

Subcommittee

ASSEMBLY EDUCATION COMMITTEE
SUBCOMMITTEE ON AB 54 and 24

FEBRUARY 12 and 13, 1975

1- 173

MEMBERS PRESENT: Mr. Polish
Mr. Vergiels
Mr. Lowman

GUESTS: Mr. Gamble, State Department of Education
Mr. Anderson, State Department of Education

The subcommittee on AB 54 and 24 appointed by Chairman Wittenberg to meet with the Department of Education and make any amendments or revisions of the bills as necessary met on February 12 and 13 and wishes to report the following changes to AB 24. It was felt by the subcommittee that AB 54 was completely covered by AB 24 and was therefore unnecessary.

The term "department" as used throughout the bill should be changed to "Board". This is done at the request of the State Board of Education who felt that the term "department" alone would exclude them from an input.

In the second line of the description of the bill the term "department" should be changed to "Board".

Page 1, line 14, remove the term "natural" as not being necessary and change the term "department" to "board" so the line will reach "tion issued to a person by the board or commission which"

Page 2, line 3, change both "department" terms to "board" so Sec. 8 will read: "Board" means the state board of education or the state department of education.

Page 3, lines 22-25, delete the sentence beginning "The legislature" and ending with "them to financial loss". It was felt that there was no reason to mention past experiences and this bill will prevent any future problems.

Page 3, line 41, change the term "department" to "board".

Page 4, lines 8-9, change the term "less" to "fewer" in both cases so that the subsection 6 will read: "Institutions or individuals offering instruction to four or fewer students in a 24-hour day or to 24 or fewer students during any calendar year." This was done to correct a grammatical error.

Page 4, line 15, add an additional subsection 9.
9. Institutions or school systems in operation prior to July 1, 1975 which had prior board approval of their courses of study under NRS 394.130. Any substantial changes in these schools or in future schools in the school system which would alter their nature or purpose as described in their official literature as of July 1, 1975, will be subject to compliance with the act.

Page 4, line 16, change term "department" to "board".

Page 4, line 19, change term "department" with "board".

Page 4, line 39, change the term "department" to "board".

Page 4, line 42, change the term "department" to "board".

Page 4, line 46, change the term "department" to "board".

Page 5, line 1, change the term "department" to "board".

Page 5, line 10, change the term "department" to "board".

Page 5, line 15, change the term "department" to "board".

Page 5, line 17, change the term "department" to "board".

Page 5, lines 28-29, delete the words "and the experience and qualifications of directors, administrators, supervisors and instructors". This is already included in subsection (c) and therefore unnecessary. After the word "study," on line 28 add the words "as submitted in writing," therefore subsection (a) under Section 29.1. will read "The quality and content of each course of instruction, training, or study, as submitted in writing, reasonably and adequately achieve the stated objective for which the course or program is offered."

Page 5, line 44, change the term "department" to "board".

Page 6, line 20, change the term "department" to "board".

Page 6, line 45, change the term "department" to "board".

Page 6, line 49, change the term "department" to "board".

Page 7, line 1, change the term "department" to "board".

Page 7, line 2, change the term "department" to "board".

Page 7, line 6, change the term "department" to "board".

Page 7, line 10, change the term "department" to "board".

Page 7, line 11, change both terms of "department " to "board". therefore the line would read "board considers it necessary, the board shall either grant or"

Page 7, line 19, change the term "department" to "board".

Page 7, line 22, change the term "department" to "board".

Page 7, line 33, change the term "department" to "board".

- Page 7, line 39, change the term "department" to "board".
- Page 7, line 40, change the term "department" to "board".
- Page 7, line 42, change the term "department" to "board".
- Page 7, line 43, change the term "department" to "board".
- Page 7, line 45, change the term "department" to "board".
- Page 8, line 6, change the term "department" to "board".
- Page 8, line 7, change the term "department" to "board".
- Page 8, line 8, change the term "department" to "board".
- Page 8, line 17, change the term "department" to "board".
- Page 8, line 20, change the term "department" to "board".
- Page 8, line 23, change the term "department" to "board".
- Page 8, line 26, change the term "department" to "board".
- Page 8, line 28, change the term "department" to "board".
- Page 8, line 30, change the term "department" to "board".
- Page 8, line 32, change the term "department" to "board".
- Page 8, line 35, change the term "department" to "board".
- Page 8, line 36, change the term "department" to "board".
- Page 8, line 39, change the term "department" to "board".
- Page 8, line 40, change the term "department" to "board".
- Page 8, line 44, change the term "department" to "board".
- Page 8, line 46, change the term "department" to "board".
- Page 8, line 49, change the term "department" to "board".
- Page 9, line 3, change the term "department" to "board".
- Page 9, line 6, change the term "department" to "board".
- Page 9, line 9, change the term "department" to "board".
- Page 9, line 11, change the term "department" to "board".

