**BOARD MEETING MINUTES**

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| **MEETING:** | Board of Commissioners, Nonpublic Postsecondary Education Commission  Quarterly Meeting |
| **DATE:** | February 24, 2025 |
| **LOCATION:** | Interactive College of Technology - Chamblee |
| **TIME:** | 1:00pm, or at the conclusion of the Quarterly TGTF Board of Trustees Meeting |
| **PUBLIC CALL-IN INSTRUCTIONS:** | Dial-in Number: (667) 770-1484  Participant Code: 317138# |



**Georgia Nonpublic Postsecondary**

**Education Commission**

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| **Meeting Chair** | Dr. Drew Van Horn, **Chairman**, *Exempt Institution Representative* |
| **Meeting Title** | NPEC Board of Commissioners |
| **Members Present** | 1. P.K. Martin, ***Vice Chairman***, At-Large Post #3 2. Kate Patterson***, Secretary,*** At-Large Post #8 3. Dr. Linda Adkinson, Degree-Granting Institution Representative 4. Pranay Udutha, At-Large Post #1 5. Doug Roper, At-Large Post #2 6. Michael Floor, At-Large Post #4 7. Dr. Lance Barry, At-Large Post #5 8. Dr. Norma Nunez-Cortes, At-Large Post #6 9. Jim Squire, At-Large Post #7 |
| **Members Absent** | 1. Ryan Blythe, Certificate-Granting Institution Representative |
| **Staff Present** | 1. Dr. Kirk Shook, Executive Director 2. Maggie Rivers, Deputy Director 3. Pat Neri, Program Manager, Compliance 4. Phil Embry, External Auditor 5. James Cheek, Program Manager/Authorization 6. Mike Kaiser, Program Manager/Initial Authorization 7. Margaret Gotlieb, Regulatory Specialist 8. Warren Albert, Regulatory Specialist 9. Lily Grant, Regulatory Specialist 10. Michelle Williams, Regulatory Specialist 11. Olivia Sternagle, Intern 12. Caroline Fairhurst, Compliance Specialist |
| **Visitors** | 1. Steven Walters, AG 2. Shirlene Mitchell 3. Dr. Laura Vieth, EDvera 4. Dr. Drew Van Horn 5. Camile Van Horn 6. Amanda Shailendra 7. Elmer Smith, Interactive College of Technology |

* **CALL TO ORDER AND INVOCATION**   
  Vice Chairman Martin called the meeting to order at 1:08pm and gave the invocation.
* **ROLL CALL**

Vice Chairman Martin called the roll, and a quorum was declared. 

* **WELCOME/INTRODUCTION OF NEW COMMISSIONER**

*Presented by Vice Chairman Martin*

* Michael Foor, At-Large Post #4 *(replacing Amanda Shailendra)*
* **WELCOME/INTRODUCTION OF VISITORS**

*Presented by Vice Chairman Martin*

Vice Chairman Martin welcomed the visitors from Interactive College of Technology to our meeting and thanked them for their hospitality.

* **RECOGNITION OF BOARD MEMBER SERVICE**
* Amanda Shailendra (Board of Commissioners 2015 – 2025, Board Secretary FY22)
* Dr. Drew Van Horn (Board of Commissioners 2021 – 2024, Board Chair FY23-25)
* Pranay Udutha, At-Large Post #1 – reappointed for another term expiring January 2028
* Jim Squire, At-Large Post #8 – reappointed for another term expiring January 2028
* **RECOGNITION OF STAFF SERVICE**
  + Shirlene Mitchell (Office Manager, 2013 – 2025)
* **HOST SCHOOL SPOTLIGHT**

Interactive College of Technology President Elmer Smith welcomed the Commissioners to campus and introduced the staff present. He also introduced former students who were in attendance. Each student spoke about their experience at Interactive College of Technology and how it made an impact in their life and career.

**ACTION ITEMS**

*Presented by Vice Chairman Martin*

* **APPROVAL OF AGENDA**

Secretary Patterson moved to adopt the Agenda for the February 24, 2025, Quarterly Commission Meeting of the Georgia Nonpublic Postsecondary Education Commission. Commissioner Adkison seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** thatthe Agenda for the February 24, 2025, Quarterly Commission Meeting of the Georgia Nonpublic Postsecondary Education Commission be adopted.

* **APPROVAL OF MINUTES**   
  Commissioner Squire moved to adopt the Minutes from the November 18, 2024, Quarterly Meeting of the Georgia Nonpublic Postsecondary Education Commission. Commissioner Adkison seconded the motion. There was no discussion.

Upon a unanimous vote, it was **RESOLVED** thatthe Minutes from the November 18, 2024, Quarterly Meeting of the Georgia Nonpublic Postsecondary Education Commission be adopted.

