

Amendment No. 868

Assembly Amendment to Senate Bill No. 347 Second Reprint (BDR 34-237)
Proposed by: Assembly Committee on Ways and Means
Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: Yes Digest: Yes

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

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



SENATE BILL NO. 347—SENATOR SCHEIBLE

MARCH 24, 2021

JOINT ~~SPONSOR: ASSEMBLYWOMAN~~ SPONSORS: ASSEMBLYMEN FLORES AND TORRES

Referred to Committee on Education

SUMMARY—Revises provisions governing sexual misconduct in institutions of the Nevada System of Higher Education. (BDR 34-237)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to higher education; creating the Task Force on Sexual Misconduct at Institutions of Higher Education; prescribing the membership, duties and compensation of the Task Force; authorizing the Board of Regents of the University of Nevada to appoint researchers to develop a climate survey on sexual misconduct; authorizing the Board of Regents to require the institutions within the Nevada System of Higher Education to administer the climate survey to students; authorizing the imposition of additional requirements for the grievance process at an institution within the System; authorizing the Board of Regents to require each institution within the System to adopt a policy on sexual misconduct, enter into a memorandum of understanding with certain organizations and designate an advocate; prohibiting an institution within the System from imposing certain sanctions on certain students; authorizing the Board of Regents to require an institution within the System to take certain actions regarding a report of an alleged incident of sexual misconduct; providing for certain training and programming related to sexual misconduct; authorizing a student who has experienced sexual misconduct to request a waiver from certain requirements of scholarships or academic activities; authorizing the Board of Regents to require an annual report from institutions within the System on certain information relating to sexual misconduct; authorizing the Board of Regents to adopt regulations; making certain information relating to incidents of sexual misconduct confidential; revising provisions relating to tuition charges; revising requirements

relating to certain scholarships and grants; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing federal law prohibits discrimination based on sex in programs or activities of education that receive federal funding. (Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.; 34 C.F.R. Part 106) Under existing federal regulations, an institution of higher education that receives federal funding must follow a grievance process that complies with Title IX to address formal complaints that allege an incident of sexual harassment that occurs in relation to an education program or activity of the institution, including, without limitation, incidents that occur on or off a campus of the institution. (34 C.F.R. §§ 106.44, 106.45) This bill generally expands the protections provided by Title IX.

Sections 2.3-11 of this bill define relevant terms. **Section 12** of this bill creates the Task Force on Sexual Misconduct at Institutions of Higher Education and prescribes the membership of the Task Force. **Section 12.5** of this bill prescribes the duties of the Task Force. **Section 13** of this bill authorizes the Board of Regents of the University of Nevada, to the extent money is available, to appoint researchers to develop a climate survey on sexual misconduct and prescribes the requirements of the climate survey. **Section 14** of this bill authorizes the Board of Regents, to the extent money is available, to require an institution within the Nevada System of Higher Education to conduct a climate survey on sexual misconduct, and **section 15** of this bill sets forth the duties of the Board of Regents regarding the climate survey.

Section 16 of this bill authorizes the Board of Regents to require an institution to meet certain requirements related to the grievance process of the institution.

Section 17 of this bill authorizes the Board of Regents to require an institution within the System to adopt a policy on sexual misconduct and sets forth certain requirements related to the adoption of the policy. **Section 18** of this bill prescribes the information that must be included in a policy on sexual misconduct, if such a policy is required to be adopted by an institution.

Section 19 of this bill authorizes the Board of Regents to require an institution to enter into a memorandum of understanding with an organization that assists persons involved in sexual misconduct, and sets forth the provisions that may be included in such a memorandum of understanding.

Section 20 of this bill authorizes the Board of Regents to require an institution within the System to designate an advocate and provide training to the advocate. **Section 21** of this bill sets forth the duties of the advocate if an advocate is designated by an institution. Under existing law, certain communications between a victim and a victim's advocate are deemed to be confidential. (NRS 49.2546) Existing law defines a victim's advocate as a person who works for certain programs within the System that provide assistance to victims of certain acts. (NRS 49.2545) **Section 28** of this bill includes the provision of services pursuant to **sections 2-27** of this bill to victims of sexual misconduct in the definition of a victim's advocate.

Section 22 of this bill authorizes the Board of Regents to prohibit an institution within the System from sanctioning a complainant, reporting party or witness for violating a policy of student conduct that occurred during or related to an alleged incident of sexual misconduct.

Section 23 of this bill authorizes the Board of Regents to require an institution within the System to provide training on the grievance process of the institution to certain employees. **Section 24** of this bill authorizes the Board of Regents to require an institution within the System to provide programming on the awareness and prevention of sexual misconduct to students and employees of the institution.

Section 24.3 of this bill authorizes the Board of Regents to require an institution within the System to determine the responsibility of a respondent for an alleged incident of sexual misconduct based on a preponderance of the evidence. **Section 24.7** of this bill sets forth the requirements for conducting an investigation. **Section 24.5** of this bill authorizes the Board of Regents to require an institution within the System to accept a request from a complainant who is at least 18 years of age to keep the identity of the complainant confidential unless state or federal law requires disclosure or further action. **Section 24.9** of this bill authorizes an institution to issue a no-contact directive in certain circumstances.

55 **Section 24.95** of this bill authorizes a student who has experienced sexual misconduct to
56 request a waiver from certain requirements of various scholarships or academic activities.
57 **Sections 27.1-27.9** of this bill make conforming changes relating to such a waiver.

58 **Section 25** of this bill authorizes the Board of Regents to require an institution within the
59 System to submit an annual report to the Board of Regents on certain information relating to
60 sexual misconduct. **Section 25** also requires the Board of Regents to compile the reports and
61 submit the compilation to the Director of the Department of Health and Human Services and
62 to the Legislature or Legislative Committee on Education.

63 **Section 27** of this bill authorizes the Board of Regents to adopt regulations.

64 **Section 28.5** of this bill makes certain information generated pursuant to a climate survey
65 on sexual misconduct and the annual report on sexual misconduct prepared by an institution
66 within the System confidential. (NRS 293.010)

67 Under existing law, the Board of Regents may not fix tuition charges against certain
68 students. (NRS 396.540) Section 27.05 of this bill prohibits the Board of Regents from
69 fixing tuition charges against: (1) students whose parent, legal guardian or spouse was
70 stationed at a military installation associated with Nevada on the date the student is
71 admitted to a university, state college or community college; and (2) students who
72 graduated from a high school in this State, regardless of whether the student or the
73 student's family is a bona fide resident.

74 Existing law sets forth various requirements to obtain a scholarship or grant under
75 the Governor Guinn Millennium Scholarship Program, the Silver State Opportunity
76 Grant Program or the Nevada Promise Scholarship Program. (NRS 396.930, 396.952,
77 396.956, 396.9665) Section 27.5 of this bill removes a requirement to certify that the
78 applicant is a citizen of or legal immigrant to the United States to receive a Millennium
79 Scholarship. Sections 27.93 and 27.95 of this bill remove requirements to complete the
80 Free Application for Federal Student Aid to receive a Silver State Opportunity Grant in
81 certain circumstances. Sections 27.93 and 27.97 of this bill provide that a student may be
82 eligible for a Silver State Opportunity Grant or a Nevada Promise Scholarship if the
83 student graduated from a high school located in this State, regardless of whether the
84 student is a bona fide resident.

85 Existing law requires the Board of Regents to distribute scholarships under the
86 Nevada Promise Scholarship Program first to students who complete the Free
87 Application for Federal Student Aid and then, if there is money remaining for additional
88 distributions, to students who are prohibited by federal law from completing the Free
89 Application for Federal Student Aid. (NRS 396.968) Section 37.99 of this bill removes
90 this requirement.

91 Under existing federal law, a state may provide a qualified tuition program to help
92 families pay for college education. (26 U.S.C. § 529) Existing state law establishes the
93 Nevada Higher Education Prepaid Tuition Program and the Nevada College Savings
94 Program. (NRS 353B.010-353B.190, 353B.300-353B.370) Section 28.7 of this bill
95 prohibits a prepaid tuition program or college savings program from excluding a person
96 or his or her family from participating in such a program based solely on the citizenship
97 or immigration status of the person or his or her family.

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

1 **Section 1.** Chapter 396 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 to 27, inclusive, of this act.

3 **Sec. 2.** *As used in sections 2 to 27, inclusive, of this act, unless the context*
4 *otherwise requires, the words and terms defined in sections 2.3 to 11, inclusive, of*
5 *this act have the meanings ascribed to them in those sections.*

6 **Sec. 2.3.** *“Complainant” means a student or employee of an institution*
7 *within the System who is alleged to be the victim of conduct that could constitute*
8 *sexual misconduct.*

1 Sec. 2.5. *“Dating violence” has the meaning ascribed to it in 34 U.S.C. §*
2 *12291(a).*

3 Sec. 3. *“Domestic violence” has the meaning ascribed to it in 34 U.S.C. §*
4 *12291(a).*

5 Sec. 4. *“Reporting party” means a person who reports an alleged incident*
6 *of sexual misconduct to the institution.*

7 Sec. 5. *“Respondent” means a person who has been reported to be the*
8 *perpetrator of conduct that could constitute sexual misconduct.*

9 Sec. 6. *“Sexual assault” has the meaning ascribed to it in 20 U.S.C. §*
10 *1092(f)(6)(A)(v).*

11 Sec. 7. *“Sexual harassment” means conduct on the basis of sex, whether*
12 *direct or indirect, implicit or explicit, verbal or nonverbal or in person or via*
13 *virtual or electronic means, that satisfies one or more of the following:*

14 1. *An employee of an institution within the System conditioning the*
15 *provision of an aid, benefit or service of the institution or the terms, conditions or*
16 *privileges of the participation of a person in the education programs or activities*
17 *of the institution on the person’s participation in unwelcome sexual conduct,*
18 *including, without limitation:*

19 (a) *A sexual advance;*

20 (b) *A request for sexual favors; or*

21 (c) *Other conduct of a sexual nature.*

22 2. *Unwelcome sexual advances, requests for sexual favors and conduct of a*
23 *sexual nature or evincing gender bias:*

24 (a) *That, in the educational environment, is made a term or condition of a*
25 *student’s academic status or, based on an objective standard, is sufficiently*
26 *severe, persistent or pervasive that it interferes with, limits or effectively denies a*
27 *student the ability to participate in or benefit from the services, activities or*
28 *opportunities offered by an institution within the System.*

29 (b) *Where, in the workplace, submission to or rejection of the sexual*
30 *advances, requests for sexual favors or conduct is used as a basis for decisions or*
31 *evaluations related to academics or employment or permission to participate in a*
32 *service, activity or opportunity offered by an institution within the System or that,*
33 *based on an objective standard, is sufficiently severe, persistent or pervasive that*
34 *it creates an intimidating, hostile or abusive work environment which may or may*
35 *not interfere with an employee’s job performance.*