Page 9, line 19, change the term "department" to "board".

Page 9, line 21, change the term "department" to "board".

Page 9, line 22, change the term "department" to "board".

Page 9, line 24, change the term "department" to "board".

Page 9, line 26, change the term "department" to "board".

~~Page 9, line 30, change the term "department" to "board".~~

Page 9, line 33, change the term "department" to "board".

Page 9, line 35, change the term "department" to "board".

Page 9, line 39, change both the terms "department" to "board", so the line will read "board action, or by any penalty imposed by the board, may".

Page 9, line 42, change the term "department" to "board".

Page 9, line 47, change the term "department" to "board".

Page 9, line 49, change the term "department" to "board".

Page 10, line 1, delete the word "amount" and add "not less than" after the word "of", therefore the line will read "sum of not less than \$5,000. The bond shall be executed by the applicant as prin-".

Page 10, line 17, change the term "department" to "board".

Page 10, line 26, change the term "department" to "board".

Page 10, line 34, change the term "department" to "board".

Page 10, line 46, change the term "department" to "board".

Page 10, line 47, change the term "department" to "board".

Page 11, line 1, change the term "department" to "board".

Page 11, line 3, change the term "department" to "board".

Page 11, line 4, change the term "department" to "board".

Page 11, line 5, change the term "department" to "board".

Page 11, line 29, delete the words "subject to the jurisdiction of the department of commerce."

Page 11, lines 40-48, delete entirely Section 45 and substitute with the following:

- "Sec. 45. 1. The commission shall include the following persons
- (a) one representative of the state board of education.
 - (b) two educators from the public school sector.
 - (c) two representatives of private postsecondary schools.
 - (d) two representatives from the public at large. These individuals shall be taxpayers of this state and shall not be affiliated with any postsecondary educational institution."

The subcommittee feels that this should be acceptable to the private schools and would be a better representation. The subcommittee does not feel that the administrator should be a member of the Commission.

Page 11, lines 49-50, the words "hire an" should be added after the words "a chairman and" and the word "who" should be added after the word "administrator" and the words "and be an unclassified employee" should be added after the words "serve as secretary". Therefor lines 49 and 50 shall read as follows:

- "2. The commission shall designate a chairman and hire an administrator who shall serve as secretary and be an unclassified employee. The commission shall meet at least four times"

The subcommittee feels that the administrator should be an hired employee, unclassified, serving at the pleasure of the Commission.

Page 14, line 20, delete the entire subsection (1) and replace with the following:

- "(1) Total nonrefundable of the fee as an enrollment or service charge not to exceed 10% of the total tuition fee or \$50, whichever is smaller. The remainder of the tuition fee or other charges to be pro rata in equal amounts over 75% of the total length of the course."

The subcommittee feels that this is a more equitable refund formula that the private schools should go along with and that this will only be used as a minimum standard.

Page 18, line 4, change the word "amount" to "sum". Grammatically this is a better word.

Page 18, lines 6-13, the committee submits the following amendment and asks the bill drafter which wording for this passage would be better. The one already in the bill or the following:

"The bond shall be payable to the State of Nevada and shall be conditioned to provide indemnification to any student, enrollee or his parent or guardian, determined by a non-appealable judgement of any court of this state that has jurisdiction, to have suffered damage as a result of any act by the postsecondary educational institution which is a violation of the Postsecondary Educational Authorization Act, and the bonding company shall pay any final, nonappealable judgement of any court of this state that has jurisdiction, ~~upon receipt of written notification of final judgement.~~"

Page 20, line 13, change the term "department" to "board".

Page 20, line 16, change the term "department" to "board".

Page 20, line 18, change the term "department" to "board".

Page 20, line 26, change the term "department" to "board".

Page 20, line 28, change the term "department" to "board".

Page 20, line 30, change the term "department" to "board".

Page 20, line 36, change the term "department" to "board" and add the words "or commission" so that the line reads "fully fails or refuses to deposit with the board or commission the records required".

Page 20, line 42-50, delete the entire section 67.

Page 21, lines 1-21, delete the entire section 68.
As the commission has been taken out of the Department of Commerce these sections are no longer necessary.

The subcommittee favors these amendments and respectfully submits them to the committee for their consideration.

Respectfully submitted,

Sandra Gagnier,
Assembly Attache

ASSEMBLY

AGENDA FOR COMMITTEE ON..... EDUCATION

Date..... Feb. 13, 1975 Time..... 3:00 Room..... 336

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Bills or Resolutions
to be considered

Subject

Counsel
requested*

THIS CANCELS AND SUPERSEDES THE AGENDA FOR THIS DATE PREVIOUSLY
POSTED.

