

# **SUNSET SUBCOMMITTEE OF THE LEGISLATIVE COMMISSION REVIEW FORM #1 ALL BOARDS**

(Required by *Nevada Revised Statutes* [NRS] [232B.230](#))

## **INSTRUCTIONS**

- Save the form to your personal computer. Please do not change the format of the form as it complies with the [Web Content Accessibility Guidelines](#) to make content more accessible to users in general and to a wider range of people with disabilities.
- Fill in the content control or text box for each item requested. If an item does not apply to your board, commission, or entity, please state "Not Applicable."
- Save the completed form to your personal computer.
- When submitting additional documents, identify the electronic name clearly and in the order you want them presented to the Subcommittee.
- Email the saved form and any additional documents in **PDF format** to Patrick Guinan, Chief Principal Policy Analyst, Research Division, Legislative Counsel Bureau (LCB), at [pguinan@lcb.state.nv.us](mailto:pguinan@lcb.state.nv.us). For any questions, contact Mr. Guinan at (775) 684-6825.

## **REQUIRED INFORMATION TO BE SUBMITTED BY ALL BOARDS, COMMISSIONS, OR ENTITIES**

### **1. Board, commission, or entity name**

(Identify the statutory name of the board, commission, or entity.)

Commission on Postsecondary Education

### **2. Members' names with expiration date of term and number of vacancies**

(List the names of the current members and the expiration date of each member's term; contact information is not necessary. Indicate the number of vacancies and the length of time the vacancy has existed.)

Thomas Kenny, Chair – Expiration date 2/28/26

Sharon Frederick, Vice Chair – Expiration date 6/30/24

Jon Ponder – Expiration date 6/30/25

Jenisa Clyne – nonvoting -DETR appointed yearly

Randall Kinder – General Public (no association with education) – Expiration 3/31/2027

Vacancy – Private Postsecondary Institution Representation – Vacant 2/2024

Vacancy – Knowledge in field of education (not directly involved) – Vacant 8/13/23

Vacancy – Knowledge in the field of education (not directly involved) – Vacant 9/30/23

### **3. Physical address**

(Identify the physical location of the board, commission, or entity [note whether the location is a state department or agency; indicate that address].)

EmployNV Career Hub -DETR office  
3405 S. Maryland Parkway  
Las Vegas, NV 89169

### **4. Mailing address**

(Identify the mailing address of the board, commission, or entity.)

2800 E. St. Louis Avenue  
Las Vegas, NV 89104

### **5. Website address**

(Identify the URL for your website with a live link.)

<https://cpe.nv.gov>

### **6. Website developer**

(State the name of the developer of your website. If it was not developed by the Division of Enterprise Information Technology [IT] Services [formerly known as DoIT], Department of Administration, indicate whether Enterprise IT Services approved the website.)

Division of Enterprise Information Technology Services

### **7. Executive director's name and contact information.**

(Regardless of the title of the position, provide contact information for the person responsible for the operations of the board, commission, or entity.)

Kelly Wuest, CPE Administrator  
[kdwuest@cpe.nv.gov](mailto:kdwuest@cpe.nv.gov)  
702-486-2808

### **8. Staff members' names, including titles and full-time or part-time status**

(Provide each employee's name, title, and employment status.)

Maricris Wu, Education Specialist, State Licensing, full time  
Ryan Rishling, Education Specialist, 100% VA Education program, full time  
Susan Beckett, Compliance Audit Investigator I, 50% VA, 50% licensing, full time  
Kassondra Scott, Administrative Assistance III, 100% State Licensing, full time

**9. Days and hours of operation**

(Provide the days and hours the office of the board, commission, or entity is open to the public and the availability of its staff.)

8 am – 5 pm Monday – Friday, Other hours scheduled by appointment.

**10. Created by what authority**

(Cite the section or sections of NRS creating the board, commission, or entity.)

