

MINUTES
BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
April 28th, 2020 9:33 A.M.

Auraria Higher Education Campus
Tivoli Student Center, Room 320
900 Auraria Parkway, Denver, CO 80204

Board Members Present:

Paul Garibay, Chair;	Barbara Kearns;
Ryan Minic, Vice Chair;	JoAnn Stevens;
Shelley Krovitz;	Chris Reister (joined at 10:44 A.M.);
Ellen Wamser	

Board Members Absent:

Division Staff Present:

Lorna Candler, Chief Occupational Education Officer
Mary Kanaly, Deputy Director & Compliance Officer;
Brad Uyemura, Compliance Investigator;
April Cordova, Program Specialist;
Rachel Acosta, Program Specialist;
Carrie Harding, Program Specialist;
Jonathan Rendon, Program Specialist;
Amy Knoblauch, Data & Research Specialist

Division Staff Absent:

Bernadette Esquibel, Program Specialist Assistant

Board Counsel Present:

Jacquelynn Rich Fredericks, First Assistant Attorney General, Office of the Colorado Attorney General;

Guests Present:

Bruce MacIntosh, MacIntosh Real Estate School;
Kathy Swartz, Solar Energy International;
Burton Lee, Van Education Center;
Lesla Sluder, CDL Certifiers/CDL Trainers;
Craig McLaughlin, MountainHeart School of Bodywork & Transformational Therapy;
Steve Steele, IBMC College – Longmont;
Bill Wallick, Homeopathy School International;
Barbara Seideneck, Homeopathy School International;
Lisa Duffy, Cheeks Beauty Academy;
Amy Stevenson, Cheeks Beauty Academy;
Kristie Berg, Academy for Dental Assisting Careers;
Adam Monreal, Cinco Brothers Barber School;
Lyn Romero, Colorado School of Clinical Herbalism;
Lisa Ganora, Colorado School of Clinical Herbalism;
Donna Kramer, Empire Beauty School;

Sheila Scott, Empire Beauty School;
Carrie Peterson, International Salon and Spa Academy;
Tom Twardowski, International Salon and Spa Academy;
Heather Byers, The Salon Professional Academy;
Angela Lema, The Salon Professional Academy;
Cathy Phillip-Rogers Morris, The Salon Professional Academy;
Hayley Chandler, TONI&GUY Hairdressing Academy;
Steve Chandler, TONI&GUY Hairdressing Academy;
Sandy Chandler, TONI&GUY Hairdressing Academy;
Jarred McNeely, Colorado School of Trades;
Eric Juhlin, CollegeAmerica;
Joel Scimeca, CollegeAmerica;
Matt Gerber, CollegeAmerica;
Bill Ojile, CollegeAmerica;
Dale LeMonds, Aveda Institute;
Kelly Thumm Moore, Lincoln College of Technology;
Ariel Haan, Van Education Center;
Natalie Duncan, Academy for Dental Assisting Careers

Call to Order:

The regularly scheduled meeting of the Private Occupational Schools Board was called to order by Mr. Paul Garibay, Chair, at 9:33 A.M. The Board members, Division staff and guests were introduced. Board roll call was taken. A quorum was present.

Consideration of Approval of the March 12th, 2020 Interim Meeting Minutes and the Regularly Scheduled March 24th, 2020 Meeting Minutes:

Following review and consideration of the March 12th, 2020 meeting minutes, Mrs. Krovitz made a motion to approve the minutes as written. Following review and consideration of the March 24th, 2020 meeting minutes, Vice Chair Minic made a motion to approve the minutes as written. The motions were seconded and carried.

Additions / Changes to the Agenda:

Data and Research Specialist, Amy Knoblauch, informed the Board that Colorado School of Animal Massage has been removed from the agenda under Consideration of Approval of Renewal. Additionally, the topic of Information from the Governor's Office has been added to the agenda under Other Business.

