

**MINUTES OF THE  
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS  
ANNUAL MEETING**

**November 8, 2012**

The Colorado State Board of Private Occupational Schools convened its Annual Planning Meeting at the Oxford Hotel, 1659 Wazee Street, Denver, CO 80202.

Lisa Bennison Noll, Chair called the meeting to order at 9:36 A.M. and Board roll was taken. A quorum and a two-thirds majority of the Board were present.

Board Members Present:

Lisa Bennison Noll, Chair	Tom Narvaez, Vice Chair	Winnifred Rovig
Buddy Douglass (until 11:05 A.M.)	Arlene Rae Malay	Jennifer Sprague
Steven W. Steele		

Division Staff Present:

Lorna Candler, Director	Georgia Roberts, Deputy Director
Renee Belisle, Program Specialist	Bernadette Esquibel, Program Specialist
Voni Oerman, Program Specialist	Karla Viteri, Program Specialist
Loretta Perez, Administrative Assistant	

Department of Higher Education Present:

Deputy Executive Director Matt Gianneschi (joined at 10:38 A.M.)

Board Counsel Present:

Erica Weston, Assistant Attorney General, Office of the Colorado Attorney General

There were no members of the general public or other guests present.

**Additions / Changes to the Agenda:**

There were no additions to the agenda, however, Director Candler asked the agenda items be taken out of order as an accommodation to those Board members who may not be able to stay for the full meeting.

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**A. Annual Business:**

**1. Election of Officers: Chair, Vice Chair and Secretary**

Discussion was held regarding the election of Board officer positions for the upcoming year. Specifically, the positions of Board's Chair, Vice-chair and Secretary were opened for nominations. Ms. Rovig motioned that we retain the same officers: Ms. Lisa Bennison Noll as Board's Chair, Mr. Thomas Narvaez as Vice-Chair and Ms. Winnifred Rovig as Secretary. Mr. Douglass seconded and motioned that nominations be closed and that the Board accept the nominated slate of officers by acclamation. The combined motion was seconded, and the Board voted to accept Ms. Lisa Bennison Noll, Mr. Tom Narvaez and Ms. Winnifred Rovig in their respective board officer positions.

Ms. Lisa Bennison Noll, J.D., resumed her position as chair.

## **2. Legislation Concerning Sunset Review**

Director Candler discussed briefly the statutorily mandated Sunset Review of the Division and Board, slated to commence in November 2013; asked the Board Members to review the written information provided; and invited the Board to share any feedback. As part of this presentation, Director Candler briefly reviewed the statutory Mission; provided an overview of the Private Occupational Education Act of 1981 ("Act"), Board Rules, Bylaws, and Board Policies.

## **3. Consideration of Criminal Background Checks for New School Owners and Officers**

Director Candler raised for discussion a proposal to expand the current statutory criminal background checks beyond what is now required (only for instructors of minor aged students), in light of certain compliance matters which arose this past year, and for the additional protection of students. The Board reviewed national data showing how other comparable state regulators treat such matters. The Board by consensus identified that it was open to such a statutory extension to include state and national criminal background checks for new school owners; operators; and directors/officers of schools, should a need arise. The Board added that at this time no further action seems supported.

## **4. New Deceptive Sales and Trade Complaint Process**

Director Candler advised the Board that on August 8, 2012, a statutory prerequisite to filing an administrative complaint asserting a deceptive sales or trade practice took effect. Specifically, the Director informed that if a person (i.e. former or current student, or other person having a pecuniary loss due to a school's adverse action concerning its services) has a complaint of deceptive sale or trade practice (commonly and generally referred to as substantial misrepresentation) that individual must first go through their school's internal grievance process, if one is in place. Under this new statutory provision, if that student or third party-complainant is not fully satisfied, he or she may file an administrative complaint with this Division/Board.

## **5. Student Graduate Data Reporting**

Deputy Executive Director of the Colorado Department of Higher Education, Matt Gianneschi, joined the meeting at 10:38 A.M. Deputy Executive Director Gianneschi provided a handout, and presented information concerning CCHESurds "Enrollment File" Record Layout and its "Degree File" Record Layout. Director Candler presented an idea for a DPOS "pilot program", encouraging private occupational schools to submit similar data. At the conclusion of this presentation, the Board indicated a willingness to have the Division move forward with the pilot program. Director Candler indicated that there will be continued discussion on how the Division can contribute to the Department's combined efforts to gather and utilize the important student graduate data.

Board member Buddy Douglass left the meeting at 11:05 A.M. A quorum was still present.

Deputy Executive Director of Colorado Department of Higher Education Matt Gianneschi left the meeting at 11:30 A.M.

## **6. Rulemaking Considerations**

Director Candler presented for discussion possible rulemaking to clarify and further define regulations implementing the Act. These included:

- a. Further define/clarify "Externship/Internships";
- b. Define/clarify "Apprenticeship";
- c. Define/clarify "Prohibited student aid as inducement"; and
- d. Add a definition of "Acceptable High School Diploma".

In respect to the need for an Assessment Fee Increase through rulemaking, Director Candler stated that this would be brought before the Board at a later date, should the need for an increase be indicated.

The Board recessed for lunch at 12:01 P.M., and reconvened the Annual Planning Meeting at 12:54 P.M.

## **7. Board Legal Orientation**

Director Candler and Assistant Attorney General Erica Weston provided an overview of matters covered in more detail during a recent "new Board member" orientation session. This included information contained in written materials provided to the Board for review. Open discussion ensued, concluding each respective presentation concerning:

- a. Open Meeting Act;
- b. Conflict of Interest & Board Ethics and Responsibilities;
- c. Board Duties and Authority;
- d. Executive session – Flowchart and explanation of required elements; and
- e. Administrative Procedural Review and Remedial Action for Matters of Noncompliance. This included flowcharts and an explanation of the Administrative Hearing Process.

## **8. Division Activities Report**

Deputy Director Georgia Roberts provided an annual update concerning the processing of administrative student complaints for the time period of October 1, 2011 through September 30, 2012.

Deputy Director Roberts further reported 100% school compliance concerning the statutorily required criminal background checks for instructors of schools recruiting or training under-age students (as defined by statute), noting that this is the sixth year in a row since the passage of the statute that all of the respective private occupational schools have been fully compliant.

Director Candler reported on the status of unlicensed and exempt schools for the past year. In addition, Director Candler presented an update concerning school renewals.

**9. Review of Bond and Savings Accounts Surety Requirements**

No Board discussion occurred, rather Board members suggested that this topic could be discussed at the December 2012 Board Meeting when the Board's financial representative, Mr. Douglass, is present.

**10. Business Plan & Budget Report**

Director Candler presented in summary the Division's Business Plan for FY 2012-2013, and current budget, highlighting key goals and objectives.

**ADJOURN**

There being no further business or a matter for discussion, a motion was made by Mr. Narvaez to adjourn. The motion was seconded and carried. The Board's Annual Planning Meeting adjourned at 2:22 P.M.