

STEVE SISOLAK
Governor

STATE OF NEVADA

KELLY D. WUEST
Commission Administrator

HEATHER KORBULIC
Director

KIMBERLY GAA
Administrator



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

Nevada Commission on Postsecondary Education Subcommittee

NOTICE OF PUBLIC MEETING

Post Date: May 18, 2020

The Commission on Postsecondary Education will conduct a meeting on **May 21, 2020**, commencing 9:00 a.m., via videoconferencing:

THIS MEETING WILL BE HELD VIA VIDEOCONFERENCE ONLY:

In accordance with Governor Sisolak's Declaration of Emergency Directive 0006; Subsection 1; The requirement contained in NRS 241.023 (1) (b) that there be a physical location designated for meeting of public bodies where members of the public are permitted to attend and participate is suspended.

The public may observe this meeting and provide public comment during the public comment section on Zoom.

To join the Zoom conference, go to: <https://zoom.us/j/97798157960?pwd=NFVZL3Z5S001ZCtRbG15bjRWeEdzUT09> (you may have to download the Zoom application from your smartphone or computer at zoom.us).

Join Zoom Meeting

<https://zoom.us/j/97798157960?pwd=NFVZL3Z5S001ZCtRbG15bjRWeEdzUT09>

Meeting ID: 977 9815 7960

Password: 362462

One tap mobile

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Meeting ID: 977 9815 7960

Find your local number: <https://zoom.us/u/aJDAyVUbN>

Join by SIP

97798157960@10.133.3.237

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10.133.3.237

Meeting ID: 977 9815 7960

Password: 362462

According to NRS 241.020, Meeting Materials are available at:
https://detr.nv.gov/page/public_meetings

The Commission Subcommittee 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 Subcommittee 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 Subcommittee 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 -----Informational
- E. Open Meeting Compliance -----Informational
- F. Roll Call -----Informational
- G. Adoption of Agenda -----For possible action
- H. Define primary focus of the subcommittee-----For possible action
- I. Identify public subcommittee members-----For possible action
- J. Review NAC 394.521-526 concerning distance education requirements/restrictions---For possible action
- K. 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.
- L. Adjournment -----For possible action

A copy of the meeting Notice and Agenda can be requested by emailing sbeckett@detr.nv.gov or telephone Susan Beckett at (702) 486-2898. 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>. Written comments must be received by the Commission on Postsecondary Education on or before May 19, 2020, at the following address


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 sbeckett@detr.nv.gov or call Susan Beckett at (702) 486-2898 (*for individuals who are deaf or have hearing disabilities, dial TTY (800) 326-6868 or 711 for Relay Nevada*) 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 emailed 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.

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/>.

To: CPE Subcommittee Members

From: Kelly Wuest, Administrator 

Subject: Establishment of Subcommittee Goals


For Action: May 21, 2020

At the May 6, 2020 Commission meeting, the Commissioners unanimously voted to establish the COVID 19 subcommittee to review current regulations dealing with the current pandemic made up of three members of the Commission, two members of the public and appointed by the chair in consultation with the Administrator of CPE. At the meeting, there was extensive dialog about the charge of the subcommittee with the ultimate decision for the subcommittee to determine the focus.

There has been significant impact on private postsecondary due to COVID-19 and the currently emergency declaration. This agenda item is to determine the focus of the subcommittee.

The follow items/goals were proposed in the dialog from the Commission meeting

- Assist institutions in transitioning between phases
- Protecting the students and the consumers and watching for institutions that are trying to gain the system by putting profits above the needs of the students
- Evaluate current regulations related to distance education
- Consider emergency or temporary changes to regulation due to COVID 19

To: CPE Subcommittee Members
From: Kelly Wuest, Administrator 
Subject: Appointment of General Public Members
For Action: May 21, 2020

The establishment of the subcommittee is required to have two members to represent the general public. CPE staff has requested interested individuals to either provide a written comment by May 19, 2020 indicating name, institution and how the person would benefit the subcommittee or to request consideration at the meeting.

CPE staff will send the subcommittee all responses received as written comment.

To: CPE Subcommittee Members

From: Kelly Wuest, Administrator 

Subject: Review of Regulations Related to Distance Education

For Action: May 21, 2020

Regulations related to distance education were initially introduced into the Commission on Postsecondary Education statutes in 2000 with the addition of NAC 394.521. The regulation was established to provide guidelines to establish programs in the emerging modality and ensure quality of education received via distance education. Prior regulation dating back to 1975 referenced home study and correspondence specifically.

Distance education restrictions related to programs in gaming are located in NRS 394.523 and massage therapy located in NRS 394.526 were both added in 2012. While the minutes of the applicable Commission meeting is attached, I was unable to find a record for the business impact study which could provide additional context on what predicated the formulation of restrictions for these occupational areas.

CPE staff have worked with the Nevada Board of Massage Therapy to interrupt the meaning of “programs of instruction in massage therapy” with the agreement to exclude the general education courses to include anatomy, physiology, kinesiology, pathology, business practices and ethic that are a foundational prerequisite to massage related content. Currently the regulation is unclear and could benefit with further clarification as to which requires components should be excluded from the “programs of instruction in massage therapy”.

Concerning NRS 394.523, I was unable to find any documentation concerning the restrictions related to gaming and what predicated the addition. While many institutions were able to transition theory/lecture courses in response to the current pandemic, gaming institutions were forced to shut down as a result. With the potential risk of a second wave of the pandemic in the fall, should the Commission entertain revision of the current restrictions, clarify restrictions or maintain the current standards. It is likely that institutions offering gaming courses will experience a decrease in student enrollment due to decreased employment levels in gaming overall.

Applicable Statues

NAC 394.316 “Distance education” defined. (NRS 394.411) “Distance education” means education, training, courses or programs that are delivered to a student who is geographically separate from the instructor.

(Added to NAC by Comm’n on Postsecondary Educ. by R042-11, eff. 5-30-2012)

NAC 394.521 Requirements for offering distance education. (NRS 394.411, 394.421)

1. An institution may offer an educational unit using distance education if the:
 - (a) Subject matter of the educational unit is appropriate for delivery by distance;
 - (b) Institution uses equipment and technology that is adequate to deliver the subject matter by distance;
 - (c) Institution develops a process that will be followed to deliver the education;
 - (d) Institution develops a process for the instructor to monitor, throughout the period of instruction, whether a student has attained the objectives of the educational unit;
 - (e) Institution provides instructors who are qualified to use the equipment and technology that delivers the distance education; and
 - (f) Institution has developed adequate safeguards for testing that ensure the integrity of the tests and assessments, including, without limitation:
 - (1) A positive means of identification that ensures the student who is enrolled in the distance education actually participates in the distance education;
 - (2) If the institution uses proctors, a controlled process by which proctors for the tests are selected, trained and monitored;
 - (3) A verifiable process to maintain the confidentiality of the test materials; and
 - (4) A process for the periodic review and evaluation of the safeguards for testing.
2. An institution that offers distance education shall provide proof to the Commission that it has complied with the requirements of this section.

(Added to NAC by Comm’n on Postsecondary Educ. by R026-00, eff. 4-3-2000; A by R042-11, 5-30-2012)

NAC 394.523 Gaming. (NRS 394.411, 394.421)

1. An applicant for approval of a program of instruction in gaming must include with the application proof that the proposed curriculum:
 - (a) Provides instruction that is adequate for employment in casinos as determined by the State Gaming Control Board; and
 - (b) Limits lecturing or classroom instruction to not more than 50 percent of the program.
2. The Commission will not approve a program of instruction in gaming that is to be delivered using distance education.

(Added to NAC by Comm’n on Postsecondary Educ. by R042-11, eff. 5-30-2012)

NAC 394.526 Massage. (NRS 394.411, 394.421)

1. An applicant for approval of a program of instruction in massage must include with the application proof that:

(a) The program satisfies the requirements established by the Board of Massage Therapy pursuant to NRS 640C.400, and any regulations adopted pursuant thereto, to be recognized as a program of massage therapy by the Board.

(b) The policies of the applicant prohibit the applicant from:

(1) Enrolling a student who is less than 18 years of age;

(2) Issuing educational credentials to any person who is less than 18 years of age;

and

(3) Allowing a student to enroll in an advanced program of instruction in massage unless the student submits proof that he or she has:

(I) Successfully completed a basic program of instruction in massage; or

(II) At least 2 consecutive years of experience in the practice of massage.

(c) The policies of the applicant prohibit a student from performing practice massage on a person unless:

(1) The performance of practice massage is included in the program of instruction;

(2) The student performs the practice massage under the direct supervision of an instructor:

(I) On the premises of the applicant;

(II) At a public event; or

(III) In a licensed medical facility; and

(3) If the practice massage is performed on a person other than a student or member of the staff of the applicant:

(I) The student has successfully completed approved courses of instruction in anatomy and physiology, massage therapy, hygiene and first aid, law and ethics, and at least 25 hours of actual massage training on other students or members of the staff of the applicant;

(II) The student is readily identifiable as a student to the person;

(III) Before the student performs the practice massage, the applicant obtains a written statement signed by the person acknowledging that he or she knows that the massage is to be performed by a student; and

(IV) The applicant has obtained adequate liability insurance for the term of its license.

