

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

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

NEVADA COMMISSION ON POSTSECONDARY EDUCATION MINUTES

Topic: Commission on Postsecondary Education
Canada)

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

Join Zoom Meeting

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115.114.115.7 (India Hyderabad)

213.19.144.110 (Amsterdam Netherlands)

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Meeting ID: 923 4534 5619

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According to NRS 241.020, Meeting Materials are available at:

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

Staff Present during Video Conference

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

**Members of the Public, Media and Other Agencies
Present in Las Vegas**

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

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

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

STATE OF NEVADA
EMPLOYMENT SECURITY DIVISION
COMMISSION ON POSTSECONDARY EDUCATION
MINUTES

May 5, 2021 – 9:00 A.M.

Call to Order

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

Public Comments

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

Written Comments

This is Susan Beckett, no written comments.

Confirmation of Posting

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

Roll Call

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

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

Adoption of Agenda:

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

Second: Commissioner Eade.

Discussion: None.

Results: Unanimous, agenda is adopted.

Approval of Minutes February 3, 2021 Meeting

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

Administrators Report

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

Commissioner Clark, welcome Mr. Soares.

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

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

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

1. COVID 19 Update

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

2. Accreditation News

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

3. Legislative Session

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

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

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

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

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

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

5. Budget

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

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

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

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

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

Update – 9,609 with 38 unreported

Q4 2020 updated to 7,733

Q3 2020 updated to 9,576

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

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

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

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

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

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

Applications for Full Term License

Arch Dental Assistant Academy (Reno Dental Assistant School)

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

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

Motion: Commissioner Frederick – A motion that the provisional license for Arch Dental Assisting Academy be extended for an additional nine months.
Second: Commissioner Eade.
Discussion: None.
Results: Unanimous, motion carries.

Live Savers Training Center LLC

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

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

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

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

MyComputerCareer

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

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

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

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

United Education Institute

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

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

Applications for Initial Provisional Licensure

Academy of Professional Development

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

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

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

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

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

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

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

Second: Commissioner Eade.

Discussion: None.

Results: Unanimous, motion carries.

Assist to Succeed Northern Nevada

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

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

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

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

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

Second: Commissioner Soares.

Discussion: None.

Results: Unanimous, motion carries.

Charter Career Academy

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

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

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

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

Signature Real Estate School

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

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

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

Results: Unanimous, motion carries.

Snap Medical Assistant Academy

Removed from agenda after posting.

Public Comment

None.

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