

**Small Business Impact Statement**  
**Department of Employment, Training, and Rehabilitation**  
**ESD – Commission on Postsecondary Education**  
**2024 Elimination of NAC 394.590**  
**Pursuant to NRS 233B.0608**

**1. Description of the manner in which comment was solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.**

On October 4, 2023, the Employment Security Council held a meeting to review, discuss, and solicit comment on the proposed amendment of a regulation pertaining to Chapter 394 of Nevada Administrative Code. On September 4, 2023, the Division publicly noticed the Employment Security Council Meeting in accordance with Nevada Revised Statute NRS 241.020. In the meeting notice, written comment was requested on or before October 4, 2023. As of October 4, 2023, no written comments were received. On October 4, 2023, the Employment Security Council met to discuss the removal of the preapproval of advertising required by NAC 394.600 and no member of the public provided public comment. No other public comment was provided. Minutes from this meeting will be made available on the Division's web page on or before October 6, 2023.

**2. Manner and Method of Analysis**

This analysis was conducted by the state employee with the most understanding of the subject of private postsecondary institutional licensing.

**3. Estimated Economic Impact**

There is no anticipated economic impact resulting in the elimination of the statute.

**Beneficial Impacts**

Removal of the statute will lessen the burden of licensed schools to seek approval for advertising adding additional time and staff effort for marketing materials.

**Adverse Impacts**

No adverse impact was identified from removing the licensing requirement.

**Direct Impacts**

Reduce burden for private postsecondary institutions in the licensing and regulation process.

**Indirect Impacts**

There is no indirect impact from removal of the regulation.

**4. Consideration of Impact on Small Businesses**

The remove of the regulation will less the burden of small business the same as for a large business.

**5. Estimated Cost of Enforcement**

There is no additional cost of enforcement. The review of institutional advertisements is performed regularly by Commission staff at audit, renewal of license and during reviews for the VA educational benefits programs.

**6. Anticipated Revenue Increase and Use**

No revenue will be created.

**7. Duplication or More Stringent Standards than Federal, State, or Local Governments**

This regulation is more stringent than the related statute NAC 394.600 defining prohibitions in advertising. Private postsecondary institutions are provided information concerning advertising prohibitions in the application process and are monitored during regular reviews.

**8. The Reason for the Conclusions of the Agency Regarding the Impact of the Regulation on Small Businesses.**

The removal of the regulation will relieve institutions from a burdensome process of advertising approvals by the Commission on Postsecondary Education.

**Certification of Concerted Effort to Determine Impact on Small Business and Accuracy of Statement**

I certify that to the best of my knowledge or belief, a concerted effort was made by the Department of Employment, Training, and Rehabilitation to determine the impact of this regulation on small business, and that the information contained in this statement has been prepared properly and is accurate.



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Kelly Wuest, CPE Administrator

Employment Security Division