2. The Commission will not approve a program of instruction in massage that is to be delivered using distance education.

(Added to NAC by Comm'n on Postsecondary Educ. by R042-11, eff. 5-30-2012)

DAVID PERLMAN
Administrator



DEPARTMENT OF EDUCATION
COMMISSION ON POSTSECONDARY EDUCATION
NOTICE OF PUBLIC MEETING
November 10, 1999

Place: Desert Research Institute
755 East Flamingo Rd. Room 181
Las Vegas, NV 89119

Time: 9:00am

With the exception of posted hearings, the Commission on Postsecondary Education reserves the right to take agenda items out of order to accomplish business in the most efficient manner.

| <u>AGENDA ITEM</u> | <u>ACTION</u> | <u>INFORMATION</u> |
|---|---------------|--------------------|
| 1. Call to Order | X | |
| 2. Open Meeting Compliance | | X |
| 3. Roll Call | X | |
| 4. Adoption of Agenda | X | |
| 5. Approval of Minutes | X | |
| 6. Report - Administrator | | X |
| 7. Report - Attorney General | | X |
| 8. Report - Department of Education | | X |
| 9. Election of Officers | X | |
| 10. 2000 Commission Meeting Dates | X | |
| 11. Ten Year Review of Nevada Administrative Code - 394 ... | X | |

APPLICANTS FOR PROVISIONAL LICENSURE

(School representative must attend)

- 12. Lanns Institute X 2126 667 958

APPLICANTS FOR PROVISIONAL TO FULL-TERM LICENSURE

(School representative need not attend)

- 13. American Career Institute X 2126 703 819
- 14. CompUSA Training Center - Reno X 2126 703 845
- 15. The Fourth R
- 16. Green Valley School of Gaming
- 17. ITT Technical Institute
- 18. Money World School of Real Estate
- 19. Nevada Career Institute
- 20. Universal Accounting Center X 2126 703 814

(OVER)

AGENDA ITEM

ACTION

INFORMATION

APPEAL OF ADMINISTRATIVE FINE

22. Universal Accounting Center. x

PUBLIC COMMENT x
COMMISSION COMMENT x

ADJOURNMENT

This meeting begins at 9:00am and continues according to the agenda until adjournment. Persons who have business before the Commission are solely responsible to see that they are in attendance at the time such business transpires. In order to be considered by the Commission, provisional applicants and applicants for new programs in licensed schools must be represented at the meeting unless non-attendance is approved in advance. Schools requesting a license extension should be represented at the meeting.

Copies of material related to this (excluding confidential information) are available for review at: Washoe County Library/Reno; Clark County Library/Las Vegas; Nevada State Library/Carson City.

This agenda has been posted at the following locations;

- Commission on Postsecondary Education, 1820 East Sahara Avenue, Suite 111, Las Vegas, NV
- Clark County School District, 2832 East Flamingo Rd., Las Vegas, NV
- Nevada Department of Education, 700 East Fifth Street, Carson City, NV
- Nevada Department of Education, 1850 East Sahara Avenue, Suite 200, Las Vegas, NV
- Nevada State Offices, Bradley Building, 2501 East Sahara Avenue, Las Vegas, NV
- Desert Research Institute, 755 E. Flamingo Rd., Las Vegas, NV

In addition, the agenda was mailed to groups and individuals as requested.

Notice: Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Commission on Postsecondary in writing at 1820 East Sahara Avenue, Suite 111, Las Vegas, Nevada 89104, or by calling 486-7330. Please notify the agency no later than 10 working days prior to the meeting to allow time to secure any necessary equipment or provisions prior to the meeting.

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| <u>PAGE #</u> | <u>AGENDA ITEM</u> | <u>ACTION</u> | <u>INFORMATION</u> |
|---------------|--------------------|---------------|--------------------|

APPEAL OF ADMINISTRATIVE FINE

136----- 22. Universal Accounting Center. x

| | |
|--------------------------|---|
| PUBLIC COMMENT | x |
| COMMISSION COMMENT | x |

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MINUTES OF THE COMMISSION ON POSTSECONDARY EDUCATION
AUGUST 11, 1999

CALL TO ORDER

The meeting, held at the Washoe County District Health Department, 1001 E. 9th Street, Reno, NV 89520 was called to order by Chairman Gary Waters at approximately 9:00am. Ms. Winkle certified compliance with the Open Meeting Law. Chairman Waters requested roll call. Ms. Winkle complied. A quorum was present.

COMMISSIONERS PRESENT

| | |
|----------|----------|
| Andriola | Clara |
| Gribble | Jerry |
| Kirsch | Lynn |
| Lynch | Ann |
| Moezzi | Penelope |
| Soukup | Steve |
| Waters | Gary |

STAFF IN ATTENDANCE

| | | |
|-----------------|---------|-------------------------|
| Breen | Tim | Education Specialist |
| Meehan-Crossley | Melanie | Deputy Attorney General |
| Elwell | Marie | Education Specialist |
| Perlman | David | Administrator |
| Winkle | Kathryn | Program Assistant |

OTHERS IN ATTENDANCE

See attached sheet

AGENDA

Chairman Waters called for a motion to approve the agenda. Mr. Perlman informed the Commission that Style Entertainment, Inc. (Item 24) is deleted from the agenda. Chairman Waters requested that the agenda be approved in a flexible format. Commissioner Lynch moved to approve the agenda as amended and in a flexible format. Commissioner Kirsch second. The motion was unanimously approved and the agenda was adopted as amended and in a flexible format.

MINUTES

Chairman Waters called for a motion to approve the minutes from the May 12, 1999 meeting. Commissioner Soukup moved to approve the minutes as submitted. Commissioner Kirsch second. The motion was unanimously approved and the minutes were adopted as submitted.

ADMINISTRATOR'S REPORT

- AB152, which amends the definition of a private postsecondary education institution, becomes effective on October 1st. The legislation exempts anyone who sells computer-related products and then provides training to the person who purchased those products. The Commission routinely exempts such training.

ADMINISTRATOR'S REPORT (continued)

- The worksheet for the annual VA contact was recently completed. This year our request was just under \$170,000, but since the entire federal program is capped at 13 million, the VA will multiply our request by the ration of 13 million over the total amount requested by all states. Based on the amounts of past contracts, the contract should be about \$75,00 which is well within projections.
- Mr. Perlman attended the National Association of State Approving Agencies' annual conference. The 4-day session was a forum on issues pertinent to the training of veterans as well as pending legislation.
- Mr. Perlman is researching distance education issues in an effort to draft regulations which will ensure adequate standards are met for those licensed schools which offer electronically and correspondence education.
- Actual enrollments for the current quarter stand at 4,823, which is a 14 ½ percent increase compared to the same quarter last year. Complaints increased from five to six.

DEPUTY ATTORNEY GENERAL'S REPORT

Deputy Attorney General did not have any information to report.

STATE BOARD OF EDUCATION

The State Board of Education recently approved several changes in compliance with legislative mandates and their charter as public elected body. (1) One year of mathematics education was added to the core curriculum which is necessary to complete for students to graduate from high school. (2) In order to take the state proficiency test you must have a specific number of credits in the core areas. (3) Those students who wish to take additional classes will be rewarded an advanced diploma. (4) Local school districts will now be required to fund the remediation of students who fail the student proficiency test.

TEN YEAR REVIEW OF NEVADA ADMINISTRATIVE CODE - 394

NAC 394.480 - The recommended changes to the personnel section will amend qualifications of staff and instructors. The first recommendation extracts the qualifications of a director from the regulation and adds it as a definition. The second recommendation eliminates the reference to various staff positions as the current requirements are shifted from directors to academic positions. The third recommendation eliminates reference to management positions.

TEN YEAR REVIEW OF NEVADA ADMINISTRATIVE CODE - 394 (continued)

- NAC 394.485 - The first proposed amendment to 485 will require instructors in degree-granting institutions to have a degree in a field related to the subject they are assigned to teach. Second, instructors teaching a licensed profession would have to possess a current license in that progression. Third, verification of instructor qualifications is clarified by specifically stating what must be in a letter from previous employers. The final recommendation would eliminate reference to how much of a program must be taught by the regular instructor.
- NAC 394.522 - The proposed change would require annually, one course either in the U.S. or the Nevada Constitution be taught.
- NAC 394.655 - The proposal would allow a licensed massage school operating a clinic could also operate within or on the same premises as a massage establishment. Another approach would be to adopt regulations similar to those of the Cosmetology Board. They require a physical and readily identifiable separation between the school and any other business that must be accessed through doors that are normally closed.

APPLICANTS FOR PROVISIONAL TO FULL-TERM LICENSURE

- Motion: To accept the recommendation of staff for Baum Healing Arts Center, Century 21 Real Estate Academy, Nevada Institute of Technology, ITT and Smart Start Training Academy
- By: Commissioner Soukup
- Second: Commissioner Gribble
- Result: Unanimously approved

APPLICANTS FOR PROVISIONAL LICENSURE

EXECUTRAIN OF RENO

- Motion: That a nine month provisional license be granted to ExecuTrain of Reno to offer software application training.
- By: Commissioner Lynch
- Second: Commissioner Kirsch
- Result: Ayes: Commissioner Gribble, Commissioner Lynch, Commissioner Kirsch, Commissioner Moezzi, Commissioner Soukup. Commissioner Andriola recused herself. Motion passed
- Testified: Mr. Guy Sanford, Ms. Carissa Masters, Mr. Perlman
- Discussion: ExecuTrain of Reno is a franchise of ExecuTrain. ExecuTrain of Reno is similar to other short-term computer training schools in that they offer numerous software training programs consisting of one to five days in length. They will cost between \$155 to \$500.

