

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
October 27, 2015 9:30 A.M.

Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway, Denver, CO 80204

Board Members Present:

Steven W. Steele, Chair	Arlene Rae Malay	Joseph James Wolf
Richard Semakula	Shelley Krovitz	Paul Garibay

Board Members Absent:

Jean Robinson

Division Staff Present:

Lorna Candler, Director	Mary Kanaly, Deputy Director & Compliance Officer
Bernadette Esquibel, Program Coordinator	Voni Oerman, Program Specialist
Jessica Googins, Program Specialist	Lisa Hill, Program Specialist
Loretta Perez, Administrative Assistant III	

Board Counsel Present:

Kimberly Spiering, Assistant Attorney General, Office of the Colorado Attorney General

Guests Present:

Rick VanDeRiet, Namaste's Artisan Barber College
Eva Craig, Namaste's Artisan Barber College and Advanced Barbering Academy
Krysta Lockett, Quality Drivers - Celadon
Scott Vogel, Quality Drivers - Celadon
Joanna Shea, Galvanize Inc.
Ben Deda, Galvanize Inc.
Jeff Dean, Galvanize Inc.
Stephanie Donner, Galvanize Inc.
Ingrid Richter, Catalyst Academy
MJ Cohen, Catalyst Academy
Ron Voss, Catalyst Academy
Stacey Meyer, Stacey James Institute
Barb Lamotte, Stacey James Institute
Arieann DeFazio, Spark Classes
Joy Doan, Heritage College

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Steven W. Steele, Chair, at 9:33 A.M. The Board members, Division staff and guests were introduced. Board roll call was taken. A quorum was present.

Consideration of Approval of the September 22, 2015 Minutes:

Following review and consideration of the September 22, 2015 meeting minutes, a motion was made by Ms. Malay to approve the minutes as written. The motion was seconded and carried.

Additions / Changes to the Agenda:

Director Candler announced to the Board the following corrections to the agenda:

1. Advance Barbering Academy should read Advanced Barbering Academy, add a "d".
2. Add #6 to section A, Academy of Barbering Arts.
3. Remove #3 from section A, Montage Academy.

Director / Staff Report:

Director Candler informed the Board that Jean Robinson has resigned from the Board. She has accepted a new employment opportunity and therefore no longer meets the criteria to hold a position as a public member on the Board. Director Candler requested the Board and/or public to provide her with any referrals they might have to fill the vacant Board position.

Director Candler reminded the Board that their Annual Board Retreat will be held on Tuesday, November 10, 2015, at 1560 Broadway, 19th Floor, Denver, CO, 80202.

She advised the Board that she has been monitoring a federal "watch list" in the news concerning schools that receive federal funds. It specifically addresses ITT Technical Institute's SEC lawsuit and Kaplan Schools issue with the North Carolina Attorney General's Office. Director Candler explained that she and the program specialist had long conversations with leadership from both the schools. Both schools will continue to keep the Division informed and the Division will continue to monitor the schools closely and report to the Board when necessary.

Director Candler also added she will be discussing Rule changes during the "Other Business" portion of the meeting.

New Business / Action Items:

A. Consideration of Approval Programs / Stand Alone Courses

1. Tuana European Beauty Academy – Fort Collins

Program Specialist Hill presented to the Board for review and consideration two new stand alone courses: European Advanced Haircutting and European Advanced Color. A school representative was not present. The Board agreed to take this item at the end of section A to give additional time for a representative from the school to arrive.

2. Heritage College – Denver

Mr. Semakula recused himself from this matter.

Program Specialist Oerman presented to the Board for review and consideration two new programs: Esthetics and Dental Assisting. A school representative was present. The Board determined that the school has adequate surety coverage.

At its September 22, 2015 meeting, the Board voted to table the Esthetics program until the school could provide the Board with a more detailed breakdown of the subject areas and related hours, specifically covering chemical peels and microdermabrasion. The school provided the Board with the requested information.

Following review and consideration of the new Esthetics program, Ms. Malay motioned to approve the above-referenced program effective October 27, 2015. The motion was seconded and carried.

Following review and consideration of the new Dental Assisting program, Ms. Malay motioned to approve the above-referenced program effective October 27, 2015. The motion was seconded and carried.

3. Stacey James Institute – Parker

Program Specialist Googins presented to the Board for review and consideration one revised program: Add on Barbering. School representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the revised program, Mr. Wolf motioned to approve the above-referenced program effective October 27, 2015. The motion was seconded and carried.