JOINT HEARING WITH THE SENATE EDUCATION COMMITTEE TO
HEAR THE PRESENTATION OF THE UNIVERSITY'S COMPREHENSIVE
PLAN FOR THE FOUR-YEAR PERIOD BEGINNING JULY 1, 1975.

*Please do not ask for counsel unless necessary.





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February 13, 1975

The Honorable John Polish
Nevada State Assembly
Carson City, Nevada

Sir:

As a member of the Board of Directors of Nevada Association of Private Schools and as owner of Professionals Academy here in Las Vegas, I want to thank you and the members of the Committee on Education for the courtesy extended to Richard Gaylord and me when we were in Carson City last week on the hearing of AB24.

I understand that the subcommittee of the Committee on Education met this morning to discuss revisions on AB24. If I understand correctly, I am pleased with the changes your subcommittee is going to recommend. However, I am surprised and want to cast further light on two of the decisions that were made:

1. I do not feel that representatives of the public educational sector should be represented on the Commission. Since the public sector is not regulated by this proposed law, I do not feel they should set policy and licensing of vocational schools. Furthermore, and more importantly, the public sector (Universities, Community Colleges, etc.) are in direct competition with us.
2. Both Universities in this State and all accrediting agencies licensed by the United States Office of Education feel it fair that when a student has attended over

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The Honorable John Polish

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50% of a course, his tuition is earned in full. (I make reference to the University of Reno 1974/75 General Catalogue, page 531: When a student has attended between 9 and 16 weeks of a semester, in other words, when he has attended one-half of the course, no refund is due, and full tuition is kept by the school.)

I feel that if the private schools are forced to refund 75% of the cost of the course, we are being discriminated against!

Classes at Professionals Academy range from 6 weeks to 36 weeks with enrollment from 5 students to a maximum of ten students per class. Should a student withdraw, the Academy's expenses do not diminish. We must fulfill our contract with instructors as well as equipment contracts.

We are filling a need in the Community, indeed in the State, through professional instruction. We operate on a slim margin of profit and although we do have a low percentage rate of drop-outs, a loss of one student can be critical if the 75% refund policy is enacted.

We have nearly 100% placement of our students (except where the Unions are involved, and even here students have been placed all over town) so it just doesn't make sense that the vocational schools should be hampered rather than protected against the unscrupulous student!

I respectfully request you give these two matters your serious consideration. I know they reflect not only my opinion but the opinions of all those involved in the Nevada Association of Private Schools as we have discussed them at length in the past.

PA

The Honorable John Polish

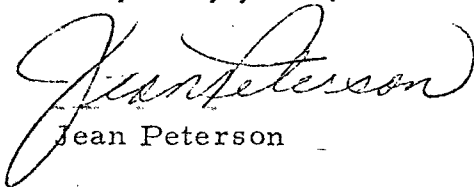
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If you need more information on any of these matters, please do not hesitate to call me collect.

Very truly yours,


Jean Peterson

JP/a

cc Zel Lowman, Assemblyman
Steven Coulter, Assemblyman
John Polish, Assemblyman
John Vergiels, Assemblyman
Robert Weise, Assemblyman
Albert Wittenberg, Assemblyman
Members of the Nevada Association of Private Schools

**EDUCATION
DYNAMICS
INSTITUTE**

1- 182

2635 NORTH DECATUR BOULEVARD
LAS VEGAS, NEVADA 89108
TELEPHONE 648-1522

February 14, 1975

The Honorable Albert L. Wittenberg, Chairman
Committee on Education
Nevada Legislature
Carson City, Nevada 89701

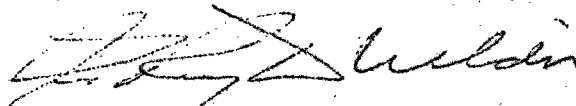
Dear Assemblyman Wittenberg:

I have been informed of the current debate concerning AB 24 regarding licensing changes for private schools.

I am particularly concerned about making refund policies a matter of statute. This is a matter of operating procedure that I strongly feel is an area properly left with those agencies regulating day-to-day activities of the schools--specifically, the accrediting agencies and the Department of Education.

Not only is the proposal under debate, 75% pro rata requirement, indefensible and incomprehensible to me, it grossly exceeds the requirements set by the U. S. Office of Education and our own University System. It would be unfair, unjust, and unreasonable for all proprietary schools. Furthermore, I see no justification as to why a private school should have a harsher standard applied to it than does our own public sector.

