

**PROPOSED REGULATION OF THE
COMMISSION ON POSTSECONDARY EDUCATION**

LCB File No. R042-11

The following is a compilation of existing regulations that were scattered through out the NAC and I have consolidated them in this single regulation.

394.XXX Provisional license requirements. An applicant for provisional license must be typed and submitted to the administrator on forms provided by the Commission and include:

- 1. A description of each course of study leading to an academic, professional or vocational goal and:
 - (a) The overall organization of the instructional program;*
 - (b) The objective the program is intended to meet;*
 - (c) Each educational unit, including its measurable learning objectives, the hours of instruction, the number of credits and the procedure for evaluating attainment of the objectives;*
 - (d) The basic textbooks and instructional equipment to be used in the program; and*
 - (e) A brief description of the qualifications of the instructor.*
 - (f) A copy of the proposed certificate of completion or diploma issued to the graduate that includes
 - (1) Title of the program;*
 - (2) Date of completion; and,*
 - (3) Length in hours for non-degree programs. [NRS 394.450\(1\)](#) [NRS 394.441\(2\)](#)***
- 2. A certified financial statement which contains the information set forth in subsection 2 as evidence of his financial stability. The financial statement must be prepared within 12 months before the date of application, must be audited or reviewed by a certified public accountant and must contain:
 - (a) A statement of the source of all investment capital received;*
 - (b) A statement of the disposition of the investment capital, identified by the recipient and amount received, purpose of expenditure or use, balance, if any, and place of deposit;*
 - (c) A current inventory of the assets received, identified by recipient and amount received, purpose of expenditure or use;*
 - (d) A statement of liabilities as of the date of the application, including accounts payable, loans and notes payable, and any other financial obligations of the school; and*
 - (e) A statement of obligations attendant to land purchase agreements, land sales contracts, lease agreements on land and similar contracts involving acquisition of books, equipment, buildings and furnishings for buildings. [NRS 394.445\(1\)](#)**
- 3. An affidavit or power of attorney to the Commission or its staff to substantiate the specific information contained in the financial statement of the applicant. [NRS 394.445\(1\)](#)*
- 4. A proposed budget for the first year of operation which must include the following information for all operations related to the school for the first 12 months of operation:
 - (a) Cash on hand at the beginning of the year;*
 - (b) Anticipated income listed by amount and source; and,*
 - (c) Loans, investments or other monetary assets by amount and source.**

- (d) *Anticipated expenditures, which include:*
 - (1) *A list of all administrative personnel by name, position and proposed compensation, including salary, living quarters, automobile and all other expenses and services to be furnished by the school list by purpose and amount.*
 - (2) *A list of instructional personnel actually under contract or anticipated to be under contract, indicating their actual or proposed salaries.*
 - (3) *An estimate of money to be expended for textbooks, library services and other expenses of instruction.*
- (e) *A list of proposed expenditures by category for the following:*
 - (1) *Facilities.*
 - (2) *Equipment and maintenance.*
 - (3) *Supplies.*
 - (4) *Books, other than textbooks.*
 - (5) *Services for students.*
 - (6) *Services for the community.*
 - (7) *Advertising.*
 - (8) *Transportation.*
 - (9) *Insurance. NRS 394.445(1)*
- 6. *Surety in the amount as determined by the Commission pursuant to NRS 394.480. NRS 394.480*
- 7. *A contract or acceptance agreement that includes at least:*
 - (a) *The name of the institution, its address and telephone number;*
 - (b) *The name of the student, his address and telephone number;*
 - (c) *The title of the program or course for which the student is enrolled;*
 - (d) *The date the catalog under which the student enrolled is effective;*
 - (e) *The provisions for a reduction in the cost and length of the course length if credit for prior training or experience is given;*
 - (e) *A statement printed in bold type that the person signing the agreement or contract has received, read and understood the document and has received the catalog of the institution and understands that the catalog is part of the contract or enrollment agreement; and,*
 - (f) *For students not enrolling in a degree program:*
 - (1) *The minimum number of instructional hours or credits of each course, and the date upon which each course begins;*
 - (2) *The schedule of payment and total cost of each course;*
 - (3) *A disclaimer by the institution, printed in bold type, stating that placement in a job is not guaranteed or promised to graduates. NRS 394.441(4)*
- 8. *A catalog or brochure that includes the information required by law and:*
 - (a) *Information to identify the catalog or brochure, including the date the publication is effective;*
 - (b) *The name of the institution, its governing body, officials and faculty;*
 - (c) *A calendar showing business hours, legal holidays, beginning and ending date of each established term or course of study, and other important dates;*
 - (d) *The policy and regulations of the institution on enrollment, including requirements for admission and specific requirements for entrance into each course and any deadlines for enrollment;*