NRS 394.383

**11. Authority to adopt regulations (NRS) and citation to Nevada Administrative Code (NAC)**

(Cite the sections of NRS that authorize or require the board, commission, or entity to adopt regulations and the sections of NAC that contain your regulations.)

NRS 394.383 through NRS 394.700 inclusive; NRS 369.600 through NRS 369.635 inclusively

**12. Five regulations most recently adopted, date of adoption, and any deadlines for adoption**

(List the last five regulations by LCB File number adopted by the board, commission, or entity; the date of adoption; and any deadlines for adoption pursuant to statute.)

NRS 394.441, NRS 394.448; NRS 394.449– AB 169 2021 BDR 34-745; NRS 394.520; NRS 394.383 and NRS 394.385– AB 526 2019 BDR 34-1214

**13. Required regulations that have not been adopted with deadlines for adoption**

(If a section of NRS or a bill passed by the Legislature requires the adoption of regulations and the board, commission, or entity has not adopted the regulations yet, list the regulations and cite the statute pursuant to which the adoption of the regulations is mandated.)

None

**14. Governing structure of the board, commission, or entity pursuant to statute**

(Provide a brief description of the governing structure; a copy of the organizational chart is requested later on the form.)

The Commission on Postsecondary Education operates under the Employment Security Division within the Department of Employment, Training and Rehabilitation (DETR). The Commission is comprised of 8 Commissioners to include 7 voting members appointed by the Governor, 1 non-voting member designated by the Director of DETR

and 5 classified staff members who are responsible for the day-to-day operations of the Commission. The Commissioners determine the applicants license eligibility, deny a license, revoke a license, place conditions on a license or assess a fine for violations. All administrative hearings, personnel hearings, disputed license evaluations, and student indemnification are presented to the full Commission for final determination. The Commission administrator under the administrative supervision of the Administrator of ESD executes, directs administrative, technical, and procedural activities for the Commission.

#### **15. Duties of the board, commission, or entity**

(Either summarize the duties or cite the specific sections of NRS that set forth the duties.)

Nevada Revised Statutes sets forth the legislative purpose under which the Commission on Postsecondary Education was created. Except as otherwise provided in NRS 397.060, the Commission is the sole authority for licensing postsecondary institutions. Through coordination with the U.S. Department of Education (DE) and recognized accrediting bodies, the Commission serves as the state liaison for the DE triad. The CPE holds a cooperative agreement with the U.S. Department of Veteran Affairs to serve as the State Approving Agency for Nevada to approval training programs for veterans and dependent beneficiaries.

#### **16. Objectives and programs of the board, commission, or entity**

(Provide a brief description of each of the objectives and programs.)

CPE establishing minimum criteria for quality of education, ethical and business practices, health and safety, parameters on enrollment & institutional administration and fiscal responsibility of private postsecondary educational institutions. The Commission provides student protection in the form of student indemnification, complaint investigation, refund and cancellation policies, permanent record maintenance and protect against the granting of false or misleading educational credentials.

#### **17. Itemized list of services offered by the board, commission, or entity**

(Provide a list of services offered to the public by the board, commission, or entity.)

The Commission on Postsecondary Education (CPE) conducts quarterly licensing hearings for institutions seeking initial licensing, consideration of full-term licensing, licensed institutions, added programs outside the scope of operations, personnel and institutional hearing. CPE leadership establishes and implements agency policy, oversees daily operations and receives administrative guidance from DETR executive leadership for fiscal operations and human resources. CPE staff is responsible for managing tracking logs, receipt of payments for new student fees, applications and fines, issuance of notices and the website. CPE staff prepare and distribute public meeting agendas, legal notices, general correspondence, and agency records.

