

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Eighty-First Session
March 16, 2021**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:34 p.m. on Tuesday, March 16, 2021, Online. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Chair
Assemblywoman Brittney Miller, Vice Chair
Assemblywoman Bea Duran
Assemblyman Edgar Flores
Assemblywoman Michelle Gorelow
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Lisa Krasner
Assemblywoman Elaine Marzola
Assemblyman Richard McArthur
Assemblywoman Rochelle T. Nguyen
Assemblywoman Jill Tolles
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Venicia Considine, Assembly District No. 18

STAFF MEMBERS PRESENT:

Kristi Robusto, Committee Policy Analyst
Nick Christie, Committee Manager
Sarah Baker, Committee Secretary
Melissa Loomis, Committee Assistant



OTHERS PRESENT:

Leilani Shive, Assistant Principal, Sunrise Mountain High School, Clark County School District

Lisa Rasmussen, representing Nevada Attorneys for Criminal Justice

Eric Gant, Executive Director, Adult Education, Clark County School District

Lindsay Anderson, Director, Government Affairs, Washoe County School District

Andrew LePeilbet, Chair, United Veterans Legislative Counsel

Kelly Wuest, Administrator, Commission on Postsecondary Education

Chair Bilbray-Axelrod:

We have two bills today. I am now going to open the hearing on Assembly Bill 215.

Assembly Bill 215: Revises provisions governing the eligibility requirements for participation in courses for an adult to earn a high school diploma. (BDR 34-653)

Assemblywoman Venicia Considine, Assembly District No. 18:

I am here today to present Assembly Bill 215. This bill was not my idea; I received a call from my constituent, Leilani Shive. She saw a problem she wanted fixed, so she reached out to me and we met several times to talk about it. The result is A.B. 215. This bill simply adds another option for a small segment of students who attend four years of high school but are credit-deficient. Instead of my explaining this bill, I would like to turn it over to Ms. Shive, since this was her bill to begin with. There is one small amendment that was requested of us, which I will talk about after her presentation.

Leilani Shive, Assistant Principal, Sunrise Mountain High School, Clark County School District:

I brought this concern to Assemblywoman Considine because it has been an issue every year. The problem is, we have students contact us asking what they need to do to finish their diplomas. Of course, we look at their transcript first to see how many credits they need to determine which program is in their best interest. Next, we look at their age and birthday, and every year there are roughly a dozen or so students where I just want to cringe because they only need a few credits to complete their diploma, but they are 17-year-olds, and in some cases, they will not turn 18 as late as September 30 based on when they started kindergarten.

The way the law currently reads, the student needs to be 18 to go into the adult diploma program and finish their diploma. At 17, they could only go into the high school equivalency program. There is nothing wrong with the HiSET or GED type program—I myself started with that—but I would not recommend it when a student just needs a few credits to get an actual diploma. It becomes this crazy waiting period before they can enroll in the diploma program just because of an arbitrary birthday cutoff date, and A.B. 215 would remedy that problem. It changes the wording to allow students who are 17, but have attended four years of high school without graduating, the opportunity to complete their diploma through adult

education. Because the reality is, we want to get them enrolled and have them finish while they are ready and willing—you know, strike while the iron is hot—instead of telling them they need to wait a few months until their eighteenth birthday. That is A.B. 215 in a nutshell, but I am also here to answer any questions you may have for me.

Chair Bilbray-Axelrod:

Do we have any questions from the Committee?

Assemblywoman Torres:

I am just wondering if there are any safeguards in this legislation that will prevent counselors from encouraging kids to move on early. What I have noticed in teaching is that sometimes, we know that a student might not be on track to graduate, and I fear that it might be ill-advised to just transfer them over to adult education. As we know, the graduation rate is not as high as it should be. Are there any safeguards in place, or has there been any consideration of safeguards, to ensure students are not advised to transfer in the middle of their junior or senior years?

