

BOARD MEETING MINUTES

DATE	Monday, August 28, 2023
TIME	1:00 PM
LOCATION	Zoom Meeting
PURPOSE	Quarterly Commission Meeting
Public Call-In	Dial-in Number: (646) 558-8656
Instructions	Meeting ID: 875 5470 2255 <i>Passcode: 775148</i>



Georgia Nonpublic Postsecondary
Education Commission

Meeting Chair	Dr. Drew Van Horn
Meeting Title	NPEC Board of Commissioners
Members Present	<ol style="list-style-type: none"> 1. Dr. Drew Van Horn, Chairman, <i>Exempt Institution Representative</i> 2. P.K. Martin, Vice Chairman, <i>At-Large Post #3</i> 3. Kate Patterson, Secretary, <i>At-Large Post #8</i> 4. Toby Hinton, <i>Degree-Granting Institution Representative</i> 5. Pranay Udutha, <i>At-Large Post #1</i> 6. Dr. Norma Nunez-Cortes, <i>At-Large Post #6</i> 7. Jim Squire, <i>At-Large Post #7</i>
Members Absent	<ol style="list-style-type: none"> 1. Ryan Blythe, <i>Certificate-Granting Institution Representative</i> 2. Doug Roper, <i>At-Large Post #2</i> 3. Amanda Shailendra, <i>At-Large Post #4</i> 4. Holly Kirbo, <i>At-Large Post #5</i>
Staff Present	Kirk Shook, Executive Director Adam Hawk, Deputy Director Maggie Rivers, Division Director Pat Neri, Program Manager Phil Embry, External Auditor James Cheek, Regulatory Specialist Michelle Williams, Regulatory Specialist Shirlene Mitchell, Office Manager Warren Albert, Intern Stephen Debaun, General Counsel
Visitors	Isabelle Keenum, OPB Beth Vaughn, AG Ryan Paulus, The CE Shop AJ Bayer, Flatiron School Jenn Mongiat, Flatiron School

1. CALL TO ORDER AND INVOCATION

Chairman Van Horn called the meeting to order at 1:04pm and gave the invocation. Chairman Van Horn called the roll, and a quorum was declared.

2. **WELCOME/INTRODUCTION OF VISITORS**

Chairman Van Horn welcomed all the guests and visitors in attendance.

3. **APPROVAL OF AGENDA**

Commissioner Hinton moved to adopt the Agenda for the May 15, 2023, Quarterly Commission Meeting of the Georgia Nonpublic Postsecondary Education Commission. Vice Chairman Martin seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** that the Agenda for the May 15, 2023, Quarterly Commission Meeting of the Georgia Nonpublic Postsecondary Education Commission be adopted.

4. **APPROVAL OF MINUTES**

Secretary Patterson moved to adopt the Minutes from the May 15, 2023, Quarterly Meeting of the Georgia Nonpublic Postsecondary Education Commission with changes. Commissioner Squire seconded the motion. There was no discussion.

Upon a unanimous vote, it was **RESOLVED** that the Minutes from the May 15, 2023, Quarterly Meeting of the Georgia Nonpublic Postsecondary Education Commission be adopted.

5. **APPROVAL OF QUARTERLY REPORT: TUITION GUARANTY TRUST FUND (unaudited)**

External Auditor Phil Embry reported on the following:

- FY23 4th Quarter Report (April - June 2023)

Commissioner Squire moved to adopt the Quarterly Report of the Tuition Guaranty Trust Fund for April - June 2023 period, as presented. Commissioner Hinton seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** that the Quarterly Report of the Tuition Guaranty Trust Fund for April - June 2023, as approved by the Board of Trustees of the Tuition Guaranty Trust Fund, **be adopted**.

6. **APPROVAL OF ARGOSY STUDENT CLAIM PAYOUT**

Executive Director Shook explained to the Commission the actions taken by the Trustees to reimburse tuition paid by an Argosy student in Spring 2019. Chairman Van Horn declared that no motion or 2nd required, due to the report of the committee recommendation, and asked for discussion. Hearing none, Chairman Van Horn called for a vote. All Commissioners voted to approve the claim payout recommended by the TGTF Trustees.

