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Senate Bill No. 2–Committee of the Whole

CHAPTER 2

AN ACT relating to education; temporarily authorizing the Board of Regents of the University of Nevada to waive or modify certain requirements for eligibility to receive a Governor Guinn Millennium Scholarship in response to a state of emergency or declaration of disaster; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that a student may receive a Governor Guinn Millennium Scholarship if the student meets certain eligibility requirements, including, without limitation, enrolling in a certain number of credit hours in eligible institutions. (NRS 396.930) Existing law also provides that a student who receives a Millennium Scholarship must maintain a certain grade point average for each semester that the student receives the Millennium Scholarship. (NRS 396.934)

Section 1 of this bill authorizes the Board of Regents of the University of Nevada to temporarily waive or modify certain eligibility requirements to receive a Millennium Scholarship in response to a state of emergency or declaration of disaster proclaimed by the Governor or the Legislature. **Section 1** also: (1) authorizes the Board of Regents to adopt any procedures necessary to implement a waiver or modification to the eligibility requirements; (2) authorizes a waiver or modification to remain in place for as long as the Board of Regents deems necessary to mitigate the impact of an emergency or disaster on students; and (3) requires the Board of Regents to submit a report on such a waiver or modification to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the Legislature or the Legislative Committee on Education, as appropriate, within 45 days after such a waiver or modification becomes effective and to designate a person to appear before the appropriate legislative committees as soon as practicable. **Sections 2-4** of this bill make conforming changes. **Section 5** of this bill applies the provisions of this bill retroactively to a waiver or modification to the eligibility requirements to receive a Millennium Scholarship for the spring semester of 2020 made in response to the Declaration of Emergency issued by Governor Sisolak on March 12, 2020, due to the COVID-19 pandemic.

Section 5.5 of this bill repeals the provisions of **section 1** on July 1, 2021, which has the effect of limiting the authority of the Board of Regents to temporarily waive or modify certain eligibility requirements to receive a Millennium Scholarship to waivers or modifications granted on or before that date.

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

Section 1. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The Board of Regents may, in response to a state of emergency or declaration of disaster proclaimed by the Governor or the Legislature pursuant to NRS 414.070, temporarily waive or modify the requirements to be eligible for a Millennium Scholarship set forth in paragraph (f) of subsection 1 of NRS 396.930 and NRS 396.934. Such a waiver or modification may waive or modify, without limitation, the minimum grade point average for one or more semesters of enrollment, the minimum number of credits in which a student must be enrolled or any other requirement deemed appropriate by the Board of Regents.

2. The Board of Regents may adopt any procedures necessary to implement a temporary waiver or modification made pursuant to subsection 1 to the requirements to be eligible for a Millennium Scholarship.

3. A temporary waiver or modification made pursuant to subsection 1 may remain in effect for as long as the Board of Regents, in its discretion, determines is necessary to address the impact of the state of emergency or declaration of disaster on students who receive or are otherwise eligible to receive a Millennium Scholarship.

4. The Board of Regents shall:

(a) Within 45 days after a temporary waiver or modification made pursuant to subsection 1 becomes effective, submit a report on such a temporary waiver or modification and the impact of the waiver or modification on students to the Governor and to the Director of

the Legislative Counsel Bureau for transmittal to the Legislature or, if the Legislature is not in session, to the Legislative Committee on Education; and

(b) Select a person to appear on behalf of the Board of Regents before the appropriate committees of the Legislature or, if the Legislature is not in session, the Legislative Committee on Education, at the next practicable opportunity after a temporary waiver or modification made pursuant to subsection 1 becomes effective.

Sec. 2. NRS 396.914 is hereby amended to read as follows:

396.914 As used in NRS 396.911 to 396.945, inclusive, and section 1 of this act, unless the context otherwise requires, the words and terms defined in NRS 396.916 to 396.922, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 396.930 is hereby amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(f) ~~Is~~ Except as otherwise provided in section 1 of this act, is enrolled in at least:

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

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

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

2. The Board of Regents:

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

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

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

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

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

of subsection 1.

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

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

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

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

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

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

(b) Other criteria that students must meet,

to be eligible for Millennium Scholarships.

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

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

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

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

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

Sec. 4. NRS 396.934 is hereby amended to read as follows:

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

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

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

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

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

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

2. No student may be awarded a Millennium Scholarship:

(a) To pay for remedial courses.

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

3. ~~A~~ Except as otherwise provided in section 1 of this act, a student who receives a Millennium Scholarship shall:

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

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

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

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

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

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

6. A Millennium Scholarship must be used only:

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

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

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

7. The Board of Regents shall certify a list of eligible students to the State Treasurer. The State Treasurer shall disburse a Millennium Scholarship for each semester on behalf of an eligible student directly to the eligible institution in which the student is enrolled, upon certification from the eligible institution of the number of credits for which the student is enrolled, which must meet or exceed the minimum number of credits required for eligibility and certification that the student is in good standing and making satisfactory academic progress toward a recognized degree or certificate, as determined by the Board of Regents pursuant to subsection 8. The Millennium Scholarship must be administered by the eligible institution as other similar scholarships are administered and may be used only for the expenditures authorized pursuant to subsection 6. If a student is enrolled in more than one eligible institution, the Millennium Scholarship must be administered by the eligible institution at which the student is enrolled in a program of study leading to a recognized degree or certificate.

8. The Board of Regents shall establish:

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

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

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

Sec. 5. The provisions of section 1 of this act apply retroactively to authorize the Board of Regents of the University of Nevada to make any temporary waiver or modification to the requirements to be eligible for a Governor Guinn Millennium Scholarship during the spring semester or summer academic term of 2020 that the Board of Regents determines to be necessary to mitigate the impact on students of the Declaration of Emergency issued by the Honorable Steve Sisolak, Governor of the State of Nevada, on March 12, 2020.

Sec. 5.5. Section 1 of this act is hereby repealed.

Sec. 6. 1. This section and sections 1 to 5, inclusive, of this act become effective upon passage and approval.

2. The amendatory provisions of sections 2, 3 and 4 of this act expire by limitation on July 1, 2021.

3. Section 5.5 of this act becomes effective on July 1, 2021.

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