- (e) *The policy and regulations of the institution concerning the standards of progress required of the student by the institution, including a:*
 - (1) *Definition of the grading system of the institution and the minimum grade considered satisfactory;*
 - (2) *Statement of the conditions for interruption of the program of a student for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution; and*
 - (3) *Statement of the conditions of readmission for those students dismissed for unsatisfactory progress;*
 - (f) *The policy and regulations of the institution relative to leave, absences, a class missed without an excuse, makeup work, tardiness and interruptions for unsatisfactory attendance;*
 - (g) *The policy and regulations of the institution relating to discipline of the students and conditions for dismissal for unsatisfactory conduct;*
 - (h) *The policy and regulations of the institution concerning any charges if the student does not enter the course, withdraws or is discontinued from the course;*
 - (i) *A description of the available space, facilities and equipment;*
 - (j) *The policy and regulations of the institution concerning granting credit for previous education and training;*
 - (k) *A detailed description of the extent and nature of any service or assistance in the placement of its graduates which the institution represents that it provides; and*
 - (l) *A statement describing the status of the institution's license and accreditation. NRS 394.441(1)*
9. *Plans, blueprints or line drawings for a facility that complies with all regulatory requirements and conformity to acceptable educational standards as specified in NRS 394.450 suitable for which describe in detail the facilities.*
 10. *A copy of the contract or lease agreement, signed by both parties, which stipulates the term and conditions of the lease for any rented or lease facility in which instruction will be conducted or records stored. NRS 394.450(2)*
 11. *A statement signed by the owner or applicable school official and notarized that the applicant for a license to operate a private postsecondary educational institution affirms that enrollment is open to all who meet entrance requirements, regardless of age, race, sex, national origin, or otherwise in compliance with all applicable federal or state laws and regulations. NRS 394.450(4)*
 12. *The fictitious name to be used by the applicant for the private postsecondary educational institution and a copy of registration from the appropriate local governmental entity denoting the fictitious name. NRS 394.450(4)*

The following combines two regulations pertaining to massage training and one pertaining to gaming.

NAC 394.535 Additional licensure requirements and prohibitions. The Commission will not approve a massage or gaming program delivered via distance education.

1. *An applicant for approval of a massage program must submit evidence that:*

- (a) *The program meets the educational requirements for licensure as a massage provider by the Nevada State Board of Massage;*
 - (b) *The policies of the applicant prohibit:*
 - (1) *A student from enrolling in an advanced program of instruction in massage unless he submits to the school proof that he has successfully completed a basic program of instruction in massage or has at least 2 consecutive years of experience in the practice of massage;*
 - (2) *Enrolling or issuing educational credentials to anyone who is less than 18 years of age;*
 - (3) *A student from performing practice massage in a private residence or room of a hotel or motel;*
 - (4) *A student from performing practice massage unless under the direct supervision of an instructor on the campus or at a public event or medical facility.*
 - (5) *A student from performing massage members of the public unless:*
 - I. *Practice massage is included and approved as part of the required curriculum;*
 - II. *The student has successfully completed approved courses anatomy and physiology, massage therapy, hygiene and first aid, law and ethics; and at least 25 hours of actual massage training on other students or members of the staff of the school;*
 - iii. *The student is readily identifiable as a student to a person who will receive a massage;*
 - iv. *The school obtains from the person who will receive the massage a written statement signed by the person that he knows that the massage will be performed by a student; and,*
 - v. *The school maintains adequate liability insurance for the term of its license.*
2. *An applicant for approval of a gaming program must submit curriculum that:*
- (a) *Provides instruction adequate for employment in casinos as determined by the State Gaming Control Board; and,*
 - (b) *Limits lecturing or classroom instruction to not more than 50 percent of the program. **NRS 394.450(1)***

These new regulations below consolidates provisional license procedures that were found in numerous section before.

NAC 394.XXX Review and action of provisional license applications.

- 1. *The administrator will review the application and notify the applicant of necessary revisions. An application may be placed on the agenda if contingent requirements are minor or routine in resolution.*
- 2. *The applicant will provide the necessary copies of the application once the administrator has determined it will be placed on the agenda.*
- 3. *The administrator will notify the applicant at least 10 days prior to the Commission's meeting at which the application will be heard. The applicant or a qualified representative must attend the meeting to respond to inquiries of the commissioners relative to the application or the application will be postponed to a future meeting.*

4. *The Commission will:*
 - (a) *Grant a provisional license;*
 - (b) *Grant approval for a provisional license if there are specified contingent requirements that have not yet been fulfilled;*
 - (c) *Postpone action to a future meeting; or,*
 - (d) *Deny licensure.*
5. *Operation of a private postsecondary educational institution will not commence until the administrator has issued a provisional license.*
6. *The administrator will issued a provisional license effective the date the provisional licensed was approved or upon fulfilled of all specified contingent requirements, whichever is applicable.*
7. *An applicant approved for a provisional license with contingent requirements must reapply for licensure if the contingent requirements are not fulfilled within 6 months from the date of approval. **NRS 394.460***

NAC 394.XXX Provisionally licensed applicant requirements; Commission action.