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

*Presented by Phil Embry, External*

* + FY25 2nd Quarter Report (Oct - Dec 2024) [Unaudited]*, Phil Embry*

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Commissioner Squire moved to adopt the Quarterly Report of the Tuition Guaranty Trust Fund for October – December 2024 period, as presented. Commissioner Adkison seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** that the Quarterly Report of the Tuition Guaranty Trust Fund October – December 2024 as approved by the Board of Trustees of the Tuition Guaranty Trust Fund, **be adopted**.

* **APPROVAL OF MINIMUM STANDARDS UPDATES**

Dr. Shook presented the proposed change to the Minimum Standards. Those changes were as follows:

**Standard Two: Facilities and Equipment**

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

1. Adequate facilities and equipment must be available for instruction and education of good quality.

* These should be based on programmatic content, number of students, instructional modality, and equipment needs.
* Online programming, if offered, must be delivered through an adequate platform with sufficient technical support.

2. Adequate facilities must be available for supporting instruction, including administration, storage, instructional modality, and student resources.

3. Adequate and up to date equipment and materials must be available to support program content, number of students, and instructional modality.

4. A distance education institution seeking authorization in the State of Georgia must maintain a permanent physical location that supports its educational offerings and business operations, even if the institution primarily delivers instruction online. A post office box may only be used as a mailing address in conjunction with the required physical location.

5~~. 4.~~ The equipment, buildings, and grounds must meet all applicable federal, state, and municipal codes.

6. ~~5.~~ The institution’s learning resource system (library) must include materials commensurate with the level of education provided and appropriate to the courses of study in sufficient quantity and scope to meet the educational objectives of each program. This may include resources such as the following:

* relevant and current texts and periodicals;
* research journals and databases;
* standard works of reference;
* multi-media and/or electronic resources;
* electronic library resource technologies; and/or
* other resource materials necessary to adequately serve students

**Standard Three: Faculty and Staff (i.e., Personnel)**

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

Faculty (Instructor) Qualifications

1. A certificate-granting institution must employ faculty (instructors) who demonstrate competency in the field for which training is offered, as evidenced by at least one of the following:

* A bachelor's degree with a major in the field of instruction from an institution accredited by an accrediting agency recognized by the U.S. Secretary of Education; or
* At least two years of teaching experience and/or work experience in the field for which training is offered.

In addition to one of the above qualifications, ~~F~~faculty must hold valid and current licensure/certification if the field of instruction requires licensure/certification for employment.

**Standard Four: Catalog and Enrollment Agreement**

Statutory Authority: O.C.G.A. §§ 20-3-250.5(b)(2); 20-3-250.6(a)(4)

3. The Enrollment Agreement, Student Contract, or equivalent is the contractual agreement between the institution and the student. It must be provided to students prior to enrollment and include, at a minimum, the following:

* Name and contact information of the institution;
* Program name, length, schedule of sessions (days/hours);
* Program start date and anticipated end date;
* Student name, date of birth, contact information;
* Tuition, registration fee, other fees listed, total cost of program;
* Method of payment;
* Externship, clinical, or other field experience, if required;
* Career services;
* Complaint procedure;
* Refund policy (consistent with GNPEC’s requirements); and
* Disclosures.
  + GNPEC Student Disclosure Form, if enrolling in an unaccredited institution, must be included; and
  + Disclosure regarding noncompliance with state or national vocational certifications, licensures, etc. must also be provided.

**Standard Eight: Financial Viability**

Statutory Authority: O.C.G.A. §§ 20-3-250.5(b)(2); 20-3-250.6(a)(8); 20-3-250.10(a)

1. The institution must have adequate liquid assets on hand (i.e., cash and cash equivalents, market securities, available bank line of credit) to ensure it can fulfill all commitments to students. The following liquidity standards are recommended:

1. Unrestricted liquid funds available in at least the amount of 30 days projected expenses for authorized institutions; or
2. Unrestricted liquid funds available in at least the amount of 90 days projected expenses for institutions seeking initial authorization.

2. A Certified Public Accountant (CPA) prepared financial documentation, which may include an audit or review (as defined by Generally Accepted Accounting Principles), as required by the Executive Director, of the most recently completed fiscal year must be provided by institutions reporting gross tuition over ~~$500,000~~$1,000,000.

In lieu of a CPA-prepared audit, review, or compilation, an institution may provide a bond or letter of credit for 100% of gross reported tuition, if approved to do so by the Executive Director.

3. The institution must provide any documentation received from its accreditor or the United States Department of Education relative to adverse actions taken against the institution.

4. The institution must provide supplemental documentation requested as part of the Financial Viability Assessment (ex. Financial Improvement Plan, Teach-Out Plan, CPA review, and/or CPA audit). In accordance with 20-3-250.10(a), this may include the requirement to obtain institutional bonding in an amount determined by the Executive Director, based on institutional revenue.