JACKSON-HEWITT TAX SCHOOL

- Motion:** That a nine month provisional license be granted to Jackson-Hewitt Tax School to offer their Basic and Intermediate Tax programs.
- By:** Commissioner Moezzi
- Second:** Commissioner Lynch
- Result:** Unanimously passed
- Testified:** Ms. Barbara Knight, Ms. Patty Little, Mr. Perlman
- Discussion:** Jackson-Hewitt Tax School is owned by a Virginia partnership which currently operates a licensed school in Las Vegas. This application is for an identical school in Reno, Nevada. They will offer a Basic and Intermediate Tax program which will be 36 hours to 72 hours in length and cost between \$50 to \$99.

APPLICANTS FOR NEW PROGRAMS IN LICENSED SCHOOLS

Design Institute

- Motion:** That a one-year provisional license be granted to the Design Institute to offer their Bachelor of Arts in Interior Design.
- By:** Commissioner Moezzi
- Second:** Commissioner Gribble
- Result:** Unanimously approved
- Testified:** Ms. Nancy Wolff, Mr. Perlman
- Discussion:** Design Institute has been operating continuously since 1986 and is accredited by the Accrediting Commission for Careers Schools and Colleges of Technology. This application seeks to add a bachelor degree by adding requisite courses to their existing associate of occupational studies degrees. It is necessitated by changes in legislation that require more education to be able to obtain state licensure as an interior designer. The program will be four years in length and cost \$33,400.

KINGS CROWN DENTAL TECHNICIAN TRAINING

- Motion:** That a nine month provisional license be granted to Kings Crown Dental Technician Training to offer their Dental Assisting program.
- By:** Commissioner Gribble
- Second:** Commissioner Kirsch
- Result:** Ayes: Commissioner Gribble, Commissioner Kirsch, Commissioner Lynch, Commissioner Moezzi, Commissioner Soukup. Commissioner Andriola was absent.
Unanimously approved
- Testified:** Mr. Patrick Church, Mr. Perlman
- Discussion:** Mr. Patrick Church is the owner of Kings Crown, Inc., a laboratory that manufactures dental prothesis. During the May, 1999 Commission meeting, he was given full term licensure to offer his dental technician program. This application is to add dental assisting. The program will be 477 hours in length and cost \$4,500.

APPLICANTS FOR NEW PROGRAMS IN LICENSED SCHOOLS (continued)

NEVADA INSTITUTE OF TECHNOLOGY

Motion: That a twelve-month provisional license be granted for Nevada Institute of Technology to offer a Computer Service Technician program, contingent upon facility approval.

By: Commissioner Kirsch

Second: Commissioner Gribble

Result: Ayes: Commissioner Andriola, Commissioner Gribble, Commissioner Kirsch, Commissioner Moezzi, Commissioner Soukup. Commissioner Lynch abstained.

Testified: Mr. Eddie Mazzola, Mr. Art Leonard, Ms. Elwell

Discussion: Nevada Technical Institute (formerly Nevada Jewelry Mfg. School) has been licensed since March 1989 offering Jewelry Mfg. And Watch Repair programs. During the February 1998 Commission meeting, the school was provisionally authorized to offer an Electronic Gaming Machine Technician program. The proposed program to offer Computer Service Technician will be 480 Clock Hours, 24 weeks in length and cost \$6,850.

NOVA SOUTHEASTERN UNIVERSITY

Motion: That the full-term license approved for Nova Southeastern University be augmented to include their Bachelor of Science in Education degree, contingent upon approval from the Nevada State Board of Education.

By: Commissioner Lynch

Second: Commissioner Andriola

Result: Unanimously approved

Testified: Mr. Robert Miles, Mr. Ken Dose, Mr. Deo Nellis, Mr. Perlman

Discussion: Nova Southeastern University is a regionally accredited, degree-granting institution that has been authorized to operate in Nevada since March, 1978. The school currently is approved to offer numerous graduate program in education. This is their first request to offer education programs at the undergraduate level. The program will be 120 semester hours and cost \$365 per semester credit.

PUBLIC COMMENT

Ms. June Wiseniwski and Ms. Mary Lou Walker addressed the Commission concerning the licensing and accreditation of the National Judicial College. They requested the Commission and the Attorney General's office examine and review the Graduate credits being offered by the National Judicial College towards the Master of Judicial Studies program and the courses being offered for Certificate credit at NJC. Chairman Waters assured Ms. Wiseniwski and Ms. Walker that the Commission has reviewed the concern that National Judicial College requires CPE licensure and is currently drafting the results of the review.

To: CPE Commissioners
From: David Perlman, Administrator
Subject: Review of NAC Chapter 394
Date: October 22, 1999

Staff has reviewed the final section of NAC Chapter 394 and makes the following recommendations. Information in italics is added while bracketed information is to be deleted.

394.590 Promotional materials: Prohibitions.

1. The promotional materials of an institution must not:
 - (a) Use any name, label or insignia which is likely to be misleading or deceptive with respect to the true nature and operation of the institution.
 - (b) Use a name or other description to indicate falsely that it is a part of a state or the Federal Government.
 - (c) Represent that it is an employment agency or authorized training facility for another industry so as to conceal the fact that it is an institution.
 - (d) Falsely represent that any of its programs are accredited.
 - (e) Represent that students completing a course or program of instruction may transfer credit to an accredited institution of higher education unless the institution can document that the credit is transferable.
 - (f) Misrepresent the size, reputation, location, facilities, or equipment of the institution through the use of photographs, illustrations, written or oral descriptions or any other depictions.
 - (g) Use quantitative superlatives, such as biggest, largest or highest placement rate, in its advertising unless the terms are qualified in the advertisement itself and the institution has, in its possession, evidence to support its claim.
 - (h) Misrepresent the nature or effectiveness of any course, equipment or methods of training.
 - (i) Misrepresent the qualifications, training or experience of its faculty or personnel.
 - (j) Falsely represent that it will provide or arrange for full- or part-time employment while the student is undergoing instruction.
 - (k) Falsely represent that only those who make an acceptable grade or complete successfully a certain test will be admitted.
 - (l) Falsely represent that applications for enrollment will be considered for only a limited period of time or that they must be submitted by a certain date.

- (m) Solicit students by means of listings under captions, such as "wanted to train for", "help wanted," "employment," "business opportunities," or by words or terms of similar import, which represent directly or by implication that employment is being offered.
 - (n) Fail to include the full name and address of the institution and disclose the fact that it is an institution if it is not apparent from its name.
 - (o) Falsely represent that a course or courses may be taken for a specified price, or at a saving, or at a reduced price, or otherwise deceive students or prospective students with respect to the cost of a course or any equipment, books or supplies associated with the course.
 - (p) Falsely represent that it owns, operates, supervises or has access to a dormitory, eating or other living accommodations.
 - (q) *Fail to include a clear and conspicuous disclosure in immediate conjunction with its trade or business name that it is a correspondence, distance education or home study school, if the instruction offered is wholly by correspondence, distance education, or home study.*
 - (r) *Include any reference to salary expectations.*
2. For the purposes of this section, the term "promotional materials" includes documents for advertising, soliciting or public information, such as:
- (a) Advertisements for newspaper, radio and television;
 - (b) Broadcasting or public address announcements;
 - (c) Brochures, catalogs, mailings or flyers;
 - (d) Announcements on bulletin boards and variety advertisers; and
 - (e) Telephone directories.

[394.595 Correspondence and home study schools: Disclosure. If a postsecondary educational institution conducts its instruction wholly by correspondence or home study, a clear and conspicuous disclosure must be made in immediate conjunction with its trade or business name that it is a correspondence or home study school.]

This proposal incorporates disclosure requirements for correspondence/distance education training into the advertising prohibitions of NAC 394.590, eliminating a separate regulation.

The proposal also would specifically prohibit the use of salary expectations in advertising. This clarifies the intent of NRS 394.445(2) which prohibits advertisements which are false, deceptive, misleading or unfair. Since schools have no control over actual salaries of graduates, using salary expectations in advertisements is deceptive and misleading.

394.670 Enforcement of provisions.

1. Except as otherwise provided in subsection 2, if an institution violates a provision of NRS 394.383 to 394.670, inclusive, or NAC 394.300 to 394.685, inclusive, that the administrator reasonably believes would:
 - (a) Adversely affect the health, safety, or financial welfare of a student, he shall immediately suspend further enrollment of students.
 - (b) Not adversely affect the health, safety or financial welfare of a student, he shall notify the institution by certified mail that it must correct the violations within 30 days. If the institution does not comply, the administrator will suspend further enrollment of students. If the violation is not resolved to the satisfaction of the administrator within 30 days after the suspension of enrollments, action to fine the institution, revoke the license of the institution or a combination of both actions will be instituted.
2. The administrator shall impose an administrative fine of \$~~[250]~~ 500 if an institution does not submit the annual report required by NRS 394.443 or pay the fees required by NRS 394.540 or NRS 394.557, within 15 calendar days after the report or fees are due.

This proposal increases the fine for late payment of fees and/or submission of the annual report from \$250 to \$500. The fine was decreased from \$500 to \$250 after a school was fined \$500 in November 1995. The decrease was effective in April 1996.

When the fine was \$500 (1993 to 1996), 13 were imposed and collected. During the 3-year period after the fine was lowered to \$250, 50 were imposed and collected.

Each time a school fails to return the quarterly fee, a letter is generated notifying the school that the fees were not received. Even though the letter specifically states that a fine is due, it usually takes two more certified letters and several phone calls before the matter is resolved.

Revenue collection is a serious issue and the fine should be substantial enough to deter late payment. I recommend increasing it to the original \$500 amount.

