

DRAFT MINUTES
STATE OF NEVADA
EMPLOYMENT SECURITY DIVISION
COMMISSION ON POSTSECONDARY EDUCATION

NEVADA COMMISSION ON POSTSECONDARY EDUCATION MINUTES

Topic: Commission on Postsecondary Education
Time: May 4, 2022, 09:00 AM Pacific Time (US and Canada)

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Staff Present during Video Conference

Kelly D. Wuest, CPE Administrator
Maricris Wu, CPE Postsecondary Education Specialist
Susan Beckett, CPE Administrative Assistant III

Members of the Public, Media, Educational Institutions and Other Agencies Present

Todd Weiss, Nevada Attorney General Office, Deputy Attorney General
Kayla Babbitt, Assist to Succeed Northern Nevada
Christina Gamino, Sierra Mountain Education
Christine Meier, Phlebotomy Learning Center of Las Vegas
Heidi Callender, University of Phoenix
Jen Bocchi, Assist to Succeed Northern Nevada
Joel Nelson, Charter Career Academy
Lavel Claytor, Phlebotomy Learning Center of Las Vegas
Lois Harper, Signature Real Estate School
Molly Rose Lewis, Senator Rosen's Office
Shane Reeder, Charter Career Academy
Taylor Murdock, Senator Rosen's Office
Troy Tuke, Mountain View Hospital Paramedic Institute
Jerame Ayers, Academy for Professional Development

Member of the Commission on Postsecondary Education Present during Video Conference Meeting

Nate Clark, Chair
Sharon Frederick, Vice Chair
Jon Ponder
Steven Soares

STATE OF NEVADA
EMPLOYMENT SECURITY DIVISION
COMMISSION ON POSTSECONDARY EDUCATION
MINUTES
May 4, 2022 – 9:00 A.M.

Call to Order

The meeting was held via Video Conference ZOOM. The meeting was called to order by Chair Commissioner Nate Clark at approximately 9:21 AM.

Public Comments

Commissioner Clark asked for public comment – none.

Written Comments

This is Administrator Kelly Wuest, no written comments.

Confirmation of Posting

Kelly Wuest, for the record, Administrator, Commission on Postsecondary Education. Yes, proper Notice and Posting were completed for this Meeting.

Roll Call

- Commissioner Chair Clark - Present
- Commissioner Vice-Chair Frederick - Present
- Commissioner Eade - Excused
- Commissioner Kenny - Excused
- Commissioner Ponder - Present
- Commissioner Rhodes - Excused
- Commissioner Sewell - Excused
- Commissioner Soares - Present

Administrator Kelly Wuest: took roll via verbal and video. Confirmation of a quorum.

Adoption of Agenda:

Motion: Commissioner Frederick – Move to approve adoption of Agenda for May 4, 2022.

Second: Commissioner Soares.

Discussion: None.

Results: Unanimous, agenda is adopted.

Approval of Minutes February 9, 2022, Meeting

Discussion: Commissioner Soares stated he had a correction for the minutes; correction to reflect Christian Jones who is with Senator Rosen’s Office is not in Las Vegas. A change to reflect removal of location stating Las Vegas. Commissioner Clark, on page nine last paragraph where it states, “If you fall between 1.2 to 1.5, they call that the zone” needs to reflect 1.1 and not 1.2.

Motion: Commissioner Soares – Motion to approve the minutes for February 9, 2022, meeting with corrections as stated in discussion.

Second: Commissioner Ponder.
Discussion: None.
Results: Unanimous, motion carries.

Administrators Report

Administrator Kelly Wuest read and explained the submitted Administrators Report (as submitted in the Public Packet Posting) with the following updates:
Quarter 1 2022 updated to reflect 38 unreported institutions and a total of 8,152 new student enrollments.

Commissioner Soares asked about the audit compliance investigator position verses just an auditor. Administrator Wuest explained, the classified job descriptions offered by the State of Nevada and previously the Commission had an audit compliance investigator. VA requires us to perform audits in the form of compliance surveys and risk-based surveys, it is one of the major components. Compliance is obviously at the forefront of everything. This position is the best fit for the funding available.

Applications for Full Term License

Academy of Professional Development

Testified: Jerame Ayers, explained the licensing delays with Southern Nevada Health District for the type of programs offered by Academy of Professional Development.

Motion: Commissioner Frederick – A motion that Academy of Professional Development be extended for an additional nine months.