5. The institution must immediately advise GNPEC if it files a petition for bankruptcy or determines that its financial position negatively impacts its ability to satisfy commitments to its students.

**Standard 12: Refund Policy**

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

Summary of revision: Requires institution to offer refunds for all students in the case of a closure, loss of accreditation, etc.

* 1. An institution that is accredited by a United States-based accrediting association recognized by the United States Secretary of Education may use its own refund policy:

1. The institution specific refund policy must be submitted annually to GNPEC.
2. 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~~ favorable toward the student.
3. In the event an accredited institution closes, discontinues a program where students are enrolled, loses accreditation, or other such event that interferes with a student’s ability to complete the program under the terms in which they enrolled, the institution will be required to offer a full refund to students who withdraw due to the institution not fulfilling its educational obligation as set forth when the student enrolled. For institutions that lose accreditation, a new refund policy in alignment with Minimum Standard 12.2 must be created, approved by GNPEC, and applied to all affected students effective the date loss of accreditation occurred.
   1. Unaccredited institutions (12.1 above does not apply) are required to adhere to the following guidelines:
   2. The refund policy must be included as part of the institutional enrollment agreement and catalog.
   3. The refund policy must include steps for requesting refunds, and it must require submission in writing.
   4. 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.
   5. If an institution ceases operations, discontinues a program where students are enrolled, or other such event that interferes with the student’s ability to complete the program under the terms in which that student enrolled, the institution will be required to offer a full refund to students who withdraw or are otherwise unable to complete the program due to the institution not fulfilling its educational obligation as set forth when the student enrolled.

# **Standard Thirteen: Cancellation Policy**

Statutory Authority: O.C.G.A. §§ 20-3-250.5(b)(2); 20-3-250.6(a)(13)

1. All tuition and fees paid, excluding nonrefundable fees, must be fully refunded should a cancellation request be made within 72 hours of signing the enrollment agreement.

2. The institution that cancels or changes a program of study or course (time, ~~or~~ location, or other change considered substantive by the Executive Director) in such a way that a student who has started the program or course is unable to continue:

* makes arrangements, in a timely manner, to accommodate the needs of each student enrolled in the program; or
* refunds all money paid by the student for the program of study or course if alternative arrangements determined by GNPEC to be equitable to both the institution and the student are not possible.

Commissioner Adkison raised concerns about the potential unintended consequences of the proposed changes to Minimum Standard 12. After discussion of the Commissioners, Dr. Shook proposed to create a working group of staff and select Commissioners to revise the proposed language for Minimum Standard 12 to propose at the next meeting. Commissioner Adkison moved to approve the change to the Minimum Standards, with the removal of the changes to Minimum Standard 12. Commissioner Squire seconded the motion. There was no discussion.

Upon unanimous vote, it was **RESOLVED** that Revisions to the Minimum Standards, as amended, **be adopted**.

* **EXECUTIVE DIRECTOR REPORT**

*Presented by Dr. Kirk Shook, Executive Director*

* NPEC FY25 Operations Budget (2nd Quarter)

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* Quarterly Budget Comparison (FY24 Q2 v. FY25 Q2)

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* **AGENCY OPERATIONS REPORTS**

*Presented by Maggie Rivers, Deputy Director*

* FY25 1st Quarter Staff Actions

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No approval required for this report.

* FY25 2nd Quarter Newly Authorized Schools Report

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No approval required for this report.

* **EXECUTIVE SESSION**

Commissioner Foor moved to enter Executive Session. Commissioner Udutha seconded the motion. There was no discussion.

Upon unanimous vote at 2:32pm, the meeting of the GNPEC Board of Commissioners entered Executive Session.

* + - Pursuant to *O.C.G.A. § 50-14-2(1)*, this portion of the meeting is “closed in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency”
    - Report on pending litigation from Steven Walters, *Assistant Attorney General*

Commissioner Foor moved for the Commissioners to exit Executive Session. Commissioner Barry seconded the motion. There was no discussion.

Upon unanimous vote at 2:39pm, the meeting of the GNPEC Board of Commissioners exited Executive Session.

* **OTHER BUSINESS**

*Presented by Vice Chairman Martin*

* The next Quarterly Commission Meeting is May 19, 2025, at 1pm
* Location: *Zoom*
* Agenda: FY26 approvals, including election of officers
* Working Group Report for Minimum Standard 12
* **PUBLIC COMMENTS**

No public comments were made.

* **ADJOURN**

Commissioner Barry moved to adjourn the meeting. Commissioner Squire seconded the motion. There being no further business, the meeting adjourned at 2:43pm.