**Licensing and Applications** – The Commission approves applications for private postsecondary institutions to operate a campus within Nevada. This process includes evaluations of financial soundness, programs or degrees offered, accreditation approval as required, institutional documents for regulatory compliance, proper registration with Nevada SOS, municipal business licensing, staffing, facility and required surety for student protection. CPE holds monthly workshops for initial licensing to assist applicant with the process. Agency staff process limited licenses for experiential training, authorization for Agent permits and approval of alcohol beverage awareness programs for related work cards. Licensing renewals, change applications and added programs are processed by agency staff unless the application is outside the scope of the institutional approval, the institution has indications of financial instability, the institution has sanctions from the accrediting body or the institution possess harm to student and then placed on the agenda for Commission review. Staff work with institutions for teach out plans for closures and document retention for precipitous closures.

### **Agents**

Institutions recruiting students in Nevada are required to obtain an agent permit for the designated individual. This process includes yearly permit registration, federal background check and a \$10,000 surety bond prior to issuance. Agent permits are processed by CPE staff unless conditions exist to deny the applicant. All disputed Agent permit applicants are entitled to a hearing with the Commission.

### **Nevada State Approving Agency - VA**

CPE has a cooperative agreement with U.S. Department of Veteran Affairs to serve as the Nevada State Approving Agency for the VA Education Benefits program. Designated staff approve postsecondary education programs for the VA to include NSHE institutions, CPE licensed institutions, cosmetology schools, flight schools, police/fire training academies, high school programs, apprenticeships, OJT, and licensing/certification programs. As the SAA, staff conduct Risk Based Assessments, Targeted Risk Based Revised and Supervisory visits for facilities approved under the program. Staff approve institutional documents, review financial soundness, facilities, staffing and time in operation to initial approve the training. Staff assist veterans with Denial of Benefits and student complaints and work with each institutions designated School Certifying Official (SCO) to ensure veterans are properly certified.

### **Compliance Investigations**

CPE staff investigate unlicensed institutions operating in the state, require businesses to complete license investigations and assist in the licensing process when licensing is determined. The agency issues exemptions, College/University word use determinations, legal notices of noncompliance and refers cases to the Attorney General's office as necessary.

## **Compliance Audits**

CPE staff conduct regular audits of licensed institutions for compliance with administrative processes, institutional documents, and student files pursuant to NRS 394.441 to NAC 394.550 and NAC 394.381 to NAC 394.730. Staff coordinate with recognized accrediting bodies, occupational boards, the U.S. Department of Education, the Student and Exchange Visitor Program (SEVP) and the National Council for State Authorization Reciprocity Agreements (NC-SARA) to ensure licensees maintain compliance with other entities that impact private postsecondary education.

## **Student Protections**

CPE investigates student complaints and determines if the institution was compliant with regulations, adhered to published grievance procedures, provided the contracted education and/or refunded students appropriately. Institutional violations can result in a full tuition and fee refund, 50% refund or the amount equal to the required student refund or arbitration when appropriate. Precipitous closure of an institution triggers the collection of any available surety bond and payments for claims from the Student Indemnification account #2667. Disputed cases result in a hearing for final Commission determination.

## **Alcohol Beverage Awareness Program**

The CPE Administrator is responsible for certifying alcohol beverage awareness programs pursuant to NRS 369.600 through NRS 369.635 and NAC 394.700 through NAC 394.730 inclusively. The Administrator review and approves curriculum, posts approved programs and coordinates with taxation for card validity.

### **18. Dates of the immediately preceding six meetings**

(List the dates of the last six meetings and include the online location where the minutes can be found [preferably an active link].)

2/7/24, 11/1/23, 8/2/23, 5/3/23, 2/1/23 and 11/2/22

### **19. Where are meetings of the board, commission, or entity held?**

(Provide the address of the meeting site.)

DETR, 3405 S. Maryland Parkway, Conference Room, Las Vegas, NV 89169

### **20. Do members of the public have to be present at the meeting site to participate, or are teleconferencing and videoconferencing offered?**

CPE permits attendance by teleconferencing and video conferencing for the public for those who do not wish to or are unable to attend the physical meeting location.

**21. Statutory tax exemptions, abatements, or money set aside for the board, commission, or entity**

(Cite each section of NRS that provides for such an exemption, abatement, or set-aside; budget information is requested later on the form.)

