

ASSEMBLY BILL NO. 226—ASSEMBLYMAN D’SILVA

MARCH 1, 2023

Referred to Committee on Education

SUMMARY—Revises provisions governing tuition for certain students. (BDR 34-668)

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

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

AN ACT relating to education; prohibiting the Board of Regents of the University of Nevada from assessing tuition charges against students who have successfully completed a high school equivalency assessment selected by the State Board of Education; prohibiting the Board of Regents from denying an exemption from tuition charges to a student solely on the basis of immigration status under certain circumstances; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law prohibits the Board of Regents of the University of Nevada from
2 assessing tuition charges against certain students, including, without limitation,
3 students who graduated from a high school located in this State. (NRS 396.540)
4 Existing law requires the State Board of Education to select an assessment to enable
5 a person to demonstrate that he or she has achieved an educational level which is an
6 acceptable substitute for completing a high school education. (NRS 390.055) This
7 bill prohibits the Board of Regents from assessing tuition charges against a student
8 who successfully completed the high school equivalency assessment selected by the
9 State Board. This bill also prohibits the Board of Regents from denying an
10 exemption from tuition charges to a student solely on the basis that the student or
11 the family of the student is not lawfully present in the United States if the student or
12 family of the student has: (1) been granted temporary protected status by the United
13 States Citizenship and Immigration Services of the United States Department of
14 Homeland Security; or (2) received a grant of deferred action under the federal
15 policy of Deferred Action for Childhood Arrivals.



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

1 **Section 1.** NRS 396.540 is hereby amended to read as follows:

2 396.540 1. For the purposes of this section:

3 (a) “Bona fide resident” shall be construed in accordance with
4 the provisions of **subsection 5**, NRS 10.155 and policies established
5 by the Board of Regents, to the extent that those policies do not
6 conflict with any statute. The qualification “bona fide” is intended to
7 ensure that the residence is genuine and established for purposes
8 other than the avoidance of tuition.

9 (b) “Matriculation” has the meaning ascribed to it in regulations
10 adopted by the Board of Regents.

11 (c) “Tuition charge” means a charge assessed against students
12 who are not residents of Nevada and which is in addition to
13 registration fees or other fees assessed against students who are
14 residents of Nevada.

15 2. The Board of Regents may fix a tuition charge for students
16 at all campuses of the System, but tuition charges must not be
17 assessed against:

18 (a) All students whose families have been bona fide residents of
19 the State of Nevada for at least 12 months before the matriculation
20 of the student at a university, state college or community college
21 within the System;

22 (b) All students whose families reside outside of the State of
23 Nevada, providing such students have themselves been bona fide
24 residents of the State of Nevada for at least 12 months before their
25 matriculation at a university, state college or community college
26 within the System;

27 (c) All students whose parent, legal guardian or spouse is a
28 member of the Armed Forces of the United States who:

29 (1) Is on active duty and stationed at a military installation in
30 the State of Nevada or a military installation in another state which
31 has a specific nexus to this State, including, without limitation, the
32 Marine Corps Mountain Warfare Training Center located at Pickel
33 Meadow, California; or

34 (2) Was on active duty and stationed at a military installation
35 in the State of Nevada or a military installation in another state
36 which has a specific nexus to this State, including, without
37 limitation, the Marine Corps Mountain Warfare Training Center
38 located at Pickel Meadow, California, on the date on which the
39 student is admitted to an institution of the System if such students
40 enroll and maintain continuous enrollment at an institution of the
41 System;



1 (d) All students who are using benefits under the Marine
2 Gunnery Sergeant John David Fry Scholarship pursuant to 38
3 U.S.C. § 3311(b)(8);

4 (e) All public school teachers who are employed full-time by
5 school districts in the State of Nevada;

6 (f) All full-time teachers in private elementary, secondary and
7 postsecondary educational institutions in the State of Nevada whose
8 curricula meet the requirements of chapter 394 of NRS;

9 (g) Employees of the System who take classes other than during
10 their regular working hours;

11 (h) Members of the Armed Forces of the United States who are
12 on active duty and stationed at a military installation in the State of
13 Nevada or a military installation in another state which has a
14 specific nexus to this State, including, without limitation, the Marine
15 Corps Mountain Warfare Training Center located at Pickel Meadow,
16 California;

17 (i) Veterans of the Armed Forces of the United States who were
18 honorably discharged and who were on active duty while stationed
19 at a military installation in the State of Nevada or a military
20 installation in another state which has a specific nexus to this State,
21 including, without limitation, the Marine Corps Mountain Warfare
22 Training Center located at Pickel Meadow, California, on the date of
23 discharge;

24 (j) Except as otherwise provided in subsection 3, veterans of the
25 Armed Forces of the United States who were honorably discharged;

26 (k) Veterans of the Armed Forces of the United States who have
27 been awarded the Purple Heart;

28 (l) All students who are:

29 (1) Veterans using Post-9/11 Educational Assistance
30 pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive, and became
31 eligible for such benefits on or after January 1, 2013; or

32 (2) Spouses or dependents using Post-9/11 Educational
33 Assistance pursuant to 38 U.S.C. §§ 3301 to 3327, inclusive;

34 (m) All students who are using Survivors' and Dependents'
35 Educational Assistance pursuant to 38 U.S.C. §§ 3500 to 3566,
36 inclusive; and

37 (n) Students who graduated from a high school located in this
38 State **H** *or who successfully completed the high school*
39 *equivalency assessment selected by the State Board pursuant to*
40 *NRS 390.055*, regardless of whether the student or the family of the
41 student have been bona fide residents of the State of Nevada for at
42 least 12 months before the matriculation of the student at a
43 university, state college or community college within the System.

44 3. The Board of Regents may grant more favorable exemptions
45 from tuition charges for veterans of the Armed Forces of the United



1 States than the exemptions provided pursuant to subsection 2, if
2 required for the receipt of federal money.

3 4. The Board of Regents may grant exemptions from tuition
4 charges each semester to other worthwhile and deserving students
5 from other states and foreign countries, in a number not to exceed a
6 number equal to 3 percent of the total matriculated enrollment of
7 students for the last preceding fall semester.

8 *5. The Board of Regents shall not deny an exemption from*
9 *tuition charges provided pursuant to subsection 2 to a student*
10 *solely on the basis that the student or the family of the student is*
11 *not lawfully present in the United States if the student or the*
12 *family of the student has:*

13 *(a) Been granted temporary protected status by the United*
14 *States Citizenship and Immigration Services of the United States*
15 *Department of Homeland Security; or*

16 *(b) Received a grant of deferred action under the federal policy*
17 *of Deferred Action for Childhood Arrivals.*

18 **Sec. 2.** This act becomes effective on July 1, 2023.