1. *During the term specified by the Commission, a provisionally licensed the institution must demonstrate its ability to comply with the provisions of NRS 394.383 to 394.670, inclusive, and NAC 394.300 to 394.685, inclusive.*
2. *The administrator will conduct an on-site review of the institution at least 30 days prior to the expiration of the provisional license and prepare a report and recommendation to be heard by the Commission at a regularly scheduled meeting.*
3. *If students are not enrolled within the term of the provisional period, one additional period may be requested in writing by the applicant.*
4. *At a regularly scheduled meeting of the Commission at which the termination of a provisional license is considered, the Commission will:*
 - (a) *Extend the provisional license, if the institution has substantially met the required standards and the Commission considers deficiencies to be minor;*
 - (b) *Deny continued licensure, if the Commission determines that the school is unable to meet required standards; or*
 - (c) *Grant a license.*

NAC 394.XXX Renewal of License; Change in Ownership; Added Programs.

1. *A licensee applying for renewal of license must submit an application for renewal on forms provided by the Commission to include:*
 - (a) *An affidavit or power of attorney to the Commission or its staff to substantiate the specific information contained in the financial statement of the applicant.*
 - (b) *Verification of programs offered by the licensee to include:*
 - (1) *Title of program;*
 - (2) *Length in hours or credits;*
 - (3) *Total tuition and fees; and,*
 - (4) *Name of academic instructor responsible for program.*
 - (c) *A copy of the current catalog.*
 - (d) *A description of each program of study for which there has been a substantial change.*
 - (e) *Verification of financial stability that is:*

- (1) *A certified public account reviewed or audited financial statement prepared within 12 months before the date the license expires;*
 - (2) *A financial statement prepared according to generally accepted accounting principles; or,*
 - (3) *A balance sheet on forms provided by Commission.*
2. *An applicant for change in ownership or licensee applying to add a program to an existing license must submit an application on forms provided by the Commission to include the requirements set forth in NAC 394.XXX except that:*
- (a) *Information on file with the Commission that is current and will not change as a result in the change in ownership may be excluded; and,*
 - (b) *A bond in the amount determined by the Commission must be executed by the new owner. NRS 394.445(1) NRS 394.460*

The following were existing regulations incorporated in the new ones.

~~[NAC 394.380 Submission of description of courses of study by applicants. (NRS 394.411)~~

- ~~1. Each applicant for a license as a private postsecondary educational institution must submit a description of each course of study leading to an academic, professional or vocational goal.~~
- ~~2. An applicant for the renewal of a license may be required to submit a description of each course of study if the Administrator finds that there has been a substantial change in the program during the current license period.]~~

~~[NAC 394.385 Contents of description of course of study. (NRS 394.411) Any description of a course of study submitted to the Administrator must be on forms provided by the Commission, and specify:~~

- ~~1. The overall organization of the instructional program;~~
- ~~2. The objective the program is intended to meet;~~
- ~~3. Each educational unit, including its measurable learning objectives, the hours of instruction, the number of credits and the procedure for evaluating attainment of the objectives;~~
- ~~4. The basic textbooks and instructional equipment to be used in the program; and~~
- ~~5. A brief description of the qualifications of the instructor.]~~

~~[NAC 394.390 Submission of plans. (NRS 394.411) An applicant for a license to operate a school must submit plans, blueprints or line drawings which describe in detail the facilities, including parking areas, in which the school will operate.]~~

~~[NAC 394.400 Inspection and approval of facility before issuance of license to operate. (NRS 394.411, 394.460) Before a license to operate an institution is issued, each facility used by the institution must be inspected and approved by the Commission or its Administrator for conformity with acceptable educational standards and specifications and for compliance with all regulatory requirements as specified in NRS 394.450.]~~

~~[NAC 394.405 Submission of evidence of financial stability. (NRS 394.411, 394.445)~~

- ~~1. Each applicant for a license or change of ownership must submit a certified financial statement which contains the information set forth in subsection 2 as evidence of his~~

- financial stability. The financial statement must be prepared within 12 months before the date of application and must be audited or reviewed by a certified public accountant.
2. ~~The financial statement must contain:~~
 - ~~(a) A statement of the source of all investment capital received;~~
 - ~~(b) A statement of the disposition of the investment capital, identified by the recipient and amount received, purpose of expenditure or use, balance, if any, and place of deposit;~~
 - ~~(c) A current inventory of the assets received, identified by recipient and amount received, purpose of expenditure or use;~~
 - ~~(d) A statement of liabilities as of the date of the application, including accounts payable, loans and notes payable, and any other financial obligations of the school; and~~
 - ~~(e) A statement of obligations attendant to land purchase agreements, land sales contracts, lease agreements on land and similar contracts involving acquisition of books, equipment, buildings and furnishings for buildings.~~
 3. ~~Applicants for renewal of an institutional license must submit a certified financial statement containing the items set forth in subsection 2 prepared in accordance with generally accepted accounting principles.]~~

~~[NAC 394.410 Financial statement: Substantiation. (NRS 394.411, 394.445) An applicant for a license or the renewal of a license to operate a private postsecondary educational institution must give an affidavit or power of attorney to the Commission or its staff to substantiate the specific information contained in the financial statement of the applicant.]~~

