

Amendment No. 147

Assembly Amendment to Assembly Bill No. 217	(BDR 34-464)
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.

DP/AAK



Date: 4/12/2023

A.B. No. 217—Revises provisions governing higher education. (BDR 34-464)



ASSEMBLY BILL NO. 217—ASSEMBLYMEN WATTS, GONZÁLEZ, ANDERSON, CONSIDINE, C.H. MILLER; BACKUS, BILBRAY-AXELROD, BROWN-MAY, CARTER, COHEN, D’SILVA, GORELOW, LA RUE HATCH, MOSCA, PETERS, SUMMERS-ARMSTRONG, TAYLOR, THOMAS AND TORRES

FEBRUARY 22, 2023

JOINT SPONSORS: SENATORS FLORES, DONATE, NEAL; LANGE, NGUYEN AND PAZINA

Referred to Committee on Education

SUMMARY—Revises provisions governing higher education. (BDR 34-464)

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; revising provisions relating to the Liaison for Post-Secondary Education for Homeless Pupils within the Nevada System of Higher Education; ~~authorizing the Board of Regents of the University of Nevada to require institutions within the System to prioritize registration for the enrollment of certain pupils in certain courses;~~ revising provisions governing the waiver of fees by the Board of Regents for certain homeless or unaccompanied pupils; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes the Board of Regents of the University of Nevada to grant a waiver of registration and laboratory fees for a pupil who is homeless or unaccompanied. ~~[pupils.]~~ (NRS 396.5448) **Section 4** of this bill ~~[instead]~~ requires the Board of Regents to waive such fees, as well as any other mandatory fees, for ~~[such pupils.]~~ a pupil who, at any time before reaching the age of 25 years, was identified as homeless or unaccompanied.

Existing law authorizes the Board of Regents to request documentation from a person requesting such a waiver of fees to verify that the person was a homeless or unaccompanied pupil. (NRS 396.5448) **Section 4 : (1) requires the Board of Regents to request such documentation; and (2) limits the documentation which the Board of Regents is** ~~[authorized]~~ **required** to request under certain circumstances. **Section 4** provides for the adjustment of the amount of the fee waiver based upon the amount of federal educational benefits the pupil receives. **Section 4** requires each institution within the Nevada System of Higher Education to designate one employee to act as a point of contact for questions about the fee waiver.

~~[— Section 3 of this bill authorizes the Board of Regents to require an institution within the System to provide priority registration in courses that provide credit toward the award of a degree or certificate to a homeless or unaccompanied pupil or a person who was in the custody of an agency that provides child welfare services when he or she was 14 years of age or older.]~~

Existing law creates the position of the Liaison for Post-Secondary Education for Homeless Pupils within the System to assist homeless and unaccompanied pupils in pursuing post-secondary education. (NRS 396.5926, 396.594) **Section 2** of this bill requires a university, state college or community college within the System to take certain steps to disseminate the name and contact information of the Liaison. **Section 5** of this bill makes a conforming change to indicate the proper placement of **section 2** in the Nevada Revised Statutes. **Section 6** of this bill revises the definition of “homeless pupil” for the purposes of the provisions of law relating to the Liaison. **Section 7** of this bill requires that a person appointed to be the Liaison be familiar with certain federal laws as well as the federal application for student aid and other federal programs, grants and assistance which benefit homeless and unaccompanied pupils. **Section 8** of this bill revises the duties of the Liaison.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *A university, state college or community college within the System shall:*

1. Provide the name and contact information of the Liaison to each student who is granted a waiver pursuant to NRS 396.5448.

2. Publish the name and contact information of the Liaison on the Internet website of the institution.

Sec. 3. ~~*[1. The Board of Regents may require an institution within the System to grant priority for registration for enrollment in courses that provide credit toward the award of a degree or certificate to a student who is identified as:*~~

~~*(a) A homeless or unaccompanied pupil; or*~~

~~*(b) A person who was in the custody of an agency which provides child welfare services in this State when he or she was 14 years of age or older.*~~

~~*2. As used in this section:*~~

~~*(a) “Agency which provides child welfare services” has the meaning ascribed to it in NRS 432B.030.*~~

~~*(b) “Homeless pupil” has the meaning ascribed to the term “homeless children and youths” in 42 U.S.C. § 11434a(2).*~~

~~*(c) “Unaccompanied pupil” has the meaning ascribed to the term “unaccompanied youth” in 42 U.S.C. § 11434a(6).]*~~ **(Deleted by amendment.)**

