



Georgia Nonpublic Postsecondary
Education Commission

BOARD MEETING MINUTES

DATE: Monday, October 28, 2019

TIME: 1:00 PM

LOCATION: South College, Atlanta, GA

MEETING CHAIR: Holly Kirbo

MEETING TITLE: Board of Commissioners

MEMBERS PRESENT:

Holly Kirbo, **Chair** (via teleconference)
Mollie Cohen, **Vice Chair**
Karen Gilbert, **Secretary**
Amanda Shailendra (via teleconference)
Toby Hinton
Ryan Blythe
Victoria M. Agyekum (via teleconference)
Lee Todd
Norma Nunez-Cortes (via teleconference)

MEMBERS ABSENT:

Dr. Arthur Vaughn

GNPEC Staff in Attendance:

Kirk Shook, Executive Director
Dr. Laura Vieth, Deputy Director
Shirlene Mitchell, Administrative Supervisor/Office Manager
Magda Rivers, Program Manager
Adam Hawk, Program Manager
Pat Neri, Program Manager
Michael Kaiser, Regulatory Specialist
Phil Embry, External Auditor (via teleconference)

VISITORS:

Jet Toney, Georgia Independent College Association
Susanna Baxter, Georgia Independent College Association
Jennifer Colangelo, State Attorney General's Office
Kristen Settlemire, State Attorney General's Office

1. CALL TO ORDER, INVOCATION AND ROLL CALL

Chair, Holly Kirbo called the meeting to order at 1:01PM. Invocation and roll call followed.

2. Open Meetings Act Presentation

Presented by Jennifer Colangelo, Assistant Attorney General

Ms. Colangelo covered pertinent Open Meetings Act requirements with the Commission. Some highlighted areas were:

- Defining a "meeting"
- What is a "quorum"
- Agenda requirements
- Voting on agenda items
- Executive sessions
- Minutes
- Purpose of parliamentary procedure

3. APPROVAL OF AGENDA

Toby Hinton made a motion to adopt the Agenda for the October 28, 2019 Quarterly Commission Meeting of the Georgia Nonpublic Postsecondary Education Commission. Norma Nunez-Cortes seconded the motion.

4. APPROVAL OF MINUTES

Lee Todd made a motion to adopt the Minutes from July 29, 2019 Quarterly Meeting of the Georgia Nonpublic Postsecondary Education Commission. Ryan Blythe seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the Minutes from the July 29, 2019 Meeting of the Georgia Nonpublic Postsecondary Education Commission be adopted.

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

Chair Kirbo acknowledged that all commissioners were present for the previous Tuition Guaranty Trust Fund meeting and entertained a motion that the TGTF Quarterly Report be adopted respectively.

Holly Kirbo made a motion to adopt the Quarterly Report of the Tuition Guaranty Trust Fund for the three-month period ending September 30, 2019. Norma Nunez-Cortes seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the Quarterly Report of the Tuition Guaranty Trust Fund for the three-month period ending September 30, 2019, as approved by the Board of Trustees of the Tuition Guaranty Trust Fund, be adopted.

6. APPROVAL OF 2020 COMMISSION MEETING DATES AND LOCATIONS

The Commissioners were presented with the following proposed 2020 meeting dates and locations:

Monday, January 27, 2020, via Teleconference, 1:00pm
Monday, April 27, 2020, Brenau University, 301 Main Street, Gainesville, GA 30501, 1:00pm
Monday, July 27, 2020, via Teleconference, 1:00pm
Monday, October 26, 2020, Herzing University/Atlanta, 50 Hurt Place, SE, Suite 400, Atlanta, GA, 30303, 1:00pm

Toby Hinton motioned to **ACCEPT** the proposed meeting dates as presented. Mollie Cohen seconded the motion.

Upon unanimous vote it was **RESOLVED** that the proposed 2020 meeting dates as presented be **ACCEPTED**.

7. APPROVAL OF NPEC SCHEDULE OF FEES (including GA-SARA fees)

The Commissioners reviewed and discussed the following fee change(s):