Upon unanimous vote, it was **RESOLVED** that the approval of Argosy student claim payout **be adopted**.

7. **APPROVAL OF UPDATED NPEC SCHEDULE OF FEES FY24**

Executive Director Shook presented the updates to the FY24 NPEC Schedule of Fees. The following changes were proposed:

	Name	Description	Type of Fee	Amount	Fee Change
1.	GA-SARA Annual Fee	This fee is assessed for review of the GA- SARA Application.	< 2,500 FTE Students	\$1,250	N/A
			2,500 – 9,999 FTE Students	\$2,000	N/A
			10,000 or more FTE Students	\$2,750	N/A
2	Application Evaluation Fee	This fee is assessed to cover the evaluation of an application for authorization of an institution seeking initial authorization. This fee must be made in	Nondegree-granting institution	\$1,500	N/A

Name		Description	Type of Fee	Amount	Fee Change
		<p>advance of the review of the application and made payable to GNPEC. NOTE: Institutions not accredited by an accrediting body recognized by the United States Department of Education are limited to three new program applications included in the Application Evaluation Fee. The Program Evaluation Fee will apply to each additional program beyond the three. Accredited institutions are limited to ten new program applications included in the Application Fee. The Program Evaluation Fee will apply to each additional program beyond the ten.</p> <p>If an adverse action has been taken against an institution by the agency in the past, the application evaluation fee for the returning institution and/or the principal(s) named in the action shall be double the Commission-approved application evaluation fee.</p>	Degree-granting institution	\$3,000	N/A
3	Program Evaluation Fee	<p>This fee is assessed for evaluation of the curriculum/content for each new or substantively changed program of instruction at an already authorized institution or for initial applicants seeking approval for programs exceeding the allotted number during the initial authorization process. Fee must be made payable to GNPEC.</p> <p>An additional fee is assessed in the event a site visit is required outside of the normal renewal of authorization application schedule, such as in the event of an application for a new allied health-related program, teaching site, or mobile teaching site that would require a site visit to ensure facilities and equipment meet the requirements of the course.</p>	Program Review	\$800	N/A
			Site Visit	In separate fee category currently	\$200
4	Degree Elevation Fee	This fee is assessed for the elevation to each degree level.		\$1,000	N/A
5	Authorization Fee	<p>The fee is assessed annually to institutions as part of the application for authorization and must be made payable to GNPEC.</p> <p>This Authorization Fee is calculated based on 2/10 of one percent of estimated tuition and fees minus refunds. In the Initial Authorization Application, this is based on projected tuition and fees. For campuses located in Georgia this figure will be based on tuition and fees for the campus. For campuses located outside of Georgia, this figure will be based on tuition and fees associated with Georgia students only.</p>	Nondegree-granting institutions:		
			Minimum annual fee	\$500	N/A
			Maximum annual fee	\$25,000	N/A
			Degree-granting institutions:		
			Minimum annual fee	\$1,000	N/A
			Maximum annual fee	\$25,000	N/A

	Name	Description	Type of Fee	Amount	Fee Change
6	Authorization Late Fee	This fee is assessed for failure to submit a complete renewal application, including all fees, 60 days prior to the expiration date on the Certificate of Authorization.		25% of Authorization Fee for applications or fees submitted late but prior to 30 days before expiration; 50% of Authorization Fee for applications or fees submitted late and within 30 days of expiration date	N/A
7	Site Visit Fee	This fee is assessed in the event a site visit is required outside of the normal renewal of authorization application schedule, such as in the event of an application for a new allied health related program, teaching site, or mobile teaching site that would require a site visit to ensure facilities and equipment meet the requirements of the course.		\$200	N/A
8	Missed Site Visit Fee	This fee is assessed for the failure of the institution to attend a scheduled site visit. This also includes the inability of the person hosting the site visit to perform all the required functions of the visit such as not having access to the facility, its records, etc. In the event a site visit must be rescheduled, 24-hour notice must be given, or the institution might be subject to this fee.		\$200	N/A
9	Financial Viability Assessment (FVA) Fee	This fee is assessed to conduct a financial review of the audited financial statements and/or GNPEC Financial Statement submitted by the institution.		\$500	N/A
10	FVA Late Fee	This fee is assessed on applicable exemption applications if the annual application and FVA fee are not submitted prior to the due date.		\$100	N/A
11	Change of Ownership Fee	This fee is assessed for the administrative recording of a new ownership structure if the process is initiated within 10 days of the change, followed by a Renewal of Authorization within 30 days of the change. If the Change of Ownership process is not initiated	If notification provided within 10 days of change	\$500	N/A

