

## MINUTES

### NONPUBLIC POSTSECONDARY EDUCATION COMMISSION

July 18, 2016

10:47 A.M.

Pursuant to notice, the Quarterly Meeting of the Nonpublic Postsecondary Education Commission was held via **Teleconference** from NPEC, located at 2082 East Exchange Place, Tucker, Georgia 30084.

#### MEMBERS PRESENT:

Victoria Agyekum	1 <sup>st</sup> Congressional District
Mollie Cohen	2 <sup>nd</sup> Congressional District
Lee Todd	3 <sup>rd</sup> Congressional District
Deb Wade	4 <sup>th</sup> Congressional District
Amanda Shailendra	5 <sup>th</sup> Congressional District
Holly Kirbo	8 <sup>th</sup> Congressional District
Martha Nesbitt	9 <sup>th</sup> Congressional District
Karen Gilbert	13 <sup>th</sup> Congressional District
<b>VACANT</b>	<b>14<sup>th</sup> Congressional District</b>
Clinton Hobbs	AT LARGE

#### MEMBERS ABSENT:

Shelley Nickel	6 <sup>th</sup> Congressional District
Toby Hinton	7 <sup>th</sup> Congressional District
Ryan Worsley	10 <sup>th</sup> Congressional District
Arthur Vaughn	11 <sup>th</sup> Congressional District
Norma Nunez-Cortes	12 <sup>th</sup> Congressional District

#### STAFF PRESENT:

Corinna M. Robinson	Executive Director
Dr. Carl Camann	Deputy Director
Shirlene Mitchell	Office Manager
Phil Embry	NPEC External Auditor

#### VISITORS:

Brian Lipton	Office of Planning & Budget
Sarah Gartner	Senate Budget and Evaluation Office

## **1. CALL TO ORDER**

Chair Martha Nesbitt, called the meeting to order at 10:47am.

## **2. RECOGNITION OF VISITORS**

Brian Lipton from the Governor's Office of Planning & Budget and Sarah Gartner from the Senate Budget and Evaluation Office were present.

## **3. INVOCATION**

No Invocation was given.

## **4. APPROVAL OF AGENDA**

Holly Kirbo made a motion to adopt the Agenda for the July 18, 2016 Quarterly Commission Meeting of the Nonpublic Postsecondary Education Commission. The motion was seconded by Victoria Agyekum.

Upon unanimous vote it was **RESOLVED** that the Agenda for the July 18, 2016 meeting be adopted.

## **5. APPROVAL OF MINUTES**

Chair Nesbitt asked that the Commission review the Minutes and if there were any corrections. There were no corrections asked to be made.

Deb Wade made a motion to adopt the Minutes from the April 18, 2016 Quarterly Commission Meeting of the Nonpublic Postsecondary Education Commission. The motion was seconded by Clint Hobbs.

Upon unanimous vote it was **RESOLVED** that the Minutes from the April 18, 2016 Quarterly Commission Meeting of the Nonpublic Postsecondary Education Commission be adopted.

## **6. APPROVAL OF TUITION GUARANTY TRUST FUND FY16 FOURTH QUARTER REPORT [Unaudited]**

Executive Director Corinna Robinson reported the following:

- Quarterly Report of the Tuition Guaranty Trust Fund for the twelve-month period ending June 30, 2016 as approved by the Board of Trustees of the Tuition Guaranty Trust Fund.

Chair Nesbitt asked the Commission if they had any questions or comments relating to the Tuition Guaranty Trust Fund report. There were none.

Mollie Cohen made a motion to adopt the Quarterly Report of the Tuition Guaranty Trust Fund for the twelve-month period ending June 30, 2016 **as approved** by the Board of Trustees of the Tuition Guaranty Trust Fund. The motion was seconded by Deb Wade.

Upon unanimous vote it was **RESOLVED** that the Quarterly Report of the Tuition Guaranty Trust Fund for the twelve-month period ending June 30, 2016 **as approved** by the Board of Trustees of the Tuition Guaranty Trust Fund be adopted.

## 7. APPROVAL OF REVISIONS TO MINIMUM STANDARDS REFUND POLICY (Presented by Deputy Director, Dr. Carl Camann)

Proposal: Delete the present wording highlighted in yellow below:

- A. Schools which are nationally and/or regionally accredited by a US-based accrediting association recognized by the United States Secretary of Education and which have no campus or teaching locations within the State of Georgia may use their own refund policy.

The deletion of this wording would cause this paragraph to read:

- A. Schools which are nationally and/or regionally accredited by a US-based accrediting association recognized by the United States Secretary of Education may use their own refund policy.

Deputy Director Camann explained that the reasoning behind the change resulted from the Commission staff receiving feedback from a number of accredited in-State institutions explaining that the wording penalizes in-State institutions and has the effect of forcing an alternative on both in-State and out-of-State institutions, which have campuses in Georgia, to implement a refund policy which may be in conflict with that applied and expected accreditors.