- GA-SARA Annual Fee
 - a. <2,500 FTE Students - \$1,000
Proposal #1, \$1,500; Proposal #2, \$1,250, effective 07/01/2020
 - b. 2,500 – 9,999 FTE Students - \$1,500
Proposal #1, \$2,000; Proposal #2, \$2,000, effective 07/01/2020
 - c. 10,000 or more FTE Students - \$2,000
Proposal#1, \$2,500; Proposal #2,750, effective 07/01/2020
- Application Evaluation Fee - N/A
- Authorization Fee – N/A
- Authorization Late Fee – N/A
- Tuition Guaranty Trust Fund Fee – N/A
- TGTF Late Fee – N/A
- Program Evaluation Fee – N/A
- Degree Elevation Fee – N/A
- Financial Viability Assessment (FVA) Fee – N/A
- FVA Late – N/A
- Other Exemption Application Fee – N/A
- Other Exemption Late Fee – N/A
- Initial Religious Application Fee – N/A
- Religious Renewal Application Fee – N/A
- Religion Renewal Late Fee – N/A
- Change of Name Fee – N/A
- Change of Location Fee – N/A
- Teaching/Student Services Site Fee – N/A
- Change of Ownership Fee – N/A
- Transcript Request Fee – N/A
- Document Fee – N/A

Toby Hinton motioned to accept proposal #2 with respect to amending the GA-SARA fee only and all other fees will remain the same. Norma Nunez-Cortes seconded the motion. Upon unanimous vote, it was **RESOLVED** that proposal #2 with respect to amending the GA-SARA fee only and all other fees will remain the same be **ACCEPTED**.

8. OPEN FLOOR FOR THE READING OF SUBMITTED COMMENTS OR THOSE WISHING TO SPEAK REGARDING THE POLICY CHANGES

The floor opened for the reading of submitted comments or those wishing to speak regarding the policy changes. GNPEC did not receive any comments via info@gnpec.ga.gov, nor did GNPEC receive any comments in writing. Also, there were no comments from the public or the commissioners prior to the reading of the policy changes.

Chair Kirbo began the process of reading the proposed policy changes to the Commission as set forth in the Commission Agenda.

APPROVAL OF POLICY CHANGES:

A. Vote to Repeal the following policies:

1)Organization, 2)NPEC General Powers and Duties, 3)Executive Director, 4)Repealed, 5)Mailing address and Office Location, 6)Public Inspection of Rules, Policies, Orders, Decisions, and Opinions, 7)Validity of Authorization and Permits Previously Issued, 8)Criteria for Meeting Minimum Standards, 9)Payment of Fees and 10)State Review Standards.

Lee Todd motioned to **APPROVE** the vote to **repeal** the proposed policy changes as presented above and set forth in the Commission Agenda. Toby Hinton seconded the motion.

Upon unanimous vote it was **RESOLVED** that the policy changes as presented above to be repealed, as set forth in the Commission Agenda, be adopted.

B. Vote regarding amending the following policies to ensure the language within each is current and accurate:

1)Policy 3: Petition for Promulgation, Amendment, or Repeal of a Policy, 2)Policy 4: Minimum Standards for Educational Institutions, 3)Policy 5: Criteria for Approval, for receipt of Tuition Equalization Grant Funds for Proprietary Institutions of Higher Education, 4) Policy 6: Procedures for Biennial Review, 5)Policy 7: Collection of Tuition and Fees from Students, 6)Policy 8: Student Complaint Process, 7)Policy 9: Authorization of Massage Therapy Schools, 8)Policy 10: Tuition Guaranty Trust Fund.

Norma Nunez-Cortes motioned to **APPROVE** amending the following policies to ensure the language within each is current and accurate as presented above and set forth in the Commission Agenda. Mollie Cohen seconded the motion.

Upon unanimous vote it was **RESOLVED** that the following policies to ensure the language within each is current and accurate be adopted.

C. Vote regarding ratifying the following policies:

1)Policy 11: Change of Institution Ownership, 2)Policy 12: Use of "College" or "University", 3)Policy 13: Tuition Guaranty Trust Fund (TGTF) Claims

Lee Todd motioned to **APPROVE** ratifying the following policies as presented above and set forth in the Commission Agenda. Victoria Agyekum seconded the motioned.

Upon unanimous vote it was **RESOLVED** that ratifying the following policies as presented above be adopted.

9. APPROVAL OF COMMISSION BYLAW CHANGES

The Commission discussed the following in respect to the Commission Bylaw Changes:

- **Audit Committee:**

Chair Kirbo expressed that the Commission could not approve a decision yet because the Commission was waiting until Executive Director Shook sought guidance in this area. The Attorney General's office was consulted; however, it could not offer any guidance and suggested that GNPEC reach out to the Auditor's Office.

Executive Director Shook expressed that he was still waiting on a response from the Auditor's Office.

Chair Kirbo expressed her concern whether the Audit Committee should apply to the Commission at all. Executive Director Shook agreed and said that the Commission should either “scrap” the Audit Committee or at least define the Audit Committee’s function. It was agreed that this discussion will continue at the next board meeting once Executive Director Shook has received feedback from the Auditor’s Office.

