

Advisory Council for Licensed Private Career Schools

at

State Education Department
116 W 32nd Street
New York City, New York 10001

September 21, 2016

Minutes

Council Members and Ex-officios Present:

- | | | |
|---------------------------|--------------|---|
| • Michael Hatten | - Chairman | New York Automotive & Diesel Institute |
| • Rabbi Yerachmiel Barash | - Member | Cope Institute |
| • Vincent Ferrara | - Member | Ferrara Beauty School |
| • James Devaney | - Member | American Higher Education Development Corporation |
| • Anthony Civitano | - Member | NYS Beauty School Association |
| • Sheila Simchon-Steinhof | - Member | Steinhof Educational Services |
| • Kevin Smith | - Ex-officio | Deputy Commissioner, ACCES |
| • Gene Brenenson | - Ex-officio | Office of the State Comptroller |
| • Aiesha Battle, Esq. | - Ex-officio | Division of Consumer Protection |

State Education Department:

- Dr. Richard Rose - Director, BPSS

Introduction & Meeting Protocol:

Council members and ex-officio members introduced themselves for the record.

The Chairman asked the Council and audience participants to talk clearly for recording purposes. He explained the meeting format, whereby Council members and ex-officio members talk among themselves during the regular session and audience members will be able to comment and ask questions at the end of the meeting. Hatten thanked the Institute of Audio Research and Matthew Jenifer in particular, for their continued commitment to professionally record Advisory Council meetings. Hatten acknowledged the many years that Gene Brenenson has served the Council, with distinction, upon his announcement that he is leaving the Council. He will be replaced by Diane Gustard, Audit Supervisor, Office of the State Comptroller. Hatten also took the opportunity to introduce Dr. Richard Rose, newly appointed BPSS Director. **(See Attachment)**

Approval of Minutes:

Motion to approve the June 15, 2016 minutes, moved by Dr. Devaney, second Vincent Ferrara, unanimously approved.

BPSS General Update and Status Report, Dr. Richard Rose, Director:

- Rose: Richard introduced himself to the Council. He shared with the Council the areas the Bureau is involved with on a monthly basis; Curriculum, Renewals, Licenses, Complaints and Financial.
- Curriculum: 160 new curricula activity
112 curricula renewals
- Renewals: 28 renewal applications completed
39 currently in process
65 renewals in "Backlog Status"
- License: Teachers / Directors / Agents
Total one month's activity 227. More than 250 calls from students seeking information on schools that have closed.
- Complaints: 20 new complaints received in August, joining the 107 additional complaints currently under investigation.
25 complaints resolved during this one month reporting period.
- Financial: Of the 406 licensed schools, 33 have not filed, on time financials, by the June 30 deadline. Richard indicated that on the policy side, many areas have been discussed. Focus has been on statutory requirements, regulations and how the Bureau operates within these parameters.
- Devaney: Asked about the adequacy of staff to fulfill the Bureau's mission. Richard indicated that current staff levels are adequate to meet the needs of the sector. The reality of future retirements will have to be addressed because when a seasoned education professional retires it invariably causes a void that is hard to fill.
- Ferrara: He expresses concern regarding schools opening in the same area, disadvantaging existing licensed institutions. Richard indicated that in the future the Bureau could provide curriculum availability for designated clusters. Perhaps that level of information could inform potential candidate institution of the relevant facts regarding competition.
- Civitano: Suggested that the Bureau should consider using the Council to assist in vetting new policy guidelines. Richard responded that the Bureau is open to a more inclusive process.
- Hatten: Suggested additional resources be dedicated to student requests for information from closed schools.

Committee Reports:

- | | | |
|-----------------------|---------------------------|---------------------------|
| Student Access | - Shiela Simchon-Steinhof | - Present |
| State Regulatory | - Anthony Civitano | - Report |
| Federal Regulatory | - Dr. James Devaney | - (See Attachment) |
| Institutional Success | - Lauren Weymouth | - Tabled |
| Fiscal | - Jay Fund | - Tabled |

National Coalition of Certification Centers (NC3):

- Hatten: Introduced the concept of building partnerships with independent industry certification bodies.