Name		Description	Type of Fee	Amount	Fee Change
		within the 10-day time frame as required by O.C.G.A. § 20-3-250.8(f), the initial authorization process, including the Application Evaluation Fee, will be required.			
12	Tuition Guaranty Trust Fund (TGTF) Fee	This fee is assessed to offer a financial safety net for students in the case of a school closing. The TGTF Fee is calculated based on 1/10 of one percent of estimated tuition and fees minus refunds. In the Initial Authorization Application, this is based on projected tuition and fees. For campuses located in Georgia this figure will be based on tuition and fees for the campus. For campuses located outside of Georgia, this figure will be based on tuition and fees associated with Georgia students only. Payment must be made by every school for the first 7 years of operation and must be made payable to TGTF.	Degree and Non-degree Granting Institutions:		
			Minimum annual fee	\$200	N/A
			Maximum annual fee	No Maximum fee	N/A
13	Other Exemption Application Fee	This fee is assessed to conduct the “Other Exemption” Application.		\$100	N/A
14	Other Exemption Application Late Fee	This fee is assessed to any "Other Exemption" institution if the renewal application is not submitted prior to expiration. For all “Other Exemption” applicant institutions, the \$100 application fee is also required to be submitted prior to the due date.		\$100	N/A
15	Initial Religious Application Fee	This fee is assessed to process applications for religious schools applying for initial formal designation as exempt.		\$500	N/A
16	Religious Renewal Application Fee	This fee is assessed to process application for religious schools applying to renew their formal designation as exempt.		\$100	N/A
17	Religious Renewal Late Fee	This fee is assessed if renewal application and fee are not submitted prior to the due date.		\$100	N/A
18	Teaching/ Student Services Site Fee	This fee is assessed for the administrative recording of a new teaching or student services site.		\$100	N/A

	Name	Description	Type of Fee	Amount	Fee Change
19	Transcript Request Fee	This fee is assessed for processing a transcript request.		\$10 per request	\$15 per request; \$5 for each additional copy at time of request
20	Document Fee	This fee is assessed for copying and/or mailing documents or forms.		\$0.10 per page plus postage	N/A

GNPEC Bond Amount

Effective July 1, 2022 and pursuant to O.C.G.A. § 20-3-250.10(a), bonding required by the Executive Director shall be based on the gross tuition of the nonpublic postsecondary educational institution during the previous year or on the estimated gross tuition for the current year, whichever is larger, and shall be as follows:

Gross Tuition	Minimum Bond
\$0.00 – 50,000.00	\$20,000.00
\$50,001.00 – 100,000.00	\$30,000.00
\$100,001.00 – 200,000.00	\$50,000.00
\$200,001.00 – 300,000.00	\$75,000.00
\$300,001.00 – 400,000.00	\$100,000.00
\$400,001.00 – 500,000.00	\$150,000.00
\$500,001.00 – 1,000,000.00	\$250,000.00
\$1,000,001.00 – 2,000,000.00	\$350,000.00
\$2,000,001.00 – 5,000,000.00	\$500,000.00
\$5,000,000.00 – 10,000,000.00	\$750,000.00
\$10,000,001.00 and over	\$1,000,000.00*

**For every \$10,000,000.00 of additional gross tuition reported by the institution, and additional \$1,000,000.00 of bonding shall be required. For example, for an institution reporting \$50 million in gross annual tuition, a \$5 million bond would be required.*

All fee payments and required bonding must be received before authorization or reauthorization applications are approved.