- **Secretary to the Board:**
The Commissioners agreed to continue to discuss at the next board meeting after additional information has been gathered to assist with making this change.
- **Change the number of board members to 11 members**

The Commission agreed to partial changes to the Commission Bylaws with special stipulations.

Toby Hinton motioned to **ACCEPT** the revised Commission Bylaw changes as presented, with the understanding that the Commission investigate the “Audit Committee” and “Secretary of Board” items in the future as needed. Norma Nunez-Cortes seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the revised Commission Bylaw changes as presented with the understanding that the Commission investigate the “Audit Committee” and “Secretary of Board” items in the future as needed be accepted.

10. APPROVAL OF TGTF BYLAW CHANGES

Executive Director Shook expressed that the TGTF Bylaw changes are consistent with the Commission Bylaw changes whereas the Commission is making sure that the TGTF Bylaws stay in line with the Georgia Code and the Sunshine Law of meetings.

Victoria Agyekum motioned to **ACCEPT** the revised TGTF Bylaw changes as presented. Holly Kirbo seconded the motion.

Upon Unanimous vote, it was **RESOLVED** that the revised TGTF Bylaw changes as presented be accepted.

REVISION TO 2020 COMMISSION MEETING DATES AND LOCATIONS:

The Commission voted to revise the previously approved 2020 Commission Meeting dates and locations, specifically, Monday, April 27, 2020 to Monday, April 20, 2020, due to a scheduling conflict with Executive Director Shook.

Holly Kirbo motioned to **REVISE** the previously approved 2020 Commission Meeting dates and locations, specifically, Monday, April 27, 2020 be changed to Monday, April 20, 2020. Toby Hinton seconded the motion.

Upon unanimous vote, it was **RESOLVED** that the previously approved 2020 Commission Meeting dates and locations, specifically, Monday, April 27, 2020, be changed to Monday, April 20, 2020, be accepted.

11. ELECTION OF OFFICERS: CHAIR, VICE CHAIR AND SECRETARY

Chair Kirbo nominated Mollie Cohen for position of **Chair** of the Georgia Nonpublic Postsecondary Education Commission for FY2020.

Commissioner Cohen **ACCEPTED** the position as Chair.

“ALL” were in favor of Mollie Cohen for **Chair** of the Georgia Nonpublic Postsecondary Education Commission for FY2020. There were none opposed.

Upon unanimous vote, it was **RESOLVED** that Mollie Cohen serve as Chair of the Georgia Nonpublic Postsecondary Education Commission for FY2020.

Chair Kirbo nominated Karen Gilbert for position of **Vice Chair** of the Georgia Nonpublic Postsecondary Education Commission for FY2020.

Commissioner Gilbert **ACCEPTED** the position as Vice Chair.

“ALL” were in favor of Karen Gilbert for Vice Chair of the Georgia Nonpublic Postsecondary Education Commission for FY2020. There were none opposed.

Upon unanimous vote, it was **RESOLVED** that Karen Gilbert serve as Vice Chair of the Georgia Nonpublic Postsecondary Education Commission for FY2020.

Chair Kirbo nominated Toby Hinton for position of **Secretary** of the Georgia Nonpublic Postsecondary Education Commission for FY2020.

Commissioner Hinton **ACCEPTED** the position as Secretary.

"ALL" were in favor of Toby Hinton for Secretary of the Georgia Nonpublic Postsecondary Education Commission for FY2020. There were none opposed.

Upon unanimous vote, it was **RESOLVED** that Toby Hinton serve as Secretary of the Georgia Nonpublic Postsecondary Education Commission for FY2020.

12. ELECTION OF TUITION GUARANTY TRUST FUND BOARD OF TRUSTEES

a. Pursuant to O.C.G.A. § 20-3-250.27(b)(2), at least two members, by June 30, 2020, shall represent postsecondary education institutions"

Mollie Cohen (elected Chair for the Commission) and Karen Gilbert (elected Vice Chair for the Commission), respectively, hold the same positions as Chair and Vice Chair for the Tuition Guaranty Trust Fund for FY2020.

The remaining three TGTF trustee positions will be open for election:

Chair Kirbo nominated Toby Hinton to fill one of the three additional positions of the Tuition Guaranty Trust Fund Board of Trustees for FY2020.

Commissioner Hinton **ACCEPTED** a position of the Tuition Guaranty Trust Fund Board of Trustees for FY2020.

All were in favor of Toby Hinton accepting a position on the Tuition Guaranty Trust Fund Board of Trustees for FY2020. There were none opposed.