36 3. *Sexual assault, dating violence, domestic violence or stalking.*

37 Sec. 8. *“Sexual misconduct” means dating violence, domestic violence,*
38 *gender-based violence, gender-based harassment, violence based on sexual*
39 *orientation or gender identity or expression, sexual assault, sexual harassment,*
40 *stalking or indecent exposure.*

41 Sec. 9. *“Stalking” has the meaning ascribed to it in 34 C.F.R. § 106.30.*

42 Sec. 9.5. *“Student” includes, without limitation, a former student of an*
43 *institution within the System who took a leave of absence or withdrew from the*
44 *institution due to being a complainant or respondent.*

45 Sec. 10. *“Supportive measures” has the meaning ascribed to it in 34 C.F.R.*
46 *§ 106.30.*

47 Sec. 11. *“Trauma-informed response” means a response involving an*
48 *understanding of the complexities of sexual misconduct, including, without*
49 *limitation:*

50 1. *Perpetrator methodology;*

51 2. *Conducting an effective investigation;*

52 3. *The neurobiological causes and impacts of trauma; and*

1 4. *The influence of social myths and stereotypes surrounding the causes*
2 *and impacts of trauma.*

3 **Sec. 12.** *1. There is hereby created the Task Force on Sexual Misconduct*
4 *at Institutions of Higher Education consisting of 12 members as follows:*

5 (a) *The Chancellor of the System, or his or her designee;*

6 (b) *The Chief General Counsel of the System, or his or her designee; and*

7 (c) *Ten members appointed by the Board of Regents as follows:*

8 (1) *One representative of a state college;*

9 (2) *One representative of a community college;*

10 (3) *One representative of a university;*

11 (4) *One Title IX coordinator from an institution within the System;*

12 (5) *One student, appointed in consultation with a student government*
13 *association, who represents a group or organization that focuses on*
14 *multiculturalism, diversity or advocacy at a state college or community college;*

15 (6) *One student, appointed in consultation with a student government*
16 *association, who represents a group or organization that focuses on*
17 *multiculturalism, diversity or advocacy at a university;*

18 (7) *One researcher with experience in the development of climate surveys*
19 *on sexual misconduct;*

20 (8) *One researcher of statistics, data analytics or econometrics with*
21 *experience in survey analysis in higher education;*

22 (9) *One medical professional from the University of Nevada, Las Vegas,*
23 *School of Medicine or the University of Nevada, Reno, School of Medicine; and*

24 (10) *One person who serves as a victim's advocate, as defined in NRS*
25 *49.2545, at an institution within the System.*

26 2. *After the initial terms, each appointed member of the Task Force serves a*
27 *term of 2 years and may be reappointed to one additional 2-year term following*
28 *his or her initial term. A vacancy must be filled in the same manner as the*
29 *original appointment.*

30 3. *The Task Force shall, at its first meeting and each odd-numbered year*
31 *thereafter, elect a Chair from among its members.*

32 4. *The Task Force shall meet at least once annually and may meet at other*
33 *times upon the call of the Chair or a majority of the members of the Task Force.*

34 5. *A majority of the members of the Task Force constitutes a quorum, and a*
35 *quorum may exercise all the power and authority conferred on the Task Force.*

36 6. *Members of the Task Force serve without compensation, except that for*
37 *each day or portion of a day during which a member of the Task Force attends a*
38 *meeting of the Task Force or is otherwise engaged in the business of the Task*
39 *Force, and within the limits of available money, the member is entitled to receive*
40 *the per diem allowance and travel expenses provided for state officers and*
41 *employees generally.*

42 7. *Each member of the Task Force who is an officer or employee of the*
43 *State or a local government must be relieved from his or her duties without loss*
44 *of his or her regular compensation so that the member may prepare for and*
45 *attend meetings of the Task Force and perform any work necessary to carry out*
46 *the duties of the Task Force in the most timely manner practicable. A state*
47 *agency or local government shall not require an officer or employee who is a*
48 *member of the Task Force to make up the time the member is absent from work*
49 *to carry out his or her duties as a member, and shall not require the member to*
50 *take annual vacation or compensatory time for the absence.*

51 ~~8. The Office of the Attorney General shall provide administrative support~~
52 ~~to the Task Force.]~~

1 **Sec. 12.5. 1. The Task Force on Sexual Misconduct at Institutions of**
2 **Higher Education created by section 12 of this act shall:**

3 (a) *Review the results of any climate survey on sexual misconduct*
4 *administered at an institution within the System; and*

5 (b) *Each year, hold a meeting open to the public to provide recommendations*
6 *to the Board of Regents on how to address sexual misconduct at institutions*
7 *within the System.*

8 2. *A meeting held pursuant to subsection 1 is not subject to the provisions of*
9 *chapter 241 of NRS.*

10 **Sec. 13. 1. To the extent that money is available, the Board of Regents**
11 **may appoint researchers employed at one or more institutions within the System**
12 **to develop a climate survey on sexual misconduct designed to be administered at**
13 **institutions within the System. The climate survey on sexual misconduct must:**

14 (a) *Gather institution-specific data regarding the prevalence of gender-based*
15 *harassment and discrimination;*

16 (b) *Be fair and unbiased;*

17 (c) *Be scientifically valid and reliable; and*

18 (d) *Meet the highest standards of survey research.*

19 2. *If appointed to develop a climate survey on sexual misconduct, the*
20 *researchers shall:*

21 (a) *Use best practices from peer-reviewed research;*

22 (b) *Consult with persons with expertise in the development and use of*
23 *climate surveys on sexual misconduct at institutions of higher education;*

24 (c) *Consult with a student government association;*

25 (d) *Review climate surveys on sexual misconduct which have been developed*
26 *and implemented by institutions of higher education, including, without*
27 *limitation, institutions in other states;*

28 (e) *Provide opportunity for written comment from organizations that assist*
29 *victims of sexual misconduct to ensure the adequacy and appropriateness of any*
30 *proposed content of the climate survey on sexual misconduct;*

31 (f) *Consult with institutions within the System on strategies for optimizing*
32 *the effectiveness of the climate survey on sexual misconduct; and*

33 (g) *Account for the diverse needs and differences of the institutions within*
34 *the System.*

35 3. *If a climate survey on sexual misconduct is developed, the climate survey*
36 *must request information on topics related to sexual misconduct. The topics may*
37 *include, without limitation:*

38 (a) *The estimated number of alleged incidents of sexual misconduct, both*
39 *reported and not reported, at an institution within the System, if a student taking*
40 *the survey has knowledge of such information;*

41 (b) *When and where an alleged incident of sexual misconduct occurred;*

42 (c) *Whether an alleged incident of sexual misconduct was perpetrated by a*
43 *student, faculty member, staff member of an institution within the System, third*
44 *party vendor or another person;*

45 (d) *Awareness of a student of the policies and procedures related to sexual*
46 *misconduct at an institution;*

47 (e) *Whether a student reported an alleged incident of sexual misconduct and:*

48 (1) *If the incident was reported, to which campus resource or law*
49 *enforcement agency a report was made; and*

50 (2) *If the incident was not reported, the reason the student chose not to*
51 *report the incident;*

52 (f) *Whether a student who reported an alleged incident of sexual misconduct*
53 *was:*

1 (1) Offered supportive measures by an institution;

2 (2) Informed of, aware of or referred to campus, local or state resources
3 for support for victims, including, without limitation, appropriate medical care
4 and legal services; and

5 (3) Informed of the prohibition against retaliation for reporting an
6 alleged incident of sexual misconduct;

7 (g) Contextual factors in an alleged incident of sexual misconduct, such as
8 the involvement of force, incapacitation or coercion;

9 (h) Demographic information that could be used to identify at-risk groups,
10 including, without limitation, the gender, race, ethnicity, national origin,
11 economic status, disability, gender identity or expression, immigration status and
12 sexual orientation of the student taking the climate survey on sexual misconduct;

13 (i) Perceptions a student has of campus safety;

14 (j) Whether a student has confidence in the ability of the institution to protect
15 against and respond to alleged incidents of sexual misconduct;

16 (k) Whether a student chose to withdraw or take a leave of absence from the
17 institution or transfer to another institution because the student is the
18 complainant or respondent in an alleged incident of sexual misconduct;

19 (l) Whether a student withdrew from any classes or was placed on academic
20 probation, disciplinary probation or otherwise disciplined as a result of an alleged
21 incident of sexual misconduct;

22 (m) Whether a student experienced any financial impact as a result of an
23 alleged incident of sexual misconduct;

24 (n) Whether a student experienced any negative health impacts as a result of
25 an alleged incident of sexual misconduct, including, without limitation, post-
26 traumatic stress disorder, anxiety, depression, chronic pain or an eating disorder;

27 (o) The perception of the participants in the survey of the attitudes of the
28 community toward sexual misconduct, including, without limitation, the
29 willingness of a person to intervene in an ongoing incident of sexual misconduct
30 as a bystander; and

31 (p) Any other questions as determined necessary by the researchers.

32 4. The climate survey on sexual misconduct must provide an option for
33 students to decline to answer a question.

34 5. The climate survey on sexual misconduct must be provided to the Task
35 Force on Sexual Misconduct at Institutions of Higher Education created
36 pursuant to section 12 of this act for comment.

37 **Sec. 14.** 1. To the extent that money is available, the Board of Regents
38 may require each institution within the System to conduct a climate survey on
39 sexual misconduct at the institution biennially.

40 2. A climate survey on sexual misconduct conducted pursuant to subsection
41 1 must include the questions developed by researchers employed at an institution
42 within the System pursuant to section 13 of this act. If an institution within the
43 System includes additional questions on a climate survey on sexual misconduct
44 pursuant to subsection 1, the questions must not be unnecessarily traumatizing
45 for a victim of an alleged incident of sexual misconduct.