~~[NAC 394.415 Proposed budget for first year of operation. (NRS 394.411, 394.445) An applicant for an original license must submit a proposed budget for the first year of operation. This budget must include the following information for all operations related to the school for the academic year and any summer sessions and evening extension programs:~~

1. ~~Anticipated income for the year, identified by source and amount, which includes:~~
 - ~~(a) Cash on hand at the beginning of the year.~~
 - ~~(b) Actual or anticipated income.~~
 - ~~(c) Total anticipated income.~~
2. ~~Anticipated expenditures, which include:~~
 - ~~(a) A list of all administrative personnel by name, position and proposed compensation, including salary, living quarters, automobile and any services to be furnished by the school.~~
 - ~~(b) Other expenses of administration, listed by purpose and amount.~~
 - ~~(c) A list of instructional personnel actually under contract or anticipated to be under contract, indicating their actual or proposed salaries.~~
 - ~~(d) An estimate of money to be expended for textbooks, library services and other expenses of instruction.~~
 - ~~(e) A list of proposed expenditures by category for the following:~~
 - ~~(1) Facilities.~~
 - ~~(2) Equipment and maintenance.~~
 - ~~(3) Supplies.~~
 - ~~(4) Books, other than textbooks.~~
 - ~~(5) Services for students.~~
 - ~~(6) Services for the community.~~

- ~~———— (7) Advertising.~~
- ~~———— (8) Transportation.~~
- ~~———— (9) Insurance.]~~

~~[NAC 394.420 Assurance of equal educational opportunities. (NRS 394.411, 394.421) The applicant for a license to operate a private postsecondary educational institution must assure the Commission that enrollment is open to all who meet entrance requirements, regardless of age, race, sex, national origin, or otherwise in compliance with all applicable federal or state laws and regulations. This assurance must be made on forms supplied by the Commission.]~~

~~[NAC 394.427 Application for approval of change of ownership. (NRS 394.411, 394.460) An application for an approval of change of ownership must include a completed application and an executed bond which is effective on the date of the change of ownership.]~~

~~[NAC 394.435 Procedure for review of license applications. (NRS 394.411, 394.460)~~

- ~~1. All applications must be typed and submitted to the Administrator on forms provided by the Commission.~~
- ~~2. Once the application has been reviewed and all necessary revisions have been made, and the Administrator finds it to be complete, he shall advise the applicant of the number of copies of each document required for review by the Commission at their next regularly scheduled meeting and the deadline by which the copies must be submitted.~~
- ~~3. An agenda will be sent to the applicant by certified mail at least 10 days before the meeting of the Commission indicating the time and place of the meeting with a copy of the Administrator's report on the application, including his recommendation for action by the Commission. The applicant or his representative must attend the meeting of the Commission to respond to inquiries of the commissioners relative to the application.]~~

~~[NAC 394.440 Provisional licenses: Early review of application; issuance; withdrawal. (NRS 394.411, 394.460)~~

- ~~1. An applicant for a license may have an application placed on the agenda before meeting all of the requirements if, in the judgment of the Administrator, the contingencies are either minor or routine in resolution.~~
- ~~2. Where the Commission has granted approval of a license to operate subject to compliance with certain requirements a provisional license will be granted which becomes effective when all the requirements are met. The institution may not begin operation until the license has been issued.~~
- ~~3. If an applicant, who has received approval by the Commission to operate subject to compliance with requirements, fails to comply within 6 months after the date of the approval, the approval is automatically withdrawn and the applicant must reapply.]~~

~~[NAC 394.445 Provisional licenses: Compliance with standards; extension; inspection of institution before expiration. (NRS 394.411, 394.460)~~

- ~~1. To demonstrate that it can be maintained and operated in compliance with minimum standards, the Commission will grant each new institution a provisional license. During the term specified by the Commission, the institution must demonstrate its ability to comply with the provisions of NRS 394.383 to 394.670, inclusive, and NAC 394.300 to 394.685,~~

~~inclusive. If students are not enrolled within the term of the provisional license, an additional period may be requested in writing by the institution.~~

- ~~2. The Administrator shall visit the institution at least 30 days before the expiration of the provisional license. A complete report of the visit must be filed with the Commission at least 15 days before the expiration of the provisional license.]~~

~~[NAC 394.450 Provisional licenses: Action by Commission. (NRS 394.411, 394.460) At a regularly scheduled meeting of the Commission at which the termination of a provisional license is considered, the Commission will:~~

- ~~1. Extend the provisional license, if the institution has substantially met the required standards and the Commission considers deficiencies to be minor;~~
- ~~2. Deny continued licensure, if the Commission determines that the school is unable to meet required standards; or~~
- ~~3. Grant a license.]~~

By adding paragraph 4 below, we can eliminate NAC 394.490 which you can see at the bottom.

