

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON EDUCATION**

**Eighty-Second Session  
March 28, 2023**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 1:33 p.m. on Tuesday, March 28, 2023, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda [[Exhibit A](#)], the Attendance Roster [[Exhibit B](#)], and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/82nd2023](http://www.leg.state.nv.us/App/NELIS/REL/82nd2023).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Shannon Bilbray-Axelrod, Chair  
Assemblywoman Angie Taylor, Vice Chair  
Assemblywoman Natha C. Anderson  
Assemblyman Reuben D'Silva  
Assemblywoman Alexis Hansen  
Assemblywoman Melissa Hardy  
Assemblyman Gregory Koenig  
Assemblywoman Selena La Rue Hatch  
Assemblyman Richard McArthur  
Assemblywoman Erica Mosca  
Assemblywoman Clara Thomas  
Assemblywoman Selena Torres

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Brittney Miller, Assembly District No. 5



**STAFF MEMBERS PRESENT:**

Alex Drozdoff, Committee Policy Analyst  
Asher Killian, Committee Counsel  
Cameron Newton, Committee Counsel  
Nick Christie, Committee Manager  
Funmi Sheddy, Committee Secretary  
Ashley Torres, Committee Assistant

**OTHERS PRESENT:**

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association  
Maggie Babb, At-Large Director, Washoe Education Association  
Keibi Mejia, representing Nevada Association of School Boards  
Andrew Schaffer, At-Large Director, Washoe Education Association  
Constance J. Brooks, Vice President, Office of Government and Community Engagement, University of Nevada, Las Vegas  
Anthony Ruiz, Deputy Chief of Staff, Office of the President, Nevada State College  
Tonia Holmes-Sutton, Executive Director, Teach Plus Nevada  
Patricia Haddad, Director, Government Relations, Clark County School District  
Elliott Malin, representing Anti-Defamation League  
Jolie Brislin, Regional Director, Nevada Regional Office, Anti-Defamation League  
Cihangir Arslan, Private Citizen, Reno, Nevada  
Mary Pierczynski, representing Nevada Association of School Superintendents  
Murat Kurt, Private Citizen, Reno, Nevada  
Lilith Baran, Policy Manager, American Civil Liberties Union of Nevada  
Dale A. R. Erquiaga, Acting Chancellor, Nevada System of Higher Education  
Esther Pla-Cazares, Private Citizen, Las Vegas, Nevada  
Michael Kagan, Private Citizen, Las Vegas, Nevada  
David Beltran Barajas, Immigrant Rights Organizer, Progressive Leadership Alliance of Nevada  
Sebastian Cardenas, Private Citizen, Las Vegas, Nevada  
Mariana Sarmiento, Private Citizen, Las Vegas, Nevada  
Teissy Angel, Private Citizen, Las Vegas, Nevada  
LaLo Montoya, Community Engagement Manager, Make the Road Nevada  
Kevin Osorio Hernandez, Private Citizen, Las Vegas, Nevada  
Cesar Marquez, Chair, Nevada Forward Party  
Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada  
Yvette Machado-Tuinier, President, Associated Students of the College of Southern Nevada, Las Vegas, Nevada  
Nayelli Rico Lopez, Private Citizen, Las Vegas, Nevada  
Amy Palmer, Private Citizen, Las Vegas, Nevada  
Reina Ferrofino, Private Citizen, Las Vegas, Nevada  
Nour Benjelloun, Private Citizen, Las Vegas, Nevada

David Ramos, Private Citizen, Reno, Nevada  
Janet Najera, Social Services Coordinator, Office of Equal Opportunity & Title IX,  
University of Nevada, Reno  
Kathia Sotelo, Youth Power Project Organizer, Make the Road Nevada  
Paul Catha, Political Director, Culinary Workers Union Local 226  
Tony Ramirez, Manager, Government Affairs, Make the Road Nevada  
Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada

**Chair Bilbray-Axelrod:**

[Roll was called. Committee rules and protocol were explained.]

Today we have three bills scheduled for hearing. We will take them in order. I will open the hearing on Assembly Bill 182. To present this measure, we have Assemblywoman Brittney Miller.

**Assembly Bill 182: Revises provisions governing educational personnel. (BDR 34-121)**

**Assemblywoman Brittney Miller, Assembly District No. 5:**

Today I am presenting Assembly Bill 182. The bill before you largely seeks to cement certain existing requirements in the *Nevada Administrative Code* (NAC) and put it into statute. I believe we can all agree how important our students' learning is, and a central component of that learning depends on the teacher in the classroom. Our goal should remain to attract and keep the most qualified and well-trained teachers. As such, A.B. 182 seeks to add statutory language relating to the licensing requirements of teachers.

Section 2 of the bill states that a person must hold a bachelor's degree in order to obtain a license to teach K-12, and also for other educational personnel. I know people are thinking we already require a college degree in order to be a teacher in Nevada. Technically and currently yes, we do. However, it is only in NAC; it is not in *Nevada Revised Statutes* (NRS), so it is not state law. This bill seeks to cement it in NRS. It further explains that the Superintendent of Public Instruction of the Department of Education may issue an endorsement or license to a person to serve as a substitute teacher if that person meets the requirements according to the Commission on Professional Standards in Education.

Section 3 of the bill seems to have led to the most amount of confusion. I will clarify section 3 of the bill. Everyone in education knows we use lots of lingo, language, and acronyms, et cetera. There are two different types of licensing. The first one is a teaching license with a career and technical education endorsement, or as we call it, CTE. That is a traditional teacher who has added that endorsement onto their license, the same way a teacher could add special education, gifted and talented education, administrative licenses, or English language learners.

On the other hand, we have what we call a special license and with that special license you can get a business and industry endorsement. We call it B&I. A teaching license with CTE is a teacher. The special license with a B&I endorsement are professionals coming from the

business and industry field. They are specialized in arts, technical fields, and specific trades. For instance, to bring someone into our schools to teach dance, cosmetology, culinary, art, welding, plumbing, carpentry, automotive, aeronautical space science, et cetera, these are people who are skilled and experienced in their profession. They are able to get the special license with a B&I endorsement. The only person who can really teach mechanics is a mechanic. The only person who should be teaching welding is a welder.

There are specific requirements these individuals do have to complete in order to get a B&I license. I say this because the bill does not seek to make any changes for that B&I endorsement. Many times these individuals do not have bachelor's degrees because they are not required in their profession. However, they do take additional training. More importantly, they are skilled and experienced in their field. This bill is not changing any of the requirements or requiring a person with a special license with a B&I endorsement to have a college degree. This is why I have submitted the conceptual amendment that you have in front of you today [[Exhibit C](#)]. The amendment excludes the holder of a special license issued as described in NRS 391.031 from the requirement to hold a bachelor's degree. The intent of this amendment is to establish by law a requirement to hold at least a bachelor's degree for persons receiving what is commonly known as a teaching license, but to exempt those from the requirement who hold a special license, including those persons with a B&I endorsement or a substitute teaching license.

Section 4 concerns the regulations adopted by the Commission on Professional Standards in Education concerning licensing, adding a requirement that a person obtain a bachelor's degree before participating in a program for an alternative route to licensure (ARL). Also, this is current practice as well.

Section 5 of the bill adds a license to serve as a substitute teacher to the kinds of licenses for teachers and other education professionals.

In closing, I urge your support for A.B. 182. Overall, this measure seeks to create clarity and longevity by including these requirements and changes to licensure in statute. Nevada has an opportunity to first acknowledge and respect the time, effort, and money our teachers have put into earning their degrees. In more cases than not, teachers hold more than just a bachelor's degree. Many have at least a graduate degree; many have multiple graduate degrees; and some a Ph.D. It demonstrates that we appreciate these professionals and do not accept the notion that anyone can teach. Teaching is a very specialized skill and art, but before the extensive and continual training required for teachers, it does begin with their own academic achievements and accomplishments. An apprentice electrician learns from a journeyman electrician; they do not learn from a handyman. It also sends the message to our parents that we do expect and strive to have the most qualified professionals teaching their children. Parents want to have confidence in the ability of those teaching their children. It also sets an example for our students that teachers themselves have walked that same walk and had their own journey and learned how to maneuver and compete in the world of academics.

Lastly, at a time where many states are actually reducing requirements for teachers and alternative routes to licensure, Nevada has the ability to demonstrate to the rest of the country we know the way to build a pipeline is to restore the profession. That starts with respecting and retaining our current workforce. As we seek to diversify our economy in Nevada and bring more business and job opportunities into the state, imagine the impression given if we do not require our own teachers to have a minimum of a bachelor's degree in state law. Imagine if the Commission did decide to reduce or waive those requirements, which technically could happen, and the impact this would have on our students, the morale of our existing workforce, the trust of our parents, and of course the impression on prospective businesses interested in coming to Nevada.

Thank you for considering A.B. 182. I urge your support, and I stand ready for any questions.

**Chair Bilbray-Axelrod:**

We do have a few questions. We will start with Assemblywoman Taylor.

**Assemblywoman Taylor:**

Thank you for the conceptual amendment which explained the emails some of us have received regarding this bill. What this bill is intending to do is codify what is already in practice and in regulations. Regulations are not actually the law and can easily be changed. Am I correct?

**Assemblywoman Miller:**

You are absolutely correct. Because it is just in regulations now, this will codify it into law.

**Assemblywoman Taylor:**

As a follow-up, this precludes an event where a waiver is done, for example, when we went through COVID-19 and it took a Governor's waiver to allow some things. Does this preclude something like that happening in an emergency situation?

**Assemblywoman Miller:**

Currently teachers need to teach within their license and what they are endorsed for. There is the ability that in emergency situations the Department of Education may need a licensed high school science teacher to teach seventh-grade math; or a teacher may be licensed to teach K-8, but is needed to teach ninth-grade math. That could happen. Ultimately, if the Governor wanted to go against the law, it would be law.

**Assemblywoman Taylor:**

We want teachers teaching where they are licensed and certified to teach, but in an emergency situation, we want a licensed teacher as opposed to someone unlicensed. That has never happened as far as I can remember, so hopefully we will never have to be there again.

**Assemblywoman Torres:**

Do you have any idea how many individuals in classrooms this will impact right now?