Chief Occupational Education Officer/Director's Report:

Chief Occupational Education Officer/Director Candler reported to the Board the following:

- A recommendation was made to seek advice from counsel in terms of the new Executive Order 2020 044 and what it means for the Board and Division along with the new Public Health Order that accompanies this information.
- The Division has been consumed with its COVID-19 response; since the Board's delegation of authority allowing the staff to transition schools to online delivery during

the COVID-19 crisis, the Division has taken on a completely new work flow with no accompanying fee in order to ensure that schools can continue to serve students. Additionally, the Division has been working to keep its stakeholders apprised of all relevant information and resources during COVID-19 by sending notices, emails, and responding to inquiries.

At this time, Chairmen Garibay recommended that the Board consult with Jacquie in an Executive Session to receive legal advice regarding the Governor's new Executive Order and the impact on the Division. Counsel responded favorably to moving into Executive Session to provide more information.

Following review and consideration of the previous matters discussed during the regular portion of the Board meeting, Mr. Minic motioned to convene in executive session with the Board's attorney to seek legal advice pursuant to C.R.S. §24-6-402(3)(a)(II), on the following matter: the implications of the Governor's new Executive Order and Public Health Order issued from the Colorado Department of Public Health and Environment. Counsel then recommended to discuss the following matters in addition to the original motion to reduce multiple Executive Sessions: CDL College, CollegeAmerica, Colorado Massage Therapy Institute, Integrity CDL Academy, and Westland Beauty Academy. The amendment was adopted to discuss the previously mentioned matters and in consideration of relevant parts of the Private Occupational School Act, C.R.S. §23-64-101 et seq. and the Rules and Regulations, 8 CCR 1504-1. The motion was seconded and carried. The public session recorder was turned off.

The Board of Private Occupational Schools convened in executive session with its attorney of record, the Division Director, and Division staff at 9:52 A.M.

During Executive Session, Board Member Reister joined the Board at 10:44 A.M.

After the review and consideration of the matters previously mentioned, Chair Garibay resumed regular session at 11:10 A.M.

The Executive Session recorder was turned off.

The public session recorder was turned on and the general public was welcomed back.

First Attorney General Rich Fredericks affirmed for the record that this Executive Session was for the sole purpose of providing legal advice to the Board and to otherwise engage in good faith in what is believed to be attorney-client privileged discussions.

Counsel informed the public regarding the changes between the Stay-At-Home Order to the new Safer-At-Home Order and the implications for Occupational Schools. The present Executive Stay-At-Home order has expired and has been replaced with Executive Order 20 44 that sets the landscape for the next 30 days. Under the new Executive Order 20 44, Safer-At-Home policy has delegated authority to the Colorado Department of Public Health as well as a limited review and acknowledgement of attestation forms by the Colorado Department of Higher Education. This authority directs the agencies to promulgate what the new Order will look like for all higher education purveyors and the requirements to begin some in-person training. These requirements are set for those programs that are not well-suited to online delivery with the broader assumption that any education that can be provided remotely, should be delivered in a remote method. Pursuant to Exec Order 20 44, the Colorado Department of