NAC 394.485 Instructors. (NRS 394.411, 394.421)

1. In a degree-granting institution:
 - (a) Each undergraduate course must be taught by an instructor who possesses a bachelor's degree from an accredited university or college in a field related to the subject matter that the instructor is assigned to teach.
 - (b) Each master level course must be taught by an instructor who possesses a master's degree from an accredited university or college in a field related to the subject matter that the instructor is assigned to teach.
 - (c) Each doctorate level course must be taught by an instructor who possesses a doctorate degree from an accredited university or college in a field related to the subject matter that the instructor is assigned to teach.
2. In an institution that does not grant a degree or that offers technical courses at the associate level, each course must be taught by an instructor who:
 - (a) Holds a valid and appropriate teaching license issued by the Department of Education;
 - (b) Teaches in that field in the Nevada System of Higher Education or another degree-granting institution; or
 - (c) Has a high school diploma or the equivalent and 2 years of verified work or teaching experience in the subject to be taught.
3. Each institution shall maintain at least one of the following records to verify that each instructor is qualified to teach the course assigned to him:
 - (a) Official transcripts used by the instructor to establish his qualifications.
 - (b) A description of the previous employment of the instructor that:
 - (1) Sets forth the actual duties performed by the instructor during his employment;
 - (2) Indicates the duration of employment; and
 - (3) Is signed by the previous employer.
 - (c) An affidavit in which the employee swears that an employer is not able to be contacted and that the description of the employment and its duration are true.

- (d) A copy of a teaching license issued by the Department of Education.
 - (e) Tax records or an affidavit clearly showing self-employment in the field and education necessary to instruct that portion of the course to which he is assigned.
4. *Each institution shall ensure that a substitute instructor qualified per this section is provided if the regular instructor for a course is unable to complete the scheduled training.*

~~[NAC 394.490 Substitute instructors. (NRS 394.411, 394.421)~~

- ~~1. A substitute instructor may teach any part of a course in the absence of the regular instructor. A substitute instructor must possess the same qualifications as are required of a regular instructor pursuant to NAC 394.485.~~
- ~~2. An institution shall ensure that a substitute instructor is provided if the regular instructor for a course is unable to complete the scheduled training.]~~

This is a confusing regulation and I believe in conflict with the enabling NRS. The NRS is specific enough that we do not need this. See NRS 394.150(3).

~~[NAC 394.522 Instruction in essentials of state and federal constitutions. (NRS 394.411, 394.421)~~

- ~~1. An institution which grants an associate's degree or a bachelor's degree must offer:
 - ~~— (a) At least once a year, a course in the essentials of the Constitution of the United States and the Constitution of the State of Nevada for which 3 semester or 4 quarter credits may be earned;~~
 - ~~— (b) An equivalent course with an examination approved by the Commission; or~~
 - ~~— (c) An examination on the constitutions.~~~~
- ~~2. An examination on the constitutions must be:
 - ~~— (a) Approved by the Commission;~~
 - ~~— (b) Part of a course on the constitutions approved by the Commission; or~~
 - ~~— (c) An examination or course with an examination on the constitutions offered by the Nevada System of Higher Education.]~~~~

These are incorporated in the new regulations.

~~[NAC 394.525 Gaming schools: Instruction for training in table games. (NRS 394.411, 394.421) An institution that offers training in table games shall offer instruction that is adequate for employment in casinos as determined by the State Gaming Control Board. Lecturing or classroom instruction must not comprise more than 50 percent of the program.]~~

~~[NAC 394.535 Massage schools: Programs of instruction. (NRS 394.411, 394.421)~~

- ~~1. The Commission will not approve a correspondence course in massage.~~
- ~~2. A basic program of instruction in massage must consist of at least 500 hours of training and include courses in each of the following subjects:
 - ~~— (a) Anatomy and physiology;~~
 - ~~— (b) Massage theory and history;~~~~

- ~~— (c) Massage techniques, demonstrations and practices;~~
- ~~— (d) Hygiene and first aid;~~
- ~~— (e) Business practices; and~~
- ~~— (f) Law and ethics.~~
- ~~3. Each subject included in a basic program of instruction in massage must be adequately covered as determined by reviewers advising the Commission.~~
- ~~4. An advanced program of instruction in massage must consist of training as determined by reviewers advising the Commission.~~
- ~~5. A massage school shall not enroll a student in an advanced program of instruction in massage unless he submits to the school proof that he has:~~
 - ~~— (a) Successfully completed a basic program of instruction in massage; or~~
 - ~~— (b) At least 2 consecutive years of experience in the practice of massage.~~
- ~~6. Proof submitted pursuant to paragraph (a) of subsection 5 must include a transcript issued by a massage school approved by the Commission.~~
- ~~7. Proof submitted pursuant to paragraph (b) of subsection 5 must include:~~
 - ~~— (a) A license to engage in the practice of massage issued by a state agency or local government that indicates at least 2 consecutive years of experience in the practice of massage;~~
 - ~~— (b) If the student is employed by a massage establishment, a letter from his present or former employer that:~~
 - ~~— (1) Sets forth the duties of the student during his employment; and~~
 - ~~— (2) Verifies at least 2 consecutive years of employment in the practice of massage; or~~
 - ~~— (c) If the student is self-employed, a copy of his tax records which indicate that he has engaged in the practice of massage for at least 2 consecutive years.]~~

This regulation is not required as the Commission does not regulation modeling schools.

