

**MINUTES OF THE
COLORADO BOARD OF PRIVATE OCCUPATIONAL SCHOOLS
ANNUAL PLANNING MEETING**

November 2, 2006

The Colorado State Board of Private Occupational Schools convened at Four Points by Sheraton at Denver Southeast, 6363 E. Hampden Avenue, Denver, Colorado 80222

Chair Tom Twardowski called the meeting to order at 9:08 a.m. and Board roll was taken.

Board Members Present:

Tom Twardowski, Chair	Jerry Sirbu, Vice Chair	Robert Martin
Buddy Douglass	Lisa Bennison Noll, J.D.	Nancy Lemein

Board Members Absent: None

Division Staff Present:

Jim Parker, Director	Georgia Roberts, Deputy Director
Renee Belisle, Program Supervisor	Valorie Briggs, Program Supervisor
Voni Oerman, Program Supervisor	Arla Hamel, Administrative Assistant

Guests: None in attendance

1. House Bill 1046 and of Collection of Student Record Data

The Director addressed the Board concerning HB 1046 and the provision granting board authority to request schools to provide the Division with student record data. The Director presented clarification that this provision is a permissive use requirement, granting the Board the statutory authority to request student record data as it deems necessary and does not mandate the Board to immediately promulgate rules and procedures to implement the provision of requiring schools to submit student record data. The Director requested Board guidance on how to proceed in the matter.

Upon review of the materials presented and after due consideration, the Board determined that the collection of student record data is not deemed as an immediate and necessary requirement; and the Board has the statutory authority to request such data at any time from a private occupational school upon a written request. The Board noted that any future consideration for the submission of student record data requires further study and research. It identified factors to be considered as: cost/benefit analysis, how the student data is to be collected, reported and maintained and the technical capabilities of schools to record and report student data.

2. Review of the Open Meetings Act, Board Ethics and Responsibilities and Board Meeting Minutes

The Deputy Director provided information and presented an overview of the Open Meetings Act, Board Ethics and Responsibilities and Board Meeting Minutes. After discussion, the Board advised the Division to ensure board meeting minutes are prepared in accordance to parliamentary procedure and the statutory requirements for recording public meeting minutes.

The Board recessed at 10:50am
Reconvened at 11:00am

3. Student Complaint Process and Division Procedures for handling of student complaints.

The Deputy Director provided a brief summary of the Division's procedures for addressing student complaints. The Board having previously reviewed materials had few questions about the internal process.

4. Review of Correspondence from Colorado School of Paramedical Esthetics

Per previous direction received from the Board in its October meeting, the Director presented a draft letter responding to the owner of the Colorado School of Paramedical Esthetics' belief that her school is being subject to unfair and unequal treatment by the Board as the result of the review of a student complaint filed against her school. After review and discussion, the Board approved the letter with minor changes and directed the Director to send the final version to the school.

In further discussion of the matter, it was suggested by the Director that the topic of board "conflict of interest" be discussed during the review of the Board's Bylaws to be considered later in the Board's agenda.

5. Consideration of future Statutory and Rule Changes

The Director presented information to the Board regarding the regulation of flight schools in light of certain state statutory exemptions and federal preemption under the Federal Aviation Act. Board guidance was sought regarding whether a statutory and rule change may be in order. The Board after due consideration directed the Division Director to seek future legislation amending the Private Occupational Education Act to exempt flight schools from regulation by the state.

The Board further discussed the need of defining "occupational in nature". The Director explained that statute refers to the division in defining "occupational in nature" and that the Board may consider in defining the term in its rules. The Director advised the Board that the Division would provide sample definitions of the term for future consideration.

6. Review of Board Bylaws

The Director presented the Board Bylaws for review and discussion and explained that the bylaws were last revised in 2004 and asked the Board if any future revisions were deemed necessary. In light of the concerns raised by the Colorado School of Paramedical Esthetics, the Board reviewed the section of the bylaws pertaining to substantial financial interest and economic benefit and believed the current bylaw regarding Voting and Board Decisions is adequate. The Board noted that the bylaw accurately states that any board who is employed by or has ownership in a school that competes in the same educational service market and the same geographic area with a school subject to Board action may abstain from voting.

After discussion, the Board found no need at this time to revise its bylaws.

7. Board Policies

The Board and Staff discussed a need of developing policies as guidelines to be used by the Board in the regulation of private occupational schools. The policies approved by the Board would assist the Division staff to effectively facilitate the day-to-day operations of the Board and to provide guidance to the schools. Upon discussing possible policies the Board directed Division staff to investigate policies currently used by other regulatory boards with similar delegation of authority rights.

The Board recessed for lunch at 12:00pm
Reconvened at 12:50pm

8. Methodology for determining surety coverage

The Board Chair presented a spreadsheet utilized by his school in determining prepaid, unearned tuition as a methodology to consider adopting for all private occupational schools in calculating prepaid unearned tuition and the proper surety coverage. It was suggested by the Board that the spreadsheet information could be submitted to the Division on a quarterly basis with Quarterly Student Assessment form. The Board requested the Division to explore the possibility of utilizing a universal methodology to determine adequate surety coverage, in conjunction with quarterly reporting of student enrollments and submission of assessment fees and report back to the Board.

9. Nursing Program Approvals

Vice-Chair Sirbu presented a brief overview of the requirements of private occupational schools intending to offer nursing education programs as prescribed by the Colorado Board of Nursing. Approval of nursing education programs by the Board was discussed and cooperation with the State Board of Nursing was agreed to be best practice to ensure students are receiving the proper training. The Director informed the Board that he would meet with the program director for the State Board of Nursing to discuss the possibility of entering into an Inter-Agency Memorandum of Understanding to ensure proper program development and approval by the respective governing agencies.

10. Budget Matters

The Director presented an overview of the division's budget for FY07 and explained that uncommitted cash reserve balance carried over from the previous fiscal year. The Division, as provided by statute, cannot end a fiscal year with excess reserves - i.e., their earnings must equal their expenditures. The Director reported that the Division with the departmental accounting staff is monitoring fee collections and cash fund expenditures. The Director stated that it is anticipated that assessment fees for FY07 will continue to be reduced, if not waived in order to eliminate the Division's excess uncommitted cash reserves.

The Board requested the Division to provide a budgetary update on a quarterly basis.

11. Define clinical training

At the request of the Board, the Division provided information regarding definitions for "clinical training", as well as questions initiation further discussion about whether a definition would be beneficial. After due consideration, the Board determined that defining the term "clinical training" at this time was not necessary.

12. Web-based Advertising

At the request of the Board, the Division provided information regarding Internet and web-based advertising. After discussion, the Board concluded that its current rules pertaining to standards for advertising adequately address internet advertising.

There being no further business, a motion was made by Mr. Martin to adjourn. The motion was seconded and carried. The meeting was adjourned at 3:12 p.m.