Leilani Shive:

That is a great question. The wording in the bill itself says that they must have attended four years of high school, so this would be at the end of their senior year. They could not be encouraged to graduate early. We are not trying to take students from the general high school population; we are just trying to give those who have already attended four years of high school and not earned their diploma the opportunity to finish.

Chair Bilbray-Axelrod:

Thank you for that clarification. I know we do want our students to stay in high school for all four years, but we also want to make sure they earn their diplomas, and this is a great option for them. Assemblywoman Considine, is there a conceptual amendment?

Assemblywoman Considine:

Yes. We received a request from the Education Services Division Alternative Services of the Clark County School District to change the wording in section 1, subsection 2 from "completed" to "attended" [[Exhibit C](#)]. Currently, the bill states that a student "is at least 17 years of age and has completed at least four years of high school." The request was to change that to "attended" so it reflects more what has happened with the student—that they have attended for those four years. Completed might imply that they actually finished high school, which might present a conflict. That is the only conceptual amendment to this bill.

Chair Bilbray-Axelrod:

Thank you for explaining that. I am not seeing any other questions from our Committee, so I will move on to hear testimony in support.

Lisa Rasmussen, representing Nevada Attorneys for Criminal Justice:

We support this legislation and this bill because we believe it is an appropriate mechanism to address the issue with inmates. I do not think I saw any proposed amendments, but I heard your discussion and I do not think we have any issues with that. We all support this bill.

Eric Gant, Executive Director, Adult Education, Clark County School District:

I am here to speak in support of this bill. Ms. Shive covered every bullet point I have to say, but we definitely want to strike while the iron is hot for students who have completed four years of high school but have not hit the threshold they need to receive their diploma. I think changing this language to allow these students to hop right into their adult diploma instead of being forced to go into the HiSET or GED route would be extremely beneficial for our students in need.

Lindsay Anderson, Director, Government Affairs, Washoe County School District:

The Washoe County School District is in support of this bill. We appreciate the bill sponsor for reaching out to us long before the session even started to float this concept and allow our staff to weigh in. We do currently allow 17-year-olds to enter our adult education program under the premise that by the time they finish, they will be 18. We make it available as the very last option; we want to work hard to ensure that students and their families understand the implications of adult education versus a traditional high school diploma.

Students who do opt into the adult education program are considered nongraduates for their cohort and for the accountability measures for graduates. They do not graduate with their class, so they are considered nongraduates. We do everything we can to make sure they can be successful in the traditional high school setting, but having this additional option available for some of these 17-year-olds makes sense to us. We are in support.

Chair Bilbray-Axelrod:

Are there any other callers in support? [There were none.] Next, we will hear testimony in opposition. Are there any callers in opposition? [There were none.] Are there any callers in neutral? [There were none.]

Assemblywoman Considine, do you have any closing remarks?

Assemblywoman Considine:

I want to thank Ms. Shive, and I would also like to reiterate that this is just another option to help a segment of our young adults who may be working during the pandemic and who may find themselves in a situation where the other options do not work and this one is a better way to work, and they still have that urge to complete their high school diploma. I appreciate this becoming an option for them.

Chair Bilbray-Axelrod:

I will close the hearing on A.B. 215 and open the hearing on Assembly Bill 169.

Assembly Bill 169: Revises provisions governing higher education. (BDR 34-745)

Assemblywoman Venicia Considine, Assembly District No. 18:

Assembly Bill 169 strengthens laws for students who are recruited by and enroll in private postsecondary education institutions, also known as private, for-profit schools. Over the past several years, we have seen multiple for-profit chain schools and colleges close and leave students without the promised education and poorer than they began. At the same time, with the economic downturn, the pandemic is driving higher education online. Recently loosened regulations in the past few years for for-profit institutions and schools and colleges are increasing enrollment nationwide, particularly among those 29 years and older, female, and part-time students.