46 3. If an institution within the System conducts a climate survey on sexual
47 misconduct pursuant to subsection 1, the institution shall:

48 (a) Provide the survey to each student at the institution, including, without
49 limitation, students studying abroad;

50 (b) Not require the disclosure of personally identifiable information by a
51 participant in the climate survey on sexual misconduct;

52 (c) Work to ensure an adequate number of students complete the survey to
53 achieve a random and representative sample size of students;

1 (d) *Within 120 days after completion of the climate survey on sexual*
2 *misconduct:*

3 (1) *Compile a summary of the responses to the survey; and*

4 (2) *Submit the summary of responses to the Board of Regents; and*

5 (e) *Post on the Internet website maintained by the institution in a manner*
6 *that does not disclose personally identifiable information of any person, the*
7 *summary of the responses to the climate survey on sexual misconduct.*

8 3. *A climate survey on sexual misconduct must be administered*
9 *electronically by an institution within the System and provide reasonable*
10 *accommodations for students with a disability.*

11 4. *An institution within the System may obtain a waiver from the Board of*
12 *Regents to not administer a climate survey on sexual misconduct pursuant to this*
13 *section due to the financial circumstances of the institution.*

14 5. *An institution within the System may apply for and accept any gifts,*
15 *grants, donations, bequests or other money from any source to carry out the*
16 *provisions of this section.*

17 6. *Any data or reports that underlie the summaries generated pursuant to*
18 *subsection 2 are confidential and are not a public record for the purposes of*
19 *chapter 239 of NRS.*

20 **Sec. 15.** 1. *If the Board of Regents requires an institution within the*
21 *System to conduct a climate survey on sexual misconduct pursuant to section 14*
22 *of this act, the Board of Regents shall to the extent that money is available:*

23 (a) *Provide a copy of the questions developed by the researchers employed at*
24 *an institution within the System pursuant to section 13 of this act to each*
25 *institution within a reasonable time after the Board of Regents receives the*
26 *questions from the researchers;*

27 (b) *Establish a repository for the summaries of the climate survey on sexual*
28 *misconduct submitted by each institution pursuant to section 14 of this act;*

29 (c) *Post each summary of the responses to a climate survey on sexual*
30 *misconduct submitted by an institution pursuant to section 14 of this act on the*
31 *Internet website maintained by the Board of Regents in a manner that does not*
32 *disclose personally identifiable information of any person;*

33 (d) *Adopt a policy on the dissemination, collection and summation of the*
34 *responses to the climate survey on sexual misconduct; and*

35 (e) *On or before February 1 of each odd-numbered year, report the*
36 *summaries of the climate survey on sexual misconduct submitted by an*
37 *institution pursuant to section 14 of this act to the Director of the Legislative*
38 *Counsel Bureau for transmittal to the Senate and Assembly Standing Committees*
39 *on Education.*

40 2. *Any data or reports that underlie the summaries generated pursuant to*
41 *subsection 1 are confidential and are not a public record for the purposes of*
42 *chapter 239 of NRS.*

43 **Sec. 16.** *The Board of Regents may require an institution within the System*
44 *to:*

45 1. *Require employees who participate in the grievance process of the*
46 *institution pursuant to Title IX of the Education Amendments Act of 1972, 20*
47 *U.S.C. §§ 1681 et seq., or a policy on sexual misconduct adopted pursuant to*
48 *section 17 of this act to receive annual training on topics related to sexual*
49 *misconduct which may include, without limitation, any training required*
50 *pursuant to section 23 of this act;*

51 2. *Provide a complainant and respondent with a copy of the policies of the*
52 *institution regarding the submission and consideration of evidence that may be*
53 *considered during the grievance process;*

1 3. *Except as otherwise required by federal law, within 14 business days*
2 *after the conclusion of the grievance process, inform the complainant and the*
3 *respondent of the result of the grievance process; and*

4 4. *Unless otherwise required by state or federal law, not publicly disclose*
5 *the identity of a complainant or respondent.*

6 **Sec. 17.** 1. *The Board of Regents may require an institution within the*
7 *System to adopt a policy on sexual misconduct consistent with applicable state*
8 *and federal law.*

9 2. *If the Board of Regents requires the adoption of a policy on sexual*
10 *misconduct pursuant to subsection 1, in developing the policy on sexual*
11 *misconduct, an institution within the System:*

12 (a) *Shall:*

13 (1) *Incorporate a trauma-informed response;*

14 (2) *Coordinate with:*

15 (I) *The Title IX coordinator of the institution; and*

16 (II) *If an institution has entered into a memorandum of*
17 *understanding pursuant to section 19 of this act, the organization that assists*
18 *persons involved in sexual misconduct; and*

19 (3) *Engage in a culturally competent manner to reflect the diverse needs*
20 *of all students; and*

21 (b) *May consider input from internal and external entities, including,*
22 *without limitation:*

23 (1) *Administrators at the institution;*

24 (2) *Personnel affiliated with health care centers located on or off a*
25 *campus of the institution that provide services to the institution;*

26 (3) *An advocate designated pursuant to section 20 of this act;*

27 (4) *Staff affiliated with campus housing services;*

28 (5) *Students enrolled in an institution within the System;*

29 (6) *A provider of health care;*

30 (7) *Law enforcement agencies, including, without limitation, campus*
31 *police or security; and*

32 (8) *The district attorney of the county where the main campus of the*
33 *institution is located.*

34 3. *If the Board of Regents requires the adoption of a policy on sexual*
35 *misconduct pursuant to subsection 1, an institution within the System shall*
36 *provide:*

37 (a) *Internal or external entities an opportunity to provide comment on the*
38 *initial policy on sexual misconduct or any substantive change to the policy;*

39 (b) *Instructions on how an internal or external entity may provide comment*
40 *on the initial policy on sexual misconduct or a substantive change to the policy;*
41 *and*

42 (c) *A reasonable length of time during which the institution will accept*
43 *comment.*

44 4. *After an initial policy on sexual misconduct is adopted by an institution*
45 *within the System, the opportunity for comment by an internal or external entity*
46 *pursuant to subsection 3 applies only to a substantive change to the policy, as*
47 *determined by the institution.*

48 5. *If the Board of Regents requires the adoption of a policy on sexual*
49 *misconduct pursuant to subsection 1, an institution within the System shall make*
50 *the policy on sexual misconduct publicly available not later than the start of each*
51 *academic year:*

52 (a) *Upon request, to a prospective student, current student or employee of the*
53 *institution; and*

1 (b) *On the Internet website maintained by the institution.*

2 **Sec. 18.** *A policy on sexual misconduct adopted pursuant to section 17 of*
3 *this act must include, without limitation, information on:*

4 1. *The procedures by which a student or employee at an institution within*
5 *the System may report or disclose an alleged incident of sexual misconduct that*
6 *occurred on or off a campus of the institution;*

7 2. *Supportive measures, including, without limitation:*

8 (a) *Changing academic, living, campus transportation or work*
9 *arrangements;*

10 (b) *Taking a leave of absence from the institution in response to an alleged*
11 *incident of sexual misconduct;*

12 (c) *How to request supportive measures; and*

13 (d) *The process to have any supportive measures reviewed by the institution;*

14 3. *Appropriate local, state and federal law enforcement agencies, including,*
15 *without limitation, the contact information for a law enforcement agency; and*

16 4. *The grievance process of the institution for investigating and resolving a*
17 *report of an alleged incident of sexual misconduct ~~is~~ pursuant to Title IX of the*
18 *Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et seq.*

19 **Sec. 18.3.** (Deleted by amendment.)

20 **Sec. 18.5.** (Deleted by amendment.)

21 **Sec. 19. 1.** *The Board of Regents may require an institution within the*
22 *System to enter into a memorandum of understanding with an organization that*
23 *assists persons involved in sexual misconduct. The memorandum of*
24 *understanding may, without limitation:*

25 (a) *Allow for cooperation and training between the institution and the*
26 *organization that assists persons involved in sexual misconduct to establish an*
27 *understanding of the:*

28 (1) *Responsibilities that the institution and organization that assists*
29 *persons involved in sexual misconduct have in responding to a report or*
30 *disclosure of an alleged incident of sexual misconduct; and*

31 (2) *Procedures of the institution for providing support and services to*
32 *students and employees;*

33 (b) *Require an organization that assists persons involved in sexual*
34 *misconduct to:*

35 (1) *Assist with developing policies, programming or training at the*
36 *institution regarding sexual misconduct;*

37 (2) *Provide an alternative for a student or employee of the institution to*
38 *receive free and confidential counseling, advocacy or crisis services related to an*
39 *alleged incident of sexual misconduct that are located on or off a campus of the*
40 *institution, including, without limitation:*

41 (I) *Access to a health care provider who specializes in forensic*
42 *medical examinations; and*

43 (II) *Confidential services;*

44 (3) *Assist with the development and implementation of education and*
45 *prevention programs for students of the institution; and*

46 (4) *Assist with the development and implementation of training and*
47 *prevention curriculum for employees of the institution; and*

48 (c) *Include a fee structure for any services provided by the organization that*
49 *assists persons involved in sexual misconduct.*

50 2. *As used in this section, "forensic medical examination" has the meaning*
51 *ascribed to it in NRS 217.300.*

52 **Sec. 20. 1.** *The Board of Regents may require an institution within the*
53 *System to designate an advocate. If the Board of Regents requires the designation*

1 of an advocate, an institution shall designate existing categories of employees
2 who may serve as an advocate. An institution may:

3 (a) Partner with an organization that assists persons involved in sexual
4 misconduct to designate an advocate; or

5 (b) If the institution enrolls less than 1,000 students who reside in campus
6 housing, partner with another institution within the System to designate an
7 advocate.

8 2. An advocate designated pursuant to subsection 1:

9 (a) Must not be a Title IX coordinator, a member of campus police or law
10 enforcement or any other official of the institution who is authorized to initiate a
11 disciplinary proceeding on behalf of the institution or whose position at the
12 institution may create a conflict of interest;

13 (b) Must be designated based on the training or experience of the person to
14 effectively provide services related to sexual misconduct; and

15 (c) Must have completed at least 20 hours of relevant training.

16 3. If an institution within the System designates an advocate pursuant to
17 subsection 1, the advocate must be trained on:

18 (a) The awareness and prevention of sexual misconduct;

19 (b) Title IX of the Education Amendments Act of 1972, 20 U.S.C. §§ 1681 et
20 seq.;

21 (c) Any policy on sexual misconduct adopted by the institution pursuant to
22 section 17 of this act; and

23 (d) Trauma-informed responses to a report of an alleged incident of sexual
24 misconduct.

25 4. An institution within the System that designates an advocate pursuant to
26 subsection 1 shall provide for the availability of an advocate to students within a
27 reasonable distance from the institution or by electronic means if it is not
28 practicable to provide for the availability of an advocate in person.