Vice Chairman Martin moved to adopt the updated FY24 Schedule of Fees, as presented. Commissioner Nunez-Cortes seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** that the revision to the FY24 Schedule of Fines **be adopted**.

8. APPROVAL OF EXEMPTION CRITERIA & GUIDELINE DEFINITIONS

Division Director Rivers presented the proposed changes to the Exemption definitions. The following changes were proposed:

Exemption Criteria and Guidelines

Short Course Vocational- Vocational programming not to exceed 60 clock hours and not related to a field or profession associated with public health, public welfare, or public safety.

Continuing Education- Postsecondary instruction that is pursued after obtaining the foundational credentials in a field of study. Enrollees must hold applicable occupational licensing prior to enrollment in the program and instruction must be offered by a credentialed instructor or practitioner in the field.

Recreational/Avocational- Programming not intended to lead to employment. Exemption is not required but an option for the organization, if needed.

Georgia State Agency- Programming that holds active approval from this state, its agencies, or its political subdivisions, such as county or city governments. Exemption is not required but an option for the organization, if needed.

Trade, Business, Professional Fraternal- *Education sponsored by a bona fide trade, business, professional, or fraternal organization, so recognized by the commission in its sole discretion, not for granting degrees and solely for that organization's membership or offered on a no-fee basis, or developed and licensed by an industry recognized certification provider, so recognized by the commission in its sole discretion, not for granting degrees;*

"Trade Organization" refers to an organization created by businesses that operate in a specific industry and whose focus is collaboration between companies.

"Business Organization" refers to an organization providing training for its own employees or contracting with another organization to provide training to its employees, at no cost to the employee.

"Professional Organization" refers to an organization or group comprised of members of a particular professional field, meaning an occupation that requires both (i) the completion of academic training resulting in a certificate, diploma or degree and (ii) licensure or registration to be eligible for employment in the occupation.

"Fraternal Organization" refers to a group based on a common bond in which members meet for a mutually beneficial purpose of a social, professional, academic or religious nature.

"No-Fee Basis" refers to education offered at no cost to a student. An exemption based on "no-fee" education **must apply to the entire institution (not individual programs at an authorized institution)** and does not apply to institutions that utilize publicly funded programs that allot students a fixed amount of funds that are then reduced when a student enrolls in a program to pay the tuition amount charged at the institution.

Commissioner Udutha moved to adopt the revised exemption criteria and guideline definitions, as presented. Secretary Patterson seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** that the revision to the exemption criteria and guideline definitions **be adopted**.

9. **APPROVAL OF MINIMUM STANDARD 12: REFUND POLICY REVISION**

Executive Director Shook told Commissioners that the proposed change represents a change in formatting and no change in substance. Vice Chairman Martin moved to adopt Approval of Minimum Standard 12: Refund Policy revision, as presented. Commissioner Nunez-Cortes seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** that the revision to the Minimum Standard 12: Refund Policy **be adopted**.

New Minimum Standard 12 can be found below:

Standard 12: Refund Policy

Statutory Authority: *O.C.G.A. §§ 20-3-250.5(b)(2); 20-3-250.6(a)(12)*

The institution must have a clear refund policy to ensure students access to reasonable refunds for tuition and fees paid for programmatic offerings for uncompleted programs.

