

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 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



20 an exemption from tuition charges which is not based on residency in this State to a
21 student on the basis that the student is not lawfully present in the United States if
22 the student has received a grant of deferred action from the United States
23 Department of Homeland Security. This bill also prohibits the Board of Regents
24 from denying an exemption from tuition charges which is based on residency to
25 such a student on the basis that the student is not lawfully present in the United
26 States if: (1) the provisions of the federal law which prohibit the granting of
27 postsecondary education benefits on the basis of residency to persons who are not
28 lawfully present in the United State unless such benefits are also granted to all
29 citizens and nationals of the United States are repealed or otherwise cease to have
30 effect; or (2) the Attorney General of this State issues a finding that such a student
31 would be considered lawfully present in the United States for the purposes of the
32 federal law.

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 *subsections 5 and 6*, NRS 10.155 and policies
5 established by the Board of Regents, to the extent that those policies
6 do not conflict with any statute. The qualification "bona fide" is
7 intended to ensure that the residence is genuine and established for
8 purposes 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



1 has a specific nexus to this State, including, without limitation, the
2 Marine Corps Mountain Warfare Training Center located at Pickel
3 Meadow, California; or

4 (2) Was on active duty and stationed at a military installation
5 in the State of Nevada or a military installation in another state
6 which has a specific nexus to this State, including, without
7 limitation, the Marine Corps Mountain Warfare Training Center
8 located at Pickel Meadow, California, on the date on which the
9 student is admitted to an institution of the System if such students
10 enroll and maintain continuous enrollment at an institution of the
11 System;

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

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

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

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

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

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

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

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

39 (l) All students who are:

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

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



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

4 (n) Students who graduated from a high school located in this
5 State **[H]** *or who successfully completed the high school*
6 *equivalency assessment selected by the State Board pursuant to*
7 *NRS 390.055 if the assessment was administered in this State,*
8 regardless of whether the student or the family of the student have
9 been bona fide residents of the State of Nevada for at least 12
10 months before the matriculation of the student at a university, state
11 college or community college within the System.

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

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

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

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

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

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

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

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

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

