

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

November 6, 2013

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

Tom Narvaez, Chair called the meeting to order at 9:32 A.M. and Board roll was taken. A quorum and a two-thirds majority of the Board were present.

Board Members Present:

Tom Narvaez, Chair	Winnifred Rovig	Joseph James Wolf
Arlene Rae Malay	Richard Semakula	Steven W. Steele
Shelley Krovitz		

Division Staff Present:

Lorna Candler, Director	Jim Parker, Interim Deputy Director
Renee Belisle, Program Specialist	Bernadette Esquibel, Program Specialist
Voni Oerman, Program Specialist	Karla Viteri, Program Specialist
Loretta Perez, Administrative Assistant	

Board Counsel Present:

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

Department of Higher Education Present:

Jennifer Sobanet, Chief Operating Officer

Guest Present:

Bryan Jameson, Policy Analyst, Office of Policy, Research and Regulatory Reform

There were no members of the general public.

Additions / Changes to the Agenda:

There were no additions to the agenda; however, Director Candler requested that agenda item #9, Rulemaking in consideration of the Proposed Adjustment of Fees and the re-adoption thereof be taken out of order as an accommodation to Board counsel.

A. Annual Business:

1. Rulemaking considerations; 9:39 A.M.

a. Temporary Rulemaking: Re-Adopt Proposed Fee Increase

Ms. Erica Weston, Assistant Attorney General, explained that it is necessary for the Board to re-adopt and approve a temporary rule of the recently adopted adjustment of fees by the Board at its public rulemaking hearing on October 22, 2013. The reason for the re-adoption of the adjusted fee increase is a result of a technical and procedural

omission in the submission and filing of the adopted fee schedule. Ms. Weston stated the temporary rule is necessary for the preservation of the public health, safety and welfare and such fee increase is necessary to comply with section 12-59-116(3), of the Colorado Revised Statute to permit the Board to continue carrying out its statutory duties, which include, among other things, protection the public. The statutory basis for the amendments to the Rules is found in section 12-59-105.3(1)(j), (1), 12-59-116(3) and 24-4-103(6).

After further discussion Mr. Narvaez asked for a motion to make a finding that the immediate adoption of the proposed rule concerning the annual adjustment of fees as originally approved by the Board at the noticed public rulemaking hearing held on October 22, 2013, is imperatively necessary for preservation of the public health, safety and welfare and such fees increased is necessary to comply with 12-59-116(3), C.R.S., to permit the Board to continue carrying out its statutory duties, which include, among other things, protecting the public and the compliance with the requirements of section 24-4-103(6), C.R.S., would be contrary to the public interest. A Motion made by Ms. Malay and seconded, motion passed unanimously.

Mr. Narvaez, Chair, asked for a motion to adopt the proposed adjustment of fees as originally approved by the Board at the public rulemaking hearing held on October 22, 2013, with an effective date of December 30, 2013. A Motion made by Mr. Steele and seconded, the vote is unanimous. The proposed amendment to the fee schedule Rules and Regulations concerning the Regulation of Private Occupational Schools are hereby adopted with an effective date of December 30, 2013. The Director is instructed to take all necessary actions to file the temporary rules.

2. Election of Officers: Chair, Vice Chair and Secretary; 9:42 A.M.

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 being Mr. Narvaez to continue as Board's Chair, Mr. Steele as Vice-Chair and Mr. Wolf as Secretary. Ms. Malay 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 Mr. Thomas Narvaez, Mr. Steven Steele and Mr. Joseph Wolf in their respective board officer positions.

Mr. Thomas Narvaez resumed his position as Chair.

Director Candler introduced Jennifer Sobanet, the Executive Director for the Department of Higher Education and welcomed Ms. Sobanet.

3. Legislation concerning Sunset Review; 9:47 A.M.

Director Candler introduced Mr. Bryan Jameson from the Office of Policy, Research and Regulatory Reform, Department of Regulatory Affairs, (DORA). Mr. Jameson distributed information to the Board regarding the upcoming Sunset Review and discussed the purpose and criteria for the sunset review and DORA's role in reviewing the Act. Mr. Jameson stated as part of his review he may be contacting individual board members and invited the Board to share any feedback. Mr. Jameson explained he would be thoroughly reviewing the Act, Division records and data and interviewing Division staff,

Board members, industry representatives, and other vested parties. Mr. Jameson explained his review would be completed in June or July 2014, and a final sunset report by DORA will be presented to the Legislature in October 2014.

As part of this presentation, Director Candler briefly reviewed the statutory Mission and provided an overview of the Private Occupational Education Act, Board Rules, Bylaws, and Board Policies.