Many people, including those in our community, believe right now that their jobs are not coming back, and private, for-profit institutions advertise a faster way to obtain education and training in a new career, often with promises of job placement upon completion, but private for-profit institutions typically underperform compared to their peer institutions nationwide. Studies have consistently shown that at private institutions, students are less likely to graduate and more likely to pay higher tuition costs compared to public institutions. They take on more debt, default on student loans, and earn less. These schools also tend to serve more lower-income individuals, people of color, and women.

Given these issues, it is important to provide protections for our students. That is the genesis of A.B. 169. I would like to go over the amendment, because this is the largest portion of the bill, but before I do that, I would like to thank the Commission on Postsecondary Education (CPE) and the people I have spoken with over the past few weeks to really make sure that this bill both protects students and allows those who are looking for training in the postsecondary institutions to be able to obtain that education as well.

The proposed amendment would remove provisions provided in the original bill language and replace them with some additional language while requiring private, postsecondary educational institutions to meet certain new requirements, include certain information on their enrollment agreements, have a website with a prominent link to disclosures and their complaint policy, provide a three-day cancellation policy for enrollment agreements, and prohibit recruitment in locations where prospective students cannot be reasonably expected to make informed and considered decisions. I am happy to go through each section of the amendment and explain why some of these have been included.

In section 1, subsection 1(a), I am removing the original language, but also at the end of subsection 1(a) where it says "the institution shall refund a student all of the money the student has paid," I am adding "absent situations where occupational requirements change" [page 1, [Exhibit D](#)]. I have learned that with some schools, during an 18-month or a two-year course, the expectations from employers have changed, so some occupational requirements have changed.

That section continues by stating, "Absent situations where occupational requirements change, 'substantially failed to furnish' includes the cancelling or changing of a program without meeting the requirements of *Nevada Administrative Code* 394.610." That language is included so we do not to punish the good actors. We have seen, and there has been a history of, bad actors—postsecondary institutions that pop up that are unlicensed and hard to track down. This is just to make sure that regulations can be changed to match any situation if we continue to see that happen.

There is also a change to *Nevada Revised Statutes* (NRS) 394.441, subsection 4 that states a school must "Provide each student with a current and complete copy of the agreement to enroll, dated and signed by the student or the student's guardian and officer of the institution, which includes a statement that the parties have reviewed each section and had the opportunity to ask questions." This particular section, if passed as is, will conflict with the regulations, and I do want to work with the CPE and change those regulations so these both align. The reasoning behind this portion of the amendment is that there are some enrollment agreements—which is essentially the contract the student signs with the institution—that are in 6-point font, that are 7 or 8 pages long, that are full of legalese, and it is recognized that a lot of students do not necessarily read that enrollment agreement. The goal of adding language that each provision of the agreement is reviewed with the student is to ensure they know exactly what they are agreeing to, what their expectations are, and what the institution's expectations are.

In addition, the amendment adds to the statute that an institution "shall not permit its personnel to engage in recruiting activities in settings where prospective students cannot reasonably be expected to make informed and considered enrollment decisions." The expectation for this is that the regulations will define where some of those areas would be—say, right outside of a welfare office or near a homeless shelter. I do not want to put a defined list of those within the statute when they could be more defined and explained in the regulations and changed as needed.

The next portion of the amendment reads, "An institution may, however, engage in recruiting activities at employment opportunity centers operated under government auspices, provided that the institution has permission" We want to make sure institutions can still go and recruit in places where there is less of a chance for someone who can fall for something though they are not necessarily financially or stability-wise able to complete a long program.

The amendment also states that a school shall "provide each applicant with a current and complete catalog and an opportunity to review the catalog prior to signing the enrollment agreement . . ." which is typical consumer protection language ensuring the student can take the catalog home, review it, and have some time to go through the paperwork without feeling like they need to sign on the bottom line immediately. If they are unsure if this is the career path they want to pursue, they have some time to consider it and balance it out with everything else going on in their lives.

