

BOARD OF REGENTS
BRIEFING PAPER
HANDBOOK Revision, Fee Waiver Purple Heart Recipients

BACKGROUND & POLICY CONTEXT OF ISSUE:

In an effort to assist veterans of the Armed Forces of the United States, the 2019 Nevada Legislature passed [Assembly Bill 427](#), (*Chapter 320, Statutes of Nevada 2019*) requires the Nevada System of Higher Education to waive the payment of registration fees, laboratory fees, and other mandatory fees assessed to a veteran of the Armed Forces of the United States who has been awarded the Purple Heart to the extent that the fees exceed the amount of any other federal education benefits received.

Existing law (*Nevada Revised Statutes* 396.544, 396.5442, 396.5445) authorizes the Board of Regents to grant a waiver of registration and certain other fees to certain persons, such as members of the Nevada National Guard, the children and surviving spouses of such members who are killed in the line of duty, and the spouse or dependent of a person who is identified as a prisoner of war or missing in action while performing his or her duties as a member of the Armed Forces of the United States. Assembly Bill 427 mandates a similar waiver for Purple Heart recipients that is applied after consideration of federal education benefits.

In order to be considered for the waiver, a student must provide eligibility documentation confirming their veteran status and award of the Purple Heart. To receive the waiver, the student must file a Free Application for Federal Student Aid (FAFSA) annually and provide a Veterans Administration Certificate of Eligibility. These documents will confirm the application and whether or not a student will receive benefits. The waiver is applied against the balance of registration fees, laboratory fees, and other mandatory fees after veteran education benefits and Title IV federal grant aid. The proposed revisions to Title 4, Chapter 17 will bring the Handbook provisions in compliance with provisions of state law enacted under Assembly Bill 427.

SPECIFIC ACTIONS BEING RECOMMENDED OR REQUESTED:

Approve the proposed revision to Title 4, Chapter 17, which provides registration fees, laboratory fees, and other mandatory fees to be waived for eligible Purple Heart recipients and deems them bona fide Nevada residents for tuition purposes.

IMPETUS (WHY NOW?):

The passage of Assembly Bill 427 during the 2019 Nevada Legislature requires revision of Board policy granting a fee waiver to this specialized population of veterans of the Armed Forces of the United States.

CHECK THE NSHE STRATEGIC PLAN GOAL THAT IS SUPPORTED BY THIS REQUEST:

- ☒ **Access (Increase participation in post-secondary education)**
- ☒ **Success (Increase student success)**
- ☒ **Close the Achievement Gap (Close the achievement gap among underserved student populations)**
- ☒ **Workforce (Collaboratively address the challenges of the workforce and industry education needs of Nevada)**
- ☐ **Research (Co-develop solutions to the critical issues facing 21st century Nevada and raise the overall research profile)**
- ☐ **Not Applicable to NSHE Strategic Plan Goals**

INDICATE HOW THE PROPOSAL SUPPORTS THE SPECIFIC STRATEGIC PLAN GOAL

Veterans face multiple unique challenges integrating into civilian life, higher education, and the workforce upon returning from active duty. Providing fee waivers for Purple Heart recipients of the U.S. Armed Forces promotes access, success and closes the achievement gap for this reintegrated population of adult learners. Earning a certificate or associate, bachelor's, master's, or professional degree will provide these men and women with the skills and knowledge necessary to integrate into Nevada's workforce.

BULLET POINTS TO SUPPORT REQUEST/RECOMMENDATION:

- This policy revision is required for Board policy to remain consistent with the enacted provisions of AB 427.
- Adoption of the policy will facilitate application of the State law in determining eligibility and taking appropriate actions at the institution level.

POTENTIAL ARGUMENTS AGAINST THE REQUEST/RECOMMENDATION:

None have been presented.

ALTERNATIVE(S) TO WHAT IS BEING REQUESTED/RECOMMENDED:

None have been presented.

RECOMMENDATION FROM THE CHANCELLOR'S OFFICE:

The Chancellor's Office supports the proposed policy revision.

COMPLIANCE WITH BOARD POLICY:

☐ Consistent With Current Board Policy: Title #_____Chapter #_____ Section #_____

✓ Amends Current Board Policy: *Title 4, Chapter 17, Section 14*

☐ Amends Current Procedures & Guidelines Manual: Chapter #_____Section #_____

☐ Other:_____

✓ Fiscal Impact: Yes_X_ No_____

Explain: while there will be a fiscal impact, the cost for implementing this policy ultimately depends upon the number of eligible students who choose to enroll at an NSHE institution, which cannot be accurately projected.

