

CHAPTER.....

AN ACT relating to education; revising provisions relating to the accreditation of postsecondary educational institutions; revising the composition of the Commission on Postsecondary Education; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Under existing law, a postsecondary educational institution is considered “accredited” if it has met the standards required by an accrediting body recognized by the United States Department of Education. (NRS 394.006) **Section 2.5** of this bill provides that a postsecondary educational institution is also considered to be accredited if it is recognized as accredited directly by the United States Department of Education.

Under existing law, the Commission on Postsecondary Education is an independent body, responsible for licensing and regulating certain academic, vocational, technical and business schools and privately owned colleges and universities. (NRS 394.099, 394.383, 394.415) The Administrator of the Commission serves as its Executive Secretary and is responsible for executing or supervising the execution of the policies and regulations of the Commission, subject to its direction and control. (NRS 394.385, 394.411)

Section 6 of this bill locates the Commission within the Employment Security Division of the Department of Employment, Training and Rehabilitation. **Section 46** of this bill makes the Administrator of the Employment Security Division responsible for the administration of the Commission, through the Administrator of the Commission. **Sections 8 and 41** of this bill make conforming changes.

The Commission presently consists of seven members appointed by the Governor, including one member who is a representative of the State Board of Education. (NRS 394.383, 394.385) **Section 6** of this bill revises the composition of the Commission such that it consists of six voting members and one employee of the Department of Employment, Training and Rehabilitation appointed by the Director of the Department who serves as a nonvoting member. **Section 7** of this bill eliminates the member who is a representative of the State Board of Education from the Commission.

Existing law makes certain activities related to postsecondary educational institutions unlawful. (NRS 394.560) **Section 35** of this bill makes the commission of such acts a gross misdemeanor.

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

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

Sections 1 and 2. (Deleted by amendment.)

Sec. 2.5. NRS 394.006 is hereby amended to read as follows:
394.006 A postsecondary educational institution is
“accredited” if ~~it~~:



1. *It has met the standards required by an accrediting body recognized by the United States Department of Education ~~†~~; or*

2. *The United States Department of Education recognizes it as accredited.*

Sec. 3. NRS 394.024 is hereby amended to read as follows:

394.024 “Commissioner” means any member of the Commission on Postsecondary Education . ~~†except the Administrator.†~~

Secs. 4 and 5. (Deleted by amendment.)

Sec. 6. NRS 394.383 is hereby amended to read as follows:

394.383 1. The Commission on Postsecondary Education ~~†consisting†~~ *is hereby created within the Employment Security Division of the Department of Employment, Training and Rehabilitation. The Commission consists of ~~†seven†~~:*

(a) An employee of the Department of Employment, Training and Rehabilitation designated by the Director of the Department of Employment, Training and Rehabilitation to serve as a nonvoting member; and

(b) Six voting members appointed by the Governor . ~~†is hereby created.†~~

2. The *voting* members of the Commission are entitled to receive a salary of not more than \$80, as fixed by the Commission, for each day’s attendance at a meeting of the Commission.

3. *The nonvoting member of the Commission designated pursuant to paragraph (a) of subsection 1 must be relieved from his or her duties with the Department of Employment, Training and Rehabilitation without loss of regular compensation so that he or she may prepare for and attend meetings of the Commission and perform any work necessary to carry out the duties of the Commission in the most timely manner practicable. The Department may not require the member to make up time or take annual vacation or compensatory time for the time that he or she is absent from work to carry out his or her duties as a member of the Commission.*

4. While engaged in the business of the Commission, each member ~~†and employee†~~ of the Commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

Sec. 7. NRS 394.385 is hereby amended to read as follows:

394.385 1. The Governor shall appoint:

(a) ~~†One member who is a representative of the State Board of Education.~~



~~(b)~~ Two members who are knowledgeable in the field of education, but not persons representing postsecondary educational institutions, or colleges established or maintained under the laws of this State.

~~(e)~~ (b) Two members who are representatives of private postsecondary educational institutions.

~~(d)~~ (c) Two members who are representatives of the general public and are not associated with the field of education.

2. The Commission shall designate a Chair. ~~The Administrator is the Executive Secretary.~~ The Commission may meet regularly at least four times each year at such places and times as may be specified by a call of the Chair or majority of the Commission. The Commission shall prescribe regulations for its own management. Four *voting* members of the Commission constitute a quorum which may exercise all the authority conferred upon the Commission.

3. Any Commissioner may be removed by the Governor if, in the opinion of the Governor, the Commissioner is guilty of malfeasance in office or neglect of duty.