4. Advanced Barbering Academy - Denver

Program Specialist Googins presented to the Board for review and consideration one revised stand alone course: Add-On Barber. A school representative was present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the revised course, Mr. Semakula motioned to approve the above-referenced course effective October 27, 2015. The motion was seconded and carried.

5. Academy of Barbering Arts – Denver

Program Specialist Oerman presented to the Board for review and consideration two revised stand alone courses: Add-On Barber Course for Hairstylists and Add-On Barber for Cosmetologists. A school representative was not present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the revised courses, Ms. Malay motioned to approve the above-referenced courses effective October 27, 2015. The motion was seconded and carried.

6. Tuana European Beauty Academy – Fort Collins

Program Specialist Hill presented to the Board for review and consideration two new stand alone courses: European Advanced Haircutting and European Advanced Color. A school representative was not present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new courses, Mr. Wolf motioned to table the above-referenced courses until a school representative is able to appear before the Board to answer questions related to the legal use of the name "Vidal Sassoon". The motion was seconded and carried.

B. Consideration of Approval of Provisional Certificate of Approval

1. Spark Classes - Boulder

Program Specialist Hill presented to the Board for review and consideration a new school with three new stand alone courses: Web Development, iOS Development and Growth Hacking. A school representative was present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

However, the Board addressed concerns related to the school's advertising which guarantees tuition reimbursement for students not placed in an internship after completion of the school's courses. The Board was concerned that the advertising could be misleading and possibly constitutes a deceptive trade or sales practice, specifically violating Rule VII. A. which states, "A guarantee of placement shall not be falsely promised or implied". The Board further explained that the school could not advertise or sell the internship if it was not part of their approved course. Therefore, the school would need to either: a) incorporate the internship as part of the offered program and define it in the school's curriculum and/or catalog so that students would understand the terms of the internship; or b) remove the internship advertising altogether. The Board's parameters are offered for the protection of the students as well as the school and more specifically to avoid potential misunderstandings and consequential complaints.

Following review and consideration of the new school and courses, Ms. Malay motioned to table the approval of the new school and courses until the school makes a determination regarding which method is appropriate for their curriculum offerings, either by removing their advertising guaranteeing tuition reimbursement for students not placed in an internship or specifically defining the terms and parameters of internship into their course descriptions and student catalog. The motion was seconded and carried and the Board further suggested that this matter be revisited at an interim meeting preceding the upcoming Annual Board meeting.

2. Galvanize Inc. – Denver Platte

Program Specialist Hill presented to the Board for review and consideration a new school with two new programs: Full-Stack Web Development Immersive and Data Science Immersive. School representatives were present. The Board determined that the school has adequate surety coverage at this time and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school and programs, Mr. Wolf motioned to approve the Provisional Certificate of Approval for the period beginning October 27, 2015 and ending June 30, 2017 and to approve the above-referenced programs. The motion was seconded and carried.

3. Galvanize Inc. – Fort Collins

Program Specialist Hill presented to the Board for review and consideration a new school with one new program: Full-Stack Web Development Immersive. School representatives were present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school and program, Ms. Krovitz motioned to approve the Provisional Certificate of Approval for the period beginning October 27, 2015 and ending June 30, 2017 and to approve the above-referenced program. The motion was seconded and carried. The Board requested that the school report to the Division and Board after the first cohorts are completed to ensure that the umbrella bond, for all Galvanize campuses, is adequate and up to date.

4. Catalyst Academy – Colorado Springs

Program Specialist Oerman presented to the Board for review and consideration a new school with four new stand alone courses: Intro to AngularJS Workshop, Debugging C++ with Visual Studio Workshop, Intro to Google Maps API Workshop and Version Control with Git Workshop. School

representatives were present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school and courses, Mr. Wolf motioned to approve the Provisional Certificate of Approval for the period beginning October 27, 2015 and ending June 30, 2017 and to approve the above-referenced courses. The motion was seconded and carried.

5. Quality Drivers – Celadon - Henderson

Program Specialist Googins presented to the Board for review and consideration a new school with one new stand alone course: Entry-level CDL Driver. School representatives were present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school and course, Ms. Malay motioned to approve the Provisional Certificate of Approval for the period beginning October 27, 2015 and ending June 30, 2017 and to approve the above-referenced course. The motion was seconded and carried.

6. Namaste’s Artisan Barber College - Denver

Program Specialist Googins presented to the Board for review and consideration a new school with one new stand alone course: Add-On Barber. School representatives were present. The Board determined that the school has adequate surety coverage and can be reasonably maintained in compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the new school and course, Ms. Malay motioned to approve the Provisional Certificate of Approval for the period beginning October 27, 2015 and ending June 30, 2017 and to approve the above-referenced course. The motion was seconded and carried.