**Assemblywoman Miller:**

Technically, it will not impact anyone. This bill is requiring a license. Yes, there are people teaching full time under a substitute license, but currently the requirement is to have a bachelor's degree before getting a license or an ARL.

**Assemblywoman Torres:**

Looking specifically at section 3 of this legislation, there are teachers who have B&I licenses now who are teaching courses that may be another elective class, an art class, or a physical education class, but their actual license is in computer science. It would not allow these teachers to be filling those roles. How many individuals would be in that situation and how many classrooms would continue to have a substitute teacher?

**Assemblywoman Miller:**

I do not have the answer to that question. However, someone with a B&I license should only be teaching under that endorsement, not other classes. If they are already teaching, then they are already teaching under a substitute license. If people are endorsed to teach culinary, they are not endorsed to teach physical education, English, or any other class.

**Assemblywoman Torres:**

I would like to get clarification from the districts, because it is my understanding there are teachers who definitely have a B&I license who are permitted to teach certain types of classes. It is not going to be the English classes or math classes, but there are definitely other classes they would be in. Otherwise, we would just have long-term substitutes in classrooms. I am worried this will exacerbate the issue we have now with not enough teachers in classrooms.

**Chair Bilbray-Axelrod:**

We will get clarification on that question and get those numbers as well.

**Assemblywoman Anderson:**

Thank you for your passionate defense of our shared profession. I greatly appreciate the statements you have made in defense of our profession. My question has to do with page 5 of the bill, the new language that has to do with a license to serve as a substitute teacher. I believe I already know the answer, but I do want clarification. Is a bachelor of arts or a bachelor of science needed to substitute teach? I believe it is currently set by regulation that nine credits are needed in education. I do not know if there is also a degree necessary to be a substitute teacher or if the credits in education are enough with the new language being proposed?

**Assemblywoman Miller:**

No, this bill does not require a substitute teacher to have a bachelor's degree. Whatever the Commission sets forth for those standards is what will remain. Substitute teachers fall under a special license and that is what the amendment attempts to address.

**Chair Bilbray-Axelrod:**

Thank you for putting that on the record.

**Assemblywoman La Rue Hatch:**

We are also in the same profession, and I appreciate your ensuring our profession continues to be respected and of the highest quality. I want to follow up on my colleague's questions about teachers teaching outside of their subject area. I view this as a teacher protection bill. I have an endorsement in social studies. I would not be prepared to teach calculus tomorrow. I view this as protecting me from being forced to teach something I am not equipped to teach. Could you speak to the endorsement process for people who may not be aware of what is required to receive an endorsement in social studies, math, or physical education?

**Assemblywoman Miller:**

In general, you need to have a college degree. There are two paths: either the traditional path studied under the school of education in your undergraduate studies; or you graduate with a degree and then go into a teaching program. In my case, I went through another two full years of student teaching. Or you can go through an expedited program which is sometimes as short as a few weeks. That would be called an alternative route to licensure. Either way, that is about getting additional course work and training to teach.

What is typical across the country is in K-12 there are two different licenses: a kindergarten through eighth grade and a sixth grade through twelfth grade. In Nevada, we only allow people with K-6 to teach K-6 unless they take an additional test to teach a seventh- or eighth-grade course.

That is just the course work and student teaching. In addition, there are many other tests teachers have to take in order to get their license. I know you have heard the term Praxis. There is Praxis I and Praxis II. Praxis I is more about academic ability; Praxis II is more about the focused subject someone intends to teach. The elementary Praxis did cover all of the academic subjects as well as art, physical education, and music. A secondary Praxis would cover the theories around what individuals are teaching as well. There are other additional requirements the state may add. That is typically what individuals need to get their license, and then depending on the type of license or degree, if it is your first license or not, depends on how long you can keep that initial license. In general, in three to five years, more additional training and steps are required to renew a license.

**Assemblywoman La Rue Hatch:**

To summarize, it sounds like to get an endorsement in those areas, people need to have many classes in that specialization. Would it be correct to say the language in this bill is just codifying what we are already doing in that practice?

**Assemblywoman Miller:**

Yes. Currently Nevada is already doing this. It is just codifying it so it becomes state law. At this point, because it is regulation, regulations can be changed. The Commission on Professional Standards may decide to waive the requirement for a degree. It also does not

currently stipulate what type of degree. It does not say it has to be a bachelor's degree. The Commission could say just an associate degree is necessary. Because it is regulation, that could be changed. If it is state law, it becomes more difficult to change.

**Assemblywoman Thomas:**

I admire there are no experts around you. You are the expert. Other bills will stipulate other entities. This bill does not specify charter schools or private schools. Would this bill cover all schools? From my understanding, some charter schools and private schools do not require all the qualifications that Clark County School District may require.

**Assemblywoman Miller:**

Yes, that is true. First and foremost, it does not. Generally, we do not have a lot of authority over private schools. This would not be for private schools. Private schools are able to accept and hire and do things the way they decide to do things. This is to get a license through the state. Last session we had a bill about trying to increase the requirements for licensed teachers in charter schools. The license comes from the state of Nevada. At that point, people have the ability to apply and work in any Nevada school. That would include Nevada public schools and Nevada charter schools.

**Assemblywoman Torres:**

Do we know if the paraprofessional program is included as an alternative route to licensure? I would like that clarified for the record because I have been asked.

**Assemblywoman Miller:**

It is my understanding the program passed last session was enabling paraprofessionals to use their time in the classroom as part of their student teaching, which is the clinical experience for teachers in order to get the license. They are supposed to be working on their degree while they are in the classroom. We are talking about the actual license to teach. Student teaching is not a license. Student teaching is part of the process to get the license.

**Assemblywoman Torres:**

I will look in statute and maybe the Legal Division could help make sure that in statute it is not defined as an alternative route to licensure. I know it is a different pathway but very similar language.

**Asher Killian, Committee Counsel:**

Paraprofessionals are generally not licensed under NRS Chapter 391. They work in schools and have certain authorized job tasks they can perform, but they do not currently hold a license. This bill would not restrict a person from continuing to work as a paraprofessional without a degree.

**Chair Bilbray-Axelrod:**

Seeing no further questions from the Committee, I will open the hearing for testimony in support of Assembly Bill 182.



**Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:**

The Nevada State Education Association has been the voice of Nevada educators for over 120 years. We support A.B. 182 to require a baccalaureate degree to obtain a teaching license. Teachers should be profession-ready on the first day of responsibility for student learning. This means teacher candidates must demonstrate the skills and knowledge needed for effective classroom practice. While teachers continue to learn and grow after entering the profession, every teacher should first demonstrate the ability to improve student learning. Candidates who are placed in classrooms and expected to learn how to teach on the job are not profession-ready. All persons entering the teaching profession must have had enough opportunities to witness, implement, and reflect on quality teaching and learning. They also need to have the foundational basis for this work.

For most teachers, this means four years of undergraduate education providing a broad liberal arts education and creating a firm foundation of teaching, knowledge, and experience. Assembly Bill 182 helps ensure the professionalism of teaching, respecting educators who have completed years of schooling and training, building parent and community confidence in our teachers and schools, and making sure the most qualified individuals are in front of our students.

The Nevada State Education Association believes strengthening the teaching profession will work to reduce the number of teacher vacancies; as disrespect, along with other factors such as low pay, have been major factors in educator departures. [Written testimony was also submitted [Exhibit D.](#)]

**Maggie Babb, At-Large Director, Washoe Education Association:**

I am a second-grade teacher in the Washoe County School District. I have a master's degree in elementary education, and I have been teaching in Nevada for eight years. I am also a member of the Washoe Education Association and serve as an at-large director for the Association. Today, I am speaking on behalf of the Washoe Education Association leadership and its members.

I am speaking in support of A.B. 182. Teaching is a professional career. In fact, I would say teaching is an art. Educators go through years of school to earn a bachelor's degree and many go on to obtain a masters. Every year, educators attend hours of professional development to learn more about how to effectively teach their students. Many teachers even spend their own time keeping up with the current research and trends in education.

While it is apparent Nevada is facing a massive teacher shortage, addressing the teacher shortage should absolutely not involve lowering the requirements to become a teacher. It should involve supporting teachers, paying them, and giving them the resources to teach and serve our students. There should be highly qualified professionals filling teacher vacancies. Ensuring all educators being asked to come into a classroom have a baccalaureate degree is one step in protecting the professionalism of a career in education. If we are truly

serious about having highly qualified professionals in all classrooms, the answer is raising educators' wages. It is time to invest in education and educators and treat them as the professionals they are.

Thank you, Assemblywoman Miller, for presenting this bill and your work on this bill. Thank you for allowing me the time to speak to you today.

**Keibi Mejia, representing Nevada Association of School Boards:**

The Nevada Association of School Boards is in support of A.B. 182. We believe this bill will help recruit and retain the most qualified individuals. We want to thank Assemblywoman Miller for bringing this bill forward, and urge your support.

**Andrew Schaffer, At-Large Director, Washoe Education Association:**

I come before you today to speak on behalf of Washoe Education Association leadership and our members in support of A.B. 182. I am a proud participant of the alternative route to licensure here in Nevada. The ARL program, as you know, serves to prepare second career teachers for a licensed teaching position. The program allows working professionals to transition to a career in public education without requiring excessive course work by utilizing their existing degrees and experience.

This bill does not add any undue burden to this program or teacher licensure requirements in general. It serves to reinforce the existing expectation of practices in place. This bill is in support of educators as professionals by strengthening the language and reinforcing the expectations of the public. You are standing in support of public educators, acknowledging them as the professionals they are, and reassuring the public you believe in a strong public education. This bill makes a statement. The state of Nevada believes every student deserves a competent, highly qualified teacher in every classroom.

**Constance J. Brooks, Vice President, Office of Government and Community Engagement, University of Nevada, Las Vegas:**

We are in support of A.B. 182. We thank Assemblywoman Miller for her collaborative nature in developing this bill. She reached out to the College of Education at the University of Nevada, Las Vegas and received input and expertise in the development of the bill. We are committed to making sure there is a sustainment of high standards for teachers and educators which will aid and maximize the retention and recruitment for educators.