Student Indemnification Account pursuant to NRS 394.553 – Created in State General Fund but does not lapse to State General Fund at the end of any fiscal year. Account: 2667

**22. The manner in which the board, commission, or entity is funded**

(Describe all sources of funding including appropriations, fees, grants, interest income, or other sources of revenue.)

The Commission is funded through the State general budget and the VA Cooperative Agreement. All Revenue generated by the Commission in licensing charges, fees and fines are deposited in the General Fund.

Account 2666: FY24 State Funding- \$526,892 VA Cooperative Agreement - \$208,768 FY24; Account 2667 Interest YTD \$776.94 – Student Indemnification only

**23. Required public forms that are not available on the website of the board, commission, or entity**

(List all forms that are not available electronically to the public, but which are required to comply with a program or service of the board, commission, or entity.)

CPE is currently in the process of implementing a computerized application and licensing management system where applicants will submit a questionnaire to be granted access to the appropriate applications. Most applications require the application to be requested from Commission staff to ensure the correct applications are submitted and to adhere to the 10-day notice for certain change applications prescribed by NRS 394. These applications include Initial Licensing for Accredited Institution, Initial Licensing for Non-Accredited Institution, Change of Ownership, Change of Location, VA Program applications require staff to screen the applicant initial eligibility and to be sent the appropriate application.

**24. Recommendations for consolidation with another board, commission, or entity**

(Is there a recommendation for consolidation with another similar board, commission, or entity? If so, which board, commission, or entity would be the surviving entity? If there is a recommendation for consolidation, list the services also provided by the other board, commission, or entity.)

No

## **25. Overlap or duplication of duties or work product**

(Identify any other entity whose duties or responsibilities replicate those of this entity.)

Current regulations require all faculty and certain administrative personnel to complete a background prior to employment. Only individuals who are licensed by the Nevada Superintendent of Instruction or a Department of Defense employee are exempt from the process. Individuals who hold occupational licenses are required to perform a duplicate background check with CPE to teach the occupation at a postsecondary level after having been previously vetted for licensing. This repetition of the background check is burdensome and has not yielded any additional protection to students.

## **26. Improved efficiency**

(Are there areas where this board, commission, or entity could benefit from improved workflow, mechanics, or other efficiencies?)

CPE is currently in the process of implementing a computerized application and licensing management system for all programs. The system was originally funded by the legislature in the 2019 session but funding was eliminated as part of the budget contraction during 2020. CPE received approval for the system in the 2023 session. Currently CPE operates from ACCESS database, Excel tracking logs and saves all historical documents as PDF's with specific naming conventions. All entries are input manually, and applications are paper based. The computer system will enable staff to view applications in process, prohibit institutions from submitting partial applications, track all changes to the licensee's information and automatically update institutional license and approved program listings upon approval. All updates are input into licensee templates manually and distributed via mail and email. The system will permit electronic fee payments instead of requiring paper checks.

## **27. Effectiveness in accomplishing the objectives, programs, and purposes of the board, commission, or entity**

(Provide an assessment of the board, commission, or entity's effectiveness in meeting its objectives and programs; provide information that is relevant to the response.)

CPE licenses 152 private postsecondary institutions with a campus in Nevada, 46 experiential learning licenses, 75 permitted agents with 10 pending initial applicants. Commission staff review each licensee at a minimum of every two years to ensure quality of education and financial soundness of the institution. Year to date, CPE has processed 130 various applications with 123 outstanding applications to process.

For our most recent precipitous closure, CPE has received \$209,000 in student indemnifications claims from the Career College of Northern Nevada. CPE staff has provided information to the U.S. Department of Education for closed school discharge and Veterans Affairs to provide restoration of entitlement for the 25 impacted veterans and beneficiaries. CPE has provided transcripts for institutions attempting to assist impacted students with transfer plans, secured current student files to process claims



and has met with the bankruptcy trustee to ensure student records remaining at the campus are properly destroyed.