394.xxx *“Distance education” defined. “Distance education” means the delivery of any portion of education, training, course, or program in which the student is not physically in the same geographical location as the instructor.*

394.xxx *“Unit of instruction” defined. “Unit of instruction” means a component of a training program such as a course, subject, topic, module or block.*

394.xxx *Distance education requirements. Each unit of instruction utilizing distance education must:*

1. *Include a complete and detailed description of the distance education delivery process.*
2. *Consist of subjects that are appropriate to be adequately delivered via distance education as determined by the reviewer.*
3. *Include a verifiable process in which the instructor monitors student attainment of the objective throughout the training period.*
4. *Include adequate safeguards for testing that ensure the integrity of all tests. Such safeguards must address:*
 - a. *Verifiable procedures that ensure students are positively identified;*
 - b. *Procedures for selecting proctors, including their training and monitoring;*
 - c. *Verifiable procedures that ensure test materials are not compromised;*
 - d. *Monitoring procedures that periodically evaluate testing processes for integrity and adherence to policies; and,*
 - e. *Any other procedures that support testing integrity.*
5. *Utilize equipment and technology adequate for delivering the distance education.*
6. *Provide instructors who are qualified in using the equipment and technology required to deliver distance education.*

This proposal would add standards for instruction that is offered via distance education. The definitions of the terms “distance education” and “unit of instruction,” are needed to assist in clarifying the actual standards for distance education. The standards are needed to ensure distance education programs deliver the quality education.

LICENSING WORKSHEET

Prepared by: Tim Breen *TB*
Applicants: Norma Sword, Leslie Sardinias, Nora Delos Reyes
School: LANNS Institute
Las Vegas, Nevada
Scheduled
For Action: November 10, 1999

RECOMMENDATION

That a one year provisional license be granted to the LANNS Institute, to offer Medical/Dental Billing and Front Office Administration, Medical and Dental Billing, and Front Office Administration programs, contingent upon the receipt of a \$20,000 bond, final curriculum approval, receipt of facility information and completion of a facility review.

CURRICULUM: Received on 09-18-99. **CONTINGENCY.**

BOND: A \$20,000 bond will be secured upon approval. **CONTINGENCY.**

FINANCIAL STABILITY: Received and reviewed on 09-18-99.

BUDGET ESTIMATE: Received and reviewed on 09-18-99.

FINANCIAL RELEASE: Received 09-18-99.

PERSONNEL: Received 03-10-99.

CERTIFICATION & ATTACHMENTS: Received and reviewed on 03-10-98.

CATALOG: Received and reviewed on 09-18-99.

CONTRACT: Received and reviewed on 09-18-99.

CERTIFICATE OF COMPLETION: Received and reviewed on 03-10-98.

FACILITY INFORMATION: **CONTINGENCY.**

FEES: Received September 8, 1997

Summary: Although this review was thorough, it cannot be assumed to be all-inclusive. Therefore, the absence of comments regarding specific school practices, policies and procedures should not be construed as acceptance or approval of those practices, policies or procedures. In addition, the absence of any such statement does not limit or lessen the school's obligation to comply with all statutory provisions and regulations.

Response Information: A response to this report is required. Each finding identified in the report contains a "response required" section which specifies the action required to be taken by the School to comply with statutes. The school is required to prepare the required responses and submit them with any required documents requested or documents which provide proof positive that the violations are corrected and steps taken to prevent recurrences. The school's response may also include information on any other changes or developments that might influence the final evaluation of the school's operation and status.

The response must be received at this agency on or before October 11, 1999.



Tim Breen
Education Specialist



Nevada Commission on Postsecondary Education
NOTICE OF PUBLIC MEETING

October 11, 2011

The Commission on Postsecondary Education will conduct a quarterly meeting on **November 9, 2011**, commencing at **9:30am**, at the locations listed below via video-conferencing:

Nevada State Contractor's Board
2310 Corporate Circle Drive Suite 200
Henderson, NV 89074

Nevada State Contractor's Board
9670 Gateway Drive, Suite 100
Reno, NV 89521

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 five minutes. Written submissions will be considered. While there will be no restriction on comments based on viewpoint, repetitive comments will be limited.

Agenda

General Business

- 1. Call to Order-----Informational
- 2. Open Meeting Compliance -----Informational
- 3. Public Comment-----Informational
- 4. Roll Call-----Informational
- 5. Adoption of Agenda-----For possible action
- 6. Approval of Minutes -----For possible action
- 7. Election of Officers-----For possible action
- 8. Administrator's Report -----Informational

Hearing for Refund from Closed School

- 9. Academy of Healing Arts-----For possible action

Applicants for Provisional Licensure

New school applications for initial licensure or added program

- 10. Career Technical Institute-----For possible action
- 11. Konold Institute -----For possible action
- 12. New Millennium Academy -----For possible action
- 13. Professional Institute of Technology & Accounting -----For possible action

Applicants for Full Term Licensure

Provisionally licensed schools being considered for full term licensure

- 14. Career Web School (*Recommend Extension*) -----For possible action
- 15. Gold Star School of Gaming (*Recommend Extension*) -----For possible action
- 16. Healthcare Preparatory Institute (*Recommend Full Term*) -----For possible action
- 17. Mortgage Trainers of North America (*Recommend Full Term*) -----For possible action
- 18. New Vistas (*Recommend Extension*) -----For possible action
- 19. Training Pro (*Recommend Extension*)-----For possible action

Proposal for Changes to NAC 394

- 20. Overview of recommended changes -----For possible action

Comments

- 21. Commission -----Informational
- 22. Public Comment-----Informational

Adjournment

This agenda was mailed to groups and individuals as requested and posted at the following locations:
Commission on Postsecondary Education, 3663 East Sunset Road, Suite 202, Las Vegas, NV
Nevada Department of Education, 700 East Fifth Street, Carson City, NV
Elko County Library, 720 Court St., Elko, NV
Goldfield Public Library, Corner of Crook and Fourth, Goldfield, NV

Notice: Members of the public who require special accommodations or assistance at the meeting are requested to notify the Commission on Postsecondary in writing at 3663 East Sunset Road, Suite 202, Las Vegas, Nevada 89120, or by calling 702-486-7330, or via E-Mail to bshanteler@cpe.state.nv.us. Please notify the agency no later than 10 working days prior to the meeting to allow time to secure any necessary equipment or provisions prior to the meeting.

To: CPE Commissioners
From: David Perlman, Administrator
Subject: Proposed Changes to NAC 394
Date: September 19, 2011

Attached are proposed changes to regulations.

Anything in *blue italic* is to be added. ~~Red, redlined~~ is to be deleted.

Pages 1-4 include newly developed regulations compiled from existing regulations. The new regulations put similar requirements into single sections. For example, NAC 304.100 (pages 1-2) include licensure requirements previously found throughout Chapter 394.

Please note that any existing requirement included in a new regulation will be deleted.

Start mid page 4 through page 5 are regulations that have minor changes.

Pages 6-13 include regulations that will be deleted. There are some that are not included in the new regulation:

Page 8 – NAC 394.522. This regulation is confusing, unnecessary and does nothing to clarify the the requirement for teaching the US and Nevada Constitutions found NRS 394.150.

Page 9 – 394.537. This regulation pertains to modeling schools which are not licensed by the Commission. It pertains to the Nevada State Board of Cosmetology which should include it in their regulation if needed.

Page 9 – 394.550. This regulation pertains to grand fathering in any school approved prior to July 1979 to use the word college or university. None exist today and this regulation is no longer needed.

Page 13 – 394.735. This regulation is no longer needed as there is no longer any basis for it in statute. The program was eliminated by the legislature.

394.100 Provisional license requirements. An applicant for provisional license must be typed and submitted to the administrator on forms provided by the Commission and include:

1. *A description of each course of study leading to an academic, professional or vocational goal and:*
 - (a) *The overall organization of the instructional program;*
 - (b) *The objective the program is intended to meet;*
 - (c) *Each educational unit, including its measurable learning objectives, the hours of instruction, the number of credits and the procedure for evaluating attainment of the objectives;*
 - (d) *The basic textbooks and instructional equipment to be used in the program; and*
 - (e) *A brief description of the qualifications of the instructor.*
 - (f) *A copy of the proposed certificate of completion or diploma issued to the graduate that includes*
 - (1) *Title of the program;*
 - (2) *Date of completion; and,*
 - (3) *Length in hours for non-degree programs. NRS 394.450(1) NRS 394.441(2)*
2. *Evidence that each instructor*
 - (a) *Meets the qualifications set forth in NAC 394.485, and;*
 - (b) *Has complied with the background investigation requirements of NRS 394.465.*
3. *A certified financial statement which contains the information set forth in subsection 2 as evidence of his financial stability. The financial statement must be prepared within 12 months before the date of application, must be audited or reviewed by a certified public accountant and must contain:*
 - (a) *A statement of the source of all investment capital received;*
 - (b) *A statement of the disposition of the investment capital, identified by the recipient and amount received, purpose of expenditure or use, balance, if any, and place of deposit;*
 - (c) *A current inventory of the assets received, identified by recipient and amount received, purpose of expenditure or use;*
 - (d) *A statement of liabilities as of the date of the application, including accounts payable, loans and notes payable, and any other financial obligations of the school; and*
 - (e) *A statement of obligations attendant to land purchase agreements, land sales contracts, lease agreements on land and similar contracts involving acquisition of books, equipment, buildings and furnishings for buildings. NRS 394.445(1)*
4. *An affidavit or power of attorney to the Commission or its staff to substantiate the specific information contained in the financial statement of the applicant. NRS 394.445(1)*
5. *A proposed budget for the first year of operation which must include the following information for all operations related to the school for the first 12 months of operation:*
 - (a) *Cash on hand at the beginning of the year;*
 - (b) *Anticipated income listed by amount and source; and,*
 - (c) *Loans, investments or other monetary assets by amount and source.*
 - (d) *Anticipated expenditures, which include:*
 - (1) *A list of all administrative personnel by name, position and proposed compensation, including salary, living quarters, automobile and all other expenses and services to be furnished by the school list by purpose and amount.*
 - (2) *A list of instructional personnel actually under contract or anticipated to be under contract, indicating their actual or proposed salaries.*
 - (3) *An estimate of money to be expended for textbooks, library services and other expenses of instruction.*
 - (e) *A list of proposed expenditures by category for the following:*
 - (1) *Facilities.*
 - (2) *Equipment and maintenance.*
 - (3) *Supplies.*
 - (4) *Books, other than textbooks.*
 - (5) *Services for students.*
 - (6) *Services for the community.*
 - (7) *Advertising.*
 - (8) *Transportation.*
 - (9) *Insurance. NRS 394.445(1)*
6. *Surety in the amount as determined by the Commission pursuant to NRS 394.480. NRS 394.480*