Upon unanimous vote, it was **RESOLVED** that Toby Hinton serve as a board of trustee for the Tuition Guaranty Trust Fund for FY2020.

Mollie Cohen nominated Ryan Blythe and Lee Todd to fill the two additional positions of the Tuition Guaranty Trust Fund Board of Trustees for FY2020. Karen Gilbert seconded the motion.

Commissioner Blythe and Commissioner Todd **ACCEPTED** to fill the two additional positions of the Tuition Guaranty Trust Fund Board of Trustees for FY2020.

ALL were in favor of Ryan Blythe and Lee Todd as Board of Trustees for the Tuition Guaranty Trust Fund, for FY2020. There were none opposed.

Upon unanimous vote, it was **RESOLVED** that Ryan Blythe and Lee Todd serve as Board of Trustee members for the Tuition Guaranty Trust Fund for FY2020.

13. EXECUTIVE DIRECTOR'S REPORT

Executive Director Shook presented the following:

- GNPEC FY20 1st Quarter Operations Budget
- Budget cuts were presented to OPB, but nothing official until legislation approval. Plans to reduce budget are as follows:
 - a. GA-SARA fee increase
 - b. Biennial site visit; face-to-face & virtual
 - c. Reimbursements from professional development courses
 - d. Internships will discontinue after completion of duties
 - e. Commission meetings transitioned to two teleconference meetings per year
 - f. FY20 – FY21 continue these practices
- Strategic Plan
- Agency legislation
- New contractor scheduled to begin December 1st, to replace Tara Gill
- SB 91 (Orthodontics School Exemption)
- Internship program
- Updates to Minimum Standards (scheduled for future Commission Meeting)
- Revised Records Retention Schedule
- E-Commerce
- Dr. Laura Vieth scheduled to begin maternity leave soon
- FY19 Annual Report will be shared with Commissioners once completed
- Appointment of GNPEC staff to NASASPS Working Committees:
 - a. Maggie Rivers – Planning Committee

- FY19 Annual Report will be shared with Commissioners once completed
- Appointment of GNPEC staff to NASASPS Working Committees:
 - a. Maggie Rivers -- Planning Committee
 - b. Adam Hawk -- Distance Learning Committee
 - c. Pat Neri -- Closed School Committee
- Dr. Laura Vieth appointed as NASASPS Policy Committee Chair
- Commissioner Nunez-Cortes appointed to serve on State Board for Physical Therapy
- Morris Brown College is now an authorized institution

No action required.

14. FY20 FIRST QUARTER REPORT OF NEWLY AUTHORIZED SCHOOLS

Presented by Deputy Director, Dr. Laura Vieth

The newly authorized schools are as follows:

1. Modern Dental Training, Inc dba Modern Dental Career Center (Lawrenceville, GA)
2. Chicago School of Professional Psychology (Los Angeles, CA)
3. Industry Makeup Academy (Atlanta, GA)
4. CET Institute (Warner Robins, GA)
5. University of the People (Pasadena, CA)
6. Los Angeles Pacific University (San Dimas, Ca)
7. Workforce Innovators of America, LLC (Atlanta, GA)
8. International Sports Sciences Association (Carpinteria, GA)
9. Lighthouse Digital LLC (Atlanta, GA)
10. Essential Medical and Mental Health Institute (Fayetteville, GA)
11. Richmond Graduate University/Online (Chattanooga, TN)
12. SAHP Training (Atlanta, GA)
13. SIFT Institute (Atlanta, GA)
14. Digital Film Academy (Atlanta, GA)
15. Georgia Dental Educational Institute (Riverdale, GA)
16. Claremont Lincoln University (Claremont, CA)
17. Assist to Succeed/Savannah (Savannah, GA)
18. Rivi Training Institute (Alpharetta, GA)

No approval required.

15. OTHER BUSINESS

Next Commission meeting is on January 27, 2020, via teleconference

16. EXECUTIVE SESSION

At 3:16pm, Lee Todd motioned to open the Executive Session. Karen Gilbert seconded the motion.

At 3:43pm, Mollie Cohen motioned to adjourn the Executive Session. Toby Hinton seconded the motion.

At 3:45pm, Chair Kirbo motioned to re-convene the Commission Meeting.

17. ADJOURN

Chair Kirbo made a motion to adjourn the Commission meeting. Ryan Blythe seconded the motion

There being no further business, the meeting adjourned at 3:46 A.M.

BOARD CHAIR APPROVAL:
(Signature & Date)

BOARD SECRETARY
APPROVAL:

Mollie L. Cobb 1-27-20
Toby Hinton 1-27-2020