Public Health issued Colorado Public Health Order 20 28 and sets forth information for various industries. In particular, the orders provide information for purveyors of postsecondary education regarding when and under what conditions they can resume in-person instruction. However, programs that cannot be or are ill-suited to that method have a legal framework of how to resume those programs. The third piece of that framework will be issued later today by the Colorado Department of Higher Education as it issues its particular guidance. The fourth piece that is implied is that there are still local public health orders in place. If a particular school is in a county or locality with a more stringent requirement, that stringent requirement will apply and will be binding upon the occupational school purveyor in that jurisdiction. Occupational Schools will be provided written communication from the Division and Board that will provide copies of and links to Executive Order 20 44 and Public Health Order 20 28 and the guidance from the Colorado Department of Higher Education. It will provide a process where Schools can begin to resume in-person instruction for programs that are ill-suited to online delivery. Postsecondary purveyors will fill out a form that identifies the contact information of the School and person submitting the information along with the particular program that the School wishes to provide in-person instruction. The second part to the form is the attestation that states that the school submitting the form understands that they wish to provide in-person instruction and will comply with the legal framework including: Executive Order 20 44 and Public Health Order 20 28, the guidance from the Colorado Department of Higher Education and local public health. This means that a School must abide by maximum social distancing. Classrooms must have no more than 10 persons which is inclusive of staff or faculty and students. Masks must be worn, staff and students must be more than 6 feet apart and common areas, except for bathrooms, must be closed. DPOS and the Board will be providing communication to the schools that will provide information that links to the form when it goes live either today or tomorrow. School owners should be thoughtful to follow all requirements and guidelines set forth. Any violation of the requirements established in the executive order, public health order and guidance from the Colorado Department of Higher Education will be met with local law enforcement, the Office of the Attorney General and potentially the Board and Division of Private Occupational Schools. If a school fails to adhere to the law, it could result in a violation of minimum standards per section 23-64-112(1)(j) C.R.S.

Chairmen Garibay announced that public members will have the opportunity to ask questions to the Board at a later point in the agenda.

Following Executive Session and the information provided by Counsel, the Board resumed its agenda as follows.

New Business/Action Items:

A. Consideration of Approval of Renewal Certificate

1. MacIntosh Real Estate School – Lakewood – CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Vice Chair Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

2. Solar Energy International – Paonia – CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Member Reister motioned to conditionally approve the Standard Certificate of Approval provided that the School has a satisfactory site visit completed. The motion was seconded and carried.

3. Van Education Center – Boulder – CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Vice Chair Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

4. CDL Certifiers/CDL Trainers - Grand Junction – CH

Program Specialist Harding presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Member Krovitz motioned to table the matter until the May Board Meeting in order to clarify the corporate structure documents and for a site visit to be completed. The motion was seconded and carried.

5. MountainHeart School of Bodywork & Transformational Therapy – Crested Butte – AC

Program Specialist Cordova presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Member Reister motioned to conditionally approve the Standard Certificate of Approval provided that the School has a satisfactory site visit completed. The motion was seconded and carried.

6. IBMC College – Longmont – JR

At this time Board Member Kearns recused herself from the Board.

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Vice Chair Minic motioned to conditionally approve the Standard Certificate of Approval provided that the School has a satisfactory site visit completed. The motion was seconded and carried.

At this time Board Member Kearns rejoined the Board.

7. Homeopathy School International – Loveland – JR

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Member Krovitz motioned to conditionally approve the Standard Certificate of Approval provided that the School has a satisfactory site visit completed and that the organizational structure is clarified to include the School's non-profit status. The motion was seconded and carried.

8. Cheeks Beauty Academy – Loveland – JR

Program Specialist Rendon presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Vice Chair Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

9. Academy for Dental Assisting Careers – Brighton – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Board Member Stevens motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

10. Academy for Dental Assisting Careers – Greeley – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Board Member Stevens motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

11. Academy for Dental Assisting Careers – Littleton – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Board Member Stevens motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

12. Academy for Dental Assisting Careers – Longmont – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Board Member Stevens motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

13. Cinco Brothers Barber School – Greeley – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Vice Chair Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

14. Colorado School of Clinical Herbalism – Lafayette – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Board Member Reister motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

15. Empire Beauty School – Thornton – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Vice Chair Minic motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

16. International Salon and Spa Academy -Colorado Springs – RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Board Member Reister motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. The motion was seconded and carried.

17. The Salon Professional Academy - Grand Junction - RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval. A school representative was present.

Following review and consideration of the renewal, Board Member Reister motioned to conditionally approve the Standard Certificate of Approval provided that the School has a satisfactory site visit completed. The motion was seconded and carried.

B. Consideration of Approval of Renewal with Programs

1. TONI&GUY Hairdressing Academy - Colorado Springs - RA

Program Specialist Acosta presented to the Board for review and consideration renewal of the school's Certificate of Approval with the following new program: Esthetician. A school representative was present. The Board determined that the school has adequate surety coverage and can maintain compliance with the minimum standards as prescribed by the Private Occupational Education Act of 1981, as amended.