~~[NAC 394.537— Schools for modeling: Statement that the programs do not qualify persons for licensure by Board of Cosmetology. (NRS 394.411, 394.421) A school for modeling shall include in its catalog a statement that the programs in the school do not qualify persons to be licensed by the Board of Cosmetology as cosmetologists, aestheticians or make-up artists.]~~

~~[NAC 394.540— Fictitious name. (NRS 394.411, 394.421) Before a school may use a fictitious name, it must submit to the Commission a request to have the new name approved. After approval of the fictitious name has been given, the name must be registered with the county clerk in the county where the school is located and a copy of the registration must be filed with the Commission. After complying with this section, the school may use the name.]~~

This is no longer required as there are no entities that meet the criteria – everyone using the word college or university were licensed after the stated date.

~~[NAC 394.550— Use of terms “college” and “university”: Authorization given before July 1, 1979. (NRS 394.411, 394.625)]~~

- ~~1. Each postsecondary educational institution which was authorized to use the term “college” or “university” before July 1, 1979, as part of its business name and desires to continue with that use must submit a petition to the Commission for authorization. The petition must include a justification for the continued use.~~
- ~~2. The Commission may convene a hearing to consider issues raised by such a petition. Besides considering the institution’s qualification to award degrees, the Commission may consider:
 - ~~(a) The cost to the institution of any change in its name.~~
 - ~~(b) Whether its name is registered or otherwise established as a trade name and is widely recognized.~~
 - ~~(c) Whether any change in its name is likely to result in a loss in its enrollment of students or would have a harmful effect on its reputation.~~
 - ~~(d) Whether any change in its name would adversely affect its accreditation or the eligibility of its students to receive financial aid.~~~~
- ~~3. If an institution is authorized pursuant to this section to use the term “college” or “university” as part of its name, it shall not call undue attention to the term by enlarged lettering or other stylistics.]~~

These are included in the first new regulation.

~~[NAC 394.560 Submission of description of a new or revised vocational program or program leading to a degree. (NRS 394.411, 394.421) Each institution which plans to add or significantly revise a vocational program or a program leading to a degree must submit a description of each new or revised program and such other information as the Administrator requires.]~~

~~[NAC 394.570 Leased, rented facilities. (NRS 394.411, 394.421) Any facility which is leased or rented to house the instructional program of the school must be leased or rented pursuant to a contract or lease agreement between the owner of the school and the owner of the facility. The contract or lease agreement must stipulate the term of the lease and the conditions of the lease and must be signed by both parties. A copy of the agreement must be filed with the Commission with the application.]~~

~~[NAC 394.575 Space required in classrooms. (NRS 394.411, 394.421) At least 15 square feet of space must be provided for each student in a classroom. Exceptions to this requirement may be applied for occasional lectures in an auditorium or for special student participation seminars. The Commission may require more space for each student in a laboratory or practicum environment.]~~

~~[NAC 394.580 Telephone listing of school office required. (NRS 394.411, 394.421) The office of a school must have a telephone listed in the local telephone directory at the earliest printing of the directory after the school receives its license.]~~

Minor change to allow information to be received via electronic means.

NAC 394.600 Approval of advertisements. (NRS 394.411, 394.421) Any advertising through any medium which cannot be changed or deleted within a 7-day period, including, but not limited to, classified telephone directory or national advertising, must be approved by the Administrator ~~[of the Commission]~~ before it is printed. The full copy of the advertisement must be submitted ~~[in writing]~~.

This is incorporated in the new regulations.

~~]~~NAC 394.605 ~~Contents of catalog or brochure. (NRS 394.411, 394.421, 394.441) In addition to the information required by law, a copy of the catalog or brochure approved by the Commission must be available to each student before enrollment and must include at least:~~

- ~~1. Information to identify the catalog or brochure, including the date the publication is effective;~~
- ~~2. The name of the institution and its governing body, officials and faculty;~~
- ~~3. A calendar showing business hours, legal holidays, beginning and ending date of each established term or course of study, and other important dates;~~
- ~~4. The policy and regulations of the institution on enrollment, including requirements for admission and specific requirements for entrance into each course and any deadlines for enrollment;~~
- ~~5. The policy and regulations of the institution concerning the standards of progress required of the student by the institution, including a:~~
 - ~~— (a) Definition of the grading system of the institution and the minimum grade considered satisfactory;~~
 - ~~— (b) Statement of the conditions for interruption of the program of a student for unsatisfactory grades or progress and a description of the probationary period, if any, allowed by the institution; and~~
 - ~~— (c) Statement of the conditions of readmission for those students dismissed for unsatisfactory progress;~~
- ~~6. The policy and regulations of the institution relative to leave, absences, a class missed without an excuse, makeup work, tardiness and interruptions for unsatisfactory attendance;~~
- ~~7. The policy and regulations of the institution relating to discipline of the students and conditions for dismissal for unsatisfactory conduct;~~
- ~~8. The policy and regulations of the institution concerning any charges if the student does not enter the course, withdraws or is discontinued from the course;~~
- ~~9. A description of the available space, facilities and equipment;~~
- ~~10. The policy and regulations of the institution concerning granting credit for previous education and training;~~
- ~~11. A detailed description of the extent and nature of any service or assistance in the placement of its graduates which the institution represents that it provides; and~~
- ~~12. A statement describing the status of the institution's license and accreditation.]~~

Consolidation of contract requirements in the new regulations requires minor changes to this existing regulation.