**Anthony Ruiz, Deputy Chief of Staff, Office of the President, Nevada State College:**

Preparing highly qualified teachers is a big part of our mission, and we will continue to do so. We appreciate Assemblywoman Miller for bringing this bill forward, which seeks to codify some of the policies in the NAC. We urge everyone to support the bill.

**Tonia Holmes-Sutton, Executive Director, Teach Plus Nevada:**

I am a National Board-certified teacher. I am currently serving as the executive director for Teach Plus Nevada, supporting teachers and teacher leadership. I worked in the Clark County School District for 15 years before transitioning to support teachers and leadership.

I also sit on the board of directors for the National Board for Professional Teaching Standards, as well as being a former member of the Nevada State Board of Education and now at the Nevada State Public Charter School Authority. I am also speaking in support of A.B. 182, acknowledging that our students deserve to have teachers who are well prepared to support them, not only in their academic learning but also in their cognitive, social, and emotional learning as well.

**Chair Bilbray-Axelrod:**

Seeing no one else in Carson City or Las Vegas, is there anyone waiting on the phone to provide support testimony? [There was no one.] I will close support testimony and open opposition testimony. Is there anyone in Carson City, Las Vegas, or on the phone who would like to provide opposition testimony? [There was no one.]

[Written testimony in opposition was submitted [Exhibit E](#).]

I will close opposition testimony and open neutral testimony. Is there anyone in Carson City or Las Vegas who would like to provide neutral testimony?

**Patricia Haddad, Director, Government Relations, Clark County School District:**

We appreciate the Assemblywoman bringing forth the clarification in the amendment. I am just looking at it now because the Nevada Electronic Legislative Information System has not been working for me throughout the day. I will take the amendment back to our team to affirm everything looks good.

I also want to note that I did hear the question regarding educators who have the B&I license that may be teaching other courses. I will be sure to find the answer to that question and bring it back to the Committee.

**Chair Bilbray-Axelrod:**

Seeing no one else in Carson City or Las Vegas, is there anyone waiting on the phone to provide neutral testimony? [There was no one.] I will close neutral testimony. Are there any closing remarks from the presenter? [There were none.]

I will close the hearing on Assembly Bill 182. I will open the hearing for Assembly Bill 264, presented by Assemblywoman Taylor.

**Assembly Bill 264: Revises provisions governing attendance in public schools.  
(BDR 34-639)**

**Assemblywoman Angie Taylor, Assembly District No. 27:**

We are excited to present Assembly Bill 264. As background information, Nevada schools are populated with students from a wide range of cultures, backgrounds, and ways of life. It is vitally important we recognize and respect these differences while crafting school policy. One area in need in this regard relates to school absences. Currently there are provisions, both in statute and in school district regulations, that specifically provide for the excusal of

certain absences often related to certain health circumstances. However, statute does not and regulations may not account for the observance of religious holidays. Assembly Bill 264 seeks to change that.

Currently, religious absences are indeed considered excused absences, but they are still noted as an absence. As you will hear from my copresenters, this can and has penalized students who miss school in order to exercise their faith. I will turn it over to my copresenters and you will hear more regarding this issue.

**Elliott Malin, representing Anti-Defamation League:**

We are incredibly thankful for Assemblywoman Taylor not only for sponsoring this bill, but also being our champion on this issue and a champion for Nevada's schoolchildren. I will start with a statement, go through the bill, and then hand it over to Jolie Brislin, also with the Anti-Defamation League.

As a product of the Clark County School District (CCSD), I am grateful for the opportunities and experiences I was given growing up here in Nevada. However, as a member of the Jewish community, there was always one thing missing from that opportunity. Every fall as school was kicking off, the Jewish holidays had come around and I had missed school because my religion required my observance for these days. I always did my make-up work, always turned in a note from my parents, and always let the teachers know ahead of time. When it came time to graduate, I learned there would be a drawing for a new car for perfect attendance for students who had not missed a day of school. As an 18-year-old at the time, a new car was an awesome opportunity. Unfortunately for me, that was not something I had the opportunity to qualify for all because my religion required that I be absent from school on certain days.

Recently a student at a high school here in northern Nevada was trying to notify the school that he would be absent for Yom Kippur, the holiest day of the Jewish year. The student was given a hard time by faculty and staff. While that is not something that is currently permissible, meaning they cannot do that, it is already a reality for some of our students. That is what they deal with. It is a reality I faced as well.

What we are intending to do with this legislation is withdraw these days from being absent from school for the purpose of perfect attendance awards and the district metrics that are required by the Absenteeism Index Score with the Nevada State Performance Framework. Further, these days will not count toward the truancy metrics we currently use.

To go over the technical portions of the bill, section 3 states students who are not in school because of a religious observance will not be deprived of the opportunity or eligibility for perfect attendance awards. They will not have these days counted against them for the purpose of *Nevada Revised Statutes* (NRS) 392.230, subsection 4's truancy provision if the legal guardian of the student had given notice to the school.

Section 4, subsection 2 states the student shall not be counted as absent for the purpose of a religious observance if notice is given by the legal guardian of the student.

Section 5, subsection 3(a) makes a conforming change to the NRS. Section 5, subsection 6 makes it so students who are not in attendance due to the religious observance shall not have the ten-day limitation for absences for the purposes of truancy from section 3. Section 5, subsection 7, as well as section 6, subsection 1, make conforming changes. Section 6, subsection 4 requires a legal guardian of a student notify the school that the student will not be in school for the religious observance.

You will see a conceptual amendment posted to the Nevada Electronic Legislative Information System [[Exhibit F](#)]. Conceptual amendment 1 strikes "orally" and requires it to be a written notice to the school, as we believe a paper trail would be best.

Conceptual amendment 2 requires that the legal guardian provide three days of advance notice to the school in writing. Instead of it being post, it is pre, so the school can prepare the make-up work for the student.

The rest of the bill is conforming changes.

Conceptual amendment 3 would make the number of days eligible for the purpose of missing school for a religious observance at five days an academic year. The purpose of that is we do not want to make a list of holidays recognized by the state. That would violate the First Amendment. It also makes sure all students have the opportunity to have these days and are protected.

Conceptual amendment 4 adds that for the purpose of the student missing school for the purpose of a religious observance, these days will not count against the school's Absenteeism Index Score in the Nevada State Performance Framework. That amendment came from CCSD, and I am grateful for their willingness to work with us on this bill.

Our goal here today is to protect Nevadans and their ability to practice their faith without fear of negative repercussions within our school system. There are numerous Nevadans just like me who have grown up here attending Nevada public schools and missing school due to religious observances. This bill is not meant to favor any faith, but is to level the playing field for all students and protect their individual liberties while also ensuring their participation in their faith is not a negative reflection on their schooling.

Finally, I would be remiss if I did not thank all the stakeholders for their collaboration and willingness to work with us on this bill and providing language that accomplishes our goals and also does not put the school districts in a place of harm. [Written testimony was also submitted [Exhibit G](#).]

**Jolie Brislin, Regional Director, Nevada Regional Office, Anti-Defamation League:**

Founded in 1913, the Anti-Defamation League (ADL) is a national anti-hate and civil rights organization with a dual mission to stop the defamation of the Jewish people and secure justice and fair treatment for all. I am proud to be here today in support of A.B. 264.

The ADL believes students of all backgrounds and faiths should be able to practice their religious beliefs without fear of being reprimanded or disadvantaged. In fact, the free exercise clause of the First Amendment requires K-12 public schools to allow students time off from school without penalty for observance of the High Holidays. However, excused absences prevent students from being able to receive certain accolades or awards, including absences due to a religious observance. This is an issue of equity in our schools as well as honoring inclusion and respecting the rich religious and cultural diversity of the Silver State. A student should never have to choose between their academic achievements and their sincerely held religious beliefs, period.

Assembly Bill 264 would address this issue by creating an exemption through religious observance days instead of excused absences so students who are absent from school for the observance of a religious holiday will not be deprived of any award or be ineligible to compete for any award because of those absences. Students will be required to have a parent or legal guardian provide proper notice to the teacher, principal, or school.

Allowing students to remain eligible for attendance-based awards without compromising a student's religious obligation recognizes our increasingly pluralistic population. We believe through this proposed law we can build a community of mutual respect by accommodating students for religious practice and supporting their academic achievements. Thank you for your consideration. [Written testimony was also submitted [Exhibit H](#).]

**Assemblywoman Taylor:**

There is one other conceptual agreement we added to provide some clarity at the recommendation of the very astute Assemblyman MacArthur, which I am very appreciative of. In section 3 of the bill, we have added "based upon perfect attendance," as you will see under number 5 of the conceptual amendment [\[Exhibit F\]](#). That makes it very clear the awards we are talking about and that students maintain eligibility for are all those awards based upon perfect attendance. That is the intention of this bill.

We stand ready to answer any questions you may have.

**Chair Bilbray-Axelrod:**

We do have a number of questions. We will start with Assemblyman D'Silva.

**Assemblyman D'Silva:**

This is a very important topic to address. Thank you for your excellent presentation. If you could unpack this a little bit. What type of religious absences would be excused according to the premise of this legislation?

**Assemblywoman Taylor:**

That question has come up often. Initially, I felt there should be a list somewhere of what absences are noted. As mentioned by Mr. Malin, that is a violation of the First Amendment. No one gets to judge if it is a real religion or not. The conceptual amendment clarifies that notice must be given in writing three days in advance by a parent or guardian. Those should be the guardrails around this. Currently in practice, if a parent or guardian calls a school to say their child is going to be absent for a religious observance, the school does not get to judge that.

**Assemblywoman Mosca:**

I want to get on the record your intention when it comes to execution. Will we be doing this on Infinite Campus?

**Elliott Malin:**

That is our intent. We have been working with the districts and Nevada's Department of Education on how to fully implement this to make it as easy as possible for the districts. From the conversations we have had with the districts, they have been very comfortable with what we are trying to accomplish.