29 **Sec. 21.** 1. If an advocate is designated pursuant to section 20 of this act,
30 the advocate shall:

31 (a) Inform a student or employee of, or provide resources about how to
32 obtain information on:

33 (1) Options on how to report an alleged incident of sexual misconduct
34 and the effects of each option;

35 (2) Counseling services available on a campus of the institution and
36 through local community resources;

37 (3) Medical and legal services available on or off a campus of the
38 institution;

39 (4) Available supportive measures;

40 (5) Counseling related to student loans;

41 (6) The grievance process of the institution and that the grievance
42 process is not a substitute for the system of criminal justice;

43 (7) The role of local, state and federal law enforcement agencies;

44 (8) Any limits on the ability of the advocate to provide privacy or
45 confidentiality to the student or employee; and

46 (9) A policy on sexual misconduct adopted by the institution pursuant to
47 section 17 of this act;

48 (b) Notify the student or employee of his or her rights and the responsibilities
49 of the institution regarding an order for protection, restraining order or
50 injunction issued by a court;

51 (c) Unless otherwise required by state or federal law, not be required to
52 report an alleged incident of sexual misconduct to the institution or a law
53 enforcement agency;

1 (d) Provide confidential services to students and employees;

2 (e) Not provide confidential services to more than one party in a grievance
3 process;

4 (f) Unless otherwise required by state or federal law, not disclose confidential
5 information without the prior written consent of the student or employee who
6 shared the information;

7 (g) Support a complainant or respondent in obtaining supportive measures to
8 ensure the complainant or respondent has continued access to education; and

9 (h) Inform a student or employee that supportive measures may be available
10 through disability services or the Title IX coordinator.

11 2. If an advocate is designated pursuant to section 20 of this act, the
12 advocate may:

13 (a) If appropriate and if directed by a student or employee, assist the student
14 or employee in reporting an alleged incident of sexual misconduct to the
15 institution or a law enforcement agency; and

16 (b) Attend a disciplinary proceeding of the institution as the advisor or
17 support person of a complainant.

18 3. Notice to an advocate of an alleged incident of sexual misconduct or the
19 performance of services by an advocate pursuant to this section shall not
20 constitute actual or constructive notice of an alleged incident of sexual
21 misconduct to the institution within the System which designated the advocate
22 pursuant to section 20 of this act.

23 4. If a conflict of interest arises between the institution within the System
24 which designated an advocate and the advocate in advocating for the provision of
25 supportive measures by the institution to a complainant or a respondent, the
26 institution shall not discipline, penalize or otherwise retaliate against the
27 advocate for advocating for the complainant or the respondent.

28 **Sec. 22. 1. The Board of Regents may prohibit an institution within the**
29 **System from subjecting a complainant, reporting party or witness who reports an**
30 **alleged incident of sexual misconduct to a disciplinary proceeding or sanction for**
31 **a violation of a policy on student conduct related to drug or alcohol use,**
32 **trespassing or unauthorized entry of school facilities or other violation of a policy**
33 **of an institution that occurred during or related to an alleged incident of sexual**
34 **misconduct unless the institution determines that the:**

35 (a) Report of an alleged incident of sexual misconduct was not made in good
36 faith; or

37 (b) The violation of a policy on student conduct was egregious, including,
38 without limitation, a violation that poses a risk to the health or safety of another
39 person.

40 2. The Board of Regents may require an institution within the System to
41 review any disciplinary action taken against a reporting party or witness to
42 determine if there is any connection between the alleged incident of sexual
43 misconduct that was reported and the misconduct that led to the reporting party
44 or witness being disciplined.

45 **Sec. 23. 1. The Board of Regents may require an institution within the**
46 **System to provide training on the grievance process of the institution ~~to~~**
47 **~~appropriate employees, as determined by the Board of Regents,~~ in accordance**
48 **with 34 C.F.R. § 106.45.**

49 2. The Board of Regents may require an institution within the System to
50 train the Title IX coordinator and members of the campus police or safety
51 personnel of the institution in the awareness of sexual misconduct and in
52 trauma-informed response to an alleged incident of sexual misconduct.

1 **Sec. 24. 1.** *The Board of Regents may require an institution within the*
2 *System to provide programming on awareness and prevention of sexual*
3 *misconduct to all students and employees of the institution. If the Board of*
4 *Regents requires an institution to provide programming on awareness and*
5 *prevention of sexual misconduct, the programming must include, without*
6 *limitation:*

7 (i) *An explanation of consent as it applies to a sexual act or sexual conduct*
8 *with another person;*

9 (j) *The manner in which drugs and alcohol may affect the ability of a person*
10 *to consent to a sexual act or sexual conduct with another person;*

11 (k) *Information on options for reporting an alleged incident of sexual*
12 *misconduct, the effects of each option and the method to file a report under each*
13 *option, including, without limitation, a description of the confidentiality and*
14 *anonymity, as applicable, of a report;*

15 (l) *Information on the grievance process of the institution for addressing a*
16 *report of an alleged incident of sexual misconduct, including, without limitation,*
17 *a policy on sexual misconduct adopted pursuant to section 17 of this act;*

18 (m) *The range of sanctions or penalties the institution may impose on a*
19 *student or employee found responsible for an incident of sexual misconduct;*

20 (n) *If an advocate is designated pursuant to section 20 of this act, the name,*
21 *contact information and role of the advocate;*

22 (o) *Strategies for intervention by bystanders;*

23 (p) *Strategies for reduction of the risk of sexual misconduct; and*

24 (q) *Any other opportunities for additional programming on awareness and*
25 *prevention of sexual misconduct.*

26 2. *If an institution provides programming on awareness and prevention of*
27 *sexual misconduct pursuant to subsection 1, the institution:*

28 (a) *Shall coordinate with the Title IX coordinator of the institution;*

29 (b) *May coordinate with a law enforcement agency and, if the institution*
30 *entered into a memorandum of understanding with an organization that assists*
31 *persons involved in sexual misconduct pursuant to section 19 of this act, that*
32 *organization; and*

33 (c) *Shall require students or employees to attend the programming on the*
34 *awareness and prevention of sexual misconduct.*

35 3. *If an institution provides programming on awareness and prevention of*
36 *sexual misconduct pursuant to subsection 1, the programming may be culturally*
37 *responsive and address the unique experiences and challenges faced by students*
38 *based on the race, ethnicity, national origin, economic status, disability, gender*
39 *identity or expression, immigration status and sexual orientation of a student.*

40 **Sec. 24.3.** *The Board of Regents may require an institution within the*
41 *System that receives a report of an alleged incident of sexual misconduct that*
42 *involves a student or employee of the institution to determine the responsibility of*
43 *a respondent, if any, based on a preponderance of the evidence.*

44 **Sec. 24.5. 1.** *The Board of Regents may require an institution within the*
45 *System to accept a request from a complainant who is 18 years of age or older to*
46 *keep the identity of the complainant confidential or take no investigative or*
47 *disciplinary action against a respondent. An institution shall not grant such a*
48 *request if state or federal law requires disclosure or further action. In*
49 *determining whether to grant such a request, the institution shall consider*
50 *whether there is a risk that the respondent may commit additional acts of sexual*
51 *misconduct, violence, discrimination or harassment based on whether one or*
52 *more of the following factors are present to a sufficient degree such that the*
53 *request cannot be honored:*

1 (a) *There are any previous or existing reports of an incident of sexual*
2 *misconduct against the respondent, including, without limitation, records of*
3 *complaints or the arrest of the respondent;*

4 (b) *The respondent allegedly used a weapon;*

5 (c) *The respondent threatened violence, discrimination or harassment*
6 *against the complainant or other persons;*

7 (d) *The alleged incident of sexual misconduct was alleged to have been*
8 *committed by two or more people;*

9 (e) *The circumstances surrounding the alleged incident of sexual misconduct*
10 *indicate that the incident was premeditated and, if so, whether the respondent or*
11 *another person allegedly premeditated the incident;*

12 (f) *The circumstances surrounding the alleged incident of sexual misconduct*
13 *indicate a pattern of consistent behavior at a particular location or by a*
14 *particular group of people;*

15 (g) *The institution is able to conduct a thorough investigation and obtain*
16 *relevant evidence without the cooperation of the complainant; and*

17 (h) *There are any other factors that indicate the respondent may repeat the*
18 *behavior alleged by the complainant or that the complainant or other persons*
19 *may be at risk of harm.*

20 2. *If an institution within the System grants a request for confidentiality or*
21 *to not take any investigative or disciplinary action pursuant to subsection 1, the*
22 *institution shall take reasonable steps to, without initiating formal action against*
23 *the respondent:*

24 (a) *Respond to the report of the alleged incident of sexual misconduct while*
25 *maintaining the confidentiality of the complainant;*

26 (b) *Limit the effects of the alleged incident of sexual misconduct; and*

27 (c) *Prevent the recurrence of any misconduct.*

28 3. *Reasonable steps taken pursuant to subsection 2 may include, without*
29 *limitation:*

30 (a) *Increased monitoring, supervision or security at locations or activities*
31 *where the alleged incident of sexual misconduct occurred;*

32 (b) *Providing additional training and educational materials for students and*
33 *employees; or*

34 (c) *Ensuring a complainant is informed of and has access to appropriate*
35 *supportive measures.*

36 4. *If an institution within the System grants a request for confidentiality or*
37 *to not take any investigative or disciplinary action pursuant to subsection 1, the*
38 *institution shall inform the complainant that the ability of the institution to*
39 *respond to the report of the alleged incident of sexual misconduct will be limited*
40 *by the request.*

41 5. *If an institution within the System determines that it cannot grant a*
42 *request for confidentiality or to not take any investigative or disciplinary action*
43 *pursuant to subsection 1, the institution shall:*

44 (a) *Inform the complainant of the determination before disclosing the*
45 *identity of the complainant or initiating an investigation;*

46 (b) *Make available supportive measures for the complainant; and*

47 (c) *If requested by the complainant, inform the respondent that the*
48 *complainant asked the institution not to take investigative or disciplinary action*
49 *against the respondent.*

50 **Sec. 24.7.** 1. *In conducting an investigation of an alleged incident of*
51 *sexual misconduct an institution within the System shall:*

1 (a) Provide the complainant and the respondent the opportunity to identify
2 witnesses and other evidence to assist the institution in determining whether an
3 alleged incident of sexual misconduct has occurred;

4 (b) Inform the complainant and the respondent that any evidence available
5 to the party but not disclosed during the investigation might not be considered at
6 a subsequent hearing; and

7 (c) Ensure that questions and evidence of the sexual history or sexual
8 predisposition of a complainant are not considered relevant unless the:

9 (1) Questions or evidence are directly relevant to prove that the conduct
10 alleged to have been committed by the respondent was inflicted by another
11 person; or

12 (2) Questions and evidence are relevant to demonstrate how the parties
13 communicated consent in previous or subsequent consensual sexual conduct.

14 2. An institution within the System shall provide periodic updates on the
15 investigation to the complainant and the respondent regarding the timeline of the
16 investigation.

17 3. An institution within the System shall notify the complainant and the
18 respondent of the findings of an investigation simultaneously.

19 4. If an institution within the System imposes any disciplinary action based
20 on the findings of an investigation on a respondent, such disciplinary action must
21 be imposed in accordance with the grievance process of the institution.