Director Candler discussed proposed revisions made to the Bylaws to clarify the provisions and to update the bylaws to reflect amendments to governing regulations and rules. After further discussion, a motion was made by Mr. Narvaez to adopt all proposed changes to the Board's Bylaws as presented by Director Candler, with the exception of in Article III, Section 9; the motion was seconded and passed.

Director Candler provided an update concerning the State Authorization Reciprocity Act ("SARA"). Additionally, she explained that a potential amendment to section 12-59-106(2), C.R.S., may be necessary to comply with federal state authorization regulations.

4. Board Legal Orientation; 10:44 A.M.

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. No Board action required.

- a. Open Meeting Act
- b. Conflict of Interest & Board Ethics and Responsibilities;
- c. Board Duties and Authority;
- d. Executive session
- e. Administrative Procedural Review and Remedial Action for Matters of Noncompliance.

At the conclusion of the presentation, Ms. Weston left meeting at 11:10 A.M

The Board recessed for lunch at 11:10 A.M. Meeting reconvened at 12:06 P.M.

5. Student Graduate Data Reporting; 12:06

Director Candler introduced, Mr. Gully Stanford, Director of Partnership, College in Colorado, and Dr. Beth Bean, Director of Research and Information, DHE. Mr. Stanford presented an overview concerning CCHESurds "Enrollment File" Record and detailed the necessity and importance of collecting such data from all schools, including private occupational schools. Dr. Bean discussed data collection and analysis and the maintenance and security of such confidential student personal information. The Board members discussed the pros and cons of additional data collection. At the conclusion of this presentation, the majority of the Board indicated a willingness to continue discussion on how the Division can contribute to the Department's combined efforts to gather and utilize the important student graduate data. Nevertheless, the discussion

included several cautionary comments citing concern regarding the security of student data.

The Board recessed for break at 12:55 P.M., and the Meeting resumed at 1:02 P.M.

6. Roles and Responsibilities of Division; 1:02 P.M.

a. Consideration of ethics training for Agents/Owners

Director Candler discussed the In-State Agent Application process, specifically Division criteria and current practice in reviewing and evaluating agent permit applications in which an applicant reveals a felony conviction. Ms. Candler explained some states (Ohio) are now requiring mandatory ethics training for agents. Accordingly, the Division/Board may want to consider developing training tools and resources regarding agent responsibilities and recruitment practices specific to Colorado standards. The Board requested the Division to explore developing agent-based training resources that may be provided to schools and its agents. No Board action required.

b. Renewal of Certificate of Approval (Division Program Specialists)

Director Candler gave a general overview of the process of the renewal of certificate of approval and requested the Division Program Specialists to each present the essential component of the processes, including the essential elements reviewed and evaluated during a school's submittal of an application to continue operating: surety bond, school catalog and student enrollment contracts, physical inspection of school facilities, and student recordkeeping requirements.

Program Specialist Belisle discussed requirements and continuance of surety bonds and bonding alternatives. (Materials distributed).

Program Specialist Oerman discussed minimum standards necessary for publication and distribution of the school catalog and the statutory requirements for execution of the student enrollment agreement. (Materials distributed).

Program Specialist Esquibel presented state requirements for conducting physical inspection of schools and reviewed the criteria for the Division's on-site renewal visit. (Materials distributed).

Program Specialist Viteri reviewed state minimum standards pertaining to student recordkeeping requirements and maintenance thereof, and requirements for ensuring schools report compliance of instructional staff qualifications. (Materials distributed).

7. Division Activities Report; 2:05 P.M.

Interim Deputy Director Jim Parker provided an annual summary concerning the processing of administrative student complaints for the time period of October 1, 2012 through September 30, 2013. At the beginning of this reporting period there were twelve (12) active complaints in various stages of the investigation process, and during this reporting period the Division received fifty (50) new complaints. In addition, Mr.

Parker provided an Annual Status Report on Criminal Background Checks for School's teaching minors.

Director Candler reported on Division activities concerning the monitoring and enforcement of unauthorized schools and those entities who were granted statutory exemption. Director Candler summarized the recent legislative enactment that repealed the non-profit statutory exemption. Ms. Candler gave an overview of the school's required to renew certificate of approval this year and invited the Board members to attend and accompany Division staff on a school renewal visit and inspection.

8. Business Plan & Budget Report; 2:15 P.M.

Director Candler presented in summary the Division's Business Plan for FY 2013-2014, and current budget, highlighting key goals and objectives for informational purposes.

9. Review of Bond and Savings Accounts Surety Requirements; 2:16 P.M.

No Board discussion occurred, rather Board members suggested that this topic could be discussed at the January, 2014 Board Meeting when the Board's financial representative.

10. Other Business

The 2014 Board meeting dates were confirmed.

ADJOURN

There being no further business or a matter for discussion, a motion was made by Mr. Wolf to adjourn. The motion was seconded and carried. The Board's Annual Planning Meeting adjourned at 2:20 P.M.