

State Board of Private Career Education

Meeting Minutes

November 14, 2018 – 10:00 a.m.

Telephone Conference

Members Present: Alice Obenshain, Brittney Matthews, Danny Knight, Jack Avery, Jacqueline Brownell

Others Present: Alana Boles, Tracye McKeown, Ann Clemmer, Julie Chavis, Michelle Gambill

Alana Boles opened the meeting asking for a motion to approve the minutes for the October 11 meeting. Jacqueline Brownell made a motion to approve the minutes. Alice Obenshain seconded the motion. All were in favor. None opposed.

Nominations for Vice Chair of the State Board of Private Career Education

Alana Boles noted that the law states that the board may elect officers, but does not have to and the decision is up to the board if they want to nominate a Vice Chair to run this meeting. Jacqueline Brownell made a motion that the board nominate a Vice Chair for the State Board of Private Career Education (SBPCE). Brittney Matthews seconded the motion. All were in favor. None opposed. Alana Boles then asked the board if they had a recommendation for the Vice Chair. A motion was made for Brittney Matthews to be the nominee for the Vice Chair of the SBPCE. Danny Knight seconded the motion. All were in favor. None opposed. Brittney Matthews was nominated Vice Chair for the SBPCE.

Revisions to the SBPCE Website

Alana Boles stated that access to the former SBPCE website had been taken down and everything was transferred to the Arkansas Department of Higher Education's website (ADHE) as to reflect that the agencies have merged. Ms. Boles explained where to access SBPCE's website on ADHE's website as well as where to access the SBPCE's Rules and Regulations, updated school directory, forms and fees. Ms. Boles asked for any questions or suggestions regarding the website changes. Alice Obenshain asked if the Rules and Regulations are being changed. Ms. Boles stated that they are being changed but waiting on legislation at the general assembly to pass. Once legislation has passed, the changes will go through the Administrative Procedures Act, which is the way to change agency rules and regulations. Ms. Boles also welcomed board members to submit any ideas regarding revisions. Jacqueline Brownell asked if the language in the legislation that Ann Clemmer puts forth is competitive with some of the other states and their private career education departments. Ms. Boles stated that she would look into that and get back with the board.

Update on License Renewals and Expired Licenses

Alana Boles stated that there are 142 schools with current licenses, 43 schools with expired licenses and 6 schools that have indicated they are closed. Tracye McKeown has been making contact with the 43 schools with expired licenses to try to find out if the schools are closed or if they plan to renew their licenses. Danny Knight asked how much time the schools had to renew their licenses. Ms. Boles stated they were given to April 30. Julie Chavis recommended that a record be kept that the schools with expired licenses have been notified. Ms. Chavis offered to draft a letter to the expired schools stating the facts and

giving the schools 14 days to respond to the letter or the school will be closed. In addition, if the school continues to operate, the board does have authority to take action against unlicensed schools. Jack Avery asked what the board's limitations are if a school continues to operate. Ms. Chavis said there would be a board hearing, after that she would ask the board to authorize her to file an action in Circuit Court for an injunction for the school to stop operating. Ms. Chavis added that all administrative remedies have to be exhausted first. Ann Clemmer asked if the letters should be sent registered mail. Ms. Chavis recommended the letters be sent registered mail, regular mail and emailed. Alice Obenshain commented that schools operating and making profits while unlicensed should not be able to do so. Ms. Chavis said that by going through the administrative process of having a hearing, any penalty the board imposed against a school for operating without a license, would have to be cleared up if the school ever came back and wanted to get right with the board. Ms. Chavis added there would be many useful reasons to have an administrative hearing. Mr. Knight recommended that the board move forward with this process. Ms. Chavis recommended that one more letter be sent. Ms. Clemmer also suggested a possible site visit to see if a school is still operating. Brittney Matthews asked what the issue with these 43 schools was. Ms. Boles explained that some of these schools are body art schools and think they only need to pay their renewal fee when they have an apprentice and do not think they have to pay the fee if they have no students because that is the way it was under the Department of Health. Ms. Boles explained that we are trying to communicate with the body art schools that they are either open or closed whether they have students or not. Ms. Chavis suggested a mini training for those schools, but Ms. Boles stated that legislation is being proposed to move the body art schools from the SBPCE's oversight to the Arkansas Department of Health.

Proposed Legislation

Ann Clemmer stated that the Governor has given his approval to move the body art schools over to the Department of Health. This legislation should be approved by the legislature since two agencies are overseeing body art schools and it is consistent with cosmetology. Ms. Chavis commented that she believed it more appropriate for the body art schools to be under the health department for a variety of reasons. Ms. Boles also mentioned proposed legislation to eliminate the oversight of out-of-state private career schools by the ADHE staff and the SBPCE. Alice Obenshain asked who would oversee the out-of-state schools marketing within the state of Arkansas. Ms. Boles stated that she did not believe any government agency in Arkansas would and she believes the oversight would be in their own states. Ms. Clemmer commented that the rationale for this proposed legislation is recruiting by universities in the state of Arkansas is not monitored. Ms. Obenshain stated that private career schools hire recruiters that actively live in Arkansas and recruit at career fairs and high schools. Ms. Clemmer commented that universities do recruit within the state of Arkansas and we do not monitor them. Brittney Matthews asked if that would fall under the school's accreditation and would it be an accreditation rather than a state issue. Ms. Clemmer stated there are certain things that make it a very difficult if not impossible task to monitor and that private entities are put through hoops that larger public entities do not go through. Ms. Clemmer recommended that if anyone has any thoughts or feedback in support or in criticism of this plan, to let her know.

Recommendation of New Board Member

Alana Boles asked for recommendations for a new board member who is associated with private career schools and added that that name will be given to the Governor's office.

Alice Obenshain asked when the next board meeting would be held. Ms. Boles stated the date would be in the middle of December and asked for preferred dates from the board.

Public Comments

Michelle Gambill told the board she appreciated everything they tried to do and her hope is that everything the board is doing will ensure that no one else is scammed the way she was. Ms. Ebony Kimbrough contacted Ms. Gambill and made many promises that Ms. Kimbrough did not keep. Ms. Gambill stated that she was very disappointed and disheartened by what happened and wanted the board to know she appreciated everything they did. Alice Obenshain stated that Ms. Kimbrough's school is trying to get accreditation with the Council on Occupational Education and that the board's findings should be given directly to the Council. Julie Chavis agreed that any findings by the board need to be forwarded to any known accrediting institution and that the findings of law could be added to SBPCE's website. Ms. Clemmer commented that there had been numerous email communications and approximately 20 hours of time spent responding to EK Professionals concerning changing the school's name and to Ms. Kimbrough not wanting to pay the fee to change the school name.

Ann Clemmer asked if there was anything the board needed before the next board meeting other than some information about what is going on in other states concerning the proposed legislation. Alice Obenshain said to let the board know if there is anything the staff needs. Ms. Obenshain added that she wants to make sure that the students in Arkansas are receiving the best that we can offer and to make sure our students are not being taken advantage of.

The meeting adjourned at 10:47 a.m.