Second: Commissioner Soares.

Discussion: None.

Results: Unanimous, motion carries.

Assist to Succeed Northern Nevada

Testified: Jen Bocchi, Director and Kayla Babitt, Academic Director were present. Jen Bocchi gave background for the request of extension due to adding additional space for a better lecture area for students. Currently, there are five students enrolled in the program.

Motion: Commissioner Soares – A motion for Assist to Succeed Northern Nevada be extended for an additional nine months.

Second: Commissioner Frederick.

Discussion: None.

Results: Unanimous, motion carries.

Charter Career Academy

Testified: Joel Nelson, Academic Director and Shane Reeder, Director were present at the meeting, gave background of the institution. Shane Reeder requested clarification pertaining to the phlebotomy program and the extension for provisional be changed

to full approval. Joel Nelson explained we did not meet enrollment by the end of the year. However, we currently have students enrolled and we would like to ask for full term licensure. Commissioner Clark as for clarification about the request and for an update as to when it would be possible. Mr. Nelson explained the reason for the request is so the institution can obtain a full license to add additional programs that employers and workforce is asking for. Administrator Wuest explained the requirement for an audit with students that have graduated and asked if there would be graduated from the program by early July? Mr. Nelson stated we should if the students graduate on time. I cannot see into the future, so I cannot say for sure. Commissioner Clark asked Administrator Wuest would the motion be better longer or shorter so that if the school could meet the qualifications they could be heard. Administrator Wuest explained a shorter time frame. Commissioner Clark as the school what time frame would they like to be heard. Mr. Nelson requested six months. Mr. Reeder asked for clarification as to which programs are approved. Administrator Wuest stated right now it is medical assisting and medical equipment, it appears there was an addendum for phlebotomy, so we need to got back and pick that up. We can add that program to the license with no issue.

- Motion: Commissioner Frederick – A motion that the provisional license for Medical Assisting, Medical Equipment Technician and Phlebotomy Technician Programs for Charter Career Academy be extended for an additional six months.
- Second: Commissioner Soares.
- Discussion: None.
- Results: Unanimous, motion carries.

Mountain View Hospital Paramedics Institute

Testified: Troy Tuke, Director represented the institution and available for questions.

- Motion: Commissioner Soares – Full-term license be granted to Mountain View Hospital Paramedic Institute.
- Second: Commissioner Frederick.
- Discussion: None.
- Results: Unanimous, motion carries.

Signature Real Estate School

Testified: Lois Harper, Director for the school and available for questions.

- Motion: Commissioner Soares – Motion to grant full term license to Signature Real Estate School.
- Second: Commissioner Ponder.
- Discussion: None.
- Results: Unanimous, motion carries.

Applications for Initial Provisional Licensure

Sierra Mountain Education

Testified: Christina Gamino, for the school and available for questions. Commissioner Soares asked about recruiting students. Ms. Gamino gave information about the dental assistant program to include marketing and recruiting, options for externships and career placement. Ms. Gamino explained she was previously a director at Milan Institute. Commissioner Soares asked about compliance with the Director having knowledge of NRS 394. Ms. Gamino furthered with her knowledge and the communication between the Director and Instructional staff would be a priority. Commissioner Clark, furthered with the requirements of transcripts, enrollment agreements and even font size are part of the requirements. Make sure you read those regulations as you develop those processes.

Motion: Commissioner Frederick – That a twelve-month provisional license be granted to Sierra Mountain Education to offer the dental assistant program contingent upon receipt of surety bond in the amount of \$62,000, personnel information, facility, and curriculum approval.

Second: Commissioner Soares.

Discussion: None.

Results: Unanimous, motion carries.

Applications for Added Program

Phlebotomy Learning Center of Las Vegas

Testified: Christine Meier, Owner, and Lavel Claytor, Academic Director were present and gave a background for the proposed program as an entry level office person. Commissioner Clark asked about how the school was planning on marketing the program especially with the school's name. Christine explained usage of the school's website but have a special section for this program. All the advertising will direct potential students to that section of the website. Commissioner Clark asked about changing the name and placement after the program. Ms. Meier, they will assist graduates with job interviewing and prep as part of the program. The school has strong ties with the medical community but will be expanding the other areas. If the program is successful, the school will like change its name. Commissioner Frederick requested Administrator Wuest provide details on what is required to for a name change. Administrator Wuest provided information to include a name change does not require commission meeting approval.