**Assemblywoman La Rue Hatch:**

Thank you for bringing this bill. I think it is essential we recognize all the cultures and religious beliefs of all our students and make them feel welcome. My colleagues asked some of my questions. I would like to make sure this is not on the teacher to verify and it is an automatic process through Infinite Campus and through the office staff. I know we cannot have a list of holidays, and I respect and agree with that, but would it be possible to notify the teacher why the student is absent or maybe include some cultural or religious education so teachers know? If it is Ramadan, some of the kids may be extra hungry during the day but cannot have food because that is the opposite of what they are trying to do. Cultural competency I think is important here.

**Elliott Malin:**

As to the first part of the question, I will answer, then I will let my copresenters answer the second part. Our intent is to do that. As you noted, we do not want to create stress on the teachers at all, which is why we are working with the districts to figure out how we can put this on Infinite Campus to make it as easy on the teachers as we can. They are already dealing with too much, so we do not want to add too much more.

**Jolie Brislin:**

We do work with school districts by providing them resources on different holidays that are observed by many students within the school district, Washoe County, CCSD, and others, to try to educate them on what those holidays look like for those participating and what expectations should or should not be put on students and, at times, staff. We try to make that all an educational experience.

**Assemblywoman Taylor:**

I think the other part of what you are trying to get at is in the written notification. Perhaps a part of their written notification should be to identify what the religious holiday is. We could ask them, not require them, to at least provide some information. The attendance office is already keeping track of it right now as an excused absence. There is no reason for that to change, so there should be no difference for teachers.

**Assemblywoman Hansen:**

Assemblywoman, as we discussed on prior legislation, I am glad to see you addressed some of the concerns I think all of us had when we were dealing with absent excuses, nonexcused absences, and so forth. If athletes are at an athletic event, the absence does not count against them. We are saying this is going to give the same parity so it will not count against them. I am curious, do the absences count against the athletes?

**Assemblywoman Taylor:**

It does not. If I remember correctly, those are considered absences for school activities so therefore they do not show up in the excused absence category. This is saying those celebrating and observing religious holidays will have the same opportunity each academic year for five days.

**Assemblywoman Hansen:**

I was hoping you could clarify that for those who may not have been a party to some of the discussions we have had on other bills about that very thing. This bill will bring the kind of fairness that I thought was really important.

As a side note, this may be more informational. I am curious how you came to the five days. Was that a compromise? I am familiar that the State of Israel sponsors Jewish youth to take a trip to the State of Israel that philanthropic groups pay for. It is a magnificent program. I know students have gone there for a week or a couple of weeks. I do not know if the trips necessarily take place during the school year. I had the privilege of going to Israel in April of 2014 and there were youth there on these types of trips. If a student missed school for something like that during a school year and it is longer than five days, would we consider that not a religious observance but more in the realm of a foreign exchange program? We have students who will miss a semester for a foreign exchange program. I am not looking to address that per se, but I am curious.

**Elliott Malin:**

Those trips are typically designed for people who are post K-12 education. You are thinking of things like Birthright Israel Foundation, which is a trip done in the summer and during the winter break for college students. There are trips that do happen for K-12, typically eleventh and twelfth graders, such as March of the Living where it takes people to Poland one week to learn about the Holocaust and then one week in Israel to celebrate the rebirth and the foundation of the State of Israel.



Our intent with this bill is not to include that. They are amazing programs, but they are elective and can be done outside the school year. The intent of the bill is holidays and observances done during the school year. We want to make sure we protect the students and their opportunities to practice their faith during school.

**Assemblywoman Taylor:**

The five days was somewhat of a compromise. We have Jewish holidays, Muslim holidays, et cetera. We had conversations with members of those communities, and Ms. Brislin's expertise helped us navigate where would be a good place to land.

**Assemblywoman Anderson:**

I want to address the outside entity you had spoken of about the free car for 100 percent attendance—I know my seniors are always excited about that. Does this bill address that or is this something the school district wants to work on a little bit more?

**Elliott Malin:**

This bill does address that. Part of the amendment from Assemblyman MacArthur was to do this based on perfect attendance. These are perfect attendance awards and how students qualify. The intent is to address that as well.

**Assemblywoman Anderson:**

The list of names the school would provide to this outside company that has been approved to do this would include these students because they do fit within that 100 percent attendance.

**Elliott Malin:**

Correct.

**Assemblywoman Taylor:**

In northern Nevada, I know the owner of a car company who has been doing this for 12 years. She welcomes the addition of those students. She was not aware that those religious holidays counted against the students. She welcomes the inclusion.

**Chair Bilbray-Axelrod:**

Seeing no further questions from the Committee, I will open the hearing for testimony in support of Assembly Bill 264.

**Cihangir Arslan, Private Citizen, Reno, Nevada:**

I testify in support of A.B. 264 because I believe everyone should be able to practice their religious beliefs without being disadvantaged. The educational system should not let a student choose between their academic achievements or religious beliefs. This proposed law may allow to build a community of mutual respect by accommodating students for their religious practices and support their academic achievements. This may allow students to remain eligible for attendance-based awards without compromising a student's religious obligations while recognizing the increasingly pluralistic population.

I think the goal of this bill is to have students protect their faiths without fear of negative consequences within our Nevada school system. Finally, this bill does not mean to favor any faith but protects students' individual liberties while ensuring participation in their faith is not a negative reflection on their schooling. I would like to thank Assemblywoman Taylor for bringing this bill to our attention. I am asking you to support this bill.

**Mary Pierczynski, representing Nevada Association of School Superintendents:**

We understand this is a good bill, and we support it and support our students who want to exercise their religious preference.

**Murat Kurt, Private Citizen, Reno, Nevada:**

I am a parent of two Washoe County School District elementary students and a member of the northern Nevada Muslim community. I believe students of all backgrounds and faiths should be able to practice their religious beliefs and participate in the observance of these holidays with their families without fear of being called absent from school and becoming ineligible or disadvantaged for any attendance-based awards at the school or district level.

As presented today by Assemblywoman Taylor, A.B. 264 will address this issue so students who are absent from school for the observance of any religious holiday will not be deprived based on their absences and will qualify for attendance-based awards. Thank you for the opportunity, and I am in full support of A.B. 264.

**Keibi Mejia, representing the Nevada Association of School Boards:**

The Nevada Association of School Boards supports A.B. 264. We believe it will provide an inclusive environment for students of all backgrounds. We want to thank Assemblywoman Taylor for bringing this bill forward. We urge your support.

**Lilith Baran, Policy Manager, American Civil Liberties Union of Nevada:**

We love the celebration of cultural diversity displayed in this piece of legislation. We congratulate the Assemblywoman for bringing it forward. We are in full support.

**Chair Bilbray-Axelrod:**

Seeing no one else in Carson City, is there anyone in Las Vegas who would like to testify in support of Assembly Bill 264? [There was no one.] Is there anyone waiting on the phone to testify in support? [There was no one.] I will close support testimony and open opposition testimony. Is there anyone in Carson City, Las Vegas, or on the phone wishing to provide opposition testimony? [There was no one.] I will close opposition testimony and open neutral testimony. Is there anyone in Carson City, Las Vegas, or on the phone wishing to provide neutral testimony? [There was no one.] Are there any closing remarks?

**Assemblywoman Taylor:**

This bill will establish policies that support students' diverse religious needs, expectations, and even obligations, as one testifier mentioned. I think it will help create a culture of respect and inclusion in all of our schools across the state. Thank you for considering A.B. 264, and I urge your support.

[A written letter in support of A.B. 264 was submitted and is included as an exhibit for the meeting [Exhibit I.](#)]

**Chair Bilbray-Axelrod:**

I will close the hearing on Assembly Bill 264. I will open the hearing on Assembly Bill 226, presented by Assemblyman D'Silva.

**Assembly Bill 226: Revises provisions governing tuition for certain students.  
(BDR 34-668)**

**Assemblyman Reuben D'Silva, Assembly District No. 28:**

I am presenting Assembly Bill 226, which revises provisions governing tuition for students receiving federally recognized deferred action immigration status. The bill before you today is addressing a decade-long issue in our nation. What do we as states, and how do we as states, adjudicate the education of people with deferred action immigration status? One of the most well known of these being DACA, the Deferred Action for Childhood Arrivals, implemented under the Obama Administration.

Nevada has prudently moved on this issue. Currently, Nevada is one of 23 states that have some degree of tuition equity laws or policies on the books that allow for deferred action students to qualify for in-state tuition rates. But there is something very important to understand: In Nevada law, in order for a deferred action student to receive the in-state tuition benefit, they must show a nexus to our state. This nexus has always meant graduating from an in-state high school. There is a new problem at hand, a problem that has been brewing for a while, and in the past few years has become more and more perceptible. What about deferred action status holders who move to our state after graduating high school in a different state? For U.S. citizens and documented permanent residents, the fix is simple: Establish residency in Nevada for 12 months, and if asked, take the state high school equivalency test. That is it. Once they do this, they qualify for in-state tuition. As the law stands, it is impossible for a DACA recipient to do this if they move to Nevada from a different state. This is the problem the bill seeks to fix.

According to the National Immigration Forum, when DACA was first implemented in 2012, the average age of an eligible person was 17. Today, according to FWD.us, the average age of a DACA recipient is 28. To put this into perspective, when the program was first created in 2012, eleven years ago now, the average recipient was 17 years old. More likely than not, that individual was in their home state, was looking to graduate high school, and potentially attend college in that state. According to the laws of this state, that is still possible for these individuals who graduate from a Nevada high school; they can get the in-state rate in tuition. Today, the average age is 28. Recipients of deferred action are moving across the country. They are settling down in other parts of the nation. This is the issue we want to address. If a recipient of deferred action moved to Nevada from a different state, they would not be able to get an in-state tuition break no matter how long they lived here. They could have lived here 6 years, 8 years, or 20 years. It is impossible for them to get in-state tuition even though Nevada is now their new home.

This bill seeks to help these Dreamers, like Teissy Angel, who is a student at the College of Southern Nevada (CSN). She has been living in Nevada for several years but pays three times the rate of anyone else living in Nevada. Three times as much. She wants to be a nurse. Many of these Dreamers have lived in Nevada for years now. This is their home, and this is where they have been contributing to our economy.

Speaking of the economy, all indicators show that when given the chance to learn new skills, grow knowledge, and earn degrees, recipients of deferred action programs help boost whatever local economy they are a part of. The passage of A.B. 226 will unquestionably spur economic growth in our state.

