



Nevada Office of the Western Interstate Commission for Higher Education
<https://hpepnevada.org/>

**Notice of Public Meeting and
 Notice of Workshop to Solicit Comments on Proposed Regulations**

Thursday, October 28, 2021

3:30 p.m. – 4:30 p.m.

Members of the public may attend at the following locations:

<p>Reno Nevada System of Higher Education 2601 Enterprise Rd Reno, NV 89512 Room 114</p>	<p>Las Vegas Nevada System of Higher Education 4300 Maryland Parkway Las Vegas, NV 89119 Room 101</p>
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A video conference connection will be made between the meeting sites at the Reno and Las Vegas System Administration Buildings. In the event the video conference connection is not functioning, a teleconference connection will be made available. Members of the Commission and/or the public may attend the meeting and provide testimony or public comment at these sites.

<u>AGENDA</u>		
1		Call to order and roll call.
2.	Information Only	<p>Public Comment. Comment will be limited to two minutes per person. Persons making comment are asked to begin by stating their name for the record and to spell their last name. The Executive Commissioner may allow additional public comment on a specific agenda item when that agenda item is being considered. No action may be taken on a matter raised under this agenda item.</p> <p>In accordance with the Attorney General Opinion No. 00-047, as restated in the Attorney General’s Open Meeting Law Manual, the Executive Commissioner may prohibit comment if the comment is a topic that is not relevant to, or within the authority of, the Commission, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers.</p>
3.	For Possible Action	<p>Pursuant to NRS 233B.061, Workshop to solicit data, views, arguments or other comments from interested persons regarding the Commission’s intent to adopt, amend and repeal regulations set forth in the Nevada Administrative Code (NAC) Chapter 397 to implement the amendments to NRS Chapter 397 enacted by Assembly Bill 247 and Senate Bill 446 of the 2021 Legislative Session, and any Commission direction thereon.</p>

4.	For Possible Action	Pursuant to NRS 233B.0608(3), Presentation and acceptance or other direction concerning the Director’s Statement Regarding Small Business Impact related to the Commission’s intent to adopt, amend and repeal Regulations set forth in NAC Chapter 397.
5.	Information Only	Director/Executive Commissioner Updates. The Director and Executive Commissioner will provide a report regarding agency status and operations, including, without limitation, a summary presentation of Assembly Bill 247 and Senate Bill 446 of the 2021 Legislative Session, and the organization’s move from the Governor’s Office to the Nevada System of Higher Education.
6.	For Possible Action	<p>Commission Delegation to Director. Pursuant to NRS 397.030, as amended by Section 9 of Assembly Bill 247 of the 2021 Legislative Session, effective on July 1, 2021, the Commission may delegate actions authorized or required of the Commission under NRS Chapter 397 to the Director, including entering into agreements that will be binding on the Commission. The Commission may delegate the following actions to the Director:</p> <ol style="list-style-type: none"> 1) Pursuant to NRS 397.030, authority to transmit proposed language to the Legislative Counsel Bureau pursuant to NRS Chapter 233B for the development of proposed, permanent administrative regulations for future consideration and adoption by the Commission; 2) Pursuant to NRS 397.062 and 397.063, as amended by Sections 15 and 16 of Assembly Bill 247, respectively, of the 2021 Legislative Session, authority to administer and account for the Nevada Office of the Western Interstate Commission for Higher Education’s Account; 3) Pursuant to NRS 397.064, as amended by Section 17 of Assembly Bill 247 of the 2021 Legislative Session and NRS 397.0645, as amended by Section 18 of Assembly Bill 247 of the 2021 Legislative Session, authority to convert a stipend into a loan for failure to satisfy the criteria for a stipend and enter into loan agreements with participants that include the repayment terms, bear the interest rates, and assess default and delinquency charges and attorneys’ fees based upon criteria established in the Commission regulations; 4) Pursuant to NRS 397.068, as amended by Section 19 of Assembly Bill 247 of the 2021 Legislative Session, authority to determine participant infractions for failure to comply with requirements set forth in the Commission’s regulations and impose authorized fines and/or expel participants from the program based upon criteria established in the Commission’s regulations; 5) Pursuant to NRS 397.0685, as amended by Section 20 of Assembly Bill 247 of the 2021 Legislative Session, authority to reduce the period of required professional practice for a stipend based upon the criteria established in the Commission’s regulations; and 6) Pursuant to NRS Chapter 397, authority to interpret and enforce any existing participant agreements or contracts.
7.	For Possible Action	Nevada WICHE – Nevada System of Higher Education Memorandum of Understanding. The Commission may execute a memorandum of understanding with the Nevada System of Higher Education regarding the shared governance between the agencies and the interpretation and implementation of Senate Bill 446 and the Commission’s legislatively approved budget from the 2021 Legislative Session incorporating Nevada WICHE into the Academic and Student Affairs Department of NSHE.