Motion: Commissioner Soares – That the Phlebotomy Learning Center of Las Vegas be granted approval to offer the proposed Office Assistant program contingent on personnel information and bond in the amount of \$11,500.

Second: Commissioner Ponder.

Discussion: None.

Results: Unanimous, motion carries.

Subcommittee creation

Creation of subcommittee to review NAC 394

Testified: Commissioner Soares discussed funding and asked questions pertaining to if there was available funding. He did not want to take away from the possibility of using the fifth meeting. Commissioner Clark concurred. Administrator Wuest gave updated information and how we are funded for seven commissioners for five meetings. Today the Commission has budget for seven Commissioners, and we had three missing. That funding becomes available for the addition meetings. A subcommittee would only need funding for the Commissioners assigned.

Commissioner Soares inquired if the committee needed to have a special issue or if we could do a general subcommittee. Deputy Attorney General Weiss stated there is not a requirement that it be specific to one issue. However, because of costs and time expenditure I would be cautious about creating a general subcommittee to look at any number of issues, the other issue it makes it hard to tell if you are crossing the line between fact gathering and possible decision making if you say your going to get together to discuss one issue it is likely you will stay within the bounds of ensuring fact gathering. It is best to stick to one particular issue and if you want to address another particular issue you can do that as well, but I would be cautious about creating a general subcommittee to look at a number of issues all at once.

Commissioner Soares thank you for the information, there may be more issues to look at the Nevada Revised Statues and Nevada Administrative Code that govern. They made need some discussion and fact gathering then bringing those facts back to the commission for a vote. Deputy Attorney General Weiss, I was telling Chair Clark that there does not need to be an official formation of a subcommittee as long as you are staying within the bounds of fact gathering and not decision making and not making recommendations. It does not need to be that formal. You can bring facts back to the full committee, you cannot bring recommendations to the commission. Commissioner Clark, so it sounds like the fact gathering part would be what kind of things are schools supposed to prove to us to show financial stability. Deputy Attorney General Weiss, other jurisdictions, other states, that would all part of fact gathering. Commissioner Clark, at some point somebody has to recommend something to work with a motion of sorts. Would that come from the Administrator's office? Deputy Attorney General Weiss how I would envision that would work is an agenda item on a meeting that would say – Research Findings of Subcommittee that would open it up for a full discussion.

Commissioner Clark, as I was saying the idea is to bring back all the facts and then come up with some kind of suggested process at that point. Where I feel like the schools' input would be important and I am going to come it to other commissions that I am on. At the accrediting commission we do a call for comment when we want to make a change to our standards and that's where we solicit feedback from stakeholders, which would be the schools.

Commissioner Soares asked if you do have a subcommittee and it is required that we bring people in how would be choose from a list of? How many schools we have you can have degree granting, non degree granting, vocational. You would have to include all these different types of schools for input and that could to prolong the meetings. Commissioner Frederick, yeah, we have thousands. Commissioner Soares, you might. Commissioner Clark, can we do a general invitation and just see who shows up versus directed invitations. While it may make it go longer you would certainly get more feedback in. Any other questions comments, any information that anybody would like to bring forward? If not, does anybody have any idea on a potential motion we'd like to make, as far as forming the subcommittee and executing and how do we determine dates?

Commissioner Soares, I would probably like it to be the second month after our meeting? May, June we wouldn't have one. July, we might have one, then in the August is that right with the meeting with August, would be the next meeting? Administrator Kelly Wuest, then we would want to have anything prior to mid-July as we are the agenda packet together.

Commissioner Soares, there's a recommendation, that three Commissioners participate to offset the voting if there's any voting. Commissioner Clark, there shouldn't be any voting because it is fact gathering. Commissioner Frederick, and would just be a recommendation correct? Commissioner Clark really isn't even a recommendation it's just gathering information. Deputy Attorney General Weiss, Chair Clark is correct there can't be recommendations from a subcommittee there can't be any votes from a subcommittee all that can come from a subcommittee is here's what we found in our research is what we found from talking to xyz. This information being brought back. A subcommittee ideally is supposed to work as information being brought back to the full committee, so that the full committee can take the information and vote or take some action from a full committee and open meeting that way everything's in compliance with open meeting law.