C. Notification of School Closings / Change of Status (No action required)

Program Specialist Oerman reported the closing of two schools, Colorado Institute of Taxidermy Training and Bartending Academy.

No action taken.

Other Business:

BL International Beauty College III - Denver

Director Candler provided the Board with a status update regarding the closure of BL International Beauty College III. The Division has collected the school’s bond and refunds will be disbursed to eligible students affected by the closure. Assistant Attorney General, Kimberly Spiering, also advised the Board that the school’s owner has not responded to the Office of Administrative Courts (OAC) option, therefore, she will be filing a motion for default to finalize the school closure and pending court proceedings.

Massage School of Colorado - Broomfield

Director Candler advised the Board that the Division has secured the school's bond and is holding it in an escrow account.

She informed the Board that the Colorado Office of Massage Therapy Licensure within the Department of Regulatory Agencies (DORA) has become involved in the matter concerning licensed massage therapists who graduated from the Massage School of Colorado. DORA has made a determination that the education received, by these former students/graduates of the school, has been deemed inadequate for continued licensure. Therefore, these licensees are being disciplined by the Office of Massage Therapy Licensure; DORA has communicated that graduates licensure has been suspended until and unless the graduates successfully complete an additional 250 hours of training. The Division learned that approximately 22 out of the 35 licensees have signed settlement agreements with the Office to obtain an additional 250 hours of massage therapy education as a condition of maintaining their licensure. As DORA has required this education under its own jurisdiction and enabling statute, it has been deemed exempt from DPOS regulatory oversight under section 12-59-104(1)(r). Director Candler and AAG Spiering informed the Board that counsel had drafted a Memorandum of Understanding (MOU) to be signed by the Office of Massage Therapy Licensure, DORA which explains that because the mandated additional 250 hours of education related to graduates of MSC has been deemed as exempt from the jurisdiction of the Division of Private Occupational schools based on §12-59-104(1)(r), any actions or concerns related to this education shall be managed by DORA.

After discussion, the Board agreed that a MOU is necessary to specifically address the unusual circumstances surrounding the mandated education and DORA's responsibility in managing the education. Ms. Malay motioned to support and require the MOU to be signed with DORA. The motion was seconded and carried.

Mr. Steele, Board Chair, presented an update to the Board concerning the appeal filed by the Massage School of Colorado. He informed the Board that the matter will be addressed at their December 1, 2015 Board meeting. A copy of the Exceptions will be distributed and the Board will be represented by Conflicts Counsel through the appeal process. Director Candler confirmed that neither our Assistant Attorney General Spiering nor Director Candler and her staff will be permitted to discuss the case with the Board and will have to be excused from the meeting room with all other public members should the Board wish to enter an executive session with its conflict counsel.

The Salon Academy and Spa – Greenwood Village

Director Candler provided the Board with a status update regarding the closure of The Salon Academy and Spa. The Division has secured the school's bond and received signed student acknowledgement forms which document and verify which students elected to accept their Record of Completion provided by The Salon Academy and Spa in lieu of the alternative options that the Division is able to provide including train-out or refund claims against the school's bond. There are a total of 3 students who have requested refunds and those funds will be disbursed soon by the Division.

Kaplan and ITT

No additional information was provided.

Rules and Regulations (Regulatory Agenda)

Director Candler notified the Board that they will be receiving an Annual meeting notebook which will include the Annual Retreat agenda and a copy of the Rules to be reviewed in redline format. She also

provided an overview of the additional topics on the annual agenda encompassing a global view of higher education and how the Division fits into the Colorado landscape of higher education.

Turing School of Software and Design

Deputy Director Kanaly asked the Board to review and discuss another matter concerning advertising outcomes and placement guarantees. Turing School of Software and Design advertises that graduates will receive a \$65,000 job or receive their money back for the training. The Board advised that advertising must be factual, defined and clear. The Board will discuss the issue further at their November 10, 2015 Annual Retreat.

College of International Esthetics – Arvada

Director Candler and Ms. Malay addressed the Board to inform them of the probationary status of the College of International Esthetics by NACCAS (National Accrediting Commission of Career Arts & Sciences). Ms. Malay disclosed to the Board that her school is on notice with her accrediting body due to a technical aspect of the prescribed ratios; she will keep Director Candler informed so that she can provide the Board with a status update in February. The Division will continue to monitor the school closely.

Adjournment:

Mr. Wolf motioned to adjourn the meeting at 11:58 a.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday December 1, 2015, at 9:30 A.M. and will be held at:

Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway, Denver, CO 80204
Telephone (303) 866-2723