**Minutes**

**State Board of Private Career Education**

**Arkansas Division of Higher Education – Meeting by Phone**

**August 5, 2020 – 10:00 a.m.**

**Members Present:** Alice Obenshain, Jack Avery, Brittney Matthews, Josh Blevins, Brock Thompson, Jacqueline Brownell

**Others Present:** Alana Boles, Tracye McKeown, Julie Chavis, Jennifer Dedman

**Welcome and Approval of Minutes of April 1, 2020 Meeting**

Alice Obenshain called the meeting to order and asked if anyone had any comments or questions regarding the minutes from the last meeting. Minutes of the April 1 meeting were approved with all present voting in favor.

**Report from ADHE Staff on School License Renewals and Closures**

Alana Boles reported that due to COVID-19, the license renewal period was extended one month from April 30, 2020 to May 31, 2020 and that 127 schools have renewed their licenses with seven schools closing.

Boles added there are four applications the staff are currently reviewing. Boles asked for board member input concerning how to proceed with the schools that have not renewed their school licenses. Jacqueline Brownell asked how the Arkansas Division of Higher Education (ADHE) deals with the schools that do not renew their licenses. Boles said out-of-state schools’ certification is extended until the board denies their certification. She added those schools do not have strict deadlines like the private career schools and are large institutions.

Brock Thompson said schools who have not renewed their licenses should be aware of the process to reopen and enforcement procedures should be in place to ensure the process is followed. Julie Chavis said that operating with an expired license would be grounds for a disciplinary hearing due to being in violation of the licensing procedures.

Chavis added that disciplinary hearings come before the board in a variety of ways such as if a complaint rises to the level of a violation of the rules and regulations. Chavis also said the board could investigate the complaint, and if necessary, initiate a complaint after Boles has made numerous contacts with the school owners and given the schools an adequate and reasonable opportunity to renew their licenses.

Obenshain asked if a motion was required to move on to the next step. Chavis said a motion is not necessary and she and Boles would work together on contacting those schools with expired licenses. Obenshain stated that all tuition and fees collected by an unlicensed school are to be refunded to the students.

**ADHE/SBPCE Response to Coronavirus**

Boles informed the board that several schools have taken the option of not renewing until they decide to reopen.

**Report on Complaint Process**

Boles discussed a complaint from a school concerning another school that is operating without a license. Chavis asked if the school filed a complaint. Boles said the school did not but she wanted to inform the board that there is a different process for a school wanting to file a complaint against someone operating a school without a license.

Chavis informed Boles that she could ask the board if they would like to do a board-generated complaint to investigate unlicensed schools. Josh Blevins made the motion, Thompson seconded the motion, and all were in favor.

Brownell asked where these schools are located in the state. Chavis responded that information should remain unknown pending completion of an investigation to determine if the complaint is founded. If founded, there will be a full board hearing.

Thompson asked if there is a problem with his participation since he was one of the individuals that asked Boles about an unlicensed school. Chavis stated that if it goes to a full board hearing, Thompson would need to recuse because of his out-of-public-meeting knowledge.

**Attorney General’s Office Training**

Chavis invited the board to the 2020 State Agencies WebEx Training on Tuesday, August 18, from 8:30 a.m. to 4:30 p.m. Chavis added that it is free and she will be presenting on Administrative Hearings. Other topics to be covered include the Freedom of Information Act, Processing Complaints and Conducting Investigations, Obtaining an AG Opinion, Finances/Procurement, Board Member Conduct and Board Rules. Boles said she will email the registration information to the board members.

**Input from SBPCE Members**

Jack Avery asked if there is a procedure in place for schools that choose not to reopen until the end of the year or next year due to the coronavirus, if the Governor ends all restrictions. Avery asked that if a school advertises that due to the coronavirus they are closed, at what point would the board require the school to reopen before the school is considered closed.

Obenshain stated the schools were required to complete the renewal applications on time even though the board gave the schools a grace period on the fees due. Chavis added that before a school reopens due to the coronavirus, they are required to pay their license renewal fee.

Boles said she has approximately five schools in this position. Chavis said she would send the schools certified and regular mail letters stating that if they are taking advantage of the board’s grace period to pay the renewal fee, at the point they begin accepting students again, their fees are immediately due. Blevins asked if there are any schools operating that have not paid their renewal fees. Boles stated the schools that have not paid their renewal fees are not operating.

The meeting adjourned at 10:34 a.m.