7. *A contract or acceptance agreement that includes at least:*
 - (a) *The name of the institution, its address and telephone number;*
 - (b) *The name of the student, his address and telephone number;*
 - (c) *The title of the program or course for which the student is enrolled;*
 - (d) *The date the catalog under which the student enrolled is effective;*
 - (e) *The provisions for a reduction in the cost and length of the course length if credit for prior training or experience is given;*
 - (e) *A statement printed in bold type that the person signing the agreement or contract has received, read and understood the document and has received the catalog of the institution and understands that the catalog is part of the contract or enrollment agreement; and,*
 - (f) *For students not enrolling in a degree program:*
 - (1) *The minimum number of instructional hours or credits of each course, and the date upon which each course begins;*
 - (2) *The schedule of payment and total cost of each course;*
 - (3) *A disclaimer by the institution, printed in bold type, stating that placement in a job is not guaranteed or promised to graduates. **NRS 394.441(4)***
8. *A catalog or brochure that includes the information required by law and:*
 - (a) *Information to identify the catalog or brochure, including the date the publication is effective;*
 - (b) *The name of the institution, its governing body, officials and faculty;*
 - (c) *A calendar showing business hours, legal holidays, beginning and ending date of each established term or course of study, and other important dates;*
 - (d) *The policy and regulations of the institution on enrollment, including requirements for admission and specific requirements for entrance into each course and any deadlines for enrollment;*
 - (e) *The policy and regulations of the institution concerning the standards of progress required of the student by the institution, including a:*
 - (1) *Definition of the grading system of the institution and the minimum grade considered satisfactory;*
 - (2) *Statement of the conditions for interruption of the program of a student for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution; and*
 - (3) *Statement of the conditions of readmission for those students dismissed for unsatisfactory progress;*
 - (f) *The policy and regulations of the institution relative to leave, absences, a class missed without an excuse, makeup work, tardiness and interruptions for unsatisfactory attendance;*
 - (g) *The policy and regulations of the institution relating to discipline of the students and conditions for dismissal for unsatisfactory conduct;*
 - (h) *The policy and regulations of the institution concerning any charges if the student does not enter the course, withdraws or is discontinued from the course;*
 - (i) *A description of the available space, facilities and equipment;*
 - (j) *The policy and regulations of the institution concerning granting credit for previous education and training;*
 - (k) *A detailed description of the extent and nature of any service or assistance in the placement of its graduates which the institution represents that it provides; and*
 - (l) *A statement describing the status of the institution's license and accreditation. **(NRS 394.441(1))***
9. *Plans, blueprints or line drawings for a facility that complies with all regulatory requirements and conformity to acceptable educational standards as specified in NRS 394.450 suitable for which describe in detail the facilities.*
10. *A copy of the contract or lease agreement, signed by both parties, which stipulates the term and conditions of the lease for any rented or lease facility in which instruction will be conducted or records stored. **NRS 394.450(2)***
11. *A statement signed by the owner or applicable school official and notarized that the applicant for a license to operate a private postsecondary educational institution affirms that enrollment is open to all who meet entrance requirements, regardless of age, race, sex, national origin, or otherwise in compliance with all applicable federal or state laws and regulations. **NRS 394.450(4)***
12. *The fictitious name to be used by the applicant for the private postsecondary educational institution and a copy of registration from the appropriate local governmental entity denoting the fictitious name. **NRS 394.450(4)***

NAC 394.200 Additional licensure requirements and prohibitions. The Commission will not approve a massage or gaming program delivered via distance education.

1. *An applicant for approval of a massage program must submit evidence that:*
 - (a) *The program meets the educational requirements for licensure as a massage provider by the Nevada State Board of Massage;*
 - (b) *The policies of the applicant prohibit:*
 - (1) *A student from enrolling in an advanced program of instruction in massage unless he submits to the school proof that he has successfully completed a basic program of instruction in massage or has at least 2 consecutive years of experience in the practice of massage;*
 - (2) *Enrolling or issuing educational credentials to anyone who is less than 18 years of age;*
 - (3) *A student from performing practice massage in a private residence or room of a hotel or motel;*
 - (4) *A student from performing practice massage unless under the direct supervision of an instructor on the campus or at a public event or medical facility.*
 - (5) *A student from performing massage members of the public unless:*
 - i. *Practice massage is included and approved as part of the required curriculum;*
 - ii. *The student has successfully completed approved courses anatomy and physiology, massage therapy, hygiene and first aid, law and ethics; and at least 25 hours of actual massage training on other students or members of the staff of the school;*
 - iii. *The student is readily identifiable as a student to a person who will receive a massage;*
 - iv. *The school obtains from the person who will receive the massage a written statement signed by the person that he knows that the massage will be performed by a student; and,*
 - v. *The school maintains adequate liability insurance for the term of its license.*
2. *An applicant for approval of a gaming program must submit curriculum that:*
 - (a) *Provides instruction adequate for employment in casinos as determined by the State Gaming Control Board; and,*
 - (b) *Limits lecturing or classroom instruction to not more than 50 percent of the program. [\(NRS 394.450\(1\)\)](#)*

NAC 394.300 Review and action of provisional license applications.

1. *The administrator will review the application and notify the applicant of necessary revisions. An application may be placed on the agenda if contingent requirements are minor or routine in resolution.*
2. *The applicant will provide the necessary copies of the application once the administrator has determined it will be placed on the agenda.*
3. *The administrator will notify the applicant at least 10 days prior to the Commission's meeting at which the application will be heard. The applicant or a qualified representative must attend the meeting to respond to inquiries of the commissioners relative to the application or the application will be postponed to a future meeting.*
4. *The Commission will:*
 - (a) *Grant a provisional license;*
 - (b) *Grant approval for a provisional license if there are specified contingent requirements that have not yet been fulfilled;*
 - (c) *Postpone action to a future meeting; or,*
 - (d) *Deny licensure.*
5. *Operation of a private postsecondary educational institution will not commence until the administrator has issued a provisional license.*
6. *The administrator will issued a provisional license effective the date the provisional licensed was approved or upon fulfilled of all specified contingent requirements, whichever is applicable.*
7. *An applicant approved for a provisional license with contingent requirements must reapply for licensure if the contingent requirements are not fulfilled within 6 months from the date of approval. [NRS 394.460](#)*

NAC 394.400 Provisionally licensed applicant requirements; Commission action.

1. *During the term specified by the Commission, a provisionally licensed the institution must demonstrate its ability to comply with the provisions of NRS 394.383 to 394.670, inclusive, and NAC 394.300 to 394.685, inclusive.*
2. *The administrator will conduct an on-site review of the institution at least 30 days prior to the expiration of the provisional license and prepare a report and recommendation to be heard by the Commission at a regularly scheduled meeting.*
 - (a) *Extend the provisional license, if the institution has substantially met the required standards and the Commission considers deficiencies to be minor;*
 - (b) *Deny continued licensure, if the Commission determines that the school is unable to meet required standards;*
or

(c) *Grant a license.*

NAC 394.500 Renewal of License; Change in Ownership; Added Programs.

1. *A licensee applying for renewal of license must submit an application for renewal on forms provided by the Commission to include:*
 - (a) *An affidavit or power of attorney to the Commission or its staff to substantiate the specific information contained in the financial statement of the applicant.*
 - (b) *Verification of programs offered by the licensee to include:*
 - (1) *Title of program;*
 - (2) *Length in hours or credits;*
 - (3) *Total tuition and fees; and,*
 - (4) *Name of academic instructor responsible for program.*
 - (c) *A copy of the current catalog.*
 - (d) *A description of each program of study for which there has been a substantial change.*
 - (e) *Verification of financial stability that is:*
 - (1) *A certified public account reviewed or audited financial statement prepared within 12 months before the date the license expires;*
 - (2) *A financial statement prepared according to generally accepted accounting principles; or,*
 - (3) *A balance sheet on forms provided by Commission.*
2. *An applicant for change in ownership or licensee applying to add a program to an existing license must submit an application on forms provided by the Commission to include the requirements set forth in NAC 394.XXX except that:*
 - (a) *Information on file with the Commission that is current and will not change as a result in the change in ownership may be excluded; and,*
 - (b) *A bond in the amount determined by the Commission must be executed by the new owner. [NRS 394.445\(1\)](#) [NRS 394.460](#)*

NAC 394.485 Instructors. (NRS 394.411, 394.421)