ATB and Eligible Career Pathway Program:

Hatten: Reported on ATB student outcomes for students enrolled in NYADI's Eligible Career Pathway Programs.

Advisory Council on Postsecondary Education for Students with Disabilities:

Smith: Provided up-date on Council activities. (See Attachment)

Council Appointments:

Hatten: The Governor's appointments (Hatten Chair, Devaney, Ferrara and Steinhof) were approved to serve three year terms, ending December 14, 2018. Barash, Civitano, Weymouth and Fund will continue to serve until replaced or reappointed.

Comments and Questions from the Audience:

Terry Zaleski: Executive Director, Coalition of New York Career Schools, raised concerns regarding the percentage of TRF assessments articulated in Education Law Sections 5001 and 5007. He asserts that TRF assessments are not compatible with the intent of the law. (See Attachment) The Coalition Convention will be held on October 26th through 28th.

Next Meeting:

The next meeting of the Advisory Council will be scheduled for mid December 2016. Location TBD.



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

DEPUTY COMMISSIONER FOR ADULT CAREER AND CONTINUING EDUCATION SERVICES (ACCES)
Tel. (518) 474-2714 Fax. (518) 474-8802

July 28, 2016

To: Licensed Private Career and ESL Schools
From: Kevin G. Smith
Subject: BPSS Director

I am pleased to announce Dr. Richard A. Rose, A.A., B.A., M.A., Ed.D. as the next Director of the Bureau of Proprietary School Supervision.

Dr. Rose has almost three decades of experience in higher education as a faculty member, campus level Assistant Dean, in the NYS Education Department, and in other NYS executive agencies; his specialties being American Indian and military history, terrorism and national security, public administration, research methodology, and educational opportunity programs. After the terrorist attacks of Sept. 11, 2001, he served as the Coordinator of Exercises and Training for the New York State Weapons of Mass Destruction Task Force charged with creating and implementing the post 9/11 terrorism response statewide and has served on the NYS Nuclear Safety Sub-Committee, the Radiological Emergency Preparedness Work Group, and the NYS Homeland Security Senior Advisory Committee since that time. Additionally, Dr. Rose was one of the first nationally to be certified as a Master Exercise Practitioner by the Federal Emergency Management Agency. Dr. Rose served over eleven years as a commissioned officer in command and staff positions in the United States Army. He has earned black belt ranks in four distinct martial art styles.

Dr. Rose is a Board Member of the State Academy for Public Administration, has received the Henry Toll Fellowship from the Council of State Governments, a Kellogg Fellowship from the W.K. Kellogg Foundation, and completed the Harvard University Management Development Program.

Dr. Rose's appointment as Director is effective July 28, 2016.

Michael J. Hatten

From: Jim Devaney <jdevaney@ahed.com>
Sent: Tuesday, September 20, 2016 12:21 PM
To: Michael J. Hatten
Subject: Federal Regulatory

FEDERAL REGULATORY

Even though the Congress is back from summer recess; most of its focus will be on the upcoming November elections. Saying that, we can expect a good deal of attention to be paid on Higher Education; as BOTH candidates are after a younger population that may be concerned with school debt and a decent paying job that was promised by completing college.

The two major recent concerns in the For-Profit Higher Education sector has been the closing of ITT campuses upon the heels of the closing of Corinthian Colleges; and news this week that DeVry University has announced that it would favor the 90/10 rule to be set back to the old rate of 85/15.

The DOE has an agenda to close the for-profit education sector; as been noted by many in Congress as well as many Op-Ed editorials written recently.

Everyone knows that this approach by the DOE takes pressure off government- run and non-profit colleges.

Everyone will be awaiting the terms of the re-authorization of the Higher Education Act in the early term of the next Congress.

JAMES M. DEVANEY, Ph.D.

Chairman and Founder of AHED Corp.