1. An institution that is accredited by a United States-based accrediting association recognized by the United States Department of Education may use its own refund policy:
 - a. The institution-specific refund policy must be submitted annually to GNPEC.
 - b. GNPEC reserves the right to require any institution to adopt the GNPEC policy if sufficient student complaints occur relative to an existing accredited institution's refund policy and the GNPEC policy is more lenient toward the student.
2. Unaccredited institutions (12.1 above does not apply) are required to adhere to the following guidelines:
 - a. The refund policy must be included as part of the institutional enrollment agreement and catalog.
 - b. The refund policy must include steps for requesting refunds, and it must require submission in writing.
 - c. Tuition and fees must be refunded at a prorated amount, based on the percentage of paid segment completed, should the student withdraw before 50% completion of the course/program.
 - d. The institution must use a withdrawal form to document the withdrawal process. In the case of an administrative withdrawal, the institution must document that it has notified the student that he or she has been withdrawn from the program/course and issue any refund owed to the student based on the refund schedule described above.
 - e. The institution must refund students within 45 days of the withdrawal.
 - f. Permissible non-refundable fees for unaccredited institutions:
 - i. A nonrefundable Application Fee of up to \$150 is permitted if it is listed as nonrefundable in the enrollment agreement and catalog. No other administrative fees may be listed as nonrefundable.
 - ii. Nonrefundable fees for goods and/or services provided by third-party vendors purchased on behalf of the student are permitted if the institution is not able to reuse the equipment or cancel the service.

10. **APPROVAL OF FY25 NPEC AGENCY BUDGET**

Executive Director Shook presented the FY25 budget to Commissioners, reflecting a 1% cut requested by the Governor. Secretary Patterson moved to adopt Approval of FY25 NPEC Agency Budget, as presented. Commissioner Hinton seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** that the FY25 NPEC Agency Budget **be adopted**.

11. **EXECUTIVE DIRECTOR REPORT**

Presented by Kirk Shook, Executive Director

- GNPEC FY23 Operations Budget (4th Quarter)
- Quarterly Budget Comparison (FY22 Q4 v. FY23 Q4)
- Action Research Update

12. **AGENCY OPERATIONS REPORT**

Presented by Maggie Rivers, Division Director

- FY24 4th Quarter Staff Actions

Staff Actions* by the GNPEC During the Fourth Quarter of Fiscal Year 2023 (April 1, 2023 – June 30, 2023)

No.	Action	Date	Institution	Resolution
1.	Second Notice of Fines Assessment	April 4, 2023	Heritage Health Career Center	Letter / email from DD
2	Notice of Scheduled Hearing	May 18, 2023	Heritage Health Career Center	Letter / email from ED
3	Notification of Unauthorized Activity	May 30, 2023	Med Care Pro LLC	Agency Review
4	Notification of Unauthorized Activity	June 5, 2023	Primary Procedures	Agency Review
5	Notification of Unauthorized Activity	June 13, 2023	Gas and Supply	Agency Review
6	Notification of Unauthorized Activity	June 23, 2023	Delphi University	Agency Review
7	Settlement Meeting	June 30, 2023	Heritage Health Career Center	Pending Hearing Review

*Staff actions include warning letters, cease & desist letters, cease & desist emails, student record demand letters, request for AG representation, consumer alerts, legal actions, hearing referral to OSAH, etc.

No approval required for this report.

13. **AUTHORIZATION COMPLIANCE REPORT**

Presented by Adam Hawk, Deputy Director

- Division Reports
 - FY23 4th Quarter Newly Authorized Schools Report

Institutions Initially GNPEC Authorized During the Forth Quarter of Fiscal Year 2023

(April 1, 2023- June 30, 2023)

	First Date of Authorization	Institution Name	Accreditation Status	Profit Type
1	5/17/2023	Fullstack Academy, LLC	Unaccredited	For Profit
Notes:	Offer IT programs in Coding, Cybersecurity, Data Analytics, DevOps, Product Management. They partnered with Emory to offer some programs for their students			
2	4/21/2023	Genesis Career College: Atlanta Campus	Accredited	For Profit
Notes:	Institution has multiple campuses around the Southeast. This campus is in Dalton, GA. They offer the trades such as Auto Diesel Technician, HVAC, and Welding			
3	4/14/2023	Infinite Health Care Academy	Unaccredited	Non-Profit
Notes:	Offer Allied Health programs (EKG, PCT, Phlebotomy). Located in Midway, GA.			
4	6/9/2023	McDougle Technical Institute	Unaccredited	For Profit
Notes:	Offer variety of certificate programs in Criminal Justice, Cybersecurity, Entrepreneurship and Marketing. Located in Buena Vista, GA.			
5	6/28/2023	OceanPointe Dental & Orthodontic Assisting Academy of North Georgia	Unaccredited	Non-Profit
Notes:	Offer Dental and Orthodontic Assisting programs. Located in Grayson, GA.			
6	4/27/2023	Tufts University	Accredited	For Profit
Notes:	Institution (based in Massachusetts) is planning to offer a Doctor of Physical Therapy program from a campus located in Atlanta. They will not be able to enroll students until they reach "candidate" status with the Commission on the Accreditation in Physical Therapy Education (CAPTE). To begin that process (for CAPTE and the schools internal planning) they required state authorization.			
7	4/21/2023	VIP Dental Assistant Training of Georgia	Unaccredited	For Profit
Notes:	Offer Dental Assisting. Located in Flowery Branch, GA.			

