

STEVE SISOLAK
Governor

STATE OF NEVADA

KELLY D. WUEST
Commission Administrator

ELISA CAFFERATA
Director



LYNDA PARVEN
Administrator

DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION
EMPLOYMENT SECURITY DIVISION
500 E. THIRD STREET
CARSON CITY, NEVADA 89713-0001

Nevada Commission on Postsecondary Education
NOTICE OF PUBLIC MEETING

Post Date: July 29, 2021

The Commission on Postsecondary Education will conduct a meeting on **August 4, 2021**, commencing 9:00 a.m., at the locations listed below via videoconferencing:

THIS MEETING WILL BE HELD VIA VIDEOCONFERENCE ONLY

The public may observe this meeting and provide public comment during the public comment section on Zoom.
Topic: Commission on Postsecondary Education Time: August 4, 2021 09:00 AM Pacific Time (US and Canada)

Join Zoom Meeting

<https://zoom.us/j/98026074274?pwd=WVFBZjVxL0FyQnIraTYvY3N0Z0kydz09>

Meeting ID: 980 2607 4274

Passcode: 023934

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149.137.68.253 (Mexico)

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64.211.144.160 (Brazil)

69.174.57.160 (Canada Toronto)

207.226.132.110 (Japan Tokyo)

Passcode: 023934

According to NRS 241.020, Meeting Materials are available at:

The Commission may take items out of order; combine two or more items for consideration; remove an item from the agenda; or, delay discussion on any item. The Commission will take public comment at the beginning and end of this meeting and may allow public comment after conclusion of any contested case or quasi-judicial proceedings that may affect the due process rights of an individual. The Commission will limit public comment to three minutes. Written submissions may be considered. While there will be no restriction on comments based on viewpoint, repetitive comments may be limited.

AGENDA

General Business

- A. Call to Order -----Informational
- B. Public Comment-----Informational
Chair may limit public comment to 3 minutes per speaker but may not restrict comment based upon viewpoint. No action may be taken upon a matter raised under the public comment period, unless the matter itself has been specifically included on this agenda as an action item.
- C. Review Written Comments-----Informational
- D. Confirmation of Posting and Opening Meeting Compliance-----Informational
- E. Roll Call and Confirmation of Quorum-----Informational
- F. Adoption of Agenda -----For possible action
- G. Approval of May 5, 2021 Minutes-----For possible action
- H. Adoption of 2022 Meeting Dates -----For possible action
- I. Administrator’s Report -----Informational

Applicants for consideration of a Full-Term License

- J. Aviation Institute of Maintenance -----For possible action
- K. Choice Business Academy -----For possible action
- L. Community Ambulance Health Science Center -----For possible action
- M. Gurnick Academy of Medical Arts-----For possible action
- N. Laurus College -----For possible action
- O. Southeastern University -----For possible action
- P. SW Compliance & Safety Training Institute -----For possible action

Applicants for consideration of Initial Provisional Licensure

- Q. Grand Canyon University -----For possible action
- R. PDH Academy-----For possible action

Applicants for consideration of Added Program

- S. Northwest Career College -----For possible action

Elections

- T. Election of Officers -----For possible action

Comments

- U. Public Comment-----Informational
Chair may limit public comment to 3 minutes per speaker but may not restrict comment based upon viewpoint. No action may be taken upon a matter raised under the public comment period, unless the matter itself has been specifically included on this agenda as an action item.

Adjournment

- V. Adjournment -----For possible action

A copy of the meeting Notice and Agenda can be requested either in person or by written request to the Commission on Postsecondary Education, 2800 E. St. Louis Avenue, Las Vegas, Nevada 89104; email at sbeckett@detr.nv.gov; or telephone Susan Beckett at (702) 486-2898 or fax request to (702) 486-7340. Copies of pertinent documents will also be made available on the CPE and DETR website at: <http://cpe.nv.gov> and <http://detr.nv.gov>.

NOTE: Written comments must be received by the Commission on Postsecondary Education on or before August 2, 2021 at the following address:

Department of Employment, Training and Rehabilitation
Employment Security Division
Commission on Postsecondary Education
Attn: Susan Beckett
2800 E. St. Louis Avenue
Las Vegas, NV 89104
Or via e-mail at sbeckett@detr.nv.gov

NOTE: Persons with disabilities who require reasonable accommodations or assistance at the meeting should notify the Commission on Postsecondary Education in writing at 2800 E. St. Louis Avenue, Las Vegas, Nevada 89104, or contact Susan Beckett at (702) 486-2898 or e-mail sbeckett@detr.nv.gov (*for individuals who are deaf or have hearing disabilities, dial TTY (800) 326-6868 or 711 for Relay Nevada*) or send a fax to (702) 486-7340 within 72 hours of meeting date and time. Supporting materials as provided for in NRS 241.020(5) may be obtained by contacting Susan Beckett at the above-noted contact information.

Notice of this meeting was mailed to groups and individuals as requested at the following locations on or before 9 a.m. on the 3rd working day prior to the scheduled meeting date.

1. Commission on Postsecondary Education principal office at, 1860 E. Sahara Avenue, Las Vegas, NV 89104
2. DETR – State Administrative Office, Stan Jones Building, 2800 E. St. Louis Avenue, Las Vegas, NV 89104
3. DETR – State Administrative Office, 500 E. Third Street, Carson City, NV 89713
4. Grant Sawyer Building, 2501 Washington Street, Las Vegas, NV 89101
5. State Capital Building, 101 N. Carson Street, Carson City, NV 89701

Notice of this meeting was posted on the Internet on the following websites: DETR's Public Notices website at: http://detr.nv.gov/Page/PUBLIC_NOTICES, the State of Nevada's Public Notices website at: <https://notice.nv.gov/>, the Commission on Postsecondary Education page at www.cpe.nv.gov and the Administrative Regulation Notices website at: <http://www.leg.state.nv.us/App/Notice/A/>.

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

This meeting conducted by the Commission on Postsecondary Education Chapter 394 of Nevada Administrative Code pursuant to Nevada Revised Statute NRS 394.383. Under the Emergency Directive of Governor Sisolak 006; Subsection 1; The requirement contained in NRS 241.023 (1)(b) that there be a physical location designed for meetings of public bodies where members of the public are permitted to attend and participate is suspended.

