

Amendment No. 379

Assembly Amendment to Assembly Bill No. 226	(BDR 34-668)
Proposed by: Assembly Committee on Education	
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date		SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



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 ~~formatted 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 ~~and~~ **that was administered in this State**; 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:

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 ~~and~~ **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 ~~solely~~ on the basis that the student ~~for the family of the student~~ is not lawfully present in the United States if the student ~~for family of the student~~ has ~~been~~ granted temporary protected status by the United States Citizenship and Immigration Services of the United States Department of Homeland Security ~~if~~ ~~or~~ ~~received a grant of deferred action under the federal policy of Deferred Action for Childhood Arrivals.~~

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

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26 of postsecondary education benefits on the basis of residency to persons who are not
27 lawfully present in the United States unless such benefits are also granted to all citizens
28 and nationals of the United States are repealed or otherwise cease to have effect; or (2)
29 the Attorney General of this State issues a finding that such a student would be
30 considered lawfully present in the United States for the purposes of the 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 the provisions of
4 ~~subsection~~ subsections 5, 7 and 6, NRS 10.155 and policies established by the
5 Board of Regents, to the extent that those policies do not conflict with any statute.
6 The qualification “bona fide” is intended to ensure that the residence is genuine and
7 established for purposes other than the avoidance of tuition.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (l) All students who are:

17 (1) Veterans using Post-9/11 Educational Assistance pursuant to 38 U.S.C.
 18 §§ 3301 to 3327, inclusive, and became eligible for such benefits on or after
 19 January 1, 2013; or

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

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

24 (n) Students who graduated from a high school located in this State ~~and~~ *or who*
 25 *successfully completed the high school equivalency assessment selected by the*
 26 *State Board pursuant to NRS 390.055 and if the assessment was administered in*
 27 *this State,* regardless of whether the student or the family of the student have been
 28 bona fide residents of the State of Nevada for at least 12 months before the
 29 matriculation of the student at a university, state college or community college
 30 within the System.

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

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

38 *5. The Board of Regents shall not deny an exemption from tuition charges*
 39 *provided pursuant to subsection 2 to a student ~~solely~~ on the basis that the*
 40 *student ~~or the family of the student~~ is not lawfully present in the United States if*
 41 *the student ~~or the family of the student~~ has ~~not~~*

42 *— (a) ~~been~~ been granted temporary protected status by the United States*
 43 *Citizenship and Immigration Services of the United States Department of*
 44 *Homeland Security. ~~or~~*

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

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

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

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

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

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

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