POLICY PROPOSAL
TITLE 4, CHAPTER 17, *new* Section 14
Fee Waiver – Purple Heart

Additions appear in ***boldface italics***; deletions are [~~stricken~~ and bracketed]

Section 14. Fee Waivers for Veteran Recipients of the Purple Heart

- 1. A veteran of the Armed Forces of the United States who has been awarded the Purple Heart shall be permitted to register for credit without registration fees, laboratory fees, or other mandatory fees provided that the student:
 - a. Completes the Free Application for Federal Student Aid (FAFSA); and***
 - b. Provides a Certificate of Eligibility for Veterans Administration educational benefits and/or the Veterans Administration Vocational Rehabilitation & Employment benefit.******
- 2. The waiver shall be granted to a student who enrolls in a program leading to a certificate, associate, bachelor's, master's, or professional degree.***
- 3. A student to whom the fee waiver is awarded shall be deemed a bona fide resident of Nevada for tuition purposes.***
- 4. The institution may request such documentation as it deems necessary to verify the student is a veteran of the Armed Forces of the United States and a recipient of a Purple Heart award.***
- 5. The amount of the waiver must be equal to:
 - a. If a student is entitled to receive any federal educational benefit for a semester, the balance of registration fees, laboratory fees, and other mandatory fees assessed against the student that remain unpaid after the student's account has been credited with the full amount of the federal education benefits to with the student is entitled for that semester; or***
 - b. If a student is not entitled to receive any federal education benefits for a semester, the full amount of the registration fees, laboratory fees, and any other mandatory fees assessed against the student for that semester.******
- 6. Definitions.
 - a. For purposes of this section, other mandatory fees include student fees, special course fees, and differential program fees, as defined in this chapter.***
 - b. Federal education benefits include federal grants awarded to the student based on completion of the FAFSA, Veterans Administration education benefits and/or the Veterans Administration Vocational Rehabilitation and Employment benefit.******

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RENUMBER SECTIONS 14 THROUGH 30 AS 15 THROUGH 31

Assembly Bill No. 427–Committee
on Government Affairs

CHAPTER.....

AN ACT relating to the Nevada System of Higher Education; requiring the waiver of the payment of registration fees and certain other fees assessed against students within the System who are veterans who have been awarded the Purple Heart; prohibiting the assessment of tuition charges against such students; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law authorizes the Board of Regents of the University of Nevada to grant a waiver of registration and certain other fees to certain persons, such as members of the Nevada National Guard, the children and surviving spouses of such members who are killed in the line of duty and the spouse or children of a person who is identified as a prisoner of war or missing in action while performing his or her duties as a member of the Armed Forces of the United States. (NRS 396.544, 396.5442, 396.5445) **Section 1** of this bill requires the Board of Regents to waive the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart to the extent that the fees exceed the amount of any federal educational benefits to which the veteran is entitled.

Existing law authorizes the Board of Regents to assess tuition charges for students at all campuses of the Nevada System of Higher Education who are not residents of Nevada. The tuition charges are in addition to registration fees and other fees assessed against students who are residents of this State. Existing law also prohibits the Board of Regents from assessing tuition charges against certain students, including certain veterans of the Armed Forces of the United States. (NRS 396.540) **Section 1.5** of this bill prohibits the Board of Regents from assessing tuition charges against veterans who have been awarded the Purple Heart.

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

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 shall grant a waiver of the payment of registration fees, laboratory fees and any other mandatory fees assessed each semester against a student who is a veteran of the Armed Forces of the United States who has been awarded the Purple Heart.

2. The amount of the waiver must be equal to:



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

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

3. The waiver must be granted to a student who enrolls in any program offered by a school within the System, including, without limitation, a trade or vocational program, a graduate program or a professional program.

4. For the purpose of assessing fees and charges against a student to whom a waiver is granted pursuant to this section, including, without limitation, tuition charges pursuant to NRS 396.540, such a student shall be deemed to be a bona fide resident of this State.

5. The Board of Regents may grant more favorable waivers of registration fees, laboratory fees and any other mandatory fees for veterans of the Armed Forces of the United States who have been awarded the Purple Heart than the waiver provided pursuant to this section if required for the receipt of federal money.

Sec. 1.5. NRS 396.540 is hereby amended to read as follows:

396.540 1. For the purposes of this section:

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

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

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

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

(a) All students whose families have been bona fide residents of the State of Nevada for at least 12 months before the matriculation



of the student at a university, state college or community college within the System;

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

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

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

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

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

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

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

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

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

(i) Veterans of the Armed Forces of the United States who were honorably discharged and who were on active duty while stationed at a military installation in the State of Nevada or a military installation in another state which has a specific nexus to this State, including, without limitation, the Marine Corps Mountain Warfare



Training Center located at Pickel Meadow, California, on the date of discharge; ~~and~~

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

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

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

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

Sec. 2. This act becomes effective on July 1, 2019.