NAC 394.610 Contracts ~~{for institutions which do not grant degrees}~~ *and enrollment agreements*. (NRS 394.411, 394.421, 394.441)

1. Upon acceptance of ~~{his}~~ enrollment in an institution ~~which does not grant a degree~~, each student must receive a copy of the contract *or enrollment agreement* signed by himself or his guardian and by a representative of the institution.
2. For any change to an enrollment agreement or contract without a substantial failure to furnish the instruction or services agreed upon, the institution must:
 - (a) Offer the student a fair chance to complete the same program or another program with a demonstrated possibility of placement equal to or higher than the possibility of placement of the program in which the student is enrolled within approximately the same period of time at no additional cost; or
 - (b) Obtain the student's written agreement to the specified changes and a statement that the student is not being coerced or forced into accepting the change.

This is incorporated in the new regulations.

~~{The content and format of the contract must be approved by the Commission before use by the institution. The contract must contain the following information and stipulations, as a minimum:~~

- ~~1. The name of the institution, its address and telephone number.~~
- ~~2. The name of the student, his address and telephone number.~~
- ~~3. The title of each course in which the student is enrolled.~~
- ~~4. The minimum number of instructional hours or credits of each course, and the date upon which each course begins.~~
- ~~5. The schedule of payment and total cost of each course.~~
- ~~6. The policy for refunds of the institution, printed in bold type.~~
- ~~7. If any student is bound by a document of indebtedness for money from a source outside of the institution, the provisions required by that source.~~
- ~~8. A disclaimer by the institution, printed in bold type, stating that placement in a job is not guaranteed or promised to graduates.~~
- ~~9. A statement printed in bold type stating that the person signing the contract or agreement for enrollment has received, read and understood the document, has received the catalog of the institution and understands that the catalog is part of the contract.~~
- ~~10. The policy of the institution on granting credit for previous training, and if granted, a provision for reduction in the cost and length of the course.]~~

~~{NAC 394.615 Agreement upon acceptance of enrollment in a degree-granting institution. (NRS 394.411, 394.421, 394.441) Upon acceptance of his enrollment in a degree-granting institution, each student must receive a copy of the agreement signed by him or his guardian and by a representative of the institution. The agreement must contain the following information and stipulations as a minimum:~~

- ~~1. The name of the institution, its address and telephone number.~~
- ~~2. The name of the student, his address and telephone number.~~

- ~~3.— The degree for which he is enrolled, if enrolled for a degree.~~
- ~~4.— The date the catalog under which the student enrolled is effective.~~
- ~~5.— A statement printed in bold type that the person signing the agreement has received, read and understood the document and has received the catalog of the institution and understands that the catalog is part of the contract.]~~

~~[NAC 394.623— Changes in enrollment agreement or contract. (NRS 394.411, 394.421) To change an enrollment agreement or contract without a substantial failure to furnish the instruction or services agreed upon, the institution must:~~

- ~~1.— Offer the student a fair chance to complete the same program or another program with a demonstrated possibility of placement equal to or higher than the possibility of placement of the program in which the student is enrolled within approximately the same period of time at no additional cost; or~~
- ~~2.— Obtain the student's written agreement to the specified changes and a statement that the student is not being coerced or forced into accepting the change.]~~

~~[NAC 394.650— Approval of form of certificate of completion or diploma by Commission. (NRS 394.411, 394.421) Before any certificate or diploma may be issued, a copy of the proposed form must be submitted to the Commission for approval.]~~

~~[NAC 394.655— Massage schools: Specific requirements; prohibited acts. (NRS 394.411, 394.421)~~

- ~~1.— A massage school shall not operate in the same facility or on the same premises as an establishment that offers massage to members of the public for a fee.~~
- ~~2.— Massage performed on members of the public at a massage school must be included as part of the curriculum at the school. A student may perform massage on members of the general public if:
 - ~~— (a) The school maintains adequate liability insurance for the term of its license;~~
 - ~~— (b) Before a massage is performed, the school obtains from the person who will receive the massage a written statement signed by the person that he knows that the massage will be performed by a student;~~
 - ~~— (c) The student has successfully completed instruction in:
 - ~~(1) Anatomy and physiology;~~
 - ~~(2) Massage therapy;~~
 - ~~(3) Hygiene and first aid;~~
 - ~~(4) Law and ethics; and~~
 - ~~(5) At least 25 hours of actual massage training on other students or members of the staff of the school;~~~~
 - ~~— (d) The student is readily identifiable as a student to a person who will receive a massage; and~~
 - ~~— (e) Each massage is performed under the direct supervision of an instructor:
 - ~~— (1) On the premises of the massage school approved for massage training;~~
 - ~~— (2) At a public event; or~~
 - ~~— (3) In a licensed medical facility.~~~~~~
- ~~3.— The school must have a licensed physician who practices in the immediate vicinity as a consultant to the school staff.~~

- ~~4. A massage school shall not:~~
- ~~— (a) Enroll a student who is less than 18 years of age;~~
 - ~~— (b) Issue educational credentials to any person who is less than 18 years of age; or~~
 - ~~— (c) Allow a student to perform massage in a hotel room, motel room or a private residence.}]~~

There is no longer any provisions for the refund.