I will quickly review the specifics of this bill. This bill will allow recipients of federally recognized deferred action programs like DACA and TPS [Temporary Protected Status] who move to Nevada from a different U.S. State and did not graduate from a Nevada high school the ability to become eligible for in-state tuition after establishing residency in Nevada for 12 months and after taking the high school equivalency test. As written, the bill avoids any federal conflict and maintains policy that is compliant with all federal laws. I urge you to support A.B. 226. This bill directly addresses tuition equity issues by creating pathways for a more affordable and accessible college education for some of our state's most vulnerable residents. In doing so, we will help develop a better trained workforce and help boost our economy.

I will now turn things over to my first copresenter, Dale Erquiaga, in Las Vegas.

**Dale A. R. Erquiaga, Acting Chancellor, Nevada System of Higher Education:**

It is my pleasure to be here in support of this legislation. I want to thank Assemblyman D'Silva for working with my staff on this bill. Most of you have heard me say that while I was born in this country and my parents were born here, my aunts and uncles were born in Spain. I grew up with stories of folks who, in the twentieth century, went through their own battles of differed status. I had an uncle who was refused a job and had to join the army in order to be eligible to work. I have grown up with stories like the folks we all refer to as Dreamers. It is nice to be able to see this bill come forward.

I want to say a couple of things about the Board of Regents' history with this issue. As the Assemblyman noted, the Board adopted a policy some years ago that provided for the high school graduation work-around, if you will, for those within Nevada. However, we did not have, until this bill, the option for the high school equivalency test. For folks who are not familiar with that test, there are two versions. It is commonly called the GED [General Educational Development]. There is also another test, the HiSET [High School Equivalency Test]. Both are administered in this state. When we saw the original bill, we asked that it have a nexus to Nevada in its administration. We will continue to work with the sponsor as to what that means to this particular population.

I appreciate the Assemblyman also educating all of us on how this issue has aged out and how the folks who are involved have aged. I do not often think about it in that way. I think about it as a static group. But of course, these are young people who, like my own aunts and uncles, have grown up and are coming to my system today for new services. I am happy to support the bill as it has been introduced. We have been working with the Assemblyman on an amendment [\[Exhibit J\]](#), and you will hear today from the folks at the University of Nevada, Las Vegas (UNLV) some suggestions for language about having a certification by the Attorney General. There is still an issue that we are working on with your Legal Division and the sponsor. That is, federal law provides guidance on top of our Nevada statute that the Assemblyman is so rightly trying to improve. That federal law, which I am sure the lawyers will tell you the exact citation, is what has left most states like us having deferring standards for students in a deferred action program. I want to be clear for the Committee, we will continue to work on our concerns about the federal law and about the possibility of having a certification from the Attorney General.

I want you to understand the place I am in, between the rock and the hard place, and if we get this wrong, we risk a future administration at the federal level taking action to revoke Nevada's federal financial aid funds. For you to understand the consequences of that, it is \$391 million impacting 45,000 students in school year 2021-2022. Those of us who have a job like mine where we are risk-averse, sometimes by nature, are watching the language very closely. We have appreciated working with the folks you will hear from at one of our institutions in the south and with your staff to make sure we get the bill right. We want this bill to progress, and we want to do the right thing for this group of students who are on deferred action status. And, as lawyers do, they do not always agree. I need to put on the record that we are continuing to work through these issues only for the purpose of protecting that financial aid grant of \$391 million to 45,000 of my students every year.

I would like to thank the Assemblyman for including me in his presentation and to him and his staff for working so closely with us. My commitment to all of the folks I know are going to testify and who are watching this bill is we are going to get this right and we are going to do the right thing. At the same time, I have a responsibility to those who will follow me in the system to help keep all my students and the state of Nevada from financial risk.

**Esther Pla-Cazares, Private Citizen, Las Vegas, Nevada:**

I have been an academic counselor within the Nevada System of Higher Education (NSHE) for over a decade, and I am currently a public policy doctoral student at UNLV. Today, I am representing my own professional opinion.

In my experience, I have seen how our current NSHE residency policy has not been inclusive of some students, even after showing proof of a 12-month residency in our state. For some students, there is no pathway in gaining in-state tuition. Assembly Bill 226 will help increase equity and access for our DACA and TPS students who did not receive a Nevada high school diploma but either have a Nevada high school equivalency or a high school diploma from another state. Access to higher education is the first NSHE strategic goal which this bill directly aligns with.

As an academic counselor, I feel hopeless when I have to inform students in front of me they cannot gain in-state tuition due to their status. Just last week, I had a student email me from California asking about the in-state tuition policies. I told her to hang tight because we are working on it. For example, a CSN [College of Southern Nevada] full-time student pays about \$1,500 per semester, but an out-of-state student pays \$5,500 per semester. This is a difference of \$4,000 per semester. We are talking about \$10,000 per year. This is not accessible, especially at a community college. I have met with students who have chosen to continue online education at community colleges where they could pay in-state tuition. In these cases, not only have schools like CSN lost an enrollment, but UNLV has lost a transfer student. This is at a time when we are trying to increase enrollment, especially after the pandemic decline. Retention is our number one priority, but the students I meet will take a semester off here and there to save up for the following semester. Many times they do not come back.

As you know, DACA and TPS holders cannot apply for federal aid, FAFSA [Free Application for Federal Student Aid], so they have to pay out of their own savings. Most of the students I have met with are going into health care and education. These are fields Nevada is in dire need of. These students are Nevada residents. They pay taxes, pay all the student fees, and yet cannot get access to in-state tuition.

In Nevada, we have over 6,000 TPS holders, who contribute \$1.5 million in state and local taxes. We have close to 12,000 DACA recipients, who contribute \$37.3 million in state and local taxes. In my research, states like Oregon, Washington, Massachusetts, North Carolina, Virginia, Hawaii, and Idaho, have all allowed TPS holders to access in-state tuition, while other states list deferred action, like Arkansas.

I ask that you support A.B. 226. I am here to amplify the voice of each student who could either not afford these out-of-state fees and dropped out or the student who is on a payment plan trying to pay each semester working two or three jobs. Thank you for your time.

**Michael Kagan, Private Citizen, Las Vegas, Nevada:**

I am the Joyce Mack Professor of Law at the William S. Boyd School of Law at UNLV and the Director of the UNLV Immigration Clinic. Always when I testify, I need to be clear I am not speaking for UNLV or for NSHE, for that is the services of the man to my right [Dale Erquiaga]. I have worked at UNLV since 2011, and this position has given me the opportunity, first and foremost, to meet with, get to know, and work with many students who have DACA and TPS. It also means, even though I have now been here for a while, there are people who would be excluded from in-state tuition under our current policies who have lived here longer than me. That is the gap we are trying to fill. As the Assemblyman noted, people with DACA are getting older—some are actually in their late 30s and approaching 40. They will continue to get older and are less and less likely to have graduated from high school in Nevada because people move.

In principle, this is a technical bill that tries to follow a principle that has been enacted in Nevada law for a while, as has been said. Because individuals can obtain in-state tuition through a high school diploma alone, we are already quite inclusive except we do have this gap. If someone happens to move to Nevada just after graduating from high school, we do not have an easy path for them.

This bill, on the technical level, does not include all undocumented immigrants. I think that is important to be clear about in terms of its limits. I would like to flesh out a little more of who it does include: people with temporary protected status—which is a very large population in Nevada, more than 6,000 by many estimates—are people who have been granted the right to stay at least temporarily by the Secretary of Homeland Security due to humanitarian disasters in their country that prevent them from being able to return; people with DACA, which has been mentioned, is probably the best-known form of deferred action.

With the amendment [[Exhibit J](#)], this will actually extend to all deferred action. That is important. Because many people know about DACA, I want to mention that the deferred action goes back much further, at least to the 1970s. It is used in individual cases and in smaller cases for people in quite sympathetic situations.

I would like to mention two groups we work with at the UNLV Immigration Clinic who will benefit from this bill. One is crime victims. Already NSHE will give in-state tuition to people who have U visas, which is a visa for a crime victim. The problem with a U visa is it can take roughly ten years to process. Along that path, there is a mechanism for granting deferred action for people who have prima facie cases but who are waiting for a spot in the quota.

For similar reasons, special immigrant juveniles, who are children—this is actually the core of our work at UNLV Immigration Clinic—are victims of abuse, neglect, or abandonment by their parents and cannot return to their country of origin depending on their nationality. They also have to wait years for a visa. However, since 2022, they are given deferred action while they wait. Many of these are teenagers, so higher education is an important consideration for them. It would be wonderful for this group to also be eligible for in-state tuition.

Let me address what Mr. Erquiaga alluded to, some of the legal needle we have to thread. Again, I thank Assemblyman D'Silva for bringing forward this bill but also for being patient in many conversations with lawyers. Many people do not enjoy that. There is a federal law, 8 U.S. Code § 1623(a) for those who want to look it up, that creates an obstacle for providing in-state tuition based purely on the 12-month residency for Nevada if the person is not lawfully present. Lawful presence is a term of art in immigration law, and it is pretty complicated. The current administration, and actually the prior administrations, have considered people with deferred action to be lawfully present. I have in front of me an FAQ [frequently asked questions] published by the Department of Homeland Security. It says deferred action recipients are also considered to be lawfully present for the purposes of public benefit. They are also considered lawfully present for the purposes of inadmissibility.

I am now speaking a foreign language of immigration lawyers, but basically they are lawfully present under current understandings. We would not be the first state to do this. Washington State has a law that embraces all people with deferred action as well.

The purpose of having certification by the Attorney General of compliance with this law is to allow flexibility, particularly in the case of change in federal policy, so NSHE would not have to be running back to the Legislature in the event of a crisis like a change in the law.

I am here to answer your questions if any of you would like to talk to a lawyer. Thank you for the privilege of being a part of presenting this bill.

**Assemblyman D'Silva:**

We are open for questions at this time.

**Chair Bilbray-Axelrod:**

We do have a few questions. I want to make sure you are aware we will be losing the videoconference in Las Vegas at 3:30 p.m. Once we are done with questions, we will start with testimony in Las Vegas. We will begin questions with Assemblywoman Taylor.

