

CHAPTER.....

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 that was administered in this State; prohibiting the Board of Regents from denying an exemption from tuition charges to a student on the basis of immigration status under certain circumstances; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law prohibits the Board of Regents of the University of Nevada from assessing tuition charges against certain students, including, without limitation, students who graduated from a high school located in this State. (NRS 396.540) Existing law requires the State Board of Education to select an assessment to enable a person to demonstrate that he or she has achieved an educational level which is an acceptable substitute for completing a high school education. (NRS 390.055) This bill prohibits the Board of Regents from assessing tuition charges against a student who successfully completed the high school equivalency assessment selected by the State Board if the assessment was administered in this State.

This bill also prohibits the Board of Regents from denying an exemption from tuition charges to a student on the basis that the student is not lawfully present in the United States if the student has been granted temporary protected status by the United States Citizenship and Immigration Services of the United States Department of Homeland Security.

Existing federal law provides that a person who is not lawfully present in the United States shall not be eligible on the basis of residence within a state for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit without regard to whether the citizen or national is such a resident. (8 U.S.C. § 1623) This bill prohibits the Board of Regents from denying an exemption from tuition charges which is not based on residency in this State to a student on the basis that the student is not lawfully present in the United States if the student has received a grant of deferred action from the United States Department of Homeland Security. This bill also prohibits the Board of Regents from denying an exemption from tuition charges which is based on residency to such a student on the basis that the student is not lawfully present in the United States if: (1) the provisions of the federal law which prohibit the granting of postsecondary education benefits on the basis of residency to persons who are not lawfully present in the United State unless such benefits are also granted to all citizens and nationals of the United States are repealed or otherwise cease to have effect; or (2) the Attorney General of this State issues a finding that such a student would be considered lawfully present in the United States for the purposes of the federal law.



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

**Section 1.** NRS 396.540 is hereby amended to read as follows:  
396.540 1. For the purposes of this section:

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

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

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

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

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

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

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

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

(2) Was on active duty and stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California, on the date on which the



student is admitted to an institution of the System if such students enroll and maintain continuous enrollment at an institution of the System;

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

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

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

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

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

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

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

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

(l) All students who are:

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

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

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

(n) Students who graduated from a high school located in this State **or who successfully completed the high school equivalency assessment selected by the State Board pursuant to NRS 390.055 if the assessment was administered in this State,**



regardless of whether the student or the family of the student have been bona fide residents of the State of Nevada for at least 12 months before the matriculation of the student at a university, state college or community college within the System.

3. The Board of Regents may grant more favorable exemptions from tuition charges for veterans of the Armed Forces of the United States than the exemptions provided pursuant to subsection 2, if required for the receipt of federal money.

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

*5. The Board of Regents shall not deny an exemption from tuition charges provided pursuant to subsection 2 to a student on the basis that the student is not lawfully present in the United States if the student has been granted temporary protected status by the United States Citizenship and Immigration Services of the United States Department of Homeland Security.*

*6. The Board of Regents shall not deny an exemption from tuition charges provided pursuant to:*

*(a) Paragraphs (a) and (b) of subsection 2 to a student on the basis that the student is not lawfully present in the United States if the student has received a grant of deferred action from the United States Department of Homeland Security and:*

*(1) The provisions of 8 U.S.C. § 1623 are repealed, held to be invalid or otherwise cease to have effect; or*

*(2) The Attorney General of this State issues a finding that such a student would be considered lawfully present in the United States for the purposes of 8 U.S.C. § 1623.*

*(b) Paragraphs (c) to (n), inclusive, of subsection 2 to a student on the basis that the student is not lawfully present in the United States if the student has received a grant of deferred action from the United States Department of Homeland Security.*

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