22 **Sec. 24.8.** (Deleted by amendment.)

23 **Sec. 24.9.** 1. An institution within the System may issue a no-contact
24 directive prohibiting the complainant and the respondent from contacting each
25 other. An institution may issue a no-contact directive if the directive is necessary
26 to, without limitation:

27 (a) Protect the safety or well-being of either the complainant or the
28 respondent; or

29 (b) Respond to interference with an investigation.

30 2. A no-contact directive issued against the respondent after a decision of
31 responsibility, if any, has been made ~~may~~ must be unilateral and mutually
32 applied only against to the complainant and the respondent.

33 3. If an institution issues a mutual no-contact directive, the institution shall
34 provide the complainant and the respondent with an explanation of the terms of
35 the directive, including, without limitation, that a violation of the directive may
36 subject the party to disciplinary action.

37 **Sec. 24.95.** 1. A student who experiences sexual misconduct may request
38 a waiver from any requirement to maintain a certain grade point average, credit
39 enrollment, or other academic or disciplinary record requirement relating to
40 academic success for any scholarship, grant or other academic program offered
41 by an institution within the System. A waiver may be granted by a provost, dean,
42 academic advisor or other appropriate staff or faculty member of the institution.

43 2. A student or employee who experiences sexual misconduct may be
44 granted a request to take a leave of absence or, to the extent practicable, extend
45 benefits of employment.

46 **Sec. 25.** 1. The Board of Regents may require an institution within the
47 System to prepare and submit to the Board of Regents an annual report that
48 includes, without limitation:

49 (a) The total number of reports of alleged incidents of sexual misconduct
50 allegedly committed by a student or employee of the institution made to the Title
51 IX office of the institution;

52 (b) The number of students and employees found responsible for an incident
53 of sexual misconduct by the institution;

1 (c) *The number of students and employees accused of but found not*
2 *responsible for an incident of sexual misconduct by the institution;*

3 (d) *The number of persons sanctioned by the institution as a result of a*
4 *finding of responsibility for an incident of sexual misconduct; and*

5 (e) *The number of persons who submitted requests for supportive measures*
6 *and the number of persons who received supportive measures.*

7 2. *A report submitted pursuant to subsection 1 must not contain any*
8 *personally identifiable information of a student or employee of an institution*
9 *within the System.*

10 3. *Information contained in a report submitted pursuant to subsection 1*
11 *must be able to be disaggregated by students and employees.*

12 4. *If the Board of Regents requires a report to be prepared and submitted*
13 *pursuant to subsection 1, an institution shall submit the report to the Board of*
14 *Regents not later than October 1 of each year.*

15 ~~4.5.~~ 5. *If the Board of Regents requires a report to be prepared and*
16 *submitted pursuant to subsection 1, the Board of Regents shall, not later than*
17 *December 31 of each year, submit a compilation of the reports the Board of*
18 *Regents received pursuant to subsection 1 to the Director of the Department of*
19 *Health and Human Services and to the Director of the Legislative Counsel*
20 *Bureau for transmittal to the next regular session of the Legislature in even-*
21 *numbered years or the Legislative Committee on Education in odd-numbered*
22 *years.*

23 ~~5.5.~~ 6. *Any data or reports that underlie the report prepared pursuant to*
24 *subsection ~~4~~ 4 are confidential and are not a public record for the purposes of*
25 *chapter 239 of NRS.*

26 **Sec. 26.** (Deleted by amendment.)

27 **Sec. 27.** *The Board of Regents may adopt regulations as necessary to carry*
28 *out the provisions of sections 2 to 27, inclusive, of this act.*

29 **Sec. 27.05.** **NRS 396.540 is hereby amended to read as follows:**

30 396.540 1. For the purposes of this section:

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

36 (b) "Matriculation" has the meaning ascribed to it in regulations adopted by the
37 Board of Regents.

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

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

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

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

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

52 (1) Is on active duty and stationed at a military installation in the State of
53 Nevada or a military installation in another state which has a specific nexus to this

1 State, including, without limitation, the Marine Corps Mountain Warfare Training
2 Center located at Pickel Meadow, California; or

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

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

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

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

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

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

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

29 (j) Except as otherwise provided in subsection 3, veterans of the Armed Forces
30 of the United States who were honorably discharged within the 5 years immediately
31 preceding the date of matriculation of the veteran at a university, state college or
32 community college within the System; ~~and~~

33 (k) Veterans of the Armed Forces of the United States who have been awarded
34 the Purple Heart ~~+~~; and

35 (l) Students who graduated from a high school located in this State,
36 regardless of whether the student or the family of the student have been bona fide
37 residents of the State of Nevada for at least 12 months before the matriculation of
38 the student at a university, state college or community college within the System.

39 3. The Board of Regents may grant more favorable exemptions from tuition
40 charges for veterans of the Armed Forces of the United States who were honorably
41 discharged than the exemption provided pursuant to paragraph (j) of subsection 2, if
42 required for the receipt of federal money.

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

47 **Sec. 27.1.** NRS 396.585 is hereby amended to read as follows:

48 396.585 1. The Board of Regents shall require each student who participates
49 as a member of a varsity athletic team which represents ~~the University of Nevada,~~
50 ~~Reno, or the University of Nevada, Las Vegas,~~ an institution within the System
51 to make satisfactory progress toward obtaining a degree as a condition of participation
52 as a member of the team.

1 2. The Board of Regents shall establish standards for determining whether a
2 student is making satisfactory progress toward obtaining his or her degree as
3 required by this section. ~~[The]~~ *Except as otherwise provided in section 24.95 of*
4 *this act, the* standards must:

5 (a) Include a requirement that a student enroll in a sufficient number of courses
6 in each semester that are required to obtain the academic degree the student is
7 seeking to allow the student to complete the requirements for obtaining the degree
8 within a reasonable period after the student's admission.

9 (b) Include a requirement that a student maintain a minimum grade point
10 average in the courses required pursuant to paragraph (a).

11 **Sec. 27.3.** NRS 396.890 is hereby amended to read as follows:

12 396.890 1. The Board of Regents may administer, directly or through a
13 designated officer or employee of the System, a program to provide loans for fees,
14 books and living expenses to students in the nursing programs of the System.

15 2. Each student to whom a loan is made must:

16 (a) Have been a "bona fide resident" of Nevada, as that term is defined in NRS
17 396.540, for at least 6 months prior to the "matriculation" of the student in the
18 System, as that term is defined pursuant to NRS 396.540;

19 (b) Be enrolled at the time the loan is made in a nursing program of the System
20 for the purpose of becoming a licensed practical nurse or registered nurse;

21 (c) ~~[Fulfill]~~ *Except as otherwise provided in section 24.95 of this act, fulfill*
22 all requirements for classification as a full-time student showing progression
23 towards completion of the program; and

24 (d) ~~[Maintain]~~ *Except as otherwise provided in section 24.95 of this act,*
25 *maintain* at least a 2.00 grade point average in each class and at least a 2.75 overall
26 grade point average, on a 4.0 grading scale.

27 3. Each loan must be made upon the following terms:

28 (a) All loans must bear interest at 8 percent per annum from the date when the
29 student receives the loan.

30 (b) Each student receiving a loan must repay the loan with interest following
31 the termination of the student's education for which the loan is made. The loan
32 must be repaid in monthly installments over the period allowed with the first
33 installment due 1 year after the date of the termination of the student's education
34 for which the loan is made. The amounts of the installments must not be less than
35 \$50 and may be calculated to allow a smaller payment at the beginning of the
36 period of repayment, with each succeeding payment gradually increasing so that the
37 total amount due will have been paid within the period for repayment. The period
38 for repayment of the loans must be:

39 (1) Five years for loans which total less than \$10,000.

40 (2) Eight years for loans which total \$10,000 or more, but less than
41 \$20,000.

42 (3) Ten years for loans which total \$20,000 or more.

43 4. A delinquency charge may be assessed on any installment delinquent 10
44 days or more in the amount of 8 percent of the installment or \$4, whichever is
45 greater, but not more than \$15.

46 5. The reasonable costs of collection and an attorney's fee may be recovered
47 in the event of delinquency.

48 **Sec. 27.5.** NRS 396.930 is hereby amended to read as follows:

49 396.930 1. Except as otherwise provided in subsections 2 and 4, a student
50 may apply to the Board of Regents for a Millennium Scholarship if the student:

51 (a) Except as otherwise provided in paragraph (e) of subsection 2, has been a
52 resident of this State for at least 2 years before the student applies for the
53 Millennium Scholarship;

1 (b) Except as otherwise provided in paragraph (c), graduated from a public or
2 private high school in this State:

3 (1) After May 1, 2000, but not later than May 1, 2003; or

4 (2) After May 1, 2003, and, except as otherwise provided in paragraphs (c),
5 (d) and (f) of subsection 2, not more than 6 years before the student applies for the
6 Millennium Scholarship;

7 (c) Does not satisfy the requirements of paragraph (b) and:

8 (1) Was enrolled as a pupil in a public or private high school in this State
9 with a class of pupils who were regularly scheduled to graduate after May 1, 2000;

10 (2) Received his or her high school diploma within 4 years after he or she
11 was regularly scheduled to graduate; and

12 (3) Applies for the Millennium Scholarship not more than 6 years after he
13 or she was regularly scheduled to graduate from high school;

14 (d) Except as otherwise provided in paragraph (e), maintained in high school in
15 the courses designated by the Board of Regents pursuant to paragraph (b) of
16 subsection 2, at least:

17 (1) A 3.00 grade point average on a 4.0 grading scale, if the student was a
18 member of the graduating class of 2003 or 2004;

19 (2) A 3.10 grade point average on a 4.0 grading scale, if the student was a
20 member of the graduating class of 2005 or 2006; or

21 (3) A 3.25 grade point average on a 4.0 grading scale, if the student was a
22 member of the graduating class of 2007 or a later graduating class;

23 (e) Does not satisfy the requirements of paragraph (d) and received at least the
24 minimum score established by the Board of Regents on a college entrance
25 examination approved by the Board of Regents that was administered to the student
26 while the student was enrolled as a pupil in a public or private high school in this
27 State; and

28 (f) Except as otherwise provided in NRS 396.936 ~~§~~ **and section 24.95 of this**
29 **act**, is enrolled in at least:

30 (1) Nine semester credit hours in a community college within the System;

31 (2) Twelve semester credit hours in another eligible institution; or

32 (3) A total of 12 or more semester credit hours in eligible institutions if the
33 student is enrolled in more than one eligible institution.

34 2. The Board of Regents:

35 (a) Shall define the core curriculum that a student must complete in high
36 school to be eligible for a Millennium Scholarship.