Following review and consideration of the renewal, Board Member Reister motioned to approve the Standard Certificate of Approval for the period beginning July 1, 2020, and ending June 30, 2023. Following review and consideration of the new program, Board Member Reister motioned to approve the previously mentioned new program. The motions were seconded and carried.

At this time, Chief Occupational Education Officer Candler announced to the Board and the Public that the Governor's office will be holding an informational webinar at 10:00 A.M. on April 29th, 2020 to address further guidance regarding the new Executive Order and Public Health

Order. The Division will be sending login information details to all Colorado Occupational Schools in order to attend the webinar.

Other Business

1. Legal Update

The legal update was previously discussed in Executive Session. No action taken.

2. CollegeAmerica Monthly Update

Chief Occupational Education Officer Candler reported to the Board the CollegeAmerica monthly update. A representative of the School inquired when the Board would address the current legal matters involving the Board and the School. Chairmen Garibay responded that the COVID-19 pandemic has affected the ability for the Division and the Board to review the School's response that was submitted to the Division. Chairmen Garibay explained that the Board has requested a summary of CollegeAmerica's response to the Division. No action taken.

3. Quarterly Assessment Report

Deputy Director Kanaly reported to the Board that only four schools have yet to submit assessment numbers (and fees).

4. Temporary Distance Education Approval Report

Deputy Director Kanaly reported to the Board that all but 13 schools have submitted temporary distance education information to the Division.

5. Renewal Report

Deputy Director Kanaly reported to the Board that there are 106 in state schools renewing this year with 18 out of state schools. More specifically:

- 14 schools have already been presented to the Board plus today's 18 schools for a total of 32.
- 13 schools have indicated that they are not renewing.
- 3 schools are submitting new provisional applications because they missed the deadline.
- Between now and June, 58 schools still need to go before the Board for renewal approval.

6. Conditionally Approved School Status Report

Deputy Director Kanaly reported to the Board that the conditionally approved schools from the March 24th Board Meeting have met their pandemic plan conditions.

7. Information from the Governor's Office

The matter was previously discussed.

At this time, the Board took questions from the Public regarding the new Executive Order and Public Health Order that affect Occupational School operations.

Kelly Moore of Lincoln College of Technology asked for clarity regarding space limitations. Counsel informed Ms. Moore that the guidelines put forth by the Governor and the Colorado Department of Public Health and Environment state that no more than 10 persons per space should be allowed. If the space is a classroom, the space can contain no more than 10 persons, including students and staff.

Heather Byers of The Salon Professional Academy inquired if the Division has a timeline to implement an approval form for Schools to reopen. Counsel responded that it will not be a typical approval process. Under the Executive Order and Public Health Order and guidance forthcoming, when a School submits a form, the notice and attestation will be submitted. The Division will confirm receipt of the notice and attestation if the appropriate information has been received and at that point the School is able to resume in-person instruction while following social distancing requirements set forth by the Executive Order, Public Health Order and guidance issued by the Department of Higher Education.

Adjournment:

Board Member Reister motioned to adjourn the meeting at 1:18 P.M. The motion was seconded and carried.

The next regularly scheduled meeting of the Board is Tuesday, May 26, 2020, at 9:30 A.M. and will be held via the web conference application, Zoom, with the following log in information:

Please click the following link to join the Zoom Meeting from your computer:

<https://zoom.us/j/99687587877>

Meeting ID: 996 8758 7877

One tap mobile

+16699006833,,99687587877# US (San Jose)

+13462487799,,99687587877# US (Houston)

Dial by your location

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

+1 929 205 6099 US (New York)

+1 253 215 8782 US

+1 301 715 8592 US

+1 312 626 6799 US (Chicago)

Meeting ID: 996 8758 7877

Find your local number: <https://zoom.us/u/abPXL0GVNg>