**Assemblywoman Taylor:**

The last presenter mentioned this, but I want to unpack it a little bit. He mentioned DACA students and those who are lawfully present. How does this, or why does this not, impact all those who are undocumented? Could you make that clear for everyone?

**Assemblyman D'Silva:**

That is a very important question and one we have been receiving a lot as this legislation has been crafted. This bill is limited in its approach. Deferred action recipients are who this bill is going to benefit. There are some issues with the federal government that we have not really worked out yet. Hopefully, Mr. Kagan can speak on this in greater depth in regard to the actual legal issue.

**Michael Kagan:**

If I understand the question, I think you are asking for more detail about the legal complexity that we are trying to navigate. Is that correct?

**Assemblywoman Taylor:**

Yes.

**Michael Kagan:**

In the provision I cited before, I will read it this time so you understand.



Notwithstanding any other provision of law, an alien who is not lawfully present in the United States shall not be eligible on the basis of residence within a State (or a political subdivision) for any postsecondary education benefit unless a citizen or national of the United States is eligible for such a benefit (in no less an amount, duration, and scope) without regard to whether the citizen or national is such a resident.

What this means is a state has roughly three choices. One choice would be to not have out-of-state tuition at all. Just have one level of tuition. There have been no conversations proposing that. Another option, and what I think we are trying to take, is to offer in-state tuition based on residency—for us, that is based on the 12-month residency rule—to people who are lawfully present. The third option would be to go further and directly challenge this federal policy. That is also not the approach we have been trying to take.

Basically, we are trying to find categories of people who are important parts of our community with deep roots in our state and who are lawfully present. People with TPS fall into that category and people with deferred action are considered to be lawfully present. Deferred action is admittedly a less secure and more legally controversial category in federal immigration law. That is why we are trying to be careful. I hope that answers your question.

**Assemblywoman Taylor:**

Yes, thank you so much.

**Assemblywoman Mosca:**

Thank you for this very important legislation. My colleague from the north asked my question. My opinion is we need to support as many Nevadans as we can to access higher education. Do we know how many people this is going to help in our state?

**Assemblyman D'Silva:**

We know there are roughly 12,000 to 13,000 recipients of DACA in this state and 6,000 TPS holders. We have tens of thousands of people who are in a deferred action status in Nevada. From our conversations with the representatives from the universities, we believe the number is anywhere between 800 and 2,000 people who would immediately benefit by this bill. This is significant. We do not have the exact number of people with DACA who have moved into the state. This is a population that is difficult to get numbers on for obvious reasons. We believe those are the numbers we are looking at. We need cleaner numbers. I know there are excellent organizations, some of whom are present in this room, that are working on getting that definitive data for us.

**Assemblywoman Anderson:**

I want to make sure I understand the in-state tuition question because I am hearing different things outside of this room. If it is a student who graduates from a school outside our state and comes to one of our schools, how long do they have to be a resident of our state to be able to get in-state tuition? I want to make sure we have that on the record.

**Assemblyman D'Silva:**

As the bill is written and the intent of the bill, it will be 12 months, just like anyone else. However, there is an added component of having to take one of the high school equivalency tests, whether it is the HiSET or the GED, to actually qualify and become eligible for the in-state tuition rate. It would be 12 months; not 24 or 36 months.

**Assemblywoman Anderson:**

For people who are not DACA recipients, do they also have to take an equivalency test? I do not know if you are the right person to ask or if it should be someone from NSHE. How long do they have to be residents of our state to be able to get the in-state tuition?

**Assemblyman D'Silva:**

The residency requirement is 12 months. I think Mr. Erquiaga would be the right person to ask. I think there is an opportunity for folks to be tested on a random basis. It is not that they have to take the test, but they could take the test. I know UNLV and the University of Nevada, Reno (UNR) have this policy in place. I would invite Mr. Erquiaga to answer this question in a more thorough fashion.

**Dale Erquiaga:**

I want to be clear. If a person who is not on deferred status moves to Nevada from Georgia, in 12 months they would be a resident for our in-state tuition purposes. Under this bill, there is another path to take the high school equivalency test and that would put them in what is considered a tuition equity rule. If a person who is on deferred status moves to Nevada today, they will never be eligible under the current application of the federal law that sits on top of our statutes and our policy at the board level.

What Assemblyman D'Silva is doing in this bill is providing the first pathway of taking the high school equivalency test and then the deferred status person is in. That is a new pathway if they move to Nevada. The larger issue is section 1, subsection 5 and I think as amended, section 1, subsections 5 and 6 of this measure, so folks on deferred action would have this path forward assuming we can all get over our hurdles over the lawyers. I have talked to three lawyers about this and have been given five options for this bill, as has the Assemblyman. That tells us a lot about lawyers. It also tells you why my hair is white. We are going to get it right.

That, Assemblywoman Anderson, is the answer to your question. If we do not do this, we will be in this place where those on deferred action can never become residents. That seems like an oxymoron if they have lived here for five years. I get it, but it is the federal law we are up against.

**Assemblywoman Anderson:**

Thank you for that clarification. I thought it was a year's residency, but was told on the way in it was two years. Someone just texted me and said it was three years. Thank you for the clarification about the year of residency.

**Assemblyman Koenig:**

I think I misunderstood my colleague's question. What I heard and what I wanted to hear answered was, for example, if I lived in California and moved to Nevada, I have to wait a year to become a resident. Do I also have to take a GED or the equivalent test to be able to become a resident? We talked about DACA people having to do that, but if I moved to Nevada, would I have to do that?

**Assemblyman D'Silva:**

If you are a U.S. citizen or a legal permanent resident, you would not have to take the test. You could move here and 99 percent of the time, you would be good. You just have to show you have been living in Nevada for 12 months to get the in-state tuition rate.

**Assemblywoman La Rue Hatch:**

Thank you for bringing this critical bill. I have had and continue to have many undocumented students who are brilliant and absolutely should be going to higher education but cannot because they cannot afford it. I echo my colleagues that I would like to expand it to all of my undocumented students regardless of status. However, I understand the needle you are trying to thread. What I would like to know is what other states have done. Are there any other states that are trying to thread this needle like we are doing?

**Assemblywoman D'Silva:**

I know there are many states that are also struggling with this issue. What do we do with folks who have obtained a deferred action status who move out of their home state and have been living in their new state for years? I know we would be a pioneer state in this effort. These laws coming into the fray are very recent. Washington State and Arkansas may have some opportunity for those moving into those states without establishing a residency nexus based upon high school graduation to then be eligible for in-state tuition. We would be among the first states in the country to actually have this opportunity and access for some of our most vulnerable populations—those with deferred action immigration status in this country.

**Chair Bilbray-Axelrod:**

Seeing no further questions, I will open the hearing for testimony in support. We will go to Las Vegas first. Is there anyone in Las Vegas wishing to provide support testimony?

**David Beltran Barajas, Immigrant Rights Organizer, Progressive Leadership Alliance of Nevada:**

I am a lifelong resident of Las Vegas and a current resident of Assembly District 21 and Senate District 12. I am here in support of A.B. 226. I am an immigrant and a DACA recipient. I am lucky in the sense I have lived here all my life and graduated from the Clark County School District (CCSD). While I could not go to college myself due to my own financial constraints, it is important to me that other DACA recipients who are taking the path to higher education get the opportunity to do so without incurring costly out-of-state fees.

Allowing DACA recipients from out of state to apply for in-state tuition will only raise the quality of life and economic potential of our state. These folks have chosen to live in the state for the long haul and should be eligible to benefit from fair education costs. Nevada would be showing the rest of the nation that we value our immigrant communities and choose to provide the tools needed so all Nevadans can attain a greater quality of life.

As of right now at CSN, the average tuition is around \$1,500 per semester. If you are an out-of-state DACA recipient, the tuition is close to \$6,000. This can delay graduation dates or put students in a difficult position of choosing between taking classes, paying rent, or ensuring their families have food.

I want Nevada to be a strong state with strong people. Assembly Bill 226 would ensure we stand out in our country as a place for all Americans to attain a good quality of life. I urge you to support A.B. 226. Thank you for your time and consideration.

**Sebastian Cardenas, Private Citizen, Las Vegas, Nevada:**

I am here speaking as a constituent of Assembly District 28 in support of A.B. 226. I am a UNLV student, a CCSD educator, a small business owner and employer, and most importantly to this bill, I was a DACA recipient who could not be any of those things if it were not for access to in-state tuition.

As a high school senior in CCSD, I found myself fighting for a better future for my family and my community through education. Despite hundreds of hours of community service and an outstanding grade point average under my belt, I had no access to federal student aid or student loans. Because of citizenship requirements, the merit-based UNLV Valedictorian and Englestad scholarships were the only scholarships I was eligible for, which were substantial enough to help me continue my education. I had to graduate first in my class to be able to afford to go to school. Even then, if it were not for my eventual access to in-state tuition, that still would not have been enough.

It is already difficult enough for Dreamers to afford to go to school without the added obstacle of out-of-state tuition prices. I work tirelessly every day to get our most vulnerable students the support and mentorship they need to succeed in the classroom and in life. There are so many Dreamers in our state with the same passion to help our communities who were simply not fortunate enough to be in Nevada at the time of their high school graduation. They deserve the same chance to reach their full potential and contribute the most they can to our state.

The fiscal note submitted for this bill makes it clear there would not be any significant budgetary impacts from the expansion of in-state tuition access to all Nevada Dreamers as long as it is within federal guidelines, as mentioned before. Non-passage of this bill would only result in limiting the development of Nevada's workforce in a time where we are facing critical staff shortages in places such as our schools and our hospitals. I humbly ask that you all do what is in the best interest of all Nevadans by working to pass A.B. 226.

**Mariana Sarmiento, Private Citizen, Las Vegas, Nevada:**

As a higher education professional, I have worked in Nevada with undocumented students for about nine years. Passing A.B. 226 is not only the right thing to do by Nevadans, it is also the smart thing to do. In these nine years I have worked with hundreds of undocumented students and hundreds of professionals who serve our students in Nevada colleges. If there is one issue that is especially frustrating, it is the inaccessibility of in-state tuition for this population we are working with today, who call Nevada home, and who did not graduate from a high school in our state.