Holly Kirbo made a motion to approve the Revision to the Minimum Standards Refund Policy specifically the wording "...and which have no campus or teaching locations within the State of Georgia..." be deleted from paragraph A. of Standard Nine" Refund Policy of the Commissions' Minimum Standards; and further that it be understood that any further changes, other than editorial changes which correct typographical or sequencing errors not effecting content and intent will continue to be brought to the Commission for action. The motion was seconded by Karen Gilbert.

Upon unanimous vote it was **RESOLVED** that the Revision to the Minimum Standards Refund Policy be approved.

## 8. REPORT ON NPEC FY16 OPERATING BUDGET Ending June 30, 2016

Executive Director Corinna Robinson discussed the following:

- The budget was over in some sub-class categories and under in other categories.
- These areas have overages due to the base allowance given in the annual operating budget:
  - a. Contracts
  - b. Telecommunications
  - c. Personal Services
- The Special Purpose Revenue will be used to cover expenses in contracts and other areas where needed.
- As projected Personal Services had a shortfall in FY16. Due to this projection as Executive Director I took a strong fiscal conservative approach during the fiscal year in numerous ways by delayed filling the vacant Standards Administrator position until after the start of the new Fiscal Year 2017, kept all agency travel to a minimum without jeopardizing the required site school visits, limited equipment purchases and computer purchases. Additionally the negotiated no real estate rental fee was amended into Personal Services to offset the shortfall.
- The final FY2016 amendment is due to Office of Planning and Budget (OPB) July 27, 2016.
- The budget will be balanced after these amendments. The Governor requires a zero balance budget.
- The General Assembly approved the Governor's FY 2017 budget request for a 3% merit-based salary increase for state employees in FY2017.
- The General Assembly approved the Governor's FY 2017 budget request for \$80,150 for an increase in funds for GNPEC personal services.
- GNPEC will hire a new Standards Administrator as of August 1, 2016 (FY17).

Chair Nesbitt asked the Commission if they had any questions or comments. There were none.

No approval required.

## 9. EXECUTIVE DIRECTOR'S REPORT

Executive Director Corinna Robinson discussed the following:

- **Attorney General's Advice Letter on the exempt schools code section**  
A letter of advice was recently received from the Attorney General's office relative the issue of a school no longer fulfilling the wording found in the exemption section under which they originally were granted exemption, as well as several other matters.

The Commission needs to give consideration to adding to or modifying the language of the exemption section of the current Code to allow for "termination" of an exemption to occur as a direct action by the Commission.

The content of the advice letter from the Attorney General's office indicates that this direct action is not now available and that the only recourse at present is either to bring a suit in an appropriate court against the institution for not satisfying the requirement to file an audit with the Commission or to initiate action to fine the institution in question. Neither of these courses of action addresses the primary question of the institution no longer being accredited.

Since this is the case, GNPEC will shift our focus to developing suitable language which will permit this issue to be addressed in a manner consistent with the expressed wishes of the Commission. GNPEC will submit proposed legislation to the Governor to be considered as agency legislation during the 2017 Legislative Session.

- **FY2016 Third Quarter Report of New Authorized Schools**
  - a. Dove Technology – Authorized April 1, 2016
  - b. The New York Code & Design Academy – Authorized April 27, 2016
  - c. Heritage Health Career Center - Authorized May 1, 2016
  - d. Trinity Baptist College – Authorized May 30, 2016
  - e. CCB School of Atlanta – Authorized June 8, 2016

Chair Nesbitt asked “where are the schools located?” Executive Director Robinson responded that she will have the location added to future New Authorized School reports.

Chair Nesbitt inquired of the meaning of “CCB” in the name of “CCB School of Atlanta”. Executive Director Robinson responded “there doesn't appear to be any formal meaning for CCB”.

- **FY2017 Strategic Plan**

During the prior year, OPB took a different approach to the strategic planning process and now requires a 4-year plan. Therefore, some goals will move up each year and new ones will be added.

The Commission was asked to review the Strategic Plan for Fiscal Years 2017-2020 at their leisure.

Chair Nesbitt suggested that the Commissioners keep the Strategic Plan on hand for future meetings in order to track NPEC's progress.

No approval required.

## **10. OTHER BUSINESS**

No other business.

## **11. 2016 MEETING DATES**

- Monday, October 24, 2016 at 1:00pm. NPEC Office in Tucker, GA (Election of Officers)

## **12. ADJOURNMENT**

Karen Gilbert made a motion to adjourn meeting. The motion was seconded by Amanda Shailendra.

Meeting adjourned at 11:16 A.M.

Martha Nesbitt, Chair  
Arthur Vaughn, Secretary