Commissioner Frederick, similar to our administrators report, this would be a committee report? Deputy Attorney General Weiss correct yes that's a very good example. Commissioner Clark, I envision the at least the administrator being present, yes, anybody else? Anybody else on staff or all the staff, how would you envision that? Deputy Attorney General Weiss, whoever you think would be helpful and whoever wants to do it there's no requirement that you know certain number staff be president or anything like that it's just whoever you think would be helpful. Commissioner Clark, and then who would coordinate the invitation to all the stakeholders? Deputy Attorney General Todd Weiss, that would probably come from staff, obviously with your input. Maybe somebody on the Commission put together a list of potential invitees and then Administrator Wuest could help coordinate that. Commissioner Frederick, would we need a DAG present? Deputy Attorney General Weiss, it would not be a requirement, but I would because it's kind of first time we're doing this. I would want to present to make sure that we're

staying within the boundaries. Just at least till we get off the ground, like make sure we make sure we're on the right track. Initially, I would like to be a part of that. Commissioner Clark, that would be a good idea, thank you, unchartered territory. Anything else that we should consider before we decide to make some sort of motion on this?

Commissioner Soares, one more question comes to mind before we decide to make some sort of motion on this. So, are we going to decide today if we make the motion to have the subcommittee or is that something we do later? Because who's going to participate, for example? Commissioner Clark, as far as who's going to participate, we don't really need to decide that today we've talked a little bit about some parameters I'd like to see somebody with business lending experience determining loan eligibility does that make sense, just to talk about how they review financial responsibility in terms of can you pay back this loan that you're asking for. I'd like to have somebody with a business background that that does budgeting and forecasting and somebody with State law regulation background that you know can determine if we need to potentially go to legislature to ask for changes. Those are three general topics that I would have liked to see covered as far as stakeholders. I imagine, bringing schools in you'll have some arguing about what financial responsibility is you know I got \$5,000 today I'm fine, but it's got to be compared to what he what are your liabilities going to be in this business right now. Commissioner Frederick, what about the participation of the Legislative Council Bureau, regarding your comment about legislation? Would that help if we had a representative from LCB? Deputy Attorney General Weiss, I would be cautious about that. Having somebody from the LCB again that's it's getting really close to crossing the line for somebody to say, we recommend we propose this legislation, and this change the legislation. It might be something that we could bring information to LCB later in open meeting that would be certainly appropriate. Commissioner Clark, I feel like Administrator Wuest has the expertise that I was talking about, I mean you've worked with that whole process, you understand what the regulation is better than I think most of us. Administrator Wuest, for the legislative part of the pieces I don't know I am sure Chris Sewell does because he is a legislative person for Director. I would go to look for the wording because he will make the necessary changes as every word is critical and we will do all the coordination when we actually formulate what and that change would be. The business impact and the formal meetings, because we have to go through those full stages, before we even get through LCB. Commissioner Clark, I anticipate the fact gathering to lead us to potentially creating some new forms for internal usage I don't think we're going to need to go to legislature, but you know the possibilities there so.

Commissioner Clark, so at this point do we have what we need, or do we need to move into a motion, to create this subcommittee is anybody comfortable making that motion? Commissioner Soares, I would be happy to make a motion.

Motion: Commissioner Soares – To approve the creation of a sub-committee to review fact finding that would be comprised of Commissioner, yet to be determined with the addition of additional members as needed or selected by the search in the first committee meeting?

Discussion: Commissioner Soares, does that work? Deputy Attorney General Weiss, I don't think for the motion to create we have to even go into who will or will not participate. I think just saying that you are motioning to create a subcommittee to study this topic and that what all needs to be membership of that committee can be figured out at a later time. It does not need to be a roster as part of the motion. Commissioner Soares, okay, so the topic being? Commissioner Frederick, Financial stability and required documents of institutions.

Amended Motion: Commissioner Soares, I motion to approve the creation of the subcommittee to review financial stability and required documents of institutions with membership to be determined at a later date.

Second: Commissioner Frederick.

Discussion: None.

Results: Unanimous, motion carries.

Administrator Wuest, asked about scheduling and Chair Clark agreed that he would have input in the meeting schedule with Administrator Wuest querying the Commissioner for availability. All the institutions can be invited to participate and help provide input and research which will be very beneficial. Commissioner Soares, I am volunteering to be on the subcommittee. Commissioner Frederick, same with me I volunteer to be on the subcommittee. Commissioner Clark, well, I will volunteer also then. Commissioner Clark to meet with the Administrator concerning scheduling.

Public Comment

None.

The meeting was adjourned by Commissioner Clark. Time: 10:40 a.m.