



**NOTICE TO COMPLY**  
 CA- 69570128 -112023

Institution Name:	Diva Beauty School	Institution Telephone:	(408) 622-8180
Institution Code:	69570128	Administrator Name:	Trang Nguyen
Street Address:	2298-A Quimby Road San Jose, CA 95122	Inspection Date:	November 29, 2023

The Bureau for Private Postsecondary Education (Bureau) issues this Notice to Comply pursuant to California Education Code (CEC) section 94935 and Title 5 of the California Code of Regulations (5 CCR) section 75010.

California Private Postsecondary Education Act: [https://www.bppe.ca.gov/lawsregs/ppe\\_act.pdf](https://www.bppe.ca.gov/lawsregs/ppe_act.pdf)  
 Title 5 of the California Code of Regulations: <https://www.bppe.ca.gov/lawsregs/regs.pdf>

Violation	Code Section Violated	Description of the violation and required correction.
1	CEC § 94909 (a)(3)(D)	<p><b>Violation Description:</b> The institutions catalog failed to include the required statement regarding “The Office of Student Assistance and Relief” (OSAR) pursuant to CEC § 94909 (a)(3)(D).</p> <p><b>Correction:</b> The institution shall include in the catalog the required statement regarding, “The Office of Student Assistance and Relief” (OSAR) pursuant to CEC § 94909 (a)(3)(D).</p>
2	CEC § 94897 (I)	<p><b>Violation Description:</b> The institution’s catalog includes a statement regarding approval to operate a private institution however it failed to specify that it is compliant with the minimum state standards contained in the California Private Postsecondary Education Act of 2009 pursuant to CEC § 94897 (I).</p> <p><b>Correction:</b> The institution shall complete the statement on page 7 regarding compliance with the Act by adding, “of 2009” pursuant to CEC § 94897 (I).</p>

Violation	Code Section Violated	Description of the violation and required correction.
3	CEC § 94909 (a)(15)	<p><b>Violation Description:</b> The institution's catalog failed to include the correct title of the Transferability disclosure on page 15 pursuant to CEC § 94909 (a)(15).</p> <p><b>Correction:</b> The institution shall correct the title of the Transferability disclosure by replacing "SCHOOL" with "INSTITUTION" in the correct format pursuant to CEC § 94909 (a)(15). (Page 15)</p>
4	CEC § 94909 (a)(16)	<p><b>Violation Description:</b> The institution's catalog failed to include a complete statement specifying whether the institution or any of its degree programs are accredited by an accrediting agency recognized by the United States Department of Education pursuant to CEC § 94909(a)(16).</p> <p><b>Correction:</b> The institution shall update the catalog to include the required statement regarding accreditation, including if it is accredited by an accrediting agency recognized by the United States Department of Education pursuant to CEC § 94909(a)(16). (Page 39)</p>
5	CEC § 94909 (a)(9)	<p><b>Violation Description:</b> The institution's catalog failed to include a schedule of total charges for a period attendance pursuant to CEC § 94909 (a)(9).</p> <p><b>Correction:</b> The institution shall include a schedule of total charges for a period of attendance or add a statement that identifies that, the total charges for a period of attendance is the same as the total estimated charges for the entire program pursuant to CEC § 94909 (a)(9).</p>

Violation	Code Section Violated	Description of the violation and required correction.
6	CEC § 94909 (a)(14) 5 CCR § 76000 (h)	<p><b>Violation Description:</b> The institution's catalog includes an incorrect description of the student's rights and responsibilities with respect to the Student Tuition Recovery Fund and eligibility regarding international students who are enrolled on a residency program pursuant to CEC § 94909 (a)(14) in conjunction with the definition of residency program 5 CCR § 76000 (h) (Page 18).</p> <p><b>Correction:</b> The institution shall correct the statement regarding *STRF on page 18 to indicate that the student has the right and responsibility to pay STRF, if they are a California resident, or are enrolled in a residency program. The institution shall remove the reference that STRF is only for California residents.</p>
7	5 CCR § 71750 (c)(1)	<p><b>Violation Description:</b> The institution's Withdraw/Refund Policy on page 37 of the catalog failed to include the specific calculation formula required to be used for a pro-rata refund pursuant to 5 CCR § 71750 (c)(1).</p> <p><b>Correction:</b> The institution shall add the pro-rata refund calculation formula to the withdraw/Refund Policy pursuant to 5 CCR § 71750 (c)(1).</p>
8	CEC § 94909 (a)(11)	<p><b>Violation Description:</b> The institution's catalog failed to specify that, if the student receives federal student financial aid funds, the student is entitled to a refund of moneys not paid from federal financial aid funds pursuant to CEC § 94909 (a)(11).</p> <p><b>Correction:</b> The institution shall include the complete required statement regarding the refund of moneys not paid from federal financial aid funds pursuant to CEC § 94909 (a)(11). (Page 39)</p>