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THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

TO: ACCES Committee
P12 Education Committee
Higher Education Committee

FROM: Kevin G. Smith *Kevin G. Smith*
Angelica Infante-Greene *Angelica Infante-Greene*
John L. D'Agati *John L. D'Agati*

SUBJECT: Advisory Council on Postsecondary Education for
Students with Disabilities

DATE: September 1, 2016

AUTHORIZATION(S):

Margaret E. Cea
SUMMARY

Issue for Discussion

To provide the Board of Regents with updated information on the work activities of the Advisory Council on Postsecondary Education for Students with Disabilities (Council).

Reason(s) for Consideration

For Information.

Proposed Handling

This item will come before the Board of Regents ACCES, P-12 and Higher Education Committees at their September 2016 meeting.

Procedural History

The New York State Disability Services Council recommended the establishment of an Advisory Council in a meeting with Commissioner John King and Regent Christine Cea during their 2013 fall meeting. The implementation plan for the development of the Advisory Council was presented to the Board of Regents at its December 2013 meeting.

Background Information

The Council serves in the advisory capacity to the Regents regarding the needed supports and services for students with disabilities to succeed in college. Co-chairs are Regent Christine Cea and Tamara Mariotti, Immediate Past President, New York State Disability Services Council. The Council's membership includes Department staff from the Offices of Adult Career and Continuing Education Services (ACCES), Higher Education, and P-12 Education and a representative from the following constituency groups:

- New York State Disability Services Council
- State University of New York (SUNY)
- The City University of New York (CUNY)
- Commission on Independent Colleges and Universities
- Association of Propriety Colleges
- Proprietary School Council
- ACCES State Rehabilitation Council
- New York State Commission for the Blind
- Regional Bilingual Education Resources Network
- Parent Group
- Independent Living Centers
- NYS Office for People with Developmental Disabilities
- New York State Office of Mental Health
- Disability Rights New York
- Transition specialists
- Learning Disability Association
- Student Advocate
- Students enrolled in postsecondary education

(See Attachment A for Council member listing.)

The Council held its first meeting on October 24, 2014. Guiding principles were developed and the following operating parameters were established:

- The full Council will meet twice per year, once each in Albany and New York City.
- Four committees were established: Fiscal, Data Collection, Legislation/Regulation and Technical Assistance; and the committees will meet at various times throughout the year.

Committee Activities

Each of the four Committees met throughout the year reviewing SED program activities, analyzing data and listening to representatives from community and state programs providing support to students with disabilities. The committees identified short and long term goals for improving access, participation in and completion of postsecondary pursuits for students with disabilities.

The following is a summary of the issues being explored in the respective committees:

Fiscal Committee: While the Americans with Disabilities Act (ADA) requiring that state and federal institutions be accessible to students with disabilities was signed into law in 1990, many students with disabilities continued to be challenged by inaccessible buildings and programs on college campuses. Physical barriers coupled with staff unfamiliar with reasonable accommodations and ADA requirements are major impediments to the postsecondary success of students with disabilities.

The Fiscal Committee is researching and evaluating the funding streams available to address the reasonable accommodation issues impacting students with disabilities at institutions of higher education. Potential considerations include:

- Expanded support for reasonable accommodation needs of students with disabilities;
- Increased training for faculty awareness and sensitivity of disability issues; and
- Increased college preparation programs to help students with disabilities transition to college life.

Data Collection Committee: This Committee recognized that information on various studies impacting students with disabilities is being collected via multiple systems and by several offices within SED and across the state. However, the resulting data are not shared across programs. The ability to connect these information sources will serve to help in determining the number of students entering postsecondary services; identifying successful model programs; improving services to students and their families; and identifying gaps in services. The Data Collection Committee is exploring options for connecting these independent data sources.

Legislation/Regulation Committee: This Committee will promote the increased use of the existing Reader's Aid program and review and support new legislation and regulations to expand the eligibility requirements for the Reader's Aid program.

Reader's Aid, as overseen by ACCES-VR and administered at the local level by postsecondary education disability service coordinators, provides funding for reader and note taker services to students enrolled in postsecondary education who are blind and/or deaf. Current legislation requires eligible students to meet the legal definition of blindness and/or present with a profound hearing loss (70db). Approximately 200 students in 31 institutions of higher education (IHEs) are participating in this statewide program.