37 (b) Shall designate the courses in which a student must earn the minimum
38 grade point averages set forth in paragraph (d) of subsection 1.

39 (c) May establish criteria with respect to students who have been on active
40 duty serving in the Armed Forces of the United States to exempt such students from
41 the 6-year limitation on applications that is set forth in subparagraph (2) of
42 paragraph (b) of subsection 1.

43 (d) Shall establish criteria with respect to students who have a documented
44 physical or mental disability or who were previously subject to an individualized
45 education program under the Individuals with Disabilities Education Act, 20 U.S.C.
46 §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29 U.S.C.
47 §§ 791 et seq. The criteria must provide an exemption for those students from:

48 (1) The 6-year limitation on applications that is set forth in subparagraph
49 (2) of paragraph (b) of subsection 1 and subparagraph (3) of paragraph (c) of
50 subsection 1 and any limitation applicable to students who are eligible pursuant to
51 subparagraph (1) of paragraph (b) of subsection 1.

52 (2) The minimum number of credits prescribed in paragraph (f) of
53 subsection 1.

1 (e) Shall establish criteria with respect to students who have a parent or legal
2 guardian on active duty in the Armed Forces of the United States to exempt such
3 students from the residency requirement set forth in paragraph (a) of subsection 1
4 or subsection 4.

5 (f) Shall establish criteria with respect to students who have been actively
6 serving or participating in a charitable, religious or public service assignment or
7 mission to exempt such students from the 6-year limitation on applications that is
8 set forth in subparagraph (2) of paragraph (b) of subsection 1. Such criteria must
9 provide for the award of Millennium Scholarships to those students who qualify for
10 the exemption and who otherwise meet the eligibility criteria to the extent that
11 money is available to award Millennium Scholarships to the students after all other
12 obligations for the award of Millennium Scholarships for the current school year
13 have been satisfied.

14 3. If the Board of Regents requires a student to successfully complete courses
15 in mathematics or science to be eligible for a Millennium Scholarship, a student
16 who has successfully completed one or more courses in computer science described
17 in NRS 389.0186 must be allowed to apply not more than one unit of credit
18 received for the completion of such courses toward that requirement.

19 4. Except as otherwise provided in paragraph (c) of subsection 1, for students
20 who did not graduate from a public or private high school in this State and who,
21 except as otherwise provided in paragraph (e) of subsection 2, have been residents
22 of this State for at least 2 years, the Board of Regents shall establish:

23 (a) The minimum score on a standardized test that such students must receive;
24 or

25 (b) Other criteria that students must meet,
26 ↪ to be eligible for Millennium Scholarships.

27 5. In awarding Millennium Scholarships, the Board of Regents shall enhance
28 its outreach to students who:

29 (a) Are pursuing a career in education or health care;

30 (b) Come from families who lack sufficient financial resources to pay for the
31 costs of sending their children to an eligible institution; or

32 (c) Substantially participated in an antismoking, antidrug or antialcohol
33 program during high school.

34 6. The Board of Regents shall establish a procedure by which an applicant for
35 a Millennium Scholarship is required to execute an affidavit declaring the
36 applicant's eligibility for a Millennium Scholarship pursuant to the requirements of
37 this section. ~~[The affidavit must include a declaration that the applicant is a citizen
38 of the United States or has lawful immigration status, or that the applicant has filed
39 an application to legalize the applicant's immigration status or will file an
40 application to legalize his or her immigration status as soon as he or she is eligible
41 to do so.]~~

42 **Sec. 27.7.** NRS 396.934 is hereby amended to read as follows:

43 396.934 1. Except as otherwise provided in this section, within the limits of
44 money available in the Trust Fund, a student who is eligible for a Millennium
45 Scholarship is entitled to receive:

46 (a) If he or she is enrolled in a community college within the System,
47 including, without limitation, a summer academic term, \$40 per credit for each
48 lower division course and \$60 per credit for each upper division course in which the
49 student is enrolled, or the amount of money that is necessary for the student to pay
50 the costs of attending the community college that are not otherwise satisfied by
51 other grants or scholarships, whichever is less. The Board of Regents shall provide
52 for the designation of upper and lower division courses for the purposes of this
53 paragraph.

1 (b) If he or she is enrolled in a state college within the System, including,
2 without limitation, a summer academic term, \$60 per credit for which the student is
3 enrolled, or the amount of money that is necessary for the student to pay the costs
4 of attending the state college that are not otherwise satisfied by other grants or
5 scholarships, whichever is less.

6 (c) If he or she is enrolled in another eligible institution, including, without
7 limitation, a summer academic term, \$80 per credit for which the student is
8 enrolled, or the amount of money that is necessary for the student to pay the costs
9 of attending the university that are not otherwise satisfied by other grants or
10 scholarships, whichever is less.

11 (d) If he or she is enrolled in more than one eligible institution, including,
12 without limitation, a summer academic term, the amount authorized pursuant to
13 paragraph (a), (b) or (c), or a combination thereof, in accordance with procedures
14 and guidelines established by the Board of Regents.

15 ▶ In no event may a student who is eligible for a Millennium Scholarship receive
16 more than the cost of 15 semester credits per semester pursuant to this subsection.

17 2. No student may be awarded a Millennium Scholarship:

18 (a) To pay for remedial courses.

19 (b) For a total amount in excess of \$10,000.

20 3. Except as otherwise provided in NRS 396.936 ~~§~~ **and section 24.95 of this**
21 **act**, a student who receives a Millennium Scholarship shall:

22 (a) Make satisfactory academic progress toward a recognized degree or
23 certificate, as determined by the Board of Regents pursuant to subsection 8; and

24 (b) Maintain at least a 2.75 grade point average on a 4.0 grading scale for each
25 semester of enrollment in the Governor Guinn Millennium Scholarship Program.

26 4. A student who receives a Millennium Scholarship is encouraged to
27 volunteer at least 20 hours of community service for this State, a political
28 subdivision of this State or a charitable organization that provides service to a
29 community or the residents of a community in this State during each year in which
30 the student receives a Millennium Scholarship.

31 5. If a student does not satisfy the requirements of subsection 3 during one
32 semester of enrollment, excluding a summer academic term, he or she is not
33 eligible for the Millennium Scholarship for the succeeding semester of enrollment.
34 If such a student:

35 (a) Subsequently satisfies the requirements of subsection 3 in a semester in
36 which he or she is not eligible for the Millennium Scholarship, the student is
37 eligible for the Millennium Scholarship for the student's next semester of
38 enrollment.

39 (b) Fails a second time to satisfy the requirements of subsection 3 during any
40 subsequent semester, excluding a summer academic term, the student is no longer
41 eligible for a Millennium Scholarship.

42 6. A Millennium Scholarship must be used only:

43 (a) For the payment of registration fees and laboratory fees and expenses;

44 (b) To purchase required textbooks and course materials; and

45 (c) For other costs related to the attendance of the student at the eligible
46 institution.

47 7. The Board of Regents shall certify a list of eligible students to the State
48 Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each
49 semester on behalf of an eligible student directly to the eligible institution in which
50 the student is enrolled, upon certification from the eligible institution of the number
51 of credits for which the student is enrolled, which must meet or exceed the
52 minimum number of credits required for eligibility and certification that the student
53 is in good standing and making satisfactory academic progress toward a recognized

1 degree or certificate, as determined by the Board of Regents pursuant to subsection
2 8. The Millennium Scholarship must be administered by the eligible institution as
3 other similar scholarships are administered and may be used only for the
4 expenditures authorized pursuant to subsection 6. If a student is enrolled in more
5 than one eligible institution, the Millennium Scholarship must be administered by
6 the eligible institution at which the student is enrolled in a program of study leading
7 to a recognized degree or certificate.

8 8. The Board of Regents shall establish:

9 (a) Criteria for determining whether a student is making satisfactory academic
10 progress toward a recognized degree or certificate for purposes of subsection 7.

11 (b) Procedures to ensure that all money from a Millennium Scholarship
12 awarded to a student that is refunded in whole or in part for any reason is refunded
13 to the Trust Fund and not the student.

14 (c) Procedures and guidelines for the administration of a Millennium
15 Scholarship for students who are enrolled in more than one eligible institution.

16 **Sec. 27.9.** NRS 396.945 is hereby amended to read as follows:

17 396.945 1. The Board shall annually award the Memorial Scholarship to:

18 (a) Two recipients who are students enrolled at:

19 (1) The University of Nevada, Reno, Great Basin College or Sierra Nevada
20 College;

21 (2) A nonprofit university which awards a bachelor's degree in education
22 to residents of northern Nevada; or

23 (3) Any other college or university which awards a bachelor's degree in
24 education and which is designated by the Board as an institution representative of
25 northern Nevada; and

26 (b) Two recipients who are students enrolled at:

27 (1) The University of Nevada, Las Vegas, or Nevada State College;

28 (2) A nonprofit university which awards a bachelor's degree in education
29 to residents of southern Nevada; or

30 (3) Any other college or university which awards a bachelor's degree in
31 education and which is designated by the Board as an institution representative of
32 southern Nevada.

33 2. The Board shall establish additional criteria governing the annual selection
34 of each recipient of the Memorial Scholarship, which must include, without
35 limitation, a requirement that a recipient:

36 (a) Be in or entering his or her senior year at an academic institution described
37 in subsection 1;

38 (b) Satisfy the eligibility requirements for a Millennium Scholarship set forth
39 in NRS 396.930;

40 (c) ~~Have~~ *Except as otherwise provided in section 24.95 of this act, have* a
41 college grade point average of not less than 3.5 on a 4.0 grading scale or, if enrolled
42 at an academic institution that does not use a grade point system to measure
43 academic performance, present evidence acceptable to the Board that demonstrates
44 a commensurate level of academic achievement;

45 (d) Have a declared major in elementary education or secondary education;

46 (e) Have a stated commitment to teaching in this State following graduation;
47 and

48 (f) Have a record of community service.

49 3. A student who satisfies the criteria established pursuant to this section may
50 apply for a Memorial Scholarship by submitting an application to the Office of the
51 State Treasurer on a form provided on the Internet website of the State Treasurer.

52 4. The State Treasurer shall forward all applications received pursuant to
53 subsection 3 to the Board. The Board shall review and evaluate each application

1 received from the State Treasurer and select each recipient of the Memorial
2 Scholarship in accordance with the criteria established pursuant to this section.

3 5. To the extent of available money in the account established pursuant to
4 NRS 396.940, the annual Memorial Scholarship may be awarded to each selected
5 recipient in an amount not to exceed \$5,000 to pay the educational expenses of the
6 recipient for the school year which are authorized by subsection 6 and which are
7 not otherwise paid for by the Millennium Scholarship awarded to the recipient.