## **28. Recommended statutory changes necessary to carry out objectives and programs**

(Summarize any recommended statutory changes needed by the board, commission, or entity to carry out its objectives and/or programs.)

NRS 394.465 requires the Commission to conduct a background investigation on all faculty with the except of employees of the U.S. Department of Defense or individuals licensed by the Nevada Superintendent of Public Instruction. Most Nevada occupational boards perform the same federal background investigation for the individual to be granted an occupation license. To instruct the occupational subject, the licensee is required to repeat the background investigation process with the Commission duplicating the efforts of the occupational board that licensed the individual to work in the field. Exempting individuals that hold a Nevada recognized licensing would reduce the burden on the occupational licensee, the postsecondary institution, Department of Public Safety, and the Commission on Postsecondary Education without jeopardizing safety of students. In a review of the past 10 years of background processing history, there have been zero faculty members with a current Nevada occupational license requiring a Commission hearing.

### **ADDITIONAL INFORMATION TO BE SUBMITTED BY ALL BOARDS, COMMISSIONS, OR ENTITIES**

Submit the following information in PDF format via email to Patrick Guinan, Chief Principal Policy Analyst, Research Division, LCB, at [pguinan@lcb.state.nv.us](mailto:pguinan@lcb.state.nv.us), and clearly identify the electronic name of the document (A, B, C, et cetera) when submitted:

A. The operating budget of the board, commission, or entity for the 2023–2024 Biennium.

CPE Budget FY23-25

B. A statement setting forth the income and expenses of the board, commission, or entity for at least three years immediately preceding the date on which the board, commission, or entity submits this form, including the balances of any fund or account maintained by or on behalf of the board, commission, or entity. This statement should include all sources of income for the board, commission, or entity and expenditures by category, along with current balances of each fund or account.

FY21-FY24 CPE BSR State Funding

CPE Revenue FY21-Fy24

FY24 CPE – Student Indemnification Account Balance - 2667

C. The most recent legislative audit, or other audit, of the board, commission, or entity and any efficiency studies or constituent or staff surveys conducted in the past three years. Audits conducted by the legislative auditor may be referenced by number (i.e.,

LA10 11), as they are available on the Legislature's website. Copies of all other requested documents must be submitted.

CPE has not had an audit in the past three years. All financial transactions are processed by DETR FM and the budget is managed by DETR MASS. CPE is scheduled for a DPS Audit concerning background processing on May 9, 2024.

- D. Any reports required to be filed with the Legislative or Executive Branches over the past three years. If the report is on the Legislature's website, you may refer to it by number. Otherwise, please provide a copy of the report. Also, note whether any reports were filed late or whether any reports required by statute have not been filed.

CPE reports are embedded in the DETR report to the Interagency Council on Veteran Affairs. Effective October 1, 2023, CPE is reporting information for VA educational programs quarterly to DETR-ESD.

Starting in July 2021, CPE provides a State Professional and Occupational Licensee Report (SPLOR) report to the Controller's office for individuals issued an Agent Permit to recruit students in Nevada. Reports are submitted for 6-month increments January-June and July-December within 30 days of the end of the period. All reports have been filed on time. Reports are located in the Controller's KTLDrop system under EDUPOST for CPE.

- E. A copy of the organizational chart showing the governing structure of the board, commission, or entity and its staff.

CPE Org Chart – Kelly Wuest REV 2024 04 08

- F. A copy of the most recent strategic plan of the board, commission, or entity. Indicate the effective date of the plan and the achievement of any goals set out in the plan.

File: CPE Strategic Priorities FY24-25

CPE has Strategic Priorities for FY24-25 developed by agency staff effective 7/1/23. Many of the priorities are connected to the implementation of the software system scheduled to launch in July 2024. Staff have achieved the following priorities but most deliverables are connected to computerization:

Priority #2 Improve Performance outcomes – Item 3

Priority #3 Ensuring Compliance – Items 1 and 4

Priority #4 Accountability and Transparency – Item 3