



GA Nonpublic Postsecondary  
Education Commission

## BOARD MEETING MINUTES

**DATE:** Monday, July 29, 2019

**TIME:** 1:07 PM

**LOCATION:** Atlanta, GA

**MEETING CHAIR:** Holly Kirbo

**MEETING TITLE:** Board of Commissioners

**MEMBERS PRESENT:**

Holly Kirbo, **Chair**

Mollie Cohen, **Vice Chair** (via teleconference)

Lee Todd (via teleconference)

Amanda Shailendra

Toby Hinton

Karen Gilbert

Victoria Agyekum (via teleconference)

Norma Nunez-Cortes (via teleconference)

Ryan Blythe

**VACANT, AT LARGE #8**

**MEMBERS ABSENT:**

Dr. Arthur Vaughn

**GNPEC STAFF IN ATTENDANCE:**

Kirk Shook, Executive Director

Dr. Laura Vieth, Deputy Director

Shirlene Mitchell, Administrative Supervisor/Office Manager

Chad Woodard, Regulatory Specialist

Pat Neri, Program Manager

Michael Kaiser, Regulatory Specialist

Adam Hawk, Program Manager

Tara Gill, Regulatory Specialist

Madga Rivers, Program Manager

James Cheek, Regulatory Specialist

Phil Embry, External Auditor (via teleconference)

Christina Rudolph, Intern

Lucas Van Boggs, Intern

**VISITORS PRESENT:**

Susanna Baxter, GICA

Kayla Washington, Governor's Office of Planning & Budget

Oliver turn Suden, Attorney General's Office

Alkesh Patel, Attorney General's Office

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**1. CALL TO ORDER AND INVOCATION**

Chair Kirbo, called the meeting to order at 1:07pm

**2. Roll Call**

Chair Kirbo conducted roll call

**3. APPROVAL OF AGENDA**

Lee Todd made a motion to adopt the Agenda for the July 29, 2019 Quarterly Commission Meeting of the Nonpublic Postsecondary Education Commission. Karen Gilbert seconded the motion.

#### 4. APPROVAL OF MINUTES

Karen Gilbert motioned to adopt the Minutes from April 29, 2019 Quarterly Meeting of the Nonpublic Postsecondary Education Commission. Amanda Shailendra seconded the motion.

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

#### 5. FY2019 4<sup>th</sup> QUARTER REPORT (unaudited): TUITION GUARANTY TRUST FUND

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

Toby Hinton made a motion to adopt the Quarterly Report of the Tuition Guaranty Trust Fund for the twelve-month period ending June 30, 2019. Amanda Shailendra seconded.

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

#### 6. APPROVAL OF PROPOSED RULE CHANGES SUBMITTED TO LEGISLATIVE COUNSEL ON JUNE 28, 2019

Floor opened for the reading of submitted comments or those wishing to speak regarding the rule changes. GNPEC did not receive any comments via [Infor@gnpec.ga.gov](mailto:Infor@gnpec.ga.gov) nor did GNPEC receive any comments in writing. Also, there were no comments from the public that were present.

Chair Kirbo began by explaining the process of the proposed rule changes. She expressed to the Commission that after her conversation with Susan Haynes of the Attorney General's office and to her understanding the Commission will be voting to repeal and then reserve those code sections that apply to GNPEC, but first the Commission will ratify the particular code sections that GNPEC wants for the purpose of GNPEC policies.

Chair Kirbo began the process of reading the proposal rule changes to the Commission as set forth in the Commission agenda:

Chair Kirbo motioned to Amend Rule 392-1-08, Procedures for Adoption, Amendment, or Repeal of Rule as set forth. Karen Gilbert seconded the motion.

Upon unanimous vote it was **RESOLVED** that Amended Rule 392-1-08, Procedures for Adoption, Amendment, or Repeal of Rule, be adopted.

Chair Kirbo motioned to Ratify the following rules within the chapters for Department 392 as "policies":

- 392-1-01 Organization
- 392-1-02 NPEC General Powers and Duties
- 392-1-03 Executive Director
- 392-1-04 Repealed
- 392-1-05 Mailing Address and Office Location
- 392-1-06 Public Inspection of Rules, Policies, Orders, Decisions, and Opinions
- 392-1-07 Validity of Authorizations and Permits Previously Issued
- 392-1-08 Adoption, Amendment, or Repeal of a Policy (or "Procedure for Adoption, Amendment, or Repeal of a Rule" if item 1 does not pass)
- 392-1-09 Petition for Promulgation, Amendment, or Repeal of a Rule
- 392-1-10 Declaratory Rulings
- 392-1-11 Hearings in Contested Cases
- 392-5-01 Minimum Standards for Educational Institutions
- 392-5-02 Criteria for Meeting Minimum Standards
- 392-5-03 Criteria for Approval for Receipt of Tuition Equalization Grant Funds for Proprietary Institutions for Higher Education
- 392-5-04 Procedures for Biennial Review
- 392-5-05 Collection of Tuition and Fees from Students
- 392-5-06 Student Complaint Process
- 392-5-07 Authorization of Message (*sic*) Therapy Schools  
(Noted that "Message" should be "Massage". **Correction is therefore made to read: "392-5-07 Authorization of Massage (*sic*) Therapy Schools"**)
- 392-7-01 Payment of Fees
- 392-7-03 Tuition Guaranty Trust Fund
- 392-11-03 State Review Standards

Chair Kirbo motioned to RATIFY the rules within the chapters for Department 392 set forth as policies governing the GA Nonpublic Postsecondary Education Commission. Toby Hinton seconded the motion.