NEVADA COMMISSION ON POSTSECONDARY EDUCATION MINUTES

Topic: Commission on Postsecondary Education
Canada)

Time: May 5, 2021 09:00 AM Pacific Time (US and

Join Zoom Meeting

<https://zoom.us/j/92345345619?pwd=WVRBTXhleHROSEJpMGxYcjdPMFVKUT09>

Meeting ID: 923 4534 5619

Passcode: 992463

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Meeting ID: 923 4534 5619

Passcode: 992463

According to NRS 241.020, Meeting Materials are available at:

https://detr.nv.gov/page/public_meetings

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 and Other Agencies
Present in Las Vegas**

Robert Whitney, Nevada Attorney General Office Deputy Attorney General
Jerame Ayers, Academy for Professional Development
Elvia Barba, United Education Institute
Jennifer Bocchi, Assist to Succeed Northern Nevada
John Bocchi, Assist to Succeed Northern Nevada
Joe Fitzpatrick, Signature Real Estate
Jessica Ford, Vandelay Education
Pete Gilkey, Vandelay Education
Alexis Lodge, Live Savers Training Center, LLC
Darren Nelson, MyComputerCarer
Joel Nelson, Charter Career Academy
Linda Montgomery
Dan Pryor, MyComputerCareer
Shane Reeder, Charter Career Academy
Ryan Sattleberg, MyComputerCareer
Sammantha Sidorakis, Vandelay Education
Haylee Stephens
Josh Swayne, Charter Career Academy

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

Nathan Clark, Chair
Sharon Frederick, Vice Chair
Vincent Eade
Thomas Kenny
Joseph Rhodes
Steven Soares

STATE OF NEVADA
EMPLOYMENT SECURITY DIVISION
COMMISSION ON POSTSECONDARY EDUCATION
MINUTES

May 5, 2021 – 9:00 A.M.

Call to Order

The meeting was held via Video Conference ZOOM. The meeting was called to order by Chair Commissioner Nathen Clark at approximately 9:00 AM.

Public Comments

Commissioner Clark asked for public comment – no public comment. Susan Beckett confirmed no public comment via reactions or chat. Commissioner Clark explained the use of chat and reactions. Final – no public comment.

Written Comments

This is Susan Beckett, no written comments.

Confirmation of Posting

Susan Beckett, for the record, Administrative Assistant III, Employment Security Division, Commission on Postsecondary Education. Yes, proper Notice was provided for this Meeting, in accordance with Governor Sisolak's Declaration of Emergency Directive 006; Subsection 1; The requirement contained in NRS 241.023 (1)(b) that there be a physical location designated for the meeting of public bodies where members of the public are permitted to attend and participate is suspended. The meeting will be held via videoconference only.

Roll Call

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

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

Adoption of Agenda:

Motion: Commissioner Rhodes – Move to approve adoption of Agenda for May 5, 2021 removing item number 9 – Snap Medical Assistant Academy.

Second: Commissioner Eade.

Discussion: None.

Results: Unanimous, agenda is adopted.

Approval of Minutes February 3, 2021 Meeting

Motion: Commissioner Frederick – Motion to approve the minutes for the meeting that was held on February 3, 2021.
Second: Commissioner Soares.
Discussion: None.
Results: Unanimous, motion carries.

Administrators Report

Administrator Wuest began with before I begin the report, I would like to introduce a new commissioner, Mr. Steven Soares who was appointed on May 1st. He did all this paperwork diligently, we got him in the agenda, and he is here today.

Commissioner Clark, welcome Mr. Soares.

Commissioner Soares Thank you, Commissioner Clark. Glad to be here.

Administrator Wuest, we now have a full commission. We have not had a full commission in close to two years.

Administrator Wuest read the Administrators Report that was prepared on April 26, 2021.

1.COVID 19 Update

May 1, control went over to jurisdictions Clark County was pretty good and received their plan to increase capacity to 80%. I just received notice that Washoe County increased capacity to 50%. There are differences between the two primary areas and some areas of the state have opened up fully. Our temporary approvals are still in effect until we are out of this situation and we have had institutions ask to continue to have the option to remain online because they figured out how to make it happen, especial for institutions serving rural areas where they may do part of it, online and the practical on site. It definitely lends to providing additional training for people. There's been no additional closures related to the pandemic. We do have a couple of institutions that have stayed offline because of the physical contact required of the occupation or the owner or primary people teaching have gotten ill. We are hoping those will come back online soon.

2. Accreditation News

Accrediting Council for independent Colleges and Schools (ACICS) –
At the February 25, 2021, at the National Advisory Committee of Institutional Quality and Integrity has recommended removal of the recognition of accreditation for ACICS. This recommendation has been provided to the U.S. Department of Education who has 90 days to make a determination. No additional information has been provided at the NASAPS quarterly meeting with DE staff. Currently, CPE has two institutional remaining with ACICS accreditation. Laurus College which is dually accredited with Distance Education Accrediting Commission (DECA) and Southern States University which has been determined eligible to proceed with candidacy to WASC Senior College and University Commission.

3. Legislative Session

The following are bills that CPE are following. Nevada legislative information can be found at: <https://www.leg.state.nv.us/>

AB 169 – Restricts certain recruitment activities for private postsecondary institutions, added to “substantially failed to furnish the contracted education in the refund policy, adds 3-day cancellation requirements and sets additional requirements for student enrollment agreements. This bill has passed through the Assembly and will be heard in the Senate Education Committee on April 28, 2021. One positive aspect is when we were going through the Art Institute receivership this would have provided protection to students that did not have any and they had to attend. To the endpoint of the program I see it, possibly some additional benefit there and then it updated a couple of items related to the enrollment agreement if this passes it is to take effect on October 1, 2021.

AB 382 – This bill was introduced to establish student loan license to Nevada but would make conforming changes to CPE. Sections 51 to 67 deal with the proposed changes to NRS 394. This is highlighted changes proposed but not all encompassing.

- Creation of a new licensing category for “private postsecondary vocational institutions” with more stringent operational requirements, reporting to CPE, and financial viability determination by CPE. This new classification of licensing will impact 65% of our current institutions and 83% of institutions in the application processing.
- Prohibit all institutions from withholding a transcript or registration privileges for failing to make payments.
- Requires the “transfer” of student records to any other institution in the State and permits students to challenge record involving Commission hearing.
- Restrict recruitment activities and redefines agents in conflict with existing regulations which will impact both secondary and postsecondary institutions.
- Expands advertising prohibitions to NRS and adds term “by implication” to the verbiage.
- Requires a 5-day contract cancellation for all institutions.
- Requires all student facing documents be “pre-approved” by CPE. Currently, staff conduct a 2-year renewal where documents are reviewed and at times when programs are modified or added. This alone will have a significant impact on staff workload.
- Allows for Nevada residents to file student complaints for institutions not licensed by CPE and including out of state institutions participating in NC-SARA. Requires CPE to respond but provides not authority under the requirement.

