedy this violation the institution must revise the</b></p>

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 Administrator's Initial: *K.K.*

<p>CEC §94909 (a)(6)(9)</p>	<p><b>disclosure in the Catalog to be verbatim per CCR §76215(a)(b).</b></p> <p><b>Minimum Requirements for School Catalog</b>  (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:  (6) If the educational program is designed to lead to positions in a profession, occupation, trade, or career field requiring licensure in this state, a notice to that effect and a list of the requirements for eligibility for licensure.  (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>The school catalog failed to provide sufficient information indicating whether the educational program is designed to lead to positions in a profession, occupation, trade, or career field requiring licensure in this state, a notice to that effect and a list of the requirements for eligibility for licensure or certification.</b></p> <p><b>The school catalog failed to indicate the schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.</b></p> <p><b>To remedy these violations the institution must revise the disclosure in the Catalog specific to the course requirements as it applies to eligibility for the CAMTC exam.</b></p> <p><b>In addition the school catalog needs to clearly indicate the schedule of total charges for a period of attendance and an estimated schedule of total charges for the entire educational program.</b></p>
<p>CEC §94910(g)(2)</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:  (g) The following statements:  (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><b>The required SPFS disclosure statement is not accurate/not verbatim.</b></p> <p><b>To remedy this violation the institution must correct the disclosure statement on the SPFS to ensure the address (city)</b></p>

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<p style="text-align: center;"><b>CEC §94910(f)(1)(2)(3)</b></p>	<p><b>for the bureau is accurate.</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:          (f) All of the following:          (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.          (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).          (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><b>The SPFS does not include the required statements.</b></p> <p><b>To remedy this violation the institution must update the SPFS to include the required statements following the appropriate headings.</b></p>
<p style="text-align: center;"><b>CEC §94911(b)</b></p>	<p><b>Minimum Requirements for Enrollment Agreements.</b>          An enrollment agreement shall include, at a minimum, all of the following:          (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 STRF disclosure on the Enrollment Agreement is not verbatim.</b></p> <p><b>To remedy this violation the institution must revise the disclosure on the Enrollment Agreement to be verbatim per CCR §76215(a)(b).</b></p>
<p style="text-align: center;"><b>CEC §94911(c)</b></p>	<p><b>Minimum Requirements for Enrollment Agreement</b>          An enrollment agreement shall include, at a minimum, all of the 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>

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	<p>The Enrollment Agreement failed to include 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>To remedy this violation, include the following statements exactly as they appear below with their corresponding dollar amount(s) in the Enrollment Agreement:</p> <p><b><u>TOTAL CHARGES FOR THE CURRENT PERIOD OF ATTENDANCE;</u></b>  <b><u>ESTIMATED TOTAL CHARGES FOR THE ENTIRE EDUCATIONAL PROGRAM; and</u></b>  <b><u>THE TOTAL CHARGES THE STUDENT IS OBLIGATED TO PAY UPON ENROLLMENT</u></b></p>
<p><b>CEC §94911(e)(2)</b>  <b>CEC §94920(b)</b></p>	<p><b>Minimum Requirements for Enrollment Agreements.</b>  An enrollment agreement shall include, at a minimum, all of the following:</p> <p>(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.</p> <p><b>Student's Right To Cancel section in the Enrollment Agreement has the correct refund policy. However, in the Refund Information section the refund policy is incorrect.</b></p> <p><b>To remedy this violation the institution must update the Enrollment Agreement in the above named sections.</b></p>
<p><b>CEC §94913(a)(1)(2)(4)(5)</b></p>	<p><b>Institutional Web Site Requirements.</b></p> <p>(a) An institution that maintains an Internet Web site shall provide on that Internet Web site all of the following:</p> <ol style="list-style-type: none"> <li>(1) The school catalog.</li> <li>(2) A School Performance Fact Sheet for each educational program offered by the institution.</li> <li>(4) A link to the bureau's Internet Web site.</li> <li>(5) The institution's most recent annual report submitted to the bureau.</li> </ol> <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 website was reviewed on 5/17/16. It did not include the following: the school catalog, most current version of the School Performance Fact Sheet for each educational program offered by the institution, a link to the bureau's Internet Web site, and the institution's most recent annual report submitted to the bureau. The institution shall include information concerning where students may access the bureau's Internet</b></p>

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	<p><b>Web site anywhere the institution identifies itself as being approved by the bureau.</b></p> <p><b>To remedy this violation the institution must update the website to include the current school catalog, most current version of the School Performance Fact Sheet for each educational program offered by the institution, a link to the bureau's Internet Web site, and the institution's most recent annual report submitted to the bureau. The 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.</b></p> <p><b>Additionally, ensure all updates made to the other documents are also revised on the website if applicable (i.e., STRF language, contact information for the bureau, leave of absence, transfers credit, etc.).</b></p>
<p><b>CEC §94929.7(a)(1)(2)</b></p>	<p><b>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>The institution failed to provide the supporting documentation to substantiate the figures.</b></p> <p><b>To remedy this violation the institution must provide an electronic copy of all the data points required to be tracked per CCR §74112(h).</b></p>