~~[NAC 394.720—Instructors: Qualifications; replacement; criminal history. (NRS 369.625, 394.411)]~~

- ~~1. Each instructor for a certified program must have a high school diploma or the equivalent and 2 years of verified work or teaching experience in the subject for which he provides instruction. If an instructor for a certified program is replaced after the program is certified, the provider of the program shall:~~
 - ~~— (a) Submit to the Administrator:~~
 - ~~— (1) The name of the new instructor; and~~
 - ~~— (2) Evidence satisfactory to the Administrator that the new instructor satisfies the requirements of this subsection; and~~
 - ~~— (b) Ensure that the new instructor complies with subsection 2 before he provides instruction for the program.~~
- ~~2. Before a person may provide instruction for a certified program, he must submit to the Administrator a complete set of his fingerprints and written permission authorizing the Administrator to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report. The Administrator may authorize a person to provide instruction for a certified program pending receipt of the report of the Federal Bureau of Investigation if the Administrator determines that the instructor is otherwise qualified pursuant to subsection 1.~~
- ~~3. If the criminal history of a person received by the Administrator pursuant to subsection 2 indicates that the person has been convicted of a felony or a crime involving moral turpitude, the Administrator shall request the person to submit an explanation of the conviction. The Administrator shall:~~
 - ~~— (a) Notify the provider of the certified program that intends to employ the person as an instructor of the conviction; and~~
 - ~~— (b) Request that the provider of the certified program submit to the Administrator a request to employ the person as an instructor regardless of the conviction, accompanied by a letter of support to employ the person as an instructor.~~
- ~~4. If the Administrator receives a request to employ a person as an instructor for a certified program regardless of a conviction and the conviction of the person on whose behalf the request is made occurred within the immediately preceding 10 years, the Commission will consider the request for employment at its next regularly scheduled meeting. Except as otherwise provided in NRS 241.030, the Commission will consider the request during a closed session of that meeting and will vote upon the request during an open meeting.~~
- ~~5. If the Administrator receives a request to employ a person as an instructor for a certified program regardless of a conviction and the conviction of the person on whose behalf the request is made occurred more than 10 years before the date on which the request is~~

~~received, the Administrator shall approve or disapprove of the request for employment. If the Administrator denies the request, the provider of the certified program may request a hearing before the Commission.]~~

~~[NAC 394.735 — Alcoholic Beverage Awareness Program Account: Application for reimbursement of employee; administration. (NRS 369.630, 394.411)~~

- ~~1. Except as otherwise provided in this subsection, an employee of an establishment who successfully completes a certified program and who holds a valid alcohol education card may submit an application for reimbursement of the tuition for the program from the Alcoholic Beverage Awareness Program Account created by NRS 369.630. The application must be on a form prescribed by the Administrator and accompanied by a receipt indicating the cost of the tuition. An employee may not submit an application if he has received a full or partial reimbursement from the Account within the immediately preceding 4 years.~~
- ~~2. The Administrator shall provide the form for reimbursement to each provider of a certified program. Each provider of a certified program shall distribute the form to employees who successfully complete the program.~~
- ~~3. To the extent money is available in the Alcoholic Beverage Awareness Program Account, the Administrator shall use the money in the Account to reimburse the tuition for employees who submit an application pursuant to this section. Except as otherwise provided in subsection 4, completed applications will be considered by the Administrator in the order in which they are received, as indicated by a dated stamp of receipt made by the Administrator or his designee. If a sufficient amount of money is not available in the Account to pay a full reimbursement, the Administrator may make a partial reimbursement.~~
- ~~4. If a sufficient amount of money is not available in the Account to pay a full or partial reimbursement within 30 days after the application is received, the application is void and the applicant may not submit another application for reimbursement of the same tuition connected with the voided application.~~
- ~~5. The existence of the Alcoholic Beverage Awareness Program Account does not create a right in any person to receive money from the Account.~~
- ~~6. Payment will not be made from the Alcoholic Beverage Awareness Program Account if the amount of money in the Account is equal to or less than two times the amount of annual fees charged to maintain the Account.~~
- ~~7. As used in this section:
 - ~~— (a) “Employee” means an employee of an establishment.~~
 - ~~— (b) “Establishment” has the meaning ascribed to it in NRS 369.620.~~
 - ~~— (c) “Valid alcohol education card” has the meaning ascribed to it in NRS 369.630.]~~~~