I have met countless students who would benefit from this bill. These include graduate and professional students who want to advance mastery of their academic and technical skills in our state, but who choose not to continue their education here because they cannot pay out-of-state tuition, which is three times higher than in-state tuition. I have met students who have lived in Nevada for decades and want a chance to contribute to the state but choose not to continue college because they cannot afford tuition payments. No, there is no chance of ever getting in-state tuition regardless of how long they have lived here. I have also met students who persevere anyway and take part-time classes to avoid the \$7,000 non-resident fee that is applied to out-of-state students. However, it is at the cost of graduating in a longer period of time and delaying their careers. We need professionals in our labor force now, not later.

When we deny access to affordable education, we are rejecting students and their potential and current contributions to our state. Why would we choose to reject students who want to build Nevada up? Why, in the middle of a labor and skilled worker shortage, are we rejecting individuals who want to contribute to our state? Assembly Bill 226 is about education, but it is also about equity. It is about advancing our state. [Written testimony was also submitted [Exhibit K.](#)]

**Chair Bilbray-Axelrod:**

We will move to Carson City to take three testifiers.

**Tonia Holmes-Sutton, Executive Director, Teach Plus Nevada:**

I echo many of the remarks made. I acknowledge I also serve as a Nevada Promise Scholarship mentor and have done that for a number of years. I have supported students who have had challenges. I would specifically like to call out a student who recently shared with me that his brother is in another state and while he was here receiving support was asking how I could support his brother. I told him I was not certain how I could do that. He expressed being overwhelmed because his family would need to decide which child they would be able to support in college. That was very overwhelming to me. I will also acknowledge Assemblywoman La Rue Hatch mentioning being a teacher in the classroom. I have worked primarily with families who are not legally in the United States and who are looking for support for a better future for their children and who are asking us for support. I support A.B. 226, and ask that you do the same.

**Teissy Angel, Private Citizen, Las Vegas, Nevada:**

I am a proud student at the College of Southern Nevada (CSN), a member of the CSN Generation Dreamers Student Club, and a member of Make the Road Nevada. I was born in Oaxaca, Mexico. My parents brought me and my identical twin to the U.S. to achieve the American dream.

I have DACA and I identify as a Dreamer. I moved from California in 2020 and now reside in Las Vegas, Nevada. I am here to stay. I moved here to assist my mother because she had an abdominal mass tumor. I try my best to manage my full-time phlebotomy job, part-time studies, being an extension site senator with CSN, a student government position. Because of my economic struggles, I can only afford to attend part time. Attending full time is a blessing, in my humble perspective. When I applied at CSN to receive my EMT certification, I was asked to pay \$6,831 because I did not qualify for in-state tuition. I was blessed to obtain scholarships that covered a majority of my tuition because of my 3.5 grade point average and my volunteer efforts in the community.

This is why I am here to lobby for A.B. 226. We need your support to increase equity and access when it comes to applying for in-state tuition. Students like me should not have to worry about paying an additional \$5,000 per semester out of pocket. Students like me do not qualify for most financial aid, and scholarships are very limited. We should be able to focus on our studies. If this law passes, I will be able to work part time and attend school full time in order to graduate from CSN on time. My goal is to transfer to UNLV or Nevada State College.

Thank you for your consideration of our students and active community members.

**LaLo Montoya, Community Engagement Manager, Make the Road Nevada:**

I manage a staff of ten at Make the Road Nevada. I have DACA as well, and I am one of those who was the first to graduate from high school without legal status. I am one of those you all talk about with an average age of 28. I am 36 years old. I can see 40 from here. I have experienced the hopelessness that is caused by out-of-state tuition policies. I graduated in Colorado. I do remember how it felt to tell the college counselor that I wanted to be a teacher and a broadcaster and them telling me out-of-state tuition laws were going to impact me in that way. It does stifle our dreams of obtaining a higher education because of the economic burden.

It was 2005 when I graduated from high school. I was the first in my family. I was able to earn private scholarships at that time to attend community college. However, the cost was still too high; I was not prepared for college at that time, and since then, the real world has provided me the opportunities to now work for national organizations, continue to share my story, and open opportunities. I was there when we demanded President Obama pass the DACA and DAPA [Deferred Action for Parents of Americans and Lawful Permanent Residents] and we won. I started a business because I took President Obama's words to heart. He said we are going to provide opportunities for these folks so they can start businesses and contribute to the economy. I feel like I have done that my whole life.

We have an opportunity right now—not much has changed—to pass a law like this I believe is a step in the right direction. We are experiencing staff shortages and so many other challenges. I have lived in Nevada for the past seven years. I want to take my shot one more time to achieve the degree and be the first in my family to do it. Please support A.B. 226. [Written testimony was also submitted [Exhibit L](#).]

**Chair Bilbray-Axelrod:**

We will move back to Las Vegas. I believe we have roughly eight more minutes with the videoconference.

**Kevin Osorio Hernandez, Private Citizen, Las Vegas, Nevada:**

I am a first-generation student majoring in history at Nevada State College. I am also a student leader in government. I would like to voice my support for A.B. 226. It is my belief that education is a human right and crucial to the success of our collective future. This is a matter of equity and giving DACA-mented individuals the option to gain access to in-state tuition is vital to their success. Please support A.B. 226.

**Cesar Marquez, Chair, Nevada Forward Party:**

I reside in Assembly District 31. I am here to speak in support of A.B. 226 because this bill will do a lot of good for the people in Nevada. We also want to thank Assemblyman D'Silva for putting forth this bill.

I was born in Chicago, Illinois, and being able to say that alone saved me from a bunch of obstacles and hardships in my life. I have a lot of cousins, friends, and people close to me—you have seen some of them—who are not so lucky. As a child of Mexican immigrants, education was a way out of poverty for me, like so many others. My degree in industrial engineering from Purdue University in Indiana enabled me to get a job at the Tesla Gigafactory as a production supervisor in Sparks. That is how I came to live in Nevada. That changed my life forever. I was able to live my version of the American dream. As I look around, I see those opportunities disappearing, particularly for people who have similar backgrounds to mine. We need to create a level playing field so everyone, regardless of their background, has the opportunity to succeed. To me, that is the American dream and that is why I strongly support A.B. 226.

This is not just about fairness and equity, this is simple math and economics. Studies show—and we just heard the numbers—that college graduates earn more money, pay more in taxes, and are likely to need less public assistance. By providing access to education, we can strengthen our workforce and Nevada will make its money back. These kids and adults love this country as much as I do and as much as you do. They want to participate and contribute. Your taking that away from them does not help anyone, including your own constituents. Please, I urge you to consider the economic benefits and also the moral imperative of providing a pathway to success for all Nevadans. Please support A.B. 226.

**Chair Bilbray-Axelrod:**

We are going to go to the phone line for three callers.

**Peter Guzman, President, Latin Chamber of Commerce, Las Vegas, Nevada:**

I think this is a complete no-brainer. I want to first say thank you to all those immigrants who are working hard to make Nevada and Las Vegas the number one hospitality and tourist destination in the world. It is a no-brainer to allow these young folks who have committed no crimes and all they want to do is better themselves, which means better economic development for our state. In-state tuition is a no-brainer. I commend our Assemblyman for bringing this forward. It is so long overdue. Forget about words like dignity and compassion, although those are very important, this is economic development. When we help young people better their education, we help our country be better. We commend this bill, and the Latin Chamber of Commerce is in full support.

**Yvette Machado-Tuinier, President, Associated Students of the College of Southern Nevada, Las Vegas, Nevada:**

I am here in support of A.B. 226 because it is an obvious next step in the right direction. I wish to acknowledge the current vulnerability my fellow Nevadans have shown today in their testimonies. I know it is not easy for them, and I thank them for coming forward.

As a nationally recognized scholar in our higher education system, I have learned that Nevada suffers from something called brain drain, which describes Nevada's historic and current trajectory of our greatest academics leaving Nevada to utilize their talent elsewhere. This is just one indicator of the stigma Nevada is trying to break free from, which has come from being a state that ranks egregiously low in educational priorities. We are just not doing enough to keep people committed to our state and put their best talent forward in our communities.

Assembly Bill 226 incentivizes Nevadans with academic promise to stay here and grow here regardless of immigration status. If we look at the issues of equity and access, it is obvious why we should move forward. When looking at reasons as to why this would help Nevada, it could stop the bleeding of brain drain, or better yet, it could help those who have not even realized their full academic potential to become our greatest scholars. Incentivizing more Nevadans to pursue higher education will only boost our socioeconomic health and build a better Nevada.

Students who seek higher education, especially those who migrate to this country, have gratitude on their sleeves and pursue higher education for more than just themselves. I speak for my community when I say students who are DACA-eligible or have TPS seek education to develop their families, their communities, and their country. We pursue education with [unintelligible] that can only be felt by those who carry their hopes, dreams, and futures on the mere tips of their fingers, always aware of how easily it can fall out of grasp. I am certain the students affected by this bill appreciate this opportunity to move forward because they grow up learning that the promise of America is met when they take the opportunities they are given and use them not just for themselves, but to better their neighbors, friends, colleagues, and this country.



I assure you, creating more access to education will only bring forth Nevadans who are vigorously hard working, intelligent, and have a unique grit to succeed. I know this because I am part of the community, I support this community, and A.B. 226 will only propel our state forward. I urge you to support this bill with me to create the most reasonable access for these students in Nevada. [Written testimony was also submitted [Exhibit M.](#)]

**Chair Bilbray-Axelrod:**

We are over our 20 minutes for support testimony. I do realize you came here and want to testify. We are going to lose the video feed in Las Vegas, so if those of you who are still waiting to testify would just say your name and that you are in support, we will make sure we have it for the record. Please feel free to provide those comments to the secretary in Las Vegas and we can add them to the record as well.

**Nayelli Rico Lopez, Private Citizen, Las Vegas, Nevada:**

I am in support of A.B. 226. [Written testimony was also submitted [Exhibit N.](#)]

**Amy Palmer, Private Citizen, Las Vegas, Nevada:**

I am in support of A.B. 226.

**Reina Ferrofino, Private Citizen, Las Vegas, Nevada:**

I am strongly in favor of A.B. 226.