1. *In a degree-granting institution:*
 - (a) *Each undergraduate course must be taught by an instructor who possesses a bachelor's degree from an accredited university or college in a field related to the subject matter that the instructor is assigned to teach.*
 - (b) *Each master level course must be taught by an instructor who possesses a master's degree from an accredited university or college in a field related to the subject matter that the instructor is assigned to teach.*
 - (c) *Each doctorate level course must be taught by an instructor who possesses a doctorate degree from an accredited university or college in a field related to the subject matter that the instructor is assigned to teach.*
2. *In an institution that does not grant a degree or that offers technical courses at the associate level, each course must be taught by an instructor who:*
 - (a) *Holds a valid and appropriate teaching license issued by the Department of Education;*
 - (b) *Teaches in that field in the Nevada System of Higher Education or another degree-granting institution; or*
 - (c) *Has a high school diploma or the equivalent and 2 years of verified work or teaching experience in the subject to be taught.*
3. *Each institution shall maintain at least one of the following records to verify that each instructor is qualified to teach the course assigned to him:*
 - (a) *Official transcripts used by the instructor to establish his qualifications.*
 - (b) *A description of the previous employment of the instructor that:*
 - (1) *Sets forth the actual duties performed by the instructor during his employment;*
 - (2) *Indicates the duration of employment; and*
 - (3) *Is signed by the previous employer.*
 - (c) *An affidavit in which the employee swears that an employer is not able to be contacted and that the description of the employment and its duration are true.*
 - (d) *A copy of a teaching license issued by the Department of Education.*
 - (e) *Tax records or an affidavit clearly showing self-employment in the field and education necessary to instruct that portion of the course to which he is assigned.*
4. *Each institution shall ensure that a substitute instructor qualified per this section is provided if the regular instructor for a course is unable to complete the scheduled training.*

NAC 394.600 Approval of advertisements. (NRS 394.411, 394.421) Any advertising through any medium which cannot be changed or deleted within a 7-day period, including, but not limited to, classified telephone directory or national advertising, must be approved by the Administrator ~~[of the Commission]~~ before it is printed. The full copy of the advertisement must be submitted ~~[in writing]~~.

NAC 394.610 Contracts ~~[for institutions which do not grant degrees]~~ and enrollment agreements. (NRS 394.411, 394.421, 394.441)

1. Upon acceptance of ~~[his]~~ enrollment in an institution ~~which does not grant a degree~~, each student must receive a copy of the contract or enrollment agreement signed by himself or his guardian and by a representative of the institution.
2. For any change to an enrollment agreement or contract without a substantial failure to furnish the instruction or services agreed upon, the institution must:
 - (a) Offer 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 of time at no additional cost; or
 - (b) Obtain the student's written agreement to the specified changes and a statement that the student is not being coerced or forced into accepting the change.

NAC 394.715 Requirements for certification of program.

1. An applicant for certification of an alcoholic beverage awareness program pursuant to NRS 369.625 must submit to the Administrator:
 - (a) Evidence ~~[satisfactory to the Administrator that each instructor for the program satisfies the requirements of NAC 394.720]~~ of instructor qualifications pursuant to NAC 394.485; and,
 - (b) Submission of a background investigation pursuant to NRS 394.465.
 - (c) A complete copy of the curriculum for the program, which must include, without limitation:
 - (1) One hour in the clinical effects of alcohol on the human body;
 - (2) Thirty minutes in the methods of identifying intoxicated persons;
 - (3) Thirty minutes in the methods of discontinuing the service of alcoholic beverages to persons who are identified as intoxicated;
 - (4) Thirty minutes in the applicable state and local laws concerning the selling and serving of alcoholic beverages;
 - (5) Thirty minutes in the methods of preventing and halting fights, acts of affray and other disturbances of the peace;
 - (6) Thirty minutes in the methods of preventing:
 - (I) The entry of minors into establishments in which minors are prohibited from loitering pursuant to NRS 202.030;
 - (II) The purchase, consumption and possession of alcoholic beverages by minors as prohibited by NRS 202.020, including, without limitation, the recognition of altered or falsified forms of identification; and
 - (III) The selling and furnishing of alcoholic beverages to minors as prohibited by NRS 202.055; and
 - (7) A comprehensive closed-book final examination that contains questions on the subject matter identified in subparagraphs (1) to (6), inclusive.

In addition to the requirements of this paragraph, the curriculum for a program may include any other information pertinent to alcoholic beverage awareness.

2. In addition to the requirements of subsection 1, if an alcoholic beverage awareness program will be offered through distance education, the applicant must submit to the Administrator evidence satisfactory to the Administrator that:
 - (a) The program complies with NAC 394.521; and
 - (b) The examination required by subparagraph (7) of paragraph (b) of subsection 1 is proctored by the provider of the program or otherwise proctored by a person or entity approved by the Administrator.

In addition to the requirements of this paragraph, the curriculum for a program may include any other information pertinent to alcoholic beverage awareness.

~~[NAC 394.380 Submission of description of courses of study by applicants. (NRS 394.411)~~

- ~~1. Each applicant for a license as a private postsecondary educational institution must submit a description of each course of study leading to an academic, professional or vocational goal.~~
- ~~2. An applicant for the renewal of a license may be required to submit a description of each course of study if the Administrator finds that there has been a substantial change in the program during the current license period.]~~

~~NAC 394.385 Contents of description of course of study. (NRS 394.411) Any description of a course of study submitted to the Administrator must be on forms provided by the Commission, and specify:~~

- ~~1. The overall organization of the instructional program;~~
- ~~2. The objective the program is intended to meet;~~
- ~~3. Each educational unit, including its measurable learning objectives, the hours of instruction, the number of credits and the procedure for evaluating attainment of the objectives;~~
- ~~4. The basic textbooks and instructional equipment to be used in the program; and~~
- ~~5. A brief description of the qualifications of the instructor.~~

~~NAC 394.390 Submission of plans. (NRS 394.411) An applicant for a license to operate a school must submit plans, blueprints or line drawings which describe in detail the facilities, including parking areas, in which the school will operate.~~

~~[NAC 394.400 Inspection and approval of facility before issuance of license to operate. (NRS 394.411, 394.460) Before a license to operate an institution is issued, each facility used by the institution must be inspected and approved by the Commission or its Administrator for conformity with acceptable educational standards and specifications and for compliance with all regulatory requirements as specified in NRS 394.450.]~~

~~[NAC 394.405 Submission of evidence of financial stability. (NRS 394.411, 394.445)~~

- ~~1. Each applicant for a license or change of ownership must submit a certified financial statement which contains the information set forth in subsection 2 as evidence of his financial stability. The financial statement must be prepared within 12 months before the date of application and must be audited or reviewed by a certified public accountant.~~
- ~~2. The financial statement must contain:~~
 - ~~— (a) A statement of the source of all investment capital received;~~
 - ~~— (b) A statement of the disposition of the investment capital, identified by the recipient and amount received, purpose of expenditure or use, balance, if any, and place of deposit;~~
 - ~~— (c) A current inventory of the assets received, identified by recipient and amount received, purpose of expenditure or use;~~
 - ~~— (d) A statement of liabilities as of the date of the application, including accounts payable, loans and notes payable, and any other financial obligations of the school; and~~
 - ~~— (e) A statement of obligations attendant to land purchase agreements, land sales contracts, lease agreements on land and similar contracts involving acquisition of books, equipment, buildings and furnishings for buildings.~~
- ~~3. Applicants for renewal of an institutional license must submit a certified financial statement containing the items set forth in subsection 2 prepared in accordance with generally accepted accounting principles]~~

~~[NAC 394.410 Financial statement: Substantiation. (NRS 394.411, 394.445) An applicant for a license or the renewal of a license to operate a private postsecondary educational institution must give an affidavit or power of attorney to the Commission or its staff to substantiate the specific information contained in the financial statement of the applicant.]~~

~~[NAC 394.415 Proposed budget for first year of operation. (NRS 394.411, 394.445) An applicant for an original license must submit a proposed budget for the first year of operation. This budget must include the following information for all operations related to the school for the academic year and any summer sessions and evening extension programs:~~

~~1. Anticipated income for the year, identified by source and amount, which includes:~~

- ~~— (a) Cash on hand at the beginning of the year;~~
- ~~— (b) Actual or anticipated income;~~
- ~~— (c) Total anticipated income;~~

~~2. Anticipated expenditures, which include:~~

- ~~— (a) A list of all administrative personnel by name, position and proposed compensation, including salary, living quarters, automobile and any services to be furnished by the school;~~
- ~~— (b) Other expenses of administration, listed by purpose and amount;~~
- ~~— (c) A list of instructional personnel actually under contract or anticipated to be under contract, indicating their actual or proposed salaries;~~
- ~~— (d) An estimate of money to be expended for textbooks, library services and other expenses of instruction;~~
- ~~— (e) A list of proposed expenditures by category for the following:~~
 - ~~— (1) Facilities;~~
 - ~~— (2) Equipment and maintenance;~~
 - ~~— (3) Supplies;~~
 - ~~— (4) Books, other than textbooks;~~
 - ~~— (5) Services for students;~~
 - ~~— (6) Services for the community;~~
 - ~~— (7) Advertising;~~
 - ~~— (8) Transportation;~~
 - ~~— (9) Insurance.]~~

~~[NAC 394.420 Assurance of equal educational opportunities. (NRS 394.411, 394.421) The applicant for a license to operate a private postsecondary educational institution must assure the Commission that enrollment is open to all who meet entrance requirements, regardless of age, race, sex, national origin, or otherwise in compliance with all applicable federal or state laws and regulations. This assurance must be made on forms supplied by the Commission.]~~

~~[NAC 394.427 Application for approval of change of ownership. (NRS 394.411, 394.460) An application for an approval of change of ownership must include a completed application and an executed bond which is effective on the date of the change of ownership.]~~