Sec. 4. NRS 396.5448 is hereby amended to read as follows:

396.5448 1. The Board of Regents ~~may~~ **shall** grant a waiver of ~~the~~ payment of registration fees, ~~and~~ **laboratory fees** ~~for~~ **and any other mandatory fees assessed each semester against** a person who ~~is~~ **:**

~~*(a) [1.] At any time before reaching the age of 25 years, was*~~ identified as a homeless or unaccompanied pupil ~~*[. For the purpose of assessing fees and charges against a person to whom such a waiver is granted, including, without limitation, tuition charges pursuant to NRS 396.540, the person shall be deemed to be a bona fide resident of this State.*~~

~~*2. A person is eligible for a waiver pursuant to subsection 1 if the person maintains; and*~~

~~*(b) Has maintained*~~ at least a 2.0 grade point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.

2. For the purpose of assessing fees and charges against a person to whom a waiver is granted pursuant to subsection 1, including, without limitation, tuition

1 *charges assessed pursuant to NRS 396.540, the person shall be deemed to be a*
2 *bona fide resident of this State.*

3 3. A person may use a waiver granted pursuant to subsection 1 for 10 years
4 after the person attains the age of 18 years or, if the person enrolls in the System
5 before the age of 18 years, for 10 years after the date of such enrollment.

6 4. The Board of Regents ~~may~~ *shall* request documentation from a person
7 requesting a waiver pursuant to subsection 1 as it deems necessary to verify that
8 such a person was a homeless or unaccompanied pupil ~~it~~, *except that:*

9 (a) *A person who provides documentation which meets the standards under*
10 *20 U.S.C. § 1087uu-2(a) and related federal regulations shall not be required to*
11 *provide any additional documentation to verify that such a person was a homeless*
12 *or unaccompanied pupil.*

13 (b) *Any person who has been verified as a homeless or unaccompanied pupil*
14 *for one academic year is presumed to be a homeless or unaccompanied pupil for*
15 *each subsequent year, unless the person informs an institution within the System*
16 *that circumstances have changed or the institution has specific conflicting*
17 *information about the person's status and has informed the person of the*
18 *conflicting information.*

19 5. *The amount of any waiver granted pursuant to subsection 1 must be*
20 *equal to:*

21 (a) *If the person is entitled to receive any federal educational benefits for a*
22 *semester, the balance of registration fees, laboratory fees and any other*
23 *mandatory fees assessed against the person that remain unpaid after the person's*
24 *account has been credited with the full amount of the federal educational benefits*
25 *to which the person is entitled for that semester; or*

26 (b) *If the person is not entitled to receive any federal educational benefits for*
27 *a semester, the full amount of the registration fees, laboratory fees and any other*
28 *mandatory fees assessed against the pupil for that semester.*

29 6. *A waiver granted pursuant to subsection 1 must be granted to a person*
30 *who enrolls in a program offered by a school within the System, including,*
31 *without limitation, a trade or vocational program, a graduate program or a*
32 *professional program.*

33 7. *Each institution within the System shall designate one employee as a*
34 *point of contact for questions concerning the administration of the waiver of fees*
35 *pursuant to this section.*

36 8. As used in this section:

37 (a) "Homeless pupil" has the meaning ascribed to the term "homeless children
38 and youths" in 42 U.S.C. § 11434a(2).

39 (b) "Unaccompanied pupil" has the meaning ascribed to the term
40 "unaccompanied youth" in 42 U.S.C. § 11434a(6).

41 **Sec. 5.** NRS 396.5913 is hereby amended to read as follows:

42 396.5913 As used in NRS 396.5913 to 396.594, inclusive, *and section 2 of*
43 *this act*, unless the context otherwise requires, the words and terms defined in NRS
44 396.5916, 396.592 and 396.5923 have the meanings ascribed to them in those
45 sections.

46 **Sec. 6.** NRS 396.5916 is hereby amended to read as follows:

47 396.5916 "Homeless pupil" has the meaning ascribed to ~~it in 45 C.F.R. §~~
48 ~~1355.20.~~ *the term "homeless children and youths" in 42 U.S.C. § 11434a(2).*

49 **Sec. 7.** NRS 396.5926 is hereby amended to read as follows:

50 396.5926 1. There is hereby created the Liaison for Post-Secondary
51 Education for Homeless Pupils within the System.