Upon unanimous vote it was **RESOLVED** that the ratified rules within the chapters for Department 392 set forth as policies governing the GA Nonpublic Postsecondary Education Commission, be adopted.

Toby Hinton motioned to so notify the Secretary of State's Office that all chapters for Department 392 are repealed because NPEC is no longer subject to the Administrative Procedures Act (APA) and the chapters for Department 392 should be reserved. Additionally Rule 392-7-02 is redundant and Rules 392-11-01, 392-11-01, 392-11-02 and 392-11-04 through 392-11-06 relate to a federal program that no longer exists. Amanda Shailendra seconded the motion.

Upon unanimous vote it was **RESOLVED** to so notify the Secretary of State's Office that all chapters for Department 392 are repealed because NPEC is no longer subject to the Administrative Procedures Act (APA) and the chapters for Department 392 should be reserved. Additionally Rule 392-7-02 is redundant and Rules 392-11-01, 392-11-01, 392-11-02 and 392-11-04 through 392-11-06 relate to a federal program that no longer exists, be adopted.

Victoria Agyekum motioned to Amend Rule 392-1-11 Hearings in Contested Cases. Toby Hinton seconded the motioned.

Upon unanimous vote it was **RESOLVED** to Amend Rule 392-1-11 Hearings in Contested Cases, be adopted.

## **7. Executive Director's Report**

Executive Director Shook presented the following:

- GNPEC FY19 4<sup>th</sup> Quarter Operations Budget
  - a. Budget is in good shape. Running under-budget for 4<sup>th</sup> quarter
- Announced Kimberly Searcy as New Training Coordinator
- James Cheek was introduced as GNPEC's new contracted Regulatory Specialist
- GNPEC FY20 Organization Chart
- SB 91 (Orthodontics School Exemption; law is in effect
- American National College dropped appeal hearing
- GNPEC Internship Program with two University of Georgia students
- Higher Education Meeting Recap
- Updates to Minimum Standards to be discussed during October Commission Meeting
- Proposed rules/policy changes to be discussed during October Commission Meeting
- Currently Revising GNPEC's Record Retention Schedule
  - a. Chair Kirbo suggested that NPEC should have a retention schedule in place for emails
- E-Commerce, by Deputy Director Dr. Laura Vieth
- Annual Report Revisions/Additions
- Deputy Director Dr. Laura Vieth was appointed to the Board of Directors for the National Association of State Administrators and Supervisors of Private Schools (NASASPS)

### **FY19 Fourth Quarter Report of New Authorized Schools (April 1, 2019 – June 30, 2019) presented by Deputy Director, Dr. Laura Vieth**

- a. Messiah for Life CPR, LLC (Morrow, GA)
- b. Bridge Institute (Lilburn, GA)
- c. Pepperdine University (Malibu, CA)
- d. Ycarte' Health Career Center, LLC (Douglas, GA)
- e. Mitio Incorporated (McDonough, GA)
- f. Future Dental Assistants of Atlanta, LLC (Roswell, GA)
- g. San Jose State University (Irvine, CA)

No approval required.

## **8. OTHER BUSINESS**

No other business.

## **9. MEETING DATES**

- Annual Meeting is October 28, 2019  
South College, 2600 Century Parkway NE, Atlanta, GA  
1:00pm  
Officer elections and Board of Trustee elections will be held

Meeting dates and locations for 2020 will be approved

## 10. EXECUTIVE SESSION

Chair Kirbo prepared the Commission to enter Executive Session by asking for a motion.

Amanda Shailendra motioned that the Commission enter Executive Session. Toby Hinton seconded the motioned.

Upon unanimous agreement of the Commission, all were in FAVOR of the Commission entering Executive Session.

Executive Session was called to order at 1:57pm

Chair Kirbo asked for all visitors who were not a part of the Commission or the Attorney General's office to exit the room before the Executive Session began.

Chair Kirbo motioned to adjourn from Executive Session. Norma Nunez-Cortés seconded the motion.

Executive Session ADJOURNED at 2:22pm

## 11. ADJOURN

Amanda Shailendra motioned to adjourn the commission meeting. Chair Kirbo seconded the motion.

There being no further business, the Commission Meeting adjourned at 2:23 p.m.

BOARD CHAIR APPROVAL:  
(Signature & Date)

BOARD SECRETARY  
APPROVAL:  
(Signature & Date)

  