8 6. A Memorial Scholarship must be used only:

9 (a) For the payment of registration fees and laboratory fees and expenses;

10 (b) To purchase required textbooks and course materials; and

11 (c) For other costs related to the attendance of the student at the academic
12 institution in which he or she is enrolled.

13 7. As used in this section, "Board" means the Board of Trustees of the
14 College Savings Plans of Nevada created by NRS 353B.005.

15 **Sec. 27.93. NRS 396.952 is hereby amended to read as follows:**

16 396.952 1. The Silver State Opportunity Grant Program is hereby created
17 for the purpose of awarding grants to eligible students to pay for a portion of the
18 cost of education at a community college or state college within the System.

19 2. The Board of Regents shall administer the Program.

20 3. In administering the Program, the Board of Regents shall for each
21 semester, subject to the limits of money available for this purpose, award a grant to
22 each eligible student to pay for a portion of the cost of education at a community
23 college or state college within the System.

24 4. To be eligible for a grant awarded under the Program, a student must:

25 (a) Except as otherwise provided in this section, be enrolled, or accepted to be
26 enrolled, during a semester in at least 12 credit hours at a community college or
27 state college within the System;

28 (b) Be enrolled in a program of study leading to a recognized degree or
29 certificate;

30 (c) Demonstrate proficiency in English and mathematics sufficient for
31 placement into college-level English and mathematics courses pursuant to
32 regulations adopted by the Board of Regents for such placement;

33 (d) Be a bona fide resident of the State of Nevada for the purposes of
34 determining pursuant to NRS 396.540 whether the student is assessed a tuition
35 charge ~~+~~ **or have graduated from a high school located in this State;** and

36 (e) ~~[Complete]~~ **Except as otherwise provided in subsection 6, complete** the
37 Free Application for Federal Student Aid provided for by 20 U.S.C. § 1090.

38 5. A student who is enrolled, or accepted to be enrolled, in the final semester
39 of his or her program of study in less than 12 credit hours at a community college
40 or state college within the System is eligible for a grant awarded under the
41 Program.

42 **6. To the extent money is available, the Board of Regents may prescribe an**
43 **alternative determination for financial aid for a student who is prohibited by law**
44 **from completing the Free Application for Federal Student Aid provided for by 20**
45 **U.S.C. § 1090 pursuant to paragraph (e) of subsection 4. If the Board of Regents**
46 **prescribes an alternative determination for financial aid, a student who is**
47 **prohibited by law from completing the Free Application for Federal Student Aid**
48 **shall complete the alternative determination for each semester of participation in**
49 **the Program on or before the deadline prescribed by the Board of Regents.**

50 **Sec. 27.95. NRS 396.956 is hereby amended to read as follows:**

51 396.956 1. The Board of Regents:

52 (a) Shall adopt regulations prescribing the procedures and standards for
53 determining the eligibility of a student for a grant from the Program.

1 (b) Shall adopt regulations prescribing the methodology by which the Board of
2 Regents or a designee thereof will calculate:

3 (1) The cost of education of a student at each community college and state
4 college within the System, which must be consistent with the provisions of 20
5 U.S.C. § 10871l.

6 (2) For each student, the amounts of the student contribution, family
7 contribution and federal contribution to the cost of education of the student.

8 (3) The maximum amount of the grant for which a student is eligible.

9 (c) Shall adopt regulations prescribing the process by which each student may
10 meet the credit-hour requirement described in NRS 396.952 for eligibility for a
11 grant awarded under the Program.

12 (d) May adopt any other regulations necessary to carry out the Program.

13 2. The regulations prescribed pursuant to this section must provide that:

14 (a) In determining the student contribution to the cost of education, the student
15 contribution must not exceed the amount that the Board of Regents determines the
16 student reasonably could be expected to earn from employment during the time the
17 student is enrolled at a community college or state college within the System,
18 including, without limitation, during breaks between semesters. This paragraph and
19 any regulations adopted pursuant to this section must not be construed to require a
20 student to seek or obtain employment as a condition of eligibility for a grant under
21 the Program.

22 (b) Determination of the family contribution to the cost of education must be
23 based on the family resources reported in the Free Application for Federal Student
24 Aid or, if the student is prohibited by law from completing the Free Application
25 for Federal Student Aid and the Board of Regents prescribes an alternative
26 determination for financial aid pursuant to subsection 6 of NRS 396.952, the
27 alternative determination for financial aid submitted by the student.

28 (c) Determination of the federal contribution to the cost of education must be
29 equal to the total amount that the student and his or her family are expected to
30 receive from the Federal Government as grants.

31 **Sec. 27.97. NRS 396.9665 is hereby amended to read as follows:**

32 396.9665 1. To be eligible to receive a Nevada Promise Scholarship, a
33 student must:

34 (a) Be a bona fide resident of this State, as construed in NRS 396.540 ~~or~~, or
35 have graduated from a high school located in this State.

36 (b) Have not previously been awarded an associate's degree or bachelor's
37 degree.

38 (c) Have obtained a high school diploma awarded by a public or private high
39 school located in this State or public high school that is located in a county that
40 borders this State and accepts pupils who are residents of this State or have
41 successfully completed the high school equivalency assessment selected by the
42 State Board pursuant to NRS 390.055 before 20 years of age.

43 (d) Complete the application for the Nevada Promise Scholarship Program in
44 accordance with the regulations prescribed by the Board of Regents.

45 (e) Complete the Free Application for Federal Student Aid provided for by 20
46 U.S.C. § 1090 or, if the student is prohibited by law from completing the Free
47 Application for Federal Student Aid, an alternative determination for financial aid
48 prescribed by the Board of Regents for each academic year of participation in the
49 Program on or before the deadline prescribed by the Board of Regents.

50 (f) Before enrolling in a community college, participate in one training meeting
51 related to financial aid, the Free Application for Federal Student Aid and college
52 orientation, as prescribed by the Board of Regents by regulation.

1 (g) Have met at least once with a mentor assigned to the student through the
2 mentoring program established by the Board of Regents pursuant to NRS 396.965
3 before the first semester of enrollment at a community college and at least twice for
4 each academic year while participating in the Program.

5 (h) Complete at least 8 hours of community service during the last year of high
6 school and before the first semester of enrollment at a community college and at
7 least 8 hours of community service each semester thereafter, not including summer
8 academic terms, while participating in the Program. Community service performed
9 to satisfy the requirements of this paragraph must not include religious
10 proselytizing or service for which the student receives any type of compensation or
11 which directly benefits a member of the family of the student.

12 (i) Submit all information deemed necessary by the Board of Regents to
13 determine the student's eligibility for gift aid.

14 (j) Except as otherwise provided in subsection 2, be enrolled in at least 12
15 semester credit hours in a program of study leading to a recognized degree or
16 certificate at a community college for the fall semester of the academic year
17 immediately following the school year in which the student was awarded a high
18 school diploma or have successfully completed the high school equivalency
19 assessment selected by the State Board pursuant to NRS 390.055.

20 (k) Except as otherwise provided in subsection 2 and this paragraph, be
21 enrolled in at least 12 semester credit hours in a program of study leading to a
22 recognized degree or certificate at a community college for each fall semester and
23 spring semester beginning with the first semester for which the student received a
24 Nevada Promise Scholarship, not including summer academic terms. A student who
25 is on schedule to graduate at:

26 (1) The end of a semester may enroll in the number of semester credit
27 hours required to graduate.

28 (2) The end of a fall semester is not required to enroll in credit hours for
29 the spring semester.

30 (l) Meet satisfactory academic progress, as defined by federal requirements
31 established pursuant to Title IV of the Higher Education Act of 1965, 20 U.S.C. §§
32 1001 et seq., and determined by the community college in which the student is
33 enrolled.

34 2. The Board of Regents shall establish criteria with respect to students who
35 have a documented physical or mental disability or who were previously subject to
36 an individualized education program under the Individuals with Disabilities Act, 20
37 U.S.C. §§ 1400 et seq., or a plan under Title V of the Rehabilitation Act of 1973, 29
38 U.S.C. §§ 791 et seq. The criteria must provide an exemption for those students
39 from:

40 (a) The limitation on eligibility for a Nevada Promise Scholarship set forth in
41 paragraph (b) of subsection 3; and

42 (b) The minimum number of credits prescribed in paragraphs (j) and (k) of
43 subsection 1.

44 3. A student who meets the requirements of subsection 1 is eligible for a
45 Nevada Promise Scholarship from the Program until the occurrence of the first of
46 the following events:

47 (a) The student is awarded an associate's degree or bachelor's degree; or

48 (b) Except as otherwise provided in subsection 2, the student receives a
49 Nevada Promise Scholarship from the Program for 2 academic years, not including
50 the initial academic year.

51 **Sec. 27.99. NRS 396.968 is hereby amended to read as follows:**

1 396.968 1. The Board of Regents shall award Nevada Promise Scholarships
2 in accordance with this section to students who are enrolled at a community college
3 and are eligible to receive such scholarships under the provisions of NRS 396.9665.

4 2. For each eligible student, the Board of Regents shall:

5 (a) Calculate the maximum amount of a Nevada Promise Scholarship which
6 the student is eligible to receive based on criteria established by regulation pursuant
7 to this section.

8 (b) Determine the actual amount of the Nevada Promise Scholarship, if any,
9 which will be awarded to the student, which must not exceed the maximum amount
10 calculated pursuant to paragraph (a), but which may be in a lesser amount if the
11 Board of Regents receives notice from the State Treasurer pursuant to subsection 3
12 that the money available in the Nevada Promise Scholarship Account for any
13 semester is insufficient to award to all eligible students the maximum amount of a
14 Nevada Promise Scholarship which each student is eligible to receive.

15 (c) If the student is to receive a Nevada Promise Scholarship, award the student
16 a Nevada Promise Scholarship in the amount determined pursuant to paragraph (b).
17 The Board of Regents shall disburse the amount of the Nevada Promise Scholarship
18 awarded to the student, on behalf of the student, directly to the community college
19 in which the student is enrolled.

20 3. The Board of Regents shall submit a request for a disbursement from the
21 Nevada Promise Scholarship Account created by NRS 396.9645 for the maximum
22 amount of money that will be required to fund a scholarship for each eligible
23 student. Within the limits of money available in the Nevada Promise Scholarship
24 Account, the State Treasurer shall disburse the amount requested to the Board of
25 Regents for disbursement to each community college. If there is insufficient money
26 in the Account to disburse that amount to each community college, the State
27 Treasurer shall provide notice that insufficient money remains in the Nevada
28 Promise Scholarship Account to the Board of Regents. The State Treasurer shall
29 include in the notice the amount of money available for the award of Nevada
30 Promise Scholarships for the academic year and request that a new request be
31 submitted.