**Nour Benjelloun, Private Citizen, Las Vegas, Nevada:**

I am in support of A.B. 226.

**David Ramos, Private Citizen, Reno, Nevada:**

I support A.B. 226. [Written testimony was also submitted [Exhibit O.](#)]

**Janet Najera, Social Services Coordinator, Office of Equal Opportunity & Title IX,  
University of Nevada, Reno:**

On behalf of UNR as the undocumented student advocate, I am in support of A.B. 226. [Written testimony was also submitted [Exhibit P.](#)]

**Chair Bilbray-Axelrod:**

I see some other people filling the seats. We are technically over our 20-minute time limit. If you would just say your names quickly and then we are going to have to close support testimony. We are happy to take written testimony and make sure the members receive it.

**Kathia Sotelo, Youth Power Project Organizer, Make the Road Nevada:**

I am in support. [Written testimony was also submitted [Exhibit Q.](#)]

**Paul Catha, Political Director, Culinary Workers Union Local 226:**

We are in support.

**Tony Ramirez, Manager, Government Affairs, Make the Road Nevada:**

We are in support.

[[Exhibit R](#), [Exhibit S](#), [Exhibit T](#), [Exhibit U](#), [Exhibit V](#), and [Exhibit W](#) were submitted as testimony in support of [Assembly Bill 226](#).]

**Chair Bilbray-Axelrod:**

I am going to close support testimony at this time. I will open opposition testimony. Is there anyone in Carson City or Las Vegas wishing to provide opposition testimony for [Assembly Bill 226](#)? [There was no one.] Is there anyone waiting on the phone to provide opposition testimony?

**Cyrus Hojjaty, Private Citizen, Las Vegas, Nevada:**

I would like to thank the Assemblyman for bringing this bill. The reason I do not support it is, first of all, I feel like this bill is probably misleading. There was another bill last session that gave unauthorized immigrants reduced college tuition even though the title of the bill did not say so. I feel this might be deceitful. I do not see this as fair. We are going to expand taxpayer resources to people who did not follow our immigration laws. It is unfair. In fact, what we should be doing instead is expanding subsidies to other, more qualified Americans or just reduce tuition entirely. Why do we have to get some subsidies and pay the rest of it?

The DACA was the unconstitutional, illegal executive order by Barrack Obama. The D in DACA means Deferred, which is to postpone. In addition to being unfair, what if we have someone tomorrow, given the border crisis we have now, who in a matter of time may be able to qualify for this benefit.

No one has given me a clear reason why this state has one of the highest rates of unauthorized immigrants. I have had pleasant conversations with former Senator Mo Denis, but I wish to hear more from you. I also do not trust organizations who are testifying. I have seen Craigslist ads that are paying them to testify. Let us not just stop there. I believe in the long term their demands will increase. Pretty soon they will demand fully subsidized college tuition while others will still have to pay.

Speaking of pay, who is going to pay for this? Are our taxes going to go up? Can you at least tax casinos since they pay the lowest gaming taxes in the country? Have we seen that California has given them so many benefits and now people and companies are leaving the state and coming here while the Federal Reserve creates dollars out of thin air just to bail out these banks? Have they not thought of the fiscal impact? Either do not support this bill or make some significant changes. Thank you for your time.

**Chair Bilbray-Axelrod:**

Is there anyone else waiting on the phone to provide opposition testimony? [There was no one.] I will close opposition testimony. I will open neutral testimony. Is there anyone in Las Vegas, Carson City or on the phone wishing to provide neutral testimony on Assembly Bill 226? [There was no one.] I will close neutral testimony. I will invite the bill sponsor to provide any closing remarks.

**Assemblyman D'Silva:**

I had some closing remarks that I was going to read from a piece of paper, but hearing the opposition testimony, I am going to speak a little more from the heart.

I, myself, was an undocumented person in this country for many years. I had a family member, my own mother, who was going to be removed from this country from our home in Las Vegas. We got a deferred action statement from a judge who took sympathy on our case and allowed us to stay in this country and in this beautiful state that I have the honor and I am humbled to serve as an assemblyman. If it were not for that deferred action, I would not be here. I would not have been able to serve this country as a Marine. I would not have been able to shed blood. I would do it again if need be. My two brothers, one of whom was also undocumented, is serving as an intelligence officer in the U.S. Army protecting this country. He was "deemed" illegal in the 1990s.

My family is Indian. The gentleman who spoke, his family comes from Persia. There is an important story in both of our traditions that kind of addresses this. There was a group of people called the Parsis who were being persecuted and removed from Persia. They came to India in the 1600s looking for refuge, looking for asylum, looking for an opportunity to find a new home. There was an issue, and they were not allowed to come in because there were folks in India who said, We do not want these people here, they are different. We do not have room for them. We are already struggling with our own issues, and we just cannot have them come here. There was a language issue so they could not communicate properly. In a very diplomatic way, the local king sent a cup to the boats that were waiting offshore. It was full of milk saying, We are too full. We have our own issues so we cannot let you in. The emissary took that cup back and presented it to the king and asked him to take a sip. The king took a sip and was surprised to find that it was sweetened. The individual from Persia coming to India had added sugar into the cup. The king immediately got the message, which was we are not overfilling your land, we are going to sweeten it and make it better.

This is the core thing I want to emphasize about this bill, specifically regarding deferred action and in-state tuition. According to every single indicator out there, every single fact, all the data—FWD.us is doing some excellent studies, even the U.S. Citizenship and Immigration Services with the Department of Homeland Security is doing excellent studies about this—those individuals who received deferred action, DACA being an excellent example, we are now seeing they are making five times as much in terms of personal income compared to what they were supposed to have made without receiving this benefit. Five times as much. The primary reason for that is they can work and can go to school.

My overarching argument here and the real reason this state needs this bill is this is going to spur our economy. These individuals who want to work hard and who have already proven, as Teissy Angel showed, they are still willing to perform all the sacrifices required to get that degree and make the American dream possible.

This bill is great for the individuals who will now be able to access and afford a college education at an in-state rate after living here for years. This is their new home. It will also in the end, by every single measure out there, every single data point shows, it will benefit our economy.

If you have any final questions, I am willing to take those.

**Chair Bilbray-Axelrod:**

Thank you for sharing your personal story. I will close the hearing on Assembly Bill 226. The next agenda item is public comment. We no longer have videoconference to Las Vegas. Is there anyone wishing to provide public comment in Carson City or on the phone? [There was no one.] We will be meeting again on Thursday. As a reminder, we will most likely recess on Thursday and then come back in the evening, so be prepared for that.

This meeting is adjourned at [3:39 p.m.].

RESPECTFULLY SUBMITTED:

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Funmi Sheddy  
Recording Secretary

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Lori McCleary  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Shannon Bilbray-Axelrod, Chair

DATE: \_\_\_\_\_

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a proposed conceptual amendment for [Assembly Bill 182](#), submitted by Assemblywoman Brittney Miller, Assembly District No. 5.

[Exhibit D](#) is written testimony submitted by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association, in support of [Assembly Bill 182](#).

[Exhibit E](#) is written testimony submitted by Nevada Association for Career and Technical Education, in opposition to [Assembly Bill 182](#).

[Exhibit F](#) is a conceptual amendment to [Assembly Bill 264](#), submitted by Assemblywoman Angie Taylor, Assembly District No. 27.

[Exhibit G](#) is written testimony submitted by Elliott Malin, representing Anti-Defamation League, in support of [Assembly Bill 264](#).

[Exhibit H](#) is written testimony dated March 28, 2023, submitted by Jolie Brislin, Regional Director, Nevada Regional Office, Anti-Defamation League, in support of [Assembly Bill 264](#).

[Exhibit I](#) is a letter dated March 29, 2023, submitted by Sara Gilbert, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 264](#).

[Exhibit J](#) is a proposed amendment to [Assembly Bill 226](#) recommended by the Nevada System of Higher Education, and submitted by Assemblyman Reuben D'Silva, Assembly District No. 28.

[Exhibit K](#) is written testimony submitted by Mariana Sarmiento, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 226](#).

[Exhibit L](#) is written testimony submitted by LaLo Montoya, Community Engagement Manager, Make the Road Nevada, in support of [Assembly Bill 226](#).

[Exhibit M](#) is written testimony dated March 27, 2023, submitted by Yvette Machado-Tuinier, President, Associated Students of the College of Southern Nevada, Las Vegas, Nevada, in support of [Assembly Bill 226](#).

[Exhibit N](#) is written testimony submitted by Nayelli Rico Lopez, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 226](#).

[Exhibit O](#) is written testimony submitted by David Ramos, Private Citizen, Reno, Nevada, in support of [Assembly Bill 226](#).

[Exhibit P](#) is written testimony submitted by Janet Najera, Social Services Coordinator, Office of Equal Opportunity & Title IX, University of Nevada, Reno, in support of [Assembly Bill 226](#).

[Exhibit Q](#) is written testimony submitted by Kathia Sotelo, Youth Power Project Organizer, Make the Road Nevada, in support of [Assembly Bill 226](#).

[Exhibit R](#) is written testimony submitted by Deanna Hua Tran, Coalition Coordinator, Nevada Immigrant Coalition, in support of [Assembly Bill 226](#).

[Exhibit S](#) is written testimony dated March 27, 2023, submitted by Judith Ingham, Co-President, Las Vegas Branch, American Association of University Women, in support of [Assembly Bill 226](#).

[Exhibit T](#) is written testimony dated March 27, 2023, signed by L.E. Chapple-Love, President; Laura Drucker, Legislative Co-Chair; and Michelle McGuire, Legislative Co-Chair, Nevada Psychological Association, in support of [Assembly Bill 226](#).

[Exhibit U](#) is written testimony submitted by Amy J. Carvalho, Regent, Nevada System of Higher Education, in support of [Assembly Bill 226](#).

[Exhibit V](#) is written testimony submitted by Nika Gapuz, Private Citizen, Reno, Nevada, in support of [Assembly Bill 226](#).

[Exhibit W](#) is written testimony dated March 28, 2023, submitted by Rosalia Martinez, Private Citizen, Las Vegas, Nevada, in support of [Assembly Bill 226](#).