

Amendment No. 96

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| Assembly Amendment to Assembly Bill No. 169 | (BDR 34-745) |
| Proposed by: Assembly Committee on Education | |
| Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes | |

| ASSEMBLY ACTION | | | Initial and Date | SENATE ACTION | | | Initial and Date | | |
|-----------------|--------------------------|------|--------------------------|---------------|--------------|--------------------------|------------------|--------------------------|-------|
| Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ | Adopted | <input type="checkbox"/> | Lost | <input type="checkbox"/> | _____ |
| Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Concurred In | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |
| Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ | Receded | <input type="checkbox"/> | Not | <input type="checkbox"/> | _____ |

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 169—ASSEMBLYMEN CONSIDINE, WATTS, ANDERSON; BROWN-
MAY AND MARZOLA

FEBRUARY 23, 2021

Referred to Committee on Education

SUMMARY—Revises provisions governing higher education. (BDR 34-745)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to higher education; establishing provisions relating to recruitment activities of certain institutions of higher education; requiring certain institutions of higher education to ~~have a policy for refunds that requires the institution to refund a student all the money the student has paid if the institution impairs the ability of the student to complete a training program agreed upon in an enrollment agreement;~~ provide certain information to students; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law establishes the Commission on Postsecondary Education within the
2 Employment Security Division of the Department of Employment, Training and
3 Rehabilitation to license privately owned institutions of higher education which are located in
4 Nevada and, with certain exceptions, branches of public or private institutions of higher
5 education of another state which are located in Nevada. (NRS 394.383, 394.415) Under
6 existing law, institutions licensed by the Commission are required to have a policy for refunds
7 that requires the institution to refund a student all the money that the student has paid if the
8 institution has substantially failed to furnish a training program agreed upon in an enrollment
9 agreement. (NRS 394.449) ~~[This] Section 1.6 of this bill [requires the policy to provide for a~~
10 ~~refund in circumstances where the institution has impaired the ability of a student to complete~~
11 ~~the training program within the period of time agreed to in the enrollment agreement by,~~
12 ~~without limitation, reducing the number of courses offered, reducing the authorized~~
13 ~~enrollment in courses or increasing the number of required courses.] defines when an~~
14 ~~institution has substantially failed to furnish a training program.~~
15 Section 1 of this bill: (1) prohibits a postsecondary educational institution from
16 engaging in recruiting activities in certain circumstances; and (2) authorizes a
17 postsecondary educational institution to engage in recruiting activities at certain
18 locations.
19 Existing law sets forth various requirements for postsecondary educational
20 institutions, including, without limitation, providing students with a catalog or brochure
21 of information related to the institution and a copy of the agreement to enroll in the
22 institution. (NRS 394.441) Section 1.3 of this bill sets forth additional requirements for
23 postsecondary educational institutions, which include, without limitation: (1) requiring a
24 postsecondary educational institution to provide a current and complete copy of a
25 catalog or brochure to a student before signing an agreement to enroll; (2) various

26 requirements for an agreement to enroll; (3) including a disclosure page or prominent
 27 link to the disclosure page on the main page of the Internet website of the postsecondary
 28 educational institution; and (4) including a statement indicating where a person can
 29 access the complaint policy of the postsecondary educational institution.

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

1 Section 1. Chapter 394 of NRS is hereby amended by adding thereto a
 2 new section to read as follows:

3 A postsecondary educational institution:

4 1. Shall not engage in recruiting activities where prospective students
 5 cannot reasonably be expected to make informed decisions regarding enrollment.

6 2. May engage in recruiting activities at a center for employment
 7 opportunities operated by or with the support of the local, state or Federal
 8 Government and with the permission of the center for employment opportunities.

9 Sec. 1.3. NRS 394.441 is hereby amended to read as follows:

10 394.441 1. A postsecondary educational institution shall:

11 ~~1.3~~ (a) Provide students and other interested persons with a *current and*
 12 *complete* catalog or brochure containing information describing the programs
 13 offered, objectives of the program, length of the program, schedule of tuition, fees
 14 and all other charges and expenses necessary for completion of the course of study,
 15 policies concerning cancellations and refunds, an explanation of the Account for
 16 Student Indemnification and other material facts concerning the institution and the
 17 program or course of instruction that are likely to affect the decision of the student
 18 to enroll therein, together with any other disclosures specified by the Administrator
 19 or defined in the regulations of the Commission. The information must be provided
 20 before ~~enrollment~~ *signing an agreement to enroll.*

21 ~~1.3~~ (b) Provide each student who satisfactorily completes the training with
 22 appropriate educational credentials indicating:

23 ~~1.3~~ (I) That the course of instruction or study has been satisfactorily
 24 completed by the student; and

25 ~~1.3~~ (2) If the training does not lead to a degree, the number of hours of
 26 instruction or credits required of the student to complete the training.

27 ~~1.3~~ (c) Unless otherwise authorized by the Commission, maintain adequate
 28 records at the licensed facility to reflect the attendance, progress and performance
 29 of each student at the facility.