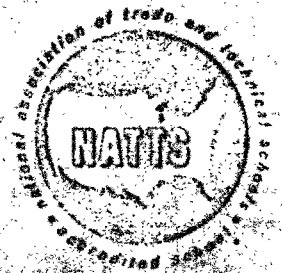
Very truly yours,



LeRoy D. Wilder

LDW:st

cc: Members, Committee on Education, Nevada Legislature
Mrs. Bernie Lenz, President, Nevada Association of Private Schools



NEVADA ASSOCIATION OF PRIVATE SCHOOLS

2635 North Decatur Boulevard

Las Vegas, Nevada 89108

(702) 648-1522

February 14, 1975

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*Rec'd
2/18/75*

The Honorable Albert L. Wittenberg, Chairman
Committee on Education
Nevada Legislature
Carson City, Nevada 89701

Dear Assemblyman Wittenberg:

The Nevada Association of Private Schools is pleased with the changes we understand the Subcommittee from the Committee on Education made in AB 24 the mornings of February 12 and 13. However, we would like you to reconsider two areas:

1. The refund policy. Refund policies are probably best left to regulation, not statute. But either way, all National norms would indicate that a student's total tuition should be earned by the school when the student has attended fifty percent of the course. The 75% the Subcommittee decided on is totally inappropriate. Accrediting agencies for proprietary schools recognized by the U. S. Office of Education indicate that full tuition is earned once a student has attended 50% of the course. And even that is a far more onerous policy for the proprietary schools than that borne by public institutions; our own University of Nevada System has a refund policy much more favorable to the school than the present 50% policy in the private sector.
2. The decision that two members of the Commission must be educators from the public sector. It seems that the really important part is that they have expertise in the educational field, not just limited to the public sector. I suggest that they be two representatives, NOT FROM ANY PRIVATE SCHOOL, who have recognized expertise in postsecondary education. Thus, they might well come from the public sector, but the State is not limited to the public school system for its selection.

It is hoped that your Subcommittee will give consideration to the above recommendations.

Very truly yours,

Richard F. Gaylord
Richard F. Gaylord ST

RFG:st

cc: Members, Committee on Education, Nevada Legislature
Mrs. Bernie Lenz, President, Nevada Association of Private Schools

introduction. Mr. Vergiels seconded the motion. The vote was 6-1 with Mr. Weise voting no.

Next, Mr. Wittenberg opened the meeting for discussion on committee introduction of bill which recognizes community school concept and provides state assistance therefor. Mr. Vergiels moved for committee introduction and Mr. Coulter seconded the motion.

Mr. Lowman asked that since this bill was on the same subject as a previous bill which had been indefinitely postponed, would it not take an affirmative vote of 5 members for reconsideration. Chairman Wittenberg stated that it would take 2/3 of the committee's approval to reconsider that particular bill, but that this bill contained different language and was a different bill.

The previous motion carried with a vote of 5-2 with Mr. Lowman and Mr. Weise voting no.

AB 305 was brought up for committee consideration. Mr. Coulter moved that the committee "do kill" and Mr. Weise seconded the motion. Motion failed on a vote of 2-5 with Mr. Coulter and Mr. Weise voting for the motion and the rest of the committee voting against.

Mr. Lowman moved that the committee "do pass" and Mr. Polish seconded the motion. The motion carried on a 5-2 vote with Mr. Coulter and Mr. Weise voting against the motion.

Chairman Wittenberg stated that this bill will now go to the Judiciary Committee as it was a concurrent referral to both committees.

As there was no further business to discuss for this day, Chairman Wittenberg adjourned the meeting.

Respectfully submitted,

Sandra Gagnier,
Assembly Attache

EDUCATION
LEGISLATION ACTION

DATE March 4, 1975

SUBJECT AB 305, Prohibits certain persons access to University of Nevada Campus.

MOTION:

Do Pass _____ Amend _____ Indefinitely Postpone XX Reconsider _____

Moved By Mr. Coulter Seconded By Mr. Weise

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved BY _____ Seconded By _____

VOTE:	MOTION		AMEND		AMEND	
	Yes	No	Yes	No	Yes	No
CHANEY		X				
COULTER	X					
LOWMAN		X				
POLISH		X				
VERGIELS		X				
WEISE	X					
WITTENBERG		X				
TALLY:	2	5				

ORIGINAL MOTION: Passed _____ Defeated XX Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes March 4, 1975

58TH NEVADA LEGISLATURE

EDUCATION
LEGISLATION ACTION

1-186

DATE March 4, 1975

SUBJECT AB 305, Prohibits certain persons access to University of Nevada campus

MOTION:

Do Pass XX Amend _____ Indefinitely Postpone _____ Reconsider _____

Moved By Mr. Lowman Seconded By Mr. Polish

AMENDMENT:

Moved By _____ Seconded By _____

AMENDMENT:

Moved BY _____ Seconded By _____

VOTE:	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
CHANEY	<u>X</u>					
COULTER		<u>X</u>				
LOWMAN	<u>X</u>					
POLISH	<u>X</u>					
VERGIELS	<u>X</u>					
WEISE		<u>X</u>				
WITTENBERG	<u>X</u>					
TALLY:	5	2				

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

AMENDED & PASSED _____ AMENDED & DEFEATED _____

Attached to Minutes March 4, 1975