Code of Regulations	Subsection, Description, and Required Correction
<p><b>CCR §71800(a)(b)(d)</b></p>	<p><b>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>(a) The name and address of the institution and <b>the addresses where instruction will be provided.</b></p> <p>(b) <b>Period covered by the enrollment agreement.</b></p> <p>(d) <b>Date by which the student must exercise his or her right to cancel or withdraw,</b> 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 Enrollment Agreement does not include the above information.</b></p> <p><b>To remedy this violation the Enrollment Agreement must be</b></p>

	<p>updated to include the address where instruction will be provided; the period covered, which is not the same as the start date and completion date; and the date by which the student must exercise his or her right to cancel or withdraw.</p>
<p>CCR §71800(e)(1)(3)(5)</p>	<p><b>71800. 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:  (e) Itemization of all institutional charges and fees including, as applicable:  (1) tuition;  (3) equipment;  (5) Textbooks, or other learning media;</p> <p><b>The Enrollment Agreement failed to indicate the specific costs for each of the following line items: tuition, equipment, and textbooks, or other learning media. In addition, according to the catalog, these items are listed as nonrefundable</b></p> <p><b>To remedy these violations, the Enrollment Agreement needs to clearly indicate the specific costs and identify that the items are nonrefundable for each of the following line items: tuition, equipment, and textbooks, or other learning media.</b></p>
<p>CCR §71810(b)(8)(14)</p>	<p><b>Catalog Minimum Requirements</b>  (b)The catalog shall contain the information prescribed by Section 94909 of the Code and all of the following:  <del>(8) The institution's standards for student achievement;</del> <i>WAT</i>  (14) Policies on student rights, including the procedure for addressing student grievances; and</p> <p><b>The catalog failed to provide a clear description of the institutions standards for achievement and their policies on student rights, including the procedure for addressing student grievances.</b></p> <p><b>To remedy this violation the institution needs to clearly indicate in the catalog the institution's standards for achievement. The institution to indicate in their catalog their policies on student rights, including the procedure for addressing student grievances.</b></p>
<p>CCR §74112(a-g)</p>	<p><b>Uniform Data - Annual Report, Performance Fact Sheet.</b>  (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. <b>The Performance Fact Sheet shall contain all</b> and only the information required or specifically permitted by section 94910 of the Code or this chapter.</p> <p><b>The format and definitions do not meet the requirements.</b></p> <p><b>To remedy this violation the institution must create a SPFS for each program and reformat each section (Completion Rate,</b></p>

	<p><b>150% Completion Rate (optional), Placement Rate and Salary and Wage Data and ensure all footnotes are accurate and definitions updated accordingly. The EDD Wage and Salary information must be removed as it is not permitted.</b></p> <p><b>Refer to the bureau website for video instructions on how to create a SPFS (<a href="http://www.bppe.ca.gov/schools/pfs.shtml">http://www.bppe.ca.gov/schools/pfs.shtml</a>).</b></p>
<p><b>CCR §76130(a)</b></p>	<p><b>Collection and Submission of Assessments.</b>  (a) A qualifying institution shall collect the assessment from each student in an educational program at the time it collects the first payment from or on behalf of the student at or after enrollment. The assessment shall be collected for the entire period of enrollment, regardless of whether the student pays the institutional charges in increments.</p> <p><b>STRF fees must be collected from the students. The institution cannot pay the STRF fee on behalf of a student.</b></p> <p><b>To remedy this violation the institution must revise the Catalog and Enrollment Agreement to remove the statement indicating the fee is paid by the school and ensure the fee is collected from the students (whenever the fee assessment charge is increased in the future) and is remitted to the bureau quarterly as required.</b></p>
<p><b>CCR §76125(a)(b)</b></p>	<p><b>Student Tuition Recovery Fund Disclosures.</b>  (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:  "You must pay the state-imposed assessment for the Student Tuition Recovery Fund (STRF) if all of the following applies to you:  1. You are a student in an educational program, who is a California resident, <b>or are enrolled in a residency program</b>, 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> <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:  1. You are not a California resident, <b>or are not enrolled in a residency program, or</b>  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:  "The State of California created the Student Tuition Recovery Fund</p>

	<p>(STRF) to relieve or mitigate economic losses suffered by students in educational programs who are California residents, <b>or are enrolled in a residency programs</b> 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 <b>or are enrolled in a residency program</b>, 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>However, no claim can be paid to any student without a social security number or a taxpayer identification number.</p> <p><b>The required disclosure statement in the Catalog and Enrollment Agreement is not verbatim.</b></p> <p><b>To remedy this violation the institution must update Catalog and Enrollment Agreement to ensure the disclosure statement is verbatim and includes all required language and remove all outdated language related to STRF which is no longer applicable.</b></p>
<p style="text-align: center;"><b>CCR §76140(a)</b></p>	<p><b>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> </ol>

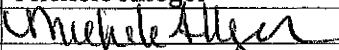
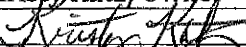
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 Administrator's Initial: *KK*



	<p>(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><b>The institution failed to provide the supporting documentation to substantiate the STRF reporting.</b></p> <p><b>To remedy this violation the institution must provide an electronic copy of the data, including all 13 required data points.</b></p>
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**Only minor violations are listed on this Notice to Comply.**  
Additional material violations have been found? Y / N (Circle one)

If yes, material violations will be forwarded to Enforcement for further review. A Bureau representative will contact the institution with additional guidance.

Inspector's Name	Michele Alleger
Inspector's Signature	
Institution Administrator Name/Title:	Kristy Katz/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 17, 2016**

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Administrator's Initial: *K.K.*