

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
July 28, 2015 9:30 A.M.

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

Board Members Present:

Arlene Rae Malay, Vice Chair Joseph James Wolf Jean Robinson
Richard Semakula Shelley Krovitz

Board Members Absent:

Steven W. Steele, Chair

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:

Joe Alberto, Collinson Massage School
Casey Coomes, College of International Esthetics
Becky Bowers, Colorado School of Dental Assisting
Bruce Borowsky, Code Craft School
Thomas Wicke, Westwood College
Daniel Snyder, Westwood College
Kiersten Murdoch, CollegeAmerica
Rozann Kunstle, CollegeAmerica
Joel Scimeca, CollegeAmerica
Shonna Dent, IntelliTec College
Wayne Zellner, IntelliTec College
Suzanne Scales, CollegeAmerica
Daniel Davis, The Salon Academy and Spa
Karen Fiolkoski, Glenwood Beauty Academy
Mary Do, National Beauty College
Anthony Do, National Beauty College
Olivia Thomas, student, The Salon Academy and Spa
Karen Thomas, parent, The Salon Academy and Spa

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Arlene Rae Malay, Vice Chair, at 9:30 A.M. The Board members, Division staff and guests were introduced. Board roll call was taken. A quorum of the Board members was present.

Consideration of Approval of the June 23, 2015 Minutes:

Following review and consideration of the June 23, 2015 meeting minutes, a motion was made by Mr. Semakula to approve the minutes as written. The motion was seconded and carried.

Additions / Changes / Corrections to the Agenda:

None

Director's Report / Staff Report:

Director Candler provided, to the Board, a written Director's Report that summarized the Division's activities between January 1st and June 30th of 2015. The report contained information regarding issues currently being monitored by the Division. Below is a brief overview of the topics discussed:

Gainful Employment – U.S. District Judge John Bates upheld the U.S. Department of Education's Gainful Employment regulations that had been challenged in a lawsuit.

CollegeAmerica – Judge Mullins denied the Colorado Attorney General's motion for preliminary injunction in its entirety. The Division will continue to monitor CollegeAmerica as requested by the Board, at its June 23, 2015 meeting, when the school's renewal was granted.

Corinthian - The U.S. Department of Education named a Special Master, Joseph Smith, to ensure that former Corinthian students receive debt relief.

University of Phoenix – one of the biggest names in the for-profit college world will close most of its associate degree programs and set admission requirements that will lead to a reduction in students.

Massage School of Colorado – The Division awaits Judge Matthew Norwood's decision concerning the Division's Summary Suspension/Revocation tried in the Office of Administrative Courts.

BL International Beauty College III – The Board voted to issue a Summary Suspension on June 23, 2015 based upon reasonable belief that the school had violated multiple provisions of the Private Occupational School Act. The Division has determined the amount of refunds due to students affected by the closure and unfortunately was unable to secure a train-out. The Division has filed a claim on the bond and continues to work with the students.

The Salon Academy and Spa – The Director and Deputy Director visited the school in response to student complaints and observed that the school was not adequately delivering the curriculum approved by the Board. This matter will be discussed in the Other Business portion of the meeting.

The Director's Report also detailed statistics related to the Division's workload, specifically application intake and document processing numbers, student complaint numbers and enforcement actions, and compliance activities related to unauthorized schools.

A. Consideration of Approval Programs / Stand Alone Courses

1. IntelliTec College – Colorado Springs
2. IntelliTec College – Grand Junction
3. IntelliTec College – Pueblo

Program Specialist Oerman presented to the Board for review and consideration one new program, Medical Assisting, for all three (3) campuses. School representatives were present. The Board determined that the school maintains adequate surety coverage.

Following review and consideration of the new program, Mr. Semakula motioned to approve the above-referenced program effective July 28, 2015 for all three (3) campuses. The motion was seconded and carried.

4. Executive Security International, LTD – Grand Junction

Program Specialist Oerman presented to the Board for review and consideration one new stand alone course, Covert Protective Operations Program. A school representative was not present. The Board determined that the school maintains adequate surety coverage.

Following review and consideration of the new course, Mr. Wolf motioned to approve the above-referenced course effective July 28, 2015. The motion was seconded and carried.

5. Westwood College – Aurora

6. Westwood College – Denver North

Program Specialist Googins presented to the Board for review and consideration one new program, Medical Assisting, for both campuses. School representatives were present. The Board determined that the school has adequate surety coverage.

Following review and consideration of the new program, Mr. Semakula motioned to approve the above-referenced program effective July 28, 2015 for both campuses. The motion was seconded and carried.

B. Consideration of Approval of Provisional Certificate of Approval

1. Code Craft School of Technology - Boulder

Program Specialist Hill presented to the Board for review and consideration a new school with one new program, Javascript-Based Full Stack Web Development Intensive. 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.

Following review and consideration of the new school and program, Mr. Wolf motioned to approve the Provisional Certificate of Approval for the period beginning July 28, 2015 and ending June 30, 2017 and to approve the above-referenced program. The motion was seconded and carried.