52 2. The Governor shall ~~to the extent that money is available for that~~
53 ~~purpose.~~ appoint the Liaison for Post-Secondary Education for Homeless Pupils

1 for a term of 4 years. The Liaison is in the unclassified service of the State. The
2 person appointed:

3 (a) Must be knowledgeable in the various issues relating to homeless and
4 unaccompanied pupils, including, without limitation ~~[-, the]~~ :

5 *(1) The provisions of the McKinney-Vento Homeless Assistance Act of*
6 *1987, 42 U.S.C. §§ 11301 et ~~[seq.-]~~ seq. relating to education for homeless*
7 *children and youths;*

8 *(2) The provisions of the College Cost Reduction and Access Act of 2007,*
9 *Public Law 110-84;*

10 *(3) The Free Application for Federal Student Aid provided for by 20*
11 *U.S.C. § 1090; and*

12 *(4) Other federal programs, grants and assistance which benefit*
13 *homeless and unaccompanied pupils;*

14 (b) Must be independent of and have no pecuniary interest in any organization
15 or entity that provides services to homeless and unaccompanied pupils;

16 (c) Except as otherwise provided in NRS 284.143, shall devote all of his or her
17 time to the business of his or her office and shall not pursue any other business or
18 vocation or hold any other office of profit; and

19 (d) Must not be a member of any political convention or a member of any
20 committee of any political party.

21 3. The Governor may remove the Liaison from office for inefficiency, neglect
22 of duty or malfeasance in office.

23 **Sec. 8.** NRS 396.594 is hereby amended to read as follows:

24 396.594 1. ~~[To the extent that money is available, the]~~ *The* Liaison shall:

25 (a) Conduct an annual analysis of homeless and unaccompanied pupils in this
26 State to assess the needs of such pupils;

27 (b) Develop a database to track, monitor and analyze trends in the rates of
28 graduation and retention of homeless and unaccompanied pupils;

29 (c) Develop a model for college and career readiness for homeless and
30 unaccompanied pupils;

31 (d) Collaborate with ~~[persons at a high school]~~ *the local educational agency*
32 *liaisons for homeless pupils designated in accordance with the McKinney-Vento*
33 *Homeless Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq. and* responsible for
34 assisting homeless and unaccompanied pupils;

35 (e) Collaborate with high schools *and the local educational agency liaison for*
36 *homeless pupils designated in accordance with the McKinney-Vento Homeless*
37 *Assistance Act of 1987, 42 U.S.C. §§ 11301 et seq.* to identify homeless and
38 unaccompanied pupils to refer such pupils to appropriate support services after the
39 admission of such pupils to an institution of higher education within this State;

40 (f) Establish connections between and collaborate with financial aid offices,
41 student support services and campus housing services of institutions of higher
42 education within this State;

43 (g) Identify and refer homeless and unaccompanied pupils to mentoring
44 programs;

45 (h) Increase awareness among teachers, instructors, professors , *staff of*
46 *financial aid offices, student support services and campus housing services* and
47 other staff members of institutions of higher education who work with pupils on
48 issues relating to homeless and unaccompanied pupils, including, without
49 limitation, identifying such pupils and referring such pupils to appropriate
50 resources;

51 (i) Establish and maintain a database of food banks, clothing banks and low-
52 cost health care providers, to be provided, without limitation, to financial aid

1 offices and student support services of institutions of higher education within this
2 State;

3 (j) Identify and coordinate with food banks and clothing banks or establish one
4 or more food banks or clothing banks on a campus of an institution of higher
5 education within this State to provide services to homeless and unaccompanied
6 pupils;

7 (k) Establish a plan for housing homeless and unaccompanied pupils when
8 campus housing is not available, including, without limitation, establishing a list of
9 host homes in the local community and keeping one or more campus housing
10 buildings open; ~~and~~

11 (l) Apply for and accept grants awarded through the College Cost Reduction
12 and Access Act of 2007, Public Law 110-84 ~~§~~;

13 *(m) Assist students in resolving any problems related to the waiver of fees for
14 homeless or unaccompanied pupils granted pursuant to NRS 396.5448; and*

15 *(n) Establish a plan to ensure access by homeless and unaccompanied pupils
16 to on-campus support, including, without limitation, academic support, mental
17 and physical health services, transportation and life skills instruction.*

18 2. As used in this section, “institution of higher education” has the meaning
19 ascribed to it in NRS 385.102.

20 **Sec. 9.** This act becomes effective on July 1, 2023.