I also learned that not every institution necessarily has a website, so I would like to require that every institution does create one and have the link to a disclosure page and the link to a complaints page readily available, so any student who does run into a problem understands that there are different levels of complaints. It must start with the school, the advisor, and go all the way up until if something is not resolved, then they can go to the CPE.

Also, the amendment prohibits a school from putting enrollment agreements in smaller than 10-point font—I think they should be readable—and states that enrollment agreements must have a three-day cancellation policy with clear language explaining how a potential student can cancel within those three days. That is the whole bill, the amendments, and the reasoning for those amendments. I am here to answer any questions.

Chair Bilbray-Axelrod:

I wanted to ask about the three-day cancellation policy. Should we spell out that that is three business days? Should we keep it as calendar days? Since you are amending the bill anyway, maybe we should spell it out, if you are amenable to that.

Assemblywoman Miller:

I do not want to diminish any person who wants to advance in their training and education, but we know that sometimes decisions to attend these schools are based on the promise to get through it quicker than other training programs or colleges and also it is easier to be accepted, with lower GPAs or other requirements. I have often seen—and I am thinking of one of my lifelong friends, who had the experience of being halfway through her program at one of these huge, well-known national technical schools, when she showed up one day and all the doors were locked.

I appreciate that your bill seeks to give the student more education and more discussion to really understand what they are getting into and what they are committing to financially. Was there any consideration given to when the onus is on the school? This seems like decisions are made from the student's standpoint, but what about in those cases where the school just shuts their doors, or the class is cancelled, or they do not provide the class anymore? Was there anything there where the onus is put on the institute to provide refunds and make right it with the students?

Assemblywoman Considine:

The bill did start out with language that was more consistent with students getting refunds. After extensive talks with the CPE, the current law would fulfill the original language that I wanted to add to this bill to tackle that issue. I am consistently working with that commission to see where we can make some areas stronger.

I have learned that the regulations are pretty good in areas where a school closes down or when a school does not resolve their complaints—if it goes up to the commission, they are very good at resolving those. I have learned that a lot of the schools I have personally heard about either do not necessarily fall under the CPE or they are schools that pop up and close down repeatedly. They change their names and locations, and right now, the CPE does not

have an investigative or sanctionable ability to really go after those schools. That is something I want to work with the commission to fix in the future. After learning about the CPE and the regulations and what they can do, one of the things I want this bill to do with the complaint process and things being put on an institution's website is to more effectively publicize the fact that the commission exists so students know it is there, so if there are any complaints, they are the entity that can ensure that the institution holds up their end of the agreement.

Assemblywoman Miller:

I appreciate your response and attention to that. I would think that if these schools were accepting Free Application for Federal Student Aid or any type of federal funding, they should definitely be under the same expectations.

Assemblywoman Tolles:

I have a couple questions. You mentioned in the amendment that a school "shall not permit its personnel to engage in recruiting activities in settings where prospective students cannot reasonably be expected to make informed and considered enrollment decisions." I was wondering if you could elaborate a bit more with some examples of what might constitute not being able to be reasonably expected to make those decisions.

Assemblywoman Considine:

This language is language that has been used across the country, and that language actually includes a laundry list of places like homeless shelters, welfare offices, and low-income or high drug-use areas, where people are not able to make good decisions, that recruiters in some other states—I am not saying it necessarily happens here—have approached people there and gotten them to sign agreements.

We did not want to include the laundry list, because I think if we put it in, there would be some issues. I understand the reasons why some states will list, say, the welfare office. What if the welfare office is in a JobConnect area where they are going to have a school fair, and these other schools want to come in as well and potentially talk about what that institution is offering? We did not want to get into too many conflicts on that. That is why I wanted to leave that very specific language to the regulations, because we can craft that to fit Nevada as opposed to using model language from across the country.