2. Colorado School of Dental Assisting – Pueblo

Program Specialist Oerman presented to the Board for review and consideration a new school with one new program, Dental Assisting. 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.

Following review and consideration of the new school and program, Mr. Semakula motioned to approve the Provisional Certificate of Approval for the period beginning July 28, 2015 and ending June 30, 2017 and to approve the above-referenced program. The motion was seconded and carried.

C. Consideration of Approval for Change of Ownership

1. Collinson Massage School – Colorado Springs

Program Specialist Googins presented to the Board for review and consideration a change of ownership application. 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.

Following review and consideration of the application, Mr. Wolf motioned to approve the change of ownership effective July 28, 2015. The motion was seconded and carried.

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

Program Specialist Hill reported the closing of one school, Health Wave Institute.

Program Specialist Oerman reported the closing of one school, Denver Pharmacy School.

Program Specialist Googins reported the closing of two schools, Everest College (Phoenix – Online) and WyoTech (Fremont).

No action taken.

Other Business:

National Beauty College - Denver

Program Specialist Hill reminded the Board that the school's renewal approved at the June 23, 2015 Board meeting was contingent upon a representative from the school attending the Board's July meeting to address the Board's concerns regarding collection of tuition. School representatives were present.

The Board addressed their concerns regarding collection of tuition with the school. The school satisfied the Board's inquiries. Following discussion, Ms. Robinson motioned to re-approve the renewal without conditions. The motion was seconded and carried.

Glenwood Beauty Academy – Glenwood Springs

The school submitted a request and supportive documentation to the Board under Rule III(E)(2)(f) Emergency Instructor Provision. Under the Rule, a school can petition the Board for permission to hire an instructor who does not meet minimum standards and qualifications in cases of proven hardship. School representatives were present.

The Board reviewed the documentation. Following discussion, Ms. Robinson motioned to approve the petition to hire an instructor under the emergency instructor provision for a period of one (1) year as provided by Rule. The motion was seconded and carried.

BL International Beauty College III - Denver

Director Candler reminded the Board that this matter was discussed in her Director's Report presented earlier in the meeting. The Division was unable to secure a train-out school willing to assume the responsibility for the BL International Beauty College III students due to the uncertainty of their skill level and possible language barrier. Deputy Director Kanaly also advised the Board that the school owner had submitted all student records to the Division as required by law.

The Salon Academy and Spa – Greenwood Village

Deputy Director Kanaly presented an Investigative Report to the Board concerning The Salon Academy and Spa. According to the report, the Division received two student complaints regarding the school not providing the promised education, the lack of daily instruction and the absence of supervision while performing client services. Deputy Director Kanaly performed an unannounced visit to the school to inspect the facility, the program offered, student files and conduct student interviews. The report provided a detailed account of violations found by the Division. A school representative was present as well as a student and parent.

The Board allowed the school representative to present his response to the complaints and also allowed the student and her parent an opportunity to speak and present any additional information regarding the matter.

Ms. Krovitz motioned to convene in executive session to confer with the Board's attorney and to seek legal advice pursuant to §24-6-402(3)(a)(II), C.R.S, to receive legal advice regarding The Salon Academy and Spa's noncompliance with minimum standards specified in the Private Occupational School Act, C.R.S. 12-59-101 et seq. and the Rules and Regulations, 8 CCR 1504-1. The motion was seconded and carried.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director and division staff as deemed necessary.

Members of the public left the room during executive session.

The public session tape was turned off at 10:59 a.m.

The public session recorder was turned on and the general public was welcomed back.

Ms. Malay reconvened the public session meeting at 11:43 a.m.

The Salon Academy and Spa – Greenwood Village

The Board conducted a thorough review of the information presented regarding The Salon Academy and Spa.

The Board determined The Salon Academy and Spa students are not receiving the education for which they paid. The school is not meeting minimum standards, the program is not structured and running as approved by the Board and the school's financial stability is questionable. The Salon Academy and Spa's focus is on the students being able to pass the exam not on the student actually learning and retaining the skills. The school indicated that they had ceased enrollment and entertained the idea of closing. The Board highlighted the following deficiencies and concerns: poor quality of education, absence of approved instructors, performance of unsupervised client services, student files missing progress reports, method of operating school harmful to student's success in the industry and the schools inability to maintain minimum standards to operate a private occupational school. The Board reiterated that the school was obligated to provide the 1800 hour (60 credit) program approved by the Board and specified that competency based learning would not be permitted.

After consideration and discussion, Ms. Krovitz motioned to issue a Notice of Noncompliance to the school based on the noted concerns and to request an expedited response from the school within two

(2) weeks detailing a plan for the train-out of the remaining students operating under minimum standards and evidence of financial stability. The motion was seconded and carried. After further consideration, Ms. Krovitz motioned to put the school's Certificate of Approval on probation with the term the school shall not enroll any new students or issue any records or certificates of completion to any current or former students so long as this Order remains in effect.

In addition, the Board will hold an interim meeting upon receipt of the school's response to the Notice of Noncompliance to determine how to proceed. The motion was seconded and carried.

Adjournment:

Mr. Wolf motioned to adjourn the meeting at 12:13 p.m. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday August 25, 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
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