Violation	Code Section Violated	Description of the violation and required correction.
9	CEC § 94900 (b) 5 CCR § 71930 (b)(1)	<p><b>Violation Description:</b> The institution's catalog includes a policy on the retention of student records however, the policy failed to indicate that transcripts will be kept permanently pursuant to CEC § 94900 (b) in conjunction with 5 CCR § 71930 (b)(1).</p> <p><b>Correction:</b> The institution shall add a statement to the student records retention policy in the catalog indicating that transcripts are kept permanently pursuant to CEC § 94900 (b) in conjunction with 5 CCR § 71930 (b)(1). (Page 42-43)</p>
10	CEC § 94913 (a)(5)	<p><b>Violation Description:</b> The institution's website failed to post the most recent annual report submitted to the bureau pursuant to CEC § 94913 (a)(5).</p> <p><b>Correction:</b> The institution shall replace the 2021 annual report confirmation pages that are posted on the website with the 2021 Annual Report Summary pursuant to CEC § 94913 (a)(5).</p>
11	5 CCR § 76140 (a)(8)	<p><b>Violation Description:</b> The institution's STRF backup documentation failed to identify the course/program pursuant to 5 CCR § 76140 (a)(8).</p> <p><b>Correction:</b> The institution shall update the backup documentation for the STRF to include the course/program information pursuant to 5 CCR § 76140 (a)(8).</p>
12	5 CCR § 71800 (b)	<p><b>Violation Description:</b> The institution's enrollment agreement failed to include a separate for the period covered by the enrollment agreement, or a statement that it is the same period of time pursuant to 5 CCR § 71800 (b).</p> <p><b>Correction:</b> The institution shall add dates to indicate the period covered by the enrollment agreement or add a statement indicating that the period covered is the same as the program start and scheduled completion date 5 CCR § 71800 (b).</p>

Violation	Code Section Violated	Description of the violation and required correction.
13	5 CCR § 71800 (d)	<p><b>Violation Description:</b> The institution's enrollment agreement failed to include the date by which the student must exercise his or her right to cancel or withdraw 5 CCR § 71800 (d).</p> <p><b>Correction:</b> The institution shall update the enrollment agreement to include the date by which the student must exercise his or her right to cancel or withdraw 5 CCR § 71800 (d).</p>
14	5 CCR § 71800 (e)(4)(5)(10)(11)	<p><b>Violation Description:</b> The institution's enrollment agreement failed to include all itemized charges as applicable in the itemized charges section of the enrollment agreement pursuant to 5 CCR § 71800 (e)(4)(5)(10)(11).</p> <p><b>Correction:</b> The institution shall revise the itemized section of the enrollment agreement to include, Books and supplies broken down into two separate entries, a space for transfer credit fees so that if applicable it can be filled in, the STRF fee should be identified as nonrefundable (\$2.50 per \$1000.00 institutional charges) pursuant to 5 CCR § 71800 (e)(4)(5)(10)(11).</p>


Pursuant to 5 CCR section 75010(d), the Institution may do either of the following:

- (1) Within 30 days from the date of the inspection, sign and return the notice to comply, declaring under penalty of perjury that the violation was corrected and describing how compliance was achieved; or
- (2) Within 30 days from the date of the inspection, file with the Bureau a written notice of disagreement, specifying the minor violations described in the notice to comply with which the person approved to operate the institution disagrees, 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.

**Pursuant to CEC section 94935(h), failure to comply with the notice to comply will result in the Bureau taking appropriate administrative enforcement action.**

The Notice to Comply was given to the Institution's owner, person in control, chief academic officer, chief executive officer, chief operating officer, institution director, or any person delegated by any of the aforementioned persons to facilitate the inspection or accept such notice as set forth below.

Notice To Comply Given To Name & Title:	Trang Nguyen
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Bureau Compliance Analyst Name:	Laura Cheah
Bureau Compliance Analyst Signature:	

## NOTICE TO COMPLY DECLARATION

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I declare under penalty of perjury that each violation identified in this Notice to Comply has been corrected and attached with this declaration is evidence to support the correction of each violation identified.

Trang Nguyen  
Signature

12/28/23  
Date

Trang Nguyen, Institution Contact / Designee  
Print Name and Title