The Committee is exploring the feasibility of expanding the current legislation to:

- Include students with other print disabilities (e.g., learning disability and traumatic brain injury);
- Increase the per student funding allocation; and
- Include the procurement of Assistive Technology to assist students with disabilities in the postsecondary setting in successful completion of coursework.

Technical Assistance Committee: One of the goals of this Committee is to develop a plan for the creation of a "one stop" resource guide containing information on the transition process, available services and supports for students with disabilities. This guide, which would be available to employers, families, students, schools (P-12), college faculty and state agencies, would:

- Be web-based;
- Contain up-to-date information; and
- Allow for easy navigation across multiple service websites.

Related Regents Items

<http://www.regents.nysed.gov/common/regents/files/1213accesd2%5B1%5D.pdf>

Recommendation

With the support of the Board of Regents, the Advisory Council on Postsecondary Education for Students with Disabilities will continue its work on the development of recommendations for the improvement of students' with disabilities access to, success in and completion of postsecondary endeavors.

Attachment

**New York State Education Department
Advisory Council on Postsecondary Education for Students with Disabilities**

Council Members:

- **Chair:** Regent Christine Cea, Member of the Board of Regents, New York State Education Department
- **Co-Chair:** Tamara Mariotti, Immediate Past President, NYS Disability Services Council
- Paula Possenti-Perez, Director, Syracuse University, **New York State Disability Services Council**
- Elizabeth Droz, Ph.D., Assistant Vice Chancellor for Student Affairs, **State University of New York (SUNY)**
- Christopher Rosa, University Assistant Dean for Student Affairs, **The City University of New York (CUNY)**
- Susan Nesbitt Perez, Ph.D. Vice President, Outreach and Financial Aid, **Commission on Independent Colleges and Universities**
- Donna Stelling-Gurnett, Executive Director, **Association of Proprietary Colleges**
- Michael J. Hatten, Chairman/CEO, New York Automotive and Diesel Institute, **Proprietary School Council**
- Roger Purdy, Director, Disability Support Services, LeMoyne College, **ACCES State Rehabilitation Council (SRC)**
- Peter Herrig, Associate Vocational Rehabilitation Counselor, **New York State Commission for the Blind**
- Vacant, **Regional Bilingual Education Resources Network (RBERN)**
- Susan Barlow, Parent Network of Western New York, **Parent Group**
- Mariko Sakita, Founder and President, Project Job, **Parent Group**
- Lourdes Rosa-Carrasquillo, Esq., Director of Advocacy, Center for Independence of the Disabled, New York (CIDNY), **Independent Living Centers**
- Ceylane Meyers-Ruff, Director, Employment and Meaningful Activities, **NYS Office for People With Developmental Disabilities**
- Laura Davis, Mental Health Program Specialist, Bureau of Program Coordination and Support, **New York State Office of Mental Health**
- Erica Marie Molina, Esq., Client Assistance Program (CAP) Director, **Disability Rights New York**
- Patricia Desatnick, Transition Coordinator/Special Education Teacher, Freeport High School, **Transition Specialist**
- Michael Helman, LDA of Western New York-Main Campus, **Learning Disability Association (LDA)**
- Sheila Steinhof, Educational Specialist, Steinhof Educational Services (SES), **Student Advocate**
- Melanie Hecker, Systems Advocate, YOUTH POWER! **Student enrolled in postsecondary education**

New York State Education Department Council Members:

Office of Adult Career and Continuing Education Services

- Kevin G. Smith, Deputy Commissioner
- Debora Brown-Johnson, Assistant Commissioner
- Dora Lee Stanley
- Suzanne Pearson
- Richard Rose

Office of Higher Education

- John L. D'Agati, Deputy Commissioner
- Stanley Hansen

P-12 Education

- Jhone Ebert, Senior Deputy Commissioner
- Angelica Infante, Deputy Commissioner
- Joanne LaCrosse
- Juan Vargas
- Leigh Mountain
- Kristen Desalvatore