8.	Information Only	<p>Public Comment. Comment will be limited to two minutes per person. Persons making comment are asked to begin by stating their name for the record and to spell their last name.</p> <p>In accordance with the Attorney General Opinion No. 00-047, as restated in the Attorney General’s Open Meeting Law Manual, the Executive Commissioner may prohibit comment if the comment is a topic that is not relevant to, or within the authority of, the Commission, or if the content is willfully disruptive of the meeting by being irrelevant, repetitious, slanderous, offensive, inflammatory, irrational or amounting to personal attacks or interfering with the rights of other speakers.</p>
9.		<p>New Business. Items for consideration at future meetings may be suggested. Any discussion of an item under “New Business” is limited to description and clarification of the subject matter of the item, which may include the reasons for the request, and no substantive discussion may occur at this meeting on new business items in accordance with the Nevada Open Meeting Law (NRS 241.010 et seq.).</p>
10.		<p>Adjournment</p>

Items on this agenda may be taken in a different order than listed. Two or more agenda items may be combined for consideration. An item may be removed or delayed at any time.

- ❖ The Commission is pleased to make reasonable accommodations for any member of the public who has a disability and wishes to attend the meeting. If special arrangements are necessary, please notify us via email at hello@hpepnevada.org or call 775-784-4901 as far in advance as possible.
- ❖ To request a copy of the supporting materials for this meeting, contact Director Jennifer Ouellette at hello@hpepnevada.org or call 775-784-4901.
- ❖ This Notice of Public Meeting and Notice of Workshop to Solicit Comments on Proposed Regulations and supporting materials are posted and available not later than the 15th day before the meeting pursuant to NRS 233B.061 on the Commission’s website at <https://hpepnevada.org/>. Copies will also be available at the meeting location on the meeting day.
- ❖ Pursuant to NRS 233B.0608(3), enclosed with this Notice of Workshop is a copy of the Director’s Statement Regarding Small Business Impact.
- ❖ This agenda has been sent to all interested persons who have requested an agenda from the commission. Persons who wish to receive an agenda or meeting notice must contact Nevada WICHE at (775) 784-4901 or by email at hello@hpepnevada.org.

This Agenda, Notice of Public Meeting and Notice of Workshop to Solicit Comments on Proposed Regulations and the Executive Director’s Statement Regarding Small Business Impact have been sent to all individuals on the agency’s mailing list for administrative regulations and posted in compliance with NRS 241.020 before 9:00 a.m. on the fifteenth day before the meeting pursuant to NRS 233B.061 at the following locations:

- Nevada WICHE’s website: <https://hpepnevada.org/>
- Nevada System of Higher Education: 2601 Enterprise Road, Reno, NV 89512
- Nevada System of Higher Education: 4300 S. Maryland Pkwy, Las Vegas, NV 89119
- The Nevada Legislature’s website: leg.state.nv.us/App/Notice/A
- Nevada Public Notice Website: notice.nv.gov



2601 Enterprise Road
Reno, Nevada 89512
Phone 775-784-4901
<https://hpepnvada.org/>

Jennifer Ouellette
Director

**EXECUTIVE DIRECTOR'S STATEMENT REGARDING
SMALL BUSINESS IMPACT
(NRS 233B.0608(3))**

I, Jennifer Ouellette, being the duly appointed Director of the Nevada Office of the Western Interstate Commission for Higher Education ("Commission"), do hereby certify that a concerted effort was made to determine the impact of the proposed regulation on small business and the information contained in this statement is accurate to the best of my knowledge or belief:

1. The Commission intends to adopt a proposed regulation that will amend the Commission's administrative regulations set forth in NAC Chapter 397 to implement the amendments of NRS Chapter 397 enacted by Assembly Bill 247 and Senate Bill 446 of the 2021 Legislative Session.
2. The proposed regulation is not likely to: (a) impose a direct or significant economic burden upon a small business; or (b) directly restrict the formation, operation or expansion of a small business. (NRS 233B.0608(1)).
3. Commission staff analyzed whether the proposed regulation could cause small business any economic burden, and none of the proposals were found to directly or significantly affect business in Nevada.
4. The Nevada Office of the Western Interstate Commission on Higher Education set forth in NRS Chapter 397 does not directly govern or affect any small business in Nevada. Rather, NRS 397 governs only the conditions of tuition support provided to individual students who accept funding from the Nevada Office of the Western Interstate Commission on Higher Education. Based on the foregoing, Commission staff concluded that the proposed regulation will have no effect on small business. (NRS 233B.0608(3)).
5. Because small businesses are not likely to be affected by the adoption of this proposed regulation, no assessment of the burden or economic impact can be completed. Accordingly, no comment by small business has been solicited. (NRS 233B.0608(2)(a))

Respectfully submitted,

DATED: 10/12/2021



Jennifer Ouellette, Director | Nevada WICHE