30 ~~1.3~~ (d) Provide each student with a *current and complete* copy of the
 31 agreement to enroll, dated and signed by the student or the student's guardian and
 32 an officer of the institution ~~1.3~~, which must:

33 *(I) Include a statement that the student or the student's guardian and the*
 34 *officer of the institution have reviewed each section of the agreement and had the*
 35 *opportunity to ask questions;*

36 *(2) Be printed in at least 10-point font; and*

37 *(3) Include a cancellation policy that:*

38 *(I) Provides that an agreement to enroll may be cancelled not later*
 39 *than 3 days after signing the agreement; and*

40 *(II) Contains clear language explaining the process to cancel an*
 41 *agreement to enroll.*

42 ~~1.3~~ (e) For each program offered at the institution that does not lead to a
 43 degree, collect and maintain information concerning:

1 ~~(1)~~ (I) The number of students enrolled in the program and the number and
 2 names of students who have obtained employment in related fields, with their
 3 locations of placement;

4 ~~(2)~~ (2) The number of:

5 ~~(1)~~ (I) Students enrolled in the program;

6 ~~(2)~~ (II) Students who have graduated from the program; and

7 ~~(3)~~ (III) Graduates who have obtained employment in fields related to
 8 the instruction offered in the program, with the average compensation of such
 9 graduates; or

10 ~~(3)~~ (3) For each such program offered to prepare students for a licensing
 11 examination:

12 ~~(1)~~ (I) The number of students enrolled in the program;

13 ~~(2)~~ (II) The number of such students who have graduated from the
 14 program; and

15 ~~(3)~~ (III) The number of such graduates who have passed the
 16 examination.

17 ~~(f)~~ (f) Select, from the information collected pursuant to ~~subsection 5,~~
 18 paragraph (e), the information relating to any 6-month period within the 18-month
 19 period preceding its next date for enrollment. The information for the period
 20 selected must be set forth in written form and posted conspicuously at the
 21 institution.

22 (g) Include a disclosure page or prominent link to the disclosure page on the
 23 main page of the Internet website of the postsecondary educational institution.

24 (h) Include a statement indicating where a person can access the complaint
 25 policy of the postsecondary educational institution in the catalog or brochure of
 26 the institution or on the main page of the Internet website of the postsecondary
 27 educational institution.

28 2. The Commission shall adopt regulations imposing a fine against a
 29 postsecondary educational institution that fails to comply with paragraph (g) of
 30 subsection 1.

31 ~~Section 1.~~ **Sec. 1.6.** NRS 394.449 is hereby amended to read as follows:

32 394.449 1. Each postsecondary educational institution shall have a policy
 33 for refunds which at least provides:

34 (a) That if the institution has substantially failed to furnish the training program
 35 agreed upon in the enrollment agreement ~~, for otherwise impaired the ability of a~~
 36 ~~student to complete the training program within the period of time agreed to in~~
 37 ~~the enrollment agreement, including, without limitation, by reducing the number~~
 38 ~~of courses offered, reducing the authorized enrollment in courses or increasing~~
 39 ~~the number of required courses,] the institution shall refund to a student all the~~
 40 money the student has paid.

41 (b) That if a student cancels his or her enrollment before the start of the
 42 training program, the institution shall refund to the student all the money the
 43 student has paid, minus 10 percent of the tuition agreed upon in the enrollment
 44 agreement or \$150, whichever is less, and that if the institution is accredited by a
 45 regional accrediting agency recognized by the United States Department of
 46 Education, the institution may also retain any amount paid as a nonrefundable
 47 deposit to secure a position in the program upon acceptance so long as the
 48 institution clearly disclosed to the applicant that the deposit was nonrefundable
 49 before the deposit was paid.

50 (c) That if a student withdraws or is expelled by the institution after the start of
 51 the training program and before the completion of more than 60 percent of the
 52 program, the institution shall refund to the student a pro rata amount of the tuition

1 agreed upon in the enrollment agreement, minus 10 percent of the tuition agreed
2 upon in the enrollment agreement or \$150, whichever is less.

3 (d) That if a student withdraws or is expelled by the institution after
4 completion of more than 60 percent of the training program, the institution is not
5 required to refund the student any money and may charge the student the entire cost
6 of the tuition agreed upon in the enrollment agreement.

7 2. If a refund is owed pursuant to subsection 1, the institution shall pay the
8 refund to the person or entity who paid the tuition within 15 calendar days after the:

9 (a) Date of cancellation by a student of his or her enrollment;

10 (b) Date of termination by the institution of the enrollment of a student;

11 (c) Last day of an authorized leave of absence if a student fails to return after
12 the period of authorized absence; or

13 (d) Last day of attendance of a student,

14 ↪ whichever is applicable.

15 3. Books, educational supplies or equipment for individual use are not
16 included in the policy for refund required by subsection 1, and a separate refund
17 must be paid by the institution to the student if those items were not used by the
18 student. Disputes must be resolved by the Administrator for refunds required by
19 this subsection on a case-by-case basis.

20 4. For the purposes of this section:

21 (a) The period of a student's attendance must be measured from the first day of
22 instruction as set forth in the enrollment agreement through the student's last day of
23 actual attendance, regardless of absences.

24 (b) The period of time for a training program is the period set forth in the
25 enrollment agreement.

26 (c) Tuition must be calculated using the tuition and fees set forth in the
27 enrollment agreement and does not include books, educational supplies or
28 equipment that is listed separately from the tuition and fees.

29 5. As used in this section, "substantially failed to furnish" includes
30 cancelling or changing a training program agreed upon in the enrollment
31 agreement without:

32 (a) Offering the student a fair chance to complete the same program or
33 another program with a demonstrated possibility of placement equal to or higher
34 than the possibility of placement of the program in which the student is enrolled
35 within approximately the same period at no additional cost; or

36 (b) Obtaining the written agreement of the student to the specified changes
37 and a statement that the student is not being coerced or forced into accepting the
38 changes.

39 ↪ unless the cancellation or change of a program is in response to a change in
40 the requirements to enter an occupation.

41 Sec. 2. [This act becomes effective on July 1, 2021.] (Deleted by
42 amendment.)