No approval required for this report.

14. EXECUTIVE SESSION

- There was no need for executive session at this meeting.

15. SCHOOL SPOTLIGHT

Executive Director Shook informed Commissioners that two schools submitted spotlights since the last meeting. He presented the following information:

- DenBeck Dental Academy Institution
 - Participated in 2022-2023 Job Fair at DeKalb High School of Technology – South
 - This school was first authorized in July 2022 and offers a Dental Assisting Certificate
- South College
 - The South College Atlanta campus received approval for an Associate of Science in Nursing program from the Georgia Board of Nursing at the Boards March 9, 2023 meeting.

We will start our first cohort of students in the Fall 2023 term and will allow us to continue to support the workforce needs of our community!

- The South College Atlanta Doctor of Physical (DPT) program was recently granted Candidate for Accreditation by the Commission on Accreditation in Physical Therapy Education (CAPTE) at the Commissions April 25, 2023 commission meeting. This approval allows us to start our first cohort of DPT students in June 2023 and is the first doctoral program at the Atlanta campus.
- This school offers programs ranging from certificates to doctoral degrees.

16. PUBLIC COMMENTS

- There were no public comments at this meeting.

17. OTHER BUSINESS


Presented by Dr. Drew Van Horn, Chairman

- The next Quarterly Commission Meeting is November 27, 2023 at 1pm (PCOM South Georgia, 2050 Tallokas Rd., Moultrie)
- Commissioner headshots- Tuesday, September 19th at 11:00am (NPEC Office)

18. ADJOURN

Commissioner Squire moved to adjourn the meeting. Secretary Patterson seconded the motion. There being no further business, the meeting adjourned at 1:53pm.

COMMISSION CHAIR APPROVAL:


Drew Van Horn (Nov 30, 2023 13:50 EST)

Signature

Nov 30, 2023

Date

COMMISSION SECRETARY APPROVAL:


Kate Patterson (Nov 30, 2023 13:11 EST)

Signature

Nov 30, 2023

Date










2. August 28 2023 Commission Minutes

Final Audit Report

2023-11-30

Created:	2023-11-30
By:	Kirk Shook (kshook@gnpec.ga.gov)
Status:	Signed
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"2. August 28 2023 Commission Minutes" History

-  Document created by Kirk Shook (kshook@gnpec.ga.gov)
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-  Document emailed to katemeyerpatterson@gmail.com for signature
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-  Signer katemeyerpatterson@gmail.com entered name at signing as Kate Patterson
2023-11-30 - 6:11:39 PM GMT- IP address: 174.195.38.233
-  Document e-signed by Kate Patterson (katemeyerpatterson@gmail.com)
Signature Date: 2023-11-30 - 6:11:41 PM GMT - Time Source: server- IP address: 174.195.38.233
-  Document emailed to Drew Van Horn (dlvanhorn@yhc.edu) for signature
2023-11-30 - 6:11:42 PM GMT
-  Email viewed by Drew Van Horn (dlvanhorn@yhc.edu)
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-  Document e-signed by Drew Van Horn (dlvanhorn@yhc.edu)
Signature Date: 2023-11-30 - 6:50:56 PM GMT - Time Source: server- IP address: 66.119.96.100
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