Assemblywoman Tolles:

I appreciate that. The minute we start enumerating long lists, it leaves the door open for things we may have missed. I agree with that philosophy of keeping it more broad because in some of those circumstances, we want to connect individuals to educational opportunities that connect them to employment opportunities, and we are not in any way restricting that. We are just making sure it is not under the auspice of perhaps taking advantage of those individuals without the proper guidance.

Your third item under the additions in the amendment is that we include a mandated disclosure page on the website, and failure to have that disclosure page is a sanctionable offense. What are the sanctions we are proposing in this legislation?

Assemblywoman Considine:

That is something I am still working with the CPE on fleshing out because right now, there are no sanctions, or at least none that I know about. In order to reward the good actors but enforce the things against the bad actors, I believe we need to have some sanctions. If a for-profit institution is really not doing the education part, the only way to dissuade them is through a financial sanction. I am still working with the commission to work out how we do that and where those sanctions go. I do not believe they would be extensive sanctions; I believe that would be a three-digit sanction.

[Chair Bilbray-Axelrod left the meeting. Assemblywoman Miller assumed the Chair].

Vice Chair Miller:

Are there any additional questions from members? [There were none.] We will move on to testimony in support of A.B. 169.

Andrew LePeilbet, Chair, United Veterans Legislative Counsel:

I represent the combat-wounded veterans with Purple Hearts in the state of Nevada and 70,000 disabled American veterans. We would like to make two points in support of this bill. First, for our active military and our National Guard, their continuing education and programs of change are essential for their advancements in the military. In order to get additional degrees and classes, it is essential that they continue this program and not lose part of their GI Bill funding and other veterans' benefits. Secondly, this bill is an aid for our veterans who are now trying to get back into the working community, and it helps them get up to speed and enter the workforce well-educated. We endorse this bill and support it.

Vice Chair Miller:

Do we have any callers in opposition? [There were none.] Do we have any callers in neutral?

Kelly Wuest, Administrator, Commission on Postsecondary Education:

Consumer protections for students are of the utmost importance to the Commission, and we appreciate the desire to increase student protections and clarify the law. Just to give you some background, currently the Commission on Postsecondary Education licenses 149 institutions, both for-profit and nonprofit, and these schools offer programs for pre-licensing all the way up to college degrees at the doctoral level. Right now, that includes 25 colleges and universities, 23 pre-license programs, and 101 institutions at the non-college degree level. Thirty-nine of our institutions are accredited, and they are accredited by 15 separate accrediting bodies. Each of those bodies has their own set of rules and regulations, and it brings an additional level of complexity to trying to regulate institutions.

The private, postsecondary institutions do help provide a diverse workforce and often fulfill the training areas that are not really covered by NSHE or qualified individuals in high-demand areas like nursing. Last year alone, we had over 29,000 students in private, postsecondary institutions as new students, and all were required to sign the enrollment agreement and receive a catalog. The information provided to students prior to enrollment is intended to assist them in making an informed decision about their educational choice. Clarifying the law and expanding those requirements can be beneficial to protect both the student and the institution. Concerning the changes to NRS 394.449, the conceptual amendment clarifies that potentially failing to furnish the required training will permit the institutions to meet the workforce needs and the accrediting needs.

Vice Chair Miller:

Are there any other callers in neutral? [There were none.] I will close the hearing on A.B. 169. We will move on to public comment. Are there any callers wishing to give public comment? [There were none.]

This meeting is adjourned [at 2:21 p.m.].

RESPECTFULLY SUBMITTED:

Sarah Baker
Committee Secretary

APPROVED BY:

Assemblywoman Shannon Bilbray-Axelrod, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed amendment to [Assembly Bill 215](#), dated March 16, 2021, presented and submitted by Assemblywoman Venicia Considine, Assembly District No. 18.

[Exhibit D](#) is a proposed amendment to [Assembly Bill 169](#), dated March 12, 2021, presented and submitted by Assemblywoman Venicia Considine, Assembly District No. 18.