Sec. 8. NRS 394.411 is hereby amended to read as follows:

394.411 1. The Commission shall adopt regulations governing the administration of NRS 394.383 to 394.560, inclusive, and may adopt such other regulations as are proper or necessary for the execution of the powers and duties conferred upon it by law.

2. ~~The~~ *Subject to the administrative supervision of the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation pursuant to NRS 612.220, the Administrator of the Commission* shall execute, direct or supervise all administrative, technical and procedural activities for which the Administrator is responsible in accordance with the policies and regulations of the Commission . ~~and subject to the Commission's direction and control.~~

Secs. 9-17. (Deleted by amendment.)

Sec. 18. NRS 394.463 is hereby amended to read as follows:

394.463 1. The institution shall pay the per diem allowance and travel expenses allowed for state officers and employees generally ~~to~~ to the members of the panel of evaluators ~~and the Administrator~~ ~~and employees of the Commission~~ during their inspections of the institution and to the member of the panel who attends the meeting of the Commission at which the license is discussed. The institution shall also pay the cost of preparing and printing the report of the panel.

2. Each claim for reimbursement of these expenses must be submitted to the Administrator within 30 days after they are



incurred. The Administrator shall verify the claim and forward it to the institution. Within 30 days after its receipt, the institution shall issue a negotiable instrument which is payable to the claimant and send it to the Administrator, who shall send it to the claimant.

Secs. 19-34. (Deleted by amendment.)

Sec. 35. NRS 394.610 is hereby amended to read as follows:

394.610 Unless a specific penalty is otherwise provided, a person who willfully violates the provisions of NRS 394.005 to ~~394.550,~~ **394.560**, inclusive, is guilty of a gross misdemeanor. Each day's failure to comply with the provisions of these sections is a separate offense.

Secs. 36-40. (Deleted by amendment.)

Sec. 41. NRS 232.920 is hereby amended to read as follows:

232.920 The Director:

1. Shall:

(a) Organize the Department into divisions and other operating units as needed to achieve the purposes of the Department;

(b) Upon request, provide the Director of the Department of Administration with a list of organizations and agencies in this State whose primary purpose is the training and employment of persons with disabilities;

(c) Except as otherwise provided by a specific statute, direct the divisions to share information in their records with agencies of local governments which are responsible for the collection of debts or obligations if the confidentiality of the information is otherwise maintained under the terms and conditions required by law; and

(d) Provide the employment and wage information to the Board of Regents of the University of Nevada for purposes of the reporting required of the Board of Regents by subsection 4 of NRS 396.531.

2. Is responsible for the administration, through the divisions of the Department, of the provisions of NRS **394.383 to 394.560, inclusive**, 426.010 to 426.720, inclusive, 426.740, 426.790 and 426.800, and chapters 612 and 615 of NRS, and all other provisions of law relating to the functions of the Department and its divisions, but is not responsible for the professional line activities of the divisions or other operating units except as otherwise provided by specific statute.

3. May employ, within the limits of legislative appropriations, such staff as is necessary for the performance of the duties of the Department.

Secs. 42-45. (Deleted by amendment.)

Sec. 46. NRS 612.220 is hereby amended to read as follows:

612.220 The Administrator:



1. Shall administer this chapter.
2. *Is responsible for the administration, through the Administrator of the Commission on Postsecondary Education, of the provisions of NRS 394.383 to 394.560, inclusive.*
3. Has power and authority to adopt, amend or rescind such rules and regulations, to employ, in accordance with the provisions of this chapter, such persons, make such expenditures, require such reports, make such investigations, and take such other action as the Administrator deems necessary or suitable to that end.
- ~~3~~ 4. Shall determine his or her own organization and methods of procedure for the Division in accordance with the provisions of this chapter.

Sec. 47. (Deleted by amendment.)

Sec. 48. The term of the member of the Commission on Postsecondary Education:

1. Appointed pursuant to paragraph (a) of subsection 1 of NRS 394.385; and

2. Who is incumbent on June 30, 2017,

↪ expires on June 30, 2017.

Sec. 49. (Deleted by amendment.)

Sec. 50. The Legislative Counsel shall, in preparing the Nevada Revised Statutes or any supplements to the Nevada Administrative Code, use the authority set forth in subsection 10 of NRS 220.120 to change appropriately the name of any agency, officer or instrumentality of the State whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate agency, officer or instrumentality.

Sec. 51. (Deleted by amendment.)

Sec. 52. This act becomes effective on July 1, 2017.