~~[NAC 394.435 Procedure for review of license applications. (NRS 394.411, 394.460)~~

- ~~1. All applications must be typed and submitted to the Administrator on forms provided by the Commission;~~
- ~~2. Once the application has been reviewed and all necessary revisions have been made, and the Administrator finds it to be complete, he shall advise the applicant of the number of copies of each document required for review by the Commission at their next regularly scheduled meeting and the deadline by which the copies must be submitted;~~
- ~~3. An agenda will be sent to the applicant by certified mail at least 10 days before the meeting of the Commission indicating the time and place of the meeting with a copy of the Administrator's report on the application, including his recommendation for action by the Commission. The applicant or his representative must attend the meeting of the Commission to respond to inquiries of the commissioners relative to the application.]~~

~~[NAC 394.440 Provisional licenses: Early review of application; issuance; withdrawal. (NRS 394.411, 394.460)~~

- ~~1. An applicant for a license may have an application placed on the agenda before meeting all of the requirements if, in the judgment of the Administrator, the contingencies are either minor or routine in resolution;~~
- ~~2. Where the Commission has granted approval of a license to operate subject to compliance with certain requirements a provisional license will be granted which becomes effective when all the requirements are met. The institution may not begin operation until the license has been issued;~~
- ~~3. If an applicant, who has received approval by the Commission to operate subject to compliance with requirements, fails to comply within 6 months after the date of the approval, the approval is automatically withdrawn and the applicant must reapply.]~~

~~[NAC 394.445 Provisional licenses: Compliance with standards; extension; inspection of institution before expiration. (NRS 394.411, 394.460)~~

- ~~1. To demonstrate that it can be maintained and operated in compliance with minimum standards, the Commission will grant each new institution a provisional license. During the term specified by the Commission, the institution must demonstrate its ability to comply with the provisions of NRS 394.383 to 394.670, inclusive, and NAC 394.300 to 394.685, inclusive. If students are not enrolled within the term of the provisional license, an additional period may be requested in writing by the institution.~~
- ~~2. The Administrator shall visit the institution at least 30 days before the expiration of the provisional license. A complete report of the visit must be filed with the Commission at least 15 days before the expiration of the provisional license.]~~

~~[NAC 394.450 Provisional licenses: Action by Commission. (NRS 394.411, 394.460) At a regularly scheduled meeting of the Commission at which the termination of a provisional license is considered, the Commission will:~~

- ~~1. Extend the provisional license, if the institution has substantially met the required standards and the Commission considers deficiencies to be minor;~~
- ~~2. Deny continued licensure, if the Commission determines that the school is unable to meet required standards; or~~
- ~~3. Grant a license.]~~

~~[NAC 394.490 Substitute instructors. (NRS 394.411, 394.421)~~

- ~~1. A substitute instructor may teach any part of a course in the absence of the regular instructor. A substitute instructor must possess the same qualifications as are required of a regular instructor pursuant to NAC 394.485.~~
- ~~2. An institution shall ensure that a substitute instructor is provided if the regular instructor for a course is unable to complete the scheduled training.]~~

~~[NAC 394.522 Instruction in essentials of state and federal constitutions. (NRS 394.411, 394.421)~~

- ~~1. An institution which grants an associate's degree or a bachelor's degree must offer:
 - ~~— (a) At least once a year, a course in the essentials of the Constitution of the United States and the Constitution of the State of Nevada for which 3 semester or 4 quarter credits may be earned;~~
 - ~~— (b) An equivalent course with an examination approved by the Commission; or~~
 - ~~— (c) An examination on the constitutions;~~~~
- ~~2. An examination on the constitutions must be:
 - ~~— (a) Approved by the Commission;~~
 - ~~— (b) Part of a course on the constitutions approved by the Commission; or~~
 - ~~— (c) An examination or course with an examination on the constitutions offered by the Nevada System of Higher Education.]~~~~

~~[NAC 394.525 Gaming schools: Instruction for training in table games. (NRS 394.411, 394.421) An institution that offers training in table games shall offer instruction that is adequate for employment in casinos as determined by the State Gaming Control Board. Lecturing or classroom instruction must not comprise more than 50 percent of the program.]~~

~~[NAC 394.535 Massage schools: Programs of instruction. (NRS 394.411, 394.421)~~

- ~~1. The Commission will not approve a correspondence course in massage.~~
- ~~2. A basic program of instruction in massage must consist of at least 500 hours of training and include courses in each of the following subjects:
 - ~~— (a) Anatomy and physiology;~~
 - ~~— (b) Massage theory and history;~~
 - ~~— (c) Massage techniques, demonstrations and practices;~~
 - ~~— (d) Hygiene and first aid;~~
 - ~~— (e) Business practices; and~~
 - ~~— (f) Law and ethics.~~~~
- ~~3. Each subject included in a basic program of instruction in massage must be adequately covered as determined by reviewers advising the Commission.~~
- ~~4. An advanced program of instruction in massage must consist of training as determined by reviewers advising the Commission.~~
- ~~5. A massage school shall not enroll a student in an advanced program of instruction in massage unless he submits to the school proof that he has:
 - ~~— (a) Successfully completed a basic program of instruction in massage; or~~
 - ~~— (b) At least 2 consecutive years of experience in the practice of massage.~~~~
- ~~6. Proof submitted pursuant to paragraph (a) of subsection 5 must include a transcript issued by a massage school approved by the Commission.~~
- ~~7. Proof submitted pursuant to paragraph (b) of subsection 5 must include:
 - ~~— (a) A license to engage in the practice of massage issued by a state agency or local government that indicates at least 2 consecutive years of experience in the practice of massage;~~
 - ~~— (b) If the student is employed by a massage establishment, a letter from his present or former employer that:
 - ~~— (1) Sets forth the duties of the student during his employment; and~~
 - ~~— (2) Verifies at least 2 consecutive years of employment in the practice of massage; or~~~~
 - ~~— (c) If the student is self-employed, a copy of his tax records which indicate that he has engaged in the practice of massage for at least 2 consecutive years.]~~~~

~~[NAC 394.537 Schools for modeling: Statement that the programs do not qualify persons for licensure by Board of Cosmetology. (NRS 394.411, 394.421) A school for modeling shall include in its catalog a statement that the programs in the school do not qualify persons to be licensed by the Board of Cosmetology as cosmetologists, aestheticians or make-up artists.]~~

~~[NAC 394.540 Fictitious name. (NRS 394.411, 394.421) Before a school may use a fictitious name, it must submit to the Commission a request to have the new name approved. After approval of the fictitious name has been given, the name must be registered with the county clerk in the county where the school is located and a copy of the registration must be filed with the Commission. After complying with this section, the school may use the name.]~~

~~[NAC 394.550 Use of terms "college" and "university": Authorization given before July 1, 1979. (NRS 394.411, 394.625)~~

- ~~1. Each postsecondary educational institution which was authorized to use the term "college" or "university" before July 1, 1979, as part of its business name and desires to continue with that use must submit a petition to the Commission for authorization. The petition must include a justification for the continued use.~~
- ~~2. The Commission may convene a hearing to consider issues raised by such a petition. Besides considering the institution's qualification to award degrees, the Commission may consider:
 - ~~— (a) The cost to the institution of any change in its name;~~
 - ~~— (b) Whether its name is registered or otherwise established as a trade name and is widely recognized;~~
 - ~~— (c) Whether any change in its name is likely to result in a loss in its enrollment of students or would have a harmful effect on its reputation;~~
 - ~~— (d) Whether any change in its name would adversely affect its accreditation or the eligibility of its students to receive financial aid.~~~~
- ~~3. If an institution is authorized pursuant to this section to use the term "college" or "university" as part of its name, it shall not call undue attention to the term by enlarged lettering or other stylistics.]~~

~~[NAC 394.560 Submission of description of a new or revised vocational program or program leading to a degree. (NRS 394.411, 394.421) Each institution which plans to add or significantly revise a vocational program or a program leading to a degree must submit a description of each new or revised program and such other information as the Administrator requires.]~~

~~[NAC 394.570 Leased, rented facilities. (NRS 394.411, 394.421) Any facility which is leased or rented to house the instructional program of the school must be leased or rented pursuant to a contract or lease agreement between the owner of the school and the owner of the facility. The contract or lease agreement must stipulate the term of the lease and the conditions of the lease and must be signed by both parties. A copy of the agreement must be filed with the Commission with the application.]~~

~~[NAC 394.575 Space required in classrooms. (NRS 394.411, 394.421) At least 15 square feet of space must be provided for each student in a classroom. Exceptions to this requirement may be applied for occasional lectures in an auditorium or for special student participation seminars. The Commission may require more space for each student in a laboratory or practicum environment.]~~

~~[NAC 394.580 Telephone listing of school office required. (NRS 394.411, 394.421) The office of a school must have a telephone listed in the local telephone directory at the earliest printing of the directory after the school receives its license.]~~

~~[NAC 394.605 Contents of catalog or brochure. (NRS 394.411, 394.421, 394.441) In addition to the information required by law, a copy of the catalog or brochure approved by the Commission must be available to each student before enrollment and must include at least:~~