CPE staff have placed a fiscal note on this bill as the implementation will require substantial resources to implement and track. The required resources include 1.0 FTE Compliance Audit Investigator and IT solution to computer CPE. This system was approved in the last legislative session but eliminated in the budget cuts that occurred this summer. The Commission will need to make several amendments to the NAC if the bill passes.

AB 253 – Expands open meeting law to permit virtual meetings. This could provide greater attendance at meeting and decrease Commissioner time to attend meeting.

5. Budget

Starting January 2021, state employees were required to take 1 furlough day per month through June 30, 2021. We have not heard if this will be extended. This has result in a reduction in the reimbursement funds for the VA agreement and impacts staff workload. Travel restrictions are still in place for staff resulting in a cost saving for the state budget and reduced reimbursement for VA agreement. The mandatory furlough has extended the backlog of applications and staff is currently working in December 2020 submissions.

CPE's budget for the 2022/2023 budget cycle was approved as submitted. This budget is static from our current budget.

6. Commission Pay – Staff is attempting to resolve the issues with Commissioner pay with DETR HR and requests that if payment is not received within 30 days to contact the CPE office.

VA Education Specialist has tendered her notice, she is moving across country. We will have an open position for an Education Specialist for the VA Education Program. I do not have a timeframe yet on when the position will come out.

7. Quarterly Report – With 46 schools unreported, the total enrollment for the January 1, 2021 – March 31, 2021 quarter stands at 7,781 new students. An update will be provided at the meeting.

Update – 9,609 with 38 unreported

Q4 2020 updated to 7,733

Q3 2020 updated to 9,576

| Jan – March 2021 | Jan – March 2020 | Jan – March 2019 | Jan – March 2018 | Jan – March 2017 |
|---------------------|---------------------|---------------------|---------------------|---------------------|
| 7,024 | 7,878 | 8,182 | 8,277 | 6,011 |

8. CPE Quarterly Activities – January 1, 2021 – March 31, 2021

| CPE Activity | Number of Application s Processed | CPE Activity | Number of Application s Processed |
|-------------------------------|---|--|--|
| License Renewals | 14 | Agent Permits | 16 |
| Experiential License | 2 | VA Compliance Visits/Other Visits | 1 |
| School Change of Ownerships | 0 | VA Program Approvals (individual programs) | 374 |
| Distance Education Exemptions | 3 | SARA Notifications | 3 |
| License Evaluations | 6 | School Audits | 5 |
| Added Facility | 2 | Added Program | 5 |
| Program Modifications | 3 | Transcripts | 108 |

9. CPE Formal Student Complaints: January 1, 2021 – March 31, 2021

CPE received to informal student complaints. In both cases, students were provided the process to file a complaint but as of now, neither student has submitted the required documents.

Commissioner Clark – AB 382; gave information about fees and how this appears to be a national movement.

Applications for Full Term License

Arch Dental Assistant Academy (Reno Dental Assistant School)

Testified: Samantha Sidorakis Compliance Associate at Vandelay Education. We are requesting the extension for the provision licensure.

Commissioner Clark, the reason for the extension is the institution has not enrolled students at this time, this will enable the institution some time to enroll students, hopefully graduates. Nothing else in the application has changed, this is just an extension.

Motion: Commissioner Frederick – A motion that the provisional license for Arch Dental Assisting Academy be extended for an additional nine months.

Second: Commissioner Eade.

Discussion: None.

Results: Unanimous, motion carries.

Live Savers Training Center LLC

Testified: Alexis Lodge – Gave background of the six-week nursing assistant program. They have had 56 students enrolled and graduated 48 students. An overall pass rate of 94% year to date for our students. We are in compliance with the Nevada State Board of Nursing.

Commissioner Eade, I noticed in the file that it says that prior credit is not evaluated, would you speak to that, please. Lodge replied, this is an entry level introduction to healthcare, so there is no prior training before this actual level of nursing assistant training. Prior credit not given per Nevada State Board of Nursing requirements. Commissioner Eade furthered, if someone were to take the training two or three years prior to join you, they would not be evaluated if they did it somewhere else, obviously. Lodge responded, you only have two years for the Nevada State Board of Nursing, and you can do your CNA renewal. After the two years it expires, you must take the CNA class over. A person can come from another state and endorse their CNA license. For the State of Nevada, you cannot do a transfer of credits and will have to take the nursing assistant program over again. Commissioner Eade, thank you for the clarification.

Commissioner Clark, if a student came to you and they had done a CNA training within the last two years, you probably wouldn't accept them into your program? Lodge replied, if they have done CNA training within the last two years, they can just take the CNA exam for the State Board. Commissioner Clark, what is somebody might feel like I need some refresher training, but that would be the only case to even look at those credits? Lodge furthered; we can offer a refresher training because we are approved to teach continuing education credits for the nursing assistant program.

Motion: Commissioner Frederick – A motion that full term licensure be granted to Live Savers Training Center LLC.
Second: Commissioner Rhodes.
Discussion: None.
Results: Unanimous, motion carries.

MyComputerCareer

Testified: Darren Nelson, Executive Director spoke and introduced, Ryan Sattleberg, Director of Military Operations and Dan Pryor, Chief Operating Officer. Mr. Nelson stated they were applying for the fuller term licensure and they have a fairly small population of students for their annual report with five out of the seven students placed in the field with one looking to get a job offer any day.

Commissioner Clark stated he was curious about the summary of findings. There were two findings, how did you correct the issues? Mr. Nelson replied, I spoke with Maricris and we had the documentation, it was in the file. Commissioner Clark furthered; the assistance took place it just wasn't recorded? Mr. Nelson replied, yes it was in the file. I think it might have been overlooked. Commissioner Clark, then we the adding the credits to your completion certificate, seems easy enough. Mr. Nelson, yes, the final certificates were reissued to the students.

Commissioner Frederick, could you clarify regarding real life experience from the military or transfer of credits perhaps some type of training that veterans have already received? Mr. Nelson, yes we do have a price per credit process where we evaluate any type of prior education, prior experience before the enrollment so student or prospective students would be able to bring that to the table and we would analyze that to review for acceptance.

Motion: Commissioner Frederick – A motion that MyComputerCareer be approved for full term licensure.
Second: Commissioner Rhodes.
Discussion: None.
Results: Unanimous, motion carries.

United Education Institute

Testified: Elvia Barba, Regulatory Compliance Specialist, requested an extension of a provisional license and audit to give them time to graduate the first group of students. The school recently opened to the public in October 2020 and estimates the first group of students who will graduate the end of July/first week of August.

Motion: Commissioner Rhodes – Motion to grant provisional license for United Education Institute be extended for six months.
Second: Commissioner Soares.
Discussion: None.
Results: Unanimous, motion carries.

Applications for Initial Provisional Licensure

Academy of Professional Development

Testified: Jerame Ayers, CEO and owner of Academy for Professional Development. This is an EMT school and I have been working between CPE and Southern Nevada Health District. Additionally, I have Security Programs, a thirty-day Physical Security Specialist, and then our Executive Protection. I am a service-connected disabled veteran owned business registered with the VA. Currently, this will be my secondary site here in Las Vegas. We currently operate in California.

Commissioner Frederick, could you speak as to the Nevada Campus Director concerning residency, has that been resolved? Mr. Ayers, yes one of my directors is a prior army flyer he has flown helicopters and he is going to be my director. I have to wait on the medical side because I have to go through the Southern Nevada Health District, but with my military connections out here as well, I have a bunch of medics that are chomping at the bit to be able to teach students public and prior military. Commissioner Frederick, thank you for hiring veterans.

Commissioner Kenny, can you speak to us a little bit about what you've done in terms of clinical agreements for the students to get their practical training. Mr. Ayers, with regards to EMT, I do have a few hospitals in the area that we are going to be working with and some are interested in direct hires of graduates.

Commissioner Clark, can you tell us a little bit about the pass rates and national exam pass rates for the EMT in the California location? Mr. Ayers, you have six attempts to pass the national exam to get your card. The national average is about 60% and ours is slightly higher.

Commissioner Clark, I do have a question for Administrator Wuest. I see a couple of contingencies here but there's also this completion certificates revisions required do we need to add that to the contingencies, or do we wait until their audit comes up? Administrator Wuest, we work with him for the minor corrections that they have. It is some minor revisions that need to happen with student documents. There is a catch-22 with the Southern Nevada Health District needing to approve instructors and curriculum to finalize documents.

Deputy Attorney General Robert Whitney, I may have missed it but the bond recommendation, has it been approved or is it still remaining? Administrator Wuest, I believe Mr. Ayers sent me the original bond. Mr. Ayers, you had a copy but now you have the original. Mr. Whitney, thank you.

Motion: Commissioner Frederick – That a twelve-month provisional license be granted to Academy for professional Development to offer the emergency medical technician, executive protection specialist and physical security specialist programs contingent upon facility, personnel information, and curriculum approvals.

Second: Commissioner Eade.

Discussion: None.

Results: Unanimous, motion carries.

Assist to Succeed Northern Nevada

Testified: Jennifer and John Bocchi, owners of Assist to Succeed Northern Nevada. We are looking for a 12-month provisional license for Assist to Succeed Northern Nevada. It is a dental assisting school and that is a ten-week program.

Commissioner Eade, what is your strategy for placing students? Jennifer Bocchi, a little background we own three dental offices in Northern Nevada Reno area. What we have found since we have been practicing since 2005 is it is become more and more challenging to find employees and dental assistants. Right now, we have put an add out to try to find staff and it is almost impossible to even get an application. There is extreme demand right now for dental assisting people. I have been working with the President of the Board of Academy of General Dentistry and the Northern Nevada Dental Society, we have connections with friends and other dentists in town so there is an extremely high demand right now for dental assistants.

Commissioner Clark, I can attest to what Dr. Bocchi mentioned the need for dental assistants because I have had three different dentists in the Reno area over the years try to convince me to start a dental assistant program. The reason I have not is because every other dentist I talked to says that dental assistants coming out of schools tend to not be ready to go to work. How do you plan to address that in the ten-week program when other schools are much longer? Jennifer Bocchi, we have seen that ourselves and we take great pride in the type of dentistry we do. The technology we must train the students with the type of dentistry we are doing. We have the opportunity in our three different offices for them to see what is going on in all of them. Our plan is to have the opportunity for students to come shadow and even be able to get their hands wet a little bit with what we are doing. There are a lot of schools out there, they do not get hands on experience and I think that is the challenge. I know what we have gone through and knowing what we have seen with the other schools out there we are going to be able to really coach and train the students on what dentists are really looking for.

Commissioner Rhodes asked about barriers to the cost of the program and offered suggestions as to opportunities of sponsoring a student and programs for tuition assistance. Jennifer Bocchi responded with marketing plans, evaluations and they are open to options with regards to funding options.

Motion: Commissioner Rhodes – Motion for a twelve-month provisional license be granted to Assist to Succeed Northern Nevada to offer the diploma program in comprehensive dental Assisting contingent upon faculty, facility approval and surety in the amount of \$22,000.

Second: Commissioner Soares.

Discussion: None.

Results: Unanimous, motion carries.

Charter Career Academy

Testified: Shane Reeder, Director of Charter Career Academy, introduced Joel Nelson, Academic Director and Josh Swayne the CEO. This a new model for us with Charter. We are taking this direction because of some things that we are observing in the marketplace and the student demand. Charter Career Academy is going to

be offering certificates of completions for industry recognized certificates for demand healthcare careers. Reeder furthered with detailed explanations of the programs, hours and cost information.

Commissioner Clark, thank you for the background and descriptions, question relative to the cost of the programs. You said you are not Title IV approved. I think you mentioned setting up payment plans for those that are not eligible for those types of payments. Mr. Reeder explained we will have payment plans with options that once a student makes the initial payment, they will be able to access the curriculum and be required to make payments. Commissioner Clark furthered; I am curious if you have read the SB 382 because it fits right in. Shane Reeder, I have had the opportunity to listen to Administrator Wuest testify and those hearings are interesting to watch. I concur with you, Commissioner Clark that these appear to have a national presence that is being spread as I look at legislation in other states as well.

Motion: Commissioner Kenny – That a twelve-month provisional license be granted to Charter Career Academy to offer the diploma program in Medical Assisting programs with Lab and Externship options, Phlebotomy and Medical Equipment Technician programs contingent upon faculty and curriculum approvals and surety in the amount of \$96,000.
Second: Commissioner Frederick.
Discussion: None.
Results: Unanimous, motion carries.

Signature Real Estate School

Testified: Joe Fitzpatrick; we were granted a provisional license a year ago. Due to a serious medical issue and hospitalization, I missed the deadline for the contingencies within the six-month timeframe.

Commissioner Clark so we have an extension? Administrator Wuest, no it's not an extension because they did not fulfill all the contingencies within the six-month timeframe. Because of that, they became ineligible for it, it terminated. As of today, they have fulfilled all the contingencies and should not have a problem because the license can be issued.

Motion: Commissioner Rhodes – That a twelve-month provision license be granted to Signature Real Estate School, LLC. to offer two pre licensing courses in Real Estate Essentials 90-hour Pre-Licensing Course and the Real Estate Essential 18-hour Nevada State Law Pre-Licensing Course.
Second: Commissioner Frederick.
Discussion: Commission Kenny asked for clarification about the 90-hour program since the requirement increases to 120 hours in October. Mr. Fitzpatrick responded that the Real Estate Division will be issuing a separate course for the additional 30 hours when it becomes effective. Administrator Kelly added that as with all of the Real Estate schools, the schools will be able to add the 30 hours as it is a statutory change from required for licensing. She explained that there has been delays in implementation and will adjust licenses when the time comes. Commissioner Kenny, thank you for clarifying.

Results: Unanimous, motion carries.

Snap Medical Assistant Academy

Removed from agenda after posting.

Public Comment

None.

The meeting was adjourned by Commissioner Clark. Time: 10:12 a.m.

DRAFT

To: CPE Commissioners
From: Kelly D. Wuest, Administrator
Subject: 2022 Proposed Meeting Schedule
For Action: August 4, 2021

Attached are the proposed meeting dates for review, modification, and/or discussion and adoption of the 2022 meeting schedule.

The Commission is authorized by statute to meet a minimum of four times per calendar year and has traditionally met on Wednesday of February, May, August and November.

Included are the calendars for the month of the proposed meetings. The Commission can select to move any date due to scheduling conflicts. The application submission date will be a minimum of 60 days prior to the scheduled meeting date.

Proposed Scheduled

| Meeting Date |
|------------------|
| February 9, 2022 |
| May 4, 2022 |
| August 3, 2022 |
| November 2, 2022 |

| Application Submission Deadline |
|---------------------------------|
| December 8, 2021 |
| March 4, 2022 |
| June 3, 2022 |
| September 2, 2022 |

| February 2022 | | | | | | |
|---------------|----------------------|-----|------------------|-----|-----|-----|
| SUN | MON | TUE | WED | THU | FRI | SAT |
| | | 1 | 2 | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 CPE Meeting | 10 | 11 | 12 |
| 13 | 15 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 Presidents Day | 22 | 23 | 24 | 25 | 26 |
| 27 | 28 | | | | | |

| May 2022 | | | | | | |
|----------|--------------------|-----|------------------|-----|-----|-----|
| SUN | MON | TUE | WED | THU | FRI | SAT |
| 1 | 2 | 3 | 4 CPE Meeting | 5 | 6 | 7 |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 |
| 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| 29 | 30 Memorial Day | 31 | | | | |

| August 2022 | | | | | | |
|-------------|-----|-----|------------------|-----|-----|-----|
| SUN | MON | TUE | WED | THU | FRI | SAT |
| | 1 | 2 | 3 CPE Meeting | 4 | 5 | 6 |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| 21 | 22 | 23 | 24 | 25 | 26 | 27 |
| 28 | 29 | 30 | 31 | | | |

| November 2022 | | | | | | |
|---------------|-----|-----|------------------|--------------------|--------------------|-----|
| SUN | MON | TUE | WED | THU | FRI | SAT |
| | | 1 | 2 CPE Meeting | 3 | 4 | 5 |
| 6 | 7 | 8 | 9 | 10 | 11 Veterans Day | 12 |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 20 | 21 | 22 | 23 | 24 Thanksgiving | 25 Family Day | 26 |
| 27 | 28 | 29 | 30 | | | |

Administrators Report Prepared July 26, 2021

1. COVID 19 Update

Temporary approvals for distance education remain in place for both state licensing and for the VA educational benefits program. The distance education approval for VA education benefits is slated to expire on December 21, 2021.

There are still several colleges and universities operating via distance education or a hybrid model. Some institutions have submitted accrediting body approvals for permanent distance education approval for at least some programs. As this does not change the license, CPE is acknowledging the change. Moving to a distance education format may affect an institutions eligibility for approval and the veterans BAH. CPE is seeing a similar request for the unaccredited NCD's. What is unknown is whether the change in modality impacts the quality of education and student learning.

2. Accreditation Updates

Accrediting Council for independent Colleges and Schools (ACICS) – on June 2, 2021, the U.S. Department of Education terminated ACICS's recognition as an accrediting body. An appeal was filed to reverse the decision on July 5, 2021. Currently, CPE has two institutional remaining with ACICS accreditation. Laurus College which is dually accredited with Distance Education Accrediting Commission (DECA) and would not be impacted by the termination of recognition. Southern States University which has been determined eligible to proceed with candidacy to WASC Senior College and University Commission may experience issue depending the time required to complete the WASC process.

3. Legislative Session

AB 253 – Changes open meeting law to address meeting via video conferencing and changes to required notices in emergency situations.

AB169 – Changes to NRS 394.441 and NRS 394.449 and adds a new section concerning recruitment. The enrolled bill is attached for your review.

- Added requirements to the enrollment agreement and catalog
- Requires institutions to provide the student with the opportunity to ask question prior to signing an enrollment agreement
- Requires a three-day cancellation policy and clear language on how to cancel enrollment
- Requires institutions to have a disclosure page on their website concerning filing complaints with the Commission
- Requires the Commission to adopt regulations to impose a file concerning the disclosure page
- Changes the refund policy to include provisions for student to receive funds if the institution cancels the program.

Staff is working to update agency forms to address the changes and will hold workshops in August and September for institutions needing assistance with implementing the changes. The effective date of the change is October 1, 2021.

4. DE Hearing

In June, Commissioner Soares attend the three days of hearings with the U.S. Department of Education. He spent many hours listening to testimony concerning major student issues. He provided a spreadsheet with the major topics. (Spreadsheet attached)

5. Institutional Closures and Newly Licensed

University of Phoenix has notified CPE of a planned teach out of the Las Vegas Campus as part of a strategic plan to reduce their footprint of campuses on the west coast. The plan has been submitted to the accrediting body for approval and CPE will receive once approved. The anticipated time from we be between 2023-2025 depending on student programming.

The following institutions have fulfilled contingency items and have been issued a provisional license last quarter:

Avalon Institute
 Aveda Institute of Las Vegas
 Signature Real Estate
 Sonders CNA

5. Staffing Changes

I would like to welcome Ryan Rishling who has accepted the position of VA Education Specialist with CPE starting August 9th. He comes to CPE with over 15 years' experience in high education working in both public and private institutions.

I would like to recognize Michelle Hill for her five years of service with CPE and congratulate her on the new position with the Virginia SAA. She is currently the NASAA Vice President and will become the NASAA President this month

6 **Quarterly Report** – With 41 institutions unreported, the total enrollment for the April 1, 2021 – June 30, 2021 quarter stands at 5,340 new students. An update will be provided at the meeting.

Q1 updated to 10,110

| April-June 2021 | April-June 2020 | April-June 2019 | April-June 2018 | April-June 2017 |
|-----------------|-----------------|-----------------|-----------------|-----------------|
| 5,340 | 8,371 | 6,988 | 7,449 | 5,814 |

7. CPE Quarterly Activities – April-June 2021

| CPE Activity | Number of Applications Processed | CPE Activity | Number of Applications Processed |
|-----------------------------------|----------------------------------|--|----------------------------------|
| License Renewals | 8 | Agent Permits | 24 |
| Experiential License | 2 | VA Compliance Visits/Other Visits | 5 |
| School Change of Ownerships | 0 | VA Program Approvals (individual programs) | |
| Distance Education Exemptions | 6 | Transcripts | 100 |
| License Evaluations | 2 | School Audits | 7 |
| Added Facility/change of location | 5 | Added Program | 4 |
| Word Use | 6 | Program Modifications | 12 |

8. CPE Formal Student Complaints: April-June 2021

None received during the quarter

**Quick Summary of
US Department of Education Public Hearings**

Held: June 21, 23, 24 , 2021

| ITEM # | CATEGORY | Comments from FR Doc #2021-1120 | Summary Analysis |
|--------|---------------------------------|--|--|
| A | Accreditation | Mentioned 71 times out of 1322 posted testimonies (~5%) uploaded to the US Department of Education (7-6-2021) | <p>Of interest - Eight Democratic Senators signed a lengthy letter starting with "[f]or-profit colleges enroll just eight percent of all postsecondary students but account for more than 30 percent of all student loan defaults" (quoting from a 2020 blog post for FY17 by the The Institute for College Access and Success - https://ticas.org/accountability/cohort-default-rates/ticas-analysis-of-official-three-year-cohort-default-rates-fy17/).</p> <p>There were a number of private institutions and organizations that provided comments.</p> <p>ED withdraws recognition of the Accrediting Council of Independent Colleges and Schools (https://www.ed.gov/news/press-releases/statement-us-department-education-status-recognition-nine-accrediting-agencies-and-withdrawal-recognition-accrediting-council-independent-colleges-and-schools). The accrediting agency has filed an appeal (https://www.acics.org/news/acics-files-appeal-to-the-secretary-of-education-of-the-senior-department-official-decision-to-terminate-agency-recognition).</p> <p>Reagan National University was accredited by ACICS had its accreditation withdrawn. (https://www.usatoday.com/story/news/education/2020/02/15/college-accreditation-department-education-betsy-devos-south-dakota-sioux-falls/4746906002/).</p> |
| B | Aggressive Recruiting Practices | <p>Predatory Mentioned 124 times out of 1322 posted testimonies (9%) uploaded to the US Department of Education (7-6-2021)</p> <p>Predatory Schools Mentioned 77 times out of 1322 posted testimonies (6%) uploaded to the US Department of Education (7-6-2021)</p> | <p>Each student has a different experience with their institutions. There may be a number of factors that must be considered before creating policies to address the issues presented. Some testimonies say that students are tricked by aggressive recruiters in for-profit institutions and may not land the jobs they want. Some organizations representing veterans seem to think that for-profit institutions are trying to take military benefits, while not delivering on "promises" for a better job.</p> <p>There are potential areas for discussion. Remember that each of these sections are interrelated to other areas.</p> <p>Monitor Parent Company Financials: When they operate in the state under another name from the parent company, the parent company financials should be monitored as well. This may help to minimize schools to fail like the Art Institute, Corinthians, or other educational institutions.</p> <p>Job promises: In many of the testimonies, blame is placed on the institution if students cannot find work in the field they studied. Students blame the school because of the aggressive recruiting tactics or they feel they were used by the institution for military benefits. Career fields constantly change. For adult learners, they have positions in their career field. They may be taking courses to advance their position within their organization or look for employment elsewhere.</p> <p>Student loan servicers: If you look at the testimonies below, student loan servicers had the highest rate of comment. See that section for potential discussion areas.</p> |

NOTE: All of the testimonies may crossover into numerous sections. Working towards using an Application Program Interface program to pull the metadata behind the comments.

**Quick Summary of
US Department of Education Public Hearings**

Held: June 21, 23, 24 , 2021

| | | | |
|---|--------------------------------------|--|--|
| C | Borrower Defense | Mentioned 82 times out of 1322 posted testimonies (~6%) uploaded to the US Department of Education (7-6-2021) | Many of the testimonies under the "borrower defense or protection" umbrella were made by non-profit organizations and states. |
| | Borrower Defense to Repayment | Mentioned 62 times (+2 Duplicates in Item A) out of 1322 (~5%) posted testimonies uploaded to the US Department of Education (7-6-2021) | Mentions of gainful employment were scattered throughout the testimonies. See Gainful Employment Rule below. |
| | Borrower Defense to Repayment Career | Mentioned 34 times (+2 Duplicates in Item A) out of 1322 posted testimonies (~3%) uploaded to the US Department of Education (7-6-2021) | In order to address many of the comments in the testimonies, the US Department of Education has to address 455 lawsuits against the previous administration (see https://www.the74million.org/article/devos-on-the-docket-with-455-lawsuits-against-her-department-and-counting-education-secretary-is-left-to-defend-much-of-her-agenda-in-court/). |
| | Borrower Protection | Mentioned 128 times (+2 Duplicates in Item A) out of 1322 posted testimonies (~10%) uploaded to the US Department of Education (7-6-2021) | |
| D | Gainful Employment Rule | Mentioned 21 times out of 1322 posted testimonies (~2%) uploaded to the US Department of Education (7-6-2021) | <p>The Gainful Employment Rule was repealed by the previous administration (see https://www.courthousenews.com/wp-content/uploads/2020/09/DeVos-ruling-9.03.20.pdf).</p> <p>The US Department of Education would need to revive the rule by changing the way it measured gainful employment (see FSA archived data from FY11 on Gainful Employment - https://studentaid.gov/data-center/school/ge/data).</p> |
| E | Jobs | Mentioned 191 times out of 1322 posted testimonies (~14%) uploaded to the US Department of Education (7-6-2021) | Students are complaining they are under the impression that for-profit institutions aggressively recruited them with the promise of a job in their field after graduation. |
| | Job Placement | Mentioned 11 times out of 1322 posted testimonies (below 1%) uploaded to the US Department of Education (7-6-2021) | <p>Those that are traditional students seem to expect a six-digit salary based on the field and the salary.</p> <p>Adult learners are looking for ways to get promoted at their current or potentially future jobs.</p> |
| F | Loan Cancellation | Mentioned 496 times out of 1322 posted testimonies (~38%) uploaded to the US Department of Education (7-6-2021) | <p>This issue along with Public Service Loan Forgiveness are both related to the complaints against student loan servicers. Students also blame predatory institutions for the overborrowing of student loans.</p> <p>As many are aware, there is a movement to cancel existing students loans with the White House quoting \$10,000 in debt cancellation, while progressives are advocating for \$50,000.</p> <p>The US Department of Education has cancelled loans from for-profit institutions totaling \$1.5B to date (https://www.usatoday.com/story/news/politics/2021/07/09/biden-administration-cancels-1-5-billion-student-loan-debt/7917250002/).</p> <p><u>UNMATCHED AND UNEMPLOYED DOCTORS:</u> What is interesting is while loan cancellation is being discussed, another group has surfaced. These are individuals who have graduated from a medical school but there were insufficient residencies to accomodate the graduates. These individuals are unemployed, cannot practice medicine, and are saddled with student loan debt in excess of \$250,000. This give rise to articles about unmatched doctors: https://www.nytimes.com/2021/02/19/health/medical-school-residency-doctors.html and Unmatched and Unemployed Doctors (https://uauoda.com/). <u>Searches did not pull any testimonies on these individuals.</u></p> |

NOTE: All of the testimonies may crossover into numerous sections. Working towards using an Application Program Interface program to pull the metadata behind the comments.

**Quick Summary of
US Department of Education Public Hearings**

Held: June 21, 23, 24 , 2021

| | | | |
|---|---|--|--|
| G | Loan Interest Rates | Mentioned 123 times out of 1322 posted testimonies (~9%) uploaded to the US Department of Education (7-6-2021) | <p>This is directly related to loan servicers. A large number of borrowers are not always aware of what happens when the student loans become due. Loan servicers (see Item G) are not required to give details of the loan and repayment requirements. In a number of instances, loan servicers have either given incorrect information on loan forgiveness programs or incorrectly posted payments.</p> <p>There are a number of lawsuits against student loan servicers, the biggest of which occurred with Navient back in 2020 (https://www.forbes.com/sites/adamminsky/2020/08/04/court-deals-blow-to-navient-in-student-loan-lawsuit/?sh=3d5da0186931).</p> <p>Another servicer is being accused of false testimony to Congress and how the servicer handled their loan forgiveness programs (https://finance.yahoo.com/news/student-loan-servicer-pheaa-warren-190128993.html). Now the company, PHEAA, will be shutting down in December (https://www.businessinsider.com/public-service-student-loan-forgiveness-pheaa-elizabeth-warren-2021-7)</p> |
| H | Loan Servicers | Mentioned 178 times out of 1322 posted testimonies (~13%) uploaded to the US Department of Education (7-6-2021) | <p>Assembly Bill 382 (which failed) tried to implement more oversight and fees on loan servicers operating in the state. Some of the topics here would have been covered if the bill had passed.</p> <p>Many of the testimonies said that student loan servicers misled them with how payments were applied to loan forgiveness programs. Consolidation of loans meant interest capitalization that doubled or tripled loan amounts and higher interest rates. The Commission must ensure that proper language is written in there to have loan servicers provide a thorough understanding of the loans and ensure payments for loan forgiveness are applied timely and accurately.</p> |
| I | Public Service Loan Forgiveness (search parameters included loan forgiveness, PSLF) | Mentioned 615 times out of 1322 posted testimonies (~47%) uploaded to the US Department of Education (7-6-2021) | <p>Most of the blame here seems to be on the misinformation to borrowers and inaccurate processing of payments by loan servicers. As noted above, one of the loan servicers that processed PSLFs is closing their doors in December of this year (https://www.businessinsider.com/public-service-student-loan-forgiveness-pheaa-elizabeth-warren-2021-7)</p> |
| J | Veterans Veterans Education Success | Mentioned 23 times out of 1322 posted testimonies (~2%) uploaded to the US Department of Education (7-6-2021) Mentioned 4 times out of 1322 posted testimonies (below 1%) uploaded to the US Department of Education (7-6-2021) | <p>A number of testimonies by veterans are mixed in with predatory school (recruitment), inability to find jobs, enormous student loan debt, and saying that for-profit schools used them for military benefits. Not all veterans have issues so the number of testimonies seem to be very low.</p> |

NOTE: All of the testimonies may crossover into numerous sections. Working towards using an Application Program Interface program to pull the metadata behind the comments.

Assembly Bill No. 169—Assemblymen Considine, Watts, Anderson;
Brown-May and Marzola

CHAPTER.....

AN ACT relating to higher education; establishing provisions relating to recruitment activities of certain institutions of higher education; requiring certain institutions of higher education to provide certain information to students; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law establishes the Commission on Postsecondary Education within the Employment Security Division of the Department of Employment, Training and Rehabilitation to license privately owned institutions of higher education which are located in Nevada and, with certain exceptions, branches of public or private institutions of higher education of another state which are located in Nevada. (NRS 394.383, 394.415) Under existing law, institutions licensed by the Commission are required to have a policy for refunds that requires the institution to refund a student all the money that the student has paid if the institution has substantially failed to furnish a training program agreed upon in an enrollment agreement. (NRS 394.449) **Section 1.6** of this bill defines when an institution has substantially failed to furnish a training program.

Section 1 of this bill: (1) prohibits a postsecondary educational institution from engaging in recruiting activities in certain circumstances; and (2) authorizes a postsecondary educational institution to engage in recruiting activities at certain locations.

Existing law sets forth various requirements for postsecondary educational institutions, including, without limitation, providing students with a catalog or brochure of information related to the institution and a copy of the agreement to enroll in the institution. (NRS 394.441) **Section 1.3** of this bill sets forth additional requirements for postsecondary educational institutions, which include, without limitation: (1) requiring a postsecondary educational institution to provide a current and complete copy of a catalog or brochure to a student before signing an agreement to enroll; (2) various requirements for an agreement to enroll; (3) including a disclosure page or prominent link to the disclosure page on the main page of the Internet website of the postsecondary educational institution; and (4) including a statement indicating where a person can access the complaint policy of the postsecondary educational institution.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 394 of NRS is hereby amended by adding thereto a new section to read as follows:

A postsecondary educational institution:



1. Shall not engage in recruiting activities where prospective students cannot reasonably be expected to make informed decisions regarding enrollment.

2. May engage in recruiting activities at a center for employment opportunities operated by or with the support of the local, state or Federal Government and with the permission of the center for employment opportunities.

Sec. 1.3. NRS 394.441 is hereby amended to read as follows:

394.441 **1.** A postsecondary educational institution shall:

~~[(1)]~~ **(a)** Provide students and other interested persons with a *current and complete* catalog or brochure containing information describing the programs offered, objectives of the program, length of the program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, policies concerning cancellations and refunds, an explanation of the Account for Student Indemnification and other material facts concerning the institution and the program or course of instruction that are likely to affect the decision of the student to enroll therein, together with any other disclosures specified by the Administrator or defined in the regulations of the Commission. The information must be provided before ~~[enrollment.]~~ *signing an agreement to enroll.*

~~[(2)]~~ **(b)** Provide each student who satisfactorily completes the training with appropriate educational credentials indicating:

~~[(a)]~~ **(1)** That the course of instruction or study has been satisfactorily completed by the student; and

~~[(b)]~~ **(2)** If the training does not lead to a degree, the number of hours of instruction or credits required of the student to complete the training.

~~[(3)]~~ **(c)** Unless otherwise authorized by the Commission, maintain adequate records at the licensed facility to reflect the attendance, progress and performance of each student at the facility.

~~[(4)]~~ **(d)** Provide each student with a *current and complete* copy of the agreement to enroll, dated and signed by the student or the student's guardian and an officer of the institution ~~[(4)]~~, *which must:*

(1) Include a statement that the student or the student's guardian and the officer of the institution have reviewed each section of the agreement and had the opportunity to ask questions;

(2) Be printed in at least 10-point font; and

(3) Include a cancellation policy that:

(I) Provides that an agreement to enroll may be cancelled not later than 3 days after signing the agreement; and

(II) Contains clear language explaining the process to cancel an agreement to enroll.



~~15.1~~ (e) For each program offered at the institution that does not lead to a degree, collect and maintain information concerning:

~~1(a)~~ (I) The number of students enrolled in the program and the number and names of students who have obtained employment in related fields, with their locations of placement;

~~1(b)~~ (2) The number of:

~~1(1)~~ (I) Students enrolled in the program;

~~1(2)~~ (II) Students who have graduated from the program;

and

~~1(3)~~ (III) Graduates who have obtained employment in fields related to the instruction offered in the program, with the average compensation of such graduates; or

~~1(e)~~ (3) For each such program offered to prepare students for a licensing examination:

~~1(1)~~ (I) The number of students enrolled in the program;

~~1(2)~~ (II) The number of such students who have graduated from the program; and

~~1(3)~~ (III) The number of such graduates who have passed the examination.

~~16.1~~ (f) Select, from the information collected pursuant to ~~subsection 5.1~~ *paragraph (e)*, the information relating to any 6-month period within the 18-month period preceding its next date for enrollment. The information for the period selected must be set forth in written form and posted conspicuously at the institution.

(g) Include a disclosure page or prominent link to the disclosure page on the main page of the Internet website of the postsecondary educational institution.

(h) Include a statement indicating where a person can access the complaint policy of the postsecondary educational institution in the catalog or brochure of the institution or on the main page of the Internet website of the postsecondary educational institution.

2. The Commission shall adopt regulations imposing a fine against a postsecondary educational institution that fails to comply with paragraph (g) of subsection 1.

Sec. 1.6. NRS 394.449 is hereby amended to read as follows:

394.449 1. Each postsecondary educational institution shall have a policy for refunds which at least provides:

(a) That if the institution has substantially failed to furnish the training program agreed upon in the enrollment agreement, the institution shall refund to a student all the money the student has paid.

(b) That if a student cancels his or her enrollment before the start of the training program, the institution shall refund to the



student all the money the student has paid, minus 10 percent of the tuition agreed upon in the enrollment agreement or \$150, whichever is less, and that if the institution is accredited by a regional accrediting agency recognized by the United States Department of Education, the institution may also retain any amount paid as a nonrefundable deposit to secure a position in the program upon acceptance so long as the institution clearly disclosed to the applicant that the deposit was nonrefundable before the deposit was paid.

(c) That if a student withdraws or is expelled by the institution after the start of the training program and before the completion of more than 60 percent of the program, the institution shall refund to the student a pro rata amount of the tuition agreed upon in the enrollment agreement, minus 10 percent of the tuition agreed upon in the enrollment agreement or \$150, whichever is less.

(d) That if a student withdraws or is expelled by the institution after completion of more than 60 percent of the training program, the institution is not required to refund the student any money and may charge the student the entire cost of the tuition agreed upon in the enrollment agreement.

2. If a refund is owed pursuant to subsection 1, the institution shall pay the refund to the person or entity who paid the tuition within 15 calendar days after the:

(a) Date of cancellation by a student of his or her enrollment;

(b) Date of termination by the institution of the enrollment of a student;

(c) Last day of an authorized leave of absence if a student fails to return after the period of authorized absence; or

(d) Last day of attendance of a student,

↳ whichever is applicable.

3. Books, educational supplies or equipment for individual use are not included in the policy for refund required by subsection 1, and a separate refund must be paid by the institution to the student if those items were not used by the student. Disputes must be resolved by the Administrator for refunds required by this subsection on a case-by-case basis.

4. For the purposes of this section:

(a) The period of a student's attendance must be measured from the first day of instruction as set forth in the enrollment agreement through the student's last day of actual attendance, regardless of absences.

(b) The period of time for a training program is the period set forth in the enrollment agreement.



(c) Tuition must be calculated using the tuition and fees set forth in the enrollment agreement and does not include books, educational supplies or equipment that is listed separately from the tuition and fees.

5. As used in this section, "substantially failed to furnish" includes cancelling or changing a training program agreed upon in the enrollment agreement without:

(a) Offering the student a fair chance to complete the same program or another program with a demonstrated possibility of placement equal to or higher than the possibility of placement of the program in which the student is enrolled within approximately the same period at no additional cost; or

(b) Obtaining the written agreement of the student to the specified changes and a statement that the student is not being coerced or forced into accepting the changes,

↳ unless the cancellation or change of a program is in response to a change in the requirements to enter an occupation.

Sec. 2. (Deleted by amendment.)