32 4. The Board of Regents shall adopt regulations prescribing:

33 (a) The criteria for determining the maximum amount of a Nevada Promise
34 Scholarship for an eligible student which is equal to the difference between the
35 amount of the registration fee and other mandatory fees charged to the student by
36 the community college in which the student is enrolled for the academic year,
37 excluding any amount of those fees that is waived by the community college in
38 which the student is enrolled, and the total amount of any other gift aid received by
39 the student for the academic year.

40 (b) The procedures for submitting a request for disbursement from the Nevada
41 Promise Scholarship Account.

42 (c) The procedures and standards for determining the actual amount of the
43 Nevada Promise Scholarship which will be awarded to each student upon receiving
44 notice that there is insufficient money to award all eligible students the maximum
45 amount of the scholarship which each student is eligible to receive. Such
46 procedures and standards ~~+~~

47 ~~———— (1) Must prohibit the Board of Regents from awarding any money to a~~
48 ~~student who is prohibited by law from completing the Free Application for Federal~~
49 ~~Student Aid provided for by 20 U.S.C. § 1090 unless all students who have~~
50 ~~completed the Free Application for Federal Student Aid have been awarded the~~
51 ~~maximum amount calculated pursuant to paragraph (a) of subsection 2; and~~

52 ~~———— (2) May~~ **may** include, without limitation, administration of the program on
53 a first-come, first-served basis for all students who ~~[have completed the Free~~

1 ~~Application for Federal Student Aid and~~ are ~~otherwise~~ eligible to participate in
2 the Program.

3 (d) Procedures to ensure that all money from a Nevada Promise Scholarship
4 awarded to a student that is refunded in whole or in part for any reason is refunded
5 to the Nevada Promise Scholarship Account and not the student.

6 **Sec. 28.** NRS 49.2545 is hereby amended to read as follows:

7 49.2545 “Victim’s advocate” means a person who works for a nonprofit
8 program, a program of a university, state college or community college within the
9 Nevada System of Higher Education or a program of a tribal organization which
10 provides assistance to victims *or who provides services to a victim of an alleged*
11 *incident of sexual misconduct pursuant to sections 2 to 27, inclusive, of this act*
12 with or without compensation and who has received at least 20 hours of relevant
13 training.

14 **Sec. 28.5.** NRS 239.010 is hereby amended to read as follows:

15 239.010 1. Except as otherwise provided in this section and NRS 1.4683,
16 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516,
17 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150,
18 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
19 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345,
20 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260,
21 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382,
22 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007,
23 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050,
24 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129,
25 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070,
26 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
27 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140,
28 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475,
29 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300,
30 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300,
31 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140,
32 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030,
33 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130,
34 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105,
35 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755,
36 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387,
37 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870,
38 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351,
39 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420,
40 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240,
41 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160,
42 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008,
43 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501,
44 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365,
45 391.120, 391.925, 392.029, 392.147, 392.264, 392.271, 392.315, 392.317, 392.325,
46 392.327, 392.335, 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447,
47 394.460, 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685, 398A.115,
48 408.3885, 408.3886, 408.3888, 408.5484, 412.153, 414.280, 416.070, 422.2749,
49 422.305, 422A.342, 422A.350, 425.400, 427A.1236, 427A.872, 432.028, 432.205,
50 432B.175, 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
51 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207, 439.4941, 439.840,
52 439.914, 439B.420, 439B.754, 439B.760, 440.170, 441A.195, 441A.220,
53 441A.230, 442.330, 442.395, 442.735, 442.774, 445A.665, 445B.570, 445B.7773,

1 447.345, 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188, 453.164,
2 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050, 459.3866, 459.555,
3 459.7056, 459.846, 463.120, 463.15993, 463.240, 463.3403, 463.3407, 463.790,
4 467.1005, 480.535, 480.545, 480.935, 480.940, 481.063, 481.091, 481.093,
5 482.170, 482.5536, 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469,
6 484E.070, 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
7 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090, 603.070, 603A.210,
8 604A.303, 604A.710, 612.265, 616B.012, 616B.015, 616B.315, 616B.350,
9 618.341, 618.425, 622.238, 622.310, 623.131, 623A.137, 624.110, 624.265,
10 624.327, 625.425, 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
11 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368, 632.121, 632.125,
12 632.3415, 632.405, 633.283, 633.301, 633.4715, 633.524, 634.055, 634.214,
13 634A.185, 635.158, 636.107, 637.085, 637B.288, 638.087, 638.089, 639.2485,
14 639.570, 640.075, 640A.220, 640B.730, 640C.580, 640C.600, 640C.620,
15 640C.745, 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325, 641A.191,
16 641A.262, 641A.289, 641B.170, 641B.282, 641B.460, 641C.760, 641C.800,
17 642.524, 643.189, 644A.870, 645.180, 645.625, 645A.050, 645A.082, 645B.060,
18 645B.092, 645C.220, 645C.225, 645D.130, 645D.135, 645G.510, 645H.320,
19 645H.330, 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
20 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133, 669.275,
21 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380, 676A.340, 676A.370,
22 677.243, 678A.470, 678C.710, 678C.800, 679B.122, 679B.124, 679B.152,
23 679B.159, 679B.190, 679B.285, 679B.690, 680A.270, 681A.440, 681B.260,
24 681B.410, 681B.540, 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306,
25 687A.110, 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
26 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538, 692C.354, 692C.420,
27 693A.480, 693A.615, 696B.550, 696C.120, 703.196, 704B.325, 706.1725,
28 706A.230, 710.159, 711.600, **sections 12.5, 14, 15 and 25 of this act**, sections 35,
29 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391,
30 Statutes of Nevada 2013 and unless otherwise declared by law to be confidential,
31 all public books and public records of a governmental entity must be open at all
32 times during office hours to inspection by any person, and may be fully copied or
33 an abstract or memorandum may be prepared from those public books and public
34 records. Any such copies, abstracts or memoranda may be used to supply the
35 general public with copies, abstracts or memoranda of the records or may be used
36 in any other way to the advantage of the governmental entity or of the general
37 public. This section does not supersede or in any manner affect the federal laws
38 governing copyrights or enlarge, diminish or affect in any other manner the rights
39 of a person in any written book or record which is copyrighted pursuant to federal
40 law.
41 2. A governmental entity may not reject a book or record which is
42 copyrighted solely because it is copyrighted.
43 3. A governmental entity that has legal custody or control of a public book or
44 record shall not deny a request made pursuant to subsection 1 to inspect or copy or
45 receive a copy of a public book or record on the basis that the requested public
46 book or record contains information that is confidential if the governmental entity
47 can redact, delete, conceal or separate, including, without limitation, electronically,
48 the confidential information from the information included in the public book or
49 record that is not otherwise confidential.
50 4. If requested, a governmental entity shall provide a copy of a public record
51 in an electronic format by means of an electronic medium. Nothing in this
52 subsection requires a governmental entity to provide a copy of a public record in an
53 electronic format or by means of an electronic medium if:

1 (a) The public record:

2 (1) Was not created or prepared in an electronic format; and

3 (2) Is not available in an electronic format; or

4 (b) Providing the public record in an electronic format or by means of an
5 electronic medium would:

6 (1) Give access to proprietary software; or

7 (2) Require the production of information that is confidential and that
8 cannot be redacted, deleted, concealed or separated from information that is not
9 otherwise confidential.

10 5. An officer, employee or agent of a governmental entity who has legal
11 custody or control of a public record:

12 (a) Shall not refuse to provide a copy of that public record in the medium that
13 is requested because the officer, employee or agent has already prepared or would
14 prefer to provide the copy in a different medium.

15 (b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare
16 the copy of the public record and shall not require the person who has requested the
17 copy to prepare the copy himself or herself.

18 **Sec. 28.6. NRS 241.016 is hereby amended to read as follows:**

19 241.016 1. The meetings of a public body that are quasi-judicial in nature
20 are subject to the provisions of this chapter.

21 2. The following are exempt from the requirements of this chapter:

22 (a) The Legislature of the State of Nevada.

23 (b) Judicial proceedings, including, without limitation, proceedings before the
24 Commission on Judicial Selection and, except as otherwise provided in NRS
25 1.4687, the Commission on Judicial Discipline.

26 (c) Meetings of the State Board of Parole Commissioners when acting to grant,
27 deny, continue or revoke the parole of a prisoner or to establish or modify the terms
28 of the parole of a prisoner.

29 3. Any provision of law, including, without limitation, NRS 91.270,
30 219A.210, 228.495, 239C.140, 239C.420, 281A.350, 281A.690, 281A.735,
31 281A.760, 284.3629, 286.150, 287.0415, 287.04345, 287.338, 288.220, 288.590,
32 289.387, 295.121, 360.247, 388.261, 388A.495, 388C.150, 388D.355, 388G.710,
33 388G.730, 392.147, 392.467, 394.1699, 396.3295, 414.270, 422.405, 433.534,
34 435.610, 442.774, 463.110, 480.545, 622.320, 622.340, 630.311, 630.336,
35 631.3635, 639.050, 642.518, 642.557, 686B.170, 696B.550, 703.196 and 706.1725,
36 **and section 12.5 of this act,** which:

37 (a) Provides that any meeting, hearing or other proceeding is not subject to the
38 provisions of this chapter; or

39 (b) Otherwise authorizes or requires a closed meeting, hearing or proceeding,
40 **↳** prevails over the general provisions of this chapter.

41 4. The exceptions provided to this chapter, and electronic communication,
42 must not be used to circumvent the spirit or letter of this chapter to deliberate or act,
43 outside of an open and public meeting, upon a matter over which the public body
44 has supervision, control, jurisdiction or advisory powers.

45 **Sec. 28.7. Chapter 353B of NRS is hereby amended by adding thereto a**
46 **new section to read as follows:**

47 **A prepaid tuition program or college savings program established pursuant to**
48 **this chapter must not prohibit a person or his or her family from participating in**
49 **such a program based solely on the immigration or citizenship status of the**
50 **person or his or her family.**

51 **Sec. 29.** The provisions of subsection 1 of NRS 218D.380 do not apply to
52 any provision of this act which adds or revises a requirement to submit a report to
53 the Legislature.

- 1 **Sec. 30.** 1. This section becomes effective upon passage and approval.
2 2. Section 12 of this act becomes effective upon passage and approval for the
3 purpose of appointing members to the Task Force on Sexual Misconduct at
4 Institutions of Higher Education and on July 1, 2021, for all other purposes.
5 3. Sections 1 to 11, inclusive, and 12.5 to ~~130~~ 29, inclusive, of this act
6 become effective on July 1, 2021.