- ~~1. Information to identify the catalog or brochure, including the date the publication is effective;~~
- ~~2. The name of the institution and its governing body, officials and faculty;~~
- ~~3. A calendar showing business hours, legal holidays, beginning and ending date of each established term or course of study, and other important dates;~~
- ~~4. The policy and regulations of the institution on enrollment, including requirements for admission and specific requirements for entrance into each course and any deadlines for enrollment;~~
- ~~5. The policy and regulations of the institution concerning the standards of progress required of the student by the institution, including a:
 - ~~— (a) Definition of the grading system of the institution and the minimum grade considered satisfactory;~~
 - ~~— (b) Statement of the conditions for interruption of the program of a student for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution; and~~
 - ~~— (c) Statement of the conditions of readmission for those students dismissed for unsatisfactory progress;~~~~
- ~~6. The policy and regulations of the institution relative to leave, absences, a class missed without an excuse, makeup work, tardiness and interruptions for unsatisfactory attendance;~~
- ~~7. The policy and regulations of the institution relating to discipline of the students and conditions for dismissal for unsatisfactory conduct;~~
- ~~8. The policy and regulations of the institution concerning any charges if the student does not enter the course, withdraws or is discontinued from the course;~~
- ~~9. A description of the available space, facilities and equipment;~~
- ~~10. The policy and regulations of the institution concerning granting credit for previous education and training;~~
- ~~11. A detailed description of the extent and nature of any service or assistance in the placement of its graduates which the institution represents that it provides; and~~
- ~~12. A statement describing the status of the institution's license and accreditation.]~~

~~[NAC 394.610 Contracts for institutions which do not grant degrees. Upon acceptance of his enrollment in an institution which does not grant a degree, each student must receive a copy of the contract signed by himself or his guardian and by a representative of the institution. The content and format of the contract must be approved by the Commission before use by the institution. The contract must contain the following information and stipulations, as a minimum:~~

- ~~1. The name of the institution, its address and telephone number;~~
- ~~2. The name of the student, his address and telephone number;~~
- ~~3. The title of each course in which the student is enrolled;~~
- ~~4. The minimum number of instructional hours or credits of each course, and the date upon which each course begins;~~
- ~~5. The schedule of payment and total cost of each course;~~
- ~~6. The policy for refunds of the institution, printed in bold type;~~
- ~~7. If any student is bound by a document of indebtedness for money from a source outside of the institution, the provisions required by that source;~~
- ~~8. A disclaimer by the institution, printed in bold type, stating that placement in a job is not guaranteed or promised to graduates;~~
- ~~9. A statement printed in bold type stating that the person signing the contract or agreement for enrollment has received, read and understood the document, has received the catalog of the institution and understands that the catalog is part of the contract;~~
- ~~10. The policy of the institution on granting credit for previous training, and if granted, a provision for reduction in the cost and length of the course.]~~

~~[NAC 394.615 Agreement upon acceptance of enrollment in a degree-granting institution. (NRS 394.411, 394.421, 394.441) Upon acceptance of his enrollment in a degree-granting institution, each student must receive a copy of the agreement signed by him or his guardian and by a representative of the institution. The agreement must contain the following information and stipulations as a minimum:~~

- ~~1. The name of the institution, its address and telephone number;~~
- ~~2. The name of the student, his address and telephone number;~~
- ~~3. The degree for which he is enrolled, if enrolled for a degree;~~
- ~~4. The date the catalog under which the student enrolled is effective;~~
- ~~5. A statement printed in bold type that the person signing the agreement has received, read and understood the document and has received the catalog of the institution and understands that the catalog is part of the contract.]~~

~~[NAC 394.623 Changes in enrollment agreement or contract. (NRS 394.411, 394.421) To change an enrollment agreement or contract without a substantial failure to furnish the instruction or services agreed upon, the institution must:~~

- ~~1. Offer 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 of time at no additional cost; or~~
- ~~2. Obtain the student's written agreement to the specified changes and a statement that the student is not being coerced or forced into accepting the change.]~~

~~[NAC 394.650 Approval of form of certificate of completion or diploma by Commission. (NRS 394.411, 394.421) Before any certificate or diploma may be issued, a copy of the proposed form must be submitted to the Commission for approval.]~~

~~[NAC 394.655 Massage schools: Specific requirements; prohibited acts. (NRS 394.411, 394.421)~~

- ~~1. A massage school shall not operate in the same facility or on the same premises as an establishment that offers massage to members of the public for a fee.~~
- ~~2. Massage performed on members of the public at a massage school must be included as part of the curriculum at the school. A student may perform massage on members of the general public if:
 - ~~— (a) The school maintains adequate liability insurance for the term of its license;~~
 - ~~— (b) Before a massage is performed, the school obtains from the person who will receive the massage a written statement signed by the person that he knows that the massage will be performed by a student;~~
 - ~~— (c) The student has successfully completed instruction in:
 - ~~— (1) Anatomy and physiology;~~
 - ~~— (2) Massage therapy;~~
 - ~~— (3) Hygiene and first aid;~~
 - ~~— (4) Law and ethics; and~~
 - ~~— (5) At least 25 hours of actual massage training on other students or members of the staff of the school;~~~~
 - ~~— (d) The student is readily identifiable as a student to a person who will receive a massage; and~~
 - ~~— (e) Each massage is performed under the direct supervision of an instructor:
 - ~~— (1) On the premises of the massage school approved for massage training;~~
 - ~~— (2) At a public event; or~~
 - ~~— (3) In a licensed medical facility.~~~~~~
- ~~3. The school must have a licensed physician who practices in the immediate vicinity as a consultant to the school staff.~~
- ~~4. A massage school shall not:
 - ~~— (a) Enroll a student who is less than 18 years of age;~~
 - ~~— (b) Issue educational credentials to any person who is less than 18 years of age; or~~
 - ~~— (c) allow a student to perform massage in a hotel room, motel room or a private residence.]~~~~

~~[NAC 394.720 Instructors: Qualifications; replacement; criminal history. (NRS 369.625, 394.411)~~

- ~~1. Each instructor for a certified program must have a high school diploma or the equivalent and 2 years of verified work or teaching experience in the subject for which he provides instruction. If an instructor for a certified program is replaced after the program is certified, the provider of the program shall:
 - ~~— (a) Submit to the Administrator:
 - ~~— (1) The name of the new instructor; and~~
 - ~~— (2) Evidence satisfactory to the Administrator that the new instructor satisfies the requirements of this subsection; and~~~~
 - ~~— (b) Ensure that the new instructor complies with subsection 2 before he provides instruction for the program.~~~~
- ~~2. Before a person may provide instruction for a certified program, he must submit to the Administrator a complete set of his fingerprints and written permission authorizing the Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Administrator may authorize a person to provide instruction for a certified program pending receipt of the report of the Federal Bureau of Investigation if the Administrator determines that the instructor is otherwise qualified pursuant to subsection 1.~~
- ~~3. If the criminal history of a person received by the Administrator pursuant to subsection 2 indicates that the person has been convicted of a felony or a crime involving moral turpitude, the Administrator shall request the person to submit an explanation of the conviction. The Administrator shall:
 - ~~— (a) Notify the provider of the certified program that intends to employ the person as an instructor of the conviction; and~~
 - ~~— (b) Rrequest that the provider of the certified program submit to the Administrator a request to employ the person as an instructor regardless of the conviction, accompanied by a letter of support to employ the person as an instructor.~~~~
- ~~4. If the Administrator receives a request to employ a person as an instructor for a certified program regardless of a conviction and the conviction of the person on whose behalf the request is made occurred within the immediately preceding 10 years, the Commission will consider the request for employment at its next regularly scheduled meeting. Except as otherwise provided in NRS 241.030, the Commission will consider the request during a closed session of that meeting and will vote upon the request during an open meeting.~~
- ~~5. If the Administrator receives a request to employ a person as an instructor for a certified program regardless of a conviction and the conviction of the person on whose behalf the request is made occurred more than 10 years before the date on which the request is received, the Administrator shall approve or disapprove of the request for employment. If the Administrator denies the request, the provider of the certified program may request a hearing before the Commission.]~~

~~[NAC 394.735 Alcoholic Beverage Awareness Program Account: Application for reimbursement of employee; administration. (NRS 369.630, 394.411)]~~

- ~~1. Except as otherwise provided in this subsection, an employee of an establishment who successfully completes a certified program and who holds a valid alcohol education card may submit an application for reimbursement of the tuition for the program from the Alcoholic Beverage Awareness Program Account created by NRS 369.630. The application must be on a form prescribed by the Administrator and accompanied by a receipt indicating the cost of the tuition. An employee may not submit an application if he has received a full or partial reimbursement from the Account within the immediately preceding 4 years.~~
- ~~2. The Administrator shall provide the form for reimbursement to each provider of a certified program. Each provider of a certified program shall distribute the form to employees who successfully complete the program.~~
- ~~3. To the extent money is available in the Alcoholic Beverage Awareness Program Account, the Administrator shall use the money in the Account to reimburse the tuition for employees who submit an application pursuant to this section. Except as otherwise provided in subsection 4, completed applications will be considered by the Administrator in the order in which they are received, as indicated by a dated stamp of receipt made by the Administrator or his designee. If a sufficient amount of money is not available in the Account to pay a full reimbursement, the Administrator may make a partial reimbursement.~~
- ~~4. If a sufficient amount of money is not available in the Account to pay a full or partial reimbursement within 30 days after the application is received, the application is void and the applicant may not submit another application for reimbursement of the same tuition connected with the voided application.~~
- ~~5. The existence of the Alcoholic Beverage Awareness Program Account does not create a right in any person to receive money from the Account.~~
- ~~6. Payment will not be made from the Alcoholic Beverage Awareness Program Account if the amount of money in the Account is equal to or less than two times the amount of annual fees charged to maintain the Account.~~
- ~~7. As used in this section:
 - ~~— (a) "Employee" means an employee of an establishment.~~
 - ~~— (b) "Establishment" has the meaning ascribed to it in NRS 369.620.~~
 - ~~— (c) "Valid alcohol education card" has the meaning